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HOUSE OF REPRESENTATIVES—*Friday, July 31, 1998*

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 31, 1998.

I hereby designate the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Lutheran Social Services of Northern Virginia, Fairfax, Virginia, offered the following prayer:

Gracious God, we acknowledge that in every age you have sent men and women who have given unselfishly of all that they possessed, including, in some instances, their very lives, as a sacrifice for the community.

Bless we pray the memory of all those known and unknown to us but whose names are forever engraved in Your great book of life.

O God, on this day, hallow, we pray, both the memory and the message of our dear friends and the creations of Your own hand.

May our reflection of persons who once walked and talked with us be, to those of us who knew them, filled to overflowing with the spirit of grace and love.

May the message of the sacrifice of people be always, to each of us, an inspiration for our lives so that, in the great privilege of simply living, we may find joy in our work, peace in our relationships, and a personal satisfaction in serving our neighbor. Amen.

THE JOURNAL

The CHAIRMAN pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The CHAIRMAN pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 872. An act to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

H.R. 1065. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations."

H.R. 3731. An act to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1702. An act to encourage the development of a commercial space industry in the United States, and for other purposes.

H.R. 2920. An act to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1385) "An Act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.".

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which concurrence of the House is requested:

S. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

S. 314. An act to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, and for other purposes.

S. 512. An act to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1700. An act to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building."

S. 2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

S. 2344. An act to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

S. Con. Res. 115. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minute requests will be at the end of legislative business.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF SENATE AND HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Senate concurrent resolution (S. Con. Res. 114) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 114

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Friday, July 31, 1998, Saturday, August 1, 1998, or Sunday, August 2, 1998, pursuant to a motion made by the Majority Leader or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, August 31 or Tuesday, September 1, 1998, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, August 7, 1998, it stand adjourned until noon on Wednesday, September 9, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

Committee on Transportation
and Infrastructure,
Washington, DC, July 27, 1998.

Hon. Newt Gingrich,
Speaker, House of Representatives, The Capitol, Washington, DC.

Dear Mr. Speaker: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on July 23, 1998, in accordance with 40 U.S.C. Sec. 606.

With warm regards, I remain
Sincerely,

Bud Shuster,
Chairman.

Enclosures.

Site and Design—United States Courthouse, Little Rock, Arkansas

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 108,266 gross square foot addition, including 27 inside and 38 outside parking spaces, to the existing United States post office-courthouse building, located at 600 Capitol Street, Little Rock, Arkansas, at a site cost of $821,000 and design cost of $2,615,000, for a combined cost of $3,436,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible, incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes to the 1994 and 1997 U.S. Courts Design Guide, including the implementation of a policy on shared facilities for senior judges.

Bud Shuster,
Chairman.

Site—United States Courthouse, San Diego, California

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the acquisition of a site for the construction of a United States courthouse, to be located adjacent to the existing federal building-United States courthouse at 880 Front Street, San Diego, California, at a cost of $15,400,000, a prospectus for which is attached to, and included in, this resolution.

Bud Shuster,
Chairman.

Amendment—United States Courthouse, Denver, Colorado

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the acquisition of a site at an additional cost of $3,000,000, additional design at a cost of $551,000, management and inspection at a cost of $4,098,000, and an estimated construction cost of $75,185,000, for the construction of a 345,775 gross square foot United States courthouse building, including 125 inside parking spaces and connecting tunnel, to be located adjacent to the existing federal building—United States courthouse at 1929 Stout Street, Denver, Colorado, at a total combined cost of $82,834,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends the Committee resolutions dated September 27, 1996, which authorized appropriations in the amount of $5,131,000 for the acquisition of a 2.5 acre site; July 23, 1997, which authorized appropriations in the amount of $4,671,000 for design.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration, and that the total construction costs of this project reflect Time Out and Review savings as estimated by the General Services Administration.

Provided further, That prior to the conclusion of any land acquisition, the Administrator shall offer, as whole or partial payment, real property held in the General Services Administration's inventory in exchange for the proposed site. The Administrator shall report to the Committee on Transportation and Infrastructure, within 30 days of the results of this offer, and the potential cost savings of any exchange.

Bud Shuster,
Chairman.

Amendment—United States Courthouse, Greenville, Tennessee

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for additional design at a cost of $129,000, management and inspection at a cost of $2,250,000, and an estimated construction cost of $25,850,000 for the construction of a 154,800 gross square foot United States courthouse, including 12 inside parking spaces, in Greenville, Tennessee, for a combined total cost of $28,229,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated March 23, 1994, which authorized appropriations in the amount of $3,123,000 for site acquisition and design.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration, and that the total construction costs of this project reflect Time Out and Review savings as estimated by the General Services Administration.

Bud Shuster,
Chairman.

Amendment—United States Courthouse, Cape Girardeau, Missouri

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for additional design at a cost of $496,000 for the construction of a 147,859 gross square foot United States courthouse, including 22 inside and 120 outside parking spaces, in Cape Girardeau, Missouri, a modified report of building project survey for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated May 13, 1993, which authorized appropriations in the amount of $5,600,000 for site acquisition and design.

Provided, That any design shall, to the maximum extent possible, incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes to the 1994 and 1997 U.S. Courts Design Guide, including the implementation of a policy on shared facilities for senior judges.

Bud Shuster,
Chairman.

Amendment—United States Courthouse, Brooklyn, New York

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for additional design at a cost of $158,000, management and inspection at a cost of $5,038,000, and an estimated construction cost of $147,000,000 for the renovation of a 574,790 gross square foot General Post Office facility for use as a United States courthouse, including 20 inside parking spaces, in conjunction with the existing federal building-United States courthouse at Cadman Plaza, Brooklyn, New York, for a combined total cost of $152,626,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated September 27, 1996, which authorized appropriations in the amount of $187,179,000 for management and inspection, and reconstruction (Phase II) of the United States courthouse at Cadman Plaza.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration, and that the total construction costs of this project reflect Time Out and Review savings as estimated by the General Services Administration.

BUD SHUSTER,
Chairman.

SITE—UNITED STATES COURTHOUSE, SAN JOSE, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site for the construction of a United States courthouse to be located in San Jose, California, at a cost of $10,800,000, a prospectus for which is attached to, and included in, this resolution.

BUD SHUSTER,
Chairman.

UNITED STATES COURTHOUSE, SPRINGFIELD, MASSACHUSETTS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 11(b) of the Public Buildings Act of 1959, (40 U.S.C. §610), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house the United States District Court and Bankruptcy Court for the District of Massachusetts, in Springfield, Massachusetts. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; including lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report directly to Congress, without further review or approval by any other office of the Executive branch, within 30 calendar days.

BUD SHUSTER,
Chairman.

UNITED STATES COURTHOUSE, BILOXI-GULFPORT, MISSISSIPPI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 11(b) of the Public Buildings Act of 1959, (40 U.S.C. §610), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house the United States District Court for the Southern District of Mississippi, in Biloxi-Gulfport, Mississippi. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 years present value evaluations of all options; including lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report directly to Congress, without further review or approval by any other office of the Executive branch, within 30 calendar days.

BUD SHUSTER,
Chairman.

AMENDMENT—UNITED STATES COURTHOUSE, LAREDO, TEXAS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for additional sites cost in the amount of $500,000, management and inspection at a cost of $2,233,000, and an estimated construction cost of $25,372,000 for the construction of a 155,124 gross square foot federal building-United States courthouse building, including fifty inside parking spaces, in Laredo, Texas, for a combined total cost of $28,105,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated February 5, 1992, which authorized appropriations in the amount of $20,390,000 for site acquisition and construction; Committee resolution dated May 13, 1993, which authorized appropriations in the amount of $3,793,000 for site acquisition and design; and Committee resolution dated May 17, 1994, which authorized appropriations in the amount of $24,341,000 for management and inspection costs, and the estimated cost of construction.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration, and that the total construction costs of this project reflect Time Out and Review savings as estimated by the General Services Administration.

BUD SHUSTER,
Chairman.

UNITED STATES COURTHOUSE, WHEELING, WEST VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 11(b) of the Public Buildings Act of 1959, (40 U.S.C. §610), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house the United States District Court and court related agencies for the Northern District of West Virginia, in Wheeling, West Virginia. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; including lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report directly to Congress, without further review or approval by any other office of the Executive branch, within 30 calendar days.

BUD SHUSTER,
Chairman.

UNITED STATES COURTHOUSE, EUGENE, OREGON

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 11(b) of the Public Buildings Act of 1959, (40 U.S.C. §610), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house the United States District Court and Bankruptcy Court for the District of Oregon, in Eugene, Oregon. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; including lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report directly to Congress, without further review or approval by any other office of the Executive branch, within 30 calendar days.

BUD SHUSTER,
Chairman.

FEDERAL BUILDING, AMERICAN SAMOA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 11(b) of the Public Buildings Act of 1959, (40 U.S.C. §610), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house the Federal Government offices in American Samoa. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; including lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report directly to Congress, without further review or approval by any other office of the Executive branch, within 120 calendar days.

BUD SHUSTER,
Chairman.

DESIGN—UNITED STATES MISSION TO THE UNITED NATIONS, NEW YORK, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the design and review of the demolition and reconstruction of the federal building located at 799 United Nations Plaza, New York, New York, which houses the United States Mission to the United Nation, at a cost of $3,163,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That prior to community any funds for the design of this facility, the Administrator shall submit, within 30 days, a feasibility plan to house additional senior United States embassy officials engaged in the United Nations mission, to the Committee on Transportation and Infrastructure and obtain its approval.

Provided further, That this plan shall, in consultation with the Department of State, result in the reduction of federal expenditures for the housing of United States embassy officials engaged in the United Nations mission, in New York City.

BUD SHUSTER,
Chairman.

There was no objection.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1305

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, July 30, 1998, the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) had been disposed of.

Pursuant to the order of the House of Thursday July 17, 1998, no other amendment to the amendment in the nature of a substitute No. 13 is in order.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 23 offered by Mr. BARR of Georgia; amendment No. 26 offered by Mr. MCINTOSH of Indiana; amendment No. 32 offered by Mr. HORN of California; amendment No. 37 offered by Mr. SHAW of Florida; amendment number 39, as modified, offered by Ms. KAPTUR of Ohio; amendment No. 47 offered by Mr. STEARNS of Florida; amendment No. 49 offered by Mr. STEARNS of Florida; amendment No. 50 offered by Mr. WHITFIELD of Kentucky; amendment No. 51 offered by Mr. WHITFIELD of Kentucky; amendment No. 52 offered by Mr. ENGLISH of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 23 OFFERED BY MR. BARR OF GEORGIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment No. 23 offered by the gentleman from Georgia (Mr. BARR) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. BARR of Georgia to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —PROHIBITING BILINGUAL VOTING MATERIALS

SEC. 01. PROHIBITING USE OF BILINGUAL VOTING MATERIALS.

(a) PROHIBITION.—

(1) IN GENERAL.—No State may provide voting materials in any language other than English.

(2) VOTING MATERIALS DEFINED.—In this subsection, the term "voting materials" means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots.

(b) CONFORMING AMENDMENTS.—The Voting Rights Act of 1965 is amended—

(1) by striking section 203 (42 U.S.C. 1973aa-la);

(2) in section 204 (42 U.S.C. 1973aa-2), by striking ", or 203"; and

(3) in section 205 (42 U.S.C. 1973aa-3), by striking ", 202, or 203" and inserting "or 202".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 261, not voting 31, as follows:

[Roll No. 367]

AYES—142

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Bartlett
Bateman
Bilirakis
Bliley
Boehner
Bono
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Deal
Dickey
Doolittle
Duncan
Dunn
Ehrlich
Emerson
Ewing
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hefley
Herger
Hill
Hilleary
Hobson
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McCollum
McIntosh
Miller (FL)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Radanovich
Regula
Riley
Rogers
Rohrabacher
Roukema
Royce
Ryun
Scarborough
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Taylor (NC)
Thune
Tiahrt
Traficant
Upton
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)

NOES—261

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Camp
Campbell
Capps
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayworth
Hilliard
Hinojosa
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Turner
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Wexler
Weygand
White
Wilson
Wise
Woolsey
Yates

NOT VOTING—31

Barton
Bilbray
Bishop
Brown (OH)
Buyer
Cardin
Christensen
Conyers
Cox
DeLay
Engel
Ensign
Everett
Forbes
Gonzalez
Hefner
Hinchey
Istook
John
Johnson, E. B.
McCrery
Moakley
Moran (VA)
Parker
Riggs
Rogan
Salmon
Velazquez
Waxman
Wynn
Young (FL)

□ 1327

Messrs. McINNIS, SKAGGS, PASTOR, and MORAN of Kansas changed their vote from "aye" to "no."

Mr. HALL of Texas changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, may be taken on each amendment on which the Chair has postponed further proceedings.

Consistent with the Speaker's announced policy, the Chair will keep these remaining 9 votes, if ordered, within the five-minute minimum. All Members are requested to remain in the Chamber.

AMENDMENT NO. 26 OFFERED BY MR. MCINTOSH TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on amendment No. 26 offered by the gentleman from Indiana (Mr. MCINTOSH) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment No. 26 offered by Mr. MCINTOSH to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Amendment No. 84. In section 301(8) of the Federal Election Campaign Act of 1971, as amended by section 205(a)(1)(B) of the substitute, add at the end the following:

(F) For purposes of subparagraph (C), no communication with a Senator or Member of the House of Representatives (including the staff of a Senator or Member) regarding any pending legislative matter, including any survey, questionnaire, or written communication soliciting or providing information regarding the position of any Senator or Member on such matter, may be construed to establish coordination with a candidate.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 218, not voting 21, as follows:

[Roll No. 368]

AYES—195

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
Martinez
McCollum
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—218

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Capps
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Herger
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Yates

NOT VOTING—21

Brown (OH)
Buyer
Cardin
Christensen
DeLay
Forbes
Gonzalez
Hefner
Istook
John
Johnson, E. B.
McCrery
Moakley
Ney
Parker
Riggs
Rogan
Salmon
Velazquez
Wynn
Young (FL)

□ 1336

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HERGER. Mr. Chairman, on rollcall No. 368, I inadvertently voted "no", when I meant to vote "aye" and I would like the RECORD to reflect my true intentions.

AMENDMENT NO. 32 OFFERED BY MR. HORN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment No. 32 offered by the gentleman from California (Mr. HORN) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment No. 32 offered by Mr. HORN to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —. REDUCED POSTAGE RATES

SEC. —01. REDUCED POSTAGE RATES PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL CANDIDATES

(a) IN GENERAL.—Section 3626(e)(2)(A) of title 39, United States Code, is amended by striking "and the National Republican Congressional Committee" and inserting "the National Republican Congressional Committee, and the principal campaign committee of a candidate for election for the office of Senator or Representative in or Delegate or Resident Commissioner to the Congress".

(b) LIMITING REDUCED RATE TO TWO PIECES OF MAIL PER REGISTERED VOTER.—Section 3626(e)(1) of such title is amended by striking the period at the end and inserting the following. ", except that in the case of committee which is a principal campaign committee such rates shall apply only with respect to the election cycle involved and only to a number of pieces equal to the product of 2 times the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the congressional district involved (or in the case of a committee of a candidate for election for the office of Senator, in the State involved).".

(c) PRINCIPAL CAMPAIGN COMMITTEE DEFINED.—Section 3626(e)(2) of such title is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the term 'principal campaign committee' has the meaning given such term in section 301(5) of the Federal Election Campaign Act of 1971.".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 117, noes 294, not voting 23, as follows:

[Roll No. 369]

AYES—117

Aderholt
Archer
Armey
Baldacci
Ballenger
Barr
Bartlett
Bateman
Berman
Bilirakis
Bliley
Boehlert
Bono
Borski
Brady (PA)
Brady (TX)
Burton
Calvert
Camp
Campbell
Cannon
Carson
Chambliss
Clement
Clyburn
Collins
Combest
Cook
Cox
Crane
Davis (IL)
Deal
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Ehlers
Ehrlich
English
Ewing
Fattah
Foley
Fossella
Gekas
Gilman
Goodling
Gordon
Greenwood
Gutknecht
Hobson
Horn
Hunter
Hyde
Jefferson
Johnson (CT)
Kim
King (NY)
Knollenberg
LaFalce
LaHood
Largent
LaTourette
Leach
Lewis (CA)
Linder
Livingston
Martinez
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Nadler
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Pastor
Paxon
Peterson (PA)
Petri
Pombo
Portman
Pryce (OH)
Quinn
Redmond
Regula
Riley
Rohrabacher
Ros-Lehtinen
Sabo
Sanders
Sanford
Saxton
Scott
Sherman
Shimkus
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Thomas
Traficant
Vento
Visclosky
Watts (OK)
Waxman
Wicker
Young (AK)

NOES—294

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Callahan
Canady
Capps
Castle
Chabot
Chenoweth
Clay
Clayton
Coble
Coburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Edwards
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fawell
Fazio
Filner
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kolbe
Kucinich
Lampson
Lantos
Latham
Lazio
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Pickering
Pickett
Pitts
Pomeroy
Porter
Poshard
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skelton
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Yates

NOT VOTING—23

Brown (OH)
Buyer
Cardin
Christensen
DeLay
Forbes
Gonzalez
Hefner
Istook
John
Johnson, E.B.
McCrery
Moakley
Mollohan
Ney
Parker
Riggs
Rogan
Salmon
Sessions
Velazquez
Wynn
Young (FL)

☐ 1342

Messrs. BERMAN and WAXMAN changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 37 OFFERED BY MR. SHAW TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment No. 37 offered by the gentleman from Florida (Mr. SHAW) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment No. 37 offered by Mr. SHAW to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. REQUIRING MAJORITY OF AMOUNT OF CONTRIBUTIONS ACCEPTED BY HOUSE CANDIDATES TO COME FROM IN-STATE RESIDENTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i)(1) With respect to each reporting period for an election, the total of contributions accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress from in-State individual residents shall be at least 50 percent of the total of contributions accepted from all sources.

"(2) As used in this subsection, the term 'in-State individual resident' means an individual who resides in the State in which the congressional district involved is located.".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 253, not voting 21, as follows:

[Roll No. 370]

AYES—160

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilbray
Bilirakis
Blunt
Boehner
Bono
Brady (TX)
Burr
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Diaz-Balart
Dickey
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Jenkins
Johnson, Sam
Jones
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Linder
Livingston
Lucas
Luther
Maloney (CT)
Manzullo
McCollum
McHugh
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Pappas
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Rohrabacher
Ros-Lehtinen
Royce
Saxton
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)

NOES—253

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cox
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Morella
Murtha
Myrick
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickering
Pickett
Pitts
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaefer, Dan
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Spence
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Wicker
Wilson
Wise
Woolsey
Yates

NOT VOTING—21

Brown (OH)
Buyer
Christensen
DeLay
Forbes
Gonzalez
Hefner
Istook
John
McCrery
Moakley
Ney
Parker
Riggs
Rogan
Salmon
Smith (OR)
Spratt
Velázquez
Wynn
Young (FL)

☐ 1350

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 39, AS MODIFIED, OFFERED BY MS. KAPTUR TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The unfinished business is the demand for a recorded vote on the amendment, as modified, offered by the gentlewoman from Ohio (Ms. KAPTUR) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39, as modified, offered by Ms. KAPTUR to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. ESTABLISHMENT OF A CLEARINGHOUSE OF INFORMATION ON POLITICAL ACTIVITIES WITHIN THE FEDERAL ELECTION COMMISSION.

(a) ESTABLISHMENT.—There shall be established within the Federal Election Commission a clearinghouse of public information regarding the political activities of foreign principals and agents of foreign principals. The information comprising this clearinghouse shall include only the following:

(1) All registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) during the preceding 5-year period.

(2) All registrations and reports filed pursuant to the Foreign Agents Registration Act, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(3) The listings of public hearings, hearing witnesses, and witness affiliations printed in the Congressional Record during the preceding 5-year period.

(4) Public information disclosed pursuant to the rules of the Senate or the House of Representatives regarding honoraria, the receipt of gifts, travel, and earned and unearned income.

(5) All reports filed pursuant to title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) during the preceding 5-year period.

(6) All public information filed with the Federal Election Commission pursuant to the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) during the preceding 5-year period.

(b) DISCLOSURE OF OTHER INFORMATION PROHIBITED.—The disclosure by the clearinghouse, or any officer or employee thereof, of any information other than that set forth in subsection (a) is prohibited, except as otherwise provided by law.

(c) DIRECTOR OF CLEARINGHOUSE.—

(1) DUTIES.—The clearinghouse shall have a Director, who shall administer and manage the responsibilities and all activities of the clearinghouse. In carrying out such duties, the Director shall—

(A) develop a filing, coding, and cross-indexing system to carry out the purposes of this section (which shall include an index of all persons identified in the reports, registrations, and other information comprising the clearinghouse);

(B) notwithstanding any other provision of law, make copies of registrations, reports, and other information comprising the clearinghouse available for public inspection and copying, beginning not later than 30 days after the information is first available to the public, and permit copying of any such registration, report, or other information by hand or by copying machine or, at the request of any person, furnish a copy of any such registration, report, or other information upon payment of the cost of making and furnishing such copy, except that no information contained in such registration or report and no such other information shall be sold or used by any person for the purpose of soliciting contributions or for any profit-making purpose; and

(C) not later than 150 days after the date of the enactment of this Act and at any time thereafter, to prescribe, in consultation with the Comptroller General, such rules, regulations, and forms, in conformity with the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this section in the most effective and efficient manner.

(2) APPOINTMENT.—The Director shall be appointed by the Federal Election Commission.

(3) TERM OF SERVICE.—The Director shall serve a single term of a period of time determined by the Commission, but not to exceed 5 years.

(d) PENALTIES FOR DISCLOSURE OF INFORMATION.—Any person who discloses information in violation of subsection (b), and any person who sells or uses information for the purpose of soliciting contributions or for any profit-making purpose in violation of subsection (c)(1)(B), shall be imprisoned for a period of not more than 1 year, or fined in the amount provided in title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

(f) FOREIGN PRINCIPAL.—Foreign principal shall have the same meaning given the term "foreign national" in this section (2 U.S.C. 441e), as the term was defined on July 31, 1998.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 341, noes 74, not voting 19, as follows:

[Roll No. 371]

AYES—341

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bunning
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hyde
Inglis
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (AK)

NOES—74

Aderholt
Ballenger
Barrett (NE)
Bilirakis
Bonilla
Bryant
Burr
Burton
Chambliss
Coburn
Collins
Cooksey
Crane
Davis (VA)
Deal
Doolittle
Dreier
Ehlers
Ewing
Fossella
Gibbons
Gilman
Goss
Hall (TX)
Hansen
Hastert
Hill
Hilliard
Hostettler
Hoyer
Hutchinson
Jackson (IL)
Johnson, Sam
Kelly
Knollenberg
LaHood
Largent
LaTourette
Linder
Livingston
Lucas
Martinez
McCollum
McIntosh
McKeon
Mica
Moran (KS)
Norwood
Oxley
Packard
Paul
Paxon
Peterson (MN)
Pickett
Pitts
Pombo
Pryce (OH)
Radanovich
Ramstad
Redmond
Ryun
Sanford
Sessions
Shadegg
Shimkus
Skeen
Smith (OR)
Solomon
Stenholm
Sununu
Tiahrt
Walsh
Watts (OK)
Wilson

NOT VOTING—19

Brown (OH)
Buyer
Christensen
DeLay
Forbes
Gonzalez
Hefner
Istook
John
McCrery
Moakley
Ney
Parker
Riggs
Rogan
Salmon
Velazquez
Wynn
Young (FL)

☐ 1358

Mrs. KELLY and Mr. CRANE changed their vote from "aye" to "no."

Mr. HEFLEY and Mr. ROGERS changed their vote from "no" to "aye."

So the amendment, as modified, to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 47 OFFERED BY MR. STEARNS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 47 offered by Mr. STEARNS to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PERMITTING PERMANENT RESIDENT ALIENS SERVING IN ARMED FORCES TO MAKE CONTRIBUTION.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any other provision of this title, an individual who is lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act) and who is a member of the Armed Forces (including a reserve component of the Armed Forces) shall not be subject to the prohibition under this section.".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 385, noes 29, not voting 20, as follows:

[Roll No. 372]

AYES—385

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bunning
Burr
Burton
Callahan

Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)

NOES—29

Barr
Barton
Bentsen
Bonilla
Bryant
Coble
Coburn
Dunn
Fawell
Frank (MA)
Goode
Goodlatte
Gutknecht
Hastings (FL)
Hyde
Jones
Knollenberg
Largent
Lewis (CA)
Linder
McCollum
Moran (KS)
Packard
Pease
Pitts
Sensenbrenner
Smith, Adam
Sununu
Tiahrt

NOT VOTING—20

Brown (OH)
Buyer
Christensen
DeLay
Forbes
Gilchrest
Gonzalez
Hefner
Istook
John
McCrery
Moakley
Ney
Parker
Riggs
Rogan
Salmon
Velazquez
Wynn
Young (FL)

□ 1405

Messrs. FRANK of Massachusetts, HASTINGS of Florida and MORAN of Kansas changed their vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 49 OFFERED BY MR. STEARNS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The unfinished business is the demand for recorded vote on the amendment No. 49 offered by the gentleman from Florida (Mr. STEARNS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment No. 49 offered by Mr. STEARNS to the Amendment in the Nature of a Substitute No. 13 offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. ENFORCEMENT OF SPENDING LIMIT ON PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(f) ILLEGAL SOLICITATION OF SOFT MONEY.—No candidate for election to the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless the candidate certifies that the candidate shall not solicit any funds for the purposes of influencing such election, including any funds used for an independent expenditure under the Federal Election Campaign Act of 1971, unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 368, noes 44, not voting 22, as follows:

[Roll No. 373]

AYES—368

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Filner
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee

Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Pallone

Pappas
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky

Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)

NOES—44

Bentsen
Bereuter
Bonilla
Bonior
Borski
Brady (PA)
Burr
Carson
Clyburn
Doolittle
Dreier
Dunn
Farr
Fattah
Fawell

Fazio
Fossella
Gephardt
Hyde
Jefferson
Johnson, E.B.
King (NY)
Klink
Knollenberg
Lewis (CA)
Lewis (GA)
McInnis
Mollohan
Moran (KS)
Murtha

Owens
Packard
Pastor
Payne
Pombo
Radanovich
Sabo
Solomon
Sununu
Thornberry
Towns
Visclosky
Watt (NC)
Watts (OK)

NOT VOTING—22

Ballenger
Brown (OH)
Buyer
Christensen
DeLay
Forbes
Gonzalez
Hefner

Istook
John
McCrery
Moakley
Ney
Parker
Riggs
Rogan

Salmon
Velazquez
Waters
Weldon (FL)
Wynn
Young (FL)

□ 1411

Mr. PALLONE changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NEY. Mr. Chairman, I submit to the record that I was detained during the series of votes on amendments to H.R. 2183, the Bipartisan Campaign Integrity Act. If I was able to vote, I would have voted in the following manner: McIntosh amendment, yes; Horn amendment, no; Shaw amendment, yes; Kaptur amendment, no; Stearns amendment, no; Stearns amendment No. 49, yes.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Chairman, on rollcall No. 373, I was unavoidably detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 50 OFFERED BY MR. WHITFIELD TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on amendment No. 50 offered by the gentleman from Kentucky (Mr. WHITFIELD) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment No. 50 offered by Mr. WHITFIELD to the Amendment in the Nature of a Substitute No. 13 offered by Mr. SHAYS:

Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. INCREASE IN CONTRIBUTION LIMIT FOR CONTRIBUTIONS TO CANDIDATES BY PERSONS OTHER THAN PACS.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$3,000".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 315, not voting 17, as follows:

[Roll No. 374]

AYES—102

Aderholt
Archer
Armey
Baker
Barr
Barton
Bereuter
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Callahan
Calvert
Cannon
Chambliss
Chenoweth
Coburn
Collins
Cooksey

Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Dickey
Doolittle
Dreier
Duncan
Ensign
Everett
Fawell
Fossella
Fowler
Gibbons
Hansen
Hastert
Hefley
Herger
Hill
Hostettler
Jenkins

Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Lewis (CA)
Lewis (KY)
Linder
Livingston
Martinez
McCollum
McDade
McInnis
McIntosh
McKeon
Miller (FL)
Murtha
Myrick
Norwood
Oxley
Packard

Paul
Paxon
Peterson (PA)
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Ryun
Scarborough
Schaefer, Dan

Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (OR)
Smith (TX)
Snowbarger
Solomon

Stearns
Stump
Tauzin
Thomas
Thornberry
Tiahrt
Traficant
Weldon (FL)
Whitfield
Wicker
Young (AK)

NOES—315

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Bunning
Burr
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr

Fattah
Fazio
Filner
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio

Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers

Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wilson
Wise
Wolf
Woolsey
Yates

NOT VOTING—17

Ballenger
Brown (OH)
Buyer
Christensen
DeLay
Forbes
Gonzalez
Hefner
Istook
John
Moakley
Parker
Riggs
Rogan
Velazquez
Wynn
Young (FL)

☐ 1420

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 51 OFFERED BY MR. WHITFIELD TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The unfinished business is the demand for a recorded vote on the amendment No. 51 offered by the gentleman from Kentucky (Mr. WHITFIELD) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 51 offered by Mr. WHITFIELD to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Amend section 301(20)(A) of the Federal Election Campaign Act of 1971, as added by section 201(b) of the substitute, to read as follows:

"(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by containing a phrase such as 'vote for', 'reelect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject'."

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 238, not voting 23, as follows:

[Roll No. 375]

AYES—173

Aderholt
Archer
Armey
Baker
Barr
Bartlett
Barton
Bateman
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fossella
Fowler
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Moran (KS)
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schumer
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Waxman
Weldon (PA)
Wexler
Weygand
White
Wise
Woolsey
Yates

NOT VOTING—23

Ballenger
Brown (OH)
Buyer
Christensen
Costello
DeLay
Forbes
Gejdenson
Gonzalez
Hefner
Istook
John
Kasich
McDade
McNulty
Moakley
Parker
Riggs
Rogan
Solomon
Velazquez
Wynn
Young (FL)

☐ 1426

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 52 OFFERED BY MR. ENGLISH OF PENNSYLVANIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment No. 52 offered by the gentleman from Pennsylvania (Mr. ENGLISH) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. ENGLISH of Pennsylvania to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PROHIBITING BUNDLING OF CONTRIBUTIONS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) No person may make a contribution through an intermediary or conduit, except that a person may facilitate a contribution by providing—

"(A) advice to another person as to how the other person may make a contribution; and

"(B) addressed mailing material or similar items to another person for use by the other person in making a contribution.".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 276, not voting 24, as follows:

[Roll No. 376]

AYES—134

Archer
Armey
Baker
Barcia
Barr
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Cannon
Chabot
Coburn
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Diaz-Balart
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Johnson, Sam
Jones
Kaptur
Kennedy (MA)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Luther
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Nethercutt
Ney
Northup
Nussle
Pappas
Paxon
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Rogers
Salmon
Saxton
Schaefer, Dan
Sessions
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thune
Tiahrt
Traficant
Upton
Weller
Whitfield
Wolf
Young (AK)

NOES—276

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Campbell
Canady
Capps
Cardin
Carson
Castle
Chambliss
Cnenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cox
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Ford
Fossella
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Largent
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Redmond
Reyes
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Turner
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Wicker
Wilson
Wise
Woolsey
Yates

NOT VOTING—24

Ballenger
Brown (OH)
Buyer
Christensen
Costello
Delahunt
DeLay
Forbes
Franks (NJ)
Gejdenson
Gonzalez
Hefner
Istook
John
McNulty
Moakley
Mollohan
Parker
Riggs
Rogan
Solomon
Velazquez
Wynn
Young (FL)

□ 1433

Mr. KASICH changed his vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FORBES. Mr. Chairman, I will be traveling with the President on official business and regret that I will not be able to vote during today's floor proceedings. Were I to be present, I would cast the following rollcall votes:

Roll #367 (the Barr amendment): No;

Roll #368 (the McIntosh amendment): No;

Roll #369 (the Horn amendment): No;

Roll #370 (the Shaw amendment): No;

Roll #371 (the Kaptur amendment): No;

Roll #372 (the Stearns amendment re: presidential candidates and soft money): Yes;

Roll #373 (the Stearns amendment re: residents who served in the Armed Forces): Yes;

Roll #374 (the Whitfield amendment re: individual contribution limit): No;

Roll #375 (the Whitfield amendment re: "express advocacy"): No;

Roll #376 (the English amendment): No.

PERSONAL EXPLANATION

Mr. GEJDENSON. Mr. Chairman, today, Friday, July 31, 1998, due to my wife's surgery, I had to return to Connecticut before the last three votes of the day. Had I been present, I would have voted "no" on rollcall votes 374, 375 and 376.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Chairman, I was unable to get to the Chamber due to the funeral procession, and I inadvertently missed rollcall No. 367, amendment 23. Had I been present, I would have noted "no."

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes had come to no resolution thereon.

UNITED STATES CAPITOL POLICE MEMORIAL FUND

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight and the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 4354) to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving the right to object, and I will not object, but under my reservation, I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

As we were discussing last night, this is a resolution to create a memorial fund under the title "United States Capitol Police Memorial Fund." It will initially be on behalf of the Gibson and Chestnut families for a period of 6 months, when it will continue in perpetuity as a United States Capitol Police Memorial Fund. It is to create an official fund in the United States Treasury. Therefore, the support and oversight of that is entirely appropriate in using Federal funds.

In addition to that, any contributions to the fund are tax deductible as charitable donations, and because of the description and type of the fund, Federal campaign committees may be able to contribute to the funds as well.

When the gentleman finishes his comments and withdraws his reservation, Mr. Speaker, I have an amendment at the desk which will allow us to conclude the resolution.

Mr. HOYER. Mr. Speaker, reclaiming my time, I said yesterday that for the past 2 days, all of America has paid its respect, its admiration, and its thanks to two heroic officers, two officers who themselves acted in the defense of freedom and this institution, but who also symbolize those who every day place themselves in harm's way to ensure civil order in our democracy, civil order which is absolutely essential if our democracy is to function as our Founding Fathers conceived it.

Mr. Speaker, this resolution, if adopted as I expect it to be unanimously, will provide an additional way in which we can honor those two officers through contributions to this fund that will ensure that the families who have sustained an inestimable loss will nevertheless be, to the extent that we can as a generous Nation provide for them from an economic standpoint, that the loss that they sustained will be to that small degree diminished. It is an appropriate resolution, an appropriate action, and I would be pleased to again, under my reservation, Mr. Speaker, to yield to the distinguished gentleman from California (Mr. THOMAS), chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, it is entirely appropriate that at the time that the Chestnut family is, in fact, remembering their father and husband and friend and relative, that we establish this fund. At this time I would also like to thank the gentleman from Maryland for the courtesies and cooperation that he exhibited; indeed, all of the Members of this House, in terms of the level of intensity of their response to an extremely tragic and unfortunate situation. In all likelihood, this will be the last resolution on this particular subject to come before the House, and I did want to indicate that the House is an institution and each individual in it, I believe, can be extremely proud of the way in which the Capitol community responded to such a tragic incident affecting two of its own.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF UNITED STATES CAPITOL POLICE MEMORIAL FUND.

There is hereby established in the Treasury of the United States the United States Capitol Police Memorial Fund (hereafter in this Act referred to as the "Fund"). All amounts received by the Capitol Police Board which are designated for deposit into the Fund shall be deposited into the Fund.

SEC. 2. PAYMENTS FROM FUND FOR FAMILIES OF DETECTIVE GIBSON AND PRIVATE FIRST CLASS CHESTNUT.

Subject to the regulations issued under section 4, amounts in the Fund shall be paid to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police as follows:

(1) 50 percent of such amounts shall be paid to the widow and children of Detective Gibson.

(2) 50 percent of such amounts shall be paid to the widow and children of Private First Class Chestnut.

SEC. 3. TAX TREATMENT OF FUND.

(a) CONTRIBUTIONS TO FUND.—For purposes of the Internal Revenue Code of 1986, any contribution or gift to or for the use of the Fund shall be treated as a contribution or gift for exclusively public purposes to or for the use of an organization described in section 170(c)(1) of such Code.

(b) TREATMENT OF PAYMENTS FROM FUND.—Any payment from the Fund shall not be subject to any Federal, State, or local income or gift tax.

(c) EXEMPTION.—For purposes of such Code, notwithstanding section 501(c)(1)(A) of such Code, the Fund shall be treated as described in section 501(c)(1) of such Code and exempt from tax under section 501(a) of such Code.

SEC. 4. ADMINISTRATION BY CAPITOL POLICE BOARD.

The Capitol Police Board shall administer and manage the Fund (including establishing the timing and manner of making payments under section 2) in accordance with regulations issued by the Board, subject to the approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. Under such regulations, the Board shall pay any balance remaining in the Fund upon the expiration of the 6-month period which begins on the date of the enactment of this Act to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut in accordance with section 2, and shall disburse any amounts in the Fund after the expiration of such period in such manner as the Board may establish.

AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS:

Add at the end of section 4 the following: "Under such regulations, and using amounts in the Fund, a financial adviser or trustee, as appropriate, for the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police shall be appointed to advise the families respecting disbursement to them of amounts in the Fund.".

Mr. THOMAS. Mr. Speaker, I urge that the resolution and amendment be adopted.

Mr. HOYER. Mr. Speaker, I support the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman by the gentleman from California (Mr. THOMAS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1385, WORKFORCE INVESTMENT ACT OF 1998

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to call up for immediate consideration the conference report on the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, and that it be considered as adopted.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of July 29, 1998 at page 17839.)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CLAY. Mr. Speaker, reserving the right to object, although I do not intend to object, and I yield to the gentleman to explain his unanimous consent request.

Mr. GOODLING. Mr. Speaker, I rise in strong support of the conference report, H.R. 1385, the Workforce Investment Act of 1989. It has been 4 years that Members and staff have been working day and night to put this together, so it is a great day to say that we have finally made it.

I want to thank Members of the House for their contributions and to the development of the legislation. I particularly want to thank the gentleman from California (Mr. McKEON), the chairman of the Subcommittee on Postsecondary Education, Training and

Lifelong Earning, for his efforts which have brought us here today. Also the gentleman from Michigan (Mr. KILDEE), the ranking Democrat on the subcommittee, for working closely with us to develop this legislation and move the legislation forward in a bipartisan fashion; and the gentleman from Missouri (Mr. CLAY), the ranking Democrat on the committee for his contributions toward this bipartisan effort.

I want to thank Senator JEFFORDS, the chairman of the Senate Labor and Human Resources Committee, and Senator DEWINE, chairman of the Subcommittee on Employment and Training, for their tireless efforts. I also want to make sure that we mention Mary Gardner Claggett and Darch Philips and Brian Kennedy of the staffs because they have spent hours and hours and hours negotiating all the crossings of the T's and the dotting of the I's. Finally, I want to thank all of those who worked with us to develop the legislation in the administration. They all provided valuable assistance, as we in the Congress developed the bill. I want to repeat that line: as we in the Congress developed the bill.

A number of important organizations who support the legislation have contributed significantly to the conference agreement, including the National Governors Association, the National Conference of State Legislatures, the National Association of Counties, U.S. Chamber of Commerce, the National Association of Manufacturers, the National Alliance of Business, the National Association of Private Industry Council, the Home School Legal Defense Association, the National Center for Family Literacy, the Coalition for Citizens with Disabilities, and many others.

This conference report is based on many positive reforms that are already underway in States and local communities.

H.R. 1385 vastly reduces federal involvement in job training, employment, literacy, and vocational rehabilitation programs; transfers the vast majority of resources and authority to the States and local communities; and most importantly, sends authority and responsibility into the hands of actual individuals—giving people choices in the selection of occupations, services, and service providers so that they are empowered to succeed in today's society.

The Agreement consolidates over 60 federal programs through the establishment of three block grants to States and localities, and through amendments to the Rehabilitation Act of 1973.

In the area of Adult Education and Literacy Programs, the Agreement will provide much-needed services to individuals through a variety of literacy providers, which can meet the unique educational needs of adult learners and assist them in becoming self-sufficient.

Adult education programs are often the key to lifting individuals out of poverty. They open doors for individuals who are illiterate, who are welfare-dependent, who are unemployed or under-employed, and who are unable to help their children to succeed in school and break the cycle of illiteracy.

To understand the need to provide assistance to adults with low levels of literacy we only need to look at the statistics. Forty-three percent of those with the lowest literacy levels live in poverty, 17 percent receive food stamps, and 70 percent are unemployed or under-employed. More than two-thirds of unwed parents, adults in poverty, school dropouts, and arrestees have below average literacy levels.

This Conference Agreement also allows adults, on a voluntary basis to participate in family literacy programs—an approach to addressing the literacy needs of the nation by simultaneously addressing the educational needs of at least two generations. It is the integration of the best practices of adult education, early childhood, and parent education—designed to restore the family as the focus in education.

For Disadvantaged Youth, the Agreement increases the focus of existing youth programs on longer-term academic and occupational training—on getting young people back to school, rather than stand alone, short-term employment fixes. While allowing the continuation of good summer youth employment programs, the bill requires that all employment experiences under these programs be tied to basic academic and occupational learning opportunities. Under these programs, priority for services is given to hard to serve disadvantaged youth, including a requirement that not less than 30% of local youth program funds be spent on out-of-school youth.

For Adults, the bill establishes a single delivery system for adult employment and training, that maximizes individual choice in the selection of occupations and training providers, while protecting funding for dislocated workers.

Going hand-in-hand with welfare reform, the bill encourages an "employment first" approach to job training.

The bill encourages individual responsibility and personal decision-making through the use of vouchers (individual training accounts) for the purchase of training services. This market-driven system eliminates the decades old tradition of bureaucrats making training decisions for adults. Customer choice makes the job training and employment system more responsive to the skill needs of individuals and the local labor market.

The Agreement provides a strong and active role for business, utilizing business-led local boards for the design and implementation of the training system—making sure that training is provided for the high-skill, high-wage jobs of the future. All training is to occur for occupations that are in demand.

Under the new system, individuals will choose training providers based on performance information accessed through the one-stop delivery system. This will result in a truly market-driven system where the best providers of training will prevail.

With regard to vocational rehabilitation, the Agreement significantly expands opportunities for persons with disabilities.

Under the Conference agreement, individuals with disabilities will finally have access to a comprehensive job training system that is capable of serving all who come to its doors. Unemployed individuals with disabilities will have broader job opportunities, allowing them to re-enter or in some cases enter the workforce for the first time.

The bill provides a much needed emphasis on self-employment, business ownership, and telecommuting opportunities, as well as improving linkages with employers and the State workforce investment system.

In conclusion, as the barriers to local reforms are removed through this legislation, we will see an array of newly energized programs emerge that will provide individual participants with the information they need to make informed choices—and help them acquire the skills that make them most attractive on the local job market.

We will see reformed systems that make sense in today's economy, and that can adapt as the economy continues to change and grow.

I urge all of my colleagues to join with us in support of this Conference Report on H.R. 1385 that will empower individuals to make their own decisions that will enable them to be self-sufficient and prosper in today's society.

Mr. CLAY. Mr. Speaker, further reserving the right to object, I thank the gentleman, and I rise in support of the resolution.

Mr. Speaker, a highly skilled work force is essential if we are to be successful in the increasingly competitive global economy. Now, more than ever, we must rely on the skills and productivity of American workers. Education and job training programs provide the opportunity to learn and improve skills. We must make sure that those programs are as effective as possible. So I am pleased to be a part of the effort to improve the quality of our education and training system, while eliminating duplication of efforts and unnecessary bureaucracy.

Let me express my gratitude to the gentleman from Pennsylvania (Mr. GOODLING), to the gentleman from California (Mr. MCKEON), and the gentleman from Michigan (Mr. KILDEE) for their hard work on the House legislation. Also, for their continued efforts to move this bill through conference and on to the President's desk.

□ 1445

I am pleased that there is broad agreement, Mr. Speaker, one, to foster the development of one-stop intake systems that will provide comprehensive information on the kinds of assistance available to those seeking help; two, to tailor job training assistance to the particular needs of each individual; three, to provide those seeking assistance with comprehensive consumer information about the quality of programs; four, to improve the quality of training and the accountability of the system; and five, to streamline and coordinate the delivery of services.

Mr. Speaker, I strongly support this bipartisan legislation, and I urge my colleagues to vote in favor of the conference report.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California (Mr. McKEON).

Mr. McKEON. I thank the gentleman for yielding to me, Mr. Speaker.

I rise in strong support of the conference report for H.R. 1385, the Workforce Investment Act of 1998. This agreement is an important step in addressing the Nation's long-term Workforce preparation needs by helping States and local communities to make sense out of our current confusing array of employment training and literacy programs.

The American economy is strong and is increasingly driven by creativity, innovation, and technology. It has been reported that new high-skilled jobs are growing at nearly three times the rate of other jobs. However, many employers are finding it increasingly difficult to find workers with the skill necessary to fill these high-wage positions.

This agreement will provide opportunities for more Americans to obtain these jobs. The agreement accomplishes long overdue reform, consolidating over 60 Federal programs through the establishment of three block grants to States and localities for the provision of such services, and through amendments to the Rehabilitation Act.

It accomplishes key reforms in this country's job training system by building on the three principles of individual choice, quality training for the 21st century, and the transfer of resources and authority for employment, training and literacy programs to States and local communities.

For youth, we amend the JTPA's current disadvantaged youth programs, increasing the focus of such programs on long-term term academic and occupational training, rather than short-term employment fixes; requiring that all employment experiences under these programs be tied to academic and occupational learning opportunities; and prioritizing services for hard-to-serve disadvantaged youth, including school dropouts.

For adults we establish a single delivery system for adult employment and training that maximizes individual choice through the use of vouchers for "individual training accounts" for the purchase of training services.

This market-driven system, focusing on customer choice, makes the job training and employment system more responsive to the skill needs of individuals in the local labor market. Not only will this conference agreement result in improved services to dislocated workers, but it will also result in enhanced services provided to welfare recipients who must make the transition from welfare to work.

Title II of the Workforce Investment Act amends the current Adult Education Act, consolidating adult education programs into a flexible block grant to States. This portion of the agreement includes important linkages to employment and training programs to ensure that individuals seeking employment and training services have the literacy skills they need in order to succeed.

With regard to vocational rehabilitation, this agreement will provide more job opportunities to individuals with disabilities, and provide a much-needed emphasis on self-employment, business ownership, and telecommunicating opportunities, as well as linkages with employers and the State workforce investment system.

This agreement will not only provide the flexibility that States and local communities need to vastly improve their employment and training efforts, but it will provide individuals that are in need of these services with the information, choice, and resources that they need to become skilled and gainfully employed.

The skills of this Nation's workforce are more important today than ever before. This agreement will go far to help States and local communities to reform employment training and literacy programs that address the individual skill needs of their citizens. It will go far to empower individuals to break the cycle of dependency that has plagued our country for too long.

I want to take this opportunity to thank the Members of our committee for their contributions in the development of this legislation; in particular, the gentleman from Pennsylvania (Chairman GOODLING), for his insight and leadership over the years on this issue; and the ranking member of the full committee, the gentleman from Missouri (Mr. CLAY), and the Democrat on the post-secondary subcommittee, the gentleman from Michigan (Mr. KILDEE), with whom I have worked very closely in coming to this agreement. I want to thank them for their help and support.

In addition, I want to thank all of the Senate conferees for their efforts, especially Senator JEFFORDS, the chairman of the Labor and Human Resources Committee, and Senator DEWINE, chairman of the Employment and Training Subcommittee.

I would also like to thank the staff for their hard work on this conference agreement: Vic Klatt, Sally Lovejoy, Mary Gardner Clagett, D'Arcy Philps, Lynn Selmser, Jeff Andrade, Andrea Weiss, and Brian Kennedy from the Democrat staff. I would also like to thank the administration for working with us to make this a bipartisan effort.

Finally, I am very pleased that the National Governors Association, the National Conference of State Legislatures, and the National Association of Counties are supporting this agreement, as well as leading national business operations. This is truly a good agreement that will help this country's workers gain the skills they need to succeed in today's workforce. I urge Members' strong support for this conference report.

Mr. CLAY. Mr. Speaker, continuing under my reservation of objection, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am very proud to have been part of this bipartisan effort to streamline and reform our Nation's job training system. I have enjoyed working with my friend, the gentleman from California (Mr. BUCK McKEON), the chairman of the subcommittee, and I also appreciate the hard work and leadership of the gentleman from Pennsylvania (Mr. GOODLING), the Chairman, and the ranking member, the gentleman from Missouri (Mr. CLAY) on this legislation.

The conference report we consider today represents a culmination of a 4-year effort to improve our job training system and eliminate the unnecessary duplication and bureaucracy.

The Workforce Investment Act of 1998 consolidates over 60 separate Federal job training programs into a single coordinated system. The legislation builds on President Clinton's proposed G.I. Bill for Workers by providing individual training accounts, so that those who seek assistance can choose the kind of training that best meets their needs.

The Workforce Investment Act also increases accountability by providing individuals seeking training with report cards on the quality of programs offered by eligible providers, and hold States and localities responsible for meeting high levels of performance. I am also pleased that the legislation protects funding for dislocated workers, and better targets programs for at-risk youth by setting aside a significant amount of dollars for funding out-of-school youth.

I am also pleased that the bill includes a strong summer jobs element, and the concentrated youth opportunity grant program developed by the President and Secretary Herman.

Mr. Speaker, the Workforce Investment Act of 1998 is an example of what we in Congress can do when we put aside our partisan differences and work together to promote the interests of all Americans. Again, I am proud to have been a part of this process, and I urge all of my colleagues to support this conference report.

I would like to thank the staff members who have worked so hard on this: Mary Gardner Clagett, D'Arcy Philps, Vic Klatt, Brian Kennedy, Jennifer Maranzano of my own staff, and Mary Ellen Sprenkel.

Mr. CLAY. Mr. Speaker, continuing to reserve my right to object, I yield to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I rise to support the Conference Report on the Workforce Investment Act, and urge everyone to support it.

Mr. Speaker, I rise today in support of the Conference Report on the Workforce Investment Act.

Trained skills are an essential ingredient not only for individual success, but also for the United States as a whole if we intend to remain competitive in this increasingly technological world.

In the near future this body will legislate to increase the number of immigrants to this country in an attempt to address the current shortage of skilled workers.

What we should be doing, and are attempting to do through this legislation, is increasing the skill level of our own workforce.

Although unemployment is currently at an all time low, there are still too many unemployed and underemployed Americans, and this number will only increase as the welfare reform act mandates those currently on the welfare rolls to enter the workforce.

That is why this bill, the Workforce Investment Act, is so essential.

This bill, which passed both the House and Senate earlier this year with overwhelming support, is, in my opinion, even better today thanks to the long hours and dedication of the conference committee and staff.

This bill consolidates the more than 60 existing Federal training programs, which have often been criticized as being too fragmented and duplicative.

It provides States with the flexibility necessary to implement programs that will best suit their particular needs while maintaining high standards and accountability.

It emphasizes one-stop centers that allow consumers to more easily access job training services. It also targets resources to those who need them most—youth, low-income, and displaced workers.

Last night the Senate passed this bipartisan conference report with unanimous consent. I urge my colleagues to do the same.

Mr. CLAY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, the conference report is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I would inquire of the distinguished majority leader if he would outline the schedule for the remainder of the day and for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have concluded legislative business for the week. The House will next meet on Monday, August 3rd, at 10:30 a.m. for morning hour, and at 12 o'clock noon for legislative business. We do not expect any recorded votes before 5 o'clock p.m. on Monday.

On Monday, August 3, we will also consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

After suspensions, Mr. Speaker, the House will continue consideration of H.R. 2183, the Bipartisan Campaign Integrity Act of 1997. Following wrap-up debate, we will vote on final passage of the Shays-Meehan substitute on Monday. Mr. Speaker, we also plan to continue consideration of H.R. 4276, the Commerce, Justice, State Appropriations Act on Monday, August 3.

On Tuesday, August 4, the House will take up several bills under suspension of the rules. Following suspensions on Tuesday and throughout the balance of the week, the House will consider the following legislation: continuing consideration of H.R. 4276, the Commerce, Justice, State Appropriations Act; H.R. 4274, the Department of Labor Appropriations Act of 1999; the District of Columbia Appropriations Act of 1999, and House Resolution 507, the Workforce Improvement and Protection Act of 1998.

Mr. Speaker, Members should be prepared to work late next week on these appropriations bills. We hope to conclude legislative business for the week by 2 o'clock p.m. on Friday, August 7.

Mr. BONIOR. Mr. Speaker, I thank my colleague.

If the gentleman would entertain one question to him this afternoon, on several occasions the majority leader has repeated the commitment that the House will complete the campaign finance reform bill by the recess. As the gentleman knows, once we complete the vote, as the gentleman has indicated, on Monday on Shays-Meehan, we still have left in that bill 9 more substitutes, and an unlimited number of amendments to those substitutes.

My question to my friend, the gentleman from Texas, is since we only have 5 more days left before the recess, I want to make sure that the gentleman's commitment to finish this by the recess is firm, and that we will have this bill finished and back to the Senate so they can make a decision on what they want to do with it.

We are certainly hopeful that Shays-Meehan, on our side of the aisle, passes. We have sent it over there to defeat the other substitutes that are being offered, and we hope we get some action this year. But we know we cannot get any action out of the Congress unless we do this in a timely fashion.

Would the gentleman from Texas (Mr. ARMEY) like to make a comment with respect to the commitment to finish by this recess?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, I thank the gentleman again for that inquiry. It is a matter of important concern. It weighs heavy on my heart.

Let me just encourage the gentleman from Michigan to understand that I do not know how, but we will have this completed before we leave town by 2 o'clock next Friday.

Mr. BONIOR. That means the bill?

Mr. ARMEY. I will get back with the gentleman later with the details, but we will have it done before we leave town; this bill, all consideration and final action on this bill will be done before 2 o'clock on Friday.

Mr. BONIOR. I thank my colleague for his reassurance.

Mr. DOOLEY of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. DOOLEY of California. Mr. Speaker, I would also like to address a question to the majority leader.

Yesterday in the Committee on Agriculture we had extensive hearings on the crisis that is occurring in many regions of the country as it is affecting farmers. Three weeks ago I joined with a bipartisan group of Members and the gentleman from Georgia (Speaker GINGRICH) on outlining some relief measures that we can move through Congress in order to address and minimize future damage to the agriculture sector.

On one of those which I think is most important to the agricultural sector, in fact, we have a coalition of 75 organizations that signed a letter supporting the funding of the International Monetary Fund. I did not hear, in the leader's identification of legislative action next week, any mention of the IMF.

I was hoping that the leader could shed some light on when we would consider funding of the IMF, in order that we might prepare and be able to assure the farmers that we are continuing to provide the export opportunities that are needed.

□ 1500

Mr. ARMEY. Mr. Speaker, I thank the gentleman for the inquiry. The gentleman may know, the consideration of the IMF is in the Foreign Operations appropriations bill. I understand that the committee has determined that they will take that bill up for full committee markup when we return from the August work recess period.

Mr. DOOLEY of California. Mr. Speaker, I would just hope that we would not delay any longer. Obviously, that is of critical importance to the ag sector, the funding of the International Monetary Fund.

Mr. BONIOR. Mr. Speaker, reclaiming my time, let me reiterate one more time about finishing campaign finance by the end of next week. May I also ask the gentleman from Texas (Mr. ARMEY), on Monday, what time do we expect to have the vote on Shays-Meehan? Will it be before the suspension votes are taken, or after?

Mr. ARMEY. Mr. Speaker, if the gentleman would again yield, the vote will be taken after the suspension votes, and I would guess that the vote on Shays-Meehan would be, if the gentleman will give me a large latitude on the "more or less," 8 o'clock, depending on how many votes are ordered.

Of course, the proponents on that bill want to have a little bit of time for wrapup debate. So, I would say probably between 8:00 and 9:00, is my best estimate.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for this information and for his courtesy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair will entertain 1-minute speeches.

CONGRATULATIONS TO JOHN AND VERNA LESKERA ON THEIR 70TH WEDDING ANNIVERSARY

(Mr. SKIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I want to take a moment to recognize two very special constituents of mine, John and Verna Leskera of Vandalia, Illinois, who will be celebrating their 70th wedding anniversary on August 7 of this year.

John Leskera married the former Verna Bitzer on August 2, 1928 in, Hoopeston, Illinois. They raised one son, Jack, currently of Collinsville, Illinois, and are the grandparents of three, and great-grandparents of six.

Verna, the former schoolteacher, and John, the former business owner, have continued to lead very active lives since their retirement. John, in fact, just learned to water ski at the tender age of 75.

Mr. Speaker, I am honored to join the friends and family members of the Leskeras in wishing continued health and happiness as they celebrate their 70th wedding anniversary, and in the many years to come.

UNCERTAINTY AND WORRY IN "OLD BELT" TOBACCO MARKETS

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, next week the "Old Belt" flue-cured tobacco markets open in Southside, Virginia, and the farmers have never faced greater uncertainty. Over the course of the last year, the tobacco farmers in the Fifth District of Virginia, and across the southeastern part of the United States, have been tossed around like a political football.

The farmers were not included in the original settlement, but throughout the debate over the proposed settlement, people on all sides have indicated that they want to protect the tobacco growers. Yet, we see legislation proposed in Congress that will cripple and ruin the American grower. We must fight such proposals.

Mr. Speaker, I just hope that as various political agendas go forward, the hard-working growers and their families and their communities do not end up busted, bankrupt, and broken.

The annual opening of the tobacco markets historically have been a time of optimism and hope. But this year, as the markets open in Southside, Virginia, the optimism is replaced by uncertainty and worry.

THE TRUTH, THE WHOLE TRUTH, AND NOT SPIN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to ask some questions. Why did the President's defenders begin by insisting that no sexual liaisons occurred in the White House? Then as evidence against the President mounted, why did his defenders shift their position to say that the President's sex life is a private matter?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. PITTS) will suspend. The gentleman may not engage in personal references to the President.

Mr. PITTS. Mr. Speaker, if extramarital sexual liaisons are supposed to be purely private, why are taxpayer funds being used to defend or facilitate or cover-up?

Taxpayer funds must not be used by lawyers to defend in a private civil suit or to attack or undermine investigations of allegation of wrongdoings.

Taxpayer jobs should not be used in any way for defending or promoting the allegations and accusations of anyone.

Mr. Speaker, the people, the American people are waiting for the truth, the whole truth, and nothing but the truth, not spin.

REMEMBERING PRIORITIES

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, today we laid to rest one of the Capitol Hill Police officers who died tragically in last week's shooting. And a few days ago, I spoke on the floor because a police officer in my hometown, in Staten Island, was shot in the head by a 17-year-old assailant who just a couple of years ago killed a man when he was 15, and served a total of 18 months in jail and was let go and is alleged to have killed another man before he shot the police officer. We got the news last night that that police officer is now dead.

What that means is that a 6-year-old boy is without a father, a community has been destroyed, and yet we still question what we are going to do with this 15-year-old murderer.

Mr. Speaker, I do not doubt the sincerity of the folks who today engage in campaign finance reform, but let us remember what the priorities are. A police officer is dead, a family is destroyed, and let us pray for them to find the strength to survive.

ARE WE NOT ALL AMERICANS?

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I have got some news for House liberals in the Democrat party. A violation of the law is not a poll. A violation of the law does not depend on how the stock market is doing. A violation of the law has nothing to do with vast right-wing conspiracies.

Liberals seem satisfied with the response given by the White House about how the Democrat party accidentally raised nearly $3 million from Communist China in the last election cycle, and I understand that.

Liberals are not troubled by the White House discovery that they had 900 FBI files of their political enemies, and I understand that, too.

And liberals do not believe that using the FBI and the IRS to smear Billy Dale in the White House travel office is an abuse of power, and I understand that.

But I do not understand why liberal Democrats in Congress are silent, silent, about the Clinton administration's decision to transfer waiver authority of sensitive technology to Communist China from the State Department and the Commerce Department. After all, Mr. Speaker, are we not all Americans?

REPUBLICANS HAVE A BOLD NEW VISION FOR THE 21ST CENTURY

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, it appears that the political parties have come full circle. At the beginning of the century, the Republican party, under President Teddy Roosevelt, was the party of reform. As we approach the end of this century, the Republican party is once again the party of reform on almost every single issue.

Education? The Republicans passed education savings accounts and school choice initiatives that are being enacted across the country in the States with Republican governors.

Welfare? It took a Republican Congress to reform a broken system. A system that everyone knew was broken for many years, but was immune to change.

The Tax Code? Republicans in the House passed a bill to sunset the Tax Code and Republicans have crossed the country discussing the flat tax and national sales tax options.

Medicare? Medicare was on track to go bankrupt in 2001, but Republicans in Congress forced the first real Medicare reforms in history this past summer.

Mr. Speaker, the Republican party is the party of reform, of new ideas, innovation, and a bold new vision for the 21st century.

AMERICAN MINING INDUSTRY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, of all the gains of our civilization and this great Nation, nothing has propelled the progress of civilization over the centuries as have the products of the mining industry.

A great deal of what we see around us, what we hear, what we feel or touch, comes from mining. Mining provides the energy and equipment to grow food, to develop lifesaving devices, to build highways and bridges, and to communicate around the globe.

Mining and manufacturing facilities operate in every State and are a vital base to which America's strength and future rely upon. Studies have shown that nearly every Member of Congress has a direct or indirect representation to the mining industry in their districts.

In order to responsibly address America's mining and industrial needs, and to promote its capabilities, I rise today to invite my colleagues to join the Mining Caucus. Together we can serve to educate all Members on regulatory and legislative ideas and their impact on the mining industry.

Mr. Speaker, I urge my colleagues to help establish a strong presence in Congress; one that supports the mining industry, equipment manufacturers, and support service members. Working families in these vital industries are literally the backbone of America.

Remember, if it is not grown, it has to be mined. Our life, our job, and our future depend upon it.

ADJOURNMENT TO MONDAY, AUGUST 3, 1998

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FEDERALISM, EXECUTIVE ORDER 13083, AND H. CON. RES. 299

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

Mr. COLLINS. Mr. Speaker, our republic recently celebrated 222 years of liberty and freedom. For the last 209 years, these freedoms have been guaranteed by our Constitution.

In spite of this, the Clinton administration is now trying to undermine the Constitution through Executive orders, threatening the powers of Congress, the sovereignty of the States, and the rights of all Americans.

Our Founding Fathers demonstrated timeless wisdom in the crafting of our Constitution and Bill of Rights. The Constitution carefully defines the authority granted to each of the three branches of the Federal Government to ensure a separation and balance of Federal powers.

Additionally, the Tenth Amendment to the Constitution protects the rights of the States to self-determination, requiring that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

□ 1515

Both of these constitutional provisions guarantee the individual rights of American citizens throughout the democratic process. Our Bill of Rights and republic form of government ensure that the people maintain the ultimate authority to govern themselves.

The success of our Constitution is clear. The United States is the world's strongest economic power, providing a standard of living to Americans that is the envy of the world. Our Nation is also the world's foremost military power, providing strong protection to American citizens from foreign threats to our liberties and to our democratic principles.

Finally and most importantly, our government is the single greatest guarantor and protector of individual liberties in the world today. The freedom of speech, the freedom of religion, the freedom to own property, the freedom to vote are just a few of the liberties that American citizens enjoy, thanks to the wisdom and foresight of the framers of our Constitution.

Sometimes we take these liberties for granted, but benefits such as public safety, education and the finest health care system in the world should remind us that the Constitution provides us with much more than abstract principles.

In spite of the great successes of our Republic, President Clinton has disregarded our Constitution with the issuance of executive order 13083.

First, the order requires Federal departments and agencies to review State regulations and to dictate State policy without regard to the decisions made by States' own legislatures and agencies.

Second, the order's broad and vague definition of what should be a Federal issue reserves little if any jurisdiction for State and local governments.

Third, by granting Federal jurisdiction over all matters related to international obligations, the executive order threatens to bypass the U.S. Congress, imposing on States and the American people provisions of international treaties or agreements that have not been ratified by the Senate.

Clearly this executive order directly violates the separation and division of powers as provided by the Constitution. It violates the authority of the U.S. Congress, the sovereign rights of States, and threatens the liberties of every American citizen.

In response to this disregard for the Constitution, I have introduced House Concurrent Resolution 299. This resolution sends a message to the American people that representatives in Congress will understand the Constitution and will uphold the principles of the Founding Fathers that have made this Nation so great.

The Congress will protect the rights of States to self-determination and prevent undue Federal intervention into State and local affairs. The Congress will protect the rights of American citizens to life, liberty and the pursuit of happiness, without unwarranted and unconstitutional intrusions by the Federal departments and Federal agencies.

This resolution also sends a message to the executive and judicial branches of the Federal Government: The Congress will defend the people it represents against Federal actions that undermine the Constitution and threaten the rights of all citizens.

Congress is paying close attention to the actions of the chief executive. We will closely scrutinize any action by any member of the executive branch that threatens to usurp the legislative authority of the Congress, the sovereignty of the States and the freedom of the American people.

Furthermore, Congress will seek to remedy any judicial interpretation of U.S. law that is inconsistent with the intent of Congress, that threatens State rights to self-determination or threatens the liberties guaranteed the people by the Constitution.

Mr. Speaker, I urge each of my colleagues to join me in defense of the powers of the Constitution and sovereignty of the rights of States, the rights of the people, by cosponsoring House Concurrent Resolution 299, reiterating the separation of powers that are established and preserved by our Constitution.

THE STATE OF UNITED STATES AGRICULTURE ECONOMY

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I rise this afternoon to discuss the state of the agriculture economy and to report to my colleagues the results of a hearing that was held by the House Committee on Agriculture on Thursday.

That hearing is the first hearing that we have held in the House Committee on Agriculture this session on the farm economy and how the 1996 farm law, farm bill is responding to the crises that we face.

I am pleased that we held the hearing. I regret, however, it has taken so long for us to focus on this problem.

First, I would like to just urge that all of my colleagues recognize the severity of the problem that we face, and probably no State illustrates this better than North Dakota. The State of North Dakota has seen a 98 percent drop in farm income in the last 2 years. It is such a precipitous drop that in North Dakota and the Red River Valley portion of Minnesota just to the east, we see record numbers of farmers selling out, closing down their operations and saying, in this strong national economy, there is no reason why we should be continuing our farming operations.

What I see, in the area that I represent in southern Minnesota and the Chair represents, is a looming crisis. It certainly is not as serious as what we face in the Red River Valley area, but it is one that has the potential of having a parallel dramatic impact.

In the State of Minnesota at large, farm income is down 57 percent from the first quarter of 1996, compared to the first quarter of 1998, 57 percent. Part of the reason that it is down is that in addition to the disease problems that are affecting wheat and barley in the Red River Valley area, we also have severe price depression for agriculture commodities.

Wheat is selling in the neighborhood of $2.50 a bushel. This is a product that in some years is selling for $3 to $4 a bushel. Those would be the average years. At $2.50 a bushel, wheat can be used as a feed grain. Barley is being used as feed grain.

This has an effect on the price of corn and soybeans. Corn is now selling in the Midwest for below $2 a bushel. For those of you that are not familiar with what that means to farmers, it means that you lose money, as much as 30, 40 cents on every bushel of corn that you market. Many say, well, if you have a good year, that just means that you are going to have a bigger yield and you can make more money.

What farmers are facing is that the excitement of a bumper crop is being moderated and turning into a much more depressing situation, because the price is collapsing. What is more distressing is that the number of farm families that are willing to maintain their farming operations is dwindling. Time after time, as I visit with families in Minnesota, I hear the common refrain, we have decided that with a good education, the young people that grew up on this farm ought to be pursuing a career in town. We do not think it is a good idea for them to try to continue farming.

As one after another of these farming units disappears, what we see is a phenomenon that is altogether too common and too distressing. It is the collapse of a rural economy and of a rural way of life.

Now, some may say that is just the way the market works. It is the wonders of the marketplace. But before I turn to a couple of things that we can do to try to respond to this and were discussed at the hearing, I would like to focus on the fact that the farm economy does not have the resiliency that some other parts of our economy have. You cannot downsize your operation quickly to respond to changing economic times. Your investment in fixed assets, land principally, but machinery is enormous. You have to use those assets.

At the same time you have risks that are phenomenal, the risk of weather, of course, is familiar to all of us, but the risk of disease, such as they have suffered in the Red River Valley, the risk of markets such as the collapse of markets in Southeast Asia, which were the promising opportunities for American agricultural exports, all of these things combine to haunt agriculture.

What is the response? Just in a couple of sentences, first, an emergency disaster package for crop insurance that is a bipartisan proposal; second, accelerating the payments coming under the Freedom to Farm Act, a partisan proposal; third, extending the marketing loan period, something we might have bipartisanship on; raising or uncapping the marketing loan program. These are a variety of things that were discussed.

I recommend or urge my colleagues to look more closely at what is happening in rural America.

H.R. 4355, THE YEAR 2000 INFORMATION DISCLOSURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, when it comes to the year 2000 problem, we all know that time is running out and we are competing in a race against the calendar to avert an impending computer catastrophe. This Congress is firmly committed to moving the Federal Government and private industry toward correcting the year 2000 problem in a timely and effective manner.

In order for private industry to be Y2K compliant, given the relatively brief amount of time left before the January 1, 2000, deadline, we must foster an environment for the exchange and the free flow of information among businesses. Allowing information about year 2000 solutions to be widely available can help private industry move expeditiously to correct the problem. But, unfortunately, liability concerns have made many in the private sector reluctant to exchange such information.

At the request of the President, I join today with my colleagues on both sides of the aisle to sponsor H.R. 4355, the Year 2000 Information Disclosure Act. While the bill in its current form may not fully address the liability problems associated with information sharing, I believe it is important to begin the debate on addressing this issue.

As the co-chair of the House Y2K task force along with my co-chair the gentleman from California (Mr. HORN), I intend to work with the appropriate committees of jurisdiction in Congress and with the private industry to craft an effective bill which will promote the open sharing of information about year 2000 solutions.

By working together, and only by working together, we have an opportunity to effectively address the liability concerns of private industry and to encourage the sharing of important information about solutions to correct the Y2K problem.

Let us move ahead.

Mr. Speaker, I include a statement by the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. I want to join my colleagues in introducing the Year 2000 Information Disclosure Act.

We have all read about the potential effects of the Year 2000 computer problem. The Subcommittee on Technology and the Subcommittee on Government Management, Information, and Technology have been at the forefront of publicizing the nature of this problem, and have consistently pushed Agency officials to fix their computer systems. As my colleagues have already outlined the scope of the problem and the provisions of this bill, I want to focus on a few key elements.

First, I want to commend the Administration and especially Mr. John Koskinen, Assistant to the President and Chair of the President's Council on Year 2000 Conversion, for drafting this legislation. Although there has been much discussion regarding what actions Federal agencies should take to correct their systems, the larger private sector issue has been largely ignored. This legislation is the first of several steps necessary to assist the private sector in addressing the Y2K problem in a open and constructive way.

By protecting those who share Y2K information in good faith from liability claims based on exchanges of information, this bill promotes an open and public exchange of information between companies about Y2K solutions. Throughout the Subcommittee on Technology's examination of the Year 2000 computer problem, I have continued to be surprised about the lack of hard facts. The goal of this bill is to make companies feel more secure in sharing information about this problem.

However, this is only a first step, and many important issues remain to be addressed. I believe that the most important element of any national Y2K strategy is informing consumers and small- and medium-sized businesses on how the Y2K problem could affect them. The public needs a Y2K checklist and they need to know what questions to ask. I know my colleagues on the House Y2K Task Force, Representatives HORN, KUCINICH, and MORELLA, share my concerns and I look forward to working with them to develop an appropriate strategy.

In closing, I urge the swift action on this important piece of legislation.

HEALTH CARE PROPOSAL FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I want to alert Members about a very disturbing proposal recently offered by the chairman of the House Committee on Ways and Means Subcommittee on Health. This proposal would charge senior citizens in this country an $8 copayment for Medicare home health care visits. At present, as you know, these visits are now without cost for the patient.

Mr. Speaker, in my judgment, if this very terrible proposal were ever passed into law, and let us make sure that it is not, it would cause enormous pain and hardship for some of the weakest and most vulnerable people in this country, low income and sick elderly people. Why, in God's name, would we be making life more difficult for so many people who today are finding it difficult just to pay their bills?

Mr. Speaker, as you know, nearly half of all senior citizens in our country have incomes of less than $15,000 a year, and about 12 percent of them live in poverty.

□ 1530

Many of them today are finding it extremely difficult to pay their bills, to provide for their prescription drugs and to take care of their other basic necessities of life. These are not the people that we should be going after and making life more difficult for. The thought of forcing sick, fragile, low-income seniors to pick up a new cost which for someone requiring home health care visits 7 days a week could run as high as $2,500 a year is literally beyond comprehension. Does anyone really think that a sick, needy senior citizen with an income of $10,000 a year should be asked to pay an additional 6 percent of his or her entire income on health care costs?

And what about some seniors whose incomes may be even lower than the national average. What an outrage to go after low-income senior citizens who are sick, who are fragile, who need home health care visits and tell those people that you have got to pay substantially more for your health care needs.

Mr. Speaker, what I find particularly obscene about this proposal is that it comes one year after the so-called balanced budget agreement which cut Medicare by $115 billion and most of those savings went for tax breaks for the very wealthy. Three-quarters of the tax breaks went to people making $100,000 a year or more. So what Congress did last year is cut Medicare, give huge tax breaks for the rich, and then this year the chairman of the relevant subcommittee is saying, "Gee, we don't have enough money for Medicare. I guess we're going to have to ask low-income sick seniors to pay more for home health care visits." This is the Robin Hood proposal in reverse. We take from the poor and some of the most desperate people in this country and we give to some of the wealthiest. This is a proposal that I would hope would be dead on arrival.

Mr. Speaker, 22,000 Vermonters receive home health care in my State. But with last year's Medicare cuts, many are in danger of losing services through the reduction of payments to efficient home health care agencies that exist in Vermont and a number of other States. In other words, what Vermont was penalized for is having an efficient, cost-effective home health care visitation program. What we should be doing is correcting that absurd formula, making sure that more money goes throughout this country to help agencies like the Visiting Nurses Association provide the quality health care and home visits that they have been doing. We should not be making a bad situation even worse.

Mr. Speaker, I believe that if members of both parties alert the chairman that this horrendous proposal is unacceptable, it will never get off first base, and that is what we should be doing.

RECOGNITION OF HEROIC EFFORTS OF BOY SCOUT TROOP 22 OF LOS ALAMOS IN DEATH OF TROOP LEADER DENNIS CARUTHERS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from New Mexico (Mr. REDMOND) is recognized for 5 minutes.

Mr. REDMOND. Mr. Speaker, I rise today to pay tribute to two Boy Scout leaders and five Boy Scouts of Troop 22 of Los Alamos, New Mexico. Yesterday morning while on a canoe trip between in the boundary waters between the United States and Canada, tragedy struck Troop 22. One of the troop leaders, Dennis Caruthers, suffered a heart attack during a portage. Under the leadership of Mr. Charles Golding, he and the five Boy Scouts tried to save Mr. Caruthers' life. The boys carried Mr. Caruthers 100 rods from the center of the portage to the rescue site. For two hours the Boy Scouts took turns administering CPR until the rescue plane arrived to save the life of their leader. Unfortunately, they were unsuccessful. The medical professionals praised the boys for their excellent emergency response skills. In spite of the loss, the five Boy Scouts had done everything right.

To the Caruthers family, Laurie and the children, we extend our sympathy for your loss and thank you for sharing Dennis with us. To Mr. Charles Golding, we give our thanks for your superb leadership and example for our boys in a time of great crisis. To the boys of Troop 22, Billy Golding, Joseph Matthews, Mason Sturm, David Hunter and Jordan Redmond, we thank you for your heroic effort to save the life of your leader. To our friend Dennis Caruthers, we thank you for your many years of dedicated service to the Boy Scouts of Los Alamos. You were a fine example, a great American.

Dennis, we will miss you.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on Wednesday, July 29, due to a death in my family, I was unavoidably absent for rollcall votes on the Texas Radioactive Waste Disposal Act.

Had I been present, I would have voted "no" on rollcall vote 343, and I would have voted "no" on rollcall vote 344.

ONGOING RAMIFICATIONS OF SEXUAL REVOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to draw the attention of my colleagues and the American people to a very important article that was recently published in the New England Journal of Medicine, the July 30, 1998 issue, and in particular as well an accompanying editorial authored by Drs. Cohen and Fauci of the National Institutes of Health. This article is entitled "Sexual Transmission of HIV-1, Variant Resistance to Multiple Reverse Transcriptase and Protease Inhibitors" authored by Dr. Hecht as well as many others.

Now, it may seem a little bit unusual for a Member of Congress to be rising talking about something like this article and this accompanying editorial, but let me just say from the outset that as many of my colleagues know, I am a physician and as well I did part of my training in San Francisco in the early 1980s at a time when the AIDS epidemic was just emerging as a critical national health problem. Additionally, after finishing my training and ultimately going into private practice in Florida, I had the opportunity to take care for many years of many AIDS patients. And so this has always been an area of tremendous interest for me, particularly as it relates to government spending, public health, and a lot of social phenomena that has occurred in this country over the last 30 years, in particular as it relates to the sexual revolution.

There were many features of the sexual revolution that occurred in the United States. Having only 5 minutes, I would not be able to dwell on all of them, but I would like to touch on several of the critical features of the sexual revolution, one of which is that premarital sex and having sex with multiple partners, contrary to centuries-long taboos, was now considered socially okay, and indeed as well that homosexual sex and sex with multiple partners was as well considered okay, if it involved two consenting adults.

As we are beginning to see in this country today, there are indeed some significant societal impacts of this revolution, particularly in the form of the explosion of sexually transmitted diseases and its consequences. For example, 20 percent of all Cesarean sections done in the U.S. today are done because of the presence of a sexually transmitted disease in the mother. This has significant public health impact. It has a significant cost impact for our government-run health care, programs like Medicare and Medicaid, and as well the sexual revolution in the homosexual community which led to the AIDS epidemic ultimately spilling over into the heterosexual community.

What is very important about this article, I want to draw to Members' attention, is that we have seen in recent years the good development of the availability of multiple drugs for the treatment of AIDS. Unlike when I first started practicing where the people would develop AIDS and they would die very quickly, we now have this very, very good armamentarium of drugs that allow people to live for years and the death rate from AIDS has dropped off significantly.

There has been in recent years a very, very ominous development of resistance within patients with AIDS to multiple different drugs that we are now using.

The important feature of this article is that what they have documented in this article is there was a gentleman who had developed AIDS in 1990 and had been on multiple drugs over 8 years and had developed a variant of the AIDS virus that was resistant to those drugs. That gentleman had homosexual relations with a gentleman, passed AIDS to that gentleman, and this occurred in San Francisco, and the gentleman who acquired AIDS acquired a form of AIDS that was now resistant to all of the drugs that his partner had been resistant to.

The accompanying editorial reads, "Transmission of Multiresistant Human Immuno Deficiency Virus, the Wake-up Call," a very appropriate title for this editorial.

This is, I would like to say, a very, very serious public health development that we are now seeing, the transmission of multidrug resistance to AIDS.

Unfortunately, the gentleman in this editorial did not address the underlying problem, and this is really the focus of what I want to get at. This disease, as well as the transmission of other sexually transmitted diseases, is a behaviorally transmitted disease and we are not addressing that issue as a public health issue.

Indeed, the authors of this editorial make a glancing comment about how, again, we need more sex education.

Until we as a nation truly begin to lift up abstinence and point out how many of these so-called safe sex regimens are not truly safe, we are never going to be able to deal with this problem.

I would like to draw the Speaker's attention and Members' attention to a very important article that appeared in the Atlanta Journal Constitution just yesterday, and the Surgeon General, David Satcher, spoke at a meeting of the Southern Christian Leadership Conference, where he again reiterated the mantra of the Clinton administration's approach to this problem that we need more sex education and more use of condoms, and in an interview afterwards with the President of the Southern Christian Leadership Conference, Martin Luther King, III, he had this very important statement to make, and it is this: The only way is abstinence. Sex should not be something that we just casually engage in and take lightly.

I am very, very pleased that Mr. King made this statement, particularly in light of the fact that while blacks only make up 13 percent of the U.S. population, they are accounting for 57 percent of the new cases of AIDS. It is time for America to wake up and say that the sexual revolution was a fraud; that the old way was the better way.

I am very disappointed with Drs. Fauci and Cohen that they do not tackle this issue head on but instead make comments about how we need to encourage safe sex more. This is a fraud and a lie.

We are going to begin to see in this country the emergence of multidrug resistant AIDS and we are going to have to invest even more money in developing new drugs, and until we recognize the fact that this is a behavioral problem and that safe sex is not the way to go but abstinence is the way to go, we will never deal with the problem.

THE YEAR 2000 INFORMATION DISCLOSURE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. HORN) is recognized for 60 minutes as the designee of the majority leader.

Mr. HORN. Mr. Speaker, yesterday, the administration sent to Congress the Year 2000 Information Disclosure Act. As the chairman, with the gentlewoman from Maryland (Mrs. MORELLA) as cochairman of the House Task Force on the Year 2000 Problem, we are encouraged to see the President has recommended action on this issue.

Our subcommittees, the gentlewoman from Maryland (Mrs. MORELLA) as chairman of the Subcommittee on Technology of the Committee on Science, myself as chairman of the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform and Oversight, have long waited for the administration to start very active work in this area.

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This issue should be a national priority. The Year 2000 Information Disclosure Act is an attempt to facilitate the Year 2000 repairs in the private sector. For those that do not know the meaning of that, what we are talking about is what happened in the 1960s when we had large mainframes in computing, and there was very little storage capacity. Somebody had the bright idea, "Hey, why are we always putting the year in as a four-digit year? Why do we not just have 67, not 1967 to represent the year. Indeed, that loosened up a lot of storage space in the very small capacity computers of the day.

Thirty five years later, we face the music. They knew in the 1960s that we would have this year 2000 problem as we passed January 1, 2000; and that is, on that date, the computer will read 00; it will not know if it is 2000 or 1900. With that fact comes some of the chaos with which we are involved.

So this Presidential initiative is correctly an urgent matter for both the administration and Congress. This legislation deserves our very serious consideration in a timely way. This is a bipartisan effort.

Yesterday, by request, the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform and Oversight, myself, the gentlewoman from Maryland (Mrs. MORELLA), and 24 original cosponsors introduced H.R. 4355.

Although the year 2000 computer problem is complex and technological, the key to solving it is committed and effective management. Senior executives—whether they are in the Federal Government, whether they are in the State or local governments or in our local hospitals or in our nonprofit organizations as well as the thousands of small businesses and the many large businesses which face a major problem as they rearrange their priorities to make sure that they have freed up the fiscal and the human resources to do that job.

That job begins with an assessment of the situation, that job is then one of fixing and renovating the two-digit years into a four-digit year. Or the job could be doing away with the year if it is no longer needed. Ultimately, the whole phase needs to be completed: testing, validation, and implementation of the computer programs which have been done so that they can make sure that the program will put it back in the operational mode, make sure those computers are working on January 1, 2000.

As many of my colleagues know, we have been grading the executive branch on their degree of compliance. There is a lot of lagging. Social Security is way ahead of the other departments and independent agencies. Social Security is about 93 percent done with a year and a half to go. That is important. Social Security had the wisdom and the vision to start in 1989. No other Federal agency did. A few organizations in the private sector did. But Social Security has set the example of the time we need to assess, to revamp, to implement, and then really test it to be certain that the program works when they are run through the date of January 1, 2000.

The key is the management. Although this problem is in many aspects, "Technical," but nothing is going to happen if management does not take the responsibility and make sure that the technological and human resources are motivated, are dealt with so they can divide up the problem and get that problem solved in a timely way.

That is what this is all about, time. No one by executive order or anything else can change the coming of January 1, 2000. We have to deal with that. This is a worldwide situation. The estimate has been made that the cost of conversion is between $300 billion to $500 billion or half a trillion dollars to remedy this problem in both the private and the public sector in the United States.

We have half the computers in the world. So the rest of the world has a similar problem. Needless to say, some organizations are not going to be as active in solving the problem and reaching the goals as will many of the major American firms. This will result in another problem, if we interact with computers from Asia and Europe, Africa, and other parts of the world, we face another very real challenge and that, is that our converted systems will be polluted by those which have not been revamped.

To be successful, organizations will have to work with other organziations. I commend the administration for sharing our various codes dealing with missiles with Russia and others. We do not want any mistakes when it comes to missile targeting, missile maintenance, and all the rest.

Besides these problems with the typical computer, we also have embedded chips that guide our elevators, our microwaves, many TV sets, so forth. There are billions of them throughout the world.

But what we have done in the two subcommittees over the last 3 years is to ask various agencies of the Federal Government, (and the same needs to be done at the State and local government, at the major businesses and the hospitals, and all the rest) the question: "What are your critical mission systems?"—then focus on converting those systems as a high priority. That is where we are now with the Federal Government.

The President did appoint a coordinator, Mr. John Koskinen in February. He took office in March. But the clock is ticking. So this legislation is very important. It is sort of a Good Samaritan bill to make sure that one firm can cooperate with the other, one business with the other, industries with the other.

When that executive pulls together those fiscal and human resources, it is very important that management know what is going on, because what has happened and what was predicted in our first hearing in April of 1996 was that executives who are behind in the conversion will start to panic. The cost of human resources will rise. Where do I find programmers who know COBAL, a language out of the 1960s. Where do I find FORTRAN experts.

A lot of the COBAL people have retired, but their codes and systems live on. Flexibility has been authorized for those hired by the Federal government. COBAL specialists are being brought out of retirement. And the government is letting them keep their retirement stipend.

So the problem is when we get the skilled employees we have people bidding up the cost of labor higher and higher, whether it be in our regional hospitals, whether it be in our State and local governments, whether it be in business or any other organizational entity that depends on computing power.

Part of the process in any of these organizations, as I noted, is to assess an organization's vulnerability to the problem, both within the organization and through all of its information trading partners. Organizations should share information in order to identify the obstacles and master solutions as quickly as possible.

A potential barrier, however, to this efficient approach is the fear that any disclosure of information related to the year 2000 problem could increase an organization's risk of being sued. The executives of companies are afraid that they will be sued if they disclose the status of the year 2000 compliance of their own products and there are any errors in this information. This would obviously be a major concern.

The Year 2000 Information Disclosure Act is an attempt to relieve that concern and encourage that exchange of information between firms and industries. The key provision of the bill shields companies that make inaccurate statements on year 2000 issues from civil liability unless the statements are knowingly false or negligent.

We can all make mistakes in this complicated area. The hope is that this would facilitate effective action as the clock ticks toward January 1, 2000. This approach raises some concerns. No one that I know wants to relieve companies of liability for building bad products or doing sloppy work or simply being careless with the truth. H.R. 4355 is not designed to protect those examples of wrong conduct. We need to be very careful that we do not inadvertently give any negligent company or any negligent organization a free ride.

There has been some debate over whether the liability protections of this bill should extend to communications with consumers. Drawing a line between certain types of communications will prove to be very difficult. At the same time, we do not want to create a situation where unscrupulous companies can take advantage of the year 2000 problem.

The Year 2000 Information Disclosure Act raises a variety of other challenges. For example, should liability protections be extended to accurate statements, or should only inaccurate statements be covered? Also, who should be covered by the provisions of the bill?

These are all difficult questions requiring careful, well-informed answers within our committee system of the House of Representatives. The Committee on the Judiciary has jurisdiction on this matter, and we hope that they will give it a very close review and that we will have it before us, hopefully, in the next month.

The test for the positive liability legislation is whether it promotes effective year 2000 repairs without creating a windfall for negligent organizations. This is a very hard balance to strike, but we cannot proceed without that balance. Counterproductive legislation is worse than no legislation at all.

I encourage all my colleagues to think carefully about the need to facilitate year 2000 repairs and to consider the best way to accomplish that through congressional action. If there is positive legislation to be passed, we should act quickly. Time is short. The millennium date change will soon be upon us.

Mr. Speaker, because of the importance of this legislation, I ask that H.R. 4355 be printed in the RECORD for all of our colleagues to review, and I also enclose a sectional analysis prepared by the administration which will guide my colleagues through the bill.

We would welcome all these thoughts, as I am sure would the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE). We look forward to seeing this legislation progress through the legislative process.

I include the documents referred to as follows:

H.R. 4355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Year 2000 Information Disclosure Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Thousands of computer systems, software, and semiconductors are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if they represent the year 1900 or thereafter. This could cripple systems that are essential to the functioning of markets, commerce, consumer products, utilities, government, and safety systems in the United States and throughout the world. Reprogramming or replacing affected systems before this problem cripples essential systems is a matter of national and global interest.

(2) The prompt and thorough disclosure and exchange of information related to Year 2000 readiness of entities, products, and services would greatly enhance the ability of public and private entities to improve their Year 2000 readiness and, thus, is a matter of national importance and a vital factor in minimizing disruption to the Nation's economic well-being.

(3) Concern about the potential for legal liability associated with the disclosure and exchange of Year 2000 compliance information is impeding the disclosure and exchange of such information.

(4) The capability to freely disseminate and exchange information relating to Year 2000 readiness with the public and with other companies without undue concern about litigation is critical to the ability of public and private entities to address Year 2000 needs in a timely manner.

(5) The national interest will be served by uniform legal standards in connection with the disclosure and exchange of Year 2000 readiness information that will promote disclosures and exchanges of such information in a timely fashion.

(b) PURPOSES.—Based upon the powers contained in Article I, Section 8, Clause 3 of the United States Constitution, the purposes of this Act are to promote the free disclosure and exchange of information related to Year 2000 readiness and to lessen burdens on interstate commerce by establishing certain uniform legal principles in connection with the disclosure and exchange of information related to Year 2000 readiness.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) YEAR 2000 STATEMENT.—The term "Year 2000 statement" means any statement—

(A) concerning an assessment, projection, or estimate concerning Year 2000 processing capabilities of any entity or entities, product, or service, or a set of products or services;

(B) concerning plans, objectives, or timetables for implementing or verifying the Year 2000 processing capabilities of an entity or entities, a product, or service, or a set of products or services; or

(C) concerning test plans, test dates, test results, or operational problems or solutions related to Year 2000 processing by—

(i) products; or

(ii) services that incorporate or utilize products.

(2) STATEMENT.—The term "statement" means a disclosure or other conveyance of information by 1 party to another or to the public, in any form or medium whatsoever, excluding, for the purposes of any actions brought under the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), documents or materials filed with the Securities and Exchange Commission, or with Federal banking regulators pursuant to section 12(i) of the Securities Exchange Act of 1934, or disclosures or writings made specifically in connection with the sale or offering of securities.

(3) YEAR 2000 PROCESSING.—The term "Year 2000 processing" means the processing (including, without limitation, calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date or date/time data from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000, and leap year calculations.

(4) YEAR 2000 INTERNET WEBSITE.—The term "Year 2000 Internet website" means an Internet website or other similar electronically accessible service, designated on the website or service by the person creating or controlling the website or service as an area where Year 2000 statements and other information about the Year 2000 processing capabilities of an entity or entities, a product, service, or a set of products or services, are posted or otherwise made accessible to the general public.

(5) COVERED ACTION.—The term "covered action" means a civil action arising under Federal or State, law except for any civil action arising under Federal or State law brought by a Federal, State, or other public entity, agency, or authority acting in a regulatory, supervisory, or enforcement capacity.

(6) REPUBLICATION.—The term "republication" means any repetition of a statement originally made by another.

(7) CONSUMER.—The term "consumer" means an individual who buys a consumer product other than for purposes of resale.

(8) CONSUMER PRODUCT.—The term "consumer product" means any personal property or service which is normally used for personal, family, or household purposes.

SEC. 4. PROTECTION FOR YEAR 2000 STATEMENTS.

(a) IN GENERAL.—Except as otherwise provided in subsection (c), in any covered action, to the extent such action is based on an allegedly false, inaccurate, or misleading Year 2000 statement, the maker of any such statement shall not be liable under Federal or State law with respect thereto unless the claimant establishes, in addition to all other requisite elements of the applicable action, that the statement was material, and—

(1) where the statement was not a republication, that the statement was—

(A) made with knowledge that the statement was false, inaccurate, or misleading;

(B) made with an intent to mislead or deceive; or

(C) made with a grossly negligent failure to determine or verify that the statement was accurate and not false or misleading; and

(2) where the statement was a republication of a statement regarding a third party, that the republication was made—

(A) with knowledge that the statement was false, inaccurate, or misleading; or

(B) without a disclosure by the maker that the republished or repeated statement is based on information supplied by another and that the maker has not verified the statement.

(b) YEAR 2000 INTERNET WEBSITE.—In any covered action in which the adequacy of notice about Year 2000 processing is at issue and no clearly more effective method of notice is practicable, the posting of a notice by the entity purporting to have provided such notice on that entity's Year 2000 Internet website shall be presumed to be an adequate mechanism for providing such notice. Nothing in this subsection shall—

(1) alter or amend any Federal or State statute or regulation requiring that notice about Year 2000 processing be provided using a different mechanism;

(2) create a duty to provide notice about Year 2000 processing;

(3) preclude or suggest the use of any other medium for notice about Year 2000 processing or require the use of an Internet website; or

(4) mandate the content or timing of any notices about Year 2000 processing.

(c) DEFAMATION OR SIMILAR CLAIMS.—In any covered action arising under any Federal or State law of defamation, or any Federal or State law relating to trade disparagement or a similar claim, to the extent such action is based on an allegedly false Year 2000 statement, whether oral or published in any medium, the maker of any such Year 2000 statement shall not be liable with respect to such statement, unless the claimant establishes by clear and convincing evidence, in addition to all other requisite elements of the applicable action, that the statement was made with knowledge that the statement was false or with reckless disregard as to its truth or falsity.

(d) LIMITATION ON EFFECT OF YEAR 2000 STATEMENTS.—In any covered action, no Year 2000 statement shall be interpreted or construed as an amendment to or alteration of a written contract or written warranty, whether entered into by a public or private party. This subsection shall not apply—

(1) to the extent the party whose statement is alleged to have amended or altered a contract or warranty has otherwise agreed in writing to so alter or amend the written contract or written warranty;

(2) to Year 2000 statements made in conjunction with the formation of the written contract or written warranty; or

(3) where the contract or warranty specifically provides for its amendment or alteration through the making of a Year 2000 statement.

Existing law shall apply to determine what effect, if any, a Year 2000 statement within the scope of paragraph (1), (2), or (3) has on a written contract or written warranty.

(e) SPECIAL DATA GATHERING.—A Federal entity, agency, or authority may expressly designate requests for the voluntary provision of information relating to Year 2000 processing (including without limitation, Year 2000 statements) as "Special Year 2000 Data Gathering Requests" made pursuant to this subsection. Information provided in response to such requests shall be prohibited from disclosure under the Freedom of Information Act (5 U.S.C. 552 et seq.), and may not be used by any Federal entity, agency, or authority, directly or indirectly, in any civil action arising under any Federal or State law, *Provided, however*, That nothing in this subsection shall preclude a Federal entity, agency, or authority from separately obtaining the information submitted in response to this subsection through the use of independent legal authorities and using such separately obtained information in any action.

SEC. 5. EXCLUSIONS.

(a) CONSUMER INFORMATION.—This Act does not cover statements made directly to a consumer in connection with the sale of a consumer product by the seller or manufacturer or provider of the consumer product.

(b) EFFECT ON INFORMATION DISCLOSURE.—This Act does not affect, abrogate, amend, or alter, and shall not be construed to affect, abrogate, amend, or alter, the authority of a Federal or State entity, agency, or authority to enforce a requirement to provide, disclose, or not to disclose, information under a Federal or State statute or regulation or to enforce such statute or regulation.

(c) CONTRACTS AND OTHER CLAIMS.—Except as may be otherwise provided in subsection 4(d), this Act does not affect, abrogate, amend, or alter, and shall not be construed to affect, abrogate, amend, or alter, any right by written contract, whether entered into by a public or private party, under any Federal or State law, nor shall it preclude claims not based solely on Year 2000 statements.

(d) DUTY OR STANDARD OF CARE.—This Act shall not be deemed to impose upon the maker or publisher of any Year 2000 statement any increased obligation, duty, or standard of care than is otherwise applicable under Federal or State law. Nor does this Act preclude any party from making or providing any additional disclaimer or like provisions in connection with any Year 2000 statement.

(e) TRADEMARKS.—This Act does not affect, abrogate, amend, or alter, and shall not be construed to affect, abrogate, amend, or alter, any right in a trademark, trade name, or service mark, under any Federal or State law.

(f) INJUNCTIVE RELIEF.—Nothing in this Act shall be deemed to preclude a claimant from seeking temporary or permanent injunctive relief with respect to a Year 2000 statement.

SEC. 6. APPLICABILITY.

This Act shall apply to any Year 2000 statement made on or after July 14, 1998, through July 14, 2001. This Act shall not affect or apply to any action pending on July 14, 1998.

CO-SPONSORS OF THE YEAR 2000 BILL

Mr. Horn, Mrs. Morella, Mr. Davis (Virginia), Mr. Sanford, Mr. Kucinich, Mr. Waxman, Mr. Sensenbrenner, Mr. Barcia, Mr. Dingell, Mr. Leach, Mr. LaFalce, Mr. Boucher, Mr. Gordon, Ms. McCarthy (Missouri), Mr. Blumenauer, Mr. Luther, Mr. Brown (California), Ms. DeLauro, Mr. Cummings, Mr. Moran (Virginia), Ms. Johnson (Texas), Ms. DeGette, Mrs. Capps, Ms. Lofgren, Mr. Doyle, and Mr. Lampson.

ADMINISTRATION SECTIONAL ANALYSIS

SECTION 1—SHORT TITLE

This section provides a short title for the bill.

SECTION 2—FINDINGS

The findings contained in this section declare that the Year 2000 technology problem (hereinafter referred to as "Y2K") presents a serious challenge to our Nation's economic security and well-being. This technology problem may cause computers and embedded systems which run our critical infrastructure to malfunction as we progress from the year 1999 into the new Millennium. Businesses and organizations, both public and private, throughout the United States and abroad have a very limited period of time to address this problem and ensure that these critical structures continue to operate in a sound and effective manner. This technology problem cuts across all segments of our economy. The bill does not address other concerns held by private sector companies about broader liability questions related to Y2K.

The findings declare that the potential for legal liability associated with the disclosure and exchange of information on Y2K compliance and readiness has caused a chilling effect on the ability to address this problem. The purpose of this bill is to promote the open sharing of information among all entities, including competitors, about the Y2K problem and solutions to remedy that problem. The bill facilitates this purpose by establishing a uniform standard of legal liability to protect those who share Y2K information in good faith from claims based on disclosures and exchanges of information.

It should be noted that the Administration has taken steps to allay fears about the potential for antitrust action against parties exchanging information related to Y2K. The Department of Justice has stated in a business review letter to the Securities Industry Association that competitors in any industry who merely share information on Y2K solutions are not in violation of the antitrust laws.

SECTION 3—DEFINITIONS

This section defines certain terms used in the bill. Of particular note, a "covered action" is defined to include any civil action involving either Federal or State law. The definition also includes any civil action brought by or against a Federal, State, or other public entity in which the Federal, State, or other public entity is essentially acting as a customer. Specifically excluded from the coverage of this bill are actions in which a Federal, State, or other public entity is acting in a regulatory, supervisory, or enforcement capacity. Thus, the bill will not limit public regulators, supervisors, and enforcement agencies from carrying out their responsibilities with regard to Y2K information that may be false, inaccurate, or misleading.

The definition of "statement" excludes, for purposes of actions brought under the securities laws, certain materials filed with the Securities and Exchange Commission (SEC) or with Federal banking regulators. Under Section 12(i) of the Securities Exchange Act of 1934, banks and savings associations must file periodic reports with their appropriate Federal banking agency instead of the SEC. This exclusion would also cover those reports. Also, excluded, for these purposes, are any disclosures or writings made specifically in connection with the sale or offering of securities. In addition, this bill is not intended to apply to internal communications within an organization.

The term "consumer product" covers only personal property or services normally used by an individual for personal, family, or household purposes. It does not cover the same product or service when purchased by a business user. However, a product normally purchased for personal use, that may be used only incidentally for business purposes, would still be a consumer product. (For example, if a computer is marketed for use for family bills, communications, and internet access, but a family member may on occasion use it for professional purposes, the product remains a consumer product.)

SECTION 4—PROTECTION FOR YEAR 2000 STATEMENTS

This section generally deals with five issues, namely, a standard of liability for actions involving Y2K information, use of an Internet website to provide notice, defamation actions, an exclusion for written contracts and warranties, and special Y2K information gathering by Federal agencies.

This section provides limited liability protection for claims that one party may bring based on an allegedly false, inaccurate, or misleading Y2K statement made by another.

Subsection (a) addresses claims arising from false, misleading or inaccurate Y2K statements. Where the information contained in a Y2K statement is originally developed by the person or entity making the statement, there would be no liability imposed on the maker, regardless of current law, unless the claimant also proves: (a) that the Y2K statement was material to the underlying legal claim; and (b) that the statement was either (i) made with knowledge that it was false, inaccurate, or misleading, (ii) made with an intent to mislead or deceive others, or (iii) made with a grossly negligent failure to determine or verify that the statement was accurate and not false and misleading.

In the case of a statement being a republication or restatement of information originating from another entity, the claimant would need to prove the additional elements of: (x) that the Y2K statement was material to the underlying legal claim, and (y) that the statement was republished or repeated either (i) with knowledge that it was false, inaccurate, or misleading, or (ii) without a disclosure by the republisher that the statement was based on information supplied to it by another entity. This subsection is not intended to give protection to the republication of Y2K statements where the subject of the Y2K statement is the party making the republication.

Subsection (b) establishes a method of providing others with Y2K information through the posting of such information on the entity's Y2K Internet Website where no clearly more effective method of providing notice is practicable. No duty is created for any entity to provide such information; the subsection only grants approval to one medium for notification where notice is required to be provided and no specific medium for notice has been stated. Where a medium for notification is specified either by statute, regulation, or contract, this subsection will not have any effect. Since the Internet is an effective way to distribute to the public Y2K information, this subsection encourages the use of an Internet website as a means of disseminating Y2K information by giving a presumption of adequacy of notice where no other form of notice is dictated by statute or otherwise or is practicable. This section only addresses the adequacy of the mechanism of notice and does not purport to address the adequacy of the substance of the notice or its timelines.

Subsection (c) addresses claims for defamation, trade disparagement, or the like. In these actions, the additional element to be proven by the claimant, by clear and convincing evidence, is that the Y2K statement was made with knowledge that it was false or with reckless disregard as to the statement's truth or falsity. This section does not preclude a person or entity from seeking injunctive relief against a false, inaccurate, or misleading Y2K statement.

Subsection (d) reinforces that the bill does not alter, and should not be construed to alter, written contracts by stating that no Y2K statement shall be interpreted or construed as an amendment to or alteration of any public or private written contract or warranty provided that certain explicit conditions are not present.

Subsection (e) grants Federal agencies and authorities the right to designate any request for the voluntary provision of information relating to Y2K processing as a "Special Year 2000 Data Gathering Request," thereby exempting any response from disclosure under the Freedom of Information Act and being used, either directly or indirectly, against the entity providing the response. This subsection does not prevent an agency or authority from separately obtaining from an entity, through its independent legal authority, the information provided in response to a "Special Year 2000 Data Gathering Request," and using such separately acquired information in any action.

SECTION 5—EXCLUSIONS

Subsection (a) makes clear that this bill does not cover statements made directly to a consumer in connection with the sale of a consumer product or service by the seller, manufacturer, or provider of that product or service, because protection for such statements is not necessary to further the purpose of the bill—to encourage the sharing of information regarding Y2K problems and solutions so that organizations can move quickly and efficiently to make their systems ready for January 1, 2000. This exclusion is intended to cover statements made directly to a consumer, such as advertisements in mass media that are directed to consumers, as opposed to advertisements in trade publications directed to business users or a website providing information about a company's products or services that would be of use or interest to those other than consumers as defined in the Act. The exclusion does not cover statements made to an individual buying a consumer product for purposes of resale rather than for personal, family, or household purposes, and the bill continues to cover such statements.

Subsection (b) makes clear that this bill does not affect, abrogate, amend, or alter the authority of any Federal or State agency to enforce a requirement to provide, disclose, or not disclose information under a Federal or State statute or regulation. Other subsections provide that the bill does not affect, abrogate, amend, or alter written contracts or rights in trademark, trade name, or service name. Thus, a Y2K statement does not necessarily fulfill an entity's obligation under other Federal or State statutes or regulations to provide information about its Y2K status to a Federal or State agency or to consumers. Separately, if any Federal or State statute or regulation (or court or agency order issued under a statute or regulation) prohibits the disclosure of any information, such information may not be included in a Y2K statement. This includes, for example, information contained in or related to examination reports prepared by the financial institutions regulatory agencies. Further, the bill does not preclude a claimant from seeking injunctive relief with respect to a Y2K statement. This injunctive relief may either ban or proscribe an activity, to be affirmative in nature.

SECTION 6—APPLICABILITY

This bill applies to any Y2K statement covered by its terms that is made during a three-year period commencing on July 14, 1998, and ending on July 14, 2001. The bill extends its protections beyond the year 2000 because all Y2K technology problems will not be cured by January 2000. This is an ongoing problem which will require the free flow of information for months, and possibly years, into the new Millennium. By the same token, this bill provides a high degree of protection from liability to makers of a narrow category of statements that may be false, inaccurate, or misleading. Therefore, this protection should not be extended for a period of time beyond what is needed and reasonable. For these reasons, the bill provides a three-year window in which the protection is available. Finally, should a claim arise after this three-year window, but result from a statement made within that period, the claim would remain subject to the provisions of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROGAN (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. FORBES (at the request of Mr. ARMEY) for today on account of official business with the President.

Mr. DELAY (at the request of Mr. ARMEY) until 3 p.m. today on account of attending the funeral of Officer Chestnut.

Mr. BROWN of Ohio (at the request of Mr. GEPHARDT) today on account of family business.

Mr. MCNULTY (at the request of Mr. GEPHARDT) today after 2:15 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOODE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, today, for 5 minutes.

Mr. MINGE, today, for 5 minutes.

Ms. JACKSON-LEE of Texas, today, for 5 minutes.

Mr. MEEHAN, today, for 5 minutes.

Mr. SANDERS, today, for 5 minutes.

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. REDMOND, today, for 5 minutes.

Mr. COLLINS, today, for 5 minutes.

Mr. BEREUTER, today, for 5 minutes.

Mrs. MORELLA, today, for 5 minutes.

Mr. HORN, today, for 5 minutes.

Mr. WELDON of Florida, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOODE) and to include extraneous material:)

Mr. KIND.
Mr. DOYLE.
Mr. ANDREWS.
Mr. WATT of North Carolina.
Mr. SANDERS.
Mr. BARRETT of Wisconsin.
Mr. SERRANO.
Mr. GEJDENSON.
Ms. JACKSON-LEE of Texas.
Mr. EVANS.
Mr. GREEN.

(The following Members (at the request of Mrs. MORELLA) and to include extraneous material:)

Mr. PORTER.
Mr. SHIMKUS.
Mr. BEREUTER.
Mr. SOLOMON.
Mr. INGLIS of South Carolina.
Mr. BATEMAN.
Mr. YOUNG of Alaska.
Mr. BILBRAY.
Mr. FOSSELLA.
Mr. FRANKS of New Jersey.
Mr. HORN.

(The following Members (at the request of Mr. HORN) and to include extraneous material:)

Mr. LEACH.
Mr. NEY.
Ms. NORTON.
Mr. KUCINICH.
Mr. TAYLOR of North Carolina.
Mr. DAVIS of Virginia.
Mrs. CHENOWETH.
Mr. MCGOVERN.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

S. 314. An act to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, and for other purposes; to the Committee on Government Reform and Oversight.

S. 512. An act to amend chapter 47 of title 18, United States Code, relating to identify fraud, and for other purposes; to the Committee on the Judiciary.

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact; the Committee on the Judiciary.

S. Con. Res. 115. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document; to the Committee on House Oversight.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday, August 3, 1998, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10417. A letter from the Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 1997 Annual Report of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, pursuant to Public Law 101—73, section 1103(a)(4) (103 Stat. 512); to the Committee on Banking and Financial Services.

10418. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting Notice of Final Funding Priorities for Fiscal Years 1998—1999 for Rehabilitation Research Projects and Rehabilitation Research and Training Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

10419. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 1998–1999 for Certain Centers and Projects—received July 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10420. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Bay Area Air Quality Management District [CA 179–0061; FRL—6131–4] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10421. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Mendocino County Air Quality Management District [CA 071–0069; FRL–6129–5] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10422. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary and Secondary Drinking Water Regulations: Analytical Methods for Regulated Drinking Water Contaminants [WH-FRL-6132–2] (RIN: 2040–AC77) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10423. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [CO–001–0026a; FRL–6131–7] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10424. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems [PR Docket No. 93–61] received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10425. A letter from the Interim Auditor, District of Columbia, transmitting a copy of a report entitled "Fiscal Year 1997 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

10426. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the 1995 annual report of the Foundation, pursuant to Public Law 99—591, section 814(b) (100 Stat. 3341—81); to the Committee on Government Reform and Oversight.

10427. A letter from the Director, Office of Personnel Management, transmitting the agency's eleventh annual report on drug and alcohol abuse prevention, treatment, and rehabilitation programs and services for Federal civilian employees covering fiscal year 1996, pursuant to 5 U.S.C. 7363; to the Committee on Government Reform and Oversight.

10428. A letter from the Secretary of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 1997, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

10429. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gloucester Harbor Fireworks Display, Gloucester [CGD01–98–080] (RIN: 2115–AA97) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10430. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Kelso Bayou, La [CGD08–94–028] (RIN: 2115–AE47) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10431. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Maule Aerospace Technology Corp. M–4, M–5, M–6, M–7, MX–7, and MXT–7 Series Airplanes and Models MT–7–235 and M–8–235 Airplanes [Docket No. 98–CE–01–AD; Amendment 39–10669; AD 98–15–18] (RIN: 2120–AA64) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10432. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 (Military) Series Airplanes, and Model MD–88 Airplanes [Docket No. 97–NM–105–AD; Amendment 39–10666; AD 98–15–15] (RIN: 2120–AA64) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10433. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 Helicopters and Agusta S.p.A Model AB 412 Helicopters; Correction [Docket No. 97–SW–58–AD; Amendment 39–10421; AD 98–07–03] (RIN: 2120–AA64) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10434. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fees for Air Traffic Services for Certain Flights Through U.S.—Controlled Airspace [Docket No. 28860; Amendment No. 187–7] (RIN: 2120–AG17) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10435. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, 600N, and OH–6A Helicopters [Docket No. 98–SW–22–AD; Amendment 39–10675; AD 98–15–26] (RIN: 2120–AA64) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10436. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100 Series Airplanes [Docket No. 97–NM–82–AD; Amendment 39–10672; AD 98–15–21] (RIN: 2120–AA64) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10437. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de

Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 98–NM–33–AD; Amendment 39-10673; AD 98–15–22] (RIN: 2120–AA64) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10438. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Stemme GmbH & Co. KG Model S10–V Sailplanes [Docket No. 97–CE–128–AD; Amendment 39-10674; AD 98–15–24] (RIN: 2120–AA64) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10439. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Beaver Dam, WI [Airspace Docket No. 98–AGL–29] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10440. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; New Lisbon, WI [Airspace Docket No. 98–AGL–28] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10441. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Richland Center, WI [Airspace Docket No. 98–AGL–30] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10442. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Waupun, WI [Airspace Docket No. 98–AGL–27] received July 28, 1993, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10443. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Jet Route J–502; VOR Federal Airway V–444; and Colored Federal Airways Amber 2 and Amber 15; AK [Airspace Docket No. 98–AAL–3] (RIN: 2120–AA66) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10444. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ainsworth, NE [Airspace Docket No. 98–ACE–16] received July 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10445. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Knoxville, IA [Airspace Docket No. 98–ACE–12] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10446. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Remove Class E Airspace and Establish Class E Airspace; Springfield, MO [Airspace Docket No. 98–ACE–20] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10447. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kimball, NE [Airspace Docket No. 98–ACE–10] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10448. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Scottsbluff, NE [Airspace Docket No. 98–ACE–18] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10449. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Gordon, NE [Airspace Docket No. 98–ACE–9] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10450. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cambridge, NE [Airspace Docket No. 98–ACE–11] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10451. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marshall, MN [Airspace Docket No. 98–AGL–33] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10452. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Faribault, MN [Airspace Docket No. 98–AGL–26] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10453. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Prairie Du Chien, WI [Airspace Docket No. 98–AGL–32] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10454. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wilmington Clington Field, OH [Airspace Docket No. 98–AGL–31] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10455. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 98—41] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10456. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effective Date of Nondiscrimination Regulations for Church Plans [Notice 98-39] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10457. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Conversion to the Euro [TD 8776] (RIN: 1545–AW34) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the Revised Suballocation of Budget Totals for Fiscal Year 1999 (Rept. 105–662). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. H.R. 2592. A bill to amend title 11 of the United States Code to provide private trustees the right to seek judicial review of United States trustee action related to trustee expenses and trustee removal; with an amendment (Rept. 105–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. Making the Federal Government Accountable: Enforcing the Mandate for Effective Financial Management (Rept. 105–664). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 2070. A bill to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes; with amendments (Rept. 105–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Resources. H.R. 4284. A bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia (Rept. 105–666). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 4090. A bill to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; with an amendment (Rept. 105–667). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on the Judiciary discharged from further consideration. H.R. 1756 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 5 of rule X, the Committee on the Judiciary discharged from further consideration of H.R. 4005.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 4005. Referral to the Committee on Ways and Means extended for a period ending not later than August 7, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. ROUKEMA (for herself and Mr. VENTO):

H.R. 4364. A bill to streamline the regulation of depository institutions, to safeguard confidential banking and credit union supervisory information, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FOX of Pennsylvania (for himself, Mr. MURTHA, Mr. McDADE, Mr. PITTS, Mr. GREENWOOD, Mr. WELDON of Pennsylvania, Mr. HOLDEN, Mr. McHALE, Mr. BORSKI, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. GOODLING, Mr. MASCARA, Mr. DOYLE, Mr. COYNE, Mr. ENGLISH of Pennsylvania, Mr. SHUSTER, Mr. KLINK, Mr. KANJORSKI, and Mr. GEKAS):

H.R. 4365. A bill to designate certain lands in the Valley Forge National Historical Park as the Valley Forge National Cemetery; to the Committee on Resources, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE:

H.R. 4366. A bill to require the Secretary of Agriculture to enter into an agreement with the Commissioner of Social Security to take certain actions to ensure that food stamp benefits are not provided for deceased individuals; and to amend the Food Stamp Act of 1977 to require State agencies to verify that such benefits are not provided for such individuals; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. FILNER, Mr. PETERSON of Minnesota, Ms. BROWN of Florida, Mr. MASCARA, Ms. LEE, Mr. GUTIERREZ, Mr. RODRIGUEZ, Ms. CARSON, Mr. ABERCROMBIE, and Mr. KENNEDY of Massachusetts):

H.R. 4367. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide priority health care to veterans who received one or more nasopharyngeal radium irradiation treatments during active military, naval, or air service; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. FILNER, Mr. PETERSON of Minnesota, Ms. BROWN of Florida, Mr. MASCARA, Ms. LEE, Ms. CARSON, Mr. ABERCROMBIE, Mr. KENNEDY of Massachusetts, and Mr. RODRIGUEZ):

H.R. 4368. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected with respect to radiation-exposed veterans; to the Committee on Veterans' Affairs.

By Mr. CANADY of Florida:

H.R. 4369. A bill to amend title II of the Social Security Act to provide for a more equitable formula for applying the earnings test during the first year of an individual's entitlement to benefits; to the Committee on Ways and Means.

By Mr. COBURN (for himself, Mr. McGOVERN, Mr. WEYGAND, Mr. CARDIN, Mr. BARTON of Texas, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. HALL of Texas, Ms. KILPATRICK, Mr. WAMP, Mr. OLVER, Mr. DELAHUNT, Mr. NORWOOD, Mr. ACKERMAN, Mr. JEFFERSON, Ms. STABENOW, Mr. BERRY, Mr. MOAKLEY, Mr. SANDLIN, Mr. NEAL of Massachusetts, Mr. KENNEDY of Massachusetts, Mrs. McCARTHY of New York, Mr. SUNUNU, Mr. BURR of North Carolina, Mr. MARKEY, and Mr. MEEHAN):

H.R. 4370. A bill to amend title XVIII of the Social Security Act to preserve access to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 4371. A bill to provide for the conveyance of the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona to the town of Pinetop-Lakeside, Arizona; to the Committee on Resources.

By Mr. HAYWORTH:

H.R. 4372. A bill to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park; to the Committee on Resources.

By Mr. HAYWORTH:

H.R. 4373. A bill to provide for the sale of the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona to the town of Pinetop-Lakeside, Arizona; to the Committee on Resources.

By Mr. KENNEDY of Rhode Island (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 4374. A bill to amend title 38, United States Code, to provide that health-care benefits shall be furnished by the Department of Veterans Affairs to veterans with tobacco-related illnesses in accordance with the standards in effect under Department of Veterans Affairs General Counsel opinions issued before the enactment of the Transportation Equity Act for the 21st Century; to the Committee on Veterans' Affairs.

By Mr. MEEHAN:

H.R. 4375. A bill to provide provisions relating to Castano actions; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. BEREUTER, Ms. NORTON, Mrs. MALONEY of New York, and Ms. DeLAURO):

H.R. 4376. A bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes; to the Committee on Commerce.

By Mr. NUSSLE (for himself and Mr. CARDIN):

H.R. 4377. A bill to amend title XVIII of the Social Security Act to expand the membership of the Medicare Payment Advisory Commission to 17; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania (for himself, Mr. BARR of Georgia, Mr. BARTON of Texas, and Mr. ENGLISH of Pennsylvania):

H.R. 4378. A bill to require local educational agencies to develop and implement a random drug testing program for students in grades 7 through 12; to the Committee on Education and the Workforce.

By Mr. SCHUMER:

H.R. 4379. A bill to amend the Internal Revenue Code of 1986 to use 33 1/3 percent of any Federal budget surplus in the general fund to rebate taxpayers based on their payroll taxes and to provide that the remainder of the surplus shall be used to increase discretionary nondefense spending and to reduce the outstanding public debt; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself, Mr. DeLAY, and Mr. BURTON of Indiana):

H. Res. 514. A resolution expressing the sense of the House of Representatives that Attorney General Janet Reno should apply to the Special Division of the United States Court of Appeals for the appointment of an independent counsel to investigate a number of matters relating to the campaign finance investigation currently being conducted by the Department of Justice; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

387. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution 59 memorializing the Congress to present to the legislatures of the several states an amendment to the Constitution of the United States that would specifically provide the Congress power to prohibit the physical desecration of the Flag of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BORSKI, Mr. SERRANO, Mr. KLINK, and Mr. JACKSON of Illinois.

H.R. 536: Mr. GUTIERREZ.

H.R. 693: Mr. FOSSELLA.

H.R. 1176: Mr. LEWIS of California.

H.R. 1232: Mrs. CAPPS and Mr. RADANOVICH.

H.R. 1560: Mrs. CLAYTON, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mr. TORRES, Mrs. MINK of Hawaii, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. McDERMOTT, Mr. HEFNER, Mr. TIERNEY, Mr. MENENDEZ, Mr. SANFORD, Mr. EWING, Ms. ROS-LEHTINEN, Mrs. LINDA SMITH of Washington, Mr. WELDON of Pennsylvania, Mr. TAUZIN, Mr. BERMAN, Mr. BILIRAKIS, Mr. BENTSEN, Mr. FAZIO of California, Mrs. CAPPS, Mr. BAESLER, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BERRY, Mr. BOSWELL, Mr. BROWN of California, Mr. CARDIN, Mr. CLEMENT, Mr. CONDIT, Mr. COYNE, Mr. CRAMER, Mr. DAVIS of Florida, Mr. DELAHUNT, Mr. BECERRA, Ms. DeLAURO, Mr. DIXON, Mr. DOOLEY of California, Mr. DICKS, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HAMILTON, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. Hoyer, Mr. Jackson of Illinois, Ms. Kilpatrick, Mr. Kind of Wisconsin, Mr. Kucinich, Mr. Kleczka, Ms. Lee, Mr. Lewis of Georgia, Mr. Lipinski, Mrs. Lowey, Mr. Markey, Mr. Nadler, Mr. Serrano, Mr. Waxman, Mr. Rodriguez, Mr. Matsui, Mr. Minge, Mrs. Thurman, Mr. McGovern, and Ms. Slaughter.

H.R. 1667: Mr. Canady of Florida.

H.R. 2450: Mr. Watkins.

H.R. 2755: Mr. Barrett of Wisconsin.

H.R. 2953: Mr. Borski, Ms. Roybal-Allard, Mr. Kennedy of Rhode Island, and Mr. Stark.

H.R. 3111: Ms. Carson.

H.R. 3258: Mr. Kennedy of Massachusetts, Mr. Hinchey, and Mr. Vento.

H.R. 3262: Mr. Blagojevich.

H.R. 3475: Mr. Shadegg.

H.R. 3567: Mr. Kleczka.

H.R. 3612: Mr. Andrews, Mr. Smith of New Jersey, Mr. Franks of New Jersey, Mr. Pascrell, Mr. Frelinghuysen, Mr. Pappas, Mr. LoBiondo, Mr. Rothman, Mr. Payne, Mr. Menendez, Mrs. Roukema, and Mr. Saxton.

H.R. 3747: Mr. Calvert and Mr. English of Pennsylvania.

H.R. 3767: Mr. Shaw.

H.R. 3783: Mr. Souder and Mr. Stearns.

H.R. 3790: Mr. Bateman, Mr. Souder, Mr. Coble, Mr. Hunter, Mr. Bachus, Mr. Blunt, Mr. Rohrabacher, Mr. Pitts, Mr. Archer, Ms. Dunn of Washington, Mr. Chambliss, Mr. Hulshof, Mr. Baker, Mr. Shuster, Mr. Dan Schaefer of Colorado, Mr. McDade, Mr. Upton, Mr. Fossella, Mr. Houghton, Mr. Ewing, Mr. Gilchrest, Mr. Duncan, Mr. Barrett of Nebraska, and Mr. Smith of Texas.

H.R. 3792: Mr. Pitts and Mr. Cook.

H.R. 3855: Mrs. Mink of Hawaii, Mr. Coyne, Mr. Tierney, and Mr. Markey.

H.R. 3876: Mr. Coyne.

H.R. 3940: Mr. Matsui.

H.R. 3942: Mr. Blunt.

H.R. 4019: Mr. Fox of Pennsylvania and Mr. Yates.

H.R. 4028: Mrs. Tauscher, Ms. Stabenow, and Mr. Baldacci.

H.R. 4070: Mr. Edwards.

H.R. 4071: Mrs. Mink of Hawaii.

H.R. 4073: Mr. Stark, Ms. Lee, Mr. Ford, Mrs. Clayton, and Ms. McCarthy of Missouri.

H.R. 4090: Mr. LoBiondo, Mr. Canady of Florida, Mr. Royce, and Mr. Weldon of Pennsylvania.

H.R. 4126: Mr. Watkins.

H.R. 4146: Mr. LaFalce.

H.R. 4153: Mr. Cook, Mrs. Myrick, Mrs. Clayton, Mrs. Morella, Mr. Hinchey, and Mr. Metcalf.

H.R. 4174: Mr. Hall of Texas, Mr. Royce, Mr. Miller of Florida, Mr. Goss, Mr. Solomon, Mr. Manzullo, Mr. Shays, Mr. McCrery, Mrs. Myrick, Mr. Coburn, Mr. Klug, Mr. Snowbarger, Mr. Franks of New Jersey, Mr. Sununu, Mr. Sherman, Mr. Hoekstra, Mr. Shadegg, Mr. Goodling, Mr. Sensenbrenner, Mr. Neumann, Mr. Nussle, Mr. Bereuter, Mr. Herger, Mr. Kolbe, Mr. Cox of California, Mr. Hobson, and Mr. Portman.

H.R. 4196: Mr. Manzullo.

H.R. 4213: Mrs. Cubin, Mr. Walsh, Mr. Quinn, Mr. Scarborough, Mr. Dickey, Mr. Gilman, Mr. Manzullo, Mr. Sessions, Mr. Pickering, Mr. English of Pennsylvania, Mr. McIntosh, and Mr. Cook.

H.R. 4214: Ms. Kaptur, Ms. Kilpatrick, Mr. Wise, Mr. Borski, Ms. DeLauro, and Mr. Rangel.

H.R. 4220: Mr. Goode.

H.R. 4228: Mrs. Myrick, Mr. Doolittle, and Mr. Talent.

H.R. 4233: Mr. Nadler, Mr. Markey, Ms. Eddie Bernice Johnson of Texas, Mr. Lipinski, Mr. Matsui, Ms. Pelosi, Ms. Millender-McDonald, Mr. McDermott, Mr. Wexler, Mr. Pascrell, Mrs. McCarthy of New York, and Mr. Brown, of California.

H.R. 4238: Mr. Gutierrez and Ms. Stabenow.

H.R. 4255: Mr. Pickering.

H.R. 4285: Mr. Jefferson and Mr. Weller.

H.R. 4339: Mr. Gekas and Mr. Burton of Indiana.

H.R. 4341: Mr. Skaggs and Mr. McGovern.

H.J. Res. 123: Mr. Sandlin.

H. Con. Res. 210: Mrs. Morella and Ms. Dunn of Washington.

H. Con. Res. 290: Mr. Peterson of Pennsylvania, Mr. Crapo, Mr. Inglis of South Carolina, and Mr. Nethercutt.

H. Con. Res. 313: Mrs. Lowey and Mr. Miller of California.

H. Res. 460: Mr. Poshard, Mr. Davis of Florida, and Mr. Gutierrez.

H. Res. 475: Mr. Ford, Mr. Hastings of Florida, and Mr. Leach.

H. Res. 512: Mr. Ramstad, Mr. Baesler, Mr. Baldacci, Mr. Barrett of Wisconsin, Mr. Barcia of Michigan, Mr. Berry, Mr. Bishop, Mr. Brown of Ohio, Mr. Brady of Pennsylvania, Mr. Camp, Ms. Carson, Mr. Christensen, Mr. Clyburn, Ms. Danner, Mr. Davis of Florida, Mr. Deutsch, Ms. DeLauro, Mr. Dooley of California, Mr. English of Pennsylvania, Mr. Etheridge, Mr. Fazio of California, Mr. Filner, Mr. Gordon, Mr. Hilliard, Mr. Hinchey, Mr. John, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Wisconsin, Ms. Kaptur, Mr. Kind of Wisconsin, Ms. Kilpatrick, Mr. Klink, Mr. Lampson, Mr. Levin, Mr. Lewis of Georgia, Mr. Mascara, Mr. Matsui, Mr. Menendez, Ms. McKinney, Mr. Oxley, Mr. Pascrell, Mr. Pomeroy, Mr. Quinn, Mr. Rahall, Mr. Reyes, Mr. Sabo, Mr. Sandlin, Mr. Serrano, Ms. Stabenow, Mr. Strickland, Mr. Taylor of Mississippi, Mr. Thompson, Mr. Tierney, Mrs. Thurman, Mr. Vento, Mr. Visclosky, Mr. Wamp, Mr. Watt of North Carolina, Mr. Wise, and Mr. Wynn.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4276

Offered By: Mr. Barr of Georgia

Amendment No. 38: At the end of the bill, insert after the last section (preceding the short title) the following:

Sec. ___. No funds appropriated under this or any other Act shall be used to carry out Executive Order 13083, signed by the President on May 14, 1998.

H.R. 4276

Offered By: Mr. Barr of Georgia

Amendment No. 39: At the end of the bill, insert after the last section (preceding the short title) the following:

Sec. ___. None of the funds in this Act may be used to carry out Executive Order 13087 or any regulation issued to carry out such order.

H.R. 4276

Offered By: Mr. Collins

Amendment No. 40: Page 38, line 22, insert "(decreased by $6,000,000)" after "$24,000,000".

SENATE—*Friday, July 31, 1998*

The Senate met at 10 a.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have been faithful to help us when we have asked for Your guidance and strength. May we be as quick to praise You for what You have done for us in the past as we are to ask You to bless us in the future. We have come to You in difficulties and crises this week; You have been on time and in time in Your interventions. Thank You, Lord, for Your providential care of this Senate as it has dealt with an immense workload.

Now, as a much needed recess is taken, we thank You for all the people who make it possible for the Senate to function effectively. Especially, we thank You for the Senators' staffs and all those here in the Senate Chamber who work cheerfully and diligently for long hours to keep the legislative process moving smoothly. Help us to take no one for granted and express our gratitude to each one.

Lord, when this day's work is done, give us refreshment of mind, spirit, and body. Watch over us as we are absent from each other and bring us back with renewed dedication to You and this great Nation we serve. In the name of our Lord and Saviour. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 1998.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLARD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE SENATE CHAPLAIN

Mr. LOTT. Mr. President, we thank our Chaplain for his always meaningful prayers, and we will certainly think of him and all of our colleagues who work with us during this August recess period when we go back to our respective States.

PRAYERS FOR THE FAMILY, FRIENDS AND COLLEAGUES OF OFFICER J.J. CHESTNUT

Mr. LOTT. Mr. President, once again, I want to acknowledge that our thoughts this morning are with the family, friends and colleagues of Officer J.J. Chestnut. He will pass before the Capitol one last time today and be laid to rest. Our hearts continue to be heavy with sorrow for the loss of this fine man. We certainly have his family in our prayers today.

SCHEDULE

Mr. LOTT. Mr. President, we will have a period for morning business today. Following that, the Senate will turn to the consideration of any legislative or Executive Calendar items cleared for action. We are hopeful that some bills can be cleared by unanimous consent. I believe that last night we were able to move around some 20 nominations, plus military nominations, plus at least two or three bills. The Work Force Development Conference Report was one of those. I am glad we were able to move it quickly by unanimous consent. It is almost a shame to do it just in wrap-up because that is such a monumental achievement. We have been working on that legislation now for at least 3 years. We have had difficulty getting it through each body and through conference. But I believe the conferees did a fine job.

I commend Senators JEFFORDS, DEWINE, and all the Senators on both sides of the aisle that were involved in that. That consolidation of jobs training programs will allow us to get better use of the money we have, and a better program for workplace development is an important cog in our effort to improve our overall education opportunities, which should include job training.

As we continue to move toward more and more people going off of welfare and into meaningful jobs, it means we have to continue to work and improve elementary and secondary education, higher education, as well as vocational education and job training. I believe that conference report will do that. I wanted to point out once again this morning what did occur last night. We will continue to try to move other agreed-to bills and conference reports of that nature. We do expect that we will move a number of nominations throughout the day. We may even have to wait a little while to get those agreements worked out or to see if there are others that may be coming out that could be cleared today.

When the Senate returns from the August break, there will be two back-to-back rollcall votes at a time to be determined by the two leaders. Obviously, as we announced last night, there will be no recorded votes today. I know all the Senators already knew that, but I just wanted to confirm it again. As it stands now, we will have two votes when we return, either on August 31, or the 1st of September. The first one will be on the adoption of the Texas low-level waste conference report. There will be 4 hours of debate on that, equally divided, and then a vote. Then we will have a vote on the conference report to accompany the military construction appropriations bill, which will be broadly supported, probably 99-0 or 100-0. As is usually the case, if we don't vote on an appropriations bill when it goes through the Senate the first time, we do usually want to have a vote on the final conference report.

Again, I thank all our colleagues for their cooperation over the last couple of weeks. I think we made some really good progress. We have cleared eight appropriations bills, and the ninth, Treasury-Postal Service is probably within 30 minutes or an hour of completion. I hope we will be able to do that the first week we are back.

We do expect to take up other appropriations bills when we return. I don't know the exact order now, but we have the foreign operations appropriations bill, the Interior appropriations bill, the District of Columbia appropriations bill, and the Labor-HHS, Education appropriations bill. We expect, also, to take up the bankruptcy legislation that came out of the Judiciary Committee. And we do have the trade package from the Finance Committee. I will need to talk with all interested Senators about exactly when and how to schedule that.

I wish all my colleagues a very restful and productive August break. We will look forward to seeing our colleagues then.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MEASURE PLACED ON CALENDAR—S. 2393

Mr. LOTT. Mr. President, I understand there is a bill at the desk awaiting a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct.

The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2393) to protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources.

Mr. LOTT. I object to further consideration of the bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. KYL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

COMPLIMENTING THE MAJORITY LEADER FOR HIS REMARKS AT THE MEMORIAL CEREMONY FOR J.J. CHESTNUT AND JOHN GIBSON

Mr. KYL. Mr. President, as long as the majority leader is still on the floor, let me repeat what I told him a couple days ago. The remarks he made on the occasion of the public ceremony in the Rotunda for the two fallen Capitol Police officers, I thought, were extraordinary, right on the mark, and I very much appreciate his representation of the Senate at that occasion. This Nation has now spent 1 week thinking very carefully about what the meaning of the events of just a week ago are. I think that his remarks and the remarks of other speakers on that occasion certainly help to bring proper perspective to those events for all Americans as well as those of us here in the Congress.

THE RUMSFELD COMMISSION REPORT

Mr. KYL. Mr. President, I want to talk this morning about something called the Rumsfeld Report.

There has been a lot of discussion about the Rumsfeld Commission Report in the news media here in Washington. But around the country I have noted there is less coverage of it.

I want to talk a little bit about it today, because I think that the Rumsfeld Commission Report issued to the Congress about 2 weeks ago is probably the most important report that this Congress has received and that it is one of the most important events of the last 2 years with respect to the obligations of the Congress and the administration to ensure the national security of the United States. Of course, when all is said and done, our first responsibility is to the defense of the American people.

By way of background, in the 1996 defense authorization bill we ensured that there was an amendment that required the establishment of the National Missile System by the year 2003.

During the debate on that amendment, however—this was on December 1, 1995—Senators CARL LEVIN and DALE BUMPERS received a letter from Joanne Isham of the CIA's Congressional Relations Office. That letter claimed that the language in the DOD bill relating to the threat posed by ballistic missiles—I am quoting now—". . . [overstates] what we currently believe to be the future threat" of missile attack on the United States."

This is a letter from the CIA directly to Members of the Senate in opposition to an amendment that is pending on the floor.

The letter also said, again quoting, it was "extremely unlikely" that nations would sell ICBMs and that the United States would be able to detect a homegrown ICBM program "many years in advance," again quoting the letter.

The statements in that CIA letter were based entirely on a new National Intelligence Estimate—an NIE. The title is "NIE 95-19." It was entitled "Emerging Missile Threat to North America During the Next 15 Years." It was released in its classified form in November 1995.

But the key judgment of that NIE is, quoting: ". . .[no] country, other than the major declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that will threaten the contiguous 48 States or Canada."

President Clinton vetoed H.R. 1530, the defense authorization bill for fiscal year 1996, on December 28, 1995, in part because the National Missile Defense System called for pursuant to our amendment, in his words, addresses ". . . [a] long-range threat that our Intelligence Community does not foresee in the coming decade."—end of quote of the President.

In reaction, Mr. President, many Members of the Congress rejected the conclusions of that NIE as incorrect. Some of us on the Intelligence Committee believed that the information that we possessed suggested that the conclusions were inaccurate. Our concerns, frankly, centered on flawed assumptions underlying the key judgment of the NIE. The unclassified assumptions are—there are several. Let me tell you what they are:

First, concentrating on indigenous development of ICBMs adequately addresses the foreign missile threat to the United States.

What that means is, we can focus just on what these countries are able to build all by themselves and that that is going to be adequate in telling us what the threat posed by these countries will be in the future.

Second, foreign assistance will not enable countries to significantly accelerate ICBM development.

In other words, we are not going to look at what other countries might sell or give to these powers that we are concerned about, again relying on the notion that whatever they do they are going to do all by themselves without any help from the outside.

In other words, third, that no country will sell ICBMs to a country of concern.

Fourth, that no countries, other than the declared nuclear powers with the requisite technical ability or economic resources, will develop ICBMs from a space launch vehicle.

In other words, they are not going to use the rockets that are used to launch satellites for military purposes to convert those missiles or rockets for military purposes.

Another assumption: A flight test program of 5 years is essential to the development of an ICBM.

Of course, when the United States and the old Soviet Union did research on a new missile, it would take 5 years for us to test it to make sure it worked properly, because it was always a new concept.

So the CIA assumed in this NIE that it would take 5 years to develop a new missile.

Seventh, that development of short- and medium-range missiles will not enable countries to significantly accelerate ICBM development.

In other words, when they develop a shorter-range missile, that will have nothing whatsoever to do with their capability to develop more robust systems.

Finally, the possibility of an unauthorized or accidental launch from existing nuclear arsenals has not changed significantly over the last decade.

In my view, and in the view of many, these underlying assumptions ignored plain facts: Foreign assistance is increasingly commonplace and will accelerate indigenous missile programs. Other countries have sold, and almost certainly will continue to sell, weapons of mass destruction with ballistic missile components. The MTCR, which is the regime that is supposed to prevent this proliferation of weapons, has already been violated and is no doubt going to be violated again. And, finally, a flight test program does not have to follow the model of the United States or Soviet flight test program.

So the conclusion that flowed from the faulty assumptions of the CIA National Intelligence Estimate had the effect of allowing unwarranted political conclusions to be reached and preached.

Let me reiterate that.

Because of the CIA's letter to Senators at the time that we were debating the national missile defense amendment, policy was affected. The President vetoed that bill based in part on the conclusions of the CIA's National Intelligence Estimate, which was based upon flawed assumptions, which turned out to be inaccurate.

There were several reactions as a result of the President's action.

The General Accounting Office and two former CDIs—Directors of Central Intelligence—Jim Woolsey and Bob Gates, each offered opinions about the NIE 95–19.

The GAO prepared a report in September of 1996, and it concluded that the level of certainty regarding the 15-year threat which was stated in the NIE was, quoting, "overstated."

Former Director of the CIA Jim Woolsey validated this GAO assessment during a September 24, 1996, Senate Foreign Relations Committee hearing. In his formal statement, Mr. Woolsey suggested the 1995 NIE asked the wrong question.

He said the following:

> If you are assessing indigenous capabilities with the currently-hostile countries to develop ICBMs of standard design that can hit the lower 48 states, the NIE's answer that we may have 15 years of comfort may well be a plausible answer. But each of these qualifications is an important caveat and severely restricts one's ability to generalize legitimately, or to make national policy, based on such a limited document.

Among the things that former DCI Bob Gates said about the NIE was that it was "politically naive."

Despite these concerns, the administration and opponents of missile defense were unwilling to hear views contrary to the conclusions of the NIE. Frankly, this is still the case. In May, when the Senate attempted to invoke cloture on the American Missile Protection Act, Senate bill 1873, offered by Senators COCHRAN and INOUYE, the administration based its opposition to the bill on that previous NIE, National Intelligence Estimate 95–19.

Here is the quotation from the administration's opposition:

> The bill seeks to make it U.S. policy "to deploy as soon as technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)."

That is true.

In her letter stating the administration's position in opposition to Senate bill 1873, the Defense Department's general counsel stated, and I quote:

> The Intelligence Community has concluded that a long-range ballistic missile threat to the United States from a rogue nation, other than perhaps North Korea, is unlikely to emerge before 2010... Additionally, the Intelligence Community concluded that the only rogue nation missile in development that could strike the United States is the North Korean Taepo Dong 2, which could strike portions of Alaska or the far-western Hawaiian Islands.

That is the end of the quotation from the Department of Defense general counsel.

So the administration was still basing its opposition to missile defense on this National Intelligence Estimate of 1995.

In the wake of the debate over that poorly crafted report, Congress asked for a second opinion. It appointed a bipartisan commission of former senior government officials and members of academia led by former Defense Secretary Donald Rumsfeld, hence the name "The Rumsfeld Commission Report."

This bipartisan Commission was asked to examine the current and potential missile threat to all 50 States and to assess the capability of the U.S. intelligence community to warn policymakers of changes in this threat.

The Commission unanimously concluded three things: No. 1, the missile threat to the United States is real and growing; No. 2, the threat is greater than previously assessed; and, No. 3, we may have little or no warning of new threats.

Let me go back and review each of those.

> 1. The missile threat to the United States is real and growing.
>
> "Concerted efforts by a number of overtly or potential hostile nations to acquire ballistic missiles with biological or nuclear payloads pose a growing threat to the United States, its deployed forces, its friends and allies. These newer, developing threats in North Korea, Iran and Iraq are in addition to those still posed by the existing missile arsenals of Russia and China, nations with which we are not now in conflict but which remain in uncertain transitions."
>
> 2. The threat is greater than previously assessed.
>
> "The threat to the United States posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community," and a rogue nation could acquire the capability to strike the United States with a ballistic missile in as little as five years.
>
> 3. We may have little or no warning of new threats.
>
> "The Intelligence Community's ability to provide timely and accurate assessments of ballistic missile threats to the United States is eroding."
>
> "The warning times the United States can expect of new, threatening ballistic missile deployments are being reduced," and under some plausible scenarios, "the United States might well have little or no warning before operational deployment [of a long-range missile.]"

Now, Mr. President, why are the Rumsfeld Commission conclusions so different?

First of all, the Commission answered a slightly different question than our intelligence agencies did in the 1995 NIE, by examining the missile threat to all 50 States. The intelligence community has acknowledged that Alaska and Hawaii could be threatened much sooner than 15 years from now, but for some reason did not include that in its 1995 estimate.

Second, the Commission has access to the entire amount of information in the intelligence community—frankly, a broader and more highly classified set of information than most of the analysts in the compartmentalized intelligence world. Obviously, much information is compartmentalized to prevent its unauthorized distribution and release, but that also inhibits to some extent the ability of analysts to appreciate all aspects of the potential threat.

Third, the Rumsfeld Commission recognized that missile development programs in Third World countries no longer follow the patterns of United States and Soviet programs. They might, for example, succeed in testing a missile one time, conclude that they have got it right because, after all, they are using a weapon that has been sold to them essentially by another country and then deploy it based upon one test, whereas the United States and the Soviet Union, as I said before, might well have had to engage in years of testing to ensure that a new product would work.

Fourth, the Commission also understood that foreign assistance and technology transfers are increasingly commonplace. Without getting into the classified information in the Rumsfeld report, it is very clear that countries with which we are concerned have acquired a great deal of technology and in some cases components and perhaps even whole missile systems from other countries eager to earn the cash from the sale of those components or that equipment or technology. And so these nations did not have to do what the intelligence community thought they had to do, and that was to develop it indigenously, from the ground up, with only what the nation could produce. They have been very successful in acquiring technology from other countries which has naturally shortened the lead time for them to develop and deploy their own systems.

Finally, and very importantly, the Rumsfeld Commission realized that foreign nations are aggressively pursuing denial and deception programs, thus reducing our insight into the status of their missile programs. In effect, what the Rumsfeld Commission concluded is this: That while the CIA in its estimate provided to us based its conclusions, in effect, on only what it could prove it knew, which, of course, is very little in the intelligence world, the Rumsfeld Commission examined what we knew and then asked questions about what the implications were about what we knew.

Would it be possible, even though we have no evidence that a country has done certain things, that it could do so as a result of what we knew? And if our assumptions with respect to its intentions are correct, would it not be plausible to assume that they would try to do that; and if they tried to do it, might they succeed?

So questions like that were asked in ways that were not based upon hard evidence in all cases but plausibilities and possibilities, and, as a result of asking those questions, some very troubling conclusions were reached which in many cases were verified by certain confirming evidence. And that is why we now understand that the nations with which we are most concerned have much more robust systems, both with respect to the missiles for delivery of weapons and the weapons on top of the missiles, than we had ever thought before.

Second, these programs can be deployed with little or no warning. And third, and probably the key lesson to come out of this, we have to appreciate the fact that we will be surprised by surprises, but we should not be. We should not be surprised by surprises, because most of what these countries are doing we don't know, and we won't know until the weapon is used or it is finally tested and we realize that they have developed it or we find information in some other way that confirms a program that we previously did not know existed.

So instead of being surprised at surprises, the Rumsfeld Commission report says we need to get into a new mode of thinking to understand that we should not be surprised by surprises, and that we should base our policy on that understanding.

That is my concluding point, Mr. President. The Congress and the President, in setting national policy, in developing our missile defenses, in appropriating the funds to support those programs, should approach this with the understanding that we will have little or no advanced warning, that there is much that we don't know but that we are likely to be facing threats. Therefore, my conclusion is we have got to get on with the development of our missile defenses. That represents my three concluding points. No. 1, we have got to get on with the job of developing and deploying both theater missile defenses and a National Missile Defense System, and we can begin by voting for cloture and for the Cochran-Inouye bill when we return from the recess.

Second, we must improve our intelligence capabilities and resources.

And third, we must avoid arms control measures and diplomatic actions that impede our ability to defend ourselves and damage our intelligence sources and methods.

We have a lot of work to do. Those of us on the Intelligence Committee have committed ourselves, based upon the briefing of the Rumsfeld report, to begin working on the intelligence aspects of this problem, and those who are on the Armed Services Committee and the Appropriations Committees will also have to work toward correction of the problems of the past to assure that our missile defense programs can proceed with the speed that is required to meet these emerging threats.

I conclude by thanking the members of this bipartisan Rumsfeld Commission and suggest to all of my colleagues that they become familiar with the contents of its report because it should certainly guide us in our policy deliberations with respect to the security of the United States from a missile threat in future years.

Mr. ENZI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

GLOBAL WARMING ESTIMATES

Mr. ENZI. Mr. President, I would like to take a couple of minutes to talk about global warming and about where we are in the process of getting information from the administration about the Kyoto Treaty.

Last year, when we were doing appropriations, the Senate unanimously adopted an amendment to the Foreign Operations spending bill. That amendment directed the White House to describe exactly the amounts and locations of all its planned expenditures for domestic and international climate change activities for 1997, 1998, and thereafter. The President signed that bill.

What I hoped to get was a list, by agency, with their expected costs and objectives. I thought the Office of Management and Budget would be able to easily locate the pots of money involved in something as critical to the administration as global warming. But the President's response was a 2-page letter describing the Climate Change Technology Initiative and the Global Change Research Program. I have gotten more information out of any issue of the newspaper. No numbers were included in the global change research section. No numbers were included showing the money the Department of State has spent negotiating climate change or supporting the U.N.'s scientific bodies. No numbers were included telling us how much "indirect programs" would cost.

The administration's letter was an unacceptable response to our request, and it took a year to get it.

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
March 10, 1998.

To the Congress of the United States:

In accordance with section 580 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1998, I herewith provide an account of all Federal agency climate change programs and activities.

These activities include both domestic and international programs and activities directly related to climate change.

WILLIAM J. CLINTON.

In response to Section 580 of Public Law 105-118, "Foreign Operations, Export Financing, and Related Agencies Appropriations Act of FY 1998," the following is a summary of Federal agency programs most directly related to global climate change.

DOMESTIC PROGRAMS

The Climate Change Technology Initiative is a five-year research and technology program to reduce the Nation's emissions of greenhouse gases. Led by the Energy Department (DOE) and the Environmental Protection Agency (EPA), the initiative also includes activities of the National Institute of Standards and Technology (NIST) and the Departments of Agriculture (USDA) and Housing and Urban Development (HUD). The initiative includes a combined $2.7 billion increase over five years for these agencies for research and development on energy efficiency, renewable energy, and carbon-reduction technologies. The initiative also includes $3.6 billion in tax incentives over five years to stimulate the adoption of more efficient technologies in buildings, industrial processes, vehicles, and power generation.

The Global Change Research Program, led by the National Science Foundation and the National Aeronautics and Space Administration, builds understanding of climate change and variability, atmospheric chemistry, and ecosystems. The scientific results from the program help in the development of climate change policies, and the development of new observing systems will enable better monitoring of future climate changes and their impacts. For example, the Tropical Rainfall Measuring Mission satellite launched during 1997 will provide previously unavailable, detailed, and accurate rainfall measurements, filling a significant gap in our understanding of the Earth system. In 1998 and 1999, the program will launch more satellites and increase its focus on investigating regional climate changes and assessing the vulnerability of the U.S. to climate variability and change.

A more complete description of these programs can be found in Chapter 6 ("Promoting Research") of the President's FY 1999 Budget.

INTERNATIONAL PROGRAMS

Last June, the President announced a $1 billion, five-year commitment to address climate change in developing countries. This initiative includes at least $750 million ($150 million per year) for the U.S. Agency for International Development (USAID) to support climate change-related activities in developing countries, particularly programs in energy efficiency, forestry, and agriculture. USAID will also use up to $250 million of its new credit authority to provide partial loan guarantees for projects in developing countries that address climate change.

The Global Environment Facility (GEF) is the world's leading institution for protecting the global environment and avoiding economic disruption from climate change, extinction of valuable species, and collapse of the oceans' fish population. The $300 million proposed for 1999 includes $193 million for U.S. contributions previously due and $107 million for the initial contribution to the GEF's second four-year replenishment (1999 to 2002). Approximately 38 percent of the total U.S. annual contribution to the GEF supports climate change-related projects in developing countries.

The State Department supports the work of the UN framework Convention on Climate Change Secretariat and the Intergovernmental Panel on Climate Change (IPCC)—the single, most authoritative, international scientific and technical assessment body with respect to climate change. Many nations rely on the IPCC for information and assessment advice on climate change.

INDIRECTLY RELATED PROGRAMS

Several Federal agencies conduct programs that are indirectly related to global climate change. For example, the Department of Defense conducts research to improve energy efficiency of military aircraft as a means of improving defense capability. The Department of Transportation conducts research that can lead to improved vehicular traffic flow and reduced fuel consumption. By promoting energy efficiency, these programs can also help reduce the Nation's emissions of greenhouse gases. Nevertheless, since the primary focus of these programs is not on climate change, the Administration does not consider them to be "climate change programs and activities," as stipulated in Section 580 of the Foreign Operations bill.

Mr. ENZI. Since that time, other Members of Congress have been trying diligently to track down these budget numbers. I have tried to get questions answered. I have followed up on administration statements. It has not been easy. The House Government Reform Committee has been forced to issue three subpoenas and has threatened a fourth. In response to those, the administration has made some documents available, but some are still waiting for White House Counsel approval.

I, too, have encountered obstacles in trying to see those cost numbers. Earlier this year, Janet Yellen, Chairman of the Council of Economic Advisers, testified twice in the House that Kyoto would cost American families only $90 per year—only $90 per year. Estimates from independent economic consulting firms, however, show vastly different numbers. These estimates put costs as high as $2,100 per household per year. Most people that I know think that $90 a year would be a lot of additional tax; $2,100 would be unconscionable. That is a $2,000 difference per year on what it will cost to solve the problem the administration says we have.

The obvious question is, Why are they so far apart? Why are the White House numbers so low? The Department of Energy places the cost of reducing 1 ton of carbon emissions at $130 to $150, to cut to 1990 levels. The White House uses $171 per ton, to go 7 percent below 1990. If you add it up, the cost is over $100 billion per year, not adjusted for inflation. Factor in inflation and divide by households. The fact is, that $90 per family is not realistic.

When Ms. Yellen was asked how they came up with the $90, her answer was that the assumptions and models were a national security secret.

I asked for a copy of those documents. I was told that they were a national security secret. I pointed out that when you get elected to this body, you get a top secret clearance. You are supposed to be able to view all documents necessary to your work. I offered that, if they were so busy that they couldn't deliver those numbers to the Capitol, that I would be happy to go down to the White House and look at those numbers. After some weeks, they did say they might send a few numbers up.

I asked the Counsel of Economic Advisers nominee, Rebecca Blank, if she could get me a copy. I held up the nomination until they could produce them. I got a series of runs and explanations, but certain critical parts were missing. In fact, what I got is a table of contents with formulas, and no explanation.

I was also curious to know what part of these documents had been so secret. They were delivered by an intern from the White House to my office, not given to me personally, not stamped "confidential." There was no stamp on them whatsoever to designate how important these were to national security. So I had to suspect that I had not gotten the documents that we had been talking about.

I asked about it. I got an interesting response. I would like to share part of that with my colleagues.

> The White House Counsel's Office is concerned that public disclosure of these materials would set an unfortunate precedent that could chill the free flow of internal discussions essential to effective decision making. Counsel believes that such disclosure is not necessary for purposes of Congressional oversight.

In other words, we don't deserve the information. We should not be a part of that. We don't need to know. And letting us know would damage the Executive's ability to make decisions.

We are the policy body of the United States. Only with FDR did the President start traveling all over the country, and all over the world, trying to set legislation. That has gone on, on an ever-increasing basis, since that time. It is our job to pass the laws. The laws set the policy. The White House is the management branch of this Government. And they say that our information would interfere in their decisionmaking, it would have a chilling effect.

Mr. President, I ask unanimous consent the letter from the Executive Office of the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL OF ECONOMIC ADVISERS,
> *Washington, DC, July 29, 1998.*
>
> Hon. MICHAEL B. ENZI,
> *U.S. Senate, Russell Senate Office Building, Washington, DC*
>
> DEAR SENATOR ENZI: I understand that you would like me to elaborate on the views I expressed during my testimony before Congress regarding public disclosure of the documents that were relied on in preparation of my testimony on the economic implications of the Kyoto Protocol. It is also my understanding that you are specifically interested in the reasons why public disclosure of these documents would not be useful to U.S. interests in ongoing international negotiations.
>
> The economic materials relied on in the preparation of my testimony reflect internal deliberations of the Executive Branch, and in particular, of the President's economic advisers. Nonetheless, we provided these documents to you and several House Committees, expressly on the basis that they not be made public. We did so in an effort to accommodate the legitimate oversight needs of Congress while preserving the President's interest in the confidentiality of Executive Branch deliberations. The White House Counsel's Office is concerned that public disclosure of these materials would set an unfortunate precedent that could chill the free flow of internal discussions essential to effective Executive decision making. Counsel believes that such disclosure is not necessary for purposes of Congressional oversight.
>
> In addition, disclosure of some of these documents would not be helpful to the position of the United States in ongoing international negotiations. The documents reveal Administration assessments of the costs of options that are the topic of ongoing negotiations in international fora. We prefer that other countries participating in those negotiations not have access to such materials.
>
> I appreciate your consideration of our views on this matter. Please let me know if you have any other questions or need additional information.
>
> Sincerely,
>
> JANET L. YELLEN.

Mr. ENZI. I do disagree with that. I think the public does have a right to know. What is the point in hiding the information? What is the White House afraid that people might find out? I have a hunch it is all about jobs. The study conducted by DRI-McGraw-Hill estimated Kyoto could cost us 1.5 million jobs. Charles River Associates puts that figure as high as 3.1 million jobs by 2010.

Even the Argonne National Laboratory pointed to job losses in a study on the impact of higher energy prices on energy-intensive industries. Argonne concluded that 200,000 American chemical workers could lose their jobs. All of the American aluminum plants could close, putting another 20,000 workers out of work. Cement companies would move another 6,000 jobs overseas. And nearly 100,000 United States steelworkers would be out of work.

Americans have a right to know what is going on. They have a right to know if it is going to cost them their job.

Mr. President, I ask for a few additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, even if the Office of White House Counsel doesn't think so, they should have a chance to see who is playing with their livelihoods.

In spite of the White House position, the Secretary of Interior had the nerve to call energy companies "un-American in their attempts to mislead the American public." Remember, they are the only ones disclosing figures. They are the only ones from whom you can get the model, all of the math, and an explanation. They are the ones sharing data.

The Secretary of Interior had the nerve to call them "un-American in their attempts to mislead the American people." He further asserted that they were engaged in "a conspiracy to distort the facts." They are the only ones sharing facts.

I will repeat that. They were called "un-American in their attempts to mislead the American people." There are a lot of people working in coal and oil fields in my State, over 20,000 of them. Mr. President, 20,000 people is 6 percent of all the people working in Wyoming. More important, it is over 10 percent of the private sector employees.

These are the people who work for energy companies. These are the people Mr. Babbitt claims are "un-American." I think they are worried about their jobs. They are worried about laying off their employees. They are worried about their own families and all the other families who survive in our towns because of energy production. As an industry, these people are worried about a treaty that can force them to lay off over a million Americans. It could force industry to lay off half of their employees in Wyoming.

On the other hand, the Executive Office of the President finds that, "public disclosure would set an unfortunate precedent" and that it "is not necessary for purposes of Congressional oversight." I ask just who is misleading the American people?

There is something else I want to bring to the attention of this body. In spite of the fact that the President has firmly stated that this treaty will not be implemented before ratification, right now the Environmental Protection Agency has undertaken an effort to manipulate the Clean Air Act to enact it. I think we deserve to know what other branches of Government are currently working behind the scenes, behind our back, to make changes through Executive orders or rules and regulations that put a treaty into place that this body would not ratify. If it were brought here today, it would not be ratified. It violates everything in the resolution that we adopted, sending signals to the people who went to Kyoto to negotiate on behalf of the United States.

There has been no public input. I think the administration does not want public input on climate change. I know they don't want to look at the science, but I think they also don't want public input. If they wanted input, this letter from the Executive Office wouldn't say what it does. If the White House wanted the public to know all the details about the treaty, they would send it to the Senate and America, and they would let us debate it. They would tell the American people what they are planning to do.

My only experience in the executive branch was as mayor of a boom town. But I can tell you, when I was trying to pass the smallest bond issue or when I was working on negotiations on industrial siting, figuring out what the companies that were coming to our counties would have to do to participate in the growth of our town so we could have orderly growth, if I would not have shared on a regular basis more information, more detail, more explanation for those little things than what the President is doing with us on this big thing, I would not have been able to do any of them, and I should not have been able to do any of them.

It is the duty of the executive branch to inform the people who make the decisions legislatively, to provide them with all of the information that can possibly be provided and not just to send out a group of numbers with no explanation, a bunch of abbreviations with no explanation. We don't need a table of contents. We don't need a bunch of math. We need answers. We need to know the formulas, and we need to be able to have people who understand those numbers take a look at them.

This is not national security. This is a need for the American public to know, and the American public in this case probably ought to start with the U.S. Senate. We do have the kind of authority that we should be able to get the numbers, and if the President wants cooperation from us, he will provide those numbers. We can take them the way he wants. We can take them in secret, but I hope they will share them with us and with the American public.

SACAJAWEA ON THE DOLLAR COIN

Mr. ENZI. Mr. President, I rise today to express my strong support for the selection of an image of Sacajawea for the new one dollar coin. The Dollar Coin Design Advisory Committee recently recommended to the Treasury Secretary that the new dollar coin bear a design inspired by Sacajawea. On July 29th, the Treasury Secretary announced that he was accepting the Committee's recommendation. I am pleased that the committee and the Treasury Secretary have recognized the important role of Sacajawea in the history of our Nation.

I do believe that it is important, however, that the coin explicitly honor and bear a likeness of Sacajawea. The actual language of the committee's recommendation is that the coin should bear a design of "Liberty represented by a Native American woman, inspired by Sacajawea and other Native American women." This language is a bit vague, but it does make it clear that Sacajawea is their symbolic choice. I strongly urge the Treasury Secretary to approve a final design that is based on a historically accepted image of Sacajawea. There are several images that could be used, and I will be happy to share them with the Secretary.

Mr. President, I am distressed to learn that a bill has been introduced in Congress that would overturn the recommendation and subsequent acceptance of the depiction of Sacajawea on the new one dollar coin. As we know, Congress specifically refrained from mandating a design for the coin when we passed the authorizing legislation. This was to ensure that political pressures would not affect the decision-making process. Instead, the Treasury Secretary appointed the Dollar Coin Design Advisory Committee, which was specifically charged with coming up with a design for the coin, subject to some general guidelines from the Secretary. The selection process of the advisory committee emphasized citizen participation. After a thorough and open debate, the committee voted 6-1 to recommend Sacajawea for the dollar coin. Unfortunately, that whole process could be undermined by the bill that has been introduced. We are beyond debating the merits of Sacajawea or the Statue of Liberty. Arguments against her image obviously were not persuasive. I see no reason for Congress to attempt to impose its will and reverse a decision that was made by an unbiased panel based on extensive input from the American people.

Mr. President, I sent a letter to the Treasury Secretary earlier this month requesting that he accept the committee's recommendation of Sacajawea for the new one dollar coin. In that letter, I outlined some of the reasons that I think she would be a great choice for the coin. I would like to briefly discuss these reasons right now.

As most Americans know, Sacajawea was an integral part of the Lewis and Clark expedition, the story of which is an incredible tale of adventure, determination, cooperation, and persistence. When Lewis and Clark set out for the West, they had no idea what they might find in the coming months or how long they would be gone. Anyone who has traveled through the West has to be in awe of what the Lewis and Clark expedition was able to accomplish. It is remarkable that Sacajawea was just a teenager with an infant when she endured the rigors of this trip into uncharted territory.

The importance of Sacajawea to the Lewis and Clark expedition can not be understated. Her knowledge of the land and its resources helped the expedition survive the rugged terrain of the West.

Her diplomatic and translation skills helped Lewis and Clark establish peaceful relations with the American Indians they met along the way, whose assistance was also vital to the expedition. Her bravery saved the expedition's valuable supplies, including the journals that would be used to record the trip, after a boat nearly capsized. Lewis and Clark's appreciation of her skills and resourcefulness led them to grant her a vote on the operation of the expedition that was equal to the other members of the group. In a very real sense, this is the first recorded instance of a woman being allowed to vote in America. I am proud to note that Wyoming, which typifies the landscape of their journey, also recognized the important role of women in overcoming the challenges of the West and was the first state to grant women the right to vote.

I believe that the selection of Sacajawea to be represented on the dollar coin would not only celebrate her valuable contribution to the Lewis and Clark expedition, it would also celebrate the contributions of all American Indians during the expedition. In addition, it would honor all the American Indians of our nation; it would celebrate the greatest terrestrial exploration ever undertaken in U.S. history; and, it would commemorate the turning of our country's hearts and minds from Europe and the East—to the West and our future.

Mr. President, I urge the Treasury Department to continue the process of selecting an image of Sacajawea for the dollar coin. I also urge the Treasury Department to specifically designate and honor Sacajawea as the person on the coin. And finally I encourage my colleagues to oppose any measure that would undermine the placement of Sacajawea on the dollar coin.

Thank you, Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for the next 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF KIM McLEAN WARDLAW AND THE NINTH CIRCUIT

Mr. DEWINE. Mr. President, later today, the U.S. Senate will vote on the nomination of Kim McLean Wardlaw to be a judge for the ninth circuit. The Judiciary Committee approved this nomination by a voice vote. At that time, I noted my opposition to this nomination for the record. Today, I expect the Senate will approve this nomination by a voice vote again. Again, Mr. President, I note my opposition for the record.

When we vote on the nomination of a Federal district or circuit court judge, I am sure all of us do so only after deliberation and consideration. I believe that the President of the United States has very broad discretion to nominate whomever he chooses, and I believe the U.S. Senate should give him due deference when he sends us his choice for a Federal judgeship.

Having said that, however, I believe the Senate has a constitutional duty, and it is prescribed in the Constitution, to offer its advice and consent on judicial nominations. Each Senator has his or her own criteria for offering this advice and consent. However, since these nominations are lifetime appointments, all of us must take our advice and consent responsibility very seriously, and rightfully so.

Earlier this year, when the Senate Judiciary Committee considered the nomination of another nominee to be a judge for the ninth circuit, in this case William Fletcher, I expressed my concerns about how far the ninth circuit has moved away from the mainstream of judicial thought and how far it consistently—consistently—strays from Supreme Court precedent.

At that time, considering that nomination to the ninth circuit, I also stated that when the Judiciary Committee considers nominees for the ninth circuit, I feel compelled to apply a higher standard of scrutiny than I do with regard to other circuits.

I have come to this conclusion after an examination of the recent trend of decisions that have been coming out of this ninth circuit. Simply put, I am concerned that the ninth circuit does not follow Supreme Court precedent, and its rulings are simply not in the mainstream. The statistics tell the sad story.

In 1997, the Supreme Court of the United States reversed 27 out of 28 ninth circuit decisions that were appealed and granted cert. That is a 96-percent reversal rate.

In 1996, 10 of 12 decisions for that same circuit were reversed, or 83 percent. If you go back to 1995, 14 of 17 decisions were reversed, or an 82-percent reversal rate.

In other words, what we are seeing from 1995 to the present is an escalating trend of judicial confrontation between the ninth circuit and the U.S. Supreme Court. Let's keep in mind that the Supreme Court only has time to review a small number of ninth circuit decisions. This leaves the ninth circuit, in reality, as the court of last resort for the 45 million Americans who reside within that circuit. In the vast, vast majority of cases, what the ninth circuit says is the final word.

To preserve the integrity of the judicial system for so many people, I believe we need to take a more careful look; I believe this Senate needs to take a more careful work at who we are sending to a circuit that increasingly chooses to disregard precedent and ultimately just plain gets it wrong so much of the time.

Consistent with our constitutional duties, the U.S. Senate has to take responsibility for correcting this disturbing reversal rate of the ninth circuit. That is why I will only support those nominees to the ninth circuit who possess the qualifications and have shown in their background that they have the ability and the inclination to move the circuit back towards that mainstream.

Mr. President, as the statistics reveal, the ninth circuit's reversal rate is an escalating problem. It is not getting better, it is getting worse. So today, this Senator is drawing the line. I am providing notice to my colleagues that this is the last ninth circuit nominee that I will allow to move by voice vote on this floor.

Further, until the ninth circuit starts to follow precedent and produce mainstream decisions, I will continue to hold every ninth circuit nominee to a higher standard to help ensure that the 45 million people who live in the ninth circuit receive justice that is consistent with the rest of the Nation, justice that is predictable, justice that is not arbitrary, nor dependent on the few times the Supreme Court actually reviews and ultimately reverses an erroneous ninth circuit decision.

Mr. President, all this leads me back to this nominee for the ninth circuit, the nominee that we will later today be considering, Judge Kim Wardlaw. There is simply, in my opinion, no evidence that this nominee will help to move the ninth circuit closer to the mainstream. And it is largely for that reason that I rise today to oppose this nomination.

On November 9, 1995, the Judiciary Committee approved Kim Wardlaw's nomination to be U.S. district judge by unanimous consent. Further, the full Senate did the same thing on December 22, 1995. Today, we are now considering her nomination for elevation to the ninth circuit.

Mr. President, during Judge Wardlaw's nomination hearing last June, I asked her to explain or describe the significant cases in which the Women's Lawyers Association of Los Angeles, the WLALA, filed amicus briefs during the time Judge Wardlaw served as president of this organization from 1993 to 1994 and the role she played during that time in the selection of these cases. That was my question.

Judge Wardlaw responded that when she was president there was a "separate Amicus Briefs Committee that would take requests for writing briefs." She described one case she remembered from that year in which the WLALA filed an amicus brief. Our dialogue in the committee then continued as follows. I asked her to "tell me again—

you had this committee. Did you sit on the committee?" She responded, "No, I did not." Then I asked her, "Did the president sit on the committee?" She responded, "No."

In written followup questions that I sent to her, I stated—and I quote—"In further reviewing the questionnaire to the Judiciary Committee, I noticed that you responded you were Amicus Briefs Committee chair (1997-98)." I then rephrased the question I asked her at the hearing. In her written response, Judge Wardlaw apologized, "if my response to your question at the hearing was narrower in any way than the scope of your intended question"—she then explained she thought my question and "ensuing colloquy" only referred to the years 1993 and 1994 that she was president of the Women's Lawyers Association of Los Angeles, and not to the year she served as the Amicus Briefs cochair from September 1977 to 1988.

Mr. President, I believe her written response was sincere. I do, however, think that she could have been more forthcoming in this response. I believe she could have been more forthcoming in her response during the hearing in order to clarify that she had, in fact, served as one of the chairs of the Amicus Briefs Committee during another point of her entire membership of the WLALA, which by the way, began in 1983.

Mr. President, further, in Judge Wardlaw's 1995 responses to the Judiciary Committee's questionnaire for her nomination to be U.S. district court judge, she noted she was a member of the California Leadership Council for the NOW Legal Defense and Education Fund, California Leadership Council. However, she omitted this information from her 1998 questionnaire.

When recently asked orally to explain this omission, she noted that the NOW Legal Defense and Education Fund's California Leadership Council "was not an organization"—it "was not an organization." So she said that she should not have even noted her affiliation with the organization in her original district court nomination questionnaire.

Mr. President, I think, again, this, in my view at least, reflects a reluctance to be totally forthcoming with the committee. It is required of a nominee to include all information that is requested in the committee's questionnaire. And it is up to each committee member to weigh the importance, then, of the nominee's responses. Let me make it clear, Mr. President, people can make mistakes on questionnaires. I believe, however, the evidence shows—the totality of the evidence shows she has not been as forthcoming to this committee as, frankly, we should expect.

This nominee has a 12-year affiliation—12-year affiliation—with the Women's Lawyers Association of Los Angeles. She has not only been a member, but has served as an officer. She has served as Amicus Briefs Committee chair and as vice president. She was elected as president of the organization, and served as chair of the Nominations Committee, which selects the officers of the organization.

During the time she served in a leadership capacity, this organization filed amicus briefs in the Supreme Court in cases such as William Webster v. Reproductive Health Services, the case of Rust v. Sullivan, and Planned Parenthood of Southeastern Pennsylvania v. Casey.

I only cite these cases as further examples of her position as a leader of an organization that, in fact, took public stands on issues that were contrary to what the Supreme Court ultimately decided. For me, this serves as evidence that Judge Wardlaw would not help move the circuit more to the mainstream. This is not simply a matter of this nominee being a mere member of an organization that took these positions. Rather, this is a matter of her being a recognized leader of this organization who states, however, that she was not aware of the legal positions taken by this organization.

In response to Senator THURMOND's written questions, Judge Wardlaw stated that "Once a position was voted upon . . . it was the position of the organization as a whole, not necessarily the view of any individual member." That may be, Mr. President, but she did not offer to the Judiciary Committee any details on the role she may or may not have played in the development of these positions.

Judge Wardlaw also stated that she "would not have publicly opposed a position taken by the organization." I believe anyone who voluntarily holds numerous leadership positions in an organization—leadership positions ranging from president to secretary to chair of various committees—I believe that person adopts, helps shape, or at the very least condones the positions taken by that organization.

After all, our committee asked all nominees if they belong to any organization that discriminates on the basis of race, sex or religion; and if so, we ask what the nominee has done to try to change these policies. These are not exactly comparable, but the point simply is, when we ask the questions about membership, we asked it for a reason. It does not mean we hold someone accountable for everything, every position that a committee or organization took that they belong to. No. We weigh the totality of the circumstances, and we try to be fair. But the evidence is overwhelming of her leadership positions.

Frankly, quite candidly, this is not the first nominee who has come before our committee who has been involved with amicus briefs, who has been in an organization that files these briefs, who has held a leadership position, and who then says, "Oh, no, really, I didn't have anything to do with the formulation of those briefs or the decision about filing them." That is a troubling position. And it is a position that we keep hearing from nominee after nominee.

Let me put future nominees on notice that, at least for this U.S. Senator, that type of response is not acceptable.

Mr. President, considering all of these factors, I oppose this nomination. I recognize the reality that this nominee would have been approved if a vote had been taken on the floor. One of the things we learn to do in this business, Mr. President, is to count. And I can count. Therefore, I do not want to put my colleagues, as we begin to leave for the August recess, through the necessity of a rollcall which would slow this process down or inconvenience them. But I felt I had to come to the floor this morning and state my position.

Mr. President, before we consider future ninth circuit nominees, I urge my colleagues to take a close look at the evidence—evidence that shows that we have a judicial circuit that each year moves farther and farther from the mainstream and more and more in a confrontational role with the U.S. Supreme Court and with Supreme Court precedents.

For that reason, Mr. President, I intend in the future to seek rollcall votes on all nominees for the ninth circuit. Until we reverse this disturbing trend, I believe the Senate needs to be on the record as either part of the problem or part of the solution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

Mr. ENZI. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 501, S. 2112.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

> A bill (S. 2112) to make Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. I ask unanimous consent the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2112) was considered read a third time and passed, as follows:

S. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postal Employees Safety Enhancement Act".

SEC. 2. APPLICATION OF ACT.

(a) DEFINITION.—Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after "the United States" the following: "(not including the United States Postal Service)".

(b) FEDERAL PROGRAMS.—

(1) OCCUPATIONAL SAFETY AND HEALTH.—Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after "each Federal Agency" the following: "(not including the United States Postal Service)".

(2) OTHER SAFETY PROGRAMS.—Section 7902(a)(2) of title 5, United States Code, is amended by inserting after "Government of the United States" the following: "(not including the United States Postal Service)".

SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT BASED ON OSHA COMPLIANCE.

Section 404(b)(2) of title 39, United States Code, is amended to read as follows:

"(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

"(A) shall consider—

"(i) the effect of such closing or consolidation on the community served by such post office;

"(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

"(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

"(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

"(v) such other factors as the Postal Service determines are necessary; and

"(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).".

SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION OF SERVICES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding after section 414 the following:

"§ 415. Prohibition on restriction or elimination of services

"The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"415. Prohibition on restriction or elimination of services.".

SEC. 5. LIMITATIONS ON RAISE IN RATES.

Section 3622 of title 39, United States Code, is amended by adding at the end the following:

"(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.".

Mr. ENZI. Mr. President, this bill that was just passed by the Senate will dramatically improve workplace safety and health for more than 800,000 U.S. Postal Service employees. Senate bill 2112, the Postal Employees Safety Enhancement Act, will bring the Postal Service under the full jurisdiction of the Occupational Safety and Health Administration. It is my firm belief that government must play by its own rules, that all Federal agencies must comply with the 1970 occupational safety and health statute. They are not required to pay penalties issued to them by OSHA. They will be under this bill. The lack of any enforcement tool renders compliance requirements for the subsector ineffective, at best.

My first look at this occurred when I noticed that Yellowstone National Park had been cited for over 600 violations. Ninety of them were serious. One of them was failure to report a death.

It occurred to me, though, that they may not be the worst violators, so I checked on the Federal Government and found that the agency that we needed to start with was the U.S. Postal Service.

What is most troubling about the Postal Service's safety record is its annual workers' compensation payments. From 1992 to 1997, the Postal Service paid an average of $505 million in workers' compensation costs, placing them once again at the top of the Federal Government's list. Moreover, the Postal Service's annual contribution to workers' compensation amounts to almost one-third of the Federal Government's $1.8 billion price tag.

In 1970, Congress passed the Postal Reorganization Act, eliminating the old Postal Department status as a Cabinet office. Twelve years later, the Postal Service became fiscally self-sufficient and is to be congratulated on that.

After carefully listening to the perspectives of the Post Office and the unions representing its employees, I have concluded that the Postal Employees Safety Enhancement Act is necessary legislation. S. 2112 addresses specialized problems in a specialized business by permitting OSHA to fully regulate the Postal Service the way it does private businesses. In addition, the bill would prevent the Postal Service from closing or consolidating rural post offices or services simply because it is required to comply with OSHA. Service to all areas in the Nation, rural or urban, was made a part of the Postal Service's mission by the 1970 Postal Reorganization Act. The quality of service it provides should not decrease because of efforts to protect and ensure employee safety and health.

Along this same premise, the bill would prevent the Postal Rate Commission from raising the price of stamps to help the Postal Service pay for potential OSHA fines. Rather, the Postal Service should offset the potential for the fines by improving the workplace conditions. That is what we have been trying to do on all OSHA work that we have done—to get more safety and health in the workplace. That would decrease the Postal Service annual $505 million expenditure on workers' comp claims, and, more importantly, it would keep those employees safe. That is why the money won't have to be spent.

I do not believe that this incremental bill should be looked on as an expansion of regulatory enforcement. For years OSHA has been inspecting the Federal work sites and issuing citations to those who are not in compliance. This will continue, whether this bill is signed into law or not. S. 2112 would simply require the Postal Service to pay any fine issued by OSHA to the General Treasury, expediting abatement of safety and health hazard.

Abating occupational safety and health hazards should be a top priority of any employer. Now, the U.S. Postal Service recently announced a $100 million program to entice kids to collect stamps. I don't question the validity of such a program or the benefit it would have on the Nation's kids. However, I do question whether this program should be a priority while workers' compensation claims and injuries, illness, lost time, and fatality rates remain so high.

We must ensure the safety and health of all employees because they are the most important asset of any business. The success or failure of any business, including the Post Office, rests on their ability to provide efficient care and service to their customers.

In my capacity as a Senator, I have committed much of my time to the advancement of workplace safety and health by advocating commonsense, incremental legislation. While it is important for OSHA to retain its ability to enforce the law and respond to employee complaints in a timely fashion, the agency must also begin to broaden its preventive initiatives in an effort to bring more workplaces into compliance before accidents and fatalities occur.

I want to extend my sincere thanks to Senator BINGAMAN for coauthoring the Postal Employees Safety Advancement Act. I believe all stakeholder meetings have paid off—producing a balanced, incremental piece of legislation. Chairman JEFFORDS of the Senate Labor Committee and ranking member, Senator KENNEDY, are to be commended for their steady commitment to advancing occupational safety and health. I also thank their staffs for all of the time that they spent on it. I particularly congratulate and express my appreciation to Chris Spear of my staff, and the other people on my team in the office who have been helping on a day-by-day, grind-it-out basis to work on all occupational safety and health. I am thankful for all the time that everyone has spent discussing this important issue with me.

I also want to thank all of the cosponsors. This is a very bipartisan bill. Their support is greatly appreciated.

Finally, I want to thank Congressman GREENWOOD for authoring the House version and subcommittee chairmen BALLENGER and McHUGH for their careful consideration in their respective subcommittees. Their work has helped to make this a real team effort.

Mr. KENNEDY. Mr. President, I am proud to join Senator ENZI and the other original cosponsors of this bill, Senator JEFFORDS, Senator BINGAMAN, and Senator BROWNBACK, in celebrating the final passage of the Postal Employees Safety Enhancement Act. I especially want to commend Senator ENZI for his leadership on this bill. His tireless devotion to the safety and health of the nation's workers has resulted today in passage of significant improvements for employees of the United States Postal Service. I am pleased to have worked with him on the passage of this important legislation, which will extend coverage of the Occupational Safety and Health Act to employees of the United States Postal Service. The bill has broad bipartisan support, and it is supported by the Administration as well.

Few issues are more important to working families than health and safety on the job. For the past 28 years, OSHA has performed a critical role—protecting American workers from on-the-job injuries and illnesses.

In carrying out this mission, OSHA has made an extraordinary difference in people's lives. Death rates from on-the-job accidents have dropped by over 60% since 1970—much faster than before the law was enacted. More than 140,000 lives have been saved.

Occupational illnesses and injuries have dropped by one-third since OSHA's enactment—to a record low rate of 7.4 per 100 workers in 1996.

These numbers are still unacceptably high, but they demonstrate that OSHA is a success by any reasonable measure.

Even more lives have been saved in the past two places where OSHA has concentrated its efforts. Death rates have fallen by 61% in construction and 67% in manufacturing. Injury rates have dropped by half in construction, and nearly one-third in manufacturing. Clearly, OSHA works best where it works hardest.

Unfortunately, these efforts do not apply to federal agencies. The original OSHA statute required only that federal agencies provide "safe and healthful places and conditions of employment" to their employees. Specific OSHA safety and health rules did not apply.

In 1980, President Carter issued an Executive Order that solved this problem in part. It directed federal agencies to comply with all OSHA safety standards, and it authorized OSHA to inspect workplaces and issue citations for violations.

President Carter's action was an important step, but more needs to be done. When OSHA inspects a federal workplace and finds a safety violation, OSHA can direct the agency to eliminate the hazard. But OSHA has no authority to seek enforcement of its order in court, and it cannot assess a financial penalty on the agency to obtain compliance.

The situation is especially serious in the Postal Service. Postal employees suffer one of the highest injury rates in the federal government. In 1996 alone, 78,761 postal employees were injured on the job—more than nine injuries and illnesses for every hundred workers. The total injury and illness rate among Postal Service workers represents almost half of the rate for the entire federal government, even though less than one-third of all federal workers are employed by the Postal Service. Fourteen postal employees were killed on the job in 1996—one-sixth of the federal total. Workers' compensation charges at the Postal Service are also high—$538 million in 1997.

This legislation will bring down these unacceptably high rates. It permits OSHA to issue citations for safety hazards, and back them up with penalties. This credible enforcement threat will encourage the Postal Service to comply with the law. It will save taxpayer dollars currently spent on workers' compensation costs.

Most important, it will reduce the extraordinarily high rate of injuries among postal employees. Ever worker deserves a safe and healthy place to work, and this bill will help achieve that goal for the 860,000 employees of the Postal Service. They deserve it, and I am pleased to join my colleagues in providing it.

ROBERT C. WEAVER FEDERAL BUILDING

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 486, S. 1700.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

> A bill (S. 1700) to designate the headquarters of the Department of Housing and Urban Development in Washington, the District of Columbia, as the "Robert C. Weaver Federal Building."

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, I rise to speak in favor of the unanimous passage of S. 1700, a bill to designate the headquarters of the Department of Housing and Urban Development, located at 451 Seventh Street, SW, as the "Robert C. Weaver Federal Building." I am proud to offer my tribute to a brilliant and committed public servant the late Dr. Robert C. Weaver, advisor to three Presidents, director of the NAACP, and the first African-American Cabinet Secretary. He was also a dear friend, dating back some 40 years.

A native Washingtonian, Bob Weaver spent his entire life broadening opportunities for minorities in America and working to dismantle America's deeply entrenched system of racial segregation. He first made his mark as a member of President Roosevelt's "Black Cabinet," an informal advisory group promoting educational and economic opportunities for blacks.

I first met Bob in the 1950s when we worked for Governor Averell Harriman. He served as Deputy Commissioner of Housing for New York State in 1955, and later became State Rent Commissioner with full Cabinet rank. Our friendship and collaboration would continue through the Kennedy and Johnson Administrations. By 1960, Bob was serving as President of the NAACP. President Kennedy, impressed with Bob's insights and advice, soon appointed him to head the Housing and Home Finance Agency in 1961—the highest Federal post ever occupied by an African-American.

When President Johnson succeeded in elevating HHFA to Cabinet level status in 1966, he didn't need to look far for the right man to head the new Department of Housing and Urban Development—Bob Weaver became the nation's first African-American Cabinet Secretary. Later, he and I served together on the Pennsylvania Avenue Commission.

Following his government service, Dr. Weaver was, among various other academic pursuits, a professor at Hunter College, a member of the School of Urban and Public Affairs at Carnegie-Mellon, a visiting professor at Columbia Teacher's College and New York University's School of Education, and the president of Baruch College in Manhattan. When I became director of the Joint Center for Urban Studies at MIT and Harvard, he generously agreed to be a member of the Board of Directors.

Dr. Weaver had earned his undergraduate, master's, and doctoral degrees in economics from Harvard; he wrote four books on urban affairs; and he was one of the original directors of the Municipal Assistance Corporation, which designed the plan to rescue New York City during its tumultuous financial crisis in the 1970s.

After a long and remarkable career, Bob passed away last July at his home in New York City. The nation has lost one of its innovators, one of its creators, one of its true leaders. For Bob led not only with his words but with his deeds. I was privileged to know him as a friend. I think it is a fitting tribute to name the HUD Building after this great man.

Mr. ENZI. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1700) was considered read the third time and passed, as follows:

S. 1700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the "Robert C. Weaver Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Robert C. Weaver Federal Building".

The PRESIDING OFFICER (Mr. GORTON). The Senator from Colorado.

Mr. ALLARD. What is the order of business?

The PRESIDING OFFICER. The Senate is in a period of morning business with a 5-minute limitation.

Mr. ALLARD. Mr. President, I request unanimous consent to address the Senate for 25 minutes in morning business.

Mr. BYRD. Reserving the right to object, I do not intend to, I think that I addressed the Chair ahead of the other Senator, but I wouldn't challenge the Chair on that point. I know the Chair has the discretion to recognize whomever he hears first, but I would like to make a statement.

Mr. ALLARD. Will the Senator yield?

Mr. BYRD. Yes.

Mr. ALLARD. How much time does the Senator need for his morning business remarks?

Mr. BYRD. I thank the Senator. I will require 20 or 25 minutes. But I will await my turn. I thank the Senator from Colorado.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

Mr. ALLARD. Mr. President, I thank the Senator from West Virginia for yielding. I was in the Chair, and I had the podium put up much earlier this morning, but because a colleague next to me was going to speak, he wanted it removed.

Mr. BYRD. I didn't understand the Senator.

Mr. ALLARD. I had requested that my podium be put up on the Senate floor at 10 o'clock this morning when I was presiding so that I could be in proper order to be recognized as soon as I got out of the Chair. I certainly didn't intend to create a problem for the Senator from West Virginia. I apologize for any inconvenience.

Mr. BYRD. If the Senator will yield, I have no problem. The Senator is not creating a problem for me. I just call attention to the rules, that the Presiding Officer recognize the first person who addresses the Chair seeking recognition. I have no quarrel with the Chair. I have been in the Chair many times, and sometimes it is a little difficult to really determine which Senator spoke first. I just wanted to establish again—and once in awhile we have to do this—that it is a matter of following the rules of recognition, and that it doesn't matter what Senator came before or what Senator is seen standing first, or what Senator may have his name on a list at the desk. I do not recognize a list at the desk. Never have. I try to stick to the rules. I thank the Senator. I know I have delayed his speech.

Mr. ALLARD. I thank the Senator from West Virginia for his comments, and I respect the Senator.

COMMENDING SENATOR KYL ON HIS SPEECH ON THE RUMSFELD REPORT

Mr. ALLARD. Mr. President, first of all, I want to recognize and commend the Senator from Arizona, who spoke earlier today in morning business, for his good comments regarding the Rumsfeld report. Senator JOHN KYL has taken a particular interest in that report. I wanted to take a moment to recognize how important I think that report is. I think he was right-on in his comments. I think this Congress and this administration ought to look very seriously at the contents of that report. I serve on the Intelligence Committee with the Senator from Arizona and am privy to the same information to which he is privy.

EMPLOYEES OF THE 21ST CENTURY

Mr. ALLARD. Mr. President, during the 105th Session of Congress, my colleagues and I are addressing a broad range of high tech issues, including military, civilian, and commercial space issues. The industry supporting high technology products and services has become extremely important to our nation, and particularly in my home state of Colorado.

Today I would like to take a look at the high-tech industry through global, national, state, and local perspectives, and relate the broader examples to Colorado. Colorado is a microcosm of the nation when you look at high-tech and the future of the industry. The prosperity, trends, and needs within the Colorado community are prime examples of what the entire nation is faced with.

The growth-inducing power of technology at the industry level has been astonishing. In the United States, research-intensive industries, such as aerospace, chemicals, communications, computers, pharmaceuticals, scientific instruments, semiconductors, and software-have been growing approximately twice the rate of the U.S. economy as a whole the past two decades. The high-tech world has also become extremely competitive. High-tech firms are now facing global competition, regional competition, and competition for jobs. There is every reason to believe that this trend will continue for at least the next decade.

As competition increases locally and globally, we must field an educated workforce that can also be competitive. America's future economy depends on sustaining a competitive edge through greater development and knowledge. But there is growing concern that America is not prepared for this new economy.

I would like to share some startling statistics revealing the serious lack of education in this country.

Forty percent of our 8 year-olds cannot read.

A Department of Education study concludes that 90 million adult Americans have limited information and quantitative skills. According to the American Society for Training and Development's 1997 "State of the Industry Report," 50 percent of organizations now have to provide employee training in basic skills.

U.S. students do not perform well in comparison with students in other countries. According to the Third International Mathematics and Science Study—a study of half a million children in 41 countries—U.S. eighth-graders had average mathematics scores that were well below those of 20 other countries. Although U.S. eighth-graders performed better in science, they were still outperformed by students in nine other countries.

We are experiencing phenomenal growth in jobs for highly skilled information technology workers, yet there are mounting reports that industry is having great difficulty recruiting adequate numbers of workers with the skills in demand.

We, as a society, need to find ways to counter these serious problems and work towards filling all of our employment needs.

Due to increasing global competitiveness, our economy is creating millions of new jobs—more than 15 million new jobs since 1993. Employees are in demand due to this increased competitiveness, and of the 10 industries with the fastest employment growth from 1996–2006, computer and data processing services are number one on the list, according to the Bureau of Labor Statistics Report of December 1997. In this field alone, there were 1. 2 million jobs in the United States in 1996. This number is projected to rise to 2.5 million jobs in 2006. That represents a 108 percent increase in the next 8 years.

Of the 10 occupations with the fastest employment growth from 1996–2006, the top three occupations have some connection to the high tech industry. Database administrators, computer support specialists, and computer scientists had a population of 212,000 jobs in 1996, and are projected to be needed in 461,000 jobs in 2006, a 118 percent change. Computer engineers will see a 109 percent increase in jobs and systems analysts a 103 percent increase by the year 2006.

This trend is representative of the high-tech employment needs of Colorado. We are facing a problem as the need for technical bachelors' degrees rises, because the number of students entering this field is not increasing at a rate to meet this need. In addition, the science and math scores needed to pursue technical degrees at higher education institutions are not being met by more and more students every year.

If the trend continues as we expect it to, we will see an increasing lack of skilled employees to meet the industry's demand. The consequences of not filling these jobs could mean several things. One being that high-tech industry in the United States will not be globally competitive. Another being that we will need to continually find workers from out of the country to fill high-tech jobs, instead of giving those jobs to Americans. Whatever the consequences may be, we know that they will be substantial if we do not fill the employment needs of the high-tech industry.

Colorado is seeing tremendous signs of growth in the technology arena. As an example, the City of Colorado Springs relies on high-tech for over 50% of its local economy. Complex electronics and information technology sectors support about 30% of the total local economy, and there is a strong defense sector presence which is heavily reliant on high tech employers and needs. 40% of the local economy in Colorado Springs is tied into the defense sector. Right now Colorado has effectively no unemployment in the engineering field. Between this year and 2006, information technology, telecommunications, information processing, software development, and systems engineering will all have employment needs that will more than double in the Colorado Springs area.

The proper role of the government in high-tech and space issues is an ongoing debate. For example, Congress is considering now what access the government should have to encrypted stored computer data or electronic communications, and how to facilitate commercial space businesses.

The United States is competing with several other countries in the high tech industry. There are five countries that we know have the ability to launch satellites, while many other countries have the technology to compete in other areas. Therefore, our workforce development must support the needs of our domestic industry to allow it to be competitive. Without growth in the United States technology industries, we will be surpassed by the technology of our competitors, and our commercial industry will ultimately rely on foreign companies for technology.

One of the major debates in trying to fill the technology workforce needs deals with who should fill those needs when we cannot. The United States has come to depend on foreign-born engineers; we have reached the point where we import as many engineers as we graduate from our universities.

Recently, my colleagues in the U.S. Senate and I approved the American Competitiveness Act of 1998. It raises the ceiling on the number of visas designated for high-tech workers, or H1–B visas, from 65,000 to 95,000 in the fiscal year 1998, and then to 115,000 a year through 2002. This bill is partially in response to the "year 2000" problem and will help high-tech industries hire enough employees to effectively resolve the problem. But this is a short-term solution, and in the year 2002, Congress will reevaluate the number of H1–B applicants that this country allows in to work.

The competitive edge that America needs depends on the knowledge attributes of our workforce. Due to the rapid changes in the high-tech field, we must focus on educating our youth. Educating students about the high-tech needs and changes our society faces will allow for adaptation and innovation. The industry's growth depends on the students that are entering universities with high scores in math and science. Employers are desperate for students with bachelors and advanced degrees in computer engineering, computer information systems, computer science, chemical engineering, and electrical engineering.

We need to focus on improving the educational opportunities for every student, but we could especially make improvements by targeting under-represented minorities. While a small amount of high school graduates, 15%, have taken calculus and physics, only 6% of minority students have taken those classes, which are required for a college major in math, engineering or science. This year, universities graduated a record number African Americans, Latinos, and American Indians with engineering degrees, yet they constitute only 10% of all students with engineering degrees, and only 2.8% of doctorates. The number of female minorities in this category is even smaller. Only 2.8% of college engineering graduates and .6% of engineering doctorates went to minority women.

The solution begins with our youngest students, kindergarten through 12th grade. How do we more specifically improve our education system from K–12 so that children will eventually meet the standards that high-tech, and business in general, demand? It should be obvious that we first need to improve math and science interest and education, starting with increased teacher support. Knowledge of the subject matter and the ability to actually use technology need to be taught to our future teachers at universities across the country. Current teachers need access to continuing education and high-tech resources.

We also must increase the number of teachers who are teaching math and science subjects. Projections show that there is going to be a severe teacher shortage in the years 2010–2025. We are going to face yet another crisis in high-tech workers and leaders if we do not encourage more math and science graduates to become math and science teachers. Without more and better math and science teachers our high-tech teacher shortage will progressively worsen, and we will not be able to increase the number of students in math and science classes.

Industry partnerships, which are successful in many university settings, can be very beneficial to younger students as well. The U.S. Space Foundation, which is based in Colorado, has been especially successful in cooperative programs with schools across the country with their support for math and science programs. Kids find it more interesting and fun if real life entities are tied into the classroom, and the U.S. Space Foundation facilitates this for the students and teachers. Rotating high-tech specialists and resources in classrooms will keep our teachers current and motivated. In addition, high school students are eligible for job opportunities and student internships in the workplace that require scientific knowledge and will increase their excitement for the field. With increased attention to our students, especially in regard to math and science, we can interest students in the world of technology.

Another outstanding example of a partnership between school and industry is the Technology Student Association. The TSA is composed of over 150,000 elementary, middle, and high school students, in 2,000 schools spanning 45 states, including Colorado. It is supported by educators, parents, and business leaders who believe in the need for a technologically literate society. Through leadership and fun problem-solving, K–12 students are shown why increased education in math and science can pay off and be exciting. These partnerships are successful, and demonstrate one way we can start now to fill the technology workforce needs of the 21st Century.

While it is imperative to encourage young students to be involved in math and science and to expose them to high-tech occupations, I am not suggesting support for school-to-work programs. School-to-work centralizes unprecedented powers at the federal level and requires federal standards and assessment testing which would be the basis of all our children's education, and this process would begin in kindergarten. Most importantly, school-to-work takes local elected officials of the states and local school boards out of the process of education. This alone could be devastating to businesses and specifically to high-tech industries. Local Boards and elected officials are well aware of the needs of their community in particular, and can adapt accordingly.

Government does not need to set "standards" for children to determine their career paths, but instead improve those standards of existing education policies in order to raise test scores, and more specifically science and math scores. If we do so, our children will be inclined to attend higher education institutions where cooperative education and internship opportunities will be available to them, and we will be on our way to building a workforce that can compete globally.

As more students graduate from high school with aptitude and interest in math and science we must have a college education system that will foster their interests and can propel them into the industry. Colorado's universities demonstrate how well-adapted programs can be to the regional industry.

The space industry, in particular, is a crucial part of Colorado's economy, and in turn our state is one of the nation's leaders in space industries. The National Space Symposium, held annually in Colorado Springs, emphasizes the importance of technology in our state and nation. Space Command, Air Force Academy, and NASA, are some of the major presences. In addition, four space centers tied in with NASA are based in Northern Colorado: the Center for Aerospace Structure, Colorado Center for Aerospace Research, Center for Space Construction, and Bioserve Technologies, which produces hardware for the space shuttle.

Our universities are aware of the need for high-tech education, and have focused on preparing students for this field. The University of Colorado at Colorado Springs offers a well established Master of Engineering Degree in Space Operations, and the Air Force Academy continually graduating students into this field. Graduates of the University of Colorado-Boulder, which offers the only aerospace degree in Northern Colorado, also support Colorado's space industry.

At the college level internship opportunities become significant. Employers see cooperative education programs and internships as real-world employment experience which lets college students become familiar with an organization and its work style. High-tech industries are seeing a trend toward expensive training costs and high employee turnover. By partnering with colleges and universities, high-tech industries will see a more highly trained workforce entering their industry and employees who are more committed to the organization.

The main idea behind cooperative education and internships are that they provide students the opportunity to apply theory learned in the classroom to the workplace. High-tech industries now consider the use of partnering with a university's cooperative education and internship programs as the number one recruitment tool for long-term commitments of regular employment.

For example, the University of Colorado at Colorado Springs recognized this as an important investment in students' futures. In addition to helping their own students with internships, the University itself provides internships to students from other universities without internship opportunities. The University has formed partnerships with community, junior, and 4-year colleges without engineering programs.

In conclusion, this is a critical time; we must start today if we want to solve the high-tech employment problem. The signs are everywhere that high-tech is booming, but high-tech employees are not. We must act fast, for studies show key math and science decisions are made by a student at the 5th to 7th grade level. This means that there can be up to a ten-year lead-time for bachelor degree level technology workers. There are four areas that I think we should focus on in order to help solve the problem.

No. 1, Clearly understand the challenge, communicate it to our teachers, parents and students, and consider the consequences of not acting on this issue immediately.

No. 2, Better connect education systems and industry.

No. 3, Find innovative ways to remove barriers to education in math and science, and continue improvement in higher education.

No. 4, Leverage government funding through greater collaboration among government agencies, educational institutions and the private industry.

We need to work together in order to solve this problem. Our universities need to increase engineering and computer sciences scholarships, improve distance learning, and expand their internship and cooperative education programs to meet the needs of the high-tech industry. Our government needs to upgrade training and outsource more work, education, and training. Our industries must increase recruiting, build higher retention rates, and offer on-site courses. And finally, our public schools must increase partnerships with outside entities, educate our teachers about technology, and make science and math fun for our students.

The examples I have given from my home state of Colorado demonstrate that through increased internships, partnerships, teacher training, and K-12 student programs, communities can do something to meet the employment needs of the 21st Century.

The United States will continue to be a global leader in the technology arena if these ideas are implemented tomorrow and we ensure that our schools are producing the best, most educated workforce in the world.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. WARNER. Mr. President, first, for the information of all Senators and others who are following the status of the conference between the Senate and the House on the annual authorization bill for the Department of Defense, the negotiations between the Senate and the House reached the final stage—and, indeed, concluded for all practical purposes—last night.

We had several meetings throughout the day, under the supervision of our able chairman, Mr. THURMOND, with Mr. SPENCE and Mr. SKELTON from the House, and Senator LEVIN and myself.

I wish to report that at the day's end we were far enough along in reaching a final conference agreement that a set of sheets—the traditional conference sheets—were signed by all 10 Republicans on the committee. I have to await any statement by Senator LEVIN with respect to participation by the Democrats. But I anticipate on behalf of Senator THURMOND that Senator THURMOND will soon send to the House a final conference proposal, as modified by such agreements as we were able to reach in the course of our negotiations yesterday. If the House is able to agree to that proposal, we have essentially concluded the conference. With 10 signatures on the conference sheets, we have enough Senate conferees in support of the conference agreement for the Committee to file a conference report.

Mr. DOMENICI. Mr. President, do we have a standing order with reference to time?

The PRESIDING OFFICER. There is a morning business limit of 5 minutes.

Mr. DOMENICI. Mr. President, I have about four items. I am not sure I can finish them in 5 minutes, but if there is no one here I will ask for an extension of time.

STEVE SCHIFF AUDITORIUM

Mr. DOMENICI. Mr. President, last night the Senate passed H. Res. 3731. This legislation designates a special auditorium at Sandia National Laboratories as the Steve Schiff Auditorium. Steve spoke in that auditorium on several occasions as part of his long service to the people of the State of New Mexico. I believe we all know, now that we have had a chance to look at Steve Schiff's life and his time in the House, before his unfortunate death from cancer, that he was in all respects a good public servant—he demonstrated integrity of the highest order, deep and fundamental decency, and an acute and open mind. He went about his business quietly but with efficiency. He was great at telling stories, usually about himself. He was a model for all politicians to admire.

Mr. President, I wish that we could do something more significant than naming this very, very fine auditorium at Sandia National Laboratories after him. We will have a ceremony when that takes place officially, and the people of his district and our State will join us in a celebration that I hope is a fitting tribute to our deceased colleague.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2395 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FRENCH UTILIZATION OF NUCLEAR ENERGY

Mr. DOMENICI. Now, Mr. President, Senator ROD GRAMS and I traveled to France to develop a better understanding of policies underpinning the utilization of nuclear energy for about 80 percent of their electricity. We visited several key French facilities, and Senator FRED THOMPSON joined us after the site visit and participated in several of the high-level meetings with elected and appointed Government officials.

Observations from our trip provide some important perspectives for consideration in the United States:

Nuclear energy has been implemented in France with strict attention to minimizing environmental consequences. Waste products are reduced at each step in their process.

The French nuclear energy system enables them to achieve world-class standards for minimal environmental impact from power generation. They are justifiably proud of their record. Their carbon dioxide emissions per capita are about one-third those in the United States.

French reliance on a "closed fuel cycle" has enabled recycle and recovery of the energy content of spent fuel while also dramatically reducing the volume and toxicity of waste products below those in the United States with our "open fuel cycle."

Transportation and interim storage of spent fuel are done carefully in France, with virtually no negative impacts. Interim storage is essential in implementing their fuel cycle.

At each site in France, attention to protection of the environment is outstanding. For example, while the United States left corrosive waste from uranium enrichment in tens of thousands of steel casks at places like Paducah, Kentucky and Portsmouth, Ohio, the French have routinely extracted commercial products from the same waste and stored only inert products.

The nuclear industry in France is structured around a closed fuel cycle, which recycles much of their spent fuel. This requires reprocessing of the fuel, a step that the U.S. banned in 1977. That decision by President Carter sought to avoid availability of separated plutonium with its proliferation concerns. The French, along with other countries, were equally concerned about proliferation; but they simply ensured careful safeguards on the plutonium and today are seeking to increase their reuse of plutonium to minimize plutonium reserves. Excellent security and international safeguards were obvious in their facilities.

When the French reprocess spent fuel, they reuse plutonium in mixed oxide or MO_X fuel, consisting of a mixture of plutonium and uranium oxides. Their reprocessing allows the plutonium and uranium to be reused and dramatically reduces the toxicity and volume of their waste below the U.S. open cycle. In contrast, we just plan to bury our spent fuel with no attempt to recycle the valuable energy content of the spent fuel or reduce its volume or toxicity. The resulting waste volume from 20 years of a family of four in France is about 2.5 cubic inches, about that of a pack of cards. And after 200 years, the radiotoxicity of their waste is only about 10% of the value of our spent fuel.

The French have gone to great lengths to educate their public about nuclear issues, and extensive environmental monitoring information is routinely shared with the citizens from all the activities we saw.

Transportation of spent fuel is required in the French system. But the French have never experienced a radioactive spill in any traffic accident. Simple interim storage is routinely used in France, without the political debates we face in the United States over this necessary step towards a credible fuel cycle.

A 1991 French law prescribed a 15 year period to assess options for disposition of their final waste products, whereas we precluded our options and focused on a permanent repository with the Nuclear Waste Policy Act of 1982. Under this program, they are actively studying further reductions in the toxicity of their waste. We learned that they would welcome strong collaboration in this field with the U.S. The Accelerator Transmutation of Waste program, funded for the first time in the current Energy and Water Appropriations Bill, is one program they singled our for enhanced cooperation.

The French do not justify their closed cycle with economic arguments, instead they point to its sensitivity to environmental issues and the minimal legacy left for future generations. In fact, with uranium prices currently extremely low, the closed cycle may be slightly more expensive than our open cycle, at least in the near term. Partly for that reason, partly because of the large investment required if the U.S. tried to now duplicate the French system, and partly because there are now alternative options to achieve a closed cycle, we do not recommend that the U.S. simply adopt the French closed cycle.

New closed cycle options should be considered driven by technological advances in the decades since the French initiated their system. We believe that these new options deserve evaluation here to enable the U.S. to consider the benefits of a closed fuel cycle. Some of these newer options would provide benefits similar to the French system, plus some would avoid proliferation concerns by never separating plutonium. Some of the new nuclear initiatives funded for next year should explore these attractive options. Almost any of these options, however, require interim storage of spent fuel—our trip only adds to the strength of current arguments for prompt implementation of this simple and important step.

In summary, there are important lessons from the French system for our use of nuclear energy. In the next session of Congress, we look forward to working with you to improve our system, drawing upon these lessons where appropriate.

SCHIZOPHRENIA

Mr. DOMENICI. Mr. President, I don't know how many Senators saw an article in the Washington Post today, in section B of the Washington Post, called "Tears Of Blood." I have the article in front of me. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 31, 1998]

TEARS OF BLOOD

(By Megan Rosenfeld)

First there was the gruesome and heartbreaking news of Russell Weston's attack on the U.S. Capitol. Then came word that he is a paranoid schizophrenic, information that resonated for one set of families with unsettling emotions: recognition mixed with horror, and in some cases thankfulness that it wasn't the faces of their sons or sisters flashing across the television screen.

The families of schizophrenics, like those of other seriously mentally ill people, suffer a particular kind of torment. Years of bewildering and sometimes destructive behavior usually precedes a diagnosis; years of false starts or abandoned treatment often follow. Even when a mother or father recognizes mental illness—as opposed to drug addiction, rebelliousness or eccentricity—discovering the legal barriers to involuntary commitment is yet another body blow.

"Parents always feel it's your responsibility to help your children, but we were powerless to help him," says Jacqueline Shannon, whose son Greg began behaving strangely in his last year of college. Now 35, Greg Shannon has been stabilized for more than six years with the drug clozapine—although it took four hospital commitments before that medication was prescribed.

A publication by the Canadian-based Schizophrenia Society lists some of the emotions family members are likely to feel: sorrow ("We feel like we've lost our child"); anxiety ("We're afraid to leave him alone or hurt his feelings"); fear ("Will he harm himself or others?"). They also list shame, bitterness, isolation, anger and "excessive searching for possible answers."

"You want not to be blamed that your family member has become deranged," says David Kaczynski, whose brother, Ted, is notorious as the Unabomber. "And you don't want people to hate your brother or son, to form judgments that are not based on compassion for the fact that this person is mentally ill." There are so many complicated emotions, he said. "You recognize this family member you love is also an enemy."

Kaczynski recalls taking some of his brother's letters to a psychologist in the early 1990s—before he knew that Ted had been mailing lethal bombs—and was told that his brother was very ill and needed treatment. And also that there was very little David could do about that.

For years Ted Kaczynski's primary method of communication with his family was through long, irrational letters, in which he blamed his parents for his loneliness and fears, and even for the fact that he was three inches shorter than David.

"I have got to know, I have GOT TO, GOT TO, GOT TO know that every last tie joining me to this stinking family has been cut FOREVER and that I will never NEVER have to communicate with any of you again," he wrote David in 1991. "I've got to do it NOW. I can't tell you how desperate I am. . . . It is killing me."

It was five years and hundreds of letters later that David, recognizing similarities between things his brother had written and the excerpts from the Unabomber manifesto printed in The Washington Post and the New York Times, went to the FBI. Ted Kaczynski had never agreed to treatment or to the idea that his mental state was out of his control.

David Kaczynski said he and his mother were greatly comforted by numerous letters they received from other families of the mentally ill—including one from the mother of abortion clinic assassin John Salvi. In fact, Wanda Kaczynski and Ann Marie Salvi had a long telephone conversation, commiserating over the mystifying madness that turned their sons into killers.

Remembering how grateful he was to the people who wrote and told him they knew he loved his brother, David has written Russell Weston's parents. It is not their fault, he told them; they did what they could. "I think they have shown great courage," he said, referring to the numerous interviews the Westons have given explaining the difficulties they had with Russell.

Shannon's son never became violent. Indeed, Kaczynski, Salvi and would-be Reagan assassin John Hinckley are rare explosions in a population of approximately 2 million schizophrenics who, if properly treated with medication and therapy, can lead peaceful if unorthodox lives.

Greg Shannon's problems, which became evident when he was 22, confounded his parents. (Schizophrenia generally surfaces between the ages of 16 and 25, according to reseach. The illness is characterized by hallucinations and delusions; schizophrenics are unable to differentiate their warped perceptions or obsessive thoughts from reality.) "We are considered educated people," said Shannon, a retired elementary school teacher in San Angelo, Tex. "But mental illness did not occur to us. We thought it had something to do with drugs or alcohol."

Their son would get into irrational arguments with them, stayed in his room for days on end (as did Kaczynski) and seemed to perspire a lot. His college roommate called to say Greg had talked about suicide. "It was a frightening time," his brother Brian recalls.

Like other families, they tried for a while to "normalize" Greg's behavior: He was different, he was going through a rough patch—let him stay in his room if he wants.

Because he was an adult, he could not be forced to see a counselor. But they couldn't get through to him themselves. Finally family members went to the county judge and began the legal process of getting Greg involuntarily committed to a private hospital, which involved affidavits from two doctors. Then one evening the sheriff and a couple of deputies arrived to take Greg Shannon away.

"It was awful," Jackie Shannon says. At the same time, there was some relief. And the process was only beginning.

"The family members are hurt, bewildered and confused," says Moe Armstrong, a paranoid schizophrenic who, with the help of medication and many therapeutic programs, works to help other patients in Massachusetts. Now 54, he had his first breakdown during his four-year hitch in the Marine Corps. His parents, he says, did not understand anything about mental illness. And he no longer blames them. "A lot of us defy rationality. The way our minds work are not the way people's minds work out there. . . . One day this person is all right and the next anything goes."

His advice: "It requires a lot of patience. You can make suggestions, but only one or two, and you have to make them over and over again. Most people want to say to A,B,C,D, tie your shoes, get a job and everything will be all right. They say things like 'take your meds,' but not 'What meds are you taking? What effect are they having?'" Life for the relatives of the chronic mentally ill is often filled with regrets, if not guilt, and the agonized wish they had known more, and sooner. "I wonder if we had started the commitment process earlier, or if they'd prescribed clozaphine earlier if he would have avoided permanent damage," says Brian Shannon, "Maybe not."

One thing all family members share: Having a mentally ill child or sibling changes your life forever. In some cases, as with the Shannons, it has led to volunteer work on behalf of people like Greg. Jackie Shannon is now president of the board of directors of the National Alliance for the Mentally Ill.

Brian Shannon knows that someday he will be responsible for his brother, and consulted a genetic counselor before having a child. David Kaczynski, who works with youthful runaways in a shelter in Albany, N.Y.—as he did before his brother was arrested—faces a lifetime of secondhand notoriety and residual pain.

"I still believe in some way he does love me," he says.

Mr. DOMENICI. Mr. President, this is an article that follows on the tragedy that happened here in Washington when a man, 41 years of age, obviously suffering from a very serious disease called schizophrenia, was off his medication and, because of his disease, did the kind of things that have shocked our country and shocked our Capitol. The story is about four or five people in the United States who have family members with the same disease, schizophrenia, and have suffered the consequences of their relative, son or daughter, being off the medication—because there is a propensity on the part of those with this ailment to not want to be on medication. Sometimes it offends them a bit. Sometimes it causes extreme obesity. Sometimes it causes some muscular jittering. But whatever the case, it is hard to keep them on their medication.

I believe we might turn this terrible incident into a constructive response to a very destructive event because, as this article points out, there is little that the parents and relatives can do in their communities to help when they begin to feel the desolation and absolute loneliness when a member of their family, a daughter or son who has this dread disease, decides not to stay on the medication or the medication needs to be changed to be effective. The loneliness is absolutely incredible. As a matter of fact, in this marvelous land of ours, it is fair to say that only in a few places is there any help at all for these people. I don't know how many Americans saw Russell Weston, Sr. and his wife when they met with the press and talked about their son, their son, the 41-year-old who burst through a door here in our Capitol. We all know about the events, and feel great, great sympathy and empathy for the family of the two fallen officers. We have almost been, as a nation, in mourning since that event occurred. And that is as it should be.

Mr. President, I am not going to say much more about this, other than to say that I have worked with the mentally ill in this Nation. I have worked hard to get more and more people to recognize that this is a disease and that we ought to cover this disease with insurance just as we cover heart failure. That causes some difficulty. Nonetheless, today I don't rise on that score. I merely rise to say: Maybe, maybe this great land of ours, and maybe this institution called the U.S. Senate, and maybe groups across America that are worried about this, might just see if there is a way we can prevent this from happening, if we could prevent it from happening even a couple of hundred times. We frequently see schizophrenics committing acts of murder and degradation, and we all know why it is happening. As a matter of fact, we can almost say with certainty, I say to my friend, Senator BYRD, that if most of those people were on the right medicine they would not be perpetrating these kinds of acts. I hope we would use this to stimulate our collective thinking on what we might do about it.

I don't have the answers. But I have talked to a few Senators. I have talked, in particular, to Dr. FRIST, Senator FRIST from Tennessee, who concurs with me that there is little help available. For, you see, in the case of Mr. Weston, if they wanted him to be taken care of, they had very few options. They could call the police. I think across America it is pretty obvious, police will come by and they will say, "This is a medical problem. We can't help you." They could take him to a hospital. A normal hospital would say, "We can't help you." They could put him in an institution for a few weeks to try to get him back on board and on the medication, but they had already done that.

So this Washington Post article called "Tears of Blood; For Families of Schizophrenics, a Gunman's Shots Strike at Their Hearts" is something we should all take cognizance of.

I hope by these remarks—and some others in this community, I understand, are interested in this—that we will find a way to start meeting together in groups, trying to figure out what should an American response be? Maybe it is a State response. Maybe it is not a Federal response. But we might be the ones to stimulate some real thinking about a responsibility. In this case, we could really be preventers, we could be preventers of serious, serious acts of violence because that can be prevented. It is just we do not help at the time they need help. And we don't have a system set up to provide such help.

I thank the Senator for listening, and, in particular, for giving me a few extra moments this morning. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I note on the floor the distinguished Senator from Oklahoma, Mr. NICKLES, who is the assistant majority leader. I wonder if he has a plane to catch? I am sure he may have some Senate business. If he does, I will be happy to defer. I have no particular time problem myself. I will be glad to defer to the Senator.

Mr. NICKLES. Mr. President, the Senator from West Virginia is so courteous, as usual. I have about a 10- or 15-minute speech, but I will be happy to listen to my colleague and then I will follow my colleague from West Virginia and I thank him, again, for his courtesy.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that I may be recognized immediately after Mr. NICKLES is recognized, at which time I will proceed with the remarks. I ask unanimous consent that at that time I may consume such time as I may desire, but not to exceed 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, again to my colleague, I am more than happy to defer. He is so kind and gracious, as he always is. He sets an example in the Senate, which I think all of us should follow and makes all of us proud to have the title of "Senator."

The PRESIDING OFFICER. Does the Senator from Oklahoma wish more than 5 minutes?

Mr. NICKLES. Mr. President, I ask unanimous consent to speak as in morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Again, I thank my colleague from West Virginia for his courtesy. I doubt I will take 15 minutes.

THE ROLE OF THE ATTORNEY GENERAL OF THE UNITED STATES

Mr. NICKLES. Mr. President, I come to the floor today with a very sober, very serious discussion. That concerns the role, the effectiveness, and the job that the Attorney General of the United States is currently doing. The Attorney General, under title 28 of the U.S. Code, section 515, is vested as the chief law enforcement officer of the country. That is a very important vesting of power. She is the chief law enforcement officer of the country. She has the responsibility of making sure the laws are carried out, as part of the executive branch.

Congress, some time ago, realized that every once in a while there might be a conflict of enforcing the law strictly, if there are allegations of impropriety with members of the executive branch, so the independent counsel statute was passed. It was passed as a follow-up to Watergate. Can you really investigate your own boss? Can the Attorney General investigate the President or Vice President or some other Cabinet official because they are serving with those individuals at their pleasure? As a matter of fact, Attorney General Reno was appointed and confirmed by the Senate in, I believe, 1993; and then there was some speculation she would be reconfirmed or reappointed by the President, and subsequently she was.

Since that time, I think all of my colleagues, and certainly all the country, know that this administration has had a lot of legal conflicts and problems. One of the biggest issues was the issue of campaign finance. Both the House and Senate have conducted hearings. I presently serve on the Governmental Affairs Committee that conducted an investigation all of last year over alleged campaign finance abuses. The committee, at least amongst the majority of the committee, albeit mostly Republicans, said, yes, there should be an independent counsel appointed. We made that recommendation to the Attorney General. She has ignored that recommendation, and regrettably so.

Mr. President, I might mention a few things. I said she is in charge of making sure the laws are enforced. I am looking at one, and I could spend hours going through the law and stating allegations that I think this administration was in violation of, that she has not enforced, or to give reason for the appointment of an independent counsel so there would not be this conflict of interest. I will mention a couple of laws.

Title 18, section 607, United States Code, states in clear and unequivocal terms:

> It should be unlawful for any person to solicit or receive any contribution in a Federal building.

I could go on and mention the conflict of covered persons. Covered persons under this statute are the President, the Vice President. Vice President GORE has now admitted to making 52 fundraising calls from the White House. And the so-called coffees: There were 103 coffees in the White House attended by 1,241 people. They raised $26.4 million and I think are in direct violation of the statute. President Clinton hosted an average of two coffees per week during the reelection cycle; Vice President GORE attended over 100 coffees in 22 months before the election; 92 percent of the coffee attendees contributed to the DNC in the 1996 election cycle.

I could mention the overnighters. President Clinton, in a handwritten note to a memo on January 5, 1995, told his staff he is "ready to start the overnights right away" and asked for a list of $100,000 and $50,000 contributors. Altogether, there were 178 guests who were listed as long-time friends, public officials or dignitaries, or Arkansas friends, who contributed over $5 million to the DNC. Overnight DNC donors paid an average of $44,000 per family to sleep in the Lincoln Bedroom. The White House was for sale, I think in clear violation of the law, Mr. President.

I will mention a statement that Attorney General Reno made to the House Judiciary Committee on October 15, 1997. I ask unanimous consent that excerpts of Attorney General Reno's statement be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> Since they began their work, I have met with them regularly to hear what they have found and to ask them questions. I check on their progress several times a week, discussing with them what evidence they have found and how they are proceeding. Most important of all, I have told them from the start that they are to contact me immediately if they ever believe that the evidence and the law justified triggering the Independent Counsel Statute. I and Director Freeh check with them regularly to insure they have adequate resources.
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> * * * * *
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> As I stated then, the fact that we don't trigger a preliminary investigation under the Act does not mean we are not investigating a matter. We are fully prepared to trigger the Independent Counsel Act and pursue any evidence that a covered person committed a crime, if any should arise in the course of our investigation. We continue to investigate every transaction brought to our attention. We will not close the investigation of a matter without Director Freeh and I signing off on its closure.

Mr. NICKLES. Mr. President, keep in mind that was last year, when the campaign investigation was going, and going very strongly. She had this to say concerning the investigation. She was talking about the investigators:

> Since they've begun their work, I have met with them regularly to hear what they found and to ask them questions. I check on their progress several times a week discussing with them what evidence they have found and how they are proceeding. Most important of all, I told them from the start that they are to contact me immediately if they ever believe that evidence and law justify triggering the Independent Counsel Statute. I and Director Freeh check with them regularly to ensure they have adequate resources.

Later in her statement:

> As I stated then, the fact that we don't trigger a preliminary investigation under the act does not mean we are not investigating the matter. We are fully prepared to trigger the Independent Counsel Act and pursue any evidence that a covered person committed a crime if any should arise in the course of our investigation. We continue to investigate every transaction brought to our attention. We will not close the investigation of a matter without Director Freeh and I signing off on its closure.

She made a commitment that basically the major decisions would be made by the Attorney General and the FBI Director, former Federal judge, Mr. Freeh. I mention that because evidently Mr. Freeh made a detailed report, evidently a 27-page report, to the Attorney General in November of 1997 calling for an independent counsel. I am not inserting that report in the RECORD. I am going to read a couple of excerpts that Senator THOMPSON made before the Judiciary Committee, where Attorney General Reno testified on July 15 of this year, where he outlined several things that were in Director Freeh's memo.

I will be very quick and maybe I will insert several pages of this in the RECORD. This is Senator THOMPSON talking about Director Freeh's investigation. He pointed out that the FBI's investigation has led them to the highest levels of the White House, including the Vice President and the President, and that the Department of Justice must look at the independent counsel statute. He pointed out there are two sections; one is a mandatory section where the Attorney General is required to appoint, and another one is a discretionary section. The ultimate conclusion by Mr. Freeh is that the statute should be triggered under both the mandatory and the discretionary provisions of the statute.

I ask unanimous consent that the entire section of this dialog be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> [Mr. THOMPSON.] On Friday, June 19th Larry Parkinson, the General Counsel of the FBI, presented to Senator Glenn and myself an oral summary of a 27-page legal memorandum that was written in November 1997 from Louis Freeh. You might recall when Mr. Freeh and General Reno were testifying before the House Committee on Governmental Operations, Mr. Freeh declined to present the memo he had recommending the independent counsel, but he agreed to give an oral briefing to the chairman and ranking member of the committee. He did the same thing with regard to our committee. I think that I have a fair summary of what his position was on those matters and I would like to lay that on the record and have some discussion about it if we have time.
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> Basically, Mr. Freeh's memo is in seven sections. In the first section, he deals with the purpose of the independent counsel statute and points that it was to ensure fairness and impartiality in an administration's investigation of its own top officials, and highlights several reasons for the enactment of the statute. The top three listed were the Department of Justice difficulty in investigating a high-level official; secondly, the difficulty in investigating a superior. And, third, even the appearance of a conflict of interest is dangerous.
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> He pointed out that their investigation, the FBI's investigation, had led them to the highest levels of the White House, including the Vice President and the President, and therefore the Department of Justice must look at the independent counsel statute. He pointed out there are two sections. One is a mandatory section where the Attorney General is required to appoint, and another one is a discretionary section.
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> The ultimate conclusion by Mr. Freeh is that the statute should be triggered under both the mandatory and the discretionary provisions of the statute, and then he goes in some detail to state why. He points out that there are unprecedented legal issues. There has been a lot of discussion as to whether or not soft money contributions that are totally coordinated out of the White House were legal or illegal, for example.
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> The memorandum points out the legislative history. And, of course, lest we forget, Director Freeh is a former Federal judge as he opines on these matters. He points out the congressional intent was that where there were unprecedented legal issues or differences in legal opinion that an independent counsel is to be sought. That was his interpretation of the clear legislative history.
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> He discussed in some detail Vice President Gore's telephone solicitations, the President's telephone solicitations, the need for the independent counsel in both cases. And it was the Director's ultimate conclusion that it should be referred to appointment of an independent counsel as part of a broader scheme to circumvent campaign finance law under either the mandatory or the discretionary provisions of the statute. He held the same conclusion with regard to the White House coffees, the overnights, and the other perks.
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> He also says that with regard to soliciting contributions from foreigners, nevertheless, there is an additional question of whether DOJ should be resolving these issues. The legislative history is such that the Department of Justice is not to undertake an elaborate legal analysis when a covered person is involved, a legal analysis with regard to the questions of law that we mentioned before.
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> Then he refers to the discretionary provision. After having decided on all counts, on all instances of matters in controversy, that it called for the activation of the mandatory portion of the independent counsel law, he then turned to the discretionary portion of the law. And I think this is an accurate quotation from the briefing that we got, quote, "It is difficult to imagine a more compelling situation for appointing an independent counsel," as he discussed the reasons that caused him to reach that conclusion.
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> He said, for several reasons. He said, first, is the fact that the Department of Justice investigating the President and the Vice President. The independent counsel statute is based on the fact that it is a conflict for the Attorney General to investigate her superiors. Secondly, Director Freeh said that the cumulative effect of all of the fundraising-related investigations going on should activate the discretionary provision of the statute.
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> Thirdly, he said the Department of Justice is investigating other persons in addition to covered persons who, because of the nature of their relationship with the President and the Vice President, give the appearance of a conflict of interest. In other words, when someone who is being investigated and in one case has already been indicted who was in the White House 49 times, that although that person is not covered, he is a close associate of covered people. And if you are trying to get information from someone you have just indicted, or you are in negotiations with regard to plea bargaining or immunity or any of those other instances, how can you do that effectively when the answers that he may give may have to do with the covered person, who is the Attorney General's superior?
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> Fourth, the independent counsel statute arose from Watergate and thus has a unique relationship to the campaign finance laws. In other words, the Attorney General—according to his reading of the legislative history

of this, there is a unique relationship between the independent counsel law and campaign finance laws, which is, of course, what we are dealing with.

Lastly, the section provides factual information about in comparison to the Attorney General's previous discretionary appointments. In other words, there are many instances where the Attorney General has activated or relied upon the discretionary provision of the law. He discussed Filegate, discussed Whitewater, discussed Mr. Nusbaum's situation.

In Whitewater, the Attorney General invoked the discretionary provisions because of a political conflict of interest from McDougal and others who were close to the President. Nusbaum was a former senior member of the White House staff, although not a covered person, who also had a close relationship with the President. It is consistent with those precedents to treat this investigation as a discretionary independent counsel matter as well.

The Director also points out the fact that it is the FBI and the DOJ's obligation to keep the President informed on national security information while investigating those same issues. And, also, as he says, simply the appearance or public perception of a conflict can invoke the discretionary clause. It is absolutely essential for the public to have confidence in its investigators and this is consistent, of course, with the Attorney General's confirmation testimony.

Director Freeh also says that contrary to her testimony before the Senate, Attorney General Reno replied to Senator Hatch that she had to actual conflict instead of the appearance of a conflict. Director Freeh says the 1994 Congress rejected a DOJ proposal that the Attorney General would have a relevant conflict of interest only with a matter rather than a person as the standard for invoking the statute. And he concludes the Attorney General can consider appearance as well as actual conflict that might weaken public confidence.

According to the memorandum, it makes no sense for appearance to be relevant for covered persons, but not for the discretionary provision, since conflict is presumed for covered persons and appearance is more relevant to non-covered persons.

Lastly, Director Freeh points out as a reason for invoking the discretionary provision of the independent counsel law that the Attorney General's chief investigator has concluded that there is a political conflict of interest. This does not change the fact that the Attorney General makes the final decision, but in Director Freeh's view, it should be pursued under the discretionary clause.

So here we have a really remarkable and unprecedented situation where you have been investigating matters concerning covered people at the highest levels. You have been investigating matters concerning people who are not covered people, but are close associates of covered people who have had very extensive visitations to the White House.

You have, at best, a mixed interpretation of the law concerning campaign finance. No one thought up until this last Presidential election, for example, that a President or a Presidential candidate could take public money, certify that that is all he would spend, and then go get on the phone and raise unprecedented amounts of soft money which he coordinated out of the White House. No one thought they could do that up until your interpretation, and now we are seeing, in Ohio, I think both the Democratic and Republican Party are in court saying there are no limitations anymore because of this. Their position is even foreign money, under the Attorney General's interpretation, cannot be regulated because it is soft money and soft money is not regulated.

In addition, you have had a troubled investigation from the start in which you have made changes, I think, to the benefit—now, Mr. LaBella, who came in, also recommends an independent counsel, and now he is leaving. Now, you have the Director of the FBI, who is the chief investigator, saying from his investigation we should have an independent counsel. And yet we don't have that acted upon by the Attorney General.

Mr. NICKLES. He discussed in detail Vice President GORE's telephone conversations, the President's telephone solicitations, the need for independent counsel in both cases.

It is the Director's ultimate conclusion it should be referred to an appointment of an independent counsel as part of a broader scheme to circumvent campaign finance law under either the mandatory or the discretionary provisions of the statute. He held the same conclusion with regard to White House coffees, the overnights, and other perks, and that would include Air Force One.

He also talks about the scheme to evade the law. When the President agrees to take public funding of a Presidential campaign, he says: Here is how much money we are going to raise and spend. Clearly, the White House, and Mr. Harold Ickes and other people, tried to circumvent the law and say: We are going to raise lots and lots of money, the White House will do it, and we will basically get around these limits. Director Freeh obviously thinks that should be investigated and may well think it should be investigated for both parties. I am not making any aspersions. I am just saying that we should have an independent counsel.

If Director Freeh has studied this as long as he has—he is the chief investigative officer of the country as head of the FBI—if it is his strong conclusion, with a 27-page memo, that we should have an independent counsel, then we should have an independent counsel. He gave that memo evidently in November of last year, and the Attorney General has yet to appoint an independent counsel.

I could go on. I have already inserted most of this into the RECORD. I will skip and just make the comment that if you have the Director of the FBI—I think his concluding comment, and I will quote this from Senator THOMPSON's statement:

> It is difficult to imagine a more compelling situation for appointing an independent counsel.

That is from Director Freeh. That is not a partisan Republican. That is from a former Federal judge who is now Director of the FBI, who made that analysis after conducting a very extensive investigation. He says we need an independent counsel. I think the Attorney General should follow his advice.

Now we have, evidently, the chief investigator that the Attorney General appointed in the Justice Department making the same recommendation. Again, I haven't read his memo. Evidently, he just issued a memo—this is prosecutor Charles La Bella. This is according to news reports. I will insert this in the RECORD. This is July 23, 1998—recently—written by David Johnson. It says:

> Prosecutor Charles La Bella delivered a report to Reno last Thursday as he prepared to return to San Diego this week to take over as interim U.S. attorney. La Bella has marked his department by challenging her to replace him with an outside counsel.

I will read one section:

> But he contends only that their fund-raising activities warrant outside investigation, and in the legal analysis La Bella concluded that Reno misinterpreted the law, creating an artificially high standard to avoid invoking the independent counsel statute.

It also goes on in the article to say that, last fall, La Bella urged her to seek appointment of an independent counsel to investigate fundraising telephone calls by President Clinton and Vice President GORE but she rejected that recommendation. In summary, La Bella concluded there was sufficient information to warrant appointment based on mandatory and discretionary provisions in the independent counsel statute, meaning he found enough specific information to justify outside investigation of high officials. He found that the Justice Department could not objectively investigate them on his own, the official said.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 23, 1998]

CAMPAIGN INVESTIGATOR URGES RENO TO NAME INDEPENDENT PROSECUTOR

(By David Johnston)

WASHINGTON.—After a 10-month inquiry, the departing chief of the Justice Department's campaign finance unit has concluded in a confidential report to Attorney General Janet Reno that she has no alternative but to seek an independent prosecutor to investigate political fund-raising abuses during President Clinton's re-election campaign, government officials said Wednesday.

The prosecutor, Charles La Bella, delivered the report to Reno last Thursday as he prepared to return to San Diego this week to take over as interim U.S. attorney. In effect, after being chosen by Reno to revive an investigation that she had been criticized for neglecting, La Bella has marked his departure by challenging her to replace him with an outside counsel.

La Bella's report does not suggest that prosecutors are ready, or even close, to bringing a case against any top Democrats or administration officials, but contends only that their fund-raising activities warrant outside investigation. And in a legal analysis, La Bella concluded that Reno had misinterpreted the law creating an artificially high standard to avoid invoking the independent counsel statute, officials said.

La Bella's conclusions, coming from a seasoned federal prosecutor with full access to all grand jury evidence in the case, represents a serious internal fracture within the Justice Department. And the report seemed certain to provide Republicans with considerable leverage to intensify their demands that Reno step aside and let an outside prosecutor take over.

So far, she has refused to budge in her refusal to refer the case to outside counsel, and Wednesday there was no indication that Reno seemed likely to reconsider her position. Last fall, La Bella had urged her to seek the appointment of an independent prosecutor to investigate fund-raising telephone calls by Clinton and Vice President Al Gore. But she rejected that recommendation.

Reno has said she carefully weighed the facts and the law before determining that the appointment of an independent prosecutor was not justified under the independent counsel law. She has defiantly blocked the appointment even in the face of a recommendation last fall from FBI Director Louis Freeh, who urged her to seek an independent counsel.

Her unwillingness to seek the appointment has exasperated Republicans in Congress who have accused the Justice Department of a politically motivated effort to subvert the independent counsel law to protect upper level Democratic Party and White House officials from searching scrutiny.

The report follows a tempestuous hearing last week, in which she faced withering questions by senators on the Judiciary Committee. Sen. Fred Thompson, R-Tenn., who led Senate campaign finance hearings last year, confronted Reno by quoting a confidential memo that Freeh sent to Reno in November 1997. He quoted Freeh has concluded, "It is difficult to imagine a more compelling situation for appointing an independent counsel."

Justice Department officials said Wednesday that Reno and Deputy Attorney General Eric Holder had received the report and were reviewing it. But they would not discuss specifics. La Bella would not discuss the report.

Labella's report has been guarded closely. He produced only two copies, the officials said. He gave one copy to Reno and sent another to the home of Freeh, an ally whose top agent on the case, James Desarno, approved Labella's findings.

Tuesday, Reno assembled several of her top advisers to discuss the report, but they apparently reached no conclusions about how or whether to respond. She has already named a successor to La Bella. He is David Vicinanzo, a prosecutor from New Hampshire.

The report casts possible new light on La Bella's decision on leaving his job as the top campaign finance prosecutor, suggesting that he could be stepping down in the middle of the inquiry because he believed that the case should not be handled by the Justice Department but by an outside prosecutor.

So far, the campaign finance inquiry has produced only several low-level fund-raisers. But there has been no indication that the inquiry was likely to move up the chain of command at the Democratic National Committee or the White House.

In his report, the officials said, La Bella concluded that there was sufficient information to warrant the appointment based on the mandatory and discretionary provisions of the independent counsel statute, meaning that he found enough specific information to justify an outside investigation of high-level officials. Moreover, he found that the Justice Department could not objectively investigate them on its own, the officials said.

Still, it was not clear whether La Bella recommended whether an independent prosecutor should be named to investigate specific officials although he assessed the activities of several senior officials, including Clinton and Gore and others like Harold Ickes, a former deputy chief of staff, who played an important role in supervising the campaign from the White House.

The report also suggests that an independent prosecutor should examine how the Democrats and Republicans used party funds to pay a massive blitz of television ads that were thinly veiled election messages for Clinton and Republican nominee Bob Dole.

Mr. NICKLES. Mr. President, we have the House Judiciary Committee, we have the Senate Judiciary Committee, we have the Governmental Affairs Committee all saying we should have an independent counsel. That was all done last year. We have the head of the FBI saying we should have an independent counsel, and we have the special prosecutor, brought in by Attorney General Reno herself to head up the investigation, saying we should have an independent counsel. They all came to the same conclusion that there was enough campaign abuse or alleged violations of the law that we should have an independent counsel to avoid the conflict of interest to investigate this matter further.

It is unanimous, with one exception—Attorney General Reno. In her comments, following Mr. La Bella's remarks, since that was made public, she says, "Well, we want to discuss this with all of our attorneys. He was just one attorney." He was the lead attorney. He was the chief investigator. And Director Freeh is not just an attorney, he happens to be the Director of the FBI. And if he issued a 27-page report calling for an independent counsel, I think she should adhere to it.

I am bothered by the fact that if we had the chief law enforcement officer of the country not enforcing the law, not listening to the recommendations of her chief investigator, Mr. La Bella, not following the recommendations of the Director of the FBI, then I do not think she is enforcing the law. And that bothers me.

So, Mr. President, it is with some regret—I do not do this very often—but I think if Attorney General Reno does not appoint a special counsel under the independent counsel statute to investigate campaign abuses by this administration, I think she should resign. I do not think she is doing her job. I think she is involved in more of a coverup of the President's activities or the White House's activities than she is enforcing the law.

I hope she will change her mind. I hope she will review the memo that Director Freeh and Mr. La Bella have given her and follow their advice. Those two individuals are not partisan Republicans. They are not the chairman of the Republican Judiciary Committee or the House Judiciary Committee or they are not Senator THOMPSON or other members on the Governmental Affairs Committee. They are appointees by this administration. I give them great credibility. I hope that she will follow their advice. Mr. President——

Mr. SPECTER. Will my distinguished colleague——

Mr. NICKLES. I am almost finished.

Mr. President, I also ask unanimous consent that three editorials be printed in the RECORD, one of which is dated July 21, a New York Times editorial. The headline of it is "Reno Flunks Law School." And just the last line says:

> Ms. Reno didn't get it. She comes not to expose political corruption, but to bury it.

There is also a New York Times editorial from July 23 that says—I will just read this one paragraph——

> The two people in the American Government who know most about this case—the lead prosecutor and the top investigator—are convinced that the trail of potentially illegal money leads so clearly toward the White House that Ms. Reno cannot, under Federal law, be allowed to supervise the investigation of her own boss. When it comes to campaign law, this is the most serious moment since Watergate.

I ask consent that one additional editorial be printed in the RECORD. I will just read one paragraph. This is an editorial, dated July 27, from the Washington Times. It says:

> Like Mr. Freeh, Mr. La Bella has concluded that his investigation has satisfied both the provisions of the independent counsel law. Both have concluded that it is a conflict of interest for Ms. Reno to investigate these matters. Mr. La Bella also joined Mr. Freeh in concluding that Ms. Reno—for that matter, Mr. Radek—have misinterpreted the statute by establishing too high of a standard for the implementation of the independent counsel statute. FBI agent James Desarno, who was named to the task force as the highest ranking agent at the time Mr. La Bella was appointed, has also concurred with the recommendation for the independent counsel.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 21, 1998]

RENO FLUNKS LAW SCHOOL

By studying the transcript of last week's Senate Judiciary Committee hearing, it is possible to reconstruct one of the more remarkable internal documents of the Clinton administration. That is the tightly reasoned, 27-page legal memorandum in which Louis Freeh, the director of the Federal Bureau of Investigation, told Attorney General Janet Reno that she was failing in her duty to appoint an independent counsel to investigate President Clinton's fund-raising.

Republicans (believe) Ms. Reno is allowing the Justice Department's investigation of foreign contributions and Chinese government meddling in the 1996 election to crumble.

That accounts for Senator Orrin Hatch's by-the-numbers tone in lecturing Ms. Reno last week. "You have conflicts of interest. There may have been crimes committed," he said. "And that's why the independent counsel statute was passed to begin with, and that is to take it out of your hands, so you don't have to be accused of conflict of interest."

Ms. Reno didn't get it. She comes not to expose political corruption, but to bury it.

[From the New York Times, July 23, 1998]

THE FIRESTORM COMETH

Charles La Bella, who has been leading the Justice Department's campaign finance investigation, has now advised Attorney General Janet Reno that under both the mandatory and discretionary provisions of the Independent Counsel Act she must appoint an outside prosecutor to take over his inquiry. The other important figure of this investigation, Federal Bureau of Investigation Director Louis Freeh, has already recommended an independent counsel. Ms. Reno can give her usual runaround about being hard-headed, but she cannot hide from the meaning of this development.

The two people in the American Government who know most about this case—the lead prosecutor and top investigator—are convinced that the trail of potentially illegal money leads so clearly toward the White House that Ms. Reno cannot, under Federal law, be allowed to supervise the investigation of her own boss. When it comes to campaign law, this is the most serious moment since Watergate.

These are not the judgments of rebel subordinates or hot-headed junior staff members. Mr. Freeh, a former Federal judge, has been if anything too loyal to Ms. Reno during the nine long months that she has ignored his advice. Mr. La Bella was handpicked by Ms. Reno on the basis of experience and skill to run this investigation. Either she has to come forward and make the impossible argument that they are incompetent or bow to the law's requirements.

Ms. Reno may grumble about leaks of supposedly confidential advice. But the fact is that the American people need to know that two top law enforcement officers believe the Attorney General is derelict. Moreover, Mr. Freeh and Mr. La Bella are right to separate themselves from Ms. Reno, because if her attempt to protect Presidential fund-raising from investigation continues, it will go down as a blot against Justice every bit as enduring as J. Edgar Hoover's privacy abuses. Firestorm is an overused word in Congress, but if Ms. Reno does not make the appointment, the Republican Senate leadership ought to ignite one—today.

[From the Washington Times, July 27, 1998]

CHARLES LA BELLA SPEAKS

When Attorney General Janet Reno beseeched federal prosecutor Charles La Bella last September to come to Washington to rescue her department's clueless investigation of campaign-finance abuses during the 1996 election, her request was clearly an act of desperation.

Rather than seek an independent counsel to replace her department's demonstrably incompetent task force, Miss Reno convinced Mr. La Bella to lend his considerable credibility to the task force, which had been thoroughly politicized by its leader, Lee Radek, chief of the Justice Department's Public Integrity Section. By the time Mr. La Bella arrived, the FBI agents assigned to the task force had been bitterly complaining for months about the snail-like pace, believing Mr. Radek was far more interested in controlling the investigation than advancing it. Mr. Radek, of course, had been intensely, and successfully, lobbying Miss Reno against seeking an independent counsel.

It didn't take Mr. La Bella long to conclude that Mr. Radek's arguments against naming an independent counsel amounted to "pablum." Last November, both he and FBI Director Louis B. Freeh advised Miss Reno to seek the appointment of an independent counsel to investigate charges that President Clinton and Vice President Gore had made illegal fund-raising calls from the White House. In a confidential 27-page legal memo to the attorney general, Mr. Freeh concluded, "It is difficult to imagine a more compelling situation for the appointment of an independent counsel," arguing that the investigation had satisfied both the discretionary and the mandatory options governing such an appointment. Siding yet again with Mr. Radek, Miss Reno rejected the advice of Messrs. Freeh and La Bella last fall.

Mr. La Bella is now returning to San Diego, where he will become interim U.S. attorney, an appointment he received from Miss Reno. On July 16, he filed his final report, and it was revealed late last week that Mr. La Bella once again strongly recommended that Miss Reno seek an independent counsel. Like Mr. Freeh, Mr. La Bella has concluded that his investigation has satisfied both the provisions of the independent-counsel law. Both have concluded that it is a conflict of interest for Miss Reno to investigate these matters. Mr. La Bella also joined Mr. Freeh in concluding that Miss Reno and, for that matter, Mr. Radek, have misinterpreted the statute by establishing too high a standard for the implementation of the independent-counsel statute. FBI agent James Desarno, who was named to the task force as the highest-ranking agent at the same time Mr. La Bella was appointed, has also concurred with the recommendation for an independent counsel.

Given that Mr. La Bella was Miss Reno's hand-picked prosecutor to lead her department's faltering investigation, his views ought to carry great weight, as, of course, should those of FBI Director Freeh. But Miss Reno has already displayed her trademark obstinacy and has failed to act in the 11 days she has had the benefit of Mr. La Bella's latest recommendation.

The Justice Department frequently reminds us that Miss Reno has sought more independent counsels than any previous attorney general. But it's worth recalling that she steadfastly refused to name an independent counsel to investigate Whitewater until after President Clinton instructed her to do so. And Kenneth Starr was appointed by a special three-judge panel, which rejected Miss Reno's recommendation that a more pliable, less independent prosecutor be reappointed.

By seeking independent counsels to investigate matters far less important than the massive campaign corruption that subverted the democratic process, Miss Reno has conveniently built a defense against having to seek an appointment that actually threatens the president. It's a brilliant tactic, but she cannot be allowed to get away with it.

The PRESIDING OFFICER. The Chair informs the Senator that his time has expired.

Mr. NICKLES. I thank the Chair. I now believe I have inserted in the RECORD all the subsequent statements that I have, including Attorney General Reno's statement before the Judiciary Committee, or at least excerpts of that.

I thank my friend and colleague. I also thank my colleague from West Virginia for his patience and courtesy, that he always extends. I appreciate that.

To my colleague from Pennsylvania, my time has expired.

Mr. SPECTER. For a question—I know the distinguished Senator from West Virginia is waiting. I will be just a moment or two.

Mr. BYRD. I will be happy to wait.

Mr. SPECTER. I appreciate that very much.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. My question, I say to Senator NICKLES, relates to the consequences of a resignation. I commend you for the statement which you have just made. I have joined others in the call for an independent counsel. And, in fact, when questioning Attorney General Reno on July 15 of this year—2 weeks ago on Wednesday—I asked her about specific cases and had an extensive chart which showed the justification for an independent counsel.

Then, because of the limitation of time, I mentioned only two cases, one where a memorandum had come from the Democratic National Committee to the White House identifying five people who were identified as being good for $100,000 each. The President initialed it. The Democratic National Committee called for a coffee. It was held in the Oval Office. Within a few days thereafter, four of the five contributed $100,000—specific and credible evidence. And the Attorney General responded she would get back to me, which I said surprised me because it was a well-known matter.

The second matter that I called to her attention—of only two because of the limitation of time—involved John Huang, where the photograph appeared and Carl Jackson, formerly of the NSC, National Security Staff, commented that Huang, in the presence of the President in the White House had said "Elections are expensive, and we expect people to contribute." I have pressed for a mandamus act which I will not discuss now. I have on prior occasions.

The question that I have for my distinguished colleague from Oklahoma—and I thank my colleague from West Virginia—is, What will be accomplished with a resignation? Is there any expectation that the President will appoint somebody who will be tougher on the campaign irregularities in which he is so deeply involved, at least by allegation? Wouldn't the better course be to move on the legal front, recognizing that it is a very tough case, candidly, an uphill fight—a long shot, in common parlance—contrasted with the resignation where we are going to have a lengthy delay before a nomination is made—confirmation hearings—familiarity would be a matter of months—before a substitute attorney general would be in a position to respond to this issue about appointment of an independent counsel?

Mr. NICKLES. I appreciate the question by my friend and colleague. As I stated in my statement, one, I hope—I prefaced, I said if she does not appoint, if she does not appoint an independent counsel, then I think she should resign. And it is my hope that she will follow the wisdom of Director Freeh and Mr. La Bella, follow their advice and appoint an independent counsel. I hope, she will enforce the law.

As my colleague from Pennsylvania is aware, I think the law is very clear. The one you mentioned with the coffees, the statute says: It shall be unlawful for any person to solicit or receive any contribution in a Federal building. The statute is pretty clear. It just has not been enforced.

I appreciate your statement. I think if she resigned—whoever is acting—before any person would be confirmed by the Senate, we would try to have a very clear understanding that the law would be enforced.

I would also mention—you mentioned John Huang. John Huang was in the White House 164 times. That is a lot of visits for a person who was primarily a fundraiser. I think clearly the law was abused; campaign abuses were very flagrant. And the law should be enforced.

Hopefully, the Attorney General will take heed of the advice that the Senate Judiciary Committee, the House Judiciary Committee, the Governmental Affairs Committee, the investigative committee in the House, and as well as the FBI Director and her chief prosecutor, Mr. La Bella, have given, and follow that advice with the appointment of an independent counsel. I think it would help relieve her of a lot of criticism. And I think it would be the right thing to do. I think it would be enforcing the laws as the law is written.

Mr. President, I again thank my colleague from West Virginia for his courtesy and also for his patience.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for 25 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

MILITARY RELATIONSHIPS: NEW MARCHING ORDERS FROM THE PENTAGON

Mr. BYRD. Mr. President, last week, I took the Senate floor to call attention to reports that the Secretary of Defense was prepared to offer a proposal that would ease the penalties for adultery in the military. The report set off alarm bells in my own mind because moral responsibility in the military cannot be compromised without undermining the core values of the services—values such as honor, integrity, and loyalty.

As a result of my remarks, Secretary Cohen called me at home on Sunday—I believe it was Sunday—to assure me that he had no intention of watering down the Defense Department's policies concerning adultery and fraternization. In fact, he said, the new rules he was considering would strengthen those policies.

I appreciate the seriousness with which Secretary Cohen views this matter, and I applaud his efforts to come to grips with policies that have precipitated uneven treatment of military personnel and have resulted in morale-damaging charges of double standards.

The proposed new Pentagon policies were announced earlier this week, and I commend Secretary Cohen for upholding the military code of justice and resisting pressure to reduce the penalties for adultery. I wish I could have confidence that the new policies are sufficient and will fulfill Secretary Cohen's intent of ensuring even-handed treatment of adultery in the military. Unfortunately, I fear that the new policies fall short of the mark in that respect. Moreover, I fear that these new guidelines send conflicting signals to commanders in the field: Yes, on the one hand, adultery is still a crime in the military; but no, on the other hand, it will not be criminally prosecuted unless it is so flagrant that it disrupts or discredits the military.

I fear that some could read into these guidelines a message to the troops that lying and cheating are okay as long as you don't get caught. I do not for a moment believe that that is the message the Defense Department intends to communicate.

The stated intent of the new policies is to standardize good order and discipline policies among the Services, and to clarify guidance on the offense of adultery under the Uniform Code of Military Justice. In the case of fraternization, the new guidelines seem clear cut—they will impose a military-wide ban on fraternization, bringing the Army into line with the fraternization policies currently enforced by the Navy, Air Force, and yes, the good old Marine Corps.

The impact of the guidelines as they apply to the handling of adultery cases in the military is where the message gets muddled. The new guidelines, according to the Pentagon, do not change the Uniform Military Code of Justice. They do not lower the standards of conduct demanded of America's military forces. They do not preclude a court martial or dishonorable discharge for adultery. That's what the guidelines don't do. What they do accomplish, in my opinion, is much harder to quantify.

Under these guidelines, adultery would remain a crime in the military, but it would only be criminally prosecuted if it brought discredit to the military or disrupted the good order and discipline of the armed services. That caveat, while currently an element of proof of the offense of adultery under the Uniform Military Code of Justice, is given added weight and emphasis under the new guidelines.

Now, I have been accused, from time to time, of being old-fashioned, strait-laced, and of wearing 19th century clothes and a stickler for the rules and a stickler for propriety. I plead guilty on all counts, other than the 19th century business with respect to my clothing, but I do not believe that one has to be old-fashioned to recognize that adultery is a dishonorable act that intrinsically brings discredit to the offending party and, in the case of the military, to the uniform that he or she wears. I do not believe that honor and integrity anywhere, especially in the military, have ever gone out of fashion. And I do not believe that one has to be strait-laced to recognize that lying, cheating, and deceiving—all elements of adultery—intrinsically subvert good order and discipline.

Yet it seems to me that these guidelines shift the emphasis of adultery in the military from the crime to the consequences. Rather than clarifying the offense of adultery, it seems to me that these guidelines confuse the issue. What constitutes "discredit to the armed forces" if not a crime—and adultery is a crime in the military? What constitutes the disruption of "good order and discipline" if not lying, cheating, and deceiving in the commission of a crime?

Honor, integrity, and decency are universal values and principles. They are absolute. They do not fade with the passing of time or cease to matter behind closed doors. When a person takes an oath before God and country, as the military do, that oath is taken without qualification or reservation. It is not limited by time or place or who knows about it.

Mr. President, I believe that Secretary Cohen is dedicated to maintaining the high standards of the United States military. I know that he has put a great deal of time, thought, and effort into restoring consistency to the application of the military code of conduct. I commend him for his efforts, and I urge him to continue working on this extremely important and sensitive aspect of military service.

The men and women who serve in the United States military are remarkable individuals. They willingly endure the hardships that military life imposes on them and their families. They willingly sacrifice personal freedoms for the good of the nation. They willingly take an oath to preserve, protect, and defend this great nation, with their lives if necessary.

For the life of me, I cannot square that level of total commitment with official guidelines whose recommended remedies for the crime of adultery include "counseling" or "an adverse fitness report."

I cannot square the core values of the United States military with a guidance regarding adultery that appears to encourage commanding officers to overlook the crime of adultery if it is "remote in time."

Mr. President, how remote is remote? What kind of clarity does that guidance impart? Is last month remote enough in time to avoid a criminal prosecution for adultery? How about last week—is that enough?

Last month? Last year? Would this "clarification" have salvaged Air Force General Joseph Ralston's nomination to be Chairman of the Joint Chiefs of Staff? Would this guideline let Army Major General David Hale off the hook for abruptly retiring while he was under investigation for alleged sexual misconduct?

Is discretion what we are really talking about here? Do these guidelines send a signal to our troops that the crime of adultery is not really that bad as long as you are discrete and don't disrupt your unit? Are we giving a whole new meaning to the sentiment, "The better part of valor is discretion"?

I do not for a moment believe that this is Secretary Cohen's intent. I do not for a moment believe that our Nation's military leadership wishes to erode the standards of conduct for the military. But I do express a warning that these guidelines, well-intentioned though they may be, will not solve any problems. These guidelines will not erase the perception that the military applies a double standard to senior officers and enlisted personnel. And most important, these guidelines will not strengthen the necessary trust and cohesiveness that help to make America's military forces the finest in the world—we think.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE DELIVERY IN ALASKA

Mr. MURKOWSKI. Mr. President, this is a picture of a gentleman, Walter Samuelson. Walter Samuelson was 60 years old when he died February 1, 1992, as a consequence of a heart attack from complications he suffered in February of that year. Because of the weather in King Cove, AK, Samuelson waited 3 days after his heart attack before he could be removed out of King Cove to a hospital in Anchorage. By that time, his heart had been so severely damaged he eventually had to have a heart transplant. The Samuelson family believes that had Walter been able to get out of the village of King Cove a little earlier, he would not have had the major complications that led to his heart transplant.

Mr. Samuelson was born and raised in King Cove, AK. He served in the military in the Korean war. He was a fisherman all his life, fishing with his father and brothers while growing up. And after serving in the military, he moved to Sitka and married. He and his wife, Freda, had four boys. During the summer, he would fly his plane 1,000 miles back to King Cove where his boat was and where he could continue his livelihood, fishing for salmon. He later moved back to King Cove to live and later remarried. He and his second wife, Tanna, had two more children.

Mr. Samuelson was a dedicated patron of the school in King Cove and devoted much of his time and effort there, so much so that he was honored in the dedication of the school's yearbook to him as "a great friend of King Cove schools," an honor which he certainly cherished.

He is survived by his wife Tanna and children: Carl, Walter, Jr., Charles, John, Axel, and Tanna. His surviving brothers and sisters are: Anna Poe, Marion Walker, Thelma Hutton, Christine Christiansen, and Alex, Eugene, John, Frank, and Eric Samuelson.

Mr. Samuelson required a heart transplant and died because there is no road between King Cove and Cold Bay.

We wonder how many more people have to die before we do something about it. Eleven residents have perished in aircraft accidents being medevaced out of King Cove a short distance to Cold Bay, where there is a year-round crosswind runway, as opposed to the gravel strip in the village of King Cove, where sometimes the windsock is blowing at opposite ends of the runway in opposite directions because of the severe turbulence in what is classified as one of the three worst weather areas identified in the world.

The point is the people of King Cove have an alternative, and that is a short, 7-mile road connection which would necessitate a gravel road of 7 miles on the edge of a wilderness area. The people of King Cove are willing to give approximately 700 acres of their land to enlarge the wilderness for access through 7 miles of wilderness. This is being objected to by the Department of Interior and by many of the environmental community.

I hope, as we return from our recess, we can reflect on the human merits, so we do not have to address additional obituaries of people who died because of their inability to get medical care and have simple access that every American enjoys with the exception of people in the village of King Cove, AK.

Mr. President, let me take this opportunity to wish you a very pleasant recess, and the other officials who are here in the Senate Chamber.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

SELF-DETERMINATION FOR PUERTO RICO

Mr. MURKOWSKI. Mr. President, I would like to advise my colleagues that today, as Chairman of the Energy and Natural Resources Committee, I submitted to both the Democratic and Republican members of that committee, a chairman's mark specifically on the issue of self-determination for Puerto Rico. It is certainly a responsibility of my committee to provide and address the eventual disposition of the status of the American citizens in Puerto Rico, and the purpose of the draft is to provide them with an opportunity to express their dispositions on future political aspirations of the choice among commonwealth, independence, or statehood.

Also, I advise my colleagues, this is the centennial anniversary of Puerto Rico under U.S. sovereignty—100 years that Puerto Rico has been under the U.S. flag. The people of Puerto Rico, as U.S. citizens, have been in a process of transcending to something that would focus in on certainty. There is a growing effort to try to bring some finality to the disposition of the status of Puerto Rican Americans because they do not participate as other U.S. citizens in the election of representation in the House and Senate. As a consequence, many of them are looking towards a definitive alternative.

We have had hearings. We have listened to individuals from all sides of the debate. We have reviewed all testimony. We have had input from three political parties, certainly, as well as the Governor. I have directed the chairman's mark in the hopes that it will provide a brief, accurate and neutral definition of the status of the options. The mark is drafted to advance the process of self-determination for our fellow citizens of Puerto Rico. It is strictly advisory in its legislation. It does not mandate introduction of future legislation. It does not require any fast track.

I grew up living in a territory—my State of Alaska. We had taxation without representation. Many people in the

State of Alaska, filing their income tax returns, used to write in red, "filed in protest." It made them feel a little better. It didn't do any good. But the point is these people living in Puerto Rico are entitled to certainty, and it is an obligation of the Congress to address a final resolution.

I think our committee has a moral and constitutional responsibility to address the situation in Puerto Rico, but we don't want to get involved in the politics of Puerto Rico. That is not our business. I know the Governor intends to call a plebiscite this December. He may or may not choose to use the definitions that we provide him. Whether or not the Senate acts is another story. We have a short time left, but in my view this is an ongoing effort of the committee, a systematic progression. The definitions we have come up with and the structure in the previous bills, either the House bill or the Senate bill, have not been as neutral as we would have liked and would have involved, I think, more activity in local politics. We have attempted to be more objective.

It is my hope the measure that eventually comes out of our committee will provide the Governor language that is accurate and neutral. The draft chairman's mark clarifies citizenship under each option. That was very important, in our conversations with all groups. The classification and clarification of citizenship was very important. Under commonwealth, citizenship provided by statute will continue to do so. Under separate sovereignty, citizenship would end. Under Statehood, citizenship is, of course, provided under the Constitution, so there is no question about that.

Finally, I want to make it clear so long as Puerto Rico remains under U.S. sovereignty its residents, of course, will be U.S. citizens. If Puerto Rico wants separate sovereignty then, of course, U.S. citizenship would end.

I provided members of the Energy Committee a copy of this mark for their review over the recess. After receiving members' comments, members of the committee, again, will discuss this matter in September.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

THE PRESIDENT'S OATH OF OFFICE

Mr. ASHCROFT. Mr. President, the oath of office taken by the President of the United States is majestic and simple; as a matter of fact, it is eloquent. The President simply swears that he will faithfully execute the office, the highest office of the land, and that he will preserve, protect and defend the United States Constitution.

In its enumeration of his duties, the Constitution of the United States directs that the President "take care that the Laws be faithfully executed." So the President is directed by the Constitution to "take care that the Laws be faithfully executed." The core values of American self-government are concentrated in the Presidency.

Do we expect the President of the United States to be a patriot? Of course. Not only do we expect that from the structure of our government, we have grown to expect it because that has been established as a precedent by President after President after President.

Do we expect the President to love freedom? To serve the people rather than to serve himself? To act with respect for the rule of law? To uphold the idea in America that there are no kings, that the highest rank in this culture is the rank of citizen? To put the institution of the Presidency above his own personal interests? I think it is fair to say that all of us would respond to those inquiries with a resounding "Yes." We do expect that. We have high expectations.

Do we expect the President to be truthful? Yes. To keep his solemn oath of office? Yes. Certainly. These are qualities—the love of country, the commitment to public service, the obedience and supremacy of the law—that we expect in the behavior of the President. He or she is to be a national model for honesty, integrity, and respect for the law.

It has been shocking to me that defenders of President Clinton have begun to suggest, however, that such is not the case, that our aspirations are without foundation, that somehow we are dreaming an impossible dream to think that the President would be a model. Indeed, we are told he is not even responsible for telling us the truth. Some of his defenders have begun to suggest that lying under oath can be acceptable conduct in a President or that the President is generally above the law and that the President would not need to honor, for instance, a lawful subpoena to a grand jury—the idea that somehow the President's power is so substantial that the President would not have to respond in the event that he were called.

Jack Quinn, former White House counsel and a friend of many in this Chamber, argues in the pages of the Wall Street Journal that the President simply is not the subject of law in the same way as other citizens in an article entitled "Clinton Can Avoid the Starr Chamber." He argues that the President does not have to comply with a grand jury subpoena.

As new evidence comes to light, all the President's men work to keep America in the dark. And I believe that is wrong. I believe the concept of self-government carries with it an implicit need of citizens to know what is happening in government, what the circumstances are, what the conditions are. And certainly if a person is called upon by a part of our Government to provide truthful testimony, the failure to do so is a very serious offense.

I believe that perjury is unacceptable conduct and that it is an impeachable offense. How can it be otherwise? It is not possible to—and I am quoting the Constitution—"take care that the Laws be faithfully executed" while deliberately slighting the law against perjury. It is that simple.

I, for one, am fascinated by the prevailing conventional wisdom that Presidential perjury would be harmless error, while suborning perjury or obstructing justice would be much worse and an impeachable offense.

The suggestion is shocking—that somehow it is OK for the President to lie but it would not be OK for him to tell someone else to lie, that the act itself would be OK and permissible, but telling someone else to do it would be an infraction. That is an utterly false dichotomy.

Since when is it worse to try to get someone else to lie than to tell a lie yourself? Is it worse to try to convince someone else to steal than to steal yourself? Is it worse to convince someone else to cheat on their taxes than to cheat on your own taxes?

Being under oath and lying under oath or convincing someone else to tell a lie under oath is criminal in either case and irreconcilable with the President's constitutional oath to take care that the laws of the land be respected, honored, and enforced.

Terrible events appear to be engulfing the Clinton Presidency. The investigation of the President raises fundamental questions about the standards we should expect from a Chief Executive of the United States. If the House of Representatives begins an impeachment inquiry, the momentous machinery of the Constitution will raise the issue of Presidential conduct and misconduct to their highest levels.

Because the prospect of Presidential impeachment seldom troubles this blessed Nation—and we can be grateful for that—there are fundamental questions about the President's standing under the law that have never been answered definitively.

If we had impeachment processes going on every month, month by month, year by year, in virtually every Presidency, we would have a great body of law that told us exactly how things are to be done in this situation. That is how the rules of behavior in the legal system are developed, through precedent and experience. But we really do not have major impeachment experience.

As a matter of fact, there has been one President who has undergone that kind of inquiry in the Senate, and that was well over 100 years ago. Moreover, in more recent times, when this body has considered impeachments for a variety of other, lesser officials, we have not conducted full-scale impeachment proceedings. So there are lots of issues that surround the potential of illegal activity by a President that have not been answered; some probably have not even been asked.

It is time to clarify these issues, I believe, before the House addresses the momentous decision of whether to open a formal inquiry. I think the questions need to be answered, and I believe that we can begin this important discussion about the President's obligations to comply with the normal criminal process.

I think we can begin to develop an understanding of how this should be conducted by holding hearings over the recess in the Constitution Subcommittee of the Senate Judiciary Committee. I believe we can invite scholars in to answer questions about whether the President is subject to prosecution; whether, indeed, the President is responsible for appearing before a grand jury in response to a subpoena; what level of conduct the President must compare to; what standard can he be measured by; in the absence of measuring up, are there things that can, should, or ought to be done?

I might point out that very shortly we will be called to reevaluate the independent counsel statute which provides a basis for individuals being investigated when the normal investigatory process would be replete with conflicts of interest.

I noted with interest that the assistant majority leader was on the floor here in the Senate Chamber earlier today talking about the fact that the Attorney General has been implored by the Director of the FBI to appoint an independent counsel to look into, investigate, and prosecute possible violations of the criminal laws regarding political contributions. Not only has she been asked to do that by the Director of the FBI, she has been asked to do that by the person she appointed in the Justice Department to look into the matter. His recommendation to her is, according to the reports is, that she ought to appoint an independent counsel, yet she has refused. I noted that the assistant majority leader indicated that her refusal and her continued refusal would become the basis for her resignation, in his view.

I think all of these serious questions about the accountability of high-ranking executive branch officials beg resolution and they demand discussion. It is important that we resolve them and begin to have a full awareness of these potentials as we move toward the responsibility of reauthorizing or otherwise adjusting or dealing with the concept of the independent counsel's office in the independent counsel statute.

Perhaps there is a single open question that is more demanding than any other of the open questions, and is certainly more relevant now, it appears, more than at any other time in history: whether a sitting President is subject to the regular compulsory criminal process.

I think, as I indicated, former White House counsel Quinn's article in the Wall Street Journal says no. When we mean regular criminal process, we have to say up to and including prosecution. So the question becomes, Can a sitting President be prosecuted if he violates the law, or is the sitting President above the law? Or is the only remedy to remove him from office through the impeachment process, and then would he be liable for prosecution or is he liable for prosecution if the Congress decides to sit on its hands?

You can imagine a situation in which a President was favored by a group of individuals in the Congress who simply didn't want to get involved or were allies of the President politically who said, "No, there are a sufficient number of us to stop an impeachment procedure, so we won't allow it to happen." If the President were to persist in criminal behavior, it seems to me, there is a question in that setting about whether there is any remedy. Would a President be subject to prosecution if the House turned its back on obvious—obvious—criminal infractions, simply saying, "We don't want any part of an impeachment proceeding?"

There is a pretty high level of political discussion now that says, even in the President's opposition party, that says the Republicans might not want this President to leave office to give his Vice President a jump-start on the next election. That is something that I don't buy. I don't believe in that. I believe that if there has been a serious infraction that merits impeachment, the inquiry must take place. Even if it is on the last day and the last 20 seconds of the Presidential term—Americans ought to do what is right. But there is a lot of discussion in the culture now that even an opposition party might not want to remove a particular official. So if there isn't any other remedy, does that mean that a person is free to violate the law? I think these are important questions.

The question, then, is whether a sitting President is subject to the regular compulsory criminal process—up to and including prosecution—or whether impeachment is the only avenue available for addressing Presidential wrongdoing?

It is a serious question. It is a question that has been commented on by a number of individuals hypothetically in the past. In commenting on the options available to address Presidential crimes, many people seem to proceed on the assumption that the impeachment process is the exclusive avenue for addressing Presidential misconduct. Judge Bork reached this conclusion many years ago when the Justice Department considered the options for prosecuting Vice President Agnew. But Judge Bork's view is hardly the unanimous view of legal scholars.

For example, Professor Gary McDowell has argued that the independent counsel does have the capacity to indict a sitting President. In the Wall Street Journal of March 9, 1998, Professor McDowell, who is a director of the Institute of the United States Studies at the University of London, says yes, in a rather well-written piece, yes, you can indict the President. Jack Quinn says, "Clinton can avoid the Starr Chamber," basically saying you can't.

Perhaps the most well-known constitutional scholar in America with whom I sometimes agree and with whom I often disagree is Professor Larry Tribe. Now, Lawrence Tribe, in his "American Constitutional Law" text, admits that the question must be regarded as an open one, saying that, with respect to whether or not you can proceed against a President in a criminal proceeding, "the question must be regarded as an open one, but the burden should be on those who insist that a President is immune from criminal trial prior to impeachment and removal from office."

Interesting. That is one of the most noted constitutional legal scholars in the United States saying that while he thinks the question is an open one, that those who want to say that there is immunity here have the real burden of making the case.

This is a constitutional question of the highest order. The answer provides insights into whether the President is subject to the criminal laws applicable to the citizenry of America. The answer also informs whether a popular President—or a President whose party has a secure congressional majority or a President whose value to other individuals in office would make them reluctant to involve themselves in impeachment proceedings—could ever be held accountable for violations of the law.

Perhaps early in a term a President is alleged to have done something, does the statute of limitations run, and if it runs before the term is over and the Congress decides to turn its head, does that mean there is absolutely no requirement that the President adhere to the law, respond to the law, be involved and uphold the law in the same way as other citizens are?

I think these questions are very serious questions, and they are questions that demand resolution. I think an inquiry is important to begin the process of resolving these questions.

There are also important subsidiary questions about whether the President is subject to a criminal process that should be examined. On August 17, the Nation will witness the spectacle of a sitting President providing grand jury testimony.

He is going to do it pursuant to a negotiated agreement. The President will appear, but he is going to be available for questions for a single day and will have the benefit of legal counsel. By doing so, by agreeing, he has deferred a legal resolution of these issues. I am, frankly, happy that the President has decided, at least in this measure, to make himself available. This negotiated agreement for the President to appear for a single day has deferred a confrontation over the ultimate constitutional question of whether a sitting President must comply with a grand jury subpoena. But this question may not go away.

In the event that a single day proves insufficient, for example, to resolve all the questions that Judge Starr has for the President, this unresolved question could resurface.

The importance of this question also goes beyond the context of this particular dispute over alleged Presidential perjury, or a series of other alleged Presidential acts relating to perjury and obstruction of justice. I have here an opinion piece by one of President Clinton's former White House counsels, Jack Quinn—to which I have referred already—in which Mr. Quinn argues that the President is not obligated to comply with the ordinary criminal process and is free to ignore a grand jury subpoena—to simply say: I don't participate in enforcing the law. If I have information about a crime that might have been committed, or evidence about it, I don't have to do that, I am the President.

That is a sweeping proposition, and I think it is one that the Congress should examine, particularly as we move toward the possible reauthorization of the Independent Counsel Act. I plan to bring in a number of constitutional scholars to address these critical issues and these yet unanswered questions.

Frankly, I do not mean to prejudge these issues. However, they are too important to leave unexamined. The answers to these questions may well inform the progress of Judge Starr's investigation and shape the difficult question of what the House should do if a report from Judge Starr does not arrive until the eve of adjournment.

The events of the past 6 months have raised many novel questions about the scope of the powers and privileges of the President. These are important questions and they are not easy to resolve. And in our system of separated powers, the answers to these questions also determine the scope and the power of Congress, and they will also determine, in some measure, the scope and the power of protection offered to the people. The answers will determine whether the people deserve to be protected by virtue of prosecuting those who offend the law even if Congress chooses not to be involved in proceedings which it had the opportunity to pursue, like impeachment. Congress cannot be a mere bystander in these debates. Congress has an important responsibility to use its investigatory functions to shed light on these important and unresolved questions. It is time for Congress to stop looking at the polls and to start looking at the Constitution.

I hope these hearings will provide important insights into the extent to which the President must comply with criminal process. I believe every other American has the responsibility to comply, and it is a serious question to determine whether or not the President has the responsibility of being a citizen, as well as being the President. So I look forward to sharing this discussion with other members of the Constitution Subcommittee and to chairing these hearings to help clarify these issues at a time when we need this clarity, either in reformulating our view on the independent counsel statute, or as it relates to events that are unfolding at the other end of Pennsylvania Avenue. I believe that a discussion of these issues will advance our capacity to understand the appropriate balance that is necessary for the maintenance of freedom and the responsibilities that come with the privileges that we enjoy as free people.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota, Mr. GRAMS, is recognized.

Mr. GRAMS. Mr. President, I ask unanimous consent to be able to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRISIS IN SUDAN

Mr. GRAMS. Mr. President, as an original cosponsor of the sense-of-the-Senate on providing humanitarian relief to the Sudan, I believe it is important that we focus on the tragedy that is unfolding before our eyes. The people of southern Sudan are starving. Khartoum is using the denial of food as a weapon in its war against the rebels in the south—and we are letting the government of Sudan get away with this odious practice by allowing Khartoum to have a veto over aid deliveries.

Sudan has been torn by a devastating civil war between the Muslim north and the predominantly Christian and animist south for most of history since independence. The current phase of the war started in 1983 when the then-President embarked on an Islamization program. Recurring famine is just one of the tragic outcomes of Khartoum's brutal method of warfare where women, children, and livestock are taken as prizes of war. It has also resulted in institutionalized slavery, more than 4 million internally displaced people, and more than 1.5 million casualties in the past 14 years.

Our State Department lists Sudan as a terrorist state. We have sanctions on Sudan which prohibit American investment. But we respect the right of the National Islamic Front regime in Khartoum to veto the delivery of humanitarian relief to the south. That just doesn't make sense.

Most of the aid flowing to southern Sudan is through non-governmental organizations (NGOs) participating in a United Nations relief program, Operation Lifeline Sudan (OLS). While traveling through east Africa in December, I had the opportunity to visit the OLS Southern Sector headquarters and see firsthand the efforts of the NGOs. These NGOs are on the ground, along with UNICEF, mounting a heroic effort to distribute aid to these starving people. And I know that many of them share my frustration with the UN's political agreement with the government of Sudan which allows Khartoum to have the final say in the distribution of aid to the south. This has resulted in the starvation of citizens and soldiers alike when Khartoum decides it is advantageous to halt the delivering of aid.

For the past few years, Khartoum has restricted flights during the planting season so that aid organizations cannot deliver the seeds and tools necessary to help the people of southern Sudan feed themselves. This year Khartoum went a step further. Khartoum didn't just restrict flights. It banned relief flights in the Bahr el Ghazal region. It should be no surprise that another poor harvest is predicted in the Fall. According to the UN World Food Program, 2.6 million people in Southern Sudan are in imminent peril of starvation. Quite frankly, until we can find a way to deliver seeds and tools to southern Sudan during planting season, I see this cycle of famine continuing indefinitely. This is a warfare tactic of cowards.

The flight ban wasn't the only problem that OLS had in delivering aid effectively. When the flight ban was lifted and aid could once again be provided, OLS faced another barrier put in its way by Khartoum. OLS was forced to wait for Khartoum's permission to add four Ilyushin cargo planes to the handful of C–130s that deliver relief supplies to southern Sudan. Any agreement by the United Nations which permits Khartoum a veto over the number of relief planes as well as when and where they can fly is fatally flawed. The President should aggressively seek to change the terms of this agreement which restricts the ability of Operation Lifeline Sudan to distribute aid effectively to southern Sudan.

As chairman of the International Operations subcommittee, I have to say I hold little hope that the United Nations will take any significant steps in this direction. That leaves, of course, the option of unilateral action by the United States to bypass Khartoum's veto. Currently, U.S. AID funnels aid to Sudan almost exclusively through OLS-affiliated groups. That must change if we are to have any chance to effectively combat the use of starvation as a tactic of war. The United States government shouldn't just cooperate with these non-OLS groups when Khartoum institutes restrictions on the delivery of aid—as we did during the Bahr El Ghazal flight ban. The United States should actively assist and develop relief distribution networks outside of Operation Lifeline Sudan's umbrella which are not subject to the whims of Khartoum. If we don't, yet another planting season will pass without seeds being sown, and hundreds of thousands or more people will starve.

SOLUTIONS TO THE SOCIAL SECURITY CRISIS

Mr. GRAMS. Mr. President, during the past few weeks, I have made a series of remarks on the Senate floor concerning Social Security. I discussed the history of Social Security, the program's looming crisis, the old-age insurance reform efforts taken by other nations, and the financial gender and race gaps created by the current Social Security system.

Today, I will sum up the major points I have made so far and then move on to speak about possible solutions to Social Security's problems, and the principles of reform we must uphold as we move forward.

The concept of "social security" originated in Europe in the 1880s. It was devised supposedly to correct the problems created by laissez faire capitalism, to avoid a Marxist-led revolution. Social Security was not an American experience. In fact, a very small group of intellectuals promoted and designed the Social Security program in this country. Congress hastily passed the Social Security Act less than seven months following its introduction in 1935. The public never got the chance to participate in the debate.

At the time, many Members of Congress from both sides of the aisle raised serious questions about the program. Unfortunately, many of their prophecies have become reality today. Senator Bennett Clark, a Democrat from Missouri, recognized the non-competitive nature of Social Security and offered an amendment to allow companies with private pensions to opt out of the public program. Workers would be given the freedom to choose either the federal Social Security program or a private pension plan offered by their employers.

The Clark amendment received popular support in the Senate, but was dropped from the conference report with the promise it would be reconsidered immediately the following year. It was not—that promise was broken, the first of many broken promises that plague us today.

In the 60 years following its creation, despite continued questions and criticism, the Social Security system has grown dramatically in size and scope. As more beneficiaries and more programs are added, Congress has raised the payroll tax 51 times.

In 1964, Ronald Reagan was among the first to suggest investing Social Security funds in the market. But no one took his advice seriously.

Then, in 1977 and 1983, Social Security ran into major crises, and Congress had no choice but to pass Social Security rescue packages that significantly increased taxes. Washington promised that Social Security would remain solvent for another 75 years. Today, another Social Security crisis is imminent. Unlike the previous two crises, however, the coming crisis will have a profound and devastating impact on our national economy, our society, and our culture.

The Social Security program's $20 trillion—that is a large number—$20 trillion—in unfunded liabilities have created an economic time bomb that threatens to shatter our economy. Beginning in 2008, 74 million baby-boomers will become eligible for retirement and the system will begin to collapse.

The problem begins with the fact that the current Social Security system is a "pay-as-you-go" entitlement program. The money a worker pays in today is used to support today's retirees—there are no individual accounts waiting for future retirees to dip into. This was not a problem in 1941, when there were 100 workers to support every beneficiary. It is a tremendous problem in 1998, when only two workers support each beneficiary.

These factors all lead to the conclusion that the Social Security Trust Fund will go broke by 2032 if we continue on our present course. If the economy takes a turn for the worse, or if the demographic assumptions are too optimistic, the Trust Fund could go bankrupt even earlier. Without real reform, the Congressional Budget Office and the General Accounting Office estimate the debt held by the public will consume up to 200 percent of our national income within the next 40–50 years.

A national debt at this level would shatter our economy—and shatter our children's hopes of obtaining the American dream.

Mr. President, retirement security programs worldwide, not just here in the United States, will face a serious challenge in the 21st Century due to a massive demographic shift that is now underway. The World Bank recently warned that, across the globe, "old-age systems are in serious financial trouble and are not sustainable in their present form."

While Congress has yet to focus on this problem, many other countries have moved far ahead of us in taking steps to reform their old-age retirement systems. Some of these international efforts are extremely successful. Chile and Great Britain are excellent examples.

Back in the late 1970s, after Chile realized that its publicly financed, pay-as-you-go retirement system would go broke, it replaced it with a system of personalized Pension Savings Accounts. Nearly two decades later, pensions in Chile are between 50 to 100 percent higher than they were under the old government system. Real wages have increased, personal savings rates have nearly tripled, and the economy has grown at a rate nearly double what it had prior to the change.

When facing bankruptcy in the early 1980s, the United Kingdom reformed its system to allow individuals to choose the option of a new, self-financing private pension plan. The success of the English system has been overwhelming. Today, nearly 73 percent of the workforce participates in private plans, with a total pool worth more than $1 trillion. The United Kingdom will pay off its national debt by 2030, about the same time experts estimate our Social Security Trust Fund will go bankrupt.

Mr. President, we can learn a great deal from our global neighbors. As we pursue reform, we must also address the issue of why the current Social Security system puts women and minorities at a greater financial risk and disadvantage than other retirees face today. For women and minorities, average income remains low. This means they have less money available to save for their retirements. Therefore, a growing number of women and minorities are becoming increasingly dependent upon their Social Security checks. Today, the average female retiree earns approximately $621 per month, compared to her male counterpart at $810 per month. But marriage alone does not always improve a woman's situation. In fact, 64 percent of all elderly women living in poverty are widows. This is because when a spouse dies, the widow's benefits are reduced by up to one-half.

Race also continues to be an important factor in determining the level of retirement security for some Americans. As Social Security approaches bankruptcy and the rate of return diminishes, Hispanic and African-Americans will be forced to bear a disproportionate share of the financial burden.

In an economic model prepared by the Heritage Foundation, a hypothetical Hispanic community of 50,000 lost $12.8 billion in 1997 dollars over what it could have earned had they invested their Social Security funds in a conservative portfolio. The findings within the African-American community are similarly troubling. Like single Hispanic males, single African-American males have a lower life expectancy and are especially disadvantaged by the current Social Security system. A low-income, African-American male born after 1959 can expect to receive less than 88 cents back on every dollar he contributes to the Social Security trust fund.

Mr. President, Congress and the public itself have begun to focus on the inequities of the current system, with an eye toward the rapidly approaching crisis. To date, a number of Social Security reform proposals have been introduced by Members of Congress of both parties, by think tanks, and by individuals in the private sector. This is very encouraging. It appears to me there are wrong and right approaches to reforming the Social Security system. The wrong approaches are to tinker with the current system by either increasing the payroll tax or reducing benefits, or letting the government invest Social Security Trust Funds for the American people. Mr. President, let me take a few moments to discuss why.

There are two points to consider in whether the federal government itself should invest the Social Security Trust Funds in the equity markets. The positive aspect of this approach, in my view, is that the authors of this proposal have admitted the insolvency of Social Security and have recognized the power of the markets to generate a better rate of return, and therefore improved benefits for retirees. The negative side is that direct federal involvement in the markets has the potential to do great harm.

In the last week's Humphrey-Hawkins hearing, I asked Federal Reserve Chairman Alan Greenspan whether we should allow the government to invest the Social Security Trust Funds in the markets, and if this is right direction to go. Here are his exact words:

> No, I think it is very dangerous. . . I do not know of any way that you can essentially insulate government decision-makers from having access to what will amount to very large investments in American private industry. . . I am fearful that we are taking on a position here, at least in conjecture, that has very far-reaching, potential dangers for a free American economy and a free American society. It is a wholly different phenomenon of having private investment in the market, where individuals own the stock and vote the claims on management, (from) having government (doing so).
>
> I know there are those who believe it can be insulated from the political process, they go a long way to try to do that. I have been around long enough to realize that that is just not credible and not possible. Somewhere along the line, that breach will be broken.

Perhaps no one in the country is more knowledgeable about the American economy than Chairman Greenspan. He was among the first to raise the issue of Social Security's unfunded liabilities and warned Congress a few years ago about the consequences if we fail to fix Social Security. Chairman Greenspan has been consistent in his position. But last week was the first time he spoke so clearly, forcefully, and persuasively against the idea of letting the government invest the Social Security Trust Funds. Mr. President, we should never venture out onto what Chairman Greenspan called "a slippery slope of extraordinary magnitude.

We hear some argue that Social Security is not in crisis, it is not broken, and all we need to do is make a few "minor adjustments," such as raising the payroll tax by 2.2 percent. History has already proved that this approach will not work.

If we were to adopt this plan, the tax hike would cost roughly $75 billion in fiscal year 1998, which is the equivalent of a 10 percent increase in everyone's personal income taxes. Such an increase would not only represent an impossible hardship for America's already overtaxed, hard-working families, but it would not fix Social Security either.

This 2.2 percent figure is based only on what is called actuarial balance, not operating balance. This calculation itself is problematic because actuarial balance counts accumulated surpluses, which are nothing but IOUs that can only be redeemed by raising taxes or borrowing from the public. Even if Congress adopted the 2.2 percent solution, Social Security would still face large and steadily growing deficits starting in 2020.

When I asked Chairman Greenspan about this proposal, he told me that increasing taxes will not create the savings, the investment, nor the production of real assets required for retirees, because: First, it is the same failed remedy we have turned to repeatedly, and second, it does not change a pay-as-you-go system to a fully funded one. The right approach, according to Chairman Greenspan, is to allow private retirement accounts which he believes will "far more readily move toward full funding" of the system. He believes a fully funded system will provide the savings and investment, and thus increased productivity, needed for retirement security. I fully agree with him.

You don't have to go far to find empirical evidence supporting this approach. Employees of Galveston County, Texas opted out of Social Security in 1981 to set up a private retirement plan. Let me offer some comparisons. Under Social Security, the death benefit is only $253 while under the Galveston plan, the average death benefit is $75,000 and the maximum benefit can reach $150,000. Disability benefits under Social Security are $1,280 per month, compared with $2,749 for Galveston employees. The maximum Social Security retirement benefit is $1,280 per month, while the average retirement benefit for Galveston employees is $4,790 per month.

Mr. President, it is obvious which plan is superior.

Those who argue passionately for preserving Social Security's status quo insist that personal retirement accounts are too risky and too expensive to operate. This is not true. Any investment involves risk, but in my view, Social Security is even riskier than other long-term market investments. Social Security has already had two crises in the last two decades. The coming crisis will wipe out a worker's entire lifetime of Social Security investments. With today's well regulated and matured markets, risk can be managed to the minimum for long-term investment. In addition, workers do not necessarily have to invest in stocks. In fact, they can invest in low-risk bonds, and even Treasury bills, and still do better than Social Security.

Actual fees and administrative costs for existing investments in the markets are generally well below 1 percent. With much higher yields, a market-based system still results in much better benefits than are realized under Social Security.

Supporters of the status quo also argue that a personalized retirement security system will hurt lower-income workers. Again, this is untrue. Under the Galveston plan, a 25-year-old worker, making $20,000 a year and retiring at age 65, will receive $2,740 in retirement benefits per month. That's more than three times greater than Social Security's $800 per month benefit.

A personalized retirement system is the best retirement system for today's and tomorrow's American workers because, not only will it make Social Security solvent, it will produce maximum retirement benefits and a sustainable economy. In fact, I believe this is the only solution to the Social Security crisis. We should move in this direction as soon as possible, and we should allow workers to use as much of their payroll tax as possible to set up their personal retirement accounts. There are existing proposals to allow workers to set aside two, three, or four percent of the payroll tax for their personal retirement accounts. These are all well-analyzed proposals, and each has its own merits. We should take a close look at them.

However, if a personalized retirement system will generate the best outcome, why do not we allow workers to put all their payroll taxes into the new system? That would allow workers to accumulate more savings, enjoy higher returns, generate additional benefits for their retirement in a shorter time, and pass the savings on to their children. By so doing, we can shift to a fully funded retirement system much more quickly. This will have an enormous, positive impact on our savings and investment, and our economy—while providing the retirement security we have pledged to deliver. I soon will offer legislation to achieve this goal.

Clearly we have no choice but to pursue real reform of Social Security. What remain are the difficult questions of how we should proceed, which principles should guide us, and which options offer Americans the best opportunities for retirement security.

In my view, the primary principle in reforming Social Security is to protect current and future beneficiaries who choose to stay within the traditional Social Security system. The government must guarantee their benefits. Any change that reduces their benefits, or adversely affects those Americans, is not acceptable. Let me repeat: it is not acceptable if any reform results in a reduction of benefits, or harms in any way those Americans who are depending—or who want to depend—upon Social Security.

I emphasize this principle not so much because we want to gain the support of seniors—although their support is essential to the success of our efforts—nor to neutralize their opposition to Social Security reform, but because of the sacred covenant the federal government has entered into with the American people to provide their retirement benefits. It is our contractual duty to honor that commitment. It would be wrong to let current or future beneficiaries bear the burden of the government's mistakes in creating a poorly-designed program and failing to foresee demographic changes.

The second principle we must uphold is to give the American people freedom of choice in pursuing retirement security. The purpose of Social Security is to provide a basic level of benefits for everyone in case of misfortune. So if social insurance is a safety net to catch those who fall, it does not make sense to penalize those who are quite able to stand on their own two feet. Freedom is the cornerstone on which this nation is built—taking away freedom will lower the standard of living we enjoy today. Allowing workers to control their own funds and resources for retirement will strengthen our constitutional democracy and put individuals in charge of their own savings.

The third principle is to preserve a safety net for unlucky or disadvantaged Americans, so that no covered person is forced to live in poverty. Today's Social Security program has 44 million beneficiaries: we must ensure that the safety net will continue to be there for them. But we must also separate the retirement function from the welfare function and make them transparent, so that we can better manage and improve old-age retirement programs and welfare programs.

The fourth principle is that reform should provide better or improved retirement security for American workers than is currently available. We can do that by enabling them to build personal retirement savings, improve the rate of return on their savings, increase capital ownership, and pass their savings on to their children.

More and more people are relying on Social Security as their only source of retirement income. As that number grows, however, the rate of return for Social Security contributions is diminishing.

And so it is becoming ever more difficult to juggle the increased dependency on Social Security with the expectations for a decent retirement. Any reform of the current system must meet this challenge and provide better benefits for every American, regardless of their income, than are available under the current system.

The fifth principle should be to replace the current pay-as-you-go system with a fully funded program. The fundamental flaw of the Social Security system is the PAYGO finance mechanism, which has been very vulnerable to changing demographics, and hardly remains actuarially balanced.

It has created enormous financial burdens for our children and grandchildren. Moving to a fully funded system will not only reduce inequality among generations, it will also greatly increase our nation's savings and investment rates, and therefore prosperity.

The sixth principle is that any reform of the current system should not increase the tax burden of the American people. The taxpayers are already paying an historic 40 percent in federal, state and local taxes out of every paycheck they earn.

Although Congress has increased payroll taxes more than 51 times in the past 63 years, Social Security still faces a crisis. Hiking taxes yet again to fix Social Security would be unfair and unjust to working Americans, and would only pave the way for additional, future tax increases.

We must neither increase taxes to tinker with the current system, nor to finance a transition from a PAYGO system to one that is prefunded. Instead, we should look for a more innovative and more appropriate way to finance reform, such as reducing government spending and selling government assets, to achieve the goal.

Although the degree to which the various reform proposals being discussed meet the core principles I have outlined varies greatly, the fact that we are openly debating this subject at all is heartening.

In conclusion, Mr. President, the looming Social Security crisis is real. The threat to our economy is devastating. The best solution to avoiding this imminent crisis is to move from Social Security's PAYGO-based system to a personalized retirement program that is fully funded and offers each American the security they seek—and deserve—in their retirement years.

Congress has the power to create this brighter future for all. Congress has the responsibility to act before the coming danger is irreversible. All Congress needs now is courage.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. I thank the chair.

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 2419 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PROGRESS TOWARD A MORE EFFECTIVE RCRA

Mr. LOTT. Mr. President, I rise today to acknowledge and commend the Members and staff of the Environment and Public Works Committee for their tireless work towards producing a targeted RCRA reform bill this Congress.

Mr. President, what the Committee has undertaken is no easy task. Although the bill we are crafting only deals with a narrow part of the Resource Conservation and Recovery Act, the drafting process has been a difficult and long road. RCRA is the most complex and technical environmental statute in existence, and to fix a piece of it, one must understand the whole. The Committee has spend many months educating themselves—and this determined effort is paying off.

The majority and minority committee staff have been exchanging language and ideas in intense negotiations over the last several weeks. They are not debating principles, Mr. President, they are getting down to brass tacks. They are refining the language so that it reflects a consensus position on the issues. After all, we all agree—the Administration, the EPA, Republicans, Democrats and stakeholders—that RCRA needs to be fixed. The challenge now is putting the agreed-upon remediation waste reforms into legislative language.

Mr. President, Congressional Republicans and Democrats are working with the Administration and the agencies as a team. Our team is closer than ever to producing a bill that is fiscally and environmentally responsible. Our team is on the brink on introducing a bill that will be embraced by Congress and the

Administration. Our team is within striking distance of a win for everyone.

The biggest winners, Mr. President, will be those affected by our bill. Industry, the states and the environmental community support our efforts towards reform because they know our goal is to speed up site cleanup and reduce agency bureaucracy.

When setting out to craft a targeted RCRA remediation waste bill in 1996, this same team focused on three primary goals. Today, my goals and that of the team are still the same.

First, I want to make RCRA work. I want it to work faster. I want it to work more cheaply. A RCRA reform bill is worthless if it does not clear these basic hurdles.

Second, I want to remove regulations that are counterproductive to cleanup and streamline decision-making. This will give EPA the flexibility it needs to get the job done. Current law keeps the EPA from removing some of the largest obstacles to clean-up, and the only way to fix the problem is by fixing current law.

Third, I want to give the states more authority over the management of these cleanup programs. States not only have the ability to do the job right, they have the resources and talent. These officials know how best to deal with the communities and counties impacted by the site and its cleanup.

Mr. President, I believe we are on the way to a final product that keeps faith with these goals.

I must take a moment now to commend the good work being done by the House Commerce Committee. Certainly the Senate could not have come so far so fast were it not for the efforts in the House. Our colleagues on the other side of the Capital have done a remarkable job, through stakeholder meetings and dialogs, to educate us all as to the potential implications of our actions. I know Senators CHAFEE, SMITH, BAUCAS, and LAUTENBERG join me in commending the efforts of Chairmen BLILEY and OXLEY and their staff on this issue.

Mr. President, environmental cleanup programs only work if sites are truly being cleaned up. With over 5,000 RCRA sites nationwide, our work is cut out for us. I look forward to returning to the Senate floor in September to join my Senate colleagues in introducing our RCRA remediation waste reform legislation—a first step towards an effective and responsible RCRA program. Thank you.

TRIBUTE TO JEROLD KENNEDY

Mr. LOTT. Mr. President, today I join several of our colleagues in cosponsoring a bipartisan bill which will strengthen the manufactured housing industry. This legislation will benefit the fastest growing segment of the housing industry, while establishing a balanced process for the development, revision, and interpretation of Federal construction and safety standards. This legislation also focuses on the consumer.

In addition to announcing my cosponsorship, I want to pay tribute to Jerold Kennedy, a native Mississippian, entrepreneur, a business owner, and advocate for manufactured housing. Jerold championed reforms of the regulations controlling this segment of the marketplace. He worked for many years to advance legislation that would modernize the National Manufactured Housing Construction and Safety Act of 1974. Today, I honor Jerold's efforts. S. 2145 reflects those efforts, and Mr. Kennedy would be proud of S. 2145.

This segment of the industry, to which Jerold dedicated his life, plays a vital role in making affordable, unsubsidized housing available for a wide range of Americans. First time home buyers, single parents, and senior citizens are just a few groups who greatly benefit from manufactured housing. This industry is responsible for one out of every three single-family homes sold last year. One-third! For less than $40,000, millions of Americans can realize their dream of owning a home. This is an appealing alternative compared to the 5.3 million Americans who pay more than 50 percent of their income in rent.

In order for this industry to sustain such phenomenal growth and make affordable housing available, it is necessary to update the laws which regulate this industry. The Manufactured Housing Improvement Act (MHIA) will do just that, creating a process for keeping construction standards current, and enforcing the federal authority on those standards. S. 2145 will be the first step in fixing the inadequacies which confront the manufactured housing industry today.

This bill will also create a private consensus committee made up of all interested parties. They will submit recommendations to the Secretary of Housing and Urban Development (HUD). Recommendations which will serve as a valuable tool in revising the Federal Manufactured Home Construction and Safety Standards in a timely manner. Additionally, this legislation will authorize HUD to use industry labeling fees to pay for any additional staff needed to do the new work. This user fee mechanism will remove a need for additional federal funding.

This legislation pays tribute to Jerold Kennedy, who passed on before S. 2145 was introduced. I want Mrs. Kennedy, and their three children, to know that Jerold's legacy lives within this bill. Jerold Kennedy founded Belmont Homes, Inc., and dedicated 28 years of his life to the manufactured housing industry. Congress owes a great deal to Jerold Kennedy. His common sense approach to update the standards which regulate the industry are the foundation of S. 2145. I hope this Congress can make his dream a reality. This legislation pays tribute to a man of integrity. His honesty, trustworthiness, and professionalism helped both the profession of which he was a part and the efforts to reform its public policy.

Mr. President, this legislation will address the recognized and acknowledged problems in HUD's manufactured housing program. S. 2145 will provide real-world, viable solutions enabling the manufactured home industry to prosper, while providing consumers with even more benefits and protection.

PASSING OF BUCK MICKEL

Mr. THURMOND. Mr. President, I rise today to pay tribute to a man who was a friend, a leading businessman, and one of the most public spirited South Carolinians I have ever had the honor to know, Buck Mickel, who passed away last week.

Buck is best known and remembered for his leadership of the Fluor Corporation, one of the leading construction companies in the world. Buck began his career with Daniel Construction Company, which would later merge with Fluor, in 1948 and he very quickly began his climb up the corporate ladder. By the beginning of 1965, he was elected President and General Manager, and in 1974, he was elected as Chairman of the Board, a position he retained until he retired in 1987.

Not surprisingly, a businessman who possessed the talents Buck did was respected and admired throughout the corporate community. As a result, he was asked to participate in many different ventures. He held more than twenty directorships and served on numerous boards. He was recognized with honors that included being named the 1983 "Businessman of the Year" by the South Carolina Chamber of Commerce, and being inducted into the South Carolina Business Hall of Fame.

In his role as a corporate executive, Buck certainly helped to make significant contributions to South Carolina by creating jobs and generating revenues for the Palmetto State, but his efforts to benefit our home state went far beyond what he was able to accomplish as a businessman. Buck was a tireless and enthusiastic advocate for education, and served as a life trustee of both my alma mater Clemson University, and of Converse College, as well as on the boards of the Georgia Institute of Technology, Furman University, Presbyterian College, and Wofford College. Furthermore, he was a member of the Advisory Boards of the South Carolina Foundation of Independent Colleges, the University of South Carolina Business School, and the National Advisory Council. His efforts to promote higher education in South Carolina not only earned him the respect and admiration of citizens, educators, and government officials, but helped to create a better education system in the Palmetto State.

Buck's sense of service certainly must have been instilled in him at a very young age as he served in the United States Merchant Marine during World War II, and then in the Army during the Korean War. This desire to contribute continued throughout his life and manifested itself in many ways, including his commitment to education, and through his philanthropic actions, both as a private citizen and as the Chairman of the Daniel/Mickel Foundation.

On a more personal note, Buck was a devoted friend and supporter who was always ready to help me however he could. He served as an officer on several of my re-election campaigns and played an important role in helping to get the Strom Thurmond Institute built at Clemson University.

Mr. President, it is never easy to summarize the accomplishments of a man such as Buck Mickel who has given so much of himself and achieved so much. That he passed at such a young age only compounds the sadness all who knew him feel at his death, but we all take consolation in the fact that he leaves behind an enviable record of successes as a businessman and of helping others. My condolences go out to his widow, Minor Herndon Mickel; their children Minor Shaw, Buck, and Charles; as well as their five grandchildren. They can be proud of the work their husband, father, and grandfather did, as well as the reputation he leaves behind.

MAJOR PRESTON JOHNSON

Mr. THURMOND. Mr. President, even those who possess essentially no knowledge of military affairs or military history understand the significance of the green beret worn by those who serve in the United States Army Special Forces, as well as what that headgear indicates about the soldier wearing it.

Established in the early days of the cold war, the Green Berets were intended to be a versatile, unconventional force that could do everything from serve as instructors and advisors to carryout both humanitarian and direct action missions. Over the past almost fifty years, those who have served in the Special Forces have established a well deserved and well respected reputation for bravery, dedication to duty, and patriotism. There is ample reason that so many people, not only in the United States but throughout the world, know just how special an individual the man who wears the Green Beret is. Today, I rise to pay tribute to one of those men. Major Preston Johnson, who has left his assignment at the Special Operations Command Office of Legislative Affairs to attend the Marine Corps Command and General Staff College.

Major Johnson began his military career the tough way, by enlisting in the United States Army following his 1985 graduation from Rice University. His ability and leadership skills were obviously apparent from his early days in the Army as a recruit going through basic training, as he was selected to attend Officer Candidate School. A little more than one year after graduating from basic training, Preston Johnson pinned on the gold bar of a Second Lieutenant and the crossed rifles brass of the Infantry and began what has been a career dedicated to not only the Army, but to special operations.

Over the past thirteen years Preston Johnson has accumulated a resume of impeccable credentials in Army special operations. He began his career as an Infantryman in the 3rd Ranger Battalion, in Fort Benning, Georgia, and continued it after OCS as both a Rifle Platoon Leader and Long Range Reconnaissance Platoon leader in Fort Lewis, Washington where he served with the 2nd Battalion/47th Infantry and the 1st Squadron/9th US Cavalry. The Rangers are well known for their toughness, expertise in small unit tactics, and for an impressive record in battle. Certainly, the lessons Preston Johnson learned when he wore the black beret of the Regiment served him well not only as an Infantryman in the deep woods of Fort Lewis, but when he volunteered for Special Forces training in 1990 and in the years he has served in the Green Berets as well.

Over the past eight years Preston Johnson has held a number of assignments in the Special Forces that have led him around the world and have included serving as: Detachment Commander of Special Forces Operational Detachment A–363 in the 3rd Special Forces Group (Airborne); Company Commander of the Special Forces Selection and Assessment Company; Aide-de-Camp to Major General William Garrison, the Commanding General of the John F. Kennedy Special Warfare Center and School; and as the Battalion Operations Officer of the 2nd Battalion, 1st Special Warfare Training Group (Airborne). Additionally, he has earned recognitions that reflect that Major Johnson is truly a member of one of the nation's most elite military forces.

Of course, many of us know him from his last assignment with the Special Operations Command Office of Legislative Affairs, where he has worked hard, especially with members of the Senate Armed Services Committee, to assist us with our efforts to create a military force capable of meeting the security challenges of the post-Cold War era. If we are going to protect the citizens, borders, and interests of our nation, we must be prepared to counter possible threats that include nuclear, biological and chemical warfare; ethnic warfare; intranational warefare; and, regional conflicts. Furthermore, we must build strong bilateral ties with the militaries of other nations, and there is no question that we will have to rely increasingly upon those who serve in special operations units to meet these goals. The skills and unique capabilities the special operations community possess will be invaluable in ensuring that the United States enjoys peace and stability into the 21st Century.

On almost every continent around the world, members of the United States Special Operations Command are carrying out missions that help to protect American security and vital national interests. They operate in a world that requires that they rarely acknowledge their purpose, and they almost never receive credit for a job well done. Recognition, however, is not what motivates these "quiet professionals", and we are indeed fortunate to have such selfless individuals who are willing to serve our nation and make the sacrifices they do. Major Johnson is an excellent example of the caliber of individual who volunteers for a career in special operations. He has represented the Special Operations Command well on Capitol Hill and I have every confidence that he will continue to distinguish himself in the years to come.

NATIONAL AIRBORNE DAY

Mr. THURMOND. Mr. President, a few hundred miles south of here, stands Fort Bragg, a sprawling military installation that is the home of the 82nd Airborne Division, and where thousands of paratroopers are ready to go anywhere in the world, "stand in the door", and jump into harm's way in order to protect the national security and vital interests of the United States. Today, I am pleased to remind my colleagues that August 16, 1998 has been designated "National Airborne Day" as a way to honor all those who have worn the winged parachute badge on their uniform.

Though the concept of using airborne troops in warfare is only a little more than fifty years old, the versatility and effectiveness of these forces is above question. In particular, "America's Guard of Honor", the 82nd Airborne Division, has established an especially proud record over the past five decades.

During World War II, the paratroopers of the 82nd Airborne Division participated in the campaigns of Anzio, Normandy—where I landed with the 325th Glider Infantry Regiment—, and the Battle of the Bulge. In the years that have passed since the surrender of the Axis powers, the 82nd Airborne Division has been involved in almost every major military operation undertaken by the United States. Among other places, paratroopers have deployed to the Dominican Republic; Vietnam; Grenada; Panama; and Southwest Asia in order to protect the security, interests, and citizens of the United States. In each and every instance, those who wear the "Double AA" patch on their shoulder have distinguished themselves as brave soldiers, determined warriors, and great Americans.

Mr. President, we are indeed fortunate to have the 82nd Airborne Division as an integral part of the United States Army. That the paratroopers of the 82nd are ready to deploy anywhere in the world with just a few hours notice is testament to the bravery, professionalism, and patriotism of these soldiers. I think it is only fitting that we honor all those who have ever served in the 82nd Airborne Division, or who have ever worn the parachutist badge, by remembering them on August 16, "National Airborne Day". This is a small, but worthy, way to recognize the contributions that the Airborne Soldiers of our Army have made to keeping the United States free and safe.

IN HONOR OF KENTUCKY STATE POLICE 50TH ANNIVERSARY

Mr. FORD. Mr. President. In 1948, back in my home state of Kentucky, Governor Earle C. Clements made the Commonwealth the 38th state to enact a State Police Act. Kentucky was changing rapidly, and Governor Clements saw a need for a statewide police force to support the local authorities. With this measure, Kentucky kicked off fifty proud years of state police enforcement.

For each twist and turn through the last half century, the Kentucky State Police have responded by continuing to push themselves to provide the best service they can to protect Kentuckians. The police motto is "To Serve and Protect," but the Kentucky State Police have another slogan as well—"A Proud Past . . . A Prouder Tomorrow." That says it all about this group of men and women so committed to Kentucky.

The first decade of the agency brought the very first pay raise to state police officers. Their pay went from $130 to $150 a month. In the Fifties, the state police took to the air with the first aircraft purchase while they still patrolled the highways in "incognito squads," as they called them, checking for speeders and overweight trucks.

The Sixties put the officers in gray cars just like their gray uniforms, creating an instantly recognizable presence in person and on the roadways. The Kentucky State Police responded to a need they perceived statewide by creating Trooper Island, a cost-free summer camp for underprivileged boys on a former Army Corps of Engineers island in Dale Hollow Lake. To this day, boys and girls who otherwise would be unable to attend a camp come for a wonderful week of fun dedicated to the development of their self-images.

The Seventies brought massive upheaval to the entire country, and Kentucky was no different. A drug enforcement unit became necessary for the agency, and the first female trooper was hired. A computerized network was set up linking state and local law enforcement to crime information.

In the Eighties, the Kentucky State Police coordinated with the Kentucky National Guard to begin a full scale marijuana eradication effort. In response to a national movement, a toll-free hotline for reporting drunken drivers was established. And this decade brought video cameras installed in patrol cars, a centralized laboratory with state-of-the-art equipment, and the 911 phone system in local communities was linked to the statewide network. Today there are sixteen field posts distributed throughout the state, 1,000 officers, and comprehensive law enforcement resources. The Kentucky State Police have responded to each and every change, continually making themselves to be the best force they could be.

In light of recent events at the Capitol, I am more aware than ever of the ways police put themselves on the line to protect our safety each and every day. It takes a special calling and an extraordinary commitment to choose police work as your life's work. They have chosen to get up every day and protect us. They do it even though we often take them for granted, even though the work can be thankless, even though they could lose their life. I am so appreciative of those men and women who serve this country in such a noble way, and today I want to honor the men and women of the Kentucky State Police who have served Kentucky in their own noble way for fifty years.

SURFACE TRANSPORTATION BOARD AND THE CONRAIL ACQUISITION DECISION

Mr. HOLLINGS. Mr. President, I rise today to commend the Surface Transportation Board (Board) for its recent actions approving the application of CSX and Norfolk Southern to acquire Conrail. As the Board's 424-page written decision of July 23, 1998, explains in great detail, this merger transaction as approved will bring railroad competition into the East like no merger has ever done before, and it will provide the opportunity for economic growth and more jobs both on and off the rail system throughout the Northeast and the South, including my state of South Carolina. I appreciate the way in which the Board acted in this proceeding in the public interest, promoting more competition while preserving the strength of the transaction as proposed.

The Board is the independent economic regulatory agency that oversees the nation's rail transportation industry. Under the leadership of Linda Morgan, the Board's Chairman, who was with us on the Commerce Committee for many years, the Board, with its staff of 135, puts out more work than much larger agencies, issuing well-reasoned, thoughtful, and balanced decisions in tough, contentious cases. In particular I would like to commend the efforts of Linda Morgan, the Chairman of the Surface Transportation Board. Prior to assuming the Chairmanship, Linda worked for the Senate Commerce Committee. Her tireless efforts were integral in completing difficult work in a relatively small time frame. When we eliminated the Interstate Commerce Commission, I think that we underestimated the degree of work and the complexity of issues that continue to be brought before the Board, and in hindsight I believe that we cut personnel too deeply. The Board has recently issued decisions dealing with the rail service emergency in the West; several difficult rail rate cases; matters involving Amtrak; and proceedings initiated at the request of Senator McCAIN and Senator HUTCHISON to review the status of access and competition in the railroad industry. In each of these matters, it has taken on hard issues and has resolved them fairly and competently.

The CSX/Norfolk Southern/Conrail proceeding is the most recent example of the Board's ability to address difficult issues with broad ramifications and reach a result under the law that promotes the public interest by best addressing the needs of all concerned. In that case, the Board was presented with a merger proposal that was inherently procompetitive. The railroads themselves brought to the Board a transaction that overall would create two strong, balanced competitors in the East with the ability to provide improved and more competitive rail service opportunities throughout the Northeast and the South. The transaction contemplates substantial investment in railroad infrastructure, which we desperately need to accommodate the Nation's expanding economy, and it is expected that, over time, the merger should produce over $1 billion annually in quantifiable public benefits and numerous other benefits.

Although the overall competitive and other benefits of the merger proposal, which were reflected in several negotiated settlements, were well recognized, various interests wanted the Board to impose conditions to address environmental and safety issues or to modify the competitive balance reflected in the original proposal. It was in addressing these requests that the Board represented the public the best. The Board encouraged CSX and Norfolk Southern to work further with the various rail users and other interested parties and see if they could resolve the remaining issues themselves. As a result of this process, many settlements were reached, which undoubtedly produced resolutions better than the Government could have directed from Washington, DC. Where settlements could not be reached, however, the Board acted responsibly and fairly. After two long days of oral argument, it issued a decision that smartly balanced the competing interests and imposed various conditions to mitigate environmental impacts; to preserve and improve the competitive posture of affected shippers and regions without upsetting the integrity of the procompetitive merger transaction that the railroads originally presented; to promote balanced regional economic development by assuring that smaller railroads that provide essential services will be viable and will continue to be able to compete; to recognize the legitimate interests of rail employees; and to promote a safe and smooth transition to a more competitive and efficient rail system in the East.

The Board's action on this merger application will preserve and promote competition throughout the Nation; will ensure an improved transportation network that will connect the North and the South in historic ways; and will provide that, overall, shippers will be better off after the merger than they were before, and that none will have fewer service options than they had before. I congratulate the Board on its action in this matter, and on its other significant work since its creation in 1996.

On Wednesday, July 29, the Commerce Committee overwhelmingly approved a one-year reauthorization of the Board, which I joined Chairman McCain in sponsoring. I want to reemphasize here today my commitment to seeing that the Board will be in business for a long time and will be given the resources that it needs to continue its vital work.

At this point, I ask unanimous consent that the full text of the commenting opinion by Chairman Morgan, included in the Board's decision in the Conrail matter, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Commenting Opinion by Chairman Linda J. Morgan

Our job in assessing rail mergers is to balance a variety of factors and issue a decision that advances the public interest. The decision we are issuing today, which approves with conditions the Conrail merger application, will advance the public interest in many important ways. The application promotes competition, and our decision applies the authority of the Board to enhance competition even further.

The Strength of the Merger Application. The merger application we are approving today, as enhanced by the many conditions we are imposing, will result in a procompetitive restructuring of railroad service throughout much of the Eastern United States. When the hard work is done, and this complex transaction is fully consummated, both CSX and NS will provide vigorous, balanced, and sustainable competition, each over approximately 20,000 miles of rail line in the East.

Most notably, CSX and NS are prepared to aggressively compete with each other in many important markets where Conrail now faces limited or no competition from other major railroads. Shippers will benefit from new head-to-head rail competition within shared assets areas and joint access areas. And this merger will enhance competition for many localities outside of these areas as well. In Buffalo, for example, while not every shipper will have direct service by two carriers, the transaction will create a two-carrier presence that will benefit shippers; and CSX's activities in the New York City area will face more competitive discipline than Conrail's do now, from the nearby presence of the New Jersey shared assets area. Finally, this transaction will enable both CSX and NS to compete more effectively with motor carrier service, which is a dominant mode of freight transportation throughout the East.

In short, shippers throughout the East will have more transportation options than they have had in decades. And they will have more competitive service, at reasonable rates, than they have ever had before.

Additionally, the transaction, when it is fully in place, will have a broad positive economic effect. It will produce an impressive $1 billion annually in quantifiable public benefits and numerous other benefits. The capital that will be invested in expanded rail infrastructure will benefit all shippers, not just those that are served by the applicants, and it will create new jobs both on and off of the rail system. The support of more than 2,200 shippers from a broad spectrum of commodity groups, 350 public officials, 80 railroads, many state and local government interests throughout the East, and various rail labor employees attests to the overall strength of the proposal.

This merger will promote competitive balance throughout an entire region of the country. And it will create a strong rail network in the East that can handle the transportation needs of an expanding economy and advance important economic growth and development in the region. These benefits clearly and significantly advance the public interest.

Preservation of the Fundamental Integrity of the Transaction. Our decision, while imposing important additional procompetitive conditions, recognizes the operational and competitive integrity of the proposal and the importance of preserving and promoting privately negotiated agreements. Government should not be in the business of fundamentally restructuring private-sector initiatives that are inherently sound, and the conditions that we are imposing add value, but not in a way that undermines the transaction itself. They reflect a respect for the carefully crafted structural soundness of the merger proposal, including its shared assets and joint access areas, and for the numerous settlement agreements that we encouraged and that the applicants and the other parties have worked hard to reach—agreements like the National Industrial Transportation League (NITL) settlement, the United Transportation Union (UTU) and Brotherhood of Locomotive Engineers settlements, the Cleveland area environmental settlements, and so many more. These private-sector agreements have clearly added value to the transaction that was initially proposed, from a competitive perspective and in other ways, and the parties are to be commended for furthering the public interest in this way. There is a strong public interest in encouraging private parties to negotiate procompetitive transactions such as this one, and government action that discourages such private-sector initiative is not in the public interest.

The Procompetitive Use of the Board's Authority. While our decision preserves the strength and integrity of the proposal, it also applies the Board's authority fully and reasonably to further promote competition to the benefit of many geographic regions. The additional conditions, which go beyond the already regionally procompetitive effect of the original transaction and the further procompetitive effect of the many settlements, enhance the railroad alternatives for areas in New York State and New England that had lost carrier options through the creation of Conrail.

Our decision also applies the Board's authority to further enhance the positions of many users. Our decision imposes the NITL settlement and expands in a logical way the procompetitive aspects of that settlement. By giving shippers the opportunity to exercise any antiassignment clauses or other similar provisions in their existing contracts after 6 months following the division of Conrail's assets, our decision preserves the operational integrity of the transaction, but still gives those shippers, including many chemical, coal, and intermodal shippers, the opportunity to use the contract terms they have bargained for to take advantage of their new competitive options sooner rather than later. By preserving the settlements of many railroads and shippers such as coal and utility shippers, while imposing conditions to assist others such as aggregates shippers, and smaller railroads that provide important services, our decision ensures that, overall, shippers will be better off after the merger than they were before, and that none will have less service than they had before.

In this regard, our decision recognizes the important role of smaller railroads in providing essential and competitive services in various regions affected by this transaction. By assuring that smaller railroads that provide essential services in such areas as the Ohio region and New England will remain viable and will continue to be able to compete, the conditions promote important competitive options and further regional economic development.

Operational and Implementation Success. Our decision, with its significant operational reporting and monitoring, recognizes the operational challenges that the transaction presents. Its monitoring elements will provide the Board with the tools to further a smooth implementation of the merger in a way that utilizes the Conrail Transaction Council and the Labor Task Forces and does not unduly burden the parties. And it appropriately focuses on specific areas of concern, such as the shared assets areas and the Chicago gateway. Having been given the personal commitment of the Chief Executive Officers of both applicant railroads to make the merger work, I am confident that this merger will be implemented smoothly and will result in overall service improvements in relatively short order. The conditions we are imposing, however, will make sure that we are on top of the situation in case it does not.

Protection of the Environment. Our decision appropriately protects the environment. The transaction has many environmental benefits, including the anticipated removal of over 1 million truck trips a year from our Nation's highways. At the same time, the proposal raised environmental concerns. In response, for the first time ever in a merger, the Board issued a full environmental impact statement. We also have encouraged the railroads and local communities to meet and attempt to address issues privately, and several have been able to successfully resolve their concerns. In Cleveland, for example, a key traffic center for this merger, the parties, after months of discussion, have reached mutually acceptable agreements that preserve the operational integrity of the transaction while addressing important community life concerns. I am pleased that we are able to give effect to win-win settlements such as this one, and others in the area surrounding Cleveland and in so many other places. At the same time, for the communities that could not reach agreement with the carriers, our decision does provide necessary and appropriate conditions pertaining to grade-crossing safety, hazardous materials, traffic delay and noise, among others. And, with the recommended mitigation that the applicants have agreed to carry out, the transaction will not have, and cannot be viewed as having, a disproportionately high and adverse impact on minority and low-income areas.

The Promotion of Safety. Our decision clearly promotes safety. More than half of the environmental conditions involve safety. For the first time ever in a merger, the applicants were required to submit safety integration plans. And, as part of the merger implementation oversight, the implementation of these plans will be carefully monitored through a memorandum of understanding between the Board and the Department of Transportation, which clearly represents a cooperative governmental initiative in the public interest.

Recognition of Employee Interests. As previously discussed, the proposal before us will mean more jobs overall in the long run. And, by adopting the UTU proposal in mandating the creation of Labor Task Forces to focus on issues such as safety and operations, our decision will help promote safety and quality of life for employees. Also, our decision provides the protections of New York Dock, and it reaffirms the negotiation and arbitration process as the proper way to resolve important issues relating to employee rights. Thus, the Board has made clear in its decision, as requested by rail labor, that the Board's approval of the application does not indicate approval or disapproval of any of the involved CBA overrides that the applicants have argued are necessary.

Overall Benefits. The package we are approving should clearly promote the public interest. The original transaction, with its subsequently negotiated agreements, and with the conditions we are imposing, will provide many benefits to many people. The extensive oversight and monitoring will help us to ensure that these benefits will materialize, and the private mechanisms in place for oversight will provide a vehicle by which the important and constructive private-sector dialogue, initiated prior to the Board's decision today among the applicants, other railroads, shippers, employees, and affected communities, can continue.

Our decision promotes private-sector initiatives that are in the public interest and represents good, common sense government. It provides a resolution that is best for the national interest at large, and for the East in particular. Approval of this merger as conditioned is an historic moment for the Board, for transportation, and for the Nation as a whole.

HONORING THE 15TH ANNIVERSARY OF THE NICKEL SOLUTION

Mr. SPECTER. Mr. President, I come before the Senate today to recognize the 15-year anniversary of a unique partnership between labor and management in the glass container manufacturing industry. This highly successful program in the glass container industry is called the "Industry Union Glass Container Promotion Program" or Nickel Solution. This effort is a fine example of workers and employers joining together during a time of change and transition in America's oldest industry. Since the 1700s, the men and women who make glass containers have demonstrated a steadfast commitment to produce the best in glass packaging. The Nickel Solution is one shining example of that dedication.

The State of Pennsylvania is home to six glass container manufacturing plants—more than any other state except California. These facilities mean good paying jobs for approximately 3,000 Pennsylvanians and are major employers in Brockway, Clarion, Connellsville, Crenshaw, Glenshaw and Port Allegany, Pennsylvania.

The Nickel Solution was based originally on voluntary contributions of a nickel per hour of pay from glass container industry employees to support a national fund to promote glass packaging and safeguard jobs. In turn, employers matched the contributions, setting the stage for joint cooperation and promotion.

Through glass plant public relations committees, staffed by employee volunteers, the glass container industry's interests are well monitored and protected. Employees educate communities about glass recycling, conduct "buy in glass" promotions, and act as the front line for local, regional, and state advocacy. The Nickel Solution has enabled both labor and management to accomplish their goals of relative stability and secure employment for thousands of people in some 60 plants in 24 states throughout the country.

The Nickel Solution is simple and works, proving its value time and again. The Nickel Solution has enabled the glass container industry to march forward to a brighter future.

Mr. President, the U.S. Department of Labor has recognized this program as a "model for the 21st century." In addition, Labor Secretary Herman has recognized this anniversary in the form of a letter congratulating the men and women of the U.S. glass container industry. I ask unanimous consent that the Secretary's letter be printed in the RECORD and I salute the great success of the Nickel Solution and the workers and management of the glass container industry.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF LABOR,
Washington, May 4, 1998.

Mr. JAMES RANKIN,
International President, Glass, Molders, Pottery and Allied Workers International Union, Media, PA.

DEAR MR. RANKIN: On the occasion of the 15th anniversary of the Industry-Union Container Promotion Program, I want to compliment the men and women of the North American glass container industry for their continued dedication to the well being of America's oldest industry. I also want to compliment the unique labor-management partnership for its tradition of cooperation, environmental stewardship and job preservation.

The Industry Union Glass Container Promotion Program—or Nickel Solution—is a fine example of workers and employers joining together to strengthen an important U.S. industry during a time of transition and transformation. Working together, you have made sure that the glass container industry will continue to thrive well into the 21st century.

Congratulations and best wishes,
Sincerely,
ALEXIS M. HERMAN.

RECOGNITION OF THE AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS (OSI)

Mr. SPECTER. Mr. President, I have sought recognition to recognize the Air Force Office of Special Investigations on its 50th anniversary, August 1, 1998.

The Office of Special Investigation was created in 1948 at the suggestion of the 80th Congress. Then Secretary of the Air Force Stuart Symington consolidated and centralized the investigative services of the United States Air Force to create an organization that would conduct independent and objective criminal investigations. Since 1948, the Office of Special Investigations has evolved into an organization that not only conducts criminal and fraud investigations, but investigates and thwarts terrorism and espionage, pursues military fugitives, and maintains the security of the Air Force's computer systems. The Office of Special Investigations has truly adapted to fulfill the needs of the United States Air Force in the 21st Century.

At present, 2,000 men and women serve in the Office of Special Investigations. In more than 150 offices across the United States and in a dozen offices overseas, these men and women perform the investigative work of the

United States Air Force wherever and whenever they are needed. I am proud to be among the 11,000 alumni of the Office of Special Investigations. I served as a lieutenant in the OSI from 1951 through 1953 and was assigned to the Pennsylvania, West Virginia, and Delaware District. My experience allowed me to serve my country, hone my investigative skills, and better prepare me for a career in the law and in government.

It gives me great pleasure, Mr. President, to stand before you and salute the Office of Special Investigations on the occasion of its 50th anniversary. Its legacy of service, integrity, and excellence continues today. A better motto could not have been chosen to commemorate OSI's 50th anniversary: "Preserving Our Legacy, Protecting our Future."

TRIBUTE TO DETECTIVE JOHN GIBSON, OFFICER JACOB CHESTNUT, AND THE UNITED STATES CAPITOL POLICE

Mr. AKAKA. Mr. President, today Capitol Police Officer Jacob J. Chestnut was laid to rest at Arlington National Cemetery, concluding a week that has saddened and shocked every American and touched the hearts of millions of people around the world. I rise to express my profound sorrow over the death of Officer Chestnut and Detective John Gibson, and to extend my sympathy to the families, friends, and fellow officers of these two brave men. The tremendous outpouring of grief and respect we have experienced and witnessed during the Congressional ceremony and honors on Tuesday, and in the requiem services for Detective Gibson and Officer Chestnut over the past two days are fitting tribute to the courage and selfless sacrifice of these fallen heroes.

The deaths of Officer Chestnut and Detective Gibson, killed in the line of duty as they defended all of us who are privileged to work and visit the Capitol, is a testament to the fidelity and valor of these men, as well as a reminder of the exceptional bravery and courage of the men and women of the Capitol Police who protect the Capitol complex and grounds. We are fortunate to have these officers on the job, protecting all of us, willing to confront the dangers and violence that too often afflict our world today, so that our Capitol can remain open and accessible to the public. The professionalism, pride, and good-natured courtesy which these officers bring to their duties, day in and day out, serves our democracy by keeping the Capitol open to the people and safeguarding, with their lives if necessary, the freedom and liberty we cherish.

On the Capitol dome, looking across the Capital City, stands the Statue of Freedom Triumphant in War and Peace, an emblem of democracy and hope, a symbol of America's promise that every citizen has the freedom and opportunity to realize their God given potential. In her right hand Freedom holds an olive branch, in her left, a sword, a reminder that the preservation of freedom and democracy often requires sacrifice.

Over the course of our history, the Capitol has witnessed stirring oratory and the passage of landmark legislation which have inspired us, strengthened our nation, restored hope, preserved our Republic, and maintained our resolve. The heroic actions of Officer Chestnut and Officer Gibson, who acted to preserve and protect life without regard to their own safety, bonds deeds to the ideals and values we celebrate and honor here at the heart of our democracy. The President said it best when he stated that the actions of these brave men sanctified the Capitol. May God bring comfort and peace to the families, friends, and colleagues of Detective John Gibson and Officer Jacob Chestnut.

RETIREMENT OF FEDERAL ELECTION COMMISSIONERS JOAN D. AIKENS AND JOHN WARREN McGARRY

Mr. WARNER. Mr. President, as Chairman of the Committee on Rules and Administration, which has jurisdiction over the Federal Election Commission, I seek recognition to join with my colleague, Senator FORD, our distinguished Ranking Member, to acknowledge the dedicated service of two public servants who will be leaving the Commission upon confirmation of their replacements.

These two individuals, Joan D. Aikens and John Warren McGarry, have served as Commissioners of the Federal Election Commission for a total of 43 years. Senator FORD and I believe that their departure from the agency, after such distinguished service, should not go unnoticed. I have come to know and respect Commissioner Aikens and Commissioner McGarry first as a member of the Committee and now in my capacity as Chairman, and I can honestly report that these two individuals have served this agency, and their country, well.

Commissioner Aikens is a native of Delaware County, Pennsylvania. She was appointed to her first term by President FORD and has served 23 years at the Commission. Mrs. Aikens is an ardent believer in the First Amendment and its importance in interpreting federal election law. Her qualities of fairness and impartiality will be missed by her colleagues in the election law community.

Commissioner McGarry is a native of Massachusetts. He was appointed to this first term by President Carter. During his 20-year tenure at the FEC, he worked tirelessly for full public disclosure and uniform enforcement of campaign finance laws. Mr. McGarry believes that agency deliberations and decisions should take into consideration not only fundamental First Amendment interests, but also the government's interests in ensuring elections free from real or apparent corruption.

Mr. President, I salute Commissioners Aikens and McGarry for their service to our nation and wish them the best of luck as they begin a new chapter in their lives.

Mr. FORD. I wish to associate myself with the remarks of my distinguished colleague and Chairman, Senator WARNER. I, too, would like to express my appreciation to Commissioners Aikens and McGarry for their many years of service at the Federal Election Commission. I have enjoyed working with them and especially admired their commitment to the fair and impartial enforcement of election law. To both of them and their families I extend my sincere congratulations and best wishes for many happy, healthy, and fulfilling future years.

TRIBUTE TO MR. ERNEST A. YOUNG

Mr. SHELBY. Mr. President, I rise today to honor Mr. Ernest A. Young on the occasion of his retirement from the Department of the Army. Throughout his 40 years of Federal Service, culminating in his current position as Deputy to the Commanding General, U.S. Army Aviation and Missile Command, Mr. Young has distinguished himself time and time again as an individual of the utmost integrity, capability, and foresight.

Mr. Young began his career as an Army civilian employee in 1958, as a technical program specialist. He held managerial positions for various missile programs, including the very successful HAWK missile. Twenty-three years later, in September 1981, he was appointed to the Senior Executive Service where he held several key command and staff positions with the U.S. Army Missile Command.

Mr. Young continued to rise through the ranks, and in June 1993, he was the first civilian to be selected as the Deputy to the Commanding General of the U.S. Army Missile Command (MICOM). In this position, Mr. Young was responsible for achieving all of the command's missions. Due in large part to his leadership, MICOM maintained a high state of readiness by adhering to procurement schedules and successfully executing weapons development programs despite the enormous challenge posed by shrinking annual defense budgets. Mr. Young's dedication to efficiency was recognized as MICOM became the first major subordinate command of the Army Materiel Command to be designated as a Reinvention Laboratory. Though faced with funding shortages, his skills also enabled him to implement several human resource initiatives that obviated the need for a reduction in force during his tenure as Deputy to the MICOM Commander.

Mr. Young, however, may best be remembered for his personal attention to the implementation of the 1995 Base Realignment and Closure decision to consolidate the U.S. Army Aviation and Troop Command (ATCOM) with MICOM at Redstone Arsenal. The fact that 55 percent of ATCOM's aviation managerial workforce successfully moved to Redstone serves as a testament to Mr. Young's leadership and professionalism during this transition.

Since the formation of the Aviation and Missile Command, Mr. Young has continued in his role as Deputy to the Commanding General. While the AMCOM formally merged the various aspects of aviation and missile program management into a single commodity command, Mr. Young diligently worked to integrate the aviation and missile cultures. He continued to work closely with the Commanding General to ensure the uninterrupted accomplishment of the procurement, readiness, and materiel development missions and functions of the command.

In addition to Mr. Young's exemplary career, his frequent participation in seminars and workshops designed for senior government executives demonstrated his continual desire to better himself and improve his technical and managerial capabilities. Moreover, Mr. Young's involvement in such noteworthy associations as the American Society of Military Comptrollers, American Institute of Physics, Society of Logistics Engineers, the American Society for Public Administration and Rotary Club, exemplify his steadfast commitment to professional improvement and civic duty.

Mr. President, for 40 years, Ernest Young has been an asset to the U.S. Army, Alabama, and the nation. On behalf of the United States Senate and a grateful nation, I thank Mr. Young for his dedicated service as he closes one chapter in his life and begins another.

MICROSOFT

Mr. GORTON. Mr. President, the U.S. Senate is the world's greatest deliberative body. The U.S. economy is the world's greatest free market. Lately, it seems my friend and colleague from Utah, Senator HATCH, the distinguished chairman of the Senate Judiciary Committee, would like to use the one to squash the other.

As my colleagues and most Americans know, Senator HATCH has joined forces with the success-busters of the Antitrust Division of the Department of Justice to carve out a special place in the market for companies that cannot compete on their own merits. All of this is being done at the expense of one of America's most successful and innovative companies—Microsoft.

Last week, the Judiciary Committee, for the third time this year, served as a forum for frustrated business executives who have been outsmarted and out-innovated by Microsoft.

I have continually voiced my objections at the Senate Judiciary's Committee's insistence on inserting itself into battles that should be fought in the free market, not in the Halls of the U.S. Senate or in the Justice Department. I have asserted my opinion that U.S. antitrust laws were written with the intent of protecting consumers, not inferior companies. And I have stood up against those who would like to see the federal government, not the free market, decide which companies are successful in this country and which are not.

But Senator HATCH has offered his committee as a haven for the unwashed masses of corporate America, sheltering the weak and wary from the harsh brutality of the free market.

This debate has been just that, Mr. President, a debate between two Senators with very different opinions on a matter of importance to both Senators and to the nation as a whole.

Earlier this week, however, I learned of something that troubles me deeply, both as a Senator and as an American.

In the July 29, issue of Investor's Business Daily Senator HATCH was interviewed about his views on Microsoft. As my colleagues will recall, one of the witnesses at last week's hearing was Rob Glaser, CEO of a company in my home state called RealNetworks, a Microsoft competitor. Allegations arose at the hearing, supported by an affidavit from a senior Microsoft executive, that Mr. Glaser had attempted to use his testimony as a negotiating tool in his ongoing battle with Microsoft.

According to the affidavit, Mr. Glaser, the night before he was to testify before the Judiciary Committee, called a senior Microsoft executive and offered to "negotiate all night if that's what it takes" to come to terms with Microsoft. The affidavit states that "Mr. Glaser said that if the negotiations he proposed . . . resulted in an agreement between the two companies, he would not testify the next day.

These allegations are disturbing to me, and I had hoped, to Senator HATCH as well.

But Senator HATCH, in his interview with Investor's Business Daily seems to support Mr. Glaser's attempt to use the Judiciary Committee as a tool in his negotiations with Microsoft.

When asked about the allegations, Senator HATCH said, "Glaser said he did not (use the testimony as a negotiating weapon), but what if he did? He's a guy trying to save his business. . ." The distinguished Senator from Utah goes on to say of witnesses that testify before his committee, "if they gain something by coming, all the better as far as I'm concerned, as long as they tell the truth."

It may be incidental to this attitude, Mr. President, but important in the public's mind that it turns out that Microsoft Media Player 5.2 did not disable RealNetworks' new G-2 player—in fact, the culprit was a bug in the player itself—not only in Microsoft's tests, but in those of a number of independent experts as well. So far, Senator HATCH has ignored this unpleasant news.

Our founding fathers must be turning over in their graves, Mr. President. The United States Senate was never intended to be, and should never be, used as negotiating tool for companies trying to compete in the free market. In fact, the United States Senate was designed, among other things, to protect that very free market. That should continue to be our goal.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and one nomination which was referred to the Committee on Environment and Public Works.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT CONCERNING THE ARAB LEAGUE BOYCOTT OF ISRAEL—MESSAGE FROM THE PRESIDENT—PM 154

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the request contained in section 540 of Public Law 105-118, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, I submit to you the attached report providing information on steps taken by the United States Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalizing ties between Israel and the Arab League countries.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 30, 1998.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 31, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4354. An act to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 114. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1835) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 2393. A bill to protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6295. A communication from the Librarian of Congress, transmitting, pursuant to law, the annual report on the activities of the Library of Congress for fiscal year 1997; to the Committee on Rules and Administration.

EC-6296. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation regarding appropriations for motor vehicle safety and information programs; to the Committee on Commerce, Science, and Transportation.

EC-6297. A communication from the Acting Director of the Office of Management and Budget and the Chairman of the President's Council on Year 2000 Conversion, transmitting, a draft of proposed legislation entitled "The Year 2000 Information Disclosure Act"; to the Committee on the Judiciary.

EC-6298. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule regarding disadvantaged business status determinations received on July 23, 1998; to the Committee on Small Business.

EC-6299. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Payment for Non-VA Physician Services Associated with Either Outpatient or Inpatient Care Provided at Non-VA Facilities" (RIN2900-AH66) received on July 28, 1998; to the Committee on Veterans' Affairs.

EC-6300. A communication from the Acting Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding foreign trade statistics regulations (RIN0607-AA22) received on July 28, 1998; to the Committee on Foreign Relations.

EC-6301. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Long-Term Care Patient Protection Act"; to the Committee on Finance.

EC-6302. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Care and Development Fund"; to the Committee on Finance.

EC-6303. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Reporting Requirements for Risk/Benefit Information" (FRL6016-2) received on July 29, 1998; to the Committee on Environment and Public Works.

EC-6304. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the Bay Area Air Quality Management District of California (FRL6131-4) received on July 29, 1998; to the Committee on Environment and Public Works.

EC-6305. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary and Secondary Drinking Water Regulations: Analytic Methods for Regulated Drinking Water Contaminants" (FRL6132-2) received on July 29, 1998; to the Committee on Environment and Public Works.

EC-6306. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the Medocino County Air Quality Management District in California (FRL6129-5) received on July 29, 1998; to the Committee on Environment and Public Works.

EC-6307. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of D.C. Act 12-403 approved by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6308. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of D.C. Act 12-410 approved by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6309. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of D.C. Act 12-411 approved by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6310. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of D.C. Act 12-412 approved by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6311. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of D.C. Act 12-413 approved by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6312. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of D.C. Act 12-414 approved by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6313. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of D.C. Act 12-415 approved by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6314. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of D.C. Act 12-417 approved by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6315. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Information Collection Budget of the United States Government Fiscal Year 1998"; to the Committee on Governmental Affairs.

EC-6316. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Civil Service Evaluation: The Evolving Role of the U.S. Office of Personnel Management"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 2400. An original bill to authorize the negotiation of reciprocal trade agreements, implement certain trade agreements, extend trade preferences to certain developing countries, extend the trade adjustment assistance programs, and for other purposes (Rept. No. 105-280).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 263. A bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes (Rept. No. 105-281).

S. 361. A bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes (Rept. No. 105-282).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 659. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report (Rept. No. 105-283).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 1970. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds (Rept. No. 105–284).

S. 2094. A bill to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items (Rept. No. 105–285).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself and Mr. Stevens):

S. 2395. A bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence; to the Committee on Labor and Human Resources.

By Mr. LUGAR:

S. 2396. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to establish a pilot program under which milk producers and cooperatives will be permitted to enter into forward price contracts with milk handlers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. Coverdell, Mr. Torricelli, and Mrs. Feinstein):

S. 2397. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON:

S. 2398. A bill to provide for establishment of a memorial to sportsmen; to the Committee on Energy and Natural Resources.

By Ms. MOSELEY-BRAUN:

S. 2399. A bill to suspend temporarily the duty on certain drug substances used as an HIV antiviral drug; to the Committee on Finance.

By Mr. ROTH:

S. 2400. An original bill to authorize the negotiation of reciprocal trade agreements, implement certain trade agreements, extend trade preferences to certain developing countries, extend the trade adjustment assistance programs, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. SPECTER:

S. 2401. A bill to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 2402. A bill to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANTORUM:

S. 2403. A bill to prohibit discrimination against health care entities that refuse to provide, provide coverage for, pay for, or provide referrals for abortions; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself and Mr. Graham):

S. 2404. A bill to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida; to the Committee on Governmental Affairs.

By Mr. FAIRCLOTH:

S. 2405. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors from the minimum wage and overtime compensation requirements of that Act; to the Committee on Labor and Human Resources.

By Mr. HAGEL:

S. 2406. A bill to prohibit the Administrator of the Environmental Protection Agency from implementing the national primary drinking water regulations for copper in drinking water until certain studies are completed; to the Committee on Environment and Public Works.

By Mr. BOND (for himself, Mr. Coverdell, Mr. Domenici, Mr. Kempthorne, and Ms. Snowe):

S. 2407. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to improve the programs of the Small Business Administration; to the Committee on Small Business.

By Mr. CHAFEE (for himself, Mr. Rockefeller, Mr. DeWine, Mr. Levin, Mr. Bond, Mr. Moynihan, Mr. Kerrey, Ms. Landrieu, and Mr. Dorgan):

S. 2408. A bill to promote the adoption of children with special needs; to the Committee on Finance.

By Mr. DODD (for himself and Mr. Bennett):

S. 2409. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. Moynihan, and Mr. D'Amato):

S. 2410. A bill to amend titles XIX and XXI of the Social Security Act to give States the options of providing medical assistance to certain legal immigrant children and to increase allotments to territories under the State Children's Health Insurance Program; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2411. A bill to expand child support enforcement through means other than programs financed at Federal expense; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. Hollings):

S. 2412. A bill to create employment opportunities and to promote economic growth establishing a public-private partnership between the United States travel and tourism industry and every level of government to work to make the United States the premiere travel and tourism destination in the world, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself and Mr. Kyl):

S. 2413. A bill to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park; to the Committee on Energy and Natural Resources.

By Mr. BURNS:

S. 2414. A bill to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 2415. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. Graham, Mr. Lieberman, Mr. Specter, and Mr. Baucus):

S. 2416. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Finance.

By Mr. SESSIONS:

S. 2417. A bill to provide for allowable catch quota for red snapper in the Gulf of Mexico, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. Leahy, and Mr. Warner):

S. 2418. A bill to establish rural opportunity communities, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO:

S. 2419. A bill to amend the Public Utility Regulatory Policies Act of 1978 to protect the nation's electricity ratepayers by ensuring that rates charged by qualifying small power producers and qualifying cogenerators do not exceed the incremental cost to the purchasing utility of alternative electric energy at the time of delivery, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. Hatch, Mr. Daschle, Mr. Craig, Ms. Mikulski, Mr. D'Amato, Ms. Moseley-Braun, Mr. Grassley, and Mr. Wellstone):

S. 2420. A bill to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine; to the Committee on Labor and Human Resources.

By Mr. CONRAD:

S. 2421. A bill to provide for the permanent extension of income averaging for farmers; to the Committee on Finance.

By Mr. MACK (for himself, Mr. D'Amato, Mr. Coverdell, Mr. McConnell, Mr. Murkowski, Mr. Gorton, and Mr. Nickles):

S. 2422. A bill to provide incentives for states to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary teachers; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM:

S. 2423. A bill to improve the accuracy of the budget and revenue estimates of the Congressional Budget Office by creating an independent CBO Economic Council and requiring full disclosures of the methodology and assumptions used by CBO in producing the estimates; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. THOMPSON (for himself and Mr. Frist):

S. 2424. A bill to provide for the reliquidation of certain entries of certain thermal transfer multifunction machines; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. Graham, Mr. McConnell, and Mr. Coverdell):

S. 2425. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. Kempthorne, Mr. Lautenberg, Mr. Smith of Oregon, Mr. Kennedy, Mr. Baucus, Mr. Specter, Mr. Robb, Mr. Akaka, Mr. Sarbanes, Mr. Chafee, Mr. Lieberman, Mr. Faircloth, Mr. Jeffords, Mr. Gorton, Mr. Reid, Mr. D'Amato, Mr. Daschle, Mr. Rockefeller, Mr. Kerrey, Mr. Lugar, Mr. Feingold, Mr. Abraham, Mr. Craig, Ms. Collins, Mr. Wellstone, Mr. Cochran, Mr. Grams, Mr. Graham, Mr. Durbin, Mrs. Boxer, Mrs. Hutchison, Mr. Levin, Mr. Glenn, Ms. Moseley-Braun, Mr. Biden, Mr. Moynihan, Mrs. Feinstein, Mr. Dodd, Mr. Bingaman, Mr. Torricelli, Mr. Johnson, Mr. Breaux, Mr. Warner, Mr. Frist, Mr. Inouye, Ms. Landrieu, Mr. Burns, Mr. Kohl, Mr. Kerry, Mr. Wyden, Mr. Conrad, Ms. Mikulski, and Mr. McCain):

S. Res. 264. A resolution to designate October 8, 1998 as the Day of Concern About Young People and Gun Violence; to the Committee on the Judiciary.

By Mr. WARNER:

S. Res. 265. A resolution commending the Naval Nuclear Propulsion Program on its 50th Anniversary and expressing the sense of the Senate regarding continuation of the program into the 21st century; considered and agreed to.

By Ms. MOSELEY-BRAUN (for herself and Mr. Durbin):

S. Res. 266. A resolution honoring the centennial of the founding of DePaul University in Chicago, Illinois; considered and agreed to.

By Mr. FRIST:

S. Res. 267. A resolution expressing the sense of the Senate that the President, acting through the United States Agency for International Development, should more effectively secure emergency famine relief for the people of Sudan, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself and Mr. Stevens):

S. 2395. A bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence; to the Committee on Labor and Human Resources.

THE PRESCRIPTION FOR ABUSE ACT

Mr. DOMENICI. Mr. President, with the passage of the Violence Against Women Act in 1994, Congress recognized domestic violence as a serious threat to the health safety of women in this country. We successfully created vital programs to train the law enforcement and judicial communities to respond to domestic violence, and further supported important intervention programs. In some respects, however, we left the job only partially addressed. We failed to train and support the professionals that face victims of domestic violence on a daily basis: health care professionals and staff.

Today, I am pleased that Senator Stevens is joining me in introducing a bill to fill that gap: "The Prescription for Abuse Act—(Rx for Abuse Act)."

Health care professionals and staff are truly on the front lines of domestic violence work. Nearly four million American women are physically abused each year. While our shelters are always overwhelmed, not all women seek shelter. Not all victims call the police. But eventually, almost all victims seek medical care. Last year, the Department of Justice reported that more than one in three women who sought care in emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend. And, while the impact on the health care system is immense, few health care settings have intervened in a comprehensive way to identify, treat, and prevent the violence that they see on a daily basis. Of particular interest reported to me by a New Mexico doctor, a significant number of office or emergency room visits are not detected as domestic violence-related because physicians and staff are not trained to properly identify the signs of a battered victim.

Domestic violence is repetitive in nature. According to 1993 data from the Bureau of Justice Statistics, one in five women victimized by their spouse or ex-spouse reported that they had been a victim of a series of at least three assaults in the prior six months. Unfortunately, the way the system currently works, the bones are set and the cuts stitched, but the patients are seldom asked about their injuries or referred to services that can help them stop the violence.

Health care providers, professionals, hospitals, emergency health care staff, physical therapists, and domestic violence organizations need to join forces to find ways to identify, address and document abuse. They need to work together to ensure the confidentiality and safety of victims, and to connect victims to available services.

Violence against women takes a tremendous toll on our health care system. Battering is a leading cause of injury to women and each year more than a million women seek medical attention because of it. Women who have been battered or sexually assaulted utilize the health care system at much higher rates than non-abused women, for a variety of health problems, including repeated injuries, stress-related disorders, depression, and other physical and mental illnesses. And battering during pregnancy increases the risk of premature, low birth weight, or stillborn babies. Health care providers and staff are often the first, and only, professionals to see a battered woman's injuries. They are in a unique position to identify abuse before it is reported and to intervene in a way that will result in a reduction in the morbidity and mortality caused by violence in the home. In far too many ways to enumerate, domestic violence is a health care issue. Training health care professionals and staff to recognize, intervene, and refer victims to additional assistance is the purpose of this bill.

As we are all aware, domestic violence knows no age, educational, economic, or socio-cultural barriers. It is evident in our smallest communities and our largest cities. In the sparsely-populated State of New Mexico, there are 26 domestic violence shelters that served more than 16,000 unduplicated clients last year. There were 11,400 non-resident shelter clients and 5,000 shelter residents, with 77,000 nights of shelter provided in one year alone. This represents a thirty-eight percent increase over a four-year period. The New Mexico Coalition Against Domestic Violence and the countless professionals who staff the shelters and clinics across the State know the extent and consequences of the horrific problem of domestic violence on children, women, and families.

I am proud to say that New Mexico is on the cutting edge of a strategy to begin the process of training health care professionals and staff to become more involved in this critical issue. Last month, a collaborative effort of the New Mexico Coalition Against Domestic Violence, the New Mexico Medical Society, and the New Mexico Department of Health, in partnership with the Family Violence Prevention Fund Health Initiative, pulled together teams from 15 hospitals across the State to train health care providers to identify and respond to the needs of domestic violence victims that they treat. Based on the ongoing work in my State, and similar work in Alaska, Senator Stevens and I am introducing a bill to replicate such efforts around the country.

The bill establishes three and four-year demonstration grants to strengthen state and local health care systems' responses to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence among their patients. It will give these health care professionals the training, tools, and support they need to confidently address the violence that affects their patients' health. The bill authorizes ten grants up to two million dollars each for statewide teams to develop four-year demonstration programs and ten grants up to $450,000 each for local teams to direct three-year local level demonstrations. Eligible state applicants are state health departments, domestic violence coalitions, or the state medical or health professionals' associations or societies, or other nonprofit or governmental entities that have a history of work on domestic violence.

Mr. President, there is no question that early intervention on the part of health professionals can decrease the morbidity and mortality that results from violence in the home. I am pleased to join with Senator STEVENS in introducing the “Rx for Abuse Act,” and I urge my colleagues to cosponsor this measure. I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS TO ADDRESS DOMESTIC VIOLENCE IN HEALTH CARE SETTINGS.

(a) IN GENERAL.—The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

“SEC. 319. GRANTS TO ADDRESS DOMESTIC VIOLENCE IN HEALTH CARE SETTINGS.

“(a) GENERAL PURPOSE GRANTS.—The Secretary, acting through the Office of Family Violence and Prevention Services of the Administration for Children and Families, may award grants to eligible State and local entities to strengthen the State and local health care system's response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence.

“(b) STATE GRANTS.—

“(1) IN GENERAL.—The Secretary may award grants under subsection (a) to entities eligible under paragraph (2) for the conduct of not to exceed 10 Statewide programs for the design and implementation of Statewide strategies to enable health care workers to improve the health care system's response to treatment and prevention of domestic violence as provided for in subsection (d).

“(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1) an entity shall—

“(A) be a State health department, nonprofit State domestic violence coalition, State professional medical society, State health professional association, or other nonprofit or State entity with a documented history of effective work in the field of domestic violence;

“(B) demonstrate to the Secretary that such entity is representing a team of organizations and agencies working collaboratively to strengthen the health care system's response to domestic violence; and

“(C) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) LIMITATION.—The Secretary may not award a grant to a State health department under paragraph (1) unless the State health department can certify that State laws, policies, and practices do not require the mandatory reporting of domestic violence by health care professionals and staff when the victim is an adult.

“(4) TERM AND AMOUNT.—A grant under this section shall be for a term of 4 years and for an amount not to exceed $2,000,000 for each such year.

“(c) LOCAL DEMONSTRATION GRANTS.—

“(1) IN GENERAL.—The Secretary may award grants under subsection (a) to entities eligible under paragraph (2) for the conduct of not to exceed 10 demonstration projects for the design and implementation of a strategy to improve the response of local health care professionals and staff to the treatment and prevention of domestic violence.

“(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1) an entity shall—

“(A) be a local health department, local nonprofit domestic violence organization or service provider, local professional medical society or health professional association, or other nonprofit or local government entity that has a documented history of effective work in the field of domestic violence;

“(B) demonstrate to the Secretary that such entity is representing a team of organizations working collaboratively to strengthen the health care system's response to domestic violence; and

“(C) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) TERM AND AMOUNT.—A grant under this section shall be for a term of 3 years and for an amount not to exceed $450,000 for each such year.

“(d) USE OF FUNDS.—Amounts provided under a grant under this section shall be used to design and implement comprehensive Statewide and local strategies to improve the health care setting's response to domestic violence in hospitals, clinics, managed care settings, emergency medical services, and other health care systems. Such a strategy shall include—

“(1) the development, implementation, and dissemination of policies and procedures to guide health care professionals and staff responding to domestic violence;

“(2) the training of, and providing follow-up technical assistance to, health care professionals and staff to screen for domestic violence, and then to appropriately assess, record in medical records, treat, and refer patients who are victims of domestic violence to domestic violence services;

“(3) the implementation of practice guidelines for widespread screening and recording mechanisms to identify and document domestic violence, and the institutionalization of such guidelines and mechanisms in quality improvement measurements such as patient record reviews, staff interviews, patient surveys, or other methods used to evaluate and enhance staff compliance with protocols;

“(4) the development of an on-site program to address the safety, medical, mental health, and economic needs of patients who are victims of domestic violence achieved either by increasing the capacity of existing health care professionals and staff to address these issues or by contracting with or hiring domestic violence advocates to provide the services;

“(5) the development of innovative and effective comprehensive approaches to domestic violence identification, treatment, and prevention models unique to managed care settings, such as—

“(A) exploring ways to include compensated health care professionals and staff for screening and other services related to domestic violence;

“(B) developing built-in incentives such as billing mechanisms and protocols to encourage health care professionals and staff to implement screening and other domestic violence programs; and

“(C) contracting with community agencies as vendors to provide domestic violence victims access to advocates and services in health care settings; and

“(6) the collection of data, implementation of patient and staff surveys, or other methods of measuring the effectiveness of their programs and for other activities identified as necessary for evaluation by the evaluating agency.

“(e) EVALUATION.—The Secretary may use not to exceed 5 percent of the amount appropriated for a fiscal year under subsection (e) to evaluate the economic and health benefits of the programs and activities conducted by grantees under this section and the extent to which the institutionalization of protocols, practice guidelines, and recording mechanisms has been achieved.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) $24,500,000 for each of the fiscal years 2000 through 2002; and

“(B) $20,000,000 for fiscal year 2003.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.”.

(b) TECHNICAL AMENDMENT.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10405(a)) is amended—

(A) by striking “an employee” and inserting “one or more employees”; and

(B) by striking “individual” and inserting “individuals”.

By Mr. LUGAR:

S. 2396. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to establish a pilot program under which milk producers and cooperatives will be permitted to enter into forward price contracts with milk handlers; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY FORWARD PRICING PILOT PROGRAM

• Mr. LUGAR. Mr. President, I introduce legislation which will help the dairy industry manage price volatility. The bill requires the Secretary of Agriculture to establish a pilot program under which milk producers and cooperatives will be permitted to enter into forward price contracts with milk handlers.

The Federal Agriculture Improvement and Reform Act of 1996 required the U.S. Department of Agriculture to consolidate the federal milk marketing orders by April 1999, to phase out the dairy price support program by January 1, 2000, and replace it with a recourse loan program for commercial dairy processors by January 1, 2000, and authorizes reforms in the federal milk marketing order system. Movement toward a more market-oriented dairy industry was supported on a bipartisan basis in the House and Senate.

At a July 29, 1997, Senate Agriculture Committee hearing, witnesses testified that price volatility exists in the dairy industry as it does for other agricultural commodities. However, in the case of the dairy industry, the tools to manage price risk are less developed and the knowledge of how to use risk management techniques is below that of most other food commodities.

On January 2, 1998, and again on February 25, 1998, I wrote Secretary of Agriculture Glickman recommend modification of federal milk marketing orders to permit proprietary handlers of milk to offer dairy producers forward contracts for milk. The department interprets the applicable statute as prohibiting the offering of forward contracts because the contracts would violate a requirement to pay producers a minimum price.

The legislation I introduce today authorizes the Secretary of Agriculture to conduct a three-year pilot program for forward pricing of milk. Under the program, milk handlers and producers could voluntarily enter into fixed price contracts for specific volume of milk for an agreed upon period of time. It is intended that the Secretary of Agriculture review the forward pricing contracts to ensure that the contracts are consistent with all existing fair agricultural trade practices.

Mr. President, it is important that dairy producers and processors be afforded risk management tools. I believe this legislation will assist in that effort and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAIRY FORWARD PRICING PILOT PROGRAM.

The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"SEC. 23. DAIRY FORWARD PRICING PILOT PROGRAM.

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Agriculture shall establish a pilot program under which milk producers and cooperatives are authorized to voluntarily enter into forward price contracts with milk handlers.

"(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperatives, and prices received by milk producers and cooperatives, under the forward contracts shall be deemed to satisfy all regulated minimum milk price requirements of paragraphs (A), (B), (C), (D), (F), and (J) of subsection (5), and subsections (7)(B) and (18), of section 8c.

"(c) APPLICATION.—This section shall apply only with respect to the marketing of federally regulated milk (regardless of its use) that is in the current of interstate or foreign commerce or that directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

"(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates 3 years after the date of the establishment of the pilot program under subsection (a).".•

By Mr. GRAHAM (for himself, Mr. COVERDELL, Mr. TORRICELLI, and Mrs. FEINSTEIN):

S. 2397. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes; to the Committee on Finance.

PUBLIC SCHOOL CONSTRUCTION PARTNERSHIP ACT

• Mr. GRAHAM. Mr. President, teachers, students, parents, and school administrators know that the United States faces a school infrastructure crisis. Many of our schools are more than 50 years old and crumbling, and the General Accounting Office estimates that it will cost about $112 billion to bring them into good repair. Moreover, this estimate does not take into account the need for new construction. The U.S. Department of Education projects that some 1.9 million more students will be entering schools in the next 10 years. At current prices, it will cost about $73 billion to build the new schools needed to educate this growing student population. Mr. President, I might add that my own State is gaining 60,000 new students each year. By the end of the decade, Florida's student enrollment will have increased 25 percent more than the population as a whole.

Education is rightfully a state and local matter, but the Federal government can play a helpful, non-intrusive role in assisting communities overwhelmed by explosive increases in student enrollment. We at the Federal level should help empower local school districts to find innovative, cost effective ways to finance new schools and repair aging ones. Let me quote Mr. Roger Cuevas, who is the superintendent of schools for Miami-Dade County, FL:

> It is important that financing options be defined in as flexible a manner as possible and especially not be limited to general obligation bonds . . . Flexibility in the choice of the type of eligible debt financing, as well as the capacity of the program to adapt to state-by-state differences are as critical to all school districts in the Nation as is its funding level.

The bill I am introducing today providing new flexibility to state and local efforts to finance new schools and repair older ones. The first provision provides for public school construction the same financing opportunities which are currently available in a wide variety of other public-need areas namely, airports, seaports, mass transit facilities, water and sewer facilities, solid waste, disposal facilities, qualified residential rental projects, local furnishing of electric energy and gas, heating and cooling facilities, qualified hazardous waste facilities, high-speed inter-city rail facilities and environmental enhancements of hydroelectric generating facilities. In all of these 10 separate areas, the U.S. Congress has provided assistance in the financing through what is known as private activity bonds.

This bill adds public schools in this list. Mr. President, this legislation was part of Senator COVERDELL's A Plus Savings Account bill that was passed by the Senate earlier this session. Unfortunately, this important provision was eliminated by a House-Senate Conference Committee. Mr. President, we now have another chance to do something constructive for our public schools. A recent article in the Washington Post reported that education is one of the American people's highest priorities. It should be one of our highest priorities too.

This legislation provides to each state the opportunity to issue tax-exempt private activity bonds to finance construction of public schools. These bonds would be administered at the state level, just as are the other 10 categories of private activity bonds. States containing school districts experiencing high growth would be allowed to issue bonds each year in an amount equal to $10 multiplied by the population of the state. For example, if a state with high-growth school districts has a population of 5 million, it could issue up to $50 million of bonds to finance school construction. A high-growth school district is one with an enrollment of at least 5,000 students and the enrollment has grown by at least 20 percent during the five years previous to the year of bond issue. According to the U.S. Department of Education, 286 school districts located throughout the Nation currently meet high-growth qualifications.

This proposal puts decisionmaking at the local level. Each state would decide how to allocate its bonding authority among its high-growth school districts. The state or local education authority would enter into an agreement—with the most favorable terms it could negotiate—with a private corporation to build schools. The state would issue the bonds, but the private corporation would be responsible for servicing the debt on the bonds. The state or local education authority would then lease back the facility. Ownership of the facility would revert to the state or local education authority upon retirement of the bonds.

There are multiple benefits to permitting states and local school districts to enter into partnerships with private corporations to build schools. First, this mechanism can reduce construction time. For example, it would take a school district issuing $4 million of general obligation bonds each year, using the traditional "pay-as-you-go" approach, about 11 years to finance the construction of three typical schools. The lease back mechanism permitted through the use of private activity bonds could result in building three schools within three years of issuing the bonds. Perhaps just as important, this arrangement would permit the use of facilities for other worthwhile purposes when school is not in session.

The other component to this legislation provides relief to small or rural school districts issuing bonds for school construction. Under current law, issuers of school construction bonds worth less than $10 million are exempt from the arbitrage rebate rules. This bill raises that exemption to $15 million, providing relief from burdensome Federal regulations to even more school districts.

Mr. President, I urge my colleagues to support these modest proposals to provide some much needed assistance to our public schools.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public School Construction Partnership Act".

SEC. 2. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following:

"(13) qualified public educational facilities."

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school,

"(B) except as provided in paragraph (6)(B)(iii), located in a high-growth school district, and

"(C) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the contract term, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the underlying issue.

"(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) HIGH-GROWTH SCHOOL DISTRICT.—For purposes of this subsection, the term 'high-growth school district' means a school district established under State law which had an enrollment of at least 5,000 students in the second academic year preceding the date of the issuance of the bond and an increase in student enrollment of at least 20 percent during the 5-year period ending with such academic year.

"(6) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

"(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) ALLOCATION RULES.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate in a calendar year the amount described in subparagraph (A) for such year in such manner as the State determines appropriate.

"(ii) RULES FOR CARRYFORWARD OF UNUSED AMOUNT.—With respect to any calendar year, a State may make an election under rules similar to the rules of section 146(f), except that the sole carryforward purpose with respect to such election is the issuance of exempt facility bonds described in section 142(a)(13).

"(iii) SPECIAL ALLOCATION RULE FOR SCHOOLS OUTSIDE HIGH-GROWTH SCHOOL DISTRICTS.—A State may elect to allocate an aggregate face amount of bonds not to exceed $5,000,000 from the amount described in subparagraph (A) for each calendar year for qualified public educational facilities without regard to the requirement under paragraph (1)(A)."

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) of the Internal Revenue Code of 1986 (relating to certain rules not apply) is amended—

(1) by adding at the end the following:

"(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public-private schools).", and

(2) by striking "MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(C)(3) BONDS" in the heading and inserting "CERTAIN BONDS".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 1998.

SEC. 3. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATION FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) of the Internal Revenue Code of 1986 (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 1998.●

By Ms. MOSELEY-BRAUN:

S. 2399. A bill to suspend temporarily the duty on certain drug substances used as an HIV antiviral drug; to the Committee on Finance.

TARIFF ELIMINATION LEGISLATION

● Ms. MOSELEY-BRAUN. Mr. President, today I introduce a bill to eliminate the tariffs on two chemicals, TIC–A and TIC–C, used in the production of protease inhibitors. Protease inhibitors are critical components of the "cocktail" therapy used for the treatment of the HIV virus that causes AIDS.

Protease inhibitors have revolutionized the treatment regimen for HIV patients. Since Food and Drug Administration approval in 1996, protease inhibitors have become effective treatments for HIV patients. These treatments reduce the amount of virus in the blood stream of HIV patients to undetectable levels. The result of this treatment regimen is that most patients on the "cocktail" therapy have been able to resume active and productive lives.

Protease inhibitors are extremely sophisticated molecules and as a result are very difficult to manufacture. In addition, they are most effective only in high doses, making the treatment regimen very costly. Duty elimination of protease inhibitor raw materials, like TIC–A and TIC–C, will help reduce the costs associated with the production of the treatments.

Mr. President, I ask unanimous consent that the entire text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSIONS ON CERTAIN HIV DRUG SUBSTANCES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.32.14	(S)-N-tert-butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide (CAS No. 149182–72–9)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99
9902.32.16	(S)-N-tert-butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057–17–0)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99
9902.32.18	(S)-N-tert-butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537–30–4)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99
9902.32.20	(3S)-1,2,3,4-tetrahydroisoquinoline-3-carboxylic acid (CAS No. 74163–81–8)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. SPECTER:

S. 2401. A bill to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park; to the Committee on Energy and Natural Resources.

PAOLI BATTLEFIELD SITE LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania to Valley Forge National Historical Park. The Paoli Massacre was an important chapter in the British campaign to capture Philadelphia in 1777. More than 50 American soldiers lost their lives when the British attacked and bayoneted General "Mad" Anthony Wayne's forces at Paoli Battlefield. Accordingly, this land needs to be preserved as an important part of Pennsylvania's history and our nation's history.

Congressman CURT WELDON has introduced this legislation in the House of Representatives and we are working together with the local community toward enactment of this bill prior to adjournment. The issue is quite simple. The Paoli Battlefield is an unprotected Revolutionary War site that is privately owned by the Malvern Preparatory School. The School intends to sell the land in order to strengthen its endowment, but officials agreed to give the community a chance to purchase the land for historical preservation purposes. Thus, the Paoli Battlefield will become open to residential or commercial development if $2.5 million is not raised by next year to purchase the land. Our bill envisions a combination of public and private financing to purchase the battlefield and link it to the protected lands known as Valley Forge National Historical Park. Specifically, the bill authorizes a purchase price of $2.5 million with not less than $1 million in nonfederal funds.

Too many important historical sites, especially Revolutionary War battlefields, have already been lost to residential and commercial development. The citizens of Malvern, through the Paoli Battlefield Preservation Fund, have already raised in excess of $1 million to acquire the site. Thus, if the expected $2.5 million price is maintained, adding the Paoli Battlefield to Valley Forge National Historical Park would cost the federal government no more than $1.5 million. The bill also authorizes the Secretary of the Interior to enter into a cooperative agreement with the Borough of Malvern, which has agreed to manage the 45-acre site in perpetuity, thereby ensuring that Valley Forge will not have to expend additional federal resources for Park operations on the Paoli Battlefield.

Mr. President, this Congress has made a commitment to protecting battlefield sites. I have been pleased to support these efforts as well as the effort to obtain funding in the FY99 Interior and Related Agencies Appropriations bill to conduct the Revolutionary War and War of 1812 Historic Preservation Study. Paoli Battlefield played an important role in the Revolutionary War, and I therefore urge my colleagues to support this effort to protect an important piece of American history. Simply put, in a $1.7 trillion federal budget, I believe that we should be able to find a maximum of $1.5 million in federal funds to preserve a rich part of our history.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2402. A bill to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College; to the Committee on Agriculture, Nutrition, and Forestry.

THE OLD JICARILLA ADMINISTRATIVE SITE CONVEYANCE ACT OF 1998

Mr. DOMENICI. Mr. President, today I am introducing a bill to direct the Secretary of Agriculture to convey a ten acre parcel of land, known as the old Jicarilla administrative site, to San Juan College. This legislation will provide long-term benefits for the people of San Juan County, New Mexico, and especially the students and faculty of San Juan College.

This legislation allows for transfer by the Secretary of Agriculture real property and improvements at an abandoned and surplus administrative site of the Carson National Forest to San Juan College. The site is known as the old Jicarilia Ranger District Station, near the village of Gobanador, New Mexico. The Jicarilla Station will continue to be used for public purposes, including educational and recreational purposes of the college.

Mr. President, the Forest Service has determined that this site is of no further use to them, since the Jicarilla District Ranger moved into a new administrative facility in the town of Bloomfield, New Mexico. The facility has had no occupants for several years, and it is my understanding that the Forest Service reported to the General Services Administration that the improvements on the site were considered surplus, and would be available for disposal under their administrative procedures.

This legislation is patterned after S. 1510, approved by the Senate earlier this month, by which the property and improvements of a similarly abandoned Forest Service facility in New Mexico will be transferred to Rio Arriba County. The administration has indicated its support for the passage of that bill, and I hope that this bill will gain their support, as well.

Mr. President, since the Forest Service has no interest in maintaining Federal ownership of this land and the surplus facilities, and San Juan College could put this small tract to good use, this legislation is a win-win situation for the federal government and northwestern New Mexico. I look the Senate's rapid consideration of this legislation, and urge my colleagues to support its passage.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretary of Agriculture (herein "the Secretary") shall convey to San Juan College, in Farmington, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately ten acres known as the "Old Jicarilla Administrative Site" located in San Juan County, New Mexico (T29N; R5W; Section 29 Southwest of Southwest ¼).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and,

(B) an agreement between the Secretary and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

SAN JUAN COLLEGE,
OFFICE OF THE PRESIDENT,
Farmington, NM, August 21, 1997.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: The United States Forest Service has indicated a willingness to turn some property over to San Juan College. The property was formerly the Carson National Forest Jicarilla District Visitor Center Site. It is located in Gobernador and was formerly the headquarters for the Forest Service for this area. The office has subsequently moved into Bloomfield, and the property has had no occupants for several years.

At the suggestion of Phil Settles, the Forest Service Director, I would like to request that some legislation be introduced that would allow for the transfer of the property from the Forest Service to San Juan College. The College would use the area for educational and recreational purposes. A description of the property is attached.

Please let me know what additional steps must be taken in order to expedite the transfer. Thank you very much.

Sincerely,
JAMES C. HENDERSON, Ed.D.

By Mr. SANTORUM:

S. 2403. A bill to prohibit discrimination against health care entities that refuse to provide, provide coverage for, pay for, or provide referrals for abortions; to the Committee on Labor and Human Resources.

THE HEALTH CARE ENTITY PROTECTION ACT

• Mr. SANTORUM. Mr. President, I am introducing legislation today that will offer protection from government discrimination to health care providers who have religious or moral objections to performing abortions.

As HCFA prepares to implement the Medicare+Choice program, the need for this bill has become evident. Congress created Medicare+Choice to give beneficiaries more options in their health plans. The Balanced Budget Act of 1997 (BBA) requires all health care providers who participate in the program to provide all services covered under Medicare Parts A and B, except hospice care. HCFA is interpreting this mandate to require coverage for abortion, consistent with the Hyde restrictions. The problem is that many religious health care systems—and even some secular providers—have strong misgivings about performing, providing coverage for, or paying for any elective abortions. Absent specific legislative clarification, these providers will be shut out of the Medicare+Choice program.

HCFA's interpretation of the BBA has come as a surprise to many health systems wishing to participate in the Medicare+Choice program. The issue of whether providers would have to cover abortion services was never addressed during last summer's extensive debate. Instead, this Congress focused on designing a program which would give seniors the broadest possible range of health care choices, so they could choose a provider based on their own individual needs.

In 1996, Congress prohibited government discrimination against health care providers who choose not to teach abortion procedures in their graduate medical programs. The Senate approved this legislation as an amendment to the Omnibus Consolidated Rescissions and Appropriations Act by a vote of 63–37. The Health Care Entity Protection Act merely clarifies that these protections extend to all providers who have religious or moral objections to performing, providing coverage of, or paying for induced abortions. I would emphasise that nothing in this bill prevents providers from voluntarily offering abortion services; it simply gives them a right to choose whether they will so do.

I believe that my colleagues on both sides of the abortion debate can support the Health Care Entity Protection Act. I would like to reiterate that this bill simply clarifies protections that already exist under current law. I hope the Senate will recognize the moral gravity of the abortion issue and forge a consensus across party and ideological lines to protect institutions, doctors, and health systems who, as a matter of conscience, cannot perform or provide for abortions.•

By Mr. MACK (for himself and Mr. GRAHAM):

S. 2404. A bill to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida; to the Committee on Governmental Affairs.

UNITED STATES POSTAL SERVICE LEGISLATION

Mr. GRAHAM. Mr. President, I rise today together with my friends and distinguished colleague, Senator MACK, to introduce legislation to name five United States Post Offices in Miami-Dade County, Florida after five prominent civic and community leaders. By doing so, we are joining the entire Florida delegation in the United States House of Representatives in honoring these individuals of great importance to our state.

This legislation honors these five individuals service, commitment, and dedication to their communities. Athalie Range is a multi-faceted local community leader and humanitarian Garth Reeves, Sr. is a publisher, banker, and entrepreneur. William R. "Billy" Rolle was a teacher, coach, and community education leader. Essie Silva was a leader and proponent of business development for South Florida's Africa-American community. Helen Miller was the first African-American female Mayor in Dade County, Florida.

While these five individuals come from different backgrounds and professions they have one similar quality: dedication to their communities. Through their service, they have made immeasurable contributions to South Florida and our entire state. Mr. President, let me say a few words about each of these outstanding individuals:

Athalie Range has been a leader in South Florida for over 30 years. She was the first African-American and second woman to be elected to the Miami City Commission. Governor Reubin Askew appointed her the first African-American department head in the state of Florida. Ms. Range has also been the recipient of over 160 awards and honors. I have had the pleasure of knowing and learning from Ms. Range for many years. Her commitment to improving the quality of life for all citizens has been constant and meaningful.

Garth Reeves has been committed to excellence and achievement in South Florida for over 50 years. As the owner and publisher of the Miami Times, he has covered many of the important news stories of the last half-century. He has also been an exemplary civic leader who served on the Boards of Trustees of Miami-Dade Community College, Barry University, Bethune-Cookman College, and Florida Memorial College.

Essie D. Silva was a proponent of South Florida economic development her whole life. She chaired the Government Affairs Department of the Miami-Dade Chamber of Commerce and led groups to lobby in Tallahassee and Washington. In addition to her business activities, Ms. Silva was instrumental in establishing the Sunstreet Carnival, a popular family festival held in Miami.

Helen Miller became the first African-American female Mayor elected in Miami-Dade County when Opa Locka residents chose her as their Mayor in 1982. She has served on over forty different community boards dedicated to improving the quality of life in South

Florida. She was a woman of tremendous vigor and leadership who was recognized as the elder stateswoman of Opa Locka, Florida. She passed away on October 2, 1996, in Opa Locka, Florida.

William R. "Billy" Rolle dedicated his life in one of our most important professions—teaching. He spent over thirty five years as a teacher, coach, band instructor, and assistant principal. In all these different roles he continued to inspire young people to reach their full potential. Also, Mr. Rolle helped organize the First Annual Goombay Festival, a popular Caribbean event held in Miami. He passed away on January 20, 1998, in Miami, Florida.

Mr. President, the accomplishments of these five individuals are worthy of having a post office designation. All of these post offices that will bear the names of the individuals will be located in the communities where they lived. It is appropriate that we grant this honor to salute their life long commitment to their community. I urge all my colleagues to join Senator MACK and me in supporting this important legislation.

By Mr. FAIRCLOTH:

S. 2405. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors from the minimum wage and overtime compensation requirements of that Act; to the Committee on Labor and Human Resources.

FAIR LABOR STANDARDS ACT AMENDMENTS

● Mr. FAIRCLOTH. Mr. President, today I am introducing legislation together with my good friend, Senator DEWINE, to exempt licensed funeral directors from the overtime provisions of the Fair Labor Standards Act.

Under current law, licensed funeral directors do not meet the test for the "professionals" exemption under the Wage and Hour regulations of the Fair Labor Standards Act. Consequently, they are not exempt from minimum wage and overtime requirements. Given the nature of their work—onduty or on-call 24 hours a day, 7 days a week, 365 days a year—this requirement places an economic hardship on small funeral homes and the families of licensed funeral directors. With erratic and unpredictable work hours, most licensed funeral directors would prefer the option of comp time in lieu of overtime pay in order to spend more time with their families.

Requiring licensed funeral directors to be paid for overtime work forces small business owners to allocate revenues for that purpose, thereby inhibiting salaries and bonuses. To avoid the financial strain, some even resort to using only part-time funeral directors.

Over the years, Congress has provided 17 exemptions to the Act. Included are such diverse exemptions as employees of amusement or recreational establishments, outside salespeople, seasonal agricultural workers, apprentices, employees of newspapers with a circulation of less than 4,000, switchboard operators of independently-owned telephone companies with fewer than 750 stations, and the more recent amendments related to criminal investigators, computer analysts, programmers, and software engineers.

Mr. President, I strongly believe that small businesses, such as funeral homes, must be given flexibility to provide their key employees with the options for alternative overtime compensation in order for them to survive, grow, and remain the premier source of employment in our communities.

In that regard and on behalf of your local funeral homes and their licensed funeral directors, I urge my colleagues to support this legislation.●

By Mr. BOND (for himself, Mr. COVERDELL, Mr. DOMENICI, Mr. KEMPTHORNE, and Ms. SNOWE):

S. 2407. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to improve the programs of the Small Business Administration; to the Committee on Small Business.

SMALL BUSINESS PROGRAMS RESTRUCTURING AND REFORM ACT OF 1998

● Mr. BOND. Mr. President, today, I have been joined by Senators COVERDELL, DOMENICI, KEMPTHORNE, and SNOWE to introduce "The Small Business Programs Restructuring and Reform Act of 1998" to restructure and refine Small Business Administration programs that are designed to help small businesses succeed. In drafting this legislation, I followed one key principle—will the change help small businesses? Many of SBA's programs are dependent upon the private sector to make loans and investments or to provide services to small businesses. "The Small Business Programs Restructuring and Reform Act of 1998" is intended to make Federal small business programs work more effectively while stimulating greater interest in the private sector to support small business owners and their employees.

The small business sector is the fastest growing segment of our economy. Its sustained growth throughout this decade has enabled our Nation to experience one of its greatest periods of prosperity. During this time span, small businesses have been responsible for the net increase of new jobs in the United States. Today, small businesses employ over ½ of all American workers. Small businesses produce 55 percent of our Nation's gross domestic product. Our Nation's sustained economic growth would not be possible were it not for the strength of the small business sector. One would hate to imagine where we would be without a robust small business community.

The Committee on Small Business opened the 105th Congress with a hearing on Homebased and Women-owned businesses. We received testimony on the significant economic contribution being made by the 8 million women-owned businesses and on the importance of business education, training, and financial assistance to this growing segment of our economy.

To assist the rapid growth of small businesses owned by women, Section 2 of "The Small Business Programs Restructuring and Reform Act of 1998" would increase the authorization level to $12 million from $8 million per year for the Women's Business Center program. This increase would ensure that new Center sites will be opened without jeopardizing the currently funded Centers from receiving funds for five years.

To verify the SBA provides the Women's Business Center program with the staff and administrative support required to support a $12 million program, the bill directs the General Accounting Office to undertake a baseline and follow-up study of the SBA's administration of the program. These independent audits will assist Congress in its oversight of SBA's supervision and administration of the program. Knowing that the Administration has previously recommended a budget that would have shut down the program, we want to make sure it is receiving the appropriate level of staffing and agency resources.

Last year, Congress passed the "Small Business Reauthorization Act of 1997," which increased the authorization for the Women Business Center Program to $8 million from $4 million and extended the number of years grantees can receive grants to five years from three years. The goal was to have a Women's Business Center operating in every state and additional sites in states where there is sufficient demand. Consistent with our view, the Administration's budget request for Fiscal Year 1999 recommended an increase in the authorization level to $9 million. Senators KERRY and CLELAND introduced S. 2157 which would authorize the Administration's request and would go one step further by increasing the authorization level to $10.5 million in FY 2000, and $12 million in FY 2001. I am encouraged to see such a strong show of support for the program—only two years after Congress killed the Administration's recommendation to strike all funding for the program.

Section 2 of the bill includes a new provision to provide parity between Centers operating under three-year agreements with SBA when the Reauthorization Act was enacted and those Centers awarded five-year grants since that time. Section 2 amends the law to provide the same matching requirement in year four for all Centers receiving SBA grants. Under the 1997

Act, Centers that receive a two-year extension at the conclusion of a three-year grant have to raise two non-federal dollars for every federal dollar awarded; under Section 2, they will have to raise one non-federal dollar for each federal dollar—which is the fourth year matching requirement for Centers receiving newly awarded five year grants. The 2 non-federal dollars to one federal dollar matching requirement will remain in force for the fifth year of all awardees.

Section 3 of "The Small Business Programs Restructuring and Reform Act of 1998" would make the SBIR Program permanent. Testimony before the Committee on Small Business and the findings of the General Accounting Office clearly support this Congressional action. The bill would also increase the set aside from 2.5 percent to 3.5 percent. Beginning in FY 2001, the program would be increased by ¼ of 1 percent in each of the next four fiscal years.

Congress established the SBIR Program in 1982 because small businesses are a principal source of innovation in the United States. Under this program, Federal agencies with extramural research and development budgets of $100 million or more are required to set aside no less than 2.5 percent of that amount for small businesses. The SBIR Program was last re-authorized in 1992 and will terminate in FY 2000 unless Congress acts first.

In April 1998, the General Accounting Office issued its comprehensive report on the state of the SBIR Program, and in June 1998, GAO addressed that report in testimony before the Committee on Small Business. The unmistakable message was very clear—this is a good program that is running well. There are ten Federal agencies that participate in the program, and GAO concluded they are all adhering to the program's funding requirements. Competition has been intense among small business R&D firms in response to solicitations from the ten agencies. GAO found, however, it was very rare for an agency to make an award when the agency received only one proposal in response to a solicitation was received.

The bill would make a significant change in the program to encourage better outreach to states that receive few awards each year. GAO reported in FY 1996 that California received a total of 904 awards for a total of $207 million and Massachusetts received 628 awards for a total of $148 million. On the other hand, there were a great number of states receiving 11 or fewer awards. The bill would permit each of the ten participating agencies to spend up to 2% of the SBIR set aside pool of funds to support an outreach program, to promote better commercialization of the R&D awards, and to offset some administrative expenses. At least one-third of these non-award funds must be spent on outreach in those states that receive 25 or fewer awards each year.

Earlier this year, I introduced S. 2173, the "Assistive and Universally Designed Technology Improvement Act," to encourage the development and production of actual products for the marketplace for assistive technology end-users. As part of my effort to reach that goal, the "Small Business Programs Restructuring and Reform Act of 1998" includes a provision encouraging all ten Federal agencies participating in the SBIR Program to solicit proposals to advance research and development in this critical area.

In 1958, Congress created the SBIC Program to assist small business owners obtain investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. SBICs are frequently their only sources of investment capital. In 1992 and 1996, the Committee on Small Business worked closely with SBA to correct earlier deficiencies in the law in order to ensure the future of the program. Today, the SBIC Program is booming. Its performance since 1994 has been astounding.

Section 4 of "The Small Business Programs Restructuring and Reform Act of 1998" would make a relatively small change in the operation of the program. This change, however, would help smaller, small businesses to be more attractive to investors. The bill would permit SBICs to accept royalty payments contingent on future performance from companies in which they invest as a form of equity return for their investment.

SBA already permits SBICs to receive warrants from small businesses, which give the investing SBIC the right to acquire a portion of the equity of the small business. By pledging royalties or warrants, the small business is able to reduce the interest that would otherwise be payable by the small business to the SBIC. Importantly, the royalty feature provides the smaller, small business with an incentive to attract SBIC investments when the return may otherwise be insufficient to attract venture capital.

Section 5 of "The Small Business Programs Restructuring and Reform Act of 1998" would require the SBA to make permanent a pilot program initiated two years ago to permit certain Certified Development Companies (CDCs) to foreclose and liquidate defaulted loans that they have originated under the 504 Loan Program. This is a necessary step to ensure the 504 program remains viable.

Currently, SBA liquidates and forecloses almost every loan made under the 504 Loan Program. SBA has been performing this task poorly. The Administration's FY 1999 budget submission estimates that recoveries on defaulted loans under the 504 Loan Program will decline from 34.27% in FY 1998 to 30.67% in FY 1999. It is important to note that all loans made under the 504 loan program are fully secured by real estate. It is inconceivable that SBA recovers only thirty cents on the dollar on fully-secured real estate loans.

Because the 504 Program is self-funded through user fees, with no appropriation required by Congress, borrowers must pay higher fees to compensate for the SBA's inability to recover a reasonable portion of defaulted loans. As borrower fees have increased, the 504 Loan Program has been priced out of the reach of certain small businesses. The 504 Loan Program was enacted to provide larger loans to small businesses for plant acquisition, construction or expansion. Such loans create jobs and improve the economic health of communities. Congress should not allow such opportunities to be limited because the SBA has been unable to recover funds on defaulted loans effectively.

In 1996, Congress passed, at my urging, the Small Business Programs Improvement Act, which established a pilot program that allowed approximately 20 CDCs to liquidate loans that they had originated. Reports on this pilot program indicate it has been a success—CDCs are obtaining higher recoveries than the SBA. This bill makes the pilot program permanent and permits CDCs that have the ability to manage loan liquidations to do so. This change in the law is designed to increase the recoveries on defaulted loans thereby decreasing borrower fees. Consequently, more small businesses will have access to 504 loans, which will create more jobs and will help sustain the economic growth this country has been experiencing.

The "Small Business Reauthorization Act of 1997" included the creation of the HUBZone Program, which raised the goal to 23% from 20% for prime contracts being awarded by the Federal government to small business. This increase was advocated by the SBA Administrator and was embraced by the Clinton Administration.

It has been brought to the attention of the Committee on Small Business that some Federal agencies may be using bookkeeping ploys to reduce the amount of contract dollars going into the pool of contracts used for calculating the older 20% small business set aside goal. By reducing the overall dollar volume of contracts, the value of contracts counted under the older 20% set aside goal is also reduced. Now that Congress has increased the goal to 23%, I am concerned there may be greater pressure on the agencies to "juggle the books."

In order for the Committee on Small Business to conduct its oversight of the small business contract set aside goal, Section 6 of the bill directs the SBA to send a report to the Committee on Small Business each year highlighting any Federal agency that alters its statistical methodology in tracking its efforts to meet the 23% goal. The bill also directs the Administrator of SBA to notify the Committee and the SBA Chief Counsel for Advocacy prior to approving any request from an agency to change how it reports its small business contracting efforts.

Last year, when Congress approved the "Small Business Reauthorization Act of 1997," it included a separate title to improve business opportunities for service-disabled veterans. The Senate and House Committees on Small Business believed strongly that these individuals deserve better support from the Federal agencies than they have received historically. Last year's bill included a provision requiring the SBA to complete a comprehensive report containing the findings and recommendations of the SBA Administrator on the needs of small businesses owned and controlled by service-disabled veterans. Although this report should be received by the Congress no later than the first week of September, SBA's efforts to date to complete this report within the statutory deadline are disappointing.

Section 7 of "The Small Business Programs Restructuring and Reform Act of 1998" would go one step further to strengthen the mandate that SBA's programs be more responsive to all veteran small business owners. The bill would direct that veterans receive comprehensive help at SBA. The bill elevates the Office of Veterans Affairs at SBA to the Office of Veterans Business Development, which would be headed by an Associate Administrator, who would report directly to the SBA Administrator.

In addition, the bill would establish an Advisory Committee on Veterans' Business Affairs composed of 15 members. Eight members would be veterans who own small businesses, and seven members will be representatives of national veterans service organizations. Further, the bill would create the position of National Veterans' Business Coordinator within the Service Corps of Retired Executives (SCORE) Program. This new position would work in the SBA headquarters to ensure that SCORE's programs nationwide include entrepreneurial counseling and training for veterans.

Section 7 of the bill would make veteran small business owners eligible to apply for small, start-up loans under SBA's Microloan Program. And the SBA Office of Advocacy would be directed to evaluate annually efforts by Federal agencies, business and industry to help business that are owned and controlled by veterans.

The "Small Business Programs Restructuring and Reform Act of 1998" is a sound bill that will help small business owners, particularly those who are struggling or in the business start-up phase to compete more effectively. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Programs Restructuring and Reform Act of 1998".

SEC. 2. WOMEN'S BUSINESS CENTER PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) with small business concerns owned and controlled by women being created at a rapid rate in the United States, there is a need to increase the authorization level for the women's business center program under section 29 of the Small Business Act (15 U.S.C. 656) in order to establish additional women's business center sites throughout the Nation that focus on entrepreneurial training programs for women; and

(2) increased funding for the women's business center program will ensure that—

(A) new women's business center sites can be established to reach women located in geographic areas not presently served by an existing women's business center without jeopardizing the full funding of existing women's business centers for the term prescribed by law; and

(B) the Small Business Administration achieves the goal of establishing at least 1 sustainable women's business center in each State.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 29(k)(1) of the Small Business Act (15 U.S.C. 656(k)(1)) is amended to read as follows:

"(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this section, $12,000,000 for fiscal year 1999 and each fiscal year thereafter.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on October 1, 1998.

(c) TERMS OF ASSISTANCE.—

(1) IN GENERAL.—Section 308(b) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 656 note) is amended—

(A) by striking "(b)" and all that follows through "paragraph (2), any organization" and inserting the following:

"(b) APPLICABILITY.—Any organization"; and

(B) by striking paragraph (2).

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Small Business Reauthorization Act of 1997.

(d) GENERAL ACCOUNTING OFFICE REPORTING REQUIREMENTS.—

(1) BASELINE REPORT.—Not later than October 31, 1999, the Comptroller General of the United States shall—

(A) conduct a review of the administration of the women's business center program under section 29 of the Small Business Act (15 U.S.C. 656) by the Office of Women's Business Ownership of the Small Business Administration, which shall include an analysis of—

(i) the operation of the women's business center program by the Administration;

(ii) the efforts of the Administration to meet the legislative objectives established for the program;

(iii) the oversight role of the Administration of the operations of women's business centers;

(iv) the manner in which the women's business centers operate;

(v) the benefits provided by the women's business centers to small business concerns owned and controlled by women; and

(vi) any other matters that the Comptroller General determines to be appropriate; and

(B) submit to the Committees on Small Business of the Senate and House of Representatives a report describing the results of the review under subparagraph (A).

(2) FOLLOWUP REPORT.—Not later than October 31, 2002, the Comptroller General of the United States shall—

(A) conduct a review of any changes, during the period beginning on the date on which the report is submitted under paragraph (1)(B) and ending on the date on which the report is submitted under subparagraph (B) of this paragraph, in the administration of the women's business center program under section 29 of the Small Business Act (15 U.S.C. 656) by the Office of Women's Business Ownership of the Small Business Administration, which shall include an analysis of any changes during that period in—

(i) the operation of the women's business center program by the Administration;

(ii) the efforts of the Administration to meet the legislative objectives established for the program;

(iii) the oversight role of the Administration of the operations of women's business centers;

(iv) the manner in which the women's business centers operate;

(v) the benefits provided by the women's business centers to small business concerns owned and controlled by women; and

(vi) any other matters that the Comptroller General determines to be appropriate; and

(B) submit to the Committees on Small Business of the Senate and House of Representatives a report describing the results of the review under subparagraph (A).

SEC. 3. SBIR PROGRAM.

(a) ASSISTIVE TECHNOLOGY.—Section 9(c) of the Small Business Act (15 U.S.C. 638(c)) is amended by adding at the end the following: "In order to carry out the purposes of this section, the Administration shall, to the maximum extent practicable, encourage Federal agencies to fund programs for the research and development of assistive and universally designed technology that is designed to result in the availability of new products for individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).".

(b) FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.—

(1) REQUIRED EXPENDITURE AMOUNTS; DEFINITION OF EXTRAMURAL BUDGET.—Section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) is amended—

(A) by striking subparagraphs (A) through (C) and inserting the following:

"(A) not less than 2.5 percent of that budget in each of fiscal years 1999 and 2000;

"(B) not less than 2.75 percent of that budget in fiscal year 2001;

"(C) not less than 3 percent of that budget in fiscal year 2002;

"(D) not less than 3.25 percent of that budget in fiscal year 2003; and

"(E) not less than 3.5 percent of that budget in each fiscal year thereafter;"; and

(B) by adding at the end the following: "Notwithstanding any other provision of law, any rule, regulation, or order promulgated by the Director of the Office of Management and Budget relating to the definition of the term 'extramural budget' in subsection (e)(1) shall, except with respect to the Federal agencies specifically identified in that subsection, apply uniformly to all departments and agencies of the Federal Government that are subject to the requirements of this section.".

(2) LIMITATIONS RELATING TO ADMINISTRATIVE COSTS.—Section 9(f)(2) of the Small Business Act (15 U.S.C. 638(f)(2)(A)) is amended—

(1) in the matter preceding subparagraph (A), by striking "A Federal agency" and inserting "In any fiscal year, a Federal agency"; and

(2) in subparagraph (A)—

(A) by striking "any of" and inserting "more than the lesser of $2,000,000 or 2 percent of"; and

(B) by inserting ", funding program outreach for States receiving 25 or fewer awards in that fiscal year, and funding increased activities to promote commercialization of SBIR awards, of which not less than one-third shall be used to support program outreach" before the semicolon.

(d) REPEAL OF TERMINATION PROVISION.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking subsection (m) and inserting the following:

"(m) [Reserved].".

SEC. 4. SBIC PROGRAM.

Section 308(i)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 687(i)(2)) is amended by adding at the end the following: "In this paragraph, the term 'interest' includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or future revenue of the small business concern receiving the business loan.".

SEC. 5. CERTIFIED DEVELOPMENT COMPANY PROGRAM.

(a) IN GENERAL.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) IN GENERAL.—The Administration shall authorize qualified State and local development companies (as defined in section 503(e)) that meet the requirements of subsection (b) to foreclose and liquidate loans in the portfolios of those companies that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) REQUIREMENTS.—The requirements of this subsection are that—

"(1) the qualified State or local development company—

"(A) participated in the loan liquidation pilot program established by section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before the promulgation of final regulations by the Administration implementing this section; or

"(B) is participating in the Accredited Lenders Program under section 507 or the Premier Certified Lenders Program under section 508; or

"(2)(A) during the 3 most recent fiscal years, the qualified State or local development company has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) 1 or more of the employees of the qualified State or local development company have—

"(i) not less than 1 year of experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; or

"(ii) completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this subsection.

"(c) AUTHORITY OF DEVELOPMENT COMPANIES.—

"(1) IN GENERAL.—Each qualified State or local development company authorized to foreclose and liquidate loans under this section shall, with respect to any loan described in subsection (a) in the portfolio of the development company that is in default—

"(A) perform all liquidation and foreclosure functions, including the purchase of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner and according to commercially accepted practices, pursuant to a liquidation plan, which shall be approved in advance by the Administration in accordance with paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may monitor the conduct of any such litigation to which the qualified State or local development company is a party; and

"(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosure, including restructuring the loan, which such actions shall be in accordance with prudent loan servicing practices and pursuant to a workout plan, which shall be approved in advance by the Administration in accordance with paragraph (2)(C).

"(2) ADMINISTRATION APPROVAL.—

"(A) LIQUIDATION PLAN.—In carrying out paragraph (1), a qualified State or local development company shall submit to the Administration a proposed liquidation plan. Any request under this subparagraph shall be approved or denied by the Administration not later than 10 business days after the date on which the request is submitted. If the Administration does not approve or deny a request for approval of a liquidation plan before the expiration of the 10-business day period beginning on the date on which the request is submitted, the request shall be considered to be approved.

"(B) PURCHASE OF INDEBTEDNESS.—In carrying out paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval from the Administration before committing the Administration to purchase any other indebtedness secured by the property securing the loan at issue. Any request under this subparagraph shall be approved or denied by the Administration not later than 10 business days after the date on which the request is submitted.

"(C) WORKOUT PLAN.—In carrying out paragraph (1)(C), a qualified State or local development company may submit to the Administration a proposed workout plan. Any request under this subparagraph shall be approved or denied by the Administration not later than 20 business days after the date on which the request is submitted. If the Administration does not approve or deny a request for approval of a workout plan before expiration of the 20-business day period beginning on the date on which the request is submitted, the request shall be considered to be approved.

"(3) CONFLICT OF INTEREST.—A qualified State or local development company that is liquidating or foreclosing a loan under this section shall not take any action that would result in an actual or apparent conflict of interest between the qualified State or local development company, or any employee thereof, and any third party lender, associate of a third party lender, or any other person participating in any manner in the liquidation or foreclosure of the loan.

"(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The authority of a qualified State or local development company to foreclose and liquidate loans under this section may be suspended or revoked by the Administration, if the Administration determines that the qualified State or local development company—

"(1) does not meet the requirements of subsection (b); or

"(2) has failed to comply with any requirement of this section or any applicable rule or regulation of the Administration regarding the foreclosure and liquidation of loans under this section, or has violated any other applicable provision of law.

"(e) REPORT.—

"(1) IN GENERAL.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of the delegation of authority to qualified State and local development companies to liquidate and foreclose loans under this section.

"(2) INFORMATION INCLUDED.—Each report under this paragraph shall include information, with respect to each qualified State or local development company authorized to foreclose and liquidate loans under this section, and in the aggregate, relating to—

"(A) the total dollar amount of each loan liquidated and the total cost of each project financed with that loan;

"(B) the total dollar amount guaranteed by the Administration;

"(C) total dollar losses;

"(D) total recoveries both as a percentage of the amount guaranteed and the total cost of the project financed; and

"(E) a comparison between—

"(i) the information described in subparagraphs (A) through (D) with respect to loans foreclosed and liquidated by qualified State and local development companies under this section during the 3-year period preceding the date on which the report is submitted; and

"(ii) the same information with respect to loans foreclosed and liquidated by the Administration during that period.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) ELIMINATION OF PILOT PROGRAM.—Effective on the date on which final regulations are promulgated under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) is repealed.

SEC. 6. SMALL BUSINESS FEDERAL CONTRACT SET-ASIDES.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2)(A) Not later than 180 days after the last day of each fiscal year, based on the reports submitted under paragraph (1) for that fiscal year, the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report, which shall include—

"(i) the information required by paragraph (3);

"(ii) a detailed description of the procurement data that is included in the reports submitted under paragraph (1) for that fiscal year, which shall identify—

"(I) any data on contracts from Federal agencies that is excluded from those reports, accompanied by an explanation for such exclusion; and

"(II) each Federal agency that has submitted a report that deviates from the requirements of paragraphs (3) and (4), accompanied by an explanation of the reasons for each such deviation;

"(iii) a detailed description of any change in statistical methodology used by any Federal agency that is reflected in any statistic in the report submitted under paragraph (1) for that fiscal year, including any inclusion or exclusion of the value of any contracts or types of contracts in any statistic represented by the Federal agency in the report submitted under paragraph (1) as the total value of contracts or subcontracts awarded by the Federal agency or as the total value of contracts or subcontracts awarded to small business concerns; and

"(iv) with respect to each change in statistical methodology by a Federal agency described in clause (iii), a separate calculation (which shall be provided to the Administration by the Federal agency) of the total value of contracts for that fiscal year, using the statistical methodology used by the Federal agency during each of the 2 preceding fiscal years.

"(B)(i) Not less than 45 days before issuing any waiver or permissive letter allowing any Federal agency or group of agencies to make any change in statistical methodology described in subparagraph (A)(iii), the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the Chief Counsel for Advocacy of the Administration, a copy of that waiver or letter.

"(ii) Not later than 30 days after the submission of a waiver or letter under clause (i), the Chief Counsel for Advocacy of the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to each affected Federal agency, the written comments of the Chief Counsel regarding the appropriateness of the decision of the Administration to issue the waiver or letter."; and

(3) in paragraph (4), as redesignated, by striking "paragraph (2)" and inserting "paragraphs (2) and (3)".

SEC. 7. ASSISTANCE FOR VETERANS.

(a) Definitions.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(q) Definitions Relating to Veterans.—In this Act:

"(1) Service-disabled veteran.—The term 'service-disabled veteran' means a veteran with a disability that is service-connected (as defined in section 101(16) of title 38, United States Code).

"(2) Small business concern owned and controlled by service-disabled veterans.—The term 'small business concern owned and controlled by service-disabled veterans' means a small business concern—

"(A) not less than 51 percent of which is owned by 1 or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by 1 or more service-disabled veterans; and

"(B) the management and daily business operations of which are controlled by 1 or more service-disabled veterans.

"(3) Small business concern owned and controlled by veterans.—The term 'small business concern owned and controlled by veterans' means a small business concern—

"(A) not less than 51 percent of which is owned by 1 or more veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by 1 or more veterans; and

"(B) the management and daily business operations of which are controlled by 1 or more veterans.

"(4) Veteran.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.".

(b) Office of Veterans Business Development.—

(1) Associate Administrator for Veterans Business Development.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(A) in the fifth sentence, by striking "four" and inserting "5"; and

(B) by inserting after the fifth sentence the following: "One shall be the Associate Administrator for Veterans Business Development, who shall administer the Office of Veterans Business Development established under section 32.".

(2) Establishment of office.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) by redesignating section 32 as section 33; and

(B) by inserting after section 31 the following:

"SEC. 32. VETERANS PROGRAMS.

"(a) Office of Veterans Business Development.—

"(1) Establishment.—There is established in the Administration an Office of Veterans Business Development, which shall be administered by the Associate Administrator for Veterans Business Development (in this section referred to as the 'Associate Administrator') appointed under section 4(b)(1).

"(2) Associate administrator for veterans business development.—The Associate Administrator shall be—

"(A) a career appointee in the competitive service or in the Senior Executive Service; and

"(B) responsible for the formulation and execution of the policies and programs of the Administration that provide assistance to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans.

"(b) Advisory Committee on Veterans Business Affairs.—

"(1) In general.—There is established an advisory committee to be known as the Advisory Committee on Veterans Business Affairs (in this subsection referred to as the 'Committee'), which shall serve as an independent source of advice and policy recommendations to the Administrator (through the Associate Administrator), to Congress, and to the President.

"(2) Membership.—

"(A) In general.—The Committee shall be composed of 15 members, each of whom shall be appointed by the Administrator, of whom—

"(i) 8 shall be veterans who are owners of small business concerns; and

"(ii) 7 shall be representatives of national veterans service organizations.

"(B) Political affiliation.—Not more than 8 members of the Committee shall be of the same political party as the President.

"(C) Prohibition on federal employment.—No member of the Committee may be an officer or employee of the Federal Government. If any member of the Committee commences employment as an officer or employee of the Federal Government after the date on which the member is appointed to the Committee, the member may continue to serve as a member of the Committee for not more than 30 days after the date on which the member commences employment as such an officer or employee.

"(D) Service term.—Each member of the Committee shall serve for a term of 3 years.

"(E) Vacancies.—Not later than 30 days after the date on which a vacancy in the membership of the Committee occurs, the vacancy be filled in the same manner as the original appointment.

"(F) Chairperson.—The Committee shall select a Chairperson from among the members of the Committee. Any vacancy in the office of the Chairperson of the Committee shall be filled by the Committee at the first meeting of the Committee following the date on which the vacancy occurs.

"(G) Initial appointments.—Not later than 60 days after the date of enactment of this Act, the Administrator shall appoint the initial members of the Committee.

"(3) Duties.—The Committee shall—

"(A) review, coordinate, and monitor plans and programs developed in the public and private sectors, that affect the ability of veteran-owned business enterprises to obtain capital and credit;

"(B) promote and assist in the development of business information and surveys relating to veterans;

"(C) monitor and promote the plans, programs, and operations of the departments and agencies of the Federal Government that may contribute to the establishment and growth of veteran's business enterprises;

"(D) develop and promote new initiatives, policies, programs, and plans designed to foster veteran's business enterprises; and

"(E) advise and assist in the design of a comprehensive plan, which shall be updated annually, for joint public-private sector efforts to facilitate growth and development of veteran's business enterprises.

"(4) Powers.—

"(A) Hearings.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out the duties of the Committee under this subsection.

"(B) Information from federal agencies.—The Committee may secure directly from any department or agency of the Federal Government such information as the Committee considers to be necessary to carry out the duties of the Committee under this subsection. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

"(C) Postal services.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(D) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

"(5) MEETINGS.—

"(A) IN GENERAL.—The Committee shall meet not less than biannually at the call of the Chairperson, and otherwise upon the request of the Administrator.

"(B) LOCATION.—Each meeting of the full Committee shall be held at the headquarters of the Administration located in Washington, District of Columbia. The Administrator shall provide suitable meeting facilities and such administrative support as may be necessary for each meeting of the Committee.

"(6) PERSONNEL MATTERS.—

"(A) NO COMPENSATION.—Members of the Committee shall serve without compensation for their services to the Committee.

"(B) TRAVEL EXPENSES.—The members of the Committee shall be reimbursed for travel and subsistence expenses in the same manner and to the same extent as members of advisory boards and committees under section 8(b)(13).

"(c) SCORE PROGRAM.—The Administrator shall enter into a memorandum of understanding with the Service Core of Retired Executives (in this subsection referred to as 'SCORE') participating in the program under section 8(b)(1)(B) for—

"(1) the appointment by SCORE in its national office of a National Veterans Business Coordinator, whose exclusive duties shall be those relating to veterans' business matters, and who shall be responsible for the establishment and administration of a program to provide entrepreneurial counseling and training to veterans through the chapters of SCORE throughout the United States;

"(2) the establishment and maintenance of a toll-free telephone number and an Internet website to provide access for veterans to information about the entrepreneurial services available to veterans through SCORE; and

"(3) the collection of statistics concerning services provided by SCORE to veterans and service-disabled veterans and the inclusion of those statistics in each annual report published by the Administrator under section 4(b)(2)(B).

"(d) ANNUAL REPORT.—The Administrator shall annually submit to the Committees on Small Business of the House of Representative and the Senate a report on the needs of small business concerns owned by controlled by veterans and small business concerns owned and controlled by service-disabled veterans, which shall include—

"(1) the availability of programs of the Administration for and the degree of utilization of those programs by those small business concerns during the preceding 12-month period;

"(2) the percentage and dollar value of Federal contracts awarded to those small business concerns during the preceding 12-month period; and

"(3) proposed methods to improve delivery of all Federal programs and services that could benefit those small business concerns.".

(c) OFFICE OF ADVOCACY.—Section 202 of Public Law 94–305 (15 U.S.C. 634b) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) evaluate the efforts of each Federal agency and of private industry to assist small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans, and make appropriate recommendations to the Administrator and to Congress in order to promote the establishment and growth of those small business concerns.".

(d) MICROLOAN PROGRAM.—Section 7(m)(1)(A)(i) of the Small Business Act (15 U.S.C. 636(m)(1)(A)(i)) is amended by striking "low-income, and" and inserting "low-income individuals, veterans,".●

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. DEWINE, Mr. LEVIN, Mr. BOND, Mr. MOYNIHAN, Mr. KERREY, Ms. LANDRIEU, and Mr. DORGAN):

S. 2408. A bill to promote the adoption of children with special needs; to the Committee on Finance.

THE ADOPTION EQUALITY ACT OF 1998

● Mr. CHAFEE. Mr. President, I am pleased today to introduce the Adoption Equality Act of 1998, legislation that will make it easier for children with special needs to find permanent, adoptive homes. I want to extend my sincere thanks to Senator ROCKEFELLER for his commitment to this legislation and to foster and adoptive children generally. Senator ROCKEFELLER joins me as an original cosponsor, as do Senators DEWINE, KERREY, BOND, LEVIN, LANDRIEU, DORGAN and MOYNIHAN.

Nationwide there are 500,000 children in foster care. In Rhode Island there are approximately 1,600 children in foster care. On average, these children will spend more than two years in out-of-home care before they are either returned home to their biological families or freed for adoption.

The majority of the children who have been legally freed for adoption—95 percent—have special-needs, which in the world of child welfare means that they are children who are hard to place. They may be older children, they may be children in sibling groups that the state does not want to separate, they may have physical disabilities or mental or emotional problems, or they may belong to a minority group.

The federal government provides an incentive to families wishing to open their homes to these children by offering some of them a monthly subsidy to help defray the cost of adopting these children. It is expensive to care for children, and even more expensive if the child has special needs. The monthly subsidy, which is less than the monthly payment for the child to be in foster care, is used to defray some of these additional costs.

What makes no sense about the current system is that the federal government only makes these subsidies available to special-needs children who are being adopted whose biological families were poor. If the child is being adopted by a low-income family, but their biological family was not low-income, that child will not receive a federal adoption subsidy.

This system makes no sense to me, and that is why we are introducing the Adoption Equality Act today. This measure would make all special-needs children eligible for a modest federal adoption subsidy, regardless of the income of their biological parents. The income of the prospective adoptive parents would be taken into account when calculating the amount of the subsidy, as it is under current law.

Mr. President, I believe this is a simply issue of fairness to these children and the families who adopt them. We should be doing everything we can to help these children find permanent homes. The Adoption Equality Act builds upon the critical reforms we made last year in the enactment of the Adoption and Safe Families Act. I urge my colleagues to join me in cosponsoring and passing this bill. Thank you Mr. President. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adoption Equality Act of 1998".

SEC. 2. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by striking paragraph (2) and inserting the following:

"(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if such child—

"(i) prior to termination of parental rights and the initiation of adoption proceedings was in the care of a public or licensed private child care agency or Indian tribal organization either pursuant to a voluntary placement agreement (provided the child was in care for not more than 180 days) or as a result of a judicial determination to the effect that continuation in the home would be contrary to the safety and welfare of such child, or was residing in a foster family home or child care institution with the child's minor parent (either pursuant to such a voluntary placement agreement or as a result of such a judicial determination); and

"(ii) has been determined by the State pursuant to subsection (c) to be a child with special needs, which needs shall be considered by the State, together with the circumstances of the adopting parents, in determining the amount of any payments to be made to the adopting parents.

"(B) Notwithstanding any other provision of law, and except as provided in paragraph (7), a child who is not a citizen or resident of the United States and who meets the requirements of subparagraph (A) shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).

"(C) A child who meets the requirements of subparagraph (A), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made), and who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).".

(b) EXCEPTION.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any child that—

"(i) would be considered a child with special needs under subsection (c);

"(ii) is not a citizen or resident of the United States; and

"(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

"(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for a child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of such child by the parents described in such subparagraph.".

(c) REQUIREMENT FOR USE OF STATE SAVINGS.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)), as amended by subsection (b), is amended by adding at the end the following:

"(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2) on and after the effective date of the amendment to such paragraph made by section 2(a) of the Adoption Equality Act of 1998 to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

SEC. 3. REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (x) and section 1919(g)(3)(C)"; and

(2) by adding at the end the following:

"(x) ADJUSTMENTS TO PAYMENTS FOR ADMINISTRATIVE COSTS.—

"(1) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS BASED ON DETERMINATIONS OF AMOUNTS ATTRIBUTABLE TO BENEFITING PROGRAMS.—

"(A) IN GENERAL.—Subject to paragraph (2), effective for each of fiscal years 1999 through 2002, the Secretary shall reduce, for each such fiscal year, the amount paid under subsection (a)(7) to each State by an amount equal to the amount determined for the medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)). The Secretary shall, to the extent practicable, make the reductions required by this paragraph on a quarterly basis.

"(B) APPLICATION.—If the Secretary does not make the determinations required by section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)) by September 30, 1999—

"(i) during the fiscal year in which the determinations are made, the Secretary shall reduce the amount paid under subsection (a)(7) to each State by an amount equal to the sum of the amounts determined for the medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 for fiscal year 1999 through the fiscal year during which the determinations are made; and

"(ii) for each subsequent fiscal year through fiscal year 2002, subparagraph (A) applies.

"(C) APPLICATION OF APPEAL OF DETERMINATIONS.—The provisions of section 16(k)(4) of the Food Stamp Act of 1977 (7 U.S.C. 20205(k)(4)) apply to reductions in payments under this subsection in the same manner as they apply to reductions under section 16(k) of that Act.

"(2) BONUS PAYMENT FOR PROGRAM ALIGNMENT.—

"(A) IN GENERAL.—

"(i) AMOUNT.—In addition to any other payment made under this title to a State for a fiscal year, the Secretary shall pay to each State that satisfies the requirements of clause (ii) a portion of the amount by which—

"(I) any decrease in Federal outlays for amounts paid under subsection (a)(7) with respect to the State for the fiscal year as a result of the application of paragraph (1), as determined by the Congressional Budget Office, exceeds

"(II) any increase in Federal outlays with respect to the State for the fiscal year as a result of the application of section 473(a), as amended by section 2 of the Adoption Equality Act of 1998, as determined by the Congressional Budget Office.

"(ii) REQUIREMENTS.—A State satisfies the requirements of this clause if the Secretary determines that—

"(I) the State's income and resource eligibility rules under section 1931, taking into account the income standards and methodologies applied by the State, are not more restrictive than the income and resource eligibility rules applied by the State for the temporary assistance to needy families program funded under part A of title IV (other than for a welfare-to-work program funded under section 403(a)(5)); and

"(II) the State assures the Secretary that families applying for assistance under the temporary assistance to needy families program funded under part A of title IV (other than families applying solely for assistance under a welfare-to-work program funded under section 403(a)(5)) may apply for medical assistance under the State plan under this title without having to submit a separate application for such medical assistance.

"(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as—

"(i) affecting the application of section 1931;

"(ii) affecting any application requirements established under this title or by regulation promulgated under the authority of this title, including the requirements established under section 1902(a)(8); or

"(iii) conditioning the right of an individual to apply for medical assistance under the State plan under this title upon an application for assistance under any State program funded under part A of title IV.

"(3) ALLOCATION OF ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—No funds or expenditures described in subparagraph (B) may be used to pay for costs—

"(i) eligible for reimbursement under subsection (a)(7) (or costs that would have been eligible for reimbursement but for this subsection); and

"(ii) allocated for reimbursement to the medicaid program under a plan submitted by a State to the Secretary to allocate administrative costs for public assistance programs.

"(B) FUNDS AND EXPENDITURES.—Subparagraph (A) applies to—

"(i) funds made available to carry out part A of title IV or title XX;

"(ii) expenditures made as qualified State expenditures (as defined in section 409(a)(7)(B);

"(iii) any other Federal funds (except funds provided under subsection (a)(7)); and

"(iv) any other State funds that are—

"(I) expended as a condition of receiving Federal funds; or

"(II) used to match Federal funds under a Federal program other than the medicaid program.".

(b) COPIES OF REPORT ON REVIEW OF METHODOLOGY USED TO MAKE CERTAIN DETERMINATIONS.—Section 502(b)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (Public Law 105–185; 112 Stat. 523) is amended by inserting ", the Committee on Commerce of the House of Representatives, the Committee on Finance of the Senate," after "Representatives".●

● Mr. ROCKEFELLER. Mr. President, I support the introduction of The Adoption Equality Act of 1998.

I am proud to be a co-sponsor of The Adoption Equality Act of 1998, part of a continuing effort to improve the lives of abused and neglected children in my state of West Virginia and across the nation.

I would like to begin by sharing my special thanks with my colleague and good friend, Senator CHAFEE, not only for his work on this important legislation, but for his ongoing commitment to bringing about meaningful change for America's most vulnerable children. I also want to express my sincere gratitude to the other cosponsors of this bill, Senators DEWINE, KERREY, BOND, LEVIN, LANDRIEU, DORGAN, and MOYNIHAN. I am so pleased to see that the strong and unique bipartisan coalition forged during the adoption debate last fall is continuing the job yet to be done on behalf of abused and neglected children.

Last fall, our bipartisan coalition introduced—and the Senate unanimously passed—The Adoption and Safe Families Act. That legislation, signed into law on November 19, 1997, fundamentally shifted the focus of the American foster system by insisting for the first time that health and safety should be the paramount consideration when a State makes any decision regarding the well-being of an abused and neglected child. That legislation is designed to move children out of foster care and into adoptive homes more quickly than ever before.

I am also proud to report that West Virginia is launching its own special initiative to promote adoption. This June, state officials reported that there were 3003 children in the custody of West Virginia. 870 of these children have adoption as the goal of their permanency plans, and 95% of these children have special needs. The State has committed to hiring additional specialists to provide adoption services and is seeking federal support to enhance these efforts. It is wonderful to know that West Virginia and other states are so enthusiastic about moving forward to promote adoptions and to help children find safe and stable homes.

The Adoption and Safe Families Act took into account the unique circumstances of "special needs" children—those children who, for whatever reason, are difficult to place in adoptive homes. States now receive a special bonus for each special needs adoption. Most significantly, the Adoption and Safe Families Act took the first essential step in ensuring ongoing health coverage for all special needs children who are adopted into new families.

While I am satisfied that The Adoption and Safe Families Act will strengthen the American foster care system, I made it clear that it was only the first step in many to make things significantly better for abused and neglected children.

The Adoption Equality Act is an essential second step in this ongoing process. This important legislation will promote and increase adoptions by making all special needs children eligible for Federal adoption subsidies. This bill is designed to "level the playing field" by ensuring that all loving adoptive families have the support they need to address the fundamental needs of the children they raise.

Federal adoption subsidies, already authorized under section IV–E of the Social Security Act, usually take the form of monthly payments provided to families who adopt special needs children. These payments provide essential income support to help families finance the daily costs of raising these children and to cover the expense of special services. Federal adoption subsidies play a vital role in the lives of thousands of special needs children. Many families that I have visited in West Virginia and across the country have told me that without this essential support, they would not have been able to afford to take in the children who have become such an important part of their family.

This bill will fix the one remaining barrier that keeps many adoptive families from accessing precious Federal adoption subsidies. Under current law, a special needs child is only eligible for Federal adoption subsidies if his biological family was poor enough to qualify for welfare benefits under the now-defunct Aid to Families with Dependent Children Program (AFDC). If his family doesn't qualify under 1994 AFDC standards, even the hardest to place child cannot receive federal adoption subsidies.

In other words, a special needs child's eligibility for federal adoption subsidies is dependent on the income of the parents that abused or neglected him. This is simply wrong.

The Adoption Equality Act will eliminate this tragic anomaly in Federal law by making all special needs children eligible for Federal adoption subsidies. This is a responsible way to make sure that willing adoptive families have the support that they need to take care of all the needs of their new child, whether those include food and clothing, therapy, tutoring, or a new addition to their home.

Throughout my travels as the Chair of the National Commission on Children and my meetings with families in West Virginia, I have observed a recurring theme. I have come to understand that in many cases, a family wants to adopt a child more than anything. And yet, there is often a barrier that stands in its way. The lack of adequate financial resources is at the top of that list. This legislation help alleviate this unnecessary burden.

In closing, I want to reiterate a point that I made during the debate over the Adoption and Safe Families Act. At the heart of the ongoing discussions about what is the best policy for abused and neglected children, there have been many complex questions raised about how Federal taxpayer dollars should be spent and who is worthy of receiving them. As we struggle with these difficult issues—which often pit social against fiscal responsibility—I keep returning to the same fundamental lesson I have learned from the families I have met: if we cannot build social policy that not only protects our children, but gives them the best possible chance to succeed in life, we have failed to do our job as a government and a society.

The Adoption Equality Act is designed to make sure that all abused and neglected children, even the most vulnerable special needs kids, have this real chance for security and happiness.●

By Mr. DODD (for himself and Mr. BENNETT):

S. 2409. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training; to the Committee on Finance.

BUSINESSES EDUCATING STUDENTS IN TECHNOLOGY (BEST) ACT

● Mr. DODD. Mr. President, today I introduce legislation, along with my distinguished colleague from Utah, Senator BENNETT, to help alleviate a serious shortage of students graduating from our nation's colleges and universities with technology-based education and skills.

Technology is reshaping our world at a rapid pace. Competition to meet the needs, wants, and expectations of consumers has accelerated the rate of technological progress to a level inconceivable even just a few decades ago. Today, technology is playing an increasingly important role in the lives of every American and is a key ingredient to sustaining America's economic growth. It is the wellspring from which new businesses, high-wage jobs, and a rising quality of life will flow in the 21st century.

Today, we are fortunate that our economy is strong. We have created more than 16 million new jobs since 1993. We have the lowest unemployment in 28 years, the smallest welfare rolls in 27 years, and the lowest inflation in 32 years. If we want to build on this progress, we must encourage our people to develop and use emerging technologies.

Technological progress is the single most important determining factor in sustaining growth in our economy. It is estimated that technological innovation has accounted for as much as half the nation's long-term economic growth over the past 50 years and is expected to account for an even higher percentage in the next 50 years.

And yet, there is mounting evidence that we are not doing enough to help our people make the most of technological change. Our businesses are practically desperate for workers with skills in computers and other technologically advanced systems. More than 350,000 information technology positions are currently unfilled throughout the United States. The number of students graduating from colleges with computer science degrees has declined dramatically. In my home state of Connecticut, public and private colleges combined produced only 299 computer science graduates in 1997, a 50 percent decline from 1987. We are not alone. Nationwide, the number of graduates with bachelor's degrees in computer science dropped 43 percent between 1986 and 1994.

The Department of Commerce estimates that 1.3 million new jobs will be created over the next decade for systems analysts, computer engineers and computer scientists. Yet, at a time when our nation is struggling to fill these positions, our colleges are graduating fewer skilled information technology students.

At large and mid-sized companies there is one vacancy for every 10 information technology jobs, and eight out of 10 companies expect to hire information technology workers in the year ahead. According to the U.S. Bureau of Labor Statistics, this trend will only continue through 2006.

This shortage of skilled and knowledgeable workers is perhaps the most significant threat to our continued economic expansion. Clearly, we must do more as a country to eliminate this shortage.

We need to turn our attention to our work force and focus on it as a critical part of our economic development. We must put more emphasis on human capital, and we need to educate more students in the diverse areas of technology.

In Connecticut, many businesses are taking initiatives to do so. They are establishing scholarships, donating lab equipment, planning curricula, and sending employees into schools to instruct and help prepare students for technology-based jobs.

One Connecticut company, The Pfizer Corporation, recently announced that it will spend $19 million to build an animal vaccine research laboratory at The University of Connecticut. This partnership will not only lead to advancements in gene technology and animal health, but it will also promote joint research projects in which company scientists will work alongside professors and students.

Another example in Connecticut is the support provided to the biotechnology program at Middlesex Community-Technical College by The Bristol Myers Squibb Pharmaceutical Research Institute and the CuraGen Corporation. These companies have established scholarships, donated lab equipment, and encouraged their research scientists to give lectures to the students.

And yet, Mr. President, businesses and academic institutions shouldn't have to tackle alone the challenge of helping students obtain the learning and skills they need to succeed in the coming century. The federal government can and should work with our technology-based businesses and places of learning to encourage innovation and education that will create jobs and prosperity for our people.

That is why I am pleased to introduce legislation today that will encourage businesses to work in and with educational institutions in order to improve technology-based learning—so that more of our students will be able to win the best jobs of the 21st century economy.

This bill will give a tax credit to any business that goes into a university, college, or community-technical school and engages in technology-based educational activities which are directly related to the business of that company.

Businesses could claim a tax credit for 40 percent of these educational expenses, up to a maximum of $100,000 for any one company.

It is my hope, Mr. President, that this tax credit will provide the incentive for more of our nation's companies to play an active role in the education, training, and skill development of our nation's most valuable resource—its students.

If businesses take advantage of this credit, not only will they have a larger pool of skilled workers to draw from, but our nation will have a better-educated population that possesses the knowledge to succeed in the information-based economy of the future.

I urge my colleagues to join me in supporting this legislation. I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Businesses Educating Students in Technology (BEST) Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Technological progress is the single most important determining factor in sustaining growth in the Nation's economy. It is estimated that technological innovation has accounted for as much as half the Nation's long-term economic growth over the past 50 years and will account for an even higher percentage in the next 50 years.

(2) The number of jobs requiring technological expertise is growing rapidly. For example, it is estimated that 1,300,000 new computer engineers, programmers, and systems analysts will be needed over the next decade in the United States economy. Yet, our Nation's computer science programs are only graduating 25,000 students with bachelor's degrees yearly.

(3) There are more than 350,000 information technology positions currently unfilled throughout the United States, and the number of students graduating from colleges with computer science degrees has declined dramatically.

(4) In order to help alleviate the shortage of graduates with technology-based education and skills, businesses in a number of States have formed partnerships with colleges, universities, community-technical schools, and other institutions of higher learning to give lectures, donate equipment, plan curricula, and perform other activities designed to help students acquire the skills and knowledge needed to fill jobs in technology-based industries.

(5) Congress should encourage these partnerships by providing a tax credit to businesses that enter into them. Such a tax credit will help students obtain the knowledge and skills they need to obtain jobs in technology-based industries which are among the best paying jobs being created in the economy. The credit will also assist businesses in their efforts to develop a more highly-skilled, better trained workforce that can fill the technology jobs such businesses are creating.

SEC. 3. ALLOWANCE OF CREDIT FOR BUSINESS-PROVIDED STUDENT EDUCATION AND TRAINING.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. BUSINESS-PROVIDED STUDENT EDUCATION AND TRAINING.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the business-provided student education and training credit determined under this section for the taxable year is an amount equal to 40 percent of the qualified student education and training expenditures of the taxpayer for such taxable year.

"(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $100,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED STUDENT EDUCATION AND TRAINING EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified student education and training expenditure' means—

"(i) any amount paid or incurred by the taxpayer for the qualified student education and training services provided by any employee of the taxpayer, and

"(ii) the basis of the taxpayer in any tangible personal property contributed by the taxpayer and used in connection with the provision of such services.

"(B) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified student education and training expenditure' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(2) QUALIFIED STUDENT EDUCATION AND TRAINING SERVICES.—

"(A) IN GENERAL.—The term 'qualified student education and training services' means technology-based education and training of students in any eligible educational institution in employment skills related to the trade or business of the taxpayer.

"(B) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' has the meaning given such term by section 529(e)(5).

"(d) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter with respect to any expenditure taken into account in computing the amount of the credit determined under this section."

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12), and inserting a comma and "plus", and

(C) by adding at the end the following:

"(13) the business-provided student education and training credit determined under section 45D."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

"Sec. 45D. Business-provided student education and training credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.●

By Mr. GRAHAM (for himself, Mr. MOYNIHAN, and Mr. D'AMATO):

S. 2410. A bill to amend titles XIX and XXI of the Social Security Act to give States the options of providing medical assistance to certain legal immigrant children and to increase allotments to territories under the State

Children's Health Insurance Program; to the Committee on Finance.

MEDICAID CHILDREN'S HEALTH IMPROVEMENT AMENDMENTS OF 1998

• Mr. GRAHAM. Mr. President, today, along with Senators MOYNIHAN and D'AMATO, I introduce the Medicaid Children's Health Improvement Amendments of 1998. This legislation, which was introduced in the House of Representatives last week, would attempt to correct a situation currently jeopardizing the health of many of the children living in our territories.

Last year Congress passed what was the single largest investment in health care for children since the passage of Medicaid in 1965." As a result, the United States will invest an additional $24 billion in children's health care over the next five years. However, not all of our nation's poor children are celebrating this victory.

In the negotiations over the budget reconciliation, the initial proposal providing 1.5 percent of the funding to our nation's territories, which represented a fair distribution, was reduced to a mere 0.25 percent. The children's health care program ultimately included in the Balanced Budget Act of 1997 provides Puerto Rico with approximately 0.22 percent of the overall national funding for the program and 0.03 percent for Guam, the U.S. Virgin Islands, American Samoa and the Northern Mariana Islands. For Puerto Rico alone this would mean less than $11 million per year for a jurisdiction with close to four million U.S. citizens.

It is absolutely outrageous that the United States would continue to endorse a discriminatory policy that denies equal health care to the children of its territories. If this legislation was enacted most of Guam's 5,000 uninsured children would finally receive the coverage that they rightfully deserve. It would also approximately multiply the number of children covered in the U.S. Virgin Islands by six.

In addition to providing additional funding for the children's health insurance program in our territories, this legislation includes a provision that would grant states the option to provide health care coverage to legal immigrant children who entered the United States on or after August 22, 1996. Welfare reform prohibits states from covering these immigrant children.

As we know, children without health insurance do not get important care for preventable diseases. Many uninsured children are hospitalized for acute asthma attacks that could have been prevented, or suffer from permanent hearing loss from untreated ear infections. Without adequate health care, common illnesses can turn into lifelong crippling diseases, whereas appropriate treatment and care can help children with diseases like diabetes live relatively normal lives. A lack of adequate medical care will also hinder the social and educational development of children, as children who are sick and left untreated are less able to learn.

I hope that with the help of my colleagues in Congress we will be able to rectify the discrimination against the children of our territories and afford them the same treatment as the other children in the nation. They deserve no less. Programs created to protect our nation's children should represent the highest and most pure ideals of our society.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical and Children's Health Improvement Amendments of 1998".

SEC. 2. STATE OPTION TO COVER LEGAL IMMIGRANT CHILDREN UNDER MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) MEDICAID.—Section 1902(a)(10(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) by strike "or" at the end of subclause (XIII);

(2) by adding "or" at the end of subclause (XIV); and

(3) by adding after subclause (XIV) the following new subclause:

"(XV) who are described in section 1905(a)(i) and who would be eligible for medical assistance (or for a greater amount of medical assistance) under the State plan under this title but for the provisions of section 403 or section 421 of Public Law 104–193, but the State may not exercise the option of providing medical assistance under this subclause with respect to a subcategory of individuals described in this subclause;".

(b) CHILDREN'S HEALTH INSURANCE PROGRAM.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(1) in paragraph (1)(A), by inserting before the semicolon "(including, at the option of the State, a child described in paragraph (3)(B))"; and

(2) in paragraph (3)—

(A) by striking "SPECIAL RULE.—" and inserting "SPECIAL RULES.—

"(A) HEALTH INSURANCE COVERAGE.—";

(B) by intending the remainder of the text accordingly; and

(C) by adding at the end the following new subparagraph:

"(B) ELIGIBILITY FOR LEGAL IMMIGRANT CHILDREN.—For purposes of paragraph (1)(A), a child is described in this subparagraph if—

"(i) the child would be determined eligible for child health assistance under this title but for provisions of sections 403 and section 421 of Public Law 104–193; and

"(ii) the State exercises the option to provide medical assistance to the category of individuals described in section 1902(a)(10)(A)(ii)(XV).".

SEC. 3. INCREASED ALLOTMENTS UNDER CHILDREN'S HEALTH INSURANCE PROGRAM FOR TERRITORIES.

(a) IN GENERAL.—Section 2104(c) of the Social Security Act (42 U.S.C. 1397dd(c)) is amended by adding at the end the following new paragraph:

"(4) ADDITIONAL ALLOTMENT.—

"(A) IN GENERAL.—In addition to the allotment under paragraph (1), the Secretary shall allot each commonwealth and territory described in paragraph (3) the applicable percentage specified in paragraph (2) of the amount appropriated under subparagraph (B).

"(B) APPROPRIATION.—For purposes of providing allotments pursuant to subparagraph (A), there is appropriated, out of any money in the Treasury not otherwise appropriated—

"(i) $34,200,000 for each of fiscal years 1999 through 2001;

"(ii) $25,200,000 for each of fiscal years 2002 through 2004;

"(iii) $32,400,000 for each of fiscal years 2005 and 2006; and

"(iv) $40,000,000 for fiscal year 2007.".

(b) CONFORMING AMENDMENT.—Section 2104(b)(1) of such Act (42 U.S.C. 1397dd(b)(1)) is amended by inserting "(determined without regard to paragraph (4) thereof)" after "subsection (c)".•

By Mr. BURNS (for himself and Mr. HOLLINGS):

S. 2412. A bill to create employment opportunities and to promote economic growth establishing a public-private partnership between the United States travel and tourism industry and every level of government to work to make the United States the premiere travel and tourism destination in the world, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE VISIT USA ACT

• Mr. BURNS. Mr. President, today I introduce legislation to strengthen America's tourism and travel related industry—the Value In Supporting International Tourism Act of 1998 (Visit USA Act). This legislation is a follow-on to the National Tourism Act, Public Law 104–288, enacted two years ago.

In the National Tourism Act, Congress created the U.S. National Tourism Organization (USNTO) in order to re-establish the United States as the premiere destination for tourists throughout the world. While international travel and tourism remains the United States largest service export, its third largest industry, and a major producer of jobs and tax revenue for federal, state and local governments, our share of the international tourism market is threatened unless action is taken now.

Public Law 104–288 authorized a public-private partnership, including a broad cross-section of the U.S. travel and tourism industry, charged with working with government to (1) promote and increase the U.S. share of the international tourism market, (2) develop and implement a national travel and tourism strategy, (3) advise the President and Congress on how to implement this strategy and on other critical matters affecting the travel and tourism industry, (4) conduct travel and tourism market research, and (5) promote the interests of the U.S. travel and tourism industry at international trade shows. The USNTO was authorized to conduct activities necessary to advance these national interests.

The USNTO was also charged with developing a long-term financing plan for the organization. On January 14, 1998, the Board of the USNTO fulfilled its statutory mandate by submitting a report to Congress outlining, among other things, a long-term marketing plan to promote the United States as the premiere international travel destination. The Board is firmly committed to work with Congress to secure appropriate funding for an international marketing effort.

Private sector and state support for the promotion of the United States as an international tourist destination exceeds $1 billion annually. This support, together with the commitment of the USNTO Board of Directors to use only non-governmental sources of funding for all USNTO general and administrative costs, provides a substantial commitment from the "private" side of the partnership and a foundation for a successful public-private partnership.

The Visit USA Act establishes an international visitor assistance task force. This interagency body will support the creation of a toll-free telephone line to assist foreign tourists visiting the United States. It will also work to improve signage at airports and other key travel facilities, and facilitate distribution of multilingual travel and tourism materials. Each of these activities is intended to be conducted at minimal or zero cost to the federal government.

This legislation also requires the Secretary of Commerce to report to Congress on how federal lands are used and on how they may have influenced the tourism market, on any changes in the international tourist commerce, on the impact tourism has on the U.S. economy, and on our balance of trade.

The facts concerning the increasingly competitive international tourism justify this legislative approach. While competition for the international tourism dollar has become one among national governments, the U.S. government is the only major industrialized nation that does not promote its tourism market abroad. Other governments spend millions on tourism marketing. In 1995, for example, Australia spent $88 million, the UK and Spain each spent $79 million, and France spent $73 million to promote tourism.

Tourism is a significant element of the U.S. economy. The industry that depends on spending by foreign tourists is diverse, and includes restaurants, hotels, travel agencies, shops, tour bus services, rental car agencies, theaters, airlines, and theme parks. In particular, small businesses depend on revenues from international tourism.

I encourage all Senators to join in supporting this important effort to strengthen our tourism-related economy. The dividends to be realized as a result of this modest investment will benefit every state and every congressional district.•

• Mr. HOLLINGS. Mr. President, today Senator BURNS and I are introducing a bill, the Visit USA Act, which will further the international standing of the U.S. travel and tourism industry. As co-chairman of the United States Senate Tourism Caucus along with Senator BURNS, I know that the tourism industry is a winner for the United States. The Visit USA Act would improve U.S. international marketing and services to travelers in the United States by: creating a toll-free number for international travelers to call for assistance in their native language; improving signs in transportation facilities; and authorizing appropriations for the marketing program of the U.S. National Tourism Organization (NTO).

Tourism is more than cameras and Bermuda shorts. Travel and tourism is a big business. Last year it produced a record $26 billion trade surplus, and the industry continues to grow. In my state of South Carolina, tourism generates over $6.5 billion and is responsible for 113,000 jobs. Over 46 million international visitors came to the United States and spent over $90 billion in 1997. These visitors generated more than $5 billion in Federal taxes alone. To compete with other nations for a larger share of international tourism over the next decade, we must support an international tourism marketing effort. The Visit USA Act would do just that by providing for international promotion of the United States while making travel to this country simpler and more understandable for our foreign guests.•

By Mr. McCAIN (for himself and Mr. KYL):

S. 2413. A bill to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park; to the Committee on Energy and Natural Resources.

APACHE-SITGREAVES NATIONAL FOREST LEGISLATION

• Mr. McCAIN. Mr. President, I am proud to introduce legislation, along with my colleague, Senator JON KYL, that will preserve a valuable tract of park land for future public enjoyment in the Apache-Sitgreaves National Forest in Pinetop-Lakeside, Arizona. This proposal authorizes the U.S. Forest Service to develop a management plan to maintain the current recreational use of 583 acres known as Woodland Lake Park.

Mr. President, I want to laud the cooperation forged between the U.S. Forest Service and the town of Pinetop-Lakeside. The initiative requires the acting supervisor of the Apache-Sitgreaves National Forest, under the direction of the Secretary of Agriculture, to work with the town to ensure Woodland Lake Park remains open and accessible to the public. The parties will have 180 days to draft a management plan for the park.

Although the town of Pinetop-Lakeside seeks to one day acquire Woodland Lake Park, the management of this land by the Forest Service is crucial to preserving this resource in the interim. Federal oversight will ensure that the estimated 50,000 residents every year who take pleasure in the lake and along the beautiful wooded trails will continue to do so for years to come.

I look forward to continued constructive collaboration between the Forest Service and the town of Pinetop-Lakeside. I ask unanimous consent that the legislation be entered into the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANAGEMENT OF WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA, FOR RECREATIONAL PURPOSES.

(a) MANAGEMENT PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture, acting through the supervisor of Apache-Sitgreaves National Forest in the State of Arizona, shall prepare a management plan for the Woodland Lake Park tract that is designed to ensure that the tract is managed by the Forest Service for recreational purposes consistent with the use of the tract as a public park by the town of Pinetop-Lakeside, Arizona. The forest supervisor shall prepare the management plan in consultation with the town of Pinetop-Lakeside.

(b) PROHIBITION ON CONVEYANCE.—The Secretary of Agriculture may not convey any right, title, or interest of the United States in and to the Woodland Lake Park tract unless the conveyance of the tract—

(1) is made to the town of Pinetop-Lakeside; or

(2) is specifically authorized by a law enacted after the date of the enactment of this Act.

(c) DEFINITION.—The terms "Woodland Lake Park tract" and "tract" mean the parcel of land in Apache–Sitgreaves National Forest in the State of Arizona that consists of approximately 583 acres and is known as the Woodland Lake Park tract.•

• Mr. KYL. Mr. President, the U.S. Forest Service owns a large parcel of land within the boundaries of the town of Pinetop-Lakeside which has historically been used as a park, not only by the town residents, but also by the thousands of tourists who vacation in this bucolic area of Eastern Arizona each year. The town wants to maintain this land as a park. However, the Forest Service has refused to renew the town's special use permit for the largest section of this park, possibly paving the way for the land to be sold to private investors. The bill that Senator MCCAIN and I are introducing, and Representative HAYWORTH is introducing in the House, prevents the Forest Service from selling the land to any entity other than the town, and requires the Forest Service, in conjunction with the town, to develop a management plan "designed to ensure that the tract is managed by the Forest Service for recreational purposes."

Mr. President, the town of Pinetop-Lakeside has been trying to find a way to acquire this parcel from the Forest Service for over 10 years, to no avail. This bill will satisfy the town's goal of preserving this land as a park, while being fair to the American taxpayer. However, the legislation will not solve the problems of communities that seek to acquire Forest Service lands to preserve open space, or to fulfill other essential governmental functions. I intend to continue to seek a long-term solution to those problems.•

By Mr. BURNS.

S. 2414. A bill to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain Properties around Canyon Ferry Reservoir, Montana; to the Committee on Energy and Natural Resources.

CANYON FERRY RESERVOIR LEGISLATION

• Mr. BURNS. Mr. President, today I introduce a companion bill to one recently introduced in the House by Congressman RICK HILL, of Montana. This is a bill that will authorize the Bureau of Reclamation to convey certain properties around Canyon Ferry Reservoir in Montana to leaseholders. This bill has the support of a number of organizations, groups and communities in the area of Canyon Ferry and in Montana in general.

The purpose of my bill today, is to get the ball rolling on this legislation. I am aware that currently there is legislation in the Environment and Public Works Committee of a similar nature. But it appears stalled, and does not address the concerns of a number of the groups and communities in the area around Canyon Ferry. The bills basically address the conveyance of this land in the same way, but it is the disposal of the funds received that changes these two bills. So I come here today to propose this legislation to accelerate the process and get Congress involved and moving on this very issue.

I have made a pledge to the people in this area of Montana that I will do all I can to assist them in getting something done on this bill this session before we leave for the year. These people have attempted to work with the Bureau of Reclamation to clear up a number of issues which have come up over the past five or more years. The result of their work has been continued stalling by the Bureau of Reclamation in working with the citizens. As a result then we have been forced to work on legislation that will remove the stumbling blocks and rectify and clarify the situation.

Senator BAUCUS, Congressman HILL and I have worked for the past year developing legislation to address the concerns of these people. We have come ninety percent of the way and now it is necessary for us to move that extra ten percent and get something done to the benefit of the general public and the citizens of Montana.

Canyon Ferry is a man-made reservoir on the Missouri River in Central Montana right outside of our capital Helena. It is a wonderful area for outdoor recreation and draws people from all over the state and in many cases all across the nation. There are a number of people who have built cabin sites on the lake both for the purpose of weekend living but also there are a number of year around residences.

This legislation will work to continue to provide opportunities for all people to enjoy the splendor of Canyon Ferry. In addition there will be ample opportunity for the surrounding communities to develop new ways for the public to enjoy the lake and the various recreational facilities around the lake. The citizens of Montana expect and deserve an opportunity to enjoy this wonderful area. The funds derived from the conveyance of these properties will allow for the continued construction of facilities that will allow more Montanans a chance to enjoy Canyon Ferry.

I give my pledge to the people of Montana that I will continue to work this issue with the members of the Montana delegation, Senator BAUCUS and Congressman HILL to clear this bill and get something done. I know the majority of people in the area want to see something done, and this is the vehicle to do that. I look forward to working with the Chairman of the Energy and Natural Resources Committee to get this done and out as soon as possible.•

By Mr. SANTORUM:

S. 2415. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Finance.

REPEALING THE BEER TAX

Mr. SANTORUM. Mr. President, I today introduce legislation pertaining to the federal excise tax on beer.

The federal excise tax on beer was doubled as part of the 1991 Omnibus Budget Reconciliation Act. Today, it remain as the only "luxury tax" enacted as part of OBRA '91. While taxes on furs, jewelry, and yachts were repealed through subsequent legislation, the federal beer tax remains in place with continued and far reaching negative effects.

The excise tax on beer is among the more regressive federal taxes. Since the 100 percent tax was levied in 1991, it has cost the industry as many as 50,000 jobs. Beer in particular continues to suffer under a disproportionate burden of taxation. Forty-three percent of the cost of beer is comprised of both state and federal taxes. This legislation seeks to correct this inequity and will restore the level of federal excise tax to the pre-1991 tax rate.

Mr. President, this bill represents companion legislation to H.R. 158, introduced by Representative PHIL ENGLISH. The House bill currently carries 95 cosponsors. I commend this Senate legislation to my colleagues for their consideration.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. SPECTER, and Mr. BAUCUS):

S. 2416. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Finance.

PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1998

• Mr. CHAFEE. Mr. President, today, I am pleased to join with Senators BOB GRAHAM, JOE LIEBERMAN, ARLEN SPECTER and MAX BAUCUS in introducing a bipartisan managed care reform bill—the Promoting Responsible Managed Care Act of 1998.

In November 1997, a number of us formed the bipartisan, bicameral Congressional Task Force on Health Care Quality to better understand the mounting public frustration over managed care. The task force heard from numerous consumer and provider groups, and received presentations from the sponsors of all of the major managed care reform bills now pending in Congress. The bill we are introducing today, the Promoting Responsible Managed Care Act of 1998, has benefited greatly from the efforts of the task force, and we wish to thank all participants, on both sides of the aisle, for their attentiveness and diligence.

This legislation was developed in accordance with the following principles:

Bipartisan legislation which can be enacted this year.

Provides all Americans in privately insured health plans with basic federal protections.

Meaningful enforcement which holds managed care plans accountable, and provides individuals harmed by such plans with just compensation.

Report cards to enable consumers to make informed health care choices based on plan performance.

As my colleagues well know, next month the Senate is headed for a polarized debate on managed care reform, which may well result in gridlock.

Each party has put forward a plan which contains features unacceptable to the other side—such as exposing insurers to lawsuits in state court in the case of the Daschle plan, and the broad expansion of medical savings accounts (MSAs) in the case of the Nickles plan.

It is for this very reason that we have put forward a bipartisan plan—one which blends the best features of both the Democratic and Republican plans, but omits the so-called poison pills. When it comes to restoring public confidence in managed care and ensuring a basic floor of federal patient protections, gridlock simply will not be an acceptable outcome.

We believe Congress has the responsibility to step up to the plate in the remaining weeks of this session and to enact legislation which the President can sign into law to address the outstanding concerns Americans have about their managed care. Indeed, despite continuing opposition from the insurance industry to the enactment of any reform legislation, many of the managed care industry's own leaders have privately expressed concern about the future of managed care if legislative action is not taken soon to strengthen public confidence.

In our estimation, given the hardened positions of both parties, the only way Congress can succeed in that endeavor this year is for a bipartisan centrist plan to emerge once it becomes clear that neither the Daschle or Nickles plan has the requisite support to cross the finish line.

What we would like to do now is to take a few minutes to lay out the key components of our proposal. First, I will talk about the scope of the bill—a topic which you will be hearing a lot about in the coming weeks. Then, Senator GRAHAM will outline our patient protection provisions, and Senator LIEBERMAN will discuss the importance of arming consumers with meaningful Report Card information, and a credible enforcement regime to ensure that managed care plans play by the rules.

In 1996, Congress passed significant reforms of the private health insurance marketplace with respect to the issue of portability. The Health Insurance Portability and Accountability Act, also known as the Kassebaum-Kennedy bill, established a federal floor of portability protections for all 161 million privately insured Americans.

We see no reason for narrowing the scope of the patient protections in this next and far more consequential area of reform. Thus, like the Daschle plan and the House-passed GOP bill, the Promoting Responsible Managed Care Act would apply to all privately insured Americans.

This approach preserves state prerogatives to enact more stringent standards, while assuring a minimum floor of federal protections for all Americans in private health plans—whether those plans are regulated at the state or federal level. In contrast, the Senate Republican plan proposes to provide a more limited range of patient protections to a much narrower band of the American population—primarily those 48 million enrollees in self-funded ERISA plans.

While it is true that individuals in these plans have fewer protections than those in state-regulated plans, that alone is insufficient reason for denying these basic quality improvements and safeguards to all 161 million Americans in privately insured managed care plans. Such a bifurcation would, in our judgment, create many unnecessary and inequitable circumstances for consumers, and exacerbate the already unlevel playing field which exists in the health insurance marketplace.

Mr. President, I ask unanimous consent that the bill, a summary of the bill, and excerpts of what organizations are saying about the Promoting Responsible Managed Care Act be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Promoting Responsible Managed Care Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Preemption; State flexibility; construction.
Sec. 4. Regulations.

TITLE I—PROMOTING RESPONSIBLE MANAGED CARE

Subtitle A—Grievance and Appeals

Sec. 101. Definitions and general provisions relating to grievance and appeals.
Sec. 102. Utilization review activities.
Sec. 103. Establishment of process for grievances.
Sec. 104. Coverage determinations.
Sec. 105. Internal appeals (reconsiderations).
Sec. 106. External appeals (reviews).

Subtitle B—Consumer Information

Sec. 111. Health plan information.
Sec. 112. Health care quality information.
Sec. 113. Confidentiality and accuracy of enrollee records.
Sec. 114. Quality assurance.

Subtitle C—Patient Protection Standards

Sec. 121. Emergency services.
Sec. 122. Enrollee choice of health professionals and providers.
Sec. 123. Access to approved services.
Sec. 124. Nondiscrimination in delivery of services.
Sec. 125. Prohibition of interference with certain medical communications.
Sec. 126. Provider incentive plans.
Sec. 127. Provider participation.
Sec. 128. Required coverage for appropriate hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer; required coverage for reconstructive surgery following mastectomies.

Subtitle D—Enhanced Enforcement Authority

Sec. 141. Investigations and reporting authority, injunctive relief authority, and increased civil money penalty authority for Secretary of Health and Human Services for violations of patient protection standards.
Sec. 142. Authority for Secretary of Labor to impose civil penalties for violations of patient protection standards.

TITLE II—PATIENT PROTECTION STANDARDS UNDER THE PUBLIC HEALTH SERVICE ACT

Sec. 201. Application to group health plans and group health insurance coverage.
Sec. 202. Application to individual health insurance coverage.

TITLE III—PATIENT PROTECTION STANDARDS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 301. Application of patient protection standards to group health plans and group health insurance coverage under the Employee Retirement Income Security Act of 1974.
Sec. 302. Enforcement for economic loss caused by coverage determinations.

TITLE IV—PATIENT PROTECTION STANDARDS UNDER THE INTERNAL REVENUE CODE OF 1986

Sec. 401. Amendments to the Internal Revenue Code of 1986.

TITLE V—EFFECTIVE DATES; COORDINATION IN IMPLEMENTATION

Sec. 501. Effective dates.
Sec. 502. Coordination in implementation.

SEC. 2. DEFINITIONS.

(a) INCORPORATION OF GENERAL DEFINITIONS.—The provisions of section 2971 of the Public Health Service Act shall apply for purposes of this section, section 3, and title I in the same manner as they apply for purposes of title XXVII of such Act.

(b) SECRETARY.—Except as otherwise provided, for purposes of this section and title I, the term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Secretary of the Treasury, and the term "appropriate Secretary" means the Secretary of Health and Human Services in relation to carrying out title I under sections 2706 and 2751 of the Public Health Service Act, the Secretary of Labor in relation to carrying out title I under section 713 of the Employee Retirement Income Security Act of 1974, and the Secretary of the Treasury in relation to carrying out title I under chapter 100 and section 4980D of the Internal Revenue Code of 1986.

(c) ADDITIONAL DEFINITIONS.—For purposes of this section and title I:

(1) APPLICABLE AUTHORITY.—The term "applicable authority" means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of title I, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such specific provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(2) CLINICAL PEER.—The term "clinical peer" means, with respect to a review or appeal, a physician (allopathic or osteopathic) or other health care professional who holds a non-restricted license in a State and who is appropriately credentialed, licensed, certified, or accredited in the same or similar specialty as manages (or typically manages) the medical condition, procedure, or treatment under review or appeal and includes a pediatric specialist where appropriate; except that only a physician may be a clinical peer with respect to the review or appeal of treatment rendered by a physician.

(3) HEALTH CARE PROVIDER.—The term "health care provider" includes a physician or other health care professional, as well as an institutional provider of health care services.

(4) NONPARTICIPATING.—The term "nonparticipating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under a group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(5) PARTICIPATING.—The term "participating" mean, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under a group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

SEC. 3. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), title I shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage except to the extent that such standard or requirement prevents the application of a requirement of such title.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in title I shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(3) CONSTRUCTION WITH RESPECT TO TIME PERIODS.—Subject to paragraph (2), nothing in title I shall be construed to prohibit a State from establishing, implementing, or continuing in effect any requirement or standard that uses a shorter period of time, than that provided under such title, for any internal or external appeals process to be used by health insurance issuers.

(b) RULES OF CONSTRUCTION.—Nothing in title I (other than section 128) shall be construed as requiring a group health plan or health insurance coverage to provide specific benefits under the terms of such plan or coverage.

(c) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) INCLUSION OF POLITICAL SUBDIVISIONS OF A STATE.—The term "State" also includes any political subdivisions of a State or any agency or instrumentality thereof.

(d) TREATMENT OF RELIGIOUS NONMEDICAL PROVIDERS.—

(1) IN GENERAL.—Nothing in this Act (or the amendments made thereby) shall be construed to—

(A) restrict or limit the right of group health plans, and of health insurance issuers offering health insurance coverage in connection with group health plans, to include as providers religious nonmedical providers;

(B) require such plans or issuers to—

(i) utilize medically based eligibility standards or criteria in deciding provider status of religious nonmedical providers;

(ii) use medical professionals or criteria to decide patient access to religious nonmedical providers;

(iii) utilize medical professionals or criteria in making decisions in internal or external appeals from decisions denying or limiting coverage for care by religious nonmedical providers; or

(iv) compel a participant or beneficiary to undergo a medical examination or test as a condition of receiving health insurance coverage for treatment by a religious nonmedical provider; or

(C) require such plans or issuers to exclude religious nonmedical providers because they do not provide medical or other data otherwise required, if such data is inconsistent with the religious nonmedical treatment or nursing care provided by the provider.

(2) RELIGIOUS NONMEDICAL PROVIDER.—For purposes of this subsection, the term "religious nonmedical provider" means a provider who provides no medical care but who provides only religious nonmedical treatment or religious nonmedical nursing care.

SEC. 4. REGULATIONS.

The Secretaries of Health and Human Services, Labor, and the Treasury shall issue such regulations as may be necessary or appropriate to carry out this Act. Such regulations shall be issued consistent with section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretaries determine are appropriate to carry out this Act.

TITLE I—PROMOTING RESPONSIBLE MANAGED CARE

Subtitle A—Grievance and Appeals

SEC. 101. DEFINITIONS AND GENERAL PROVISIONS RELATING TO GRIEVANCE AND APPEALS.

(a) DEFINITIONS.—In this subtitle:

(1) AUTHORIZED REPRESENTATIVE.—The term "authorized representative" means, with respect to a covered individual, an individual who—

(A) is—

(i) any treating health care professional of the covered individual (acting within the scope of the professional's license or certification under applicable State law), or

(ii) any legal representative of the covered individual (or, in the case of a deceased individual, the legal representative of the estate of the individual),

regardless of whether such professional or representative is affiliated with the plan or issuer involved; and

(B) is acting on behalf of the covered individual with the individual's consent.

(2) COVERAGE DETERMINATION.—The term "coverage determination" means a determination by a group health plan or a health insurance issuer with respect to any of the following:

(A) A decision whether to pay for emergency services (as defined in section 121(a)(2)(B)).

(B) A decision whether to pay for health care services not described in subparagraph (A) that are furnished by a provider that is a participating health care provider with the plan or issuer.

(C) A decision whether to provide benefits or payment for such benefits.

(D) A decision whether to discontinue a benefit.

(E) A decision resulting from the application of utilization review (as defined in section 102(a)(1)(C)).

Such term includes, pursuant to section 104(d)(2), the failure to provide timely notice under section 104(d).

(3) COVERED INDIVIDUAL.—The term "covered individual" means an individual who is a participant or beneficiary in a group health plan or an enrollee in health insurance coverage offered by a health insurance issuer.

(4) GRIEVANCE.—The term "grievance" means any complaint or dispute other than one involving a coverage determination.

(5) RECONSIDERATION.—The term "reconsideration" is defined in section 105(a)(7).

(6) UTILIZATION REVIEW.—The term "utilization review" is defined in section 102(a)(1)(C).

(b) SUMMARY OF RIGHTS OF INDIVIDUALS.—In accordance with the provisions of this subtitle, a covered individual has the following rights with respect to a group health plan and with respect to a health insurance issuer in connection with the provision of health insurance coverage:

(1) The right to have grievances between the covered individual and the plan or issuer heard and resolved as provided in section 103.

(2) The right to a timely coverage determination as provided in section 104.

(3) The right to request expedited treatment of a coverage determination as provided in section 104(c).

(4) If dissatisfied with any part of a coverage determination, the following appeal rights:

(A) The right to a timely reconsideration of an adverse coverage determination as provided in section 105.

(B) The right to request expedited treatment of such a reconsideration as provided in section 105(c).

(C) If, as a result of a reconsideration of the adverse coverage determination, the plan or issuer affirms, in whole or in part, its adverse coverage determination, the right to request and receive a review of, and decision on, such determination by a qualified external appeal entity as provided in section 106.

(c) REQUIREMENTS.—

(1) PROCEDURES.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage shall, with respect to the provision of benefits under such plan or coverage—

(A) establish and maintain—

(i) grievance procedures in accordance with section 103;

(ii) procedures for coverage determinations consistent with section 104; and

(iii) appeals procedures for adverse coverage determinations in accordance with sections 105 and 106; and

(B) provide for utilization review consistent with section 102.

(2) DELEGATION.—A group health plan or a health insurance issuer in connection with the provision of health insurance coverage that delegates any of its responsibilities under this subtitle to another entity or individual through which the plan or issuer provides health care services shall ultimately be responsible for ensuring that such entity or individual satisfies the relevant requirements of this subtitle.

SEC. 102. UTILIZATION REVIEW ACTIVITIES.

(a) IN GENERAL.—

(1) COMPLIANCE WITH REQUIREMENTS.—

(A) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall conduct utilization review activities in connection with the provision of benefits under such plan or coverage only in accordance with a utilization review program that meets the requirements of this section.

(B) USE OF OUTSIDE AGENTS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(C) UTILIZATION REVIEW DEFINED.—For purposes of this section, the terms "utilization review" and "utilization review activities" mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

(2) WRITTEN POLICIES AND CRITERIA.—

(A) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(B) USE OF WRITTEN CRITERIA.—

(i) IN GENERAL.—Such a program shall utilize written clinical review criteria developed pursuant to the program with the input of appropriate physicians. Such criteria shall include written clinical review criteria described in section 114(b)(4)(B).

(ii) CONTINUING USE OF STANDARDS IN RETROSPECTIVE REVIEW.—If a health care service has been specifically pre-authorized or approved for a covered individual under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the individual during the same course of treatment.

(3) CONDUCT OF PROGRAM ACTIVITIES.—

(A) ADMINISTRATION BY HEALTH CARE PROFESSIONALS.—

(i) IN GENERAL.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions.

(ii) HEALTH CARE PROFESSIONAL DEFINED.—In this subsection, the term "health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

(B) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—

(i) IN GENERAL.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate training in the conduct of such activities under the program.

(ii) PEER REVIEW OF SAMPLE OF ADVERSE CLINICAL DETERMINATIONS.—Such a program shall provide that clinical peers (as defined in section 2(c)(2)) shall evaluate the clinical appropriateness of at least a sample of adverse clinical determinations.

(iii) PROHIBITION OF CONTINGENT COMPENSATION ARRANGEMENTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that—

(I) provides direct or indirect incentives for such persons to make inappropriate review decisions; or

(II) is based, directly or indirectly, on the quantity or type of adverse determinations rendered.

(iv) PROHIBITION OF CONFLICTS.—Such a program shall not permit a health care professional who provides health care services to a covered individual to perform utilization review activities in connection with the health care services being provided to the individual. A group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, may not retaliate against a covered individual or health care provider based on such individual's or provider's use of, or participation in, the utilization review program under this section.

(C) ACCESSIBILITY OF REVIEW.—Such a program shall provide that appropriate personnel performing utilization review activities under the program are reasonably accessible by toll-free telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(D) LIMITS ON FREQUENCY.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to a covered individual more frequently than is reasonably required to assess whether the services under review are medically necessary or appropriate.

(E) LIMITATION ON INFORMATION REQUESTS.—Such a program shall provide that information shall be required to be provided by health care providers only to the extent it is necessary to perform the utilization review activity involved.

(F) REVIEW OF PRELIMINARY UTILIZATION REVIEW DECISION.—Such a program shall provide that a covered individual who is dissatisfied with a preliminary utilization review decision has the opportunity to discuss the decision with, and have such decision reviewed by, the medical director of the plan or issuer involved (or the director's designee) who has the authority to reverse the decision.

(b) STANDARDS RELATING TO MEDICAL DECISION MAKING.—

(1) IN GENERAL.—In providing for a coverage determination in the process of carrying out utilization review, a group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a plan or issuer from limiting the delivery of services to one or more health care providers within a network of such providers.

(3) NO CHANGE IN COVERAGE.—Paragraph (1) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the plan or coverage or from conducting utilization review activities consistent with this section.

(4) MEDICAL NECESSITY OR APPROPRIATENESS DEFINED.—In paragraph (1), the term "medically necessary or appropriate" means, with respect to a service or benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.

SEC. 103. ESTABLISHMENT OF PROCESS FOR GRIEVANCES.

(a) ESTABLISHMENT.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall provide meaningful procedures for timely hearing and resolution of grievances brought by covered individuals regarding any aspect of the plan's or issuer's services, including a decision not to expedite a coverage determination or reconsideration under section 104(c)(4)(B)(ii)(II) or 105(c)(4)(B)(ii)(II).

(b) GUIDELINES.—The grievance procedures required under subsection (a) shall meet all guidelines established by the appropriate Secretary.

(c) DISTINGUISHED FROM COVERAGE DETERMINATIONS AND APPEALS.—The grievance procedures required under subsection (a) shall be separate and distinct from procedures regarding coverage determinations under section 104 and reconsiderations under section 105 and external reviews by a qualified external appeal entity under section 106 (which address appeals of coverage determinations).

SEC. 104. COVERAGE DETERMINATIONS.

(a) REQUIREMENT.—

(1) RESPONSIBILITIES.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall establish and maintain procedures for making timely coverage determinations (in accordance with the requirements of this section) regarding the benefits a covered individual is entitled to receive from the plan or issuer, including the amount of any copayments, deductibles, or other cost sharing applicable to such benefits. Under this section, the plan or issuer shall have a standard procedure for making such determinations, and procedures for expediting such determinations in cases in which application of the standard deadlines could seriously jeopardize the covered individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development.

(2) PARTIES WHO MAY REQUEST COVERAGE DETERMINATIONS.—Any of the following may request a coverage determination relating to a covered individual and are parties to such determination:

(A) The covered individual and an authorized representative of the individual.

(B) A health care provider who has furnished an item or service to the individual and formally agrees to waive any right to payment directly from the individual for that item or service.

(C) Any other provider or entity (other than the group health plan or health insurance issuer) determined by the appropriate Secretary to have an appealable interest in the determination.

(3) EFFECT OF COVERAGE DETERMINATION.—A coverage determination is binding on all parties unless it is reconsidered pursuant to section 105 or reviewed pursuant to section 106.

(b) Determination by Deadline.—

(1) In general.—In the case of a request for a coverage determination, the group health plan or health insurance issuer shall provide notice pursuant to subsection (d) to the person submitting the request of its determination as expeditiously as the health condition of the covered individual involved requires, but in no case later than deadline established under paragraph (2) or, if a request for expedited treatment of a coverage determination is granted under subsection (c), the deadline established under paragraph (3).

(2) Standard deadline.—

(A) In general.—The deadline established under this paragraph is, subject to subparagraph (B), 14 calendar days after the date the plan or issuer receives the request for the coverage determination.

(B) Extension.—The plan or issuer may extend the deadline under subparagraph (A) by up to 14 calendar days if—

(i) the covered individual (or an authorized representative of the individual) requests the extension; or

(ii) the plan or issuer justifies to the applicable authority a need for additional information to make the coverage determination and how the delay is in the interest of the covered individual.

(3) Expedited treatment deadline.—

(A) In general.—The deadline established under this paragraph is, subject to subparagraphs (B) and (C), 72 hours after the date the plan or issuer receives the request for the expedited treatment under subsection (c).

(B) Extension.—The plan or issuer may extend the deadline under subparagraph (A) by up to 5 calendar days if—

(i) the covered individual (or an authorized representative of the individual) requests the extension; or

(ii) the plan or issuer justifies to the applicable authority a need for additional information to make the coverage determination and how the delay is in the interest of the covered individual.

(C) How information from nonparticipating providers affects deadlines for expedited coverage determinations.—In the case of a group health plan or health insurance issuer that requires medical information from nonparticipating providers in order to make a coverage determination, the deadline specified under subparagraph (A) shall begin when the plan or issuer receives such information. Nonparticipating providers shall make reasonable and diligent efforts to expeditiously gather and forward all necessary information to the plan or issuer in order to receive timely payment.

(c) Expedited Treatment.—

(1) Request for expedited treatment.—A covered individual (or an authorized representative of the individual) may request that the plan or issuer expedite a coverage determination involving the issues described in subparagraphs (C), (D), or (E) of section 101(a)(2).

(2) Who may request.—To request expedited treatment of a coverage determination, a covered individual (or authorized representative of the individual) shall submit an oral or written request directly to the plan or issuer (or, if applicable, to the entity that the plan or issuer has designated as responsible for making the determination).

(3) Provider support.—

(A) In general.—A physician or other health care provider may provide oral or written support for a request for expedited treatment under this subsection.

(B) Prohibition of punitive action.—A group health plan and a health insurance issuer in connection with the provision of health insurance coverage shall not take or threaten to take any punitive action against a physician or other health care provider acting on behalf or in support of a covered individual seeking expedited treatment under this subsection.

(4) Processing of requests.—A group health plan and a health insurance issuer in connection with the provision of health insurance coverage shall establish and maintain the following procedures for processing requests for expedited treatment of coverage determinations:

(A) An efficient and convenient means for the submission of oral and written requests for expedited treatment. The plan or issuer shall document all oral requests in writing and maintain the documentation in the case file of the covered individual involved.

(B) A means for deciding promptly whether to expedite a determination, based on the following requirements:

(i) For a request made or supported by a physician, the plan or issuer shall expedite the coverage determination if the physician indicates that applying the standard deadline under subsection (b)(2) for making the determination could seriously jeopardize the covered individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development.

(ii) For another request, the plan or issuer shall expedite the coverage determination if the plan or issuer determines that applying such standard deadline for making the determination could seriously jeopardize the covered individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development.

(5) Actions following denial of request for expedited treatment.—If a group health plan or a health insurance issuer in connection with the provision of health insurance coverage denies a request for expedited treatment of a coverage determination under this subsection, the plan or issuer shall—

(A) make the coverage determination within the standard deadline otherwise applicable; and

(B) provide the individual submitting the request with—

(i) prompt oral notice of the denial of the request, and

(ii) within 2 business days a written notice that—

(I) explains that the plan or issuer will process the coverage determination request within the standard deadlines;

(II) informs the requester of the right to file a grievance if the requester disagrees with the plan's or issuer's decision not to expedite the determination; and

(III) provides instructions about the grievance process and its timeframes.

(6) Action on accepted request for expedited treatment.—If a group health plan or health insurance issuer grants a request for expedited treatment of a coverage determination, the plan or issuer shall make the determination and provide the notice under subsection (d) within the deadlines specified under subsection (b)(3).

(d) Notice of Coverage Determinations.—

(1) Requirement.—

(A) In general.—A group health plan or health insurance issuer that makes a coverage determination that—

(i) is completely favorable to the covered individual shall provide the party submitting the request for the coverage determination with notice of such determination; or

(ii) is adverse, in whole or in part, to the covered individual shall provide such party with written notice of the determination, including the information described in subparagraph (B).

(B) Content of written notice.—A written notice under subparagraph (A)(ii) shall—

(i) provide the specific reasons for the determination (including, in the case of a determination relating to utilization review, the clinical rationale for the determination) in clear and understandable language;

(ii) include notice of the availability of the clinical review criteria relied upon in making the coverage determination;

(iii) describe the reconsideration and review processes established to carry out sections 105 and 106, including the right to, and conditions for, obtaining expedited consideration of requests for reconsideration or review;and

(iv) comply with any other requirements specified by the appropriate Secretary.

(2) Failure to provide timely notice.—Any failure of a group health plan or health insurance issuer to provide a covered individual with timely notice of a coverage determination as specified in this section shall constitute an adverse coverage determination and a timely request for a reconsideration with respect to such determination shall be deemed to have been made pursuant to the section 105(a)(2).

(3) Provision of oral notice with written confirmation in case of expedited treatment.—If a group health plan or health insurance issuer grants a request for expedited treatment under subsection (c), the plan or issuer may first provide notice of the coverage determination orally within the deadlines established under subsection (b)(3) and then shall mail written confirmation of the determination within 2 business days of the date of oral notification.

SEC. 105. INTERNAL APPEALS (RECONSIDERATIONS).

(a) Requirement.—

(1) Responsibilities.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall establish and maintain procedures for making timely reconsiderations of coverage determinations in accordance with this section. Under this section, the plan or issuer shall have a standard procedure for making such determinations, and procedures for expediting such determinations in cases in which application of the standard deadlines could seriously jeopardize the covered individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development.

(2) Parties who may request reconsideration.—Any party to a coverage determination may request a reconsideration of the determination under this section. Such party shall submit an oral or written request directly with the group health plan or health insurance issuer that made the determination. The party who files a request for reconsideration may withdraw it by filing a written request for withdrawal with the group health plan or health insurance issuer involved.

(3) Deadline for filing request.—

(A) In general.—Except as provided in subparagraph (B), a party to a coverage determination shall submit the request for a reconsideration within 60 calendar days from the date of the written notice of the coverage determination.

(B) Extending time for filing request.—Such a party may submit a written request to the plan or issuer to extend the deadline specified in subparagraph (A). If such a party demonstrates in the request for the extension good cause for such extension, the plan or issuer may extend the deadline.

(4) Parties to the reconsideration.—

(A) In general.—The parties to the reconsideration are the parties to the coverage determination, as described in section 104(a)(2), and any other provider or entity (other than the plan or issuer) whose rights with respect to the coverage determination may be affected by the reconsideration (as determined by the entity that conducts the reconsideration).

(B) Opportunity to submit evidence.—A group health plan and a health insurance issuer shall provide the parties to the reconsideration with a reasonable opportunity to present evidence and allegations of fact or law, related to the issue in dispute, in person as well as in writing. The plan or issuer shall inform the parties of the conditions for submitting the evidence, especially any time limitations.

(5) Effect of reconsideration.—A decision of a plan or issuer after reconsideration is binding on all parties unless it is reviewed pursuant to section 106.

(6) Limitation on conducting reconsideration.—In conducting the reconsideration under this subsection, the following rules shall apply:

(A) The person or persons conducting the reconsideration shall not have been involved in making the underlying coverage determination that is the basis for such reconsideration.

(B) If the issuer involved in the reconsideration is the plan's or issuer's denial of coverage based on a lack of medical necessity, a clinical peer (as defined in section 2(c)(2)) shall make the reconsidered determination.

(7) Reconsideration defined.—In this subtitle, the term "reconsideration" means a review under this section of a coverage determination that is adverse to the covered individual involved, including a review of the evidence and findings upon which it was based and any other evidence the parties submit or the group health plan or health insurance issuer obtains.

(b) Determination by Deadline.—

(1) In general.—In the case of a request for a reconsideration, the group health plan or health insurance issuer shall provide notice pursuant to subsection (d) to the person submitting the request of its determination as expeditiously as the health condition of the covered individual involved requires, but in no case later than the deadline established under paragraph (2) or, if a request for expedited treatment of a reconsideration is granted under subsection (c), the deadline established under paragraph (3).

(2) Standard deadline.—

(A) In general.—The deadline established under this paragraph is, subject to subparagraph (B)—

(i) in the case of a reconsideration regarding the coverage of benefits, 30 calendar days after the date the plan or issuer receives the request for the reconsideration, or

(ii) in other cases, 60 days after such date.

(B) Extension.—The plan or issuer may extend the deadline under subparagraph (A) by up to 14 calendar days if—

(i) the covered individual (or an authorized representative of the individual) requests the extension; or

(ii) the plan or issuer justifies to the applicable authority a need for additional information to make the reconsideration and how the delay is in the interest of the covered individual.

(3) Expedited treatment deadline.—

(A) In general.—The deadline established under this paragraph is, subject to subparagraphs (B) and (C), 72 hours after the date the plan or issuer receives the request for the expedited treatment under subsection (d).

(B) Extension.—The plan or issuer may extend the deadline under subparagraph (A) by up to 5 calendar days if—

(i) the covered individual (or an authorized representative of the individual) requests the extension; or

(ii) the plan or issuer justifies to the applicable authority a need for additional information to make the reconsideration and how the delay is in the interest of the covered individual.

(C) How information from nonparticipating providers affects deadlines for expedited reconsiderations.—In the case of a group health plan or health insurance issuer that requires medical information from nonparticipating providers in order to make a reconsideration, the deadline specified under subparagraph (A) shall begin when the plan or issuer receives such information. Nonparticipating providers shall make reasonable and diligent efforts to expeditiously gather and forward all necessary information to the plan or issuer in order to receive timely payment.

(c) Expedited Treatment.—

(1) Request for expedited treatment.—A covered individual (or an authorized representative of the individual) may request that the plan or issuer expedite a reconsideration involving the issues described in subparagraphs (C), (D), or (E) of section 101(a)(2).

(2) Who may request.—To request expedited treatment of a reconsideration, a covered individual (or an authorized representative of the individual) shall submit an oral or written request directly to the plan or issuer (or, if applicable, to the entity that the plan or issuer has designated as responsible for making the decision relating to the reconsideration).

(3) Provider support.—

(A) In general.—A physician or other health care provider may provide oral or written support for a request for expedited treatment under this subsection.

(B) Prohibition of punitive action.—A group health plan and a health insurance issuer in connection with the provision of health insurance coverage shall not take or threaten to take any punitive action against a physician or other health care provider acting on behalf or in support of a covered individual seeking expedited treatment under this subsection.

(4) Processing of requests.—A group health plan and a health insurance issuer in connection with the provision of health insurance coverage shall establish and maintain the following procedures for processing requests for expedited treatment of reconsiderations:

(A) An efficient and convenient means for the submission of oral and written requests for expedited treatment. The plan or issuer shall document all oral requests in writing and maintain the documentation in the case file of the covered individual involved.

(B) A means for deciding promptly whether to expedite a reconsideration, based on the following requirements:

(i) For a request made or supported by a physician, the plan or issuer shall expedite the reconsideration if the physician indicates that applying the standard deadline under subsection (b)(2) for making the reconsideration determination could seriously jeopardize the covered individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development.

(ii) For another request, the plan or issuer shall expedite the reconsideration if the plan or issuer determines that applying such standard deadline for making the reconsideration determination could seriously jeopardize the covered individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development.

(5) Actions following denial of request for expedited treatment.—If a group health plan or a health insurance issuer in connection with the provision of health insurance coverage denies a request for expedited treatment of a reconsideration under this subsection, the plan or issuer shall—

(A) make the reconsideration determination within the standard deadline otherwise applicable; and

(B) provide the individual submitting the request with—

(i) prompt oral notice of the denial of the request, and

(ii) within 2 business days a written notice that—

(I) explains that the plan or issuer will process the reconsideration request within the standard deadlines;

(II) informs the requester of the right to file a grievance if the requester disagrees with the plan's or issuer's decision not to expedite the reconsideration; and

(III) provides instructions about the grievance process and its timeframes.

(6) Action on accepted request for expedited treatment.—If a group health plan or health insurance issuer grants a request for expedited treatment of a reconsideration, the plan or issuer shall make the reconsideration determination and provide the notice under subsection (d) within the deadlines specified under subsection (b)(3).

(d) Notice of Decision in Reconsiderations.—

(1) Requirement.—

(A) In general.—A group health plan or health insurance issuer that makes a decision in the reconsideration that—

(i) is completely favorable to the covered individual shall provide the party submitting the request for the reconsideration with notice of such decision; or

(ii) is adverse, in whole or in part, to the covered individual shall—

(I) provide such party with written notice of the decision, including the information described in subparagraph (B), and

(II) prepare the case file (including such notice) for the covered individual involved, to be available for submission (if requested) under section 106(a).

(B) Content of written notice.—The written notice under subparagraph (A)(ii)(I) shall—

(i) provide the specific reasons for the decision in the reconsideration (including, in the case of a decision relating to utilization review, the clinical rationale for the decision) in clear and understandable language;

(ii) include notice of the availability of the clinical review criteria relied upon in making the decision;

(iii) describe the review processes established to carry out sections 106, including the right to, and conditions for, obtaining expedited consideration of requests for review under such section; and

(iv) comply with any other requirements specified by the appropriate Secretary.

(2) Failure to provide timely notice.—Any failure of a group health plan or health insurance issuer to provide a covered individual with timely notice of a decision in a reconsideration as specified in this section shall constitute an affirmation of the adverse coverage determination and the plan or issuer shall submit the case file to the qualified external appeal entity under section 106 within 24 hours of expiration of the deadline otherwise applicable.

(3) Provision of oral notice with written confirmation in case of expedited treatment.—If a group health plan or health insurance issuer grants a request for expedited treatment under subsection (c), the plan or issuer may first provide notice of the decision in the reconsideration orally within the deadlines established under subsection (b)(3) and then shall mail written confirmation of the decision within 2 business days of the date of oral notification.

(4) Affirmation of an adverse coverage determination under expedited treatment.—If, as a result of its reconsideration, the plan or issuer affirms, in whole or in part, a coverage determination that is adverse to the covered individual and the reconsideration received expedited treatment under subsection (c), the plan or issuer shall submit the case file (including the written notice of the decision in the reconsideration) to the qualified external appeal entity as expeditiously as the covered individual's health condition requires, but in no case later than within 24 hours of its affirmation. The plan or issuer shall make reasonable and diligent efforts to assist in gathering and forwarding information to the qualified external appeal entity.

(5) Notification of individual.—If the plan or issuer refers the matter to an qualified external appeal entity under paragraph (2) or (4), it shall concurrently notify the individual (or an authorized representative of the individual) of that action.

SEC. 106. EXTERNAL APPEALS (REVIEWS).

(a) Review by Qualified External Appeal Entity.—

(1) In general.—If a qualified external appeal entity obtains a case file under section 105(d) or under paragraph (2) and determines that—

(A) the individual's appeal is supported by the opinion of the individual's treating physician; or

(B) such appeal is not so supported but—

(i) there is a significant financial amount in controversy (as defined by the Secretary); or

(ii) the appeal involves services for the diagnosis, treatment, or management of an illness, disability, or condition which the entity finds, in accordance with standards established by the entity and approved by the Secretary, constitutes a condition that could seriously jeopardize the covered individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development;

the entity shall review and resolve under this section any remaining issues in dispute.

(2) Request for review.—

(A) In general.—A party to a reconsidered determination under section 105 that receives notice of an unfavorable determination under section 105(d) may request a review of such determination by a qualified external appeal entity under this section.

(B) Time for request.—To request such a review, such party shall submit an oral or written request directly to the plan or issuer (or, if applicable, to the entity that the plan or issuer has designated as responsible for making the determination).

(C) If review is requested.—If a party provides the plan or issuer (or such an entity) with notice of a request for such review, the plan or issuer (or such entity) shall submit the case file to the qualified external appeal entity as expeditiously as the covered individual's health condition requires, but in no case later than 2 business days from the date the plan or issuer (or entity) receives such request. The plan or issuer (or entity) shall make reasonable and diligent efforts to assist in gathering and forwarding information to the qualified external appeal entity.

(3) Notice and timing for review.—The qualified external appeal entity shall establish and apply rules for the timing and content of notices for reviews under this section (including appropriate expedited treatment of reviews under this section) that are similar to the applicable requirements for timing and content of notices in the case of reconsiderations under subsections (b), (c), and (d) of section 105.

(4) Parties.—The parties to the review by a qualified external appeal entity under this section shall be the same parties listed in section 105(a)(4) who qualified during the plan's or issuer's reconsideration, with the addition of the plan or issuer.

(b) General Elements of External Appeals.—

(1) Contract with qualified external appeal entity.—

(A) Contract requirement.—Subject to subparagraph (B), the external appeal review under this section of a determination of a plan or issuer shall be conducted under a contract between the plan or issuer and 1 or more qualified external appeal entities.

(B) Eligibility for designation as external review entity.—Entities eligible to conduct reviews brought under this subsection shall include—

(i) any State licensed or credentialed external review entity;

(ii) a State agency established for the purpose of conducting independent external reviews; and

(iii) an independent, external entity that contracts with the appropriate Secretary.

(C) Licensing and credentialing.—

(i) In general.—In licensing or credentialing entities described in subparagraph (B)(i), the State agent shall use licensing and certification procedures developed by the State in consultation with the National Association of Insurance Commissioners.

(ii) Special rule.—In the case of a State that—

(I) has not established such licensing or credentialing procedures within 24 months of the date of enactment of this Act, the State shall license or credential such entities in accordance with procedures developed by the Secretary; or

(II) refuses to designate such entities, the Secretary shall license or credential such entities.

(D) Qualifications.—An entity (which may be a governmental entity) shall meet the following requirements in order to be a qualified external appeal entity:

(i) There is no real or apparent conflict of interest that would impede the entity from conducting external appeal activities independent of the plan or issuer.

(ii) The entity conducts external appeal activities through clinical peers (as defined in section 2(c)(2)).

(iii) The entity has sufficient medical, legal, and other expertise and sufficient staffing to conduct external appeal activities for the plan or issuer on a timely basis consistent with subsection (a)(3).

(iv) The entity meets such other requirements as the appropriate Secretary may impose.

(E) Limitation on plan or issuer selection.—If an applicable authority permits more than 1 entity to qualify as a qualified external appeal entity with respect to a group health plan or health insurance issuer and the plan or issuer may select among such qualified entities, the applicable authority—

(i) shall assure that the selection process will not create any incentives for qualified external appeal entities to make a decision in a biased manner; and

(ii) shall implement procedures for auditing a sample of decisions by such entities to assure that no such decisions are made in a biased manner.

(F) Other terms and conditions.—The terms and conditions of a contract under this paragraph shall be consistent with the standards the appropriate Secretary shall establish to assure that there is no real or apparent conflict of interest in the conduct of external appeal activities. Such contract shall provide that the direct costs of the process (not including costs of representation of a covered individual or other party) shall be paid by the plan or issuer, and not by the covered individual.

(2) Elements of process.—An external appeal process under this section shall be conducted consistent with standards established by the appropriate Secretary that include at least the following:

(A) Fair process; de novo determination.—The process shall provide for a fair, de novo determination.

(B) Opportunity to submit evidence, have representation, and make oral presentation.—Any party to a review under this section—

(i) may submit and review evidence related to the issues in dispute,

(ii) may use the assistance or representation of 1 or more individuals (any of whom may be an attorney), and

(iii) may make an oral presentation.

(C) Provision of information.—The plan or issuer involved shall provide timely access to all its records relating to the matter being reviewed under this section and to all provisions of the plan or health insurance coverage (including any coverage manual) relating to the matter.

(3) Admissible evidence.—In addition to personal health and medical information supplied with respect to an individual whose claim for benefits has been appealed and the opinion of the individual's treating physician or health care professional, an external appeals entity shall take into consideration the following evidence:

(A) The results of studies that meet professionally recognized standards of validity and replicability or that have been published in peer-reviewed journals.

(B) The results of professional consensus conferences conducted or financed in whole or in part by one or more government agencies.

(C) Practice and treatment guidelines prepared or financed in whole or in part by government agencies.

(D) Government-issued coverage and treatment policies.

(E) To the extent that the entity determines it to be free of any conflict of interest—

(i) the opinions of individuals who are qualified as experts in one or more fields of health care which are directly related to the matters under appeal, and

(ii) the results of peer reviews conducted by the plan or issuer involved.

(c) NOTICE OF DETERMINATION BY EXTERNAL APPEAL ENTITY.—

(1) RESPONSIBILITY FOR THE NOTICE.—After the qualified external appeal entity has reviewed and resolved the determination that has been appealed, such entity shall mail a notice of its final decision to the parties.

(2) CONTENT OF THE NOTICE.—The notice described in paragraph (1) shall—

(A) describe the specific reasons for the entity's decisions; and

(B) comply with any other requirements specified by the appropriate Secretary.

(d) EFFECT OF DETERMINATION.—A final decision by the qualified external appeal entity after a review of the determination that has been appealed is final and binding on the group health plan or the health insurance issuer.

Subtitle B—Consumer Information

SEC. 111. HEALTH PLAN INFORMATION.

(a) DISCLOSURE REQUIREMENT.—

(1) GROUP HEALTH PLANS.—A group health plan shall—

(A) provide to participants and beneficiaries at the time of initial coverage under the plan (or the effective date of this section, in the case of individuals who are participants or beneficiaries as of such date), at least annually thereafter, and at the beginning of any open enrollment period provided under the plan, the information described in subsection (b) in printed form;

(B) provide to participants and beneficiaries information in printed form on material changes in the information described in paragraphs (1), (2)(A), (2)(B), (3)(A), (6), and (7) of subsection (b), or a change in the health insurance issuer through which coverage is provided, within a reasonable period of (as specified by the Secretary, but not later than 30 days after) the effective date of the changes; and

(C) upon request, make available to participants and beneficiaries, the applicable authority, and prospective participants and beneficiaries, the information described in subsections (b) and (c) in printed form.

(2) HEALTH INSURANCE ISSUERS.—A health insurance issuer in connection with the provision of health insurance coverage shall—

(A) provide to individuals enrolled under such coverage at the time of enrollment, and at least annually thereafter, (and to plan administrators of group health plans in connection with which such coverage is offered) the information described in subsection (b) in printed form;

(B) provide to enrollees and such plan administrators information in printed form on material changes in the information described in paragraphs (1), (2)(A), (2)(B), (3)(A), (6), and (7) of subsection (b), or a change in the health insurance issuer through which coverage is provided, within a reasonable period of (as specified by the Secretary, but later than 30 days after) the effective date of the changes; and

(C) upon request, make available to the applicable authority, to individuals who are prospective enrollees, to plan administrators of group health plans that may obtain such coverage, and to the public the information described in subsections (b) and (c) in printed form.

(3) EXEMPTION AUTHORITY.—Upon application of one or more group health plans or health insurance issuers, the appropriate Secretary, under procedures established by such Secretary, may grant an exemption to one or more plans or issuers from compliance with one or more of the requirements of paragraph (1) or (2). Such an exemption may be granted for plans and issuers as a class with similar characteristics, such as private fee-for-service plans described in section 1859(b)(2) of the Social Security Act.

(4) ESTABLISHMENT OF INTERNET SITE.—The appropriate Secretaries shall provide for the establishment of 1 or more sites on the Internet to provide technical support and information concerning the rights of participants, beneficiaries, and enrollees under this title.

(b) INFORMATION PROVIDED.—The information described in this subsection with respect to a group health plan or health insurance coverage offered by a health insurance issuer includes the following:

(1) SERVICE AREA.—The service area of the plan or issuer.

(2) BENEFITS.—Benefits offered under the plan or coverage, including—

(A) covered benefits, including benefits for preventive services, benefit limits, and coverage exclusions, any optional supplemental benefits under the plan or coverage and the terms and conditions (including premiums or cost-sharing) for such supplemental benefits, and any out-of-area coverage;

(B) cost sharing, such as premiums, deductibles, coinsurance, and copayment amounts, including any liability for balance billing, any maximum limitations on out of pocket expenses, and the maximum out of pocket costs for services that are provided by nonparticipating providers or that are furnished without meeting the applicable utilization review requirements;

(C) the extent to which benefits may be obtained from nonparticipating providers, and any supplemental premium or cost-sharing in so obtaining such benefits;

(D) the extent to which a participant, beneficiary, or enrollee may select from among participating providers and the types of providers participating in the plan or issuer network;

(E) process for determining experimental coverage or coverage in cases of investigational treatments and clinical trials; and

(F) use of a prescription drug formulary.

(3) ACCESS.—A description of the following:

(A) The number, mix, and distribution of health care providers under the plan or coverage.

(B) The procedures for participants, beneficiaries, and enrollees to select, access, and change participating primary and specialty providers.

(C) The rights and procedures for obtaining referrals (including standing referrals) to participating and nonparticipating providers.

(D) Any limitations imposed on the selection of qualifying participating health care providers, including any limitations imposed under section 122(a)(2)(B).

(E) How the plan or issuer addresses the needs of participants, beneficiaries, and enrollees and others who do not speak English or who have other special communications needs in accessing providers under the plan or coverage, including the provision of information described in this subsection and subsection (c) to such individuals, including the provision of information in a language other than English if 5 percent of the number of participants, beneficiaries, and enrollees communicate in that language instead of English, and including the availability of interpreters, audio tapes, and information in braille to meet the needs of people with special communications needs.

(4) OUT-OF-AREA COVERAGE.—Out-of-area coverage provided by the plan or issuer.

(5) EMERGENCY COVERAGE.—Coverage of emergency services, including—

(A) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

(B) the process and procedures of the plan or issuer for obtaining emergency services; and

(C) the locations of (i) emergency departments, and (ii) other settings, in which plan physicians and hospitals provide emergency services and post-stabilization care.

(6) PRIOR AUTHORIZATION RULES.—Rules regarding prior authorization or other review requirements that could result in noncoverage or nonpayment.

(7) GRIEVANCE AND APPEALS PROCEDURES.—All appeal or grievance rights and procedures under the plan or coverage, including the method for filing grievances and the time frames and circumstances for acting on grievances and appeals, the name, address, and telephone number of the applicable authority with respect to the plan or issuer, and the availability of assistance through an ombudsman to individuals in relation to group health plans and health insurance coverage.

(8) QUALITY ASSURANCE.—A summary description of the data on quality indicators and measures submitted under section 112(a) for the plan or issuer, including a summary description of the data on process and outcome satisfaction of participants, beneficiaries, and enrollees (including data on individual voluntary disenrollment and grievances and appeals) described in section 112(b)(3)(D), and notice that information comparing such indicators and measures for different plans and issuers is available through the Agency for Health Care Policy and Research.

(9) SUMMARY OF PROVIDER FINANCIAL INCENTIVES.—A summary description of the information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(10) INFORMATION ON ISSUER.—Notice of appropriate mailing addresses and telephone numbers to be used by participants, beneficiaries, and enrollees in seeking information or authorization for treatment.

(11) INFORMATION ON LICENSURE.—Information on the licensure, certification, or accreditation status of the plan or issuer.

(12) AVAILABILITY OF TECHNICAL SUPPORT AND INFORMATION.—Notice that technical support and information concerning the rights of participants, beneficiaries, and enrollees under this title are available from the Secretary of Labor (in the case of group health plans) or the Secretary of Health and Human Services (in the case of health insurance issuers), including the telephone numbers and mailing address of the regional offices of the appropriate Secretary and the Internet address to obtain such information and support.

(13) ADVANCE DIRECTIVES AND ORGAN DONATION DECISIONS.—Information regarding the use of advance directives and organ donation decisions under the plan or coverage.

(14) PARTICIPATING PROVIDER LIST.—A list of current participating health care providers for the relevant geographic area, including the name, address and telephone number of each provider.

(15) AVAILABILITY OF INFORMATION ON REQUEST.—Notice that the information described in subsection (c) is available upon request and how and where (such as the telephone number and Internet website) such information may be obtained.

(c) INFORMATION MADE AVAILABLE UPON REQUEST.—The information described in this subsection is the following:

(1) UTILIZATION REVIEW ACTIVITIES.—A description of procedures used and requirements (including circumstances, time frames, and appeal rights) under any utilization review program under section 102(a), including under any drug formulary program under section 123(b).

(2) GRIEVANCE AND APPEALS INFORMATION.—Information on the number of grievances and internal and external appeals and on the disposition in the aggregate of such matters, including information on the reasons for the disposition of external appeal cases.

(3) METHOD OF COMPENSATION.—A summary description as to the method of compensation of participating health care professionals and health care facilities, including information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage and on the proportion of participating health care professionals who are compensated under each type of incentive under the plan or coverage.

(4) CONFIDENTIALITY POLICIES AND PROCEDURES.—A description of the policies and procedures established to carry out section 112.

(5) FORMULARY RESTRICTIONS.—A description of the nature of any drug formula restrictions, including the specific prescription medications included in any formulary and any provisions for obtaining off-formulary medications.

(6) ADDITIONAL INFORMATION ON PARTICIPATING PROVIDERS.—For each current participating health care provider described in subsection (b)(14)—

(A) the licensure or accreditation status of the provider;

(B) to the extent possible, an indication of whether the provider is available to accept new patients;

(C) in the case of medical personnel, the education, training, speciality qualifications or certification, speciality focus, affiliation arrangements, and specialty board certification (if any) of the provider; and

(D) any measures of consumer satisfaction and quality indicators for the provider.

(7) PERCENTAGE OF PREMIUMS USED FOR BENEFITS (LOSS-RATIOS).—In the case of health insurance coverage only (and not with respect to group health plans that do not provide coverage through health insurance coverage), a description of the overall loss-ratio for the coverage (as defined in accordance with rules established or recognized by the Secretary of Health and Human Services).

(8) QUALITY INFORMATION DEVELOPED.—Quality information on processes and outcomes developed as part of an accreditation or licensure process for the plan or issuer to the extent the information is publicly available.

(d) FORM OF DISCLOSURE.—

(1) UNIFORMITY.—Information required to be disclosed under this section shall be provided in accordance with uniform, national reporting standards specified by the Secretary, after consultation with applicable State authorities, so that prospective enrollees may compare the attributes of different issuers and coverage offered within an area within a type of coverage. Such information shall be provided in an accessible format that is understandable to the average participant, beneficiary, or enrollee involved.

(2) INFORMATION INTO HANDBOOK.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from making the information under subsections (b) and (c) available to participants, beneficiaries, and enrollees through an enrollee handbook or similar publication.

(3) UPDATING PARTICIPATING PROVIDER INFORMATION.—The information on participating health care providers described in subsections (b)(14) and (c)(6) shall be updated within such reasonable period as determined appropriate by the Secretary. A group health plan or health insurance issuer shall be considered to have complied with the provisions of such subsection if the plan or issuer provides the directory or listing of participating providers to participants and beneficiaries or enrollees once a year and such directory or listing is updated within such a reasonable period to reflect any material changes in participating providers. Nothing in this section shall prevent a plan or issuer from changing or updating other information made available under this section.

(4) RULE OF MAILING TO LAST ADDRESS.—For purposes of this section, a plan or issuer, in reliance on records maintained by the plan or issuer, shall be deemed to have met the requirements of this section with respect to the disclosure of information to a participant, beneficiary, or enrollee if the plan or issuer transmits the information requested to the participant, beneficiary, or enrollee at the address contained in such records with respect to such participant, beneficiary, or enrollee.

(e) ENROLLEE ASSISTANCE.—

(1) IN GENERAL.—Each State that obtains a grant under paragraph (3) shall provide for creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers. Such Ombudsman shall be responsible for at least the following:

(A) To provide consumers in the State with information about health insurance coverage options or coverage options offered within group health plan.

(B) To provide counseling and assistance to enrollees dissatisfied with their treatment by health insurance issuers and group health plans in regard to such coverage or plans and with respect to grievances and appeals regarding determinations under such coverage or plans.

(2) FEDERAL ROLE.—In the case of any State that does not provide for such an Ombudsman under paragraph (1), the Secretary may provide for the creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers and that is to provide consumers in the State with information about health insurance coverage options or coverage options offered within group health plans.

(3) ELIGIBILITY.—To be eligible to serve as a Health Insurance Ombudsman under this section, a not-for-profit organization shall provide assurances that—

(A) the organization has no real or perceived conflict of interest in providing advice and assistance to consumers regarding health insurance coverage, and

(B) the organization is independent of health insurance issuers, health care providers, health care payors, and regulators of health care or health insurance.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services such amounts as may be necessary to provide for grants to States for contracts for Health Insurance Ombudsmen under paragraph (1) or contracts for such Ombudsmen under paragraph (2).

(5) CONSTRUCTION.—Nothing in this section shall be construed to prevent the use of other forms of enrollee assistance.

(f) CONSTRUCTION.—Nothing in this section shall be construed as requiring public disclosure of individual contracts or financial arrangements between a group health plan or health insurance issuer and any provider.

SEC. 112. HEALTH CARE QUALITY INFORMATION.

(a) COLLECTION AND SUBMISSION OF INFORMATION ON QUALITY INDICATORS AND MEASURES.—

(1) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall collect and submit to the Director for the Agency for Health Care Policy and Research (in this section referred to as the "Director") aggregate data on quality indicators and measures (as defined in subsection (g)) that includes the minimum uniform data set specified under subsection (b). Such data shall not include patient identifiers.

(2) DATA SAMPLING METHODS.—The Director shall develop data sampling methods for the collection of data under this subsection.

(3) EXEMPTION AUTHORITY.—The provisions of section 111(a)(3) shall apply to the requirements of paragraph (1) in the same manner as they apply to the requirements referred to in such section.

(b) MINIMUM UNIFORM DATA SET.—

(1) IN GENERAL.—The Secretary shall specify (and may from time to time update) by rule the data required to be included in the minimum uniform data set under subsection (a) and the standard format for such data.

(2) DESIGN.—Such specification shall—

(A) take into consideration the different populations served (such as children and individuals with disabilities);

(B) be consistent where appropriate with requirements applicable to Medicare+Choice health plans under 1851(d)(4)(D) of the Social Security Act;

(C) take into consideration such differences in the delivery system among group health plans and health insurance issuers as the Secretary deems appropriate;

(D) be consistent with standards adopted to carry out part C of title XI of the Social Security Act; and

(E) be consistent where feasible with existing health plan quality indicators and measures used by employers and purchasers.

(3) MINIMUM DATA.—The data in such set shall include, to the extent determined feasible by the appropriate Secretary, at least—

(A) data on process measures of clinical performance for health care services provided by health care professionals and facilities;

(B) data on outcomes measures of morbidity and mortality including to the extent feasible and appropriate data for pediatric and gender-specific measures; and

(C) data on data on satisfaction of such individuals, including data on voluntary disenrollment and grievances.

The minimum data set under this paragraph shall be established by the appropriate Secretaries using a negotiated rulemaking process under subchapter III of chapter 5 of title 5, United States Code.

(c) Dissemination of Information.—

(1) In general.—The Director shall publicly disseminate (through printed media and the Internet) information on the aggregate data submitted under this section.

(2) Formats.—The information shall be disseminated in a manner that provides for a comparison of health care quality among different group health plans and health insurance issuers, with appropriate differentiation by delivery system. In disseminating the information, the Director may reference an appropriate benchmark (or benchmarks) for performance with respect to specific quality indicators and measures (or groups of such measures).

(d) Health Care Quality Research and Information.—The Secretary of Health and Human Services, acting through the Director, shall conduct and support research demonstration projects, evaluations, and the dissemination of information with respect to measurement, status, improvement, and presentation of quality indicators and measures and other health care quality information.

(e) National Reports on Health Care Quality.—

(1) Report on national goals.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress and the President a report that—

(A) establishes national goals for the improvement of the quality of health care; and

(B) contains recommendations for achieving the national goals established under paragraph (1).

(2) Report on health related topics.—Not later than 30 months after the date of enactment of this Act and every 2 years thereafter, such Secretary shall prepare and submit to Congress and the President a report that addresses at least 1 of the following (or a related matter):

(A) The availability, applicability, and appropriateness of information to consumers regarding the quality of their health care.

(B) The state of information systems and data collecting capabilities for measuring and reporting on quality indicators.

(C) The impact of quality measurement on access to and the cost of medical care.

(D) Barriers to continuous quality improvement in medical care.

(E) The state of health care quality measurement research and development.

(f) Authorization of Appropriations.—There are authorized to be appropriated $25,000,000 for each fiscal year (beginning with fiscal year 1999) to carry out this section. Any such amounts appropriated for a fiscal year shall remain available, without fiscal year limitation, until expended.

(g) Quality Indicators and Measures Defined.—For purposes of this section, the term "quality indicators and measures" means structural characteristics, patient-encounter data, and the subsequent health status change of a patient as a result of health care services provided by health care professionals and facilities.

SEC. 113. CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.

A group health plan or a health insurance issuer shall establish procedures with respect to medical records or other health information maintained regarding participants, beneficiaries, and enrollees to safeguard the privacy of any individually identifiable information about them.

SEC. 114. QUALITY ASSURANCE.

(a) Requirement.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall establish and maintain an ongoing, internal quality assurance and continuous quality improvement program that meets the requirements of subsection (b).

(b) Program Requirements.—The requirements of this subsection for a quality improvement program of a plan or issuer are as follows:

(1) Administration.—The plan or issuer has an identifiable unit with responsibility for administration of the program.

(2) Written plan.—The plan or issuer has a written plan for the program that is updated annually and that specifies at least the following:

(A) The activities to be conducted.

(B) The organizational structure.

(C) The duties of the medical director.

(D) Criteria and procedures for the assessment of quality.

(3) Systematic review.—The program provides for systematic review of the type of health services provided, consistency of services provided with good medical practice, and patient outcomes.

(4) Quality criteria.—The program—

(A) uses criteria that are based on performance and patient outcomes where feasible and appropriate;

(B) includes criteria that are directed specifically at meeting the needs of at-risk populations and covered individuals with chronic conditions or severe illnesses, including gender-specific criteria and pediatric-specific criteria where available and appropriate;

(C) includes methods for informing covered individuals of the benefit of preventive care and what specific benefits with respect to preventive care are covered under the plan or coverage; and

(D) makes available to the public a description of the criteria used under subparagraph (A).

(5) System for identifying.—The program has procedures for identifying possible quality concerns by providers and enrollees and for remedial actions to correct quality problems, including written procedures for responding to concerns and taking appropriate corrective action.

(6) Data analysis.—The program provides, using data that include the data collected under section 112, for an analysis of the plan's or issuer's performance on quality measures.

(7) Drug utilization review.—The program provides for a drug utilization review program which—

(A) encourages appropriate use of prescription drugs by participants, beneficiaries, and enrollees and providers, and

(B) takes appropriate action to reduce the incidence of improper drug use and adverse drug reactions and interactions.

(c) Deeming.—For purposes of subsection (a), the requirements of—

(1) subsection (b) (other than paragraph (5)) are deemed to be met with respect to a health insurance issuer that is a qualified health maintenance organization (as defined in section 1310(c) of the Public Health Service Act); or

(2) subsection (b) are deemed to be met with respect to a health insurance issuer that is accredited by a national accreditation organization that the Secretary certifies as applying, as a condition of certification, standards at least a stringent as those required for a quality improvement program under subsection (b).

(d) Variation Permitted.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

(e) Consultation in Medical Policies.—A group health plan, and health insurance issuer that offers health insurance coverage, shall consult with participating physicians (if any) regarding the plan's or issuer's medical policy, quality, and medical management procedures.

Subtitle C—Patient Protection Standards

SEC. 121. EMERGENCY SERVICES.

(a) Coverage of Emergency Services.—

(1) In general.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits with respect to emergency services (as defined in paragraph (2)(B)), the plan or issuer shall cover emergency services furnished under the plan or coverage—

(A) without the need for any prior authorization determination;

(B) whether or not the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee by a nonparticipating health care provider—

(i) the participant, beneficiary, or enrollee is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating health care provider, and

(ii) the plan or issuer pays an amount that is not less than the amount paid to a participating health care provider for the same services; and

(D) without regard to any other term or condition of such plan or coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) Definitions.—In this section:

(A) Emergency medical condition based on prudent layperson standard.—The term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) Emergency services.—The term "emergency services" means—

(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)), and

(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(b) Reimbursement for Maintenance Care and Post-Stabilization Care.—In the case of services (other than emergency services) for which benefits are available under a group health plan, or under health insurance coverage offered by a health insurance issuer, the plan or issuer shall provide for reimbursement with respect to such services provided to a participant, beneficiary, or enrollee other than through a participating health care provider in a manner consistent with subsection (a)(1)(C) if the services are maintenance care or post-stabilization care covered under the guidelines established under section 1852(d)(2) of the Social Security Act (relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after an enrollee has been determined to be stable), in accordance with regulations established to carry out such section.

SEC. 122. ENROLLEE CHOICE OF HEALTH PROFESSIONALS AND PROVIDERS.

(a) Choice of Personal Health Professional.—

(1) Primary Care.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall permit each participant, beneficiary, and enrollee—

(A) to receive primary care from any participating primary care provider who is available to accept such individual, and

(B) in the case of a participant, beneficiary, or enrollee who has a child who is also covered under the plan or coverage, to designate a participating physician who specializes in pediatrics as the child's primary care provider.

(2) Specialists.—

(A) In general.—Subject to subparagraph (B), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary or appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care provider who is available to accept such individual for such care.

(B) Limitation.—Subparagraph (A) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, and enrollees of the limitations on choice of participating providers with respect to such care.

(b) Specialized Services.—

(1) Obstetrical and gynecological care.—

(A) In general.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care provider, and an individual who is female has not designated a participating physician specializing in obstetrics and gynecology as a primary care provider, the plan or issuer—

(i) may not require authorization or a referral by the individual's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating health care professional who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

(ii) may treat the ordering of other gynecological care by such a participating physician as the authorization of the primary care provider with respect to such care under the plan or coverage.

(B) Construction.—Nothing in subparagraph (A)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

(2) Specialty care.—

(A) Specialty care for covered services.—

(i) In general.—If—

(I) an individual is a participant or beneficiary under a group health plan or an enrollee who is covered under health insurance coverage offered by a health insurance issuer,

(II) the individual has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, and

(III) benefits for such treatment are provided under the plan or coverage,

the plan or issuer shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

(ii) Specialist defined.—For purposes of this paragraph, the term "specialist" means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

(iii) Care under referral.—A group health plan or health insurance issuer may require that the care provided to an individual pursuant to such referral under clause (i) be—

(I) pursuant to a treatment plan, only if the treatment plan is developed by the specialist and approved by the plan or issuer, in consultation with the designated primary care provider or specialist and the individual (or the individual's designee), and

(II) in accordance with applicable quality assurance and utilization review standards of the plan or issuer.

Nothing in this paragraph shall be construed as preventing such a treatment plan for an individual from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

(iv) Referrals to participating providers.—A group health plan or health insurance issuer is not required under clause (i) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer does not have an appropriate specialist that is available and accessible to treat the individual's condition and that is a participating provider with respect to such treatment.

(v) Treatment of nonparticipating providers.—If a plan or issuer refers an individual to a nonparticipating specialist pursuant to clause (i), services provided pursuant to the approved treatment plan (if any) shall be provided at no additional cost to the individual beyond what the individual would otherwise pay for services received by such a specialist that is a participating provider.

(B) Specialists as primary care providers.—

(i) In general.—A group health plan, or a health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has an ongoing special condition (as defined in clause (iii)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's primary and specialty care. If such an individual's care would most appropriately be coordinated by such a specialist, such plan or issuer shall refer the individual to such specialist.

(ii) Treatment as primary care provider.—Such specialist shall be permitted to treat the individual without a referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in subparagraph (A)(iii)(I)).

(iii) Ongoing special condition defined.—In this subparagraph, the term "special condition" means a condition or disease that—

(I) is life-threatening, degenerative, or disabling, and

(II) requires specialized medical care over a prolonged period of time.

(iv) Terms of referral.—The provisions of clauses (iii) through (v) of subparagraph (A) apply with respect to referrals under clause (i) of this subparagraph in the same manner as they apply to referrals under subparagraph (A)(i).

(C) Standing referrals.—

(i) In general.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the plan or issuer, or if the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to such a specialist.

(ii) Terms of referral.—The provisions of clauses (iii) through (v) of subparagraph (A) apply with respect to referrals under clause (i) of this subparagraph in the same manner as they apply to referrals under subparagraph (A)(i).

(c) Continuity of Care.—

(1) In general.—

(A) Termination of provider.—If a contract between a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, and a health care provider is terminated (as defined in subparagraph (C)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in a group health plan, and an individual who is a participant, beneficiary, or enrollee in the plan or coverage is undergoing a course of treatment from the provider at the time of such termination, the plan or issuer shall—

(i) notify the individual on a timely basis of such termination, and

(ii) subject to paragraph (3), permit the individual to continue or be covered with respect to the course of treatment with the provider during a transitional period (provided under paragraph (2)) if the plan or issuer is notified orally or in writing of the facts and circumstances concerning the course of treatment.

(B) Treatment of termination of contract with health insurance issuer.—If a contract for the provision of health insurance coverage between a group health plan and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to an individual, the provisions of subparagraph (A) (and the succeeding provisions of this section) shall apply under the group health plan in the same manner as if there had been a direct contract between the group health plan and the provider that had been terminated, but only with respect to benefits that are covered under the group health plan after the contract termination.

(C) TERMINATION.—In this section, the term "terminated" includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract by the plan or issuer for failure to meet applicable quality standards or for fraud.

(2) TRANSITIONAL PERIOD.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) through (D), the transitional period under this subsection shall extend for at least 90 days from the date of the notice described in paragraph (1)(A)(i) of the provider's termination.

(B) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and also shall include institutional care provided within a reasonable time of the date of termination of the provider status.

(C) PREGNANCY.—If—

(i) a participant, beneficiary, or enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

(ii) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

(D) TERMINAL ILLNESS.—If—

(i) a participant, beneficiary, or enrollee was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, and

(ii) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the individual's life for care directly related to the treatment of the terminal illness, but in no case is the transitional period required to extend for longer than 180 days.

(3) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under paragraph (1)(A)(ii) upon the provider agreeing to the following terms and conditions:

(A) The provider agrees to accept reimbursement from the plan or issuer and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in paragraph (1)(B), at the rates applicable under the replacement plan or issuer after the date of the termination of the contract with the health insurance issuer) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in paragraph (1)(A) had not been terminated.

(B) The provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under subparagraph (A) and to provide to such plan or issuer necessary medical information related to the care provided.

(C) The provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding utilization review and referrals, and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(4) CONSTRUCTION.—Nothing in this subsection shall be construed to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider.

(d) PROTECTION AGAINST INVOLUNTARY DISENROLLMENT BASED ON CERTAIN CONDITIONS.—

(1) IN GENERAL.—Subject to paragraph (2), a group health plan and a health insurance issuer in connection with the provision of health insurance coverage may not disenroll an individual under the plan or coverage because the individual's behavior is considered disruptive, unruly, abusive, or uncooperative to the extent that the individual's continued enrollment under the coverage seriously impairs the plan's or issuer's ability to furnish covered services if the circumstances for the individual's behavior is directly related to diminished mental capacity, severe and persistent mental illness, or a serious childhood mental and emotional disorder.

(2) EXCEPTION.—Paragraph (1) shall not apply if the behavior engaged in directly threatens bodily injury to any person.

(e) GENERAL ACCESS.—

(1) IN GENERAL.—Each group health plan, and each health insurance issuer offering health insurance coverage, that provides benefits, in whole or in part, through participating health care providers shall have (in relation to the coverage) a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, will be available and accessible in a timely manner to all participants, beneficiaries, and enrollees under the plan or coverage.

(2) TREATMENT OF CERTAIN PROVIDERS.—The qualified health care providers under paragraph (1) may include Federally qualified health centers, rural health clinics, migrant health centers, high-volume, disproportionate share hospitals, and other essential community providers located in the service area of the plan or issuer and shall include such providers if necessary to meet the standards established to carry out such subsection.

SEC. 123. ACCESS TO APPROVED SERVICES.

(a) COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.—

(1) COVERAGE.—

(A) IN GENERAL.—If a group health plan, or health insurance issuer that is providing health insurance coverage, provides coverage to a qualified individual (as defined in paragraph (2)), the plan or issuer—

(i) may not deny the individual participation in the clinical trial referred to in paragraph (2)(B);

(ii) subject to paragraph (3), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

(iii) may not discriminate against the individual on the basis of the enrollee's participation in such trial.

(B) EXCLUSION OF CERTAIN COSTS.—For purposes of subparagraph (A)(ii), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

(C) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in subparagraph (A) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(2) QUALIFIED INDIVIDUAL DEFINED.—For purposes of paragraph (1), the term "qualified individual" means an individual who is a participant or beneficiary in a group health plan, or who is an enrollee under health insurance coverage, and who meets the following conditions:

(A)(i) The individual has a life-threatening or serious illness for which no standard treatment is effective.

(ii) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

(iii) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

(B) Either—

(i) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in subparagraph (A); or

(ii) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in subparagraph (A).

(3) PAYMENT.—

(A) IN GENERAL.—Under this subsection a group health plan or health insurance issuer shall provide for payment for routine patient costs described in paragraph (1)(A) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

(B) PAYMENT RATE.—In the case of covered items and services provided by—

(i) a participating provider, the payment rate shall be at the agreed upon rate, or

(ii) a nonparticipating provider, the payment rate shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A).

(4) APPROVED CLINICAL TRIAL DEFINED.—

(A) IN GENERAL.—In this subsection, the term "approved clinical trial" means a clinical research study or clinical investigation approved and funded (which may include funding through in-kind contributions) by one or more of the following:

(i) The National Institutes of Health.

(ii) A cooperative group or center of the National Institutes of Health.

(iii) Either of the following if the conditions described in subparagraph (B) are met:

(I) The Department of Veterans Affairs.

(II) The Department of Defense.

(B) CONDITIONS FOR DEPARTMENTS.—The conditions described in this subparagraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

(i) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

(ii) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to limit a plan's or issuer's coverage with respect to clinical trials.

(b) ACCESS TO PRESCRIPTION DRUGS.—

(1) IN GENERAL.—If a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall—

(A) ensure participation of participating physicians and pharmacists in the development of the formulary; and

(B) disclose to providers and, disclose upon request under section 111(c)(5) to participants, beneficiaries, and enrollees, the nature of the formulary restrictions; and

(C) consistent with the standards for a utilization review program under section 102(a), provide for exceptions from the formulary limitation when a non-formulary alternative is medically indicated.

(2) Construction.—Nothing in this subsection shall be construed as requiring a group health plan (or health insurance issuer in connection with health insurance coverage) to provide any coverage of prescription drugs or as preventing such a plan or issuer from negotiating higher cost-sharing in the case a non-formulary alternative is provided under paragraph (1)(C).

SEC. 124. NONDISCRIMINATION IN DELIVERY OF SERVICES.

(a) Application to Delivery of Services.—Subject to subsection (b), a group health plan, and health insurance issuer in relation to health insurance coverage, may not discriminate against a participant, beneficiary, or enrollee in the delivery of health care services consistent with the benefits covered under the plan or coverage or as required by law based on race, color, ethnicity, national origin, religion, sex, age, mental or physical disability, sexual orientation, genetic information, or source of payment.

(b) Construction.—Nothing in subsection (a) shall be construed as relating to the eligibility to be covered, or the offering (or guaranteeing the offer) of coverage, under a plan or health insurance coverage, the application of any pre-existing condition exclusion consistent with applicable law, or premiums charged under such plan or coverage. To the extent that health care providers are permitted under State and Federal law to prioritize the admission or treatment of patients based on such patients' individual religious affiliation, group health plans and health insurance issuers may reflect those priorities in referring patients to such providers.

SEC. 125. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) In General.—An organization on behalf of a group health plan (as described in subsection (a)(2)) or a health insurance issuer shall not penalize (financially or otherwise) a health care professional for advocating on behalf of his or her patient or for providing information or referral for medical care (as defined in section 2791(a)(2) of the Public Health Service Act) consistent with the health care needs of the patient and with the code of ethical conduct, professional responsibility, conscience, medical knowledge, and license of the health care professional.

(b) Construction.—Nothing in subsection (a) shall be construed as requiring a health insurance issuer or a group health plan to pay for medical care not otherwise paid for or covered by the plan provided by nonparticipating health care professionals, except in those instances and to the extent that the issuer or plan would normally pay for such medical care.

(c) Assistance and Support.—A group health plan or a health insurance issuer shall not prohibit or otherwise restrict a health care professional from providing letters of support to, or in any way assisting, enrollees who are appealing a denial, termination, or reduction of service in accordance with the procedures under subtitle A.

SEC. 126. PROVIDER INCENTIVE PLANS.

(a) Prohibition of Transfer of Indemnification.—

(1) In general.—No contract or agreement between a group health plan or health insurance issuer (or any agent acting on behalf of such a plan or issuer) and a health care provider shall contain any provision purporting to transfer to the health care provider by indemnification or otherwise any liability relating to activities, actions, or omissions of the plan, issuer, or agent (as opposed to the provider).

(2) Nullification.—Any contract or agreement provision described in paragraph (1) shall be null and void.

(b) Prohibition of Improper Physician Incentive Plans.—

(1) In general.—A group health plan and a health insurance issuer offering health insurance coverage may not operate any physician incentive plan (as defined in subparagraph (B) of section 1876(i)(8) of the Social Security Act) unless the requirements described in subparagraph (A) of such section are met with respect to such a plan.

(2) Application.—For purposes of carrying out paragraph (1), any reference in section 1876(i)(8) of the Social Security Act to the Secretary, an eligible organization, or an individual enrolled with the organization shall be treated as a reference to the applicable authority, a group health plan or health insurance issuer, respectively, and a participant, beneficiary, or enrollee with the plan or organization, respectively.

SEC. 127. PROVIDER PARTICIPATION.

(a) In General.—A group health plan and a health insurance issuer that offers health insurance coverage shall, if it provides benefits through participating health care professionals, have a written process for the selection of participating health care professionals under the plan or coverage. Such process shall include—

(1) minimum professional requirements;

(2) providing notice of the rules regarding participation;

(3) providing written notice of participation decisions that are adverse to professionals; and

(4) providing a process within the plan or issuer for appealing such adverse decisions, including the presentation of information and views of the professional regarding such decision.

(b) Verification of Background.—Such process shall include verification of a health care provider's license and a history of suspension or revocation.

(c) Restriction.—Such process shall not use a high-risk patient base or location of a provider in an area with residents with poorer health status as a basis for excluding providers from participation.

(d) General Nondiscrimination.—

(1) In general.—Subject to paragraph (2), such process shall not discriminate with respect to selection of a health care professional to be a participating health care provider, or with respect to the terms and conditions of such participation, based on the professional's race, color, religion, sex, national origin, age, sexual orientation, or disability (consistent with the Americans with Disabilities Act of 1990).

(2) Rules.—The appropriate Secretary may establish such definitions, rules, and exceptions as may be appropriate to carry out paragraph (1), taking into account comparable definitions, rules, and exceptions in effect under employment-based nondiscrimination laws and regulations that relate to each of the particular bases for discrimination described in such paragraph.

SEC. 128. REQUIRED COVERAGE FOR APPROPRIATE HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER; REQUIRED COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES.

(a) Coverage of Inpatient Care for Surgical Treatment of Breast Cancer.—

(1) In general.—A group health plan, and a health insurance issuer providing health insurance coverage, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the surgical treatment of breast cancer (including a mastectomy, lumpectomy, or lymph node dissection for the treatment of breast cancer) is provided for a period of time as is determined by the attending physician, in his or her professional judgment consistent with generally accepted principles of professional medical practice, in consultation with the patient, to be medically necessary or appropriate.

(2) Exception.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician in consultation with the patient determine that a shorter period of hospital stay is medically necessary or appropriate.

(b) Coverage of Reconstructive Surgery Following Mastectomies.—A group health plan, and a health insurance issuer providing health insurance coverage, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

(1) all stages of reconstruction of the breast on which the mastectomy has been performed;

(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

(3) the costs of prostheses and complications of mastectomy including lymphedemas;

in the manner determined by the attending physician and the patient to be appropriate. Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan or coverage. Written notice of the availability of such coverage shall be delivered to the participant or enrollee upon enrollment and annually thereafter.

(c) No Authorization Required.—

(1) In general.—An attending physician shall not be required to obtain authorization from the plan or issuer for prescribing any length of stay in connection with a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

(2) Prenotification.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from requiring prenotification of an inpatient stay referred to in this section if such requirement is consistent with terms and conditions applicable to other inpatient benefits under the plan or health insurance coverage, except that the provision of such inpatient stay benefits shall not be contingent upon such notification.

(d) Prohibitions.—A group health plan and a health insurance issuer offering health insurance coverage may not—

(1) deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan or coverage, solely for the purpose of avoiding the requirements of this section;

(2) provide monetary payments or rebates to individuals to encourage such individuals

to accept less than the minimum protections available under this section;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant, beneficiary, or enrollee in accordance with this section;

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant, beneficiary, or enrollee in a manner inconsistent with this section; and

(5) subject to subsection (e)(2), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

(e) Rules of Construction.—

(1) In general.—Nothing in this section shall be construed to require a patient who is a participant, beneficiary, or enrollee—

(A) to undergo a mastectomy or lymph node dissection in a hospital; or

(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

(2) Cost sharing.—Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan or health insurance coverage, except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

(3) Level and type of reimbursements.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

Subtitle D—Enhanced Enforcement Authority

SEC. 141. INVESTIGATIONS AND REPORTING AUTHORITY, INJUNCTIVE RELIEF AUTHORITY, AND INCREASED CIVIL MONEY PENALTY AUTHORITY FOR SECRETARY OF HEALTH AND HUMAN SERVICES FOR VIOLATIONS OF PATIENT PROTECTION STANDARDS.

(a) Investigations and Reporting Authority.—

(1) In general.—For purposes of carrying out sections 2722(b) and 2761(b) of the Public Health Service Act with respect to enforcement of the provisions of sections 2706 and 2752, respectively, of such Act (as added by title II of this Act)—

(A) the Secretary of Health and Human Services shall have the same authorities with respect to compelling health insurance issuers to produce information and to conducting investigations in cases of violations of such provisions as the Secretary of Labor has under section 504 of the Employee Retirement Income Security Act of 1974 with respect to violations of title I of such Act; and

(B) section 504(c) of the Employee Retirement Income Security Act of 1974 shall apply to investigations conducted under paragraph (1) in the same manner as it applies to investigations conducted under title I of such Act.

(2) Reporting authority.—In exercising authority under paragraph (1), the Secretary may require—

(A) States that have indicated an intention to assume authority under section 2722(a)(1) or 2761(a) of the Public Health Service Act to report to the Secretary on enforcement efforts undertaken to assure compliance with the requirements of sections 2706 and 2752, respectively, of such Act; and

(B) health insurance issuers to submit reports to assure compliance with such requirements.

(b) Authority for Injunctive Relief.—In addition to the authority referred to in subsection (a), the Secretary of Health and Human Services has the same authority with respect to enforcement of the provisions of this title as the Secretary of Labor has under subsection (a)(5) of section 502 of the Employee Retirement Income Security Act of 1974 (as applied without regard to subsection (b) of that section) and the related provisions of part 5 of subtitle B of title I of such Act with respect to enforcement of such title I of such Act.

(c) Increase in Civil Money Penalties.—

(1) In general.—In the case of a civil money penalty that may be imposed under section 2722(b)(2) or 2761(b) of the Public Health Service Act with respect to a failure to meet the provisions of sections 2706 and 2752, respectively, of such Act, the maximum amount of penalty otherwise provided under section 2722(b)(2)(C)(i) of such Act may, notwithstanding the amounts specified in such section, and subject to paragraph (2), be up to the greatest of the following:

(A) Failures involving unreasonable denial or delay in benefits impacting on life or health.—In the case of a failure that results in an unreasonable denial or delay in benefits that has seriously jeopardized (or has substantial likelihood of seriously jeopardizing) the individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development, the greater of the following:—

(i) Pattern or practice failure.—If the failure reflects a pattern or practice of wrongful conduct, $250,000, plus the amount (if any) determined under paragraph (2).

(ii) Other failures.—In the case of a failure that does not reflect a pattern or practice of wrongful conduct, $50,000 for each individual involved, plus the amount (if any) determined under paragraph (2).

(B) Other failures.—In the case of a failure not described in subparagraph (A), the greater of the following:

(i) Pattern and practice failures.—In the case of a failure that reflects a pattern or practice of wrongful conduct $50,000, plus the amount (if any) determined under paragraph (2).

(ii) Other failures.—In the case of a failure that does not reflect a pattern or practice of wrongful conduct, $10,000 for each individual involved, plus the amount (if any) determined under paragraph (2).

(2) Continuing failure without correction.—In the case of a failure which is not corrected within the first week beginning with the date on which the failure is established, the maximum amount of the penalty under paragraph (1) shall be increased by $10,000 for each full succeeding week in which the failure is not so corrected.

(d) Authorization of Appropriations.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Secretary of Health and Human Services such sums as may be necessary to carry out this section.

SEC. 142. AUTHORITY FOR SECRETARY OF LABOR TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF PATIENT PROTECTION STANDARDS.

(a) In General.—Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6)(A) The Secretary may assess a civil penalty against a person acting in the capacity of a fiduciary of a group health plan (as defined in 733(a)) so as to cause a violation of section 713.

"(B) Subject to subparagraph (C), the maximum amount which may be assessed under subparagraph (A) is the greatest of the following:

"(i) In the case of a failure that results in an unreasonable denial or delay in benefits that seriously jeopardized (or has substantial likelihood of seriously jeopardizing) the individual's life, health, or ability to regain or maintain maximum function or (in the case of a child under the age of 6) development, the greater of the following:—

"(I) If the failure reflects a pattern or practice of wrongful conduct, $250,000, plus the amount (if any) determined under subparagraph (C).

"(II) In the case of a failure that does not reflect a pattern or practice of wrongful conduct, $50,000 for each individual involved, plus the amount (if any) determined under subparagraph (C).

"(ii) In the case of a failure not described in clause (i), the greater of the following:

"(I) In the case of a failure that reflects a pattern or practice of wrongful conduct $50,000, plus the amount (if any) determined under subparagraph (C).

"(II) In the case of a failure that does not reflect a pattern or practice of wrongful conduct, $10,000 for each individual involved, plus the amount (if any) determined under subparagraph (C).

"(C) In the case of a failure which is not corrected within the first week beginning with the date on which the failure is established, the maximum amount of the penalty under subparagraph (B) shall be increased by $10,000 for each full succeeding week in which the failure is not so corrected.".

(b) Conforming Amendment.—Section 502(a)(6) of such Act (29 U.S.C. 1132(a)(6)) is amended by striking "paragraph (2), (4), (5), or (6)" and inserting "paragraph (2), (4), (5), (6), or (7)".

(c) Authorization of Appropriations.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out the amendments made by this section.

TITLE II—PATIENT PROTECTION STANDARDS UNDER PUBLIC HEALTH SERVICE ACT

SEC. 201. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.

(a) In General.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. PATIENT PROTECTION STANDARDS.

"(a) In General.—Each group health plan shall comply with patient protection requirements under title I of the Promoting Responsible Managed Care Act of 1998, and each health insurance issuer shall comply with patient protection requirements under such title with respect to group health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) Notice.—A group health plan shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) and a health insurance issuer shall comply with such notice requirement as if such section applied to such issuer and such issuer were a group health plan.".

(b) Conforming Amendment.—Section 2721(b)(2)(A) of such Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting "(other than section 2706)" after "requirements of such subparts".

(c) Reference to Enhanced Enforcement Authority.—For provisions providing for enhanced authority to enforce the patient protection requirements of title I under the Public Health Service Act, see section 141.

SEC. 202. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. PATIENT PROTECTION STANDARDS.

"(a) In General.—Each health insurance issuer shall comply with patient protection requirements under title I of the Promoting Responsible Managed Care Act of 1998 with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) Notice.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of such title as if such section applied to such issuer and such issuer were a group health plan.".

TITLE III—PATIENT PROTECTION STANDARDS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 301. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) In General.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

"SEC. 713. PATIENT PROTECTION STANDARDS.

"(a) In General.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of title I of the Promoting Responsible Managed Care Act of 1998 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

"(b) Plan Satisfaction of Certain Requirements.—

"(1) Satisfaction of certain requirements through insurance.—For purposes of subsection (a), insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the following requirements of title I of the Promoting Responsible Managed Care Act of 1998 with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

"(A) Section 121 (relating to access to emergency care).

"(B) Section 122 (relating to choice of providers).

"(C) Section 122(b) (relating to specialized services).

"(D) Section 122(c)(1)(A) (relating to continuity in case of termination of provider contract) and section 122(c)(1)(B) (relating to continuity in case of termination of issuer contract), but only insofar as a replacement issuer assumes the obligation for continuity of care.

"(E) Section 123(a) (relating to coverage for individuals participating in approved clinical trials.)

"(F) Section 123(b) (relating to access to needed prescription drugs).

"(G) Section 122(e) (relating to adequacy of provider network).

"(H) Subtitle B (relating to consumer information).

"(2) Information.—With respect to information required to be provided or made available under section 111 of such Act, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide or make available the information (and is not liable for the issuer's failure to provide or make available the information), if the issuer is obligated to provide and make available (or provides and makes available) such information.

"(3) Grievance and internal appeals.—With respect to the grievance system and internal appeals process required to be established under sections 102 and 103 of such Act, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide for such system and process (and is not liable for the issuer's failure to provide for such system and process), if the issuer is obligated to provide for (and provides for) such system and process.

"(4) External appeals.—Pursuant to rules of the Secretary, insofar as a group health plan enters into a contract with a qualified external appeal entity for the conduct of external appeal activities in accordance with section 106 of such Act, the plan shall be treated as meeting the requirement of such section and is not liable for the entity's failure to meet any requirements under such section.

"(5) Application to prohibitions.—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of any of the following sections of such Act, the group health plan shall not be liable for such violation unless the plan caused such violation:

"(A) Section 124 (relating to nondiscrimination in delivery of services).

"(B) Section 125 (relating to prohibition of interference with certain medical communications).

"(C) Section 126 (relating to provider incentive plans).

"(D) Section 102(b) (relating to providing medically necessary care).

"(6) Construction.—Nothing in this subsection shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

(b) Satisfaction of ERISA Claims Procedure Requirement.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting "(a)" after "Sec. 503." and by adding at the end the following new subsection:

"(b) In the case of a group health plan (as defined in section 733) compliance with the requirements of subtitle D (and section 113) of title I of the Promoting Responsible Managed Care Act of 1998 in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.".

(c) Conforming Amendments.—(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 713".

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Patient protection standards.".

(3) Section 502(b)(3) of such Act (29 U.S.C. 1132(b)(3)) is amended by inserting "(other than section 144(b))" after "part 7".

(d) Reference to Enhanced Enforcement Authority.—For provisions providing for enhanced authority to enforce the patient protection requirements of title I under the Employee Retirement Income Security Act of 1974, see section 142.

SEC. 302. ENFORCEMENT FOR ECONOMIC LOSS CAUSED BY COVERAGE DETERMINATIONS.

(a) In General.—Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132), as amended by section 142(a) of this Act, is amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph:

"(7)(A) In any case in which—

"(i) a coverage determination (as defined in section 101(a)(2) of the Promoting Responsible Managed Care Act of 1998) under a group health plan (as defined in section 503(b)(8)) is not made on a timely basis or is made on such a basis but is not made in accordance with the terms of the plan, this title, or title I of such Act, and

"(ii) a participant or beneficiary suffers injury (including loss of life, health, or the ability to regain or maintain maximum function or (in the case of a child under the age of 6) development) as a result of such coverage determination,

any person or persons who are responsible under the terms of the plan for the making of such coverage determination are liable to the aggrieved participant or beneficiary for the amount of the economic loss suffered by the participant or beneficiary caused by such coverage determination. Any question of fact in any cause of action under this paragraph shall be based on the preponderance of the evidence after de novo review.

"(B) For purposes of subparagraph (A), the term 'economic loss' means any pecuniary loss (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) caused by the coverage determination. Such term does not include punitive damages or damages for pain and suffering, inconvenience, emotional distress, mental anguish, loss of consortium, injury to reputation, humiliation, and other nonpecuniary losses.

"(C) Nothing in this paragraph shall be construed as requiring exhaustion of administrative process in the case of severe bodily injury or death.".

(b) Effective Date.—The amendments made by subsection (a) apply to coverage determinations made on or after the date of the enactment of this Act.

TITLE IV—PATIENT PROTECTION STANDARDS UNDER THE INTERNAL REVENUE CODE OF 1986.

SEC. 401. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 (as amended by section 1531(a) of the Taxpayer Relief Act of 1997) is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Standard relating to patient protection standards."; and

(2) by inserting after section 9812 the following:

"SEC. 9813. STANDARD RELATING TO PATIENT PROTECTION STANDARDS.

"A group health plan shall comply with the requirements of title I of the Promoting Responsible Managed Care Act of 1998 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this section.".

TITLE V—EFFECTIVE DATES; COORDINATION IN IMPLEMENTATION

SEC. 501. EFFECTIVE DATES.

(a) GROUP HEALTH COVERAGE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by sections 201(a), 301, and 401 (and title I insofar as it relates to such sections) shall apply with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning on or after January 1, 1999 (in this section referred to as the "general effective date") and also shall apply to portions of plan years occurring on and after such date.

(2) TREATMENT OF COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by sections 201(a), 301, and 401 (and title I insofar as it relates to such sections) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this Act shall not be treated as a termination of such collective bargaining agreement.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The amendments made by section 202 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

SEC. 502. COORDINATION IN IMPLEMENTATION.

Section 104(1) of Health Insurance Portability and Accountability Act of 1996 is amended by striking "this subtitle (and the amendments made by this subtitle and section 401)" and inserting "the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, chapter 100 of the Internal Revenue Code of 1986, and title I of the Promoting Responsible Managed Care Act of 1998".

PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1998

PRINCIPLES

Today, a majority of the U.S. population is enrolled in some form of managed care—a system which has enabled employers, insurers and taxpayers to achieve significant savings in the delivery of health care services. However, there is growing anxiety among many Americans that insurance health plan accountants—not doctors—are determining what services and treatments they receive. Congress has an opportunity to enact legislation this year which will ensure that patients receive the benefits and services to which they are entitled, without compromising the savings and coordination of care that can be achieved through managed care. However, to ensure the most effective result, legislation must embody the following principles:

It must be bipartisan and balanced.

It must offer all 161 million privately insured Americans—not just those in self-funded ERISA plans—a floor of basic federal patient protections.

It must establish credible federal enforcement remedies to ensure that managed care plans play by the rules and that individuals harmed by such entities are justly compensated.

It should encourage managed care plans to compete on the basis of quality—not just price. "Report card" information will provide consumers with the information they need to make informed choices based on plan performance.

SUMMARY

"The Promoting Responsible Managed Care Act of 1998" blends the best features of both the Democratic and Republican plans. The legislation would restore public confidence in managed care through a comprehensive set of policy changes that would apply to all private health plans in the country. These include strengthened federal enforcement to ensure managed care plans play by the rules; compensation for individuals harmed by the decisions of managed care plans; an independent external system for processing complaints and appealing adverse decisions; information requirements to allow competition based on quality; and, a reasonable set of patient protection standards to ensure patients have access to appropriate medical care.

Scope of protection

Basic protections for all privately insured Americans.—All private insurance plans would be required to meet basic federal patient protections regardless of whether they are regulated at the state or federal level. This approach follows the blueprint established with the enactment of the Health Insurance Portability and Accountability Act of 1996, which allows states to build upon a basic framework of federal protections.

Enforcement and compensation

Strengthened federal enforcement to ensure managed care plans play by the rules.—To ensure compliance with the bill's provisions, current federal law would be strengthened by giving the Secretaries of Labor and Health & Human Services enhanced authorities to enjoin managed care plans from denying medically necessary care and to levy fines (up to $50,000 for individual cases and up to $250,000 for a pattern of wrongful conduct). This provision would ensure that enforcement of federal law is not dependent upon individuals bringing court cases to enforce plan compliance. Rather, it provides for real federal enforcement of new federal protections.

Compensation for individuals harmed by the decisions of managed care plans.—All privately insured individuals would have access to federal courts for economic loss resulting from injury caused by the improper denial of care by managed care plans. Economic loss would be defined as any pecuniary loss caused by the decision of the managed care plan, and would include lost earnings or other benefits related to employment, medical expenses, and business or employment opportunities. Awards for economic loss would be uncapped and attorneys fees could be awarded at the discretion of the court.

Coverage determination, grievance and appeals

Coverage determination based on medical necessity.—When making determinations whether to provide a benefit (or where or how that benefit should be provided) health plans would be prohibited from arbitrarily interfering with the decision of the treating physician if the services are medically necessary and a covered benefit. Medically necessary services would be defined by the treating physician in accordance with generally accepted principles of professional medical practice—not as defined by the plan. Plans would be required to make coverage determinations in a timely manner, and have a process for making expedited determinations.

Internal appeals.—Patients would be assured the right to appeal the following: failure to cover emergency services, the denial, reduction or termination of benefits, or any decision regarding the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings. The plan would be required to have a timely internal review system, using health care professionals independent of the case at hand, and procedures for expediting decisions in cases in which the standard timeline could seriously jeopardize the covered individual's life, health, ability to regain or maintain maximum function, or (in the case of a child under the age of 6) development.

External appeals.—Individuals would be assured access to an external, independent appeals process for cases of sufficient seriousness or which exceed a certain monetary threshold that were not resolved to the patient's satisfaction through the internal appeals process. The external appeal entity would have the authority to decide whether a particular plan decision is in fact externally appealable, not the plan. A reasonable medical practice standard would be established against which to measure plan conduct, and the range of evidence that is permissible in an external review would include valid studies that have been carried out by entities without a conflict of interest. The external appeal process would require a fair, "de novo" determination, the plan would pay the costs of the process, and any decision would be binding on the plan.

Consumer information

Comparative information.—Consumers would be given uniform comparative information on quality measures in order to make informed choices. Data would include: patient satisfaction, delivery of health care services such as immunizations, and resulting changes in beneficiary health. Variations would be allowed based on plan type.

Plan information.—Patients would be provided with information on benefits, cost-sharing, access to services, grievance and appeals, etc. A grant program would be authorized to provide enrollees with information about their coverage options, and with grievance and appeals processes.

Confidentiality of enrollee records.—Plans would be required to have procedures to safeguard the privacy of individually identifiable information.

Quality assurance.—Plans would be required to establish an internal quality assurance program. Accredited plans would be deemed to have met this requirement, and variations would be allowed based on plan type.

Patient protection standards

Emergency services.—Coverage of emergency services would be based upon the "prudent layperson" standard, and, importantly, would include reimbursement for post-stabilization and maintenance care. Prior authorization of services would be prohibited.

Enrollee choice of health professionals and providers.—Patients would be assured that plans would:

allow women to obtain obstetrical/gynecological services without a referral from a primary care provider;

allow plan enrollees to choose pediatricians as the primary care provider for their children;

have a sufficient number, distribution and variety of providers;

allow enrollees to choose any provider within the plan's network, who is available to accept such individual (unless the plan informs enrollee of limitations on choice);

provide access to specialists, pursuant to a treatment plan;

in the case of a contract termination, allow continuation of care for a set period of time for chronic and terminal illnesses, pregnancies, and institutional care.

Access to approved services.—Plans would be required to cover routine patient costs incurred through participation in an approved clinical trial. In addition, they would be required to use plan physicians and pharmacists in development of formularies, disclose formulary restrictions, and provide an exception process for non-formulary treatments when medically necessary.

Nondiscrimination in delivery of services.—Discrimination on the basis of race, religion, sex, disability and other characteristics would be prohibited.

Prohibition of interference with certain medical communications.—Plans would be prohibited from using "gag rules" to restrict physicians from discussing health status and legal treatment options with patients.

Provider incentive plans.—Plans would be barred from using financial incentives as an inducement to physicians for reducing or limiting the provision of medically necessary services.

Provider participation.—Plans would be required to provide a written description of their physician and provider selection procedures. This process would include a verification of a health care provider's license, and plans would be barred from discriminating against providers based on race, religion and other characteristics.

Appropriate standards of care for mastectomy patients.—Plans would be required to cover the length of hospital stay for a mastectomy, lumpectomy or lymph node dissection that is determined by the physician to be appropriate for the patient and consistent with generally accepted principles of professional medical practice. Plans covering mastectomies would also be required to cover breast reconstructive surgery.

WHAT ORGANIZATIONS ARE SAYING ABOUT THE PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1998

National Association of Children's Hospitals, Inc.: "As you have recognized, children have health and developmental needs that are markedly different than the needs of the adult population and require pediatric expertise to understand, diagnose, and treat health problems correctly. . . . Again, we applaud you for your important and bipartisan efforts to address children's unique health care needs as part of your legislation. . . ."

National Mental Health Association: "On behalf of the National Mental Health Association and its 330 affiliates nationwide, I am writing to express strong support for the Promoting Responsible Managed Care Act of 1998. . . . NMHA was particularly gratified to learn that you included language in your important compromise legislation which guarantees access to psychotropic medications. . . . Finally—alone among all the managed care bills introduced in this session of Congress—your legislation prohibits the involuntary disenrollment of adults with severe and persistent mental illnesses and children with serious mental and emotional disturbances."

American Academy of Pediatrics: "Children are not little adults. Their care should be provided by physician specialists who are appropriately educated in the unique physical and developmental issues surrounding the care of infants, children, adolescents, and young adults. We are particularly pleased that you recognize this and have included access to appropriate pediatric specialists, as well as other protections for children, as key provisions of your legislation."

National Alliance for the Mentally Ill: "Thank you for your efforts on behalf of people with severe mental illnesses. Your bipartisan approach to this difficult issue is an important step forward in placing the interests of consumers and families ahead of politics. NAMI looks forward to working with you to ensure passage of meaningful managed care consumer protection legislation in 1998."

American Cancer Society: ". . . I commend you on your bipartisan effort to craft patient protection legislation that meets the needs of cancer patients under managed care. . . . Your legislation grants patients access to specialists, ensures continuity of care . . . and permits for specialists to serve as the primary care physician for a patient who is undergoing treatment for a serious or life-threatening illness. Most critically, your bill promotes access to clinical trials for patients for whom standard care has not proven most effective."

American Protestant Health Alliance: "Your proposal strikes a balance which is most appropriate. As each of us is aware, often we have missed the opportunity to enact health policy changes, only to return later and achieve fewer gains than we might have earlier. It would be tragic if we allowed this year's opportunity to escape our grasp. We are pleased to stand with you in support of your proposal."

American College of Physicians/American Society of Internal Medicine: "We believe your bill contains necessary patient protections, as well as provisions designed to foster quality improvement, and therefore has the potential to improve the quality of care patients receive. The College is particularly pleased that your proposal covers all Americans, rather than only those individuals who are insured by large employers under ERISA."

National Association of Public Hospitals & Health Systems: "This legislation provides consumers with the information to make informed decisions about their managed care plans, offers consumers protections from disincentives to provide care, and provides consumers with meaningful claims review, appeals and grievance procedures. We applaud your leadership in this area and we look forward to working with you to shape final legislation."

Mental Health Liaison Group (a coalition of 19 national groups): "By establishing a clear grievance and appeals process, assuring access to mental health specialists, and assuring the availability of emergency services, your bill begins to establish the consumer protections necessary for the delivery of quality mental health care to every American."

Council of Jewish Federations: "Your provisions on continuity of care also provide landmark protections for consumers in our community and in the broader community as well. Overall, your legislation provides important safeguards for consumers and providers that are involved in managed care."

Families USA: "We are pleased that your bill . . . would establish many protections important to consumers, such as access to specialists, prescription drugs and consumer assistance. In addition, your external appeals language addresses many consumer concerns in this area."

National Association of Chain Drug Stores: ". . . we applaud your efforts . . . in crafting a bipartisan managed care proposal. . . . Your bill, "Promoting Responsible Managed Care Act" takes a realistic step in improving the health care system for all Americans."

Catholic Health Association: "The Catholic Health Association of the United States (CHA) applauds your bipartisan leadership in Congress to help enact legislation this year protecting consumers who receive health care through managed care plans. The Chafee-Graham-Lieberman bill is a sound piece of legislation."

National Association of Community Health Centers: "We appreciate the bipartisan efforts you have undertaken to correct the deficiencies in the managed care system. . . . We applaud your inclusion of standards for the determination of medical necessity (Section 102) that are based on generally accepted principles of medical practice. . . . We also appreciate your inclusion of federally qualified health centers (FQHCs) as providers that may be included in the network."•

• Mr. GRAHAM. Mr. President, I want to commend Senator CHAFEE, Senator LIEBERMAN, Senator SPECTER, and Senator BAUCUS for your outstanding leadership on an issue of vital importance to the country—protecting patients from abuses by managed care organizations.

Mr. President, what looms before the Senate is ominous. If nothing changes, when we return in September, we appear destined to be witnesses to the Senate's version of a massive train wreck in the form of managed care debate.

The Republican train and the Democratic train are racing toward each other with ever-increasing speed and hostility, neither side willing to apply the brakes and switch tracks—neither side mindful of the havoc the wreck could cause.

If we don't switch tracks, the wreck is inevitable. And the casualties will not be either political party. Instead, they will be the American public, who have asked us to provide them with basic federal protections.

My colleagues and I are simply not willing to sacrifice the opportunity to pass meaningful managed care reform this year for the opportunity to score political points.

Over the past few years, it has become increasingly clear that the American people are anxious about their health security as a consequence of managed care. Even managed care plans are nervous about the possibility of declining enrollment due to an increasing lack of consumer confidence.

Our bill seeks to leave the decision-making to doctors and their patients, and to ensure that patients get what they are paying for with their hard-earned dollars.

Our goal is to hold insurance companies accountable for the benefits and services they claim to be delivering. Patients want the right to see a specialist when they need one; our bill assures that. Patients want assurances they will get the medicines their doctors say they need, not just what's on a plan's formulary; our bill assures that. Patients want to know that plans are not providing financial incentives to their doctors to withhold medically necessary treatment; our bill assures that. Parents want to know that a pediatrician is available to serve as their child's primary care provider; our bill assures that.

Women want to know that they can see their ob/gyn without first getting permission from the plan's gatekeeper; our plan assures that.

However, having said all of that, it is vitally important to look at the fine print when comparing the patient protections contained in each of these proposals because, as the saying goes, the Devil is in the details.

For example, all of the plans would require insurers to pay for emergency services. However, the GOP plan lacks a critical protection which was enacted into law for Medicare and Medicaid beneficiaries as part of the Balanced Budget Act of 1997—reimbursement for post-stabilization care.

Each bill contains an external appeals process to allow patients to appeal denials or limitations of care to an independent entity. However, the Republican proposal would prevent any complaint for a service valued at less than $1,000.00 from being referred to an external appeals body. Picture the situation where a woman is denied a mammogram which, had it been done, would have resulted in early detection of breast cancer and you begin to understand why this provision is problematic.

In closing while the idea of playing the blame game up to the fall elections might be appealing to some, we are asking our colleagues, through this legislation, to take another course of action—to pass meaningful and effective patient protections for 161 million Americans this year.•

• Mr. LIEBERMAN. Mr. President, I am delighted to join Senators CHAFEE, GRAHAM, SPECTER, and BAUCUS to introduce the Promoting Responsible Managed Care Act of 1998. Our bill is a bipartisan effort that we believe can be enacted this year.

Our effort is modest in authorship because we have chosen to draw from both Republican and Democratic bills, but bold in goal. We aim to bring protections to 161 million Americans without delay before this Congress adjourns. Included in those bold protections are new rights of access to specialists, access to independent grievance and appeals, quality report cards, and compensation if a plan's actions result in their injury. Excluded are those provisions, even some with appeal, that are likely to prevent any Congressional action on patients' rights this year.

Over the last decade we have crossed over a turbulent river of change in health care. The raging cost escalation of the 80's and 90's buffeted families and tore away an ever increasing share of their paycheck to pay for health insurance coverage. Some couldn't afford the price, and lost their hold on health care—for themselves and their families.

Today, the on flowing health care costs have slowed, but left behind permanent changes in the health care shoreline. We have a tool that has dammed up health care costs—managed care. Yet, after more than a decade of cost increases, we have over forty-one million uninsured among us that can't afford coverage. We need to be mindful of these uninsured and the millions close to losing their insurance whenever we intervene in the health care market in ways that raise costs.

Managed care has calmed the rise in medical costs that buffeted us so badly and brought double-digit inflation under control. The average rate of increase of costs of medical plans dropped 10 percent between 1991 and 1996. Without managed care, costs would be higher, millions more would be uninsured, and wages and salaries would be lower.

Today over 75 percent of Americans who receive their health coverage through their employer are in some form of managed care. Consumers no longer have a family doctor—they have a gatekeeper. They don't pick a physician—they (or in most cases, their employer) pick a network. A family's access to care, to drugs, to specialists all can be limited by the managed care organization.

Now that cost increases have slowed, it is also time to focus on health care quality. Many people are nervous about the quality of their managed care plans. They are concerned that the success of managed care in containing costs, has come at the expense of health care quality.

People want to know that they can get health care for their children from pediatricians, go see a specialist if their condition warrants some special attention, even go the emergency room if they feel that it is necessary.

They want to know that they aren't going to be locked out of medical care by an unresponsive managed care bureaucracy, vainly calling an unanswered phone to get approval for necessary medical care.

The entry of managed care into the health care marketplace has created competition that has lowered prices, enabling better access for millions to health care. But we also need to introduce competition over quality into this marketplace.

Our bill covers all 161 million Americans who are privately-insured. It includes patient protection standards to protect patient's access to the physician of their choice including women's access to obstetrical/gynecological specialists, a childs to a pediatrician, and other patients to specialists such as oncologists pursuant to a treatment plan.

It protects continuity of care, so that patients can continue to see their physician through an illness or pregnancy despite changes in the managed care network.

Plans would be prohibited from using "gag rules" to restrict physicians communication with their patients.

Visits to emergency rooms would be covered based on the "prudent layperson" standard and would include reimbursement for post stabilization and maintenance care.

Most important, we have included strong enforcement to protect these rights and protect the health and lives of all 161 privately insured Americans.

We have four important enforcement rights. We give consumers the right to obtain performance information so they don't get trapped in a bad health plan in the first place, establish a new grievance and appeals process so that consumers have a speedy process and fair setting to seek needed healthcare, give the U.S. Department of Labor and Health and Human Services the right to place heavy fines on health plans that don't protect patients, and finally, if all three fail, give the patient new rights to sue for compensation in federal courts if all the new protections fail and they are injured as the result of a decision by their managed care plan.

Our first enforcement tool is to empower consumer choice based on accurate, comparable information with information about their health care options. Millions of American healthcare consumers can get more information about the quality of a toaster oven or a candy bar than about their health plan. Report cards on health care quality should be the rule not the exception. Consumers who choose between plans, employers who purchase them, and plans and providers who compete for business will all drive up quality if report cards on their performance become the rule not the exception.

Some of the large employers in my state joined together years ago to hold health plans accountable. These companies stood up to say before they would even offer a health plan to their employees, that plan would have to agree to provide their record of performance and outcome on critical services such as breast cancer screening, prenatal care, asthma and diabetic treatment.

Workers at these companies now choose the plan with the best performance for them. All workers in America should have that right. It drives up quality and drives down bad managed care plans.

We require that all health plans be held accountable by reporting how well they are doing in providing the services that keep people healthy. We allow the Secretary to develop requirements that will work for different types of insurance, but get critical quality information to workers and purchasers. Although Senator NICKLES' bill includes voluminous information requirements, nowhere does he ask for the most critical information—how good a job is a health plan doing in keeping members of that plan healthy and alive.

Our second enforcement tool gives consumers in a health plan the right to appeal a denial of coverage to a independent, external panel of fair-minded experts under specific, quick deadlines.

When consumers need health care services, delays and indecision can be critical. The appeals process protects patients health by getting decisions made quickly and services provided before their medical condition worsens. No longer will consumers and their doctors spend months or even years fighting through a morass of managed care bureaucrats none of whom seem accountable, and all of whom add their own dollop of delay to a final decision.

We have adopted the "gold standard" set by the Medicare program which guarantees an answer in 72 hours or less for urgent care, and in less than one month for even the most routine decisions. Consumers have full rights to appeal any denial of care—both internally and to an external body for a completely independent review.

Third, we fix ERISA—a law that was enacted in 1974—so that it no longer blunts enforcement of patient protections. Under current law there are no meaningful enforcement remedies available to Americans who get their insurance through their employers. The U.S. Departments of Labor and Health and Human Services can do little to carry out their enforcement responsibilities. Individuals can not seek compensation when their health care plan makes a decision that injures them. A person, grievously harmed by their plan, can only sue for the cost of the benefit wrongly denied. For example, under current ERISA law, a mother on death's bed with cancer wrongly denied. For example, under current ERISA law, a mother on death's bed with cancer because she didn't get a mammogram would only be able to sue her health plan for the cost of the mammogram.

The Democrats have chosen to address this problem by allowing participants in ERISA plans to seek redress, including uncapped punitive damages, in state courts, an absolute nonstarter with the Republicans. The Republican plan simply extends the enforcement mechanism provided under current law, which is to say the cost of the benefit denied, and have thrown in a small additional fine of $100 a day in cases where a health plan refuses to comply with the decision of the external appeal entity. $100 is a cruel compensation for a family that has lost a breadwinner through the botched denial of coverage of a managed care plan.

We believe it is vitally important for Congress to step up to the plate with a real federal patient rights enforcement. In order to ensure that plans abide by the new patient protections in our bill, we give new civil money penalty and injunctive relief authority to the Secretaries of Health and Human Services and Labor. Plans that violate the law can be compelled to pay for it—up to $250,000.

Finally, there will be those tragic instances where our broad, new protections fail. A person is injured despite their new rights and powers and the managed care organization is at fault. Under our plan, people can take their plan to court, and sue that plan for the full amount of any damages equal to their economic loss plus attorney's fees. The injured person can get back the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities, caused by the coverage determination of the managed care plan. For the injured person and their family, the dollars probably can never compensate for the loss of health, but we think that it is critical that at least their economic losses by paid when a plan causes the injury.

That is our plan, a stronghold of patient rights protected by four well-buttressed walls of individual and government enforcement. We have given patients the strongest tools at our disposal—information, appeal rights, agency enforcement, and access to the courts. Our proposal has these strengths, but not the baggage of provisions that partisans of either party I fear may use to prevent congressional action. I urge the passage of the Promoting Responsible Managed Care Act of 1998 so that 161 million Americans can receive its protections without delay.●

● Mr. BAUCUS. Mr. President, I rise today to join Senators CHAFEE, GRAHAM, LIEBERMAN, and SPECTER in introducing the Promoting Responsible Managed Care Act of 1998. This bill will provide needed protections for all patients, while omitting the most polarizing aspects of the two major managed care bills designed by Republican and Democratic leaders. This bill seeks to establish a middle ground so that patients can be guaranteed quality health care this year.

Mr. President, this legislation provides improved quality health care for all 161 million Americans enrolled in private health insurance plans, including managed care plans. The measure will protect the doctor-patient relationship, make information readily available, create quality standards, insure a timely appeals process, and provide patients with better access to care.

By offering report cards on health plans, patients will be given the opportunity to make informed choices when selecting a health plan. This bill will also guarantee patients access to their specialists, and ensure that people have needed emergency treatment available wherever they are. Patients will not just receive stabilization in the emergency room, but will be guaranteed care afterwards as well.

The bipartisan bill gives women direct access to obstetrician-gynecologists, and children direct access to pediatricians. Prescription drugs which doctors deem necessary to patient care, whether on provider formulary lists or not, will now be made available. Routine costs associated with plan-approved clinical trials will also be guaranteed. Gag clauses, which undermine the patient-doctor relationship by penalizing doctors for referring patients to specialists or discussing costly medical procedures, will be prohibited.

Mr. President, under the bipartisan bill, independent parties would be given the authority to rule on managed care denials through an appeals process, guaranteeing that each patient has a chance to appeal HMO decisions. Enforcement laws will help guarantee these provisions. This legislation will allow the Department of Health and Human Services and the Department of Labor to levy civil monetary penalties to managed care plans which do not abide by the bill's provisions. Also, self and fully-insured patients will be granted access to federal courts to claim compensatory damages.

Mr. President, in health care, quality patient care should be the bottom line.

I believe that the bottom line is achieved by Democratic plan. But with a Democratic plan that is unlikely to pass in this Republican-controlled Senate, and a Republican measure which would likely be vetoed by the president, this proposal stands as a fresh start to significant managed care reform. This bipartisan and balanced measure will ensure that quality care prevails over political differences, and I urge the Senate to pass it.•

By Mr. SESSIONS:

S. 2417. A bill to provide for allowable catch quota for red snapper in the Gulf of Mexico, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL MARINE FISHERIES LEGISLATION

• Mr. SESSIONS. Mr. President, I rise today to introduce legislation, which I have drafted to address a matter which is of growing concern in my state. In particular, my constituents who live and work in the coastal communities of Alabama have voiced serious and legitimate concerns about the validity of recently issued National Marine Fisheries Service regulations which threaten to reduce the total allowable catch of red snapper in the Gulf of Mexico this year. The red snapper stock in the Gulf of Mexico is a very important economic asset for my state and, in fact, serves as a major economic linchpin for many of these coastal communities. I believe that my bill presents a reasonable solution to ensuring the long-term viability of the snapper stocks while also ensuring continuity and economic stability for individuals and communities who are so reliant on the income that commercial and recreational snapper fishing provides. Additionally, I feel that this bill could provide relief for persons in the shrimp industry, who feel that they have been unduly and unfairly burdened by NMFS regulatory requirements. Mr. President, I would also like to stress that this bill would assist all Gulf Coast communities that rely on the red snapper as an asset and I would hope that my colleagues who are hearing the same concerns from their constituencies will join with me in support of this bill.

Mr. President, I will have more to say about this bill in the future. For the sake of brevity, however, I would simply like to highlight some of the features in my legislation. To begin with, it maintains a total allowable catch of 9,120,000 pounds for each calendar year 1998 through 2001 which is to be allocated according to the current 51% commercial and 49% recreational split. The intent of this language is to provide certainty to our coastal communities by establishing a total allowable catch quota for this time period which cannot be lowered. The bill also provides that release of this quota cannot be conditioned upon the performance of bycatch reduction devices over the 1998–2001 time period. Additionally, the legislation maintains the current minimum size limits, and maintains the National Marine Fisheries Service's recently established 4 bag limit. My bill also requires the Secretary of Commerce to immediately review existing turtle excluder devices to see if they can be certified as bycatch reduction devices in the hopes that, if they can be so certified, shrimpers will be spared the cutting of an additional hole in their nets. Finally, my bill will also require a future study of bycatch reduction efficiency to be undertaken by the Secretary so that snapper management techniques can be based on accurate, and scientifically sound, understanding of the role that bycatch reduction devices can play in our efforts to continue to strengthen the replenishing snapper stocks. In my view, this bill adds clarity and stability to a situation that has been needlessly complicated over the past several years, and will allow both the regulators and the regulated community an opportunity to "catch their breath" as we determine the proper steps to take in resolving this ongoing debate.•

By Mr. JEFFORDS (for himself, Mr. LEAHY, and Mr. WARNER):

S. 2418. A bill to establish rural opportunity communities, and for other purposes; to the Committee on Finance.

RURAL OPPORTUNITIES EMPOWERMENT ACT OF 1998

• Mr. JEFFORDS. Mr. President, today with my friend and colleague, Senator LEAHY, I introduce the Rural Opportunities Empowerment Act of 1998—a bipartisan bill that will do a great deal to assist urban and rural areas develop communities in economic need.

The legislation will do a number of things. It builds off the Taxpayer Relief Act of 1997, which authorized 20 rural and urban Empowerment Zones, and creates new opportunities for those communities desperately in need of federal assistance, but unable to access those funds.

Our legislation will help scores of communities across the country seeking to improve their local economy through desperately needed federal funds. Within our legislation, monies are provided for the 20 Empowerment Zones authorized last year. Also, new grants are created for communities that are not able or eligible to compete for the EZ Round II competition this fall. Additional points will be given to those Enterprise Communities who have met a high standard of performance and who are seeking to be designated as an Empowerment Zone. Finally, a small amount of money will be provided to the Secretary to reward so-called "Top Performers," and allow them to be able to continue their operations so additional goals of their strategic plan are met.

Mr. President, the Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture's (USDA) Empowerment Zones and Enterprise Communities provide critical resources for those rural and urban areas in economic distress. Many of these communities intend to apply for a Round II Empowerment Zone designation. Vermont's old North End in Burlington, for example, has met numerous milestones in their strategic plan by successfully leveraging additional monies from the private sources. If Congress does not pass this legislation there will be no funding. Burlington's application for an Empowerment Zone designation under Round II this fall will be useless.

Providing rehabilitation and tax breaks to businesses who are interested in investing in a depressed area has been an impressive success in Burlington and elsewhere and my legislation will not only allow Burlington to compete for Empowerment Zone status in Round II, but it will also require HUD to disseminate best EC practices to other ECs around the country who may not be performing as impressively. This legislation is not only good for rural and urban communities, it is good government.

I ask my colleagues to work with me and with Senator LEAHY to ensure that this legislation is passed in the short time we have left in the 105th Congress. I will be working with the Finance Committee to ensure that this Congress does not forget those communities who look toward the federal government to provide incentives for the private sector to invest in economically depressed areas.•

• Mr. LEAHY. Mr. President, I am pleased to join Senator JEFFORDS today in introducing the Rural Opportunity Communities Act of 1998. This bill will greatly enhance the Empowerment Zone program by providing incentives to reward well performing Empowerment Zones and Enterprise Communities. The bill will also offer communities which face significant economic problems, but do not fit the strict definitions of the Empowerment Zone program with an alternative built on the same long-term, comprehensive, community-based planning.

In 1995 the first round of Empowerment Zones and Enterprise Communities were designated. Those communities have well demonstrated the potential of the program to revitalize inner-city neighborhoods and poverty stricken rural areas. In Burlington's Old North End, Vermont's only Enterprise Community, the benefits of this program have been tremendous. What was once a decaying section of the city is now a vital neighborhood. Equally important, the "New North End" has become an integral part of the city through the network of organizations and community members that pulled together to develop a plan to revitalize the area.

A new round of Empowerment Zone awards will allow additional communities to benefit from the program. This bill further enhances the Empowerment Zone program by recognizing those communities which have made the most progress in implementing their ten year plans and improving their neighborhoods. These model Empowerment Zones and Enterprise Communities will be eligible to compete for special incentive grants so that the successful programs they have initiated can continue to flourish. The success of well-performing Enterprise Communities will also be recognized by giving them additional points on their applications for empowerment zone status.

FInally, the bill establishes a special demonstration program, the Rural Opportunity Communities. This demonstration is designed to test the Empowerment Zone model of long-term, community based planning, with communities which are facing economic problems different from those defined by the Empowerment Zone program. Among other factors, the ROC demonstration will recognize the very real problem of under-employment, a significant problem in Vermont. The northeastern corner of Vermont, known as the Northeast Kingdom, is regularly responsible for one of the highest unemployment rates in the state. This is a very rural area where many families also hold down multiple jobs to make ends meet.

Last year I worked to bring together a group of economic development organizations and local officials to take a broader look at the problems facing the region, and work to find a common approach to addressing those problems. Since that time this group, known as the Northeast Kingdom Enterprise Collaborative, has continued to grow and has begun to lay the groundwork for a long-term plan for the three-county area. The ROC demonstration will offer a perfect opportunity for areas like the Northeast Kingdom, that are interested in pursuing this Empowerment Zone model, to gain access to the resources they need.●

By Mr. D'AMATO:

S. 2419. A bill to amend the Public Utility Regulatory Policies Act of 1978 to protect the nation's electricity ratepayers by ensuring that rates charged by qualifying small power producers and qualifying cogenerators do not exceed the incremental cost to the purchasing utility of alternative electric energy at the time of delivery, and for other purposes; to the Committee on Energy and Natural Resources.

THE ELECTRIC POWER CONSUMER RATE RELIEF ACT OF 1998

Mr. D'AMATO. Mr. President, I ask unanimous consent that the text of the bill, S. 2419, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electric Power Consumer Rate Relief Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) certain courts have found that States are preempted under the Public Utility Regulatory Policies Act of 1978 from engaging in certain ratepayer protection activities critical to ensuring reasonable rates for in-State ratepayers;

(2) those courts have found that, although States have the authority initially to establish rates charged by qualifying small power producers and qualifying cogenerators to local electric utilities, that such States thereafter are preempted by that Act from ensuring over time that rates—

(A) are just and reasonable to the retail electric consumers of purchasing electric utilities and are in the public interest; and

(B) do not exceed the incremental cost to such purchasing electric utilities of alternative electric energy at the time of delivery;

(3) other courts have found that States are preempted from monitoring effectively the operating and efficiency performance of in-State cogeneration and small power production facilities for the purpose of determining whether such facilities meet Federal Energy Regulatory Commission standards for qualifying cogenerators; and

(4) that Act should be amended to clarify the intent of Congress that States have the authority—

(A) to ensure that rates charged by qualifying small power producers andqualifying cogenerators to purchasing electric utilities—

(i) are just and reasonable to the electric consumers of such purchasing electric utilities and in the public interest; and

(ii) do not exceed the incremental cost to such purchasing electric utilities of alternative electric energy at the time of delivery; and

(B) to establish effective programs for monitoring the operating and efficiency performance of in-State cogeneration and small power production facilities for the purpose of determining whether such facilities meet Federal Energy Regulatory Commission standards for qualifying cogenerators.

SEC. 3. IMPLEMENTATION OF RULES.

Section 210(f)(1) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3(f)(1)) is amended—

(1) by striking "(1) Beginning" and inserting the following:

"(1) BY STATE REGULATORY AUTHORITIES.—

"(A) IN GENERAL.—Beginning"; and

(2) by adding at the end the following:

"(B) REQUIREMENTS.—Notwithstanding any other provision of this section, a State regulatory authority may ensure that rates charged by qualifying small power producers and qualifying cogenerators—

"(i) are just and reasonable to the electric consumers of the purchasing electric utility and in the public interest; and

"(ii) do not exceed the incremental cost at the time of delivery to the purchasing utility of alternative electric energy and capacity.

"(C) MONITORING.—A State regulatory authority may establish programs for monitoring the operating and efficiency performance of in-State cogeneration and small power production facilities for the purpose of determining whether the facilities meet standards established by the Commission for qualifying facilities.

"(D) AMENDMENT OF CONTRACT.—A State regulatory authority may require that any contract entered into before the date of enactment of this paragraph be amended to conform to any requirements imposed under subparagraph (B).".

By Mr. HARKIN (for himself, Mr. HATCH, Mr. DASCHLE, Mr. CRAIG, Ms. MILKULSKI, Mr. D'AMATO, Ms. MOSELEY-BRAUN, Mr. GRASSLEY and Mr. WELLSTONE):

S. 2420. A bill to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine; to the Committee on Labor and Human Resources.

CENTER FOR COMPLEMENTARY AND ALTERNATIVE LEGISLATION

● Mr. HARKIN. Mr. President, today I am introducing a bill, cosponsored by Senators DASCHLE, HATCH, GRASSLEY, D'AMATO, WELLSTONE, MIKULSKI, CRAIG, and MOSELEY-BRAUN to improve and expand rigorous scientific review of alternative and complementary therapies. This bill will elevate the NIH's Office of Alternative Medicine to Center status. It would be renamed the "National Center for Complementary and Alternative Medicine."

Mr. President, the American public supports this bill. Increasingly, Americans are turning to complementary and alternative medicine. According to a recent study by Harvard University researchers, fully one third of Americans regularly use complementary and alternative medicine. This same study found that in 1990, American consumers spent more than $14 billion on these practices. In that year there were 425 million visits to complementary and alternative practitioners—more than those to conventional primary care practitioners!

These practices, which range from acupuncture, to chiropractic care, to naturopathic, herbal and homeopathic remedies, are not simply complementary and alternative, but are integral to how millions of Americans manage their health and treat their illnesses. Yet there is little scientific research being done to investigate and validate these therapies.

We must reexamine our spending priorities. Approximately 90 million Americans suffer from chronic illnesses which cost society roughly $659 billion in health care expenditures, lost productivity and premature death. According to the Centers for Disease Control, we spend $28.6 billion Medicare dollars on diabetes alone—a disease which can be treated effectively with low-cost alternative therapies. A Robert Wood Johnson Foundation study recently published in the Journal of the American Medical Association (JAMA) revealed that the current health care delivery system is not meeting the needs of the chronically ill in the United States. The study also concluded that such trends reveal skyrocketing costs, increasing numbers of people in need and a dysfunctional system of care. Alternative medical therapies could offer a cost-saving alternative to this trend.

We are in an era when we must take a closer look at ways to provide cost-effective, preventive health care, and as we do so, Congress must act to strengthen the mission of the Office of Alternative Medicine in finding safe and effective treatments and preventive methods for chronic conditions. Patients throughout our nation are suffering because there is a lack of available information on alternative medicine.

In 1992, after finding that the National Institutes of Health (NIH) was largely ignoring this increasingly important area, at my urging Congress passed legislation creating the Office of Alternative Medicine (OAM) within NIH. At that time, Congress charged OAM with assuring objective, rigorous scientific review of alternative therapies. They were to investigate and validate therapies so that consumers would be better informed as to what treatments work and what treatments don't.

It is now clear that without greater authority to initiate research projects and assure unbiased and rigorous peer review, alternative therapies will not be adequately reviewed. The main problem is that the Office has no authority to directly provide research funding to any medical professional seeking to study the safety and effectiveness of alternative treatments. And unlike all other major organizations within NIH, the OAM has no autonomy to oversee its mission and goals. Because the Office must work through other Institutes to carry out research projects, promising projects are blocked and considerable time and resources are wasted.

The bill we are introducing would increase the status and authority of the Office of Alternative Medicine by creating in its place a National Center for Complementary and Alternative Medicine at NIH. The principal change in authority is granting the Center the ability to directly fund research proposals and other projects. This will not only assure that alternative therapies receive the review they need and deserve, it will improve efficiency by eliminating unnecessary bureaucratic steps required by the current set up.

Our bill also addresses another shortcoming of the NIH's current handling of alternative medicine research. The hallmark of rigorous scientific review at NIH is the peer review process. However, when it comes to alternative and complementary therapies, there is no true peer review. There are no complementary or alternative medicine specialists on NIH peer review panels. That means, for example, that when a research proposal comes in on chiropractic care, it often is reviewed by peer review panels that include no chiropractors. Rather, these proposals may be reviewed by scientists who have little or no experience in or knowledge about chiropractic care.

This has three negative results. First, these projects are not being reviewed by individuals with expertise in the fields contemplated by the research. This reduces the scientific quality of the review process. Second, because those reviewing these proposals have no expertise in this area, they may be less likely to support their approval. And, third, because those seeking NIH support of alternative medicine research know that their proposals will not receive true peer review, they may hesitate to apply, thereby reducing the number and quality of research proposals. Our proposal corrects this problem by requiring that projects are reviewed by scientists with expertise in the particular area of complementary and alternative medicine proposed to be studied.

The federal government and state-of-the-art science must begin to catch up with the public's increasing demand for information and answers regarding alternative and complementary health care. The time is now. I urge you and my colleagues to support this important bill that will improve the quality of health care for Americans.•

By Mr. CONRAD:

S. 2421. A bill to provide for the permanent extension of income averaging for farmers; to the Committee on Finance.

PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS

Mr. CONRAD. Mr. President, I am taking the floor today to introduce a bill which will respond to a critical problem faced by farmers. This proposal would amend the provision in the Taxpayer Relief Act of 1997 the temporarily reinstated income averaging for farmers.

When income averaging was eliminated as part of the Tax Reform Act of 1986, Congress acted primarily on the assumption that fewer tax brackets and dramatically lower marginal tax rates would substantially reduce the number of taxpayers whose fluctuating incomes could subject them to higher progressive rates. Congress was also concerned that income averaging, as it existed at that time, was effectively targeted on taxpayers who actually experienced wildly fluctuating incomes.

Today, it is hard to imagine a group of taxpayers whose incomes fluctuate more wildly than farmers. There is no place where that kind of fluctuation is more vividly demonstrated than in my own state of North Dakota. In 1996, North Dakota farm income came in at $764 million. A year later, it was $15 million. That is a 98 percent decrease, Mr. President! Fluctuations just don't come much wilder than that.

Reflecting on the situation, I think Congress made a mistake eliminating income averaging altogether in 1986—at least with respect to farmers. Fluctuating income is a fact of life in agriculture, and to the extent that the Internal Revenue Code can respond to that reality, it should do so.

The change we made in 1997 was a good one, but it did not go far enough to help many farmers who desperately need it. That reinstatement of income averaging for farmers should have made farmers' incomes in 1997 eligible for averaging and the reinstatement should have been permanent. The bill I introduce today does both.

This bill will provide modest, but much needed, assistance to farmers who were devastated in 1997, and provide it in a way that is consistent with the approach Congress took in the Taxpayer Relief Act last year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

Section 933(c) of the Taxpayer Relief Act of 1997 is amended by striking "after December 31, 1997, and before January 1, 2001" and inserting "after December 31, 1996".

By Mr. MACK (for himself, Mr. D'AMATO, Mr. COVERDELL, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. GORTON, and Mr. NICKLES):

S. 2422. A bill to provide incentives for states to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary teachers; to the Committee on Labor and Human Resources.

MEASURE TO ENCOURAGE RESULTS IN TEACHING ACT OF 1998

Mr. MACK. Mr. President, I rise today to introduce legislation with my friend and colleague, Senator D'AMATO, to ensure that every classroom in America is staffed with a competent, qualified and caring teacher. During the past several months, Congress has debated a number of initiatives to further this goal, including an amendment that Senator D'AMATO and I introduced and passed as part of the Education Savings Accounts package. Our amendment passed with bipartisan support, and we are here today to pursue this legislation in light of the President's veto of the ESA bill.

As early as the 1890s, the United States was the world's premiere industrial power, boasting a manufacturing sector roughly equal to that of Great Britain, Germany and France combined. While relatively new, this industrial order grew at a remarkable pace, leading many to concur with Teddy Roosevelt's prediction that the Twentieth Century would be "America's Century."

As we stand at the edge of a new millennium, another economic revolution in underway. But unlike the industrial revolution of one hundred years ago, this new revolution is defined not by large factories and natural resources, but by something a little less tangible and a little more human. I believe the 21st Century will be known as the "Century of Knowledge," where ingenuity and innovation will prove to be the most critical of resources. Now, if our children are to be prepared for the challenges ahead, educational excellence must become our first order of business.

The President has placed education near the top of his domestic agenda. I am pleased that he, too, recognizes the importance of providing our children with an education second to none. This is an area where we can easily agree. However, I am discouraged that none of his proposals confronts the most basic, the most important, and the most neglected aspect of public education: the quality of instruction in the classroom. It cannot be overstated that the best teachers produce the best students. Unless the quality of teaching improves, all other very worthwhile reforms, from smaller classes and higher salaries to newer buildings and computers in the classroom—are meaningless.

Good teachers are the backbone to a good education. Every student in America has a fundamental right to be taught by a skilled and well-prepared teacher. Teachers make all the difference in the learning process. America's classrooms are staffed with many dedicated, knowledgeable, and hard-working teachers. Studies show again and again that teacher expertise is one of the most important factors in determining student achievement.

Nevertheless, the case for sweeping reform is not difficult to make. The United States already spends more money per pupil than virtually any industrialized democracy in the world. Nonetheless, our children frequently score near the bottom in international exams in science and math. If the teacher-student relationship—which in my opinion is the most basic building-block in the educational process—is defective, no amount of resources will be able to turn bad schools into good schools. Throwing more money at the problem is no longer the answer. Again, real reforms are needed.

Mr. President, real education reform begins in America's classrooms. Any reform must include measures to ensure that teachers are qualified to teach the subjects they are teaching. To my dismay, I have learned that all across the country, many teachers are being assigned to teach classes for which they have no formal training. Consider these statistics:

One out of five English classes were taught by teachers who did not have at least a minor in English, literature, communications, speech, journalism, English education, or reading education.

One out of four mathematics classes were taught by teachers without at least a minor in mathematics or mathematics education.

Nearly 4 out of 10 life science or biology classes were taught by teachers without at least a minor in biology or life science.

More than half of physical science classes were taught by teachers without at least a minor in physics, chemistry, geology or earth science.

More than half of history or world civilization classes were taught by teachers who did not have at least a minor in history.

Students in schools with the highest minority enrollments have less than a 50% chance of getting a science or mathematics teacher who holds a license and a degree in the field he or she teaches.

Our schools and classrooms should be staffed with teachers who have the appropriate training and background. One way to determine this would be to test teachers on their knowledge of the subject areas they teach.

Teacher testing is an important first step toward upgrading the quality of classroom instruction. Testing would identify teachers who are not making the grade, and would enable principals to help weaker teachers improve. Much has been made about social promotion, where students are often pushed on to the next grade with his or her peers despite the fact that the student has not met the criteria needed to advance. In my opinion, teachers face social promotion too. They are kept on staff regardless of performance. That is wrong. States should measure the expertise of their teachers through periodic teacher testing.

Common sense also dictates that we should not concentrate all our attention on underperforming teachers. We must also recognize that there are many great teachers who are successfully challenging their students on a daily basis. Today, our public schools compensate teachers based almost solely on seniority, not on their performance inside the classroom. Merit-pay would differentiate between teachers who are hard-working and inspiring, and those who fall short.

The legislation we are introducing today, known as the MERIT ACT—which stands for Measures to Enhance Results in Teaching—is the same legislation that passed the Senate during debate on the Education Savings Accounts bill. It rewards states that test its teachers on their subject matter knowledge, and pays its teachers based on merit.

Here is how it works: we will make half of any additional funding over the FY 1999 level for the Eisenhower Professional Development Program available to states that periodically test elementary and secondary school teachers, and reward teachers based on merit and proven performance. There will be NO reduction in current funding to states under this program based on this legislation. As funding increases for this program, so will the amount each state receives. Incentives will and should be provided to those states that take the initiative to establish teacher testing and merit pay programs.

Again, I want to emphasize that all current money being spent on this program is unaffected by this legislation. Only additional money will be used as an incentive for states to enact teacher testing and merit pay programs.

Finally, this amendment enables states to also use federal education money to establish and administer teacher testing and merit pay programs. This broad approach will enable states to staff their schools with the best and most qualified teachers, thereby enhancing learning for all students. In turn, teachers can be certain that all of their energy, dedication and expertise will be rewarded. And it can be done without placing new mandates on states or increasing the federal bureaucracy.

Mr. President, as I pointed out earlier, the Senate has already debated this innovative approach when we considered the Education Savings Accounts bill. I was impressed that we passed the amendment with bipartisan support by a vote of 63-35, and that it was included in the Conference report sent to the President for his signature. I was disappointed, however, when the President vetoed that important legislation on July 22, 1998, despite his own earlier involvement in developing a teacher testing program in his home state of Arkansas while he was Governor.

As Governor, Bill Clinton enthusiastically supported teacher testing, and while Governor of South Carolina, Secretary of Education Richard Riley advocated a merit-pay plan. In fact, then-Governor Clinton in 1984 said that he was more convinced than ever that competency tests were needed to take inventory of teacher' basic skills. He said, "Teachers who don't pass the test shouldn't be in the classroom". Since coming to Washington, however, neither the President nor Secretary Riley has tried to do for the children of America what they as Governors fought to do for the children of their own states. Our nation's children deserve better.

While Bill Clinton let an opportunity for true reform pass him by, I am encouraged by the recent action taken by the American Federation of Teachers. They, too, recognize that true reform begins in the classroom and that teacher quality must be at the heart of that reform. They recently passed a resolution affirming the need for improved teacher quality, which also states that they will take a more active role in reviewing teacher performance and dismissing teachers that cannot be helped. This same proposal was rejected two years ago by the Federation's membership. Again, I am encouraged by this change of heart. I am hopeful that we can work together with the AFT and any other organization interested in moving forward to improve teacher quality. While we may not agree on every approach, I would like to commence an ongoing dialogue on this important issue.

Mr. President, I must also point out how timely this legislation is in light of the recent reports out of the state of Massachusetts, which tested prospective teachers with a tenth-grade level exam. Sadly, 60 percent of those taking the test failed. It's unfortunate that the poor results of the test overshadow the positive contributions teachers make day in and day out to challenge the imagination of their students. That's why it's important to help teachers become the best they can be and to reward the outstanding teachers who are making a difference in the lives of our youth. Our children deserve nothing less. That's what this legislation does.

The President's lack of support for merit pay and teacher testing has only temporarily set back the call for excellence in education. But I will continue to press forward with plans to ensure that our classrooms are led by capable teachers, and I will continue the fight to give dedicated professionals who teach our children a personal stake in the quality of the instruction they provide. If we accomplish these reforms, and place the interests of students above the preservation of the status quo, then the extraordinary dynamism of the American people will continue, and the 21st Century will, once again, be the "American Century".

I hope there will again be broad, bipartisan support for this important initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) Short Title.—This Act may be cited as the "Measures to Encourage Results in Teaching Act of 1998".

(b) Findings.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) Purposes.—The purposes of this Act are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) Amendments.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) State Awards.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) Available Funding.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds $600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) Award Amount.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) Use of Funds.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

"(e) Definition of State.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 3. TEACHER TESTING AND MERIT PAY.

(a) In General.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) Definitions.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Mr. D'AMATO. Mr. President, I rise with my friend and colleague, Senator Mack, to introduce the MERIT Act. The MERIT Act seeks to reward those teachers who provide, day in and day out, magic in the classrooms, to reward them with a salary to match their importance. We should develop a methodology of rewarding those truly outstanding teachers and seeing to it that we keep them, retain them. Truly outstanding teachers are the unsung heroes of our communities. Unfortunately, however, great education does not take place for every child in every classroom, and that is sad. But it is something we can strive for and work to change.

The bill that Senator Mack and I introduce comes on the heels of receiving some discouraging news, news from Massachusetts where a test of prospective teachers was given and nearly 60 percent of them failed. It was a test at the eighth-grade level. I firmly believe that most New York teachers are very good. But, nonetheless, I must ask the question, Why not have the best? Why not reach out to them? Why not attract them?

The Massachusetts test was a good idea, but we should also give periodic competency tests to teachers who are already in the system. Most teachers are very dedicated and highly competent, but some are not. Some teachers who are highly skilled in one or two subject areas may be forced to teach other subjects in which they lack the competence. When that happens, our children are the ones who suffer.

Another desperately needed reform is merit pay for outstanding teachers. We must reward the best teachers. In most of our Nation's schools there is no financial incentive for the truly outstanding teachers. Great teachers, who help our children achieve educational excellence, should be rewarded.

The measure introduced today by Senator MACK and myself, the MERIT Act, is the same measure that passed the Senate on April 21 by a vote of 63 to 35. This legislation provides incentives for States to establish periodic teacher assessments and merit rewards. Incentives are provided through the Eisenhower Professional Development Program. The measure sets aside 50 percent of the funds appropriated over the fiscal year 1999 levels in the program, and then distributes them to States that have established teacher testing and merit pay. Last year, fiscal year 1998, Congress appropriated $335 million for this program to subsidize training for teachers. That is an increase of $25 million from the year before. Should we not be able to use this program to ensure that teachers are actually improving their teaching skills, as well as substantive knowledge? Teacher testing will help accomplish that goal.

But let me be clear. As the Eisenhower Professional Development Program funding increases, so will each State and local government's share, with 50 percent of the increase reserved for those States that put in place a mechanism by which to periodically measure the ability, knowledge, and skills of teachers, and implement a pay scale to reward those determined and dedicated teachers. When we look at reforming our public schools, one thing must always be kept foremost in our efforts, and that is, we must put our children first. Our children are the best and the brightest. They are our most precious resource.

So, when it comes to recruiting and retaining the best young professionals, I believe, in order to do that, we are going to have to pay them adequately. We are going to have to reward their accomplishments and see to it that the truly outstanding are rewarded with merit pay so we can assure our children get that opportunity. I hope our colleagues will join in this effort to improve America's schools and help prepare our children for the 21st century.

By Mr. ABRAHAM:

S. 2423. A bill to improve the accuracy of the budget and revenue estimates of the Congressional Budget Office by creating an independent CBO Economic Council and requiring full disclosures of the methodology and assumptions used by CBO in producing the estimates; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE CONGRESSIONAL BUDGET OFFICE IMPROVEMENT ACT OF 1998

• Mr. ABRAHAM. Mr. President, I introduce legislation to improve the accuracy of Congressional Budget Office estimates.

Congress places enormous demands on the professionals working in the CBO. Day after day, year after year these dedicated men and women are asked to provide estimates and projections on which legislators rely in carrying out their public responsibilities. Their hard work and professionalism are well known and they deserve our gratitude for the excellent job they do.

However, Mr. President, CBO estimates and projections are only as good as the assumptions on which they are based. No matter how dedicated and hard-working they are, they are limited by the tools at their disposal. And recent experience shows that those tools require improvement.

Mr. President, there was a great deal of surprise, both in this Chamber and across the country, when the CBO released its latest estimates regarding federal budget surpluses. In January of this year the CBO had projected a $5 billion deficit for 1998, with surpluses of $127 billion for the period 1998–2003 and $655 billion for the period 1998–2008. But in its July budget update, the CBO projected a $63 billion surplus for 1998, a $583 billion surplus for the period 1998–2003, and a $1,611 billion surplus for the period 1998–2008.

Those are massive discrepancies, Mr. President, and they have a significant impact on our ability to legislate. Coming so late in the session, these new estimates are not as helpful as they could have been in helping shape our fiscal policies. What they mean, in essence, is that Congress has been determining its budgets and appropriations with inaccurate revenue estimates.

What is more, Mr. President, it does not appear that the accuracy of CBO projections will improve without Congressional action. Current CBO policy calls for basing estimates on the assumption that federal revenues will grow more slowly than Gross Domestic Product. This despite the long-standing trend of revenues outpacing GDP. Thus we can look forward to revenue estimates in the future that remain significantly lower than actual revenues.

Without accurate revenue estimates, Mr. President, we cannot properly address tax reform and general fiscal policy. Indeed, without knowing the level of federal revenues with a significant degree of accuracy we cannot properly and responsibly budget for the federal government. We must establish a fair and accurate mechanism for estimating federal revenue.

That is why I am introducing the CBO Improvement Act. This legislation is based on a bill introduced in the 102nd Congress by Representatives NEWT GINGRICH, DICK ARMEY and Robert Michel. It would provide CBO with the expert, hands-on oversight necessary to improve the accuracy of its estimates.

To begin with, Mr. President, this legislation would establish a Congressional Budget Board to provide general oversight of CBO operations, oversee studies and publications that may be necessary in addition to those CBO is required by law to produce, and provide guidance to the CBO Director in the formulation and implementation of procedures and policies. This board would be made up of 6 members each from the Senate and the House of Representatives, half from each party.

In addition to its oversight function, the Board will establish an Economic Advisory Council. This Council will evaluate CBO research for the Board. It will be composed of 12 members, each prominent in the fields of public finance, economics of taxation and microeconomics and macroeconomics.

Finally, Mr. Chairman, under this legislation any CBO report to Congress or the public that contains an estimate of the effect that legislation will have on revenues or expenditures shall be accompanied by a written statement fully disclosing the economic, technical, and behavioral assumptions that were made in producing the estimate. By making these assumptions public, we can provide an opportunity for outside experts, whether in business or academia, to evaluate them and offer suggestions for improvement.

By establishing this kind of oversight and accountability, Mr. President, we can ensure that in the future the CBO will base its revenue estimates on assumptions that better reflect reality. No one is questioning the dedication or skill of CBO employees. But we must see to it that they are given the appropriate tools to carry out their jobs in the best manner possible. Only in this way can Congress fulfill its duty to pass legislation in keeping with economic reality as well as the best interests of the American people.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that two articles, one written by economist Bruce Bartlett and appearing in the July 6 Washington Times, the other a Congressional advisory dated July 22 from the Institute for Research on the Economics of Taxation, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 6, 1998]

REVENUE PITCH LOW AND INSIDE

(By Bruce Bartlett)

Many Republicans believe the main barrier to enactment of a large tax cut this year is the Congressional Budget Office (CBO), because it is low-balling its forecast of future federal revenues. They think revenues next year will come in substantially higher than CBO is predicting, allowing for a significantly larger tax cut than Congress is currently contemplating, without endangering the balanced budget. They note that last year CBO underestimated federal revenues by $72 billion and they suspect revenues may be underestimated by a similar magnitude this year.

On June 23, CBO Director June O'Neill responded to her critics in a letter to House Speaker Newt Gingrich. She argued that everyone, not just the CBO, underestimated revenues last year.

Mrs. O'Neill pointed out that CBO's deficit forecasts were close to those made by the Office of Management and Budget and private forecasters. In short, CBO did as well as economic science allowed and should not be singled out for blame when no one else did much better.

This is a strong argument. Nevertheless, CBO's estimate of future revenues does seem to be unusually conservative. As the figure indicates, CBO is predicting that revenues will grow more slowly than gross domestic product (GDP) over the next decade. Generally, because our tax system is progressive, revenues grow faster than GDP. Throughout the postwar period revenues grew by 0.6 percent per year more than GDP. In the last 10 years, revenues grew even faster—0.9 percent more than GDP. If CBO's GDP estimate is correct, one would ordinarily expect between 5.2 percent and 5.5 percent growth in future revenues, rather than the 4.5 percent growth that is projected.

Mrs. O'Neill does not give a satisfactory explanation for why revenues are expected to grow so much more slowly than they have grown historically. Her main point seems to be that there is bound to be a recession some time in the next decade and that this will cause revenue growth to slow. But the impact of past recessions is already incorporated into the historical data on growth of actual revenues. So it seems odd for the CBO in effect to predict a future recession will have an impact on revenues much greater than those in the past.

No one is suggesting that the CBO is deliberately fudging its numbers for some political purpose. However, Congress is entitled to raise questions about the accuracy of the numbers it must rely upon when making important decisions about taxing and spending. The questions that have been raised about CBO's revenue forecasts are legitimate and deserve a better response than it has provided.

IRET CONGRESSIONAL ADVISORY

(By Michael A. Schuyler)

ARE CBO BUDGET PROJECTIONS STILL UNDERSTATED?

Confronted with a torrent of tax dollars, the Congressional Budget Office (CBO) has revised its surplus projections upward several times in 1998. In January, the CBO had projected a $5 billion deficit for 1998 but surpluses of $127 billion for 1998–2003 and $655 billion for 1998–2008. In March, the CBO changed its 1998 forecast to an $8 billion surplus but added only $11 billion to projected surpluses for all subsequent years. In May, as tax revenues continued to pour into Washington, the CBO upped its 1998 forecast to a $43–$63 billion surplus, raised its 1999 forecast to a $30–$40 billion surplus, but said it expected the changes for years beyond then to be "smaller amounts." In its July budget update, the CBO projects a $63 billion surplus for 1998, an $80 billion surplus for 1999, a $583 billion surplus for 1998–2003, and a $1,611 billion surplus for 1998–2008. These are enormous numbers, but they may still be too low.

For several years, federal revenues have climbed substantially more rapidly than nominal gross domestic product (GDP). Between fiscal years 1995 and 1998, for example, nominal GDP growth averaged a 5.3% annually while revenue growth topped that by 3 percentage points yearly, averaging 8.3% annually; for fiscal year 1998 alone, nominal GDP is expected to increase 5.2% while revenues jump 8.7%. The CBO's projections, however, assume that this pattern is suddenly about to reverse itself. According to the CBO, revenues will increase only slightly more rapidly than nominal GDP in 1999, considerably more slowly than nominal GDP in fiscal years 2000, 2001, 2002, and 2003, and generally no faster than nominal GDP in subsequent years.

If the CBO had projected that revenue growth would merely match nominal GDP growth, the 1998–2003 surplus would be $167 billion greater than it currently projects and the 1998–2008 surplus would be $570 billion greater, boosting the 11-year total to more than $2.1 trillion.

The surpluses currently being projected indicate that policymakers now have a major opportunity to reform the troubled U.S. tax system in ways that would substantially reduce both its inefficiencies and its complexity. If the actual surpluses prove to be higher, the opportunity to make positive tax changes would be even greater. Unfortunately, unreasonably low CBO projections may deter policymakers from acting on this opportunity.

Another consideration for policymakers is that, except for a brief period during World War II, federal revenues have never commandeered a larger share of GDP than they are now (20.5%). It is only by postulating that revenues will suddenly grow more slowly than GDP that the CBO can project a reduction in the revenue-GDP ratio without the need for a tax cut. If the historical relationship holds and taxes are not reduced, the government will be setting new records every year in the share of people's productive output it is taking away in taxes.

Despite the CBO's projection, two lines of reasoning suggest that, unless there is tax relief, revenues are likely to continue growing faster than nominal GDP is attributable to inflation, and inflation would push up taxes and nominal GDP at equal rates even if the tax code were fully indexed for inflation. In actuality, because many tax provisions lack inflation protection (some examples are the alternative minimum tax's exempt amount, the income threshold for taxing social security benefits, the computation of capital gains, and the corporate income tax's progressive rate schedule), the government reaps an inflation dividend from taxpayers (albeit a much smaller inflation dividend from taxpayers (albeit a much smaller inflation dividend that before the Reagan Administration introduced inflation indexing in the 1980s.) thus, to the extent nominal GDP increases because of inflation, federal revenues would be expected to increase as rapidly or more rapidly than nominal GDP.

In addition, nominal GDP increases because of real growth in the economy. Some real growth occurs simply because population is increasing. Real growth from this source tends to increase federal revenues at the same rate as GDP. Real growth also occurs, though, because people are becoming more productive over time, resulting in rising wages and incomes. Because the tax system is progressive, real growth per capita pushes people into higher tax brackets, which causes the government to take a larger share of their incomes. (Tax indexing does not cover real wage growth. In fact, even if the CPI slightly overstated inflation, tax indexing does not fully offset the combined effects on real tax collections of productivity-related wage hikes and inflation.) Thus, the portion of real growth attributable to higher population will tend to raise federal revenues in line with GDP increases and the portion attributable to higher productivity will tend to boost revenues relative to GDP. Either way, there is no explanation for revenues growing more slowly than GDP.

The Taxpayer Relief Act of 1997 (TRA–97) included some tax reductions phased in over several years. Could the phased-in tax cuts of TRA–97 explain why the CBO is projecting such slow relative growth in federal revenues? No, even if TRA–97's changes are added back to revenues, the CBO is still projecting that revenues will grow more slowly than nominal GDP.

Another possible explanation for revenues suddenly growing more slowly than GDP would be a redistribution of GDP from taxpayers subject to high tax rates to taxpayers subject to low tax rates. Among those taxed at higher rates are corporations, and the CBO does project that corporate profits as a share of GDP will decline somewhat over the next five years. But this does not explain the revenue slowdown. The CBO's projection for revenue growth, excluding corporate income taxes, is not quite as slow as the CBO's projected growth rate for all revenues, but it still trails GDP growth for several years starting in 2000 and then in later years grows no more rapidly.

Tax collections have been running much higher than the CBO had previously forecast mainly in the area of personal income not subject to withholding. Due to the government's slowness in analyzing tax return data, the sources of that taxable income are not yet known with certainty. Two often-mentioned possibilities are non-corporate business income and capital gains realizations. Business income has been strong and capital gains realizations have been bolstered by lower tax rates and a strong stock market. If business income and capital gains realizations are the sources of the robust revenue growth, there is no reason to expect them to evaporate, barring undesirable policy changes such as higher taxes, more government regulations, or higher inflation.

The CBO argues, however, that because the sources of the higher-than-it-expected taxable income are not yet entirely clear, the income from those sources should be assumed to be atypically high in 1998, and the CBO arbitrarily excludes part of it in projecting future taxable income and tax collections. This arbitrary exclusion is a key reason the CBO projects that revenues will increase more slowly than GDP for several years and then increase no more rapidly. As explained, this result is peculiar because, unless taxes are cut from time to time, revenues tend to increase relative to GDP due to inflation and real growth.

The uncertainty about the source of higher-than-anticipated current revenues could be resolved very quickly if the Internal Revenue Service immediately analyzed a sample of recently received tax returns. With literally billions of dollars of tax relief perhaps hanging in the balance, such a sample should be examined at once.

In the discussion thus far, it has been assumed that the CBO's assumptions about GDP growth are accurate. In reality, they may be too pessimistic—especially if pro-productivity tax relief is enacted to invigorate the U.S. economy. The CBO assumes that real GDP will grow less than 2.2% annually over the next decade and that for most of the period the unemployment rate will be more than a percentage point higher than it is presently. The CBO is apparently still wedded to the idea of the Phillips curve and cannot believe that unemployment much under 6% can coexist for very long with low inflation. If the CBO did not assume the economy would expand so little in the future, its revenue projection would be much higher (the size of the economy is one of the most powerful determinants of tax revenues), leading to far larger surpluses.

The strong possibility that the CBO is still underestimating budget surpluses underscores the desirability of tax relief. As surpluses mount, there is less and less reason to endure tax inefficiencies and complexities that could be corrected through well designed relief.

Changes that ease anti-production tax biases will tend to strengthen the economy and sustain the economic expansion, leading to further benefits for everyone, and recouping much of the static revenue loss in the process. In contrast, if tax relief is not forthcoming, the American people may be condemned to paying a steadily mounting share of their incomes and output to the government, weakening the economy and income growth in the process. Further, while some claim that Washington will use the projected surpluses to pay off the federal debt, a more realistic appraisal is that Washington will soon channel into increased government spending whatever it does not relinquish through tax cuts, notwithstanding the waste, inefficiency, and perverse incentives of many government spending programs.

Note: Nothing here is to be construed as necessarily reflecting the views of IRET or as an attempt to aid or hinder the passage of any bill before the Congress.●

By Mr. SESSIONS (for himself, Mr. GRAHAM, Mr. MCCONNELL, and Mr. COVERDELL):

S. 2425. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Finance.

"THE COLLEGIATE LEARNING AND STUDENT SAVINGS ACT"

Mr. SESSIONS. Mr. President, I rise today to introduce "The Collegiate Learning and Student Savings Act" a common sense piece of legislation which will help more than 2.5 million students afford a college education.

This legislation, cosponsored by Senators BOB GRAHAM, MITCH MCCONNELL and PAUL COVERDELL, will allow private colleges and universities to establish prepaid tuition plans and allow a family's investment in ALL state or private tuition savings and prepaid plans to be tax-free.

Let me take a few minutes to discuss the concept of prepaid tuition plans and why they are critically important to America's families.

As a parent who has put two children through college and who has another currently enrolled in college, I know first-hand that America's families are struggling to meet the rising costs of higher education. In fact, American families have already accrued more college debt in the 1990s than during the previous three decades combined. The reason is twofold: the federal government subsidizes student debt with interest rate breaks and penalizes educational savings by taxing the interest earned on that savings.

In recent years, however, many families have tackled rising tuition costs by taking advantage of pre-paid college tuition plans. These plans allow families to purchase tuition credits years in advance. Thanks to innovative programs already established by 17 states, like my home state of Alabama, parents can actually lock in today's tuition rates for tomorrow's education.

Congress has supported participating families by expanding the scope of the pre-paid tuition plans and by deferring the taxes on the interest earned until the student goes off to college.

My legislation, modeled after the efforts of the House Ways and Means Chairman BILL ARCHER and Senator COVERDELL's efforts on the "A+ Education Accounts" bill, will make earnings in state AND private education pre-paid plans completely tax-free.

Currently, most of the interest earned by families saving for college is taxed twice. Families are taxed on the income they earn and then again on the interest they earn through savings. On the other hand, the federal government subsidizes student loans by deferring interest payments until graduation. It is no wonder that families are struggling to save for college and instead are going heavily into debt. This trend must not continue.

In order to provide families a new alternative, "The Collegiate Learning and Student Savings Act" will provide tax-free treatment to all pre-paid plans for public and private colleges and universities. This would place all savings plans and all schools on an equal playing field.

This bipartisan piece of legislation would not only provide American families with more than $1 billion dollars in much-needed tax relief over the next decade, but would also help control the cost of college for all students. In fact, the track record of existing state prepaid plans indicates that working, middle-income families, not the rich, benefit the most from pre-paid plans.

Mr. President, It is erroneous to assume that tuition savings and prepaid plans benefit mainly the wealthy. In fact, the experience of existing state plans indicates that working, middle-income families benefit most. For example, families with an annual income of less than $35,000 purchased 62 percent of the prepaid tuition contracts sold by Pennsylvania in 1996. The average monthly contribution to a family's college savings account during 1995 in Kentucky was $43.

Prepaid tuition plans must become law. The federal government can no longer subsidize student debt with interest rate breaks and penalize educational savings by taxing the interest earned by families who are trying to save for college. Both public and private prepaid tuition plans should be held equal by the federal government and must be completely tax free. If these goals are achieved, the federal government would be providing families the help they need to meet the cost of college through savings rather than through debt.

Mr. President, American families accumulated more college debt during the first five years of the 1990s than in the previous three decades combined. Recognizing that this trend cannot continue, several states have established tuition savings and prepaid tuition plans. Now, a nationwide consortium of more than 50 private schools, with more than 1 million alumni, has launched a similar plan for private institutions. These plans are extremely popular with parents, students, and alumni. They make it easier for families to save for college, and the prepaid tuition plans also take the uncertainty out of the future cost of college.

"The Collegiate Learning and Student Savings Act" eliminates the double taxation that exists on interest earned through the programs and ends the disparity that currently exists between public and private colleges.

Mr. President, I would like to thank the cosponsors of "The Collegiate Learning and Student Savings Act", Senators GRAHAM, MCCONNELL and COVERDELL, for their assistance and dedication to this issue.

ADDITIONAL COSPONSORS

S. 246

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 246, a bill to amend title XVIII of the Social Security Act to provide greater flexibility and choice under the medicare program.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 388

At the request of Mr. McCAIN, his name was added as a cosponsor of S. 388, a bill to amend the Food Stamp Act of 1977 to assist States in implementing a program to prevent prisoners from receiving food stamps.

S. 413

At the request of Mr. McCAIN, his name was added as a cosponsor of S. 413, a bill to amend the Food Stamp Act of 1977 to require States to verify that prisoners are not receiving food stamps.

S. 1195

At the request of Mr. McCAIN, his name was added as a cosponsor of S. 1195, a bill to promote the adoption of children in foster care, and for other purposes.

S. 1215

At the request of Mr. McCAIN, his name was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1225

At the request of Mr. McCAIN, his name was added as a cosponsor of S. 1225, a bill to terminate the Internal Revenue Code of 1986.

S. 1459

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1520

At the request of Mr. McCAIN, his name was added as a cosponsor of S. 1520, a bill to terminate the Internal Revenue Code of 1986.

S. 1581

At the request of Mr. McCAIN, his name was added as a cosponsor of S. 1581, a bill to reauthorize child nutrition programs, and for other purposes.

S. 1759

At the request of Mr. HATCH, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1759, a bill to grant a Federal charter to the American GI Forum of the United States.

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 1759, supra.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1929

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1929, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2049

At the request of Mr. KERREY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2099

At the request of Mr. CAMPBELL, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2099, a bill to provide for enhanced Federal sentencing guidelines for counterfeiting offenses, and for other purposes.

S. 2141

At the request of Mr. CAMPBELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2141, a bill to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes.

S. 2145

At the request of Mr. SHELBY, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from New York (Mr. D'AMATO) and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2201

At the request of Mr. TORRICELLI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2217

At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2217, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2263

At the request of Mr. GORTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2295

At the request of Mr. McCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2308

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 2354

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. D'AMATO) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2366

At the request of Mr. JOHNSON, the name of the Senator from Colorado

(Mr. CAMPBELL) was added as a cosponsor of S. 2366, a bill to amend the Internal Revenue Code of 1986 to provide that housing assistance provided under the Native American Housing Assistance and Self- Determination Act of 1996 shall be treated for purposes of the low-income housing credit in the same manner as comparable assistance.

S. 2370

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2370, a bill to designate the facility of the United States Postal Service located at Tall Timbers Village Square, United States Highway 19 South, in Thomasville, Georgia, as the "Lieutenant Henry O. Flipper Station".

S. 2371

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 2371, a bill to amend the Internal Revenue Code of 1986 to reduce individual capital gains tax rates and to provide tax incentives for farmers.

At the request of Mr. HAGEL, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2371, supra.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. ABRAHAM, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of Senate Concurrent Resolution 94, A concurrent resolution supporting the religious tolerance toward Muslims.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Concurrent Resolution 108, A concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 264—DESIGNATING OCTOBER 8, 1998 AS THE DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE

Mrs. MURRAY (for herself and Mr. KEMPTHORNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 264

Whereas every day in America, 15 children under the age of 19 are killed with guns;

Whereas in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun;

Whereas in 1995, nearly 8 percent of high school students reported having carried a gun in the past 30 days;

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in helping children grow from a childhood free from fear and violence into healthy adulthood;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of this day will give American students the opportunity to make an earnest decision about their future by voluntarily signing the "Student Pledge Against Gun Violence", and sincerely promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence to prevent friends from using guns to settle disputes: Now, therefore, be it

Resolved, That (1) the Senate designates October 8, 1998, as "the Day of National Concern About Young People and Gun Violence"; and

(2) the President should be authorized and requested to issue a proclamation calling upon the school children of the United States to observe that day with appropriate ceremonies and activities.

• Mrs. MURRAY. Mr. President, I submit a resolution that passed the Senate last year unanimously. My resolution, which I am introducing today with Senator KEMPTHORNE and more than 50 original cosponsors, establishes October 8 as the Day of Concern about Young People and Gun Violence.

Tragically, this resolution has special meaning for all of us after the events of last Friday. While, thankfully, no children were directly involved in the slayings of Officer Jacob Chestnut and Special Agent John Gibson, certainly the officers' children and young people across the nation were hurt and horrified by the violence that occurred in our nation's Capitol.

I am once again submitting this resolution because I am convinced the best way to prevent gun violence is by reaching out to individual children and helping them make the right decisions. This resolution gives parents, teachers, government leaders, service clubs, police departments, and others a special day to focus on the problems today of young people and gun violence. October is National Crime Prevention Month—the perfect time to center our attention of the special needs of our kids and gun violence.

A Minnesota Homemaker, Mary Lewis Grow, developed this idea for a "Day of Concern for Young People and Gun Violence". Other groups, such as Mothers Against Violence in America, the National Parent Teacher Association, and the American Medical Association have joined the effort to establish a special day in which to express our concern about our children and gun violence. The proclamation of a special day of recognition also provided support to a national effort to encourage students to sign a pledge against gun violence. In 1997, 47,000 students in Washington State signed the pledge card, as did more than 200,000 children in New York City, and tens of thousands more across the nation.

The Student Pledge Against Gun Violence calls for a national observance on October 8 to give students the chance to make a promise, in writing, that they will do their part to prevent gun violence. The students' pledge promises three things: (1) they will never carry a gun to school; (2) they will never resolve a dispute with a gun; and (3) they will use their influence with friends to discourage them from resolving disputes with guns.

Just think of the lives we could have saved if all students had signed—and lived up to—such a pledge last year. Consider that in the months between today and the day we demonstrated our concern about youth violence last year, we've had an outbreak of school violence. Eleven students and two teachers have been killed and more than 40 students have been wounded in shootings by children. In addition, we've lost thousands of children in what has become the all-too-common violence of drive-by shootings, drug wars, and other crime and in self-inflicted and unintentional shootings.

Last year, Senator KEMPTHORNE and I led the cosponsorship drive of this resolution after his 17-year-old neighbor was murdered by a 19-year-old in a random act of violence in Washington state. Ann Harris' parents vowed to transform their grief into an opportunity to help teach our young people to care about each other and to stop the violence. We both pledged our support.

We all have been heartened by statistics showing crime in America on the decline. Many factors are involved, including community-based policing, stiffer sentences for those convicted, youth crime prevention programs, and population demographics. None of us intend to rest on our success because we still have far, far too much crime and violence in this society.

So, we must find the programs that work and focus our limited resources on those. We must get tough on violent criminals—even if they are young—to protect the rest of society from their terrible actions. And we, each and every one of us, must make time to spend with our children, our neighbor's children, and the children who have no one else to care about them. Only when we reach out to our most vulnerable citizens—our kids—will we drop youth violence to zero.

Mr. President, I urge all of my colleagues to join in this simple effort to focus attention on gun violence among youth by proclaiming October 8 the "Day of Concern about Young People and Gun Violence." We introduce this resolution today in the hopes of getting all 100 Senators to cosponsor this resolution prior to its passage, which we hope will occur in September. This is an easy step for us to help facilitate the work that must go on in each community across America, as parents, teachers, friends and students try to prevent gun violence before it continues to ruin countless lives.●

SENATE RESOLUTION 265—COMMENDING THE NAVAL NUCLEAR PROPULSION PROGRAM ON ITS 50TH ANNIVERSARY

Mr. WARNER submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas in 1948, Admiral (then Captain) Hyman G. Rickover first assembled his team of Navy professionals, other Government professionals, and contractor professionals that would adapt the relatively new technology of atomic energy to design and build the United States' fleet of nuclear-powered warships;

Whereas over the next seven years, Admiral Rickover and his team developed an industrial base in a new technology, pioneered new materials, designed and built a prototype reactor, established a training program, and took the world's first nuclear-powered submarine, the U.S.S. Nautilus, to sea thus ensuring America's undersea superiority;

Whereas since 1955, when the U.S.S. Nautilus first sailed, the Navy has put to sea 209 nuclear-powered ships whose propulsion plants have given the Navy unparalleled mobility, flexibility, and, additionally for submarines, stealth, with an outstanding record of safety;

Whereas during its 50 years of existence, the Naval Nuclear Propulsion Program has developed, built, and managed the operation of 246 nuclear reactors of more than 30 different designs with a combined total of 4,900 reactor years of operation, thereby leading the world in reactor construction, servicing, and operational experience;

Whereas since its inception, the Naval Nuclear Propulsion Program has trained over 90,000 reactor operators and the Navy's nuclear-powered warships have achieved over 113,000,000 miles of safe steaming on nuclear power; and

Whereas nuclear energy now propels more than 40 percent of the Navy's major combatant vessels and these nuclear-powered warships are accepted without reservation by over 50 countries and territories into 150 ports: Now, therefore, be it

Resolved, That—

(1) the Senate commends the past and present personnel of the Naval Nuclear Propulsion Program for the technical excellence, accomplishment, and oversight demonstrated in the program and congratulates those personnel for the 50 years of exemplary service that has been provided to the United States through the program; and

(2) it is the sense of the Senate that the Naval Nuclear Propulsion Program should be continued into the next millennium to provide exemplary technical accomplishment in, and oversight of, Naval nuclear propulsion plants and to continue to be a model of technical excellence in the United States and the world.

SENATE RESOLUTION 266—HONORING THE CENTENNIAL OF THE FOUNDING OF DEPAUL UNIVERSITY IN CHICAGO, ILLINOIS

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 266

Whereas 1998 marks the 100th anniversary of the founding of DePaul University in Chicago, Illinois, which is the largest Catholic university in the Nation with over 17,000 students;

Whereas DePaul University was originally founded by the Vincentian Fathers to teach immigrants who were otherwise denied access to a college education, and has been guided for the past 100 years by the mission to foster in higher education a deep respect for the God-given dignity of all persons and to instill in educated persons a dedication to the service of others;

Whereas DePaul University has matured into a major regional resource that drives the Illinois economy at many levels and with over 65,000 alumni who live and work in Illinois, DePaul graduates are prominent in the State's business community, the law profession and the judicial system, the educational institutions of the State, and music and theatre;

Whereas DePaul University is nationally recognized for the diversity of its faculty and student population as the University enrolls the largest combined number of African-American and Latino students of any private college or university in Illinois;

Whereas DePaul University has distinguished itself in such fields as education, business, performance art, telecommunications, and law;

Whereas the School of Education has provided the Chicago metropolitan area with many of its elementary and high school teachers, and has joined forces with the Chicago Public School system to develop innovative educational techniques;

Whereas DePaul University has a nationally ranked graduate School of Business, which is one of the largest in the United States, and a part-time MBA program that has received national recognition as 1 of the top 10 programs in the Nation for the past 4 years;

Whereas DePaul's School of Music and Theatre School are nationally recognized institutions;

Whereas DePaul's School of Computer Science, Telecommunication and Information Systems is the largest graduate school of its kind in the United States; and

Whereas the DePaul School of Law has produced many of Chicago's lawyers and jurists while obtaining an international reputation for its work in international human rights, and the International Criminal Justice and Weapons Control Center of DePaul University is working in support of the establishment of an International Criminal Court: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the important educational contributions that DePaul University has made to the State of Illinois and the Nation; and

(2) congratulates the students, alumni, faculty, and staff of DePaul University on the occasion of the centennial anniversary of the founding of DePaul University.

SENATE RESOLUTION 267—EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE PRESIDENT, THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, AND EMERGENCY RELIEF FOR THE PEOPLE OF SUDAN

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 267

Whereas the National Islamic Front regime in Khartoum, Sudan, continues to wage a brutal war against its own people in southern Sudan;

Whereas that war has already caused the death of more than 1,500,000 Sudanese since 1983;

Whereas famine conditions now threaten areas of southern Sudan as a direct consequence of the concerted and sustained effort by the regime in Khartoum to subdue its southern regions by force and including violations of basic human rights;

Whereas famine conditions are exacerbated by diversions of humanitarian assistance by armed parties on all sides of the conflict;

Whereas the United Nations World Food Program has now targeted 2,600,000 Sudanese for famine relief aid, to be distributed through an umbrella arrangement called "Operation Lifeline Sudan";

Whereas the regime in Khartoum retains the ability to deny the relief agencies operating in Operation Lifeline Sudan the clearance to distribute food according to needs in Sudan;

Whereas the regime in Khartoum has used humanitarian assistance as a weapon by routinely denying the requests by Operation Lifeline Sudan and its members to distribute food and other crucial items in needy areas of Sudan both within the Khartoum regime's control and areas outside the Khartoum regime's control, including the Nuba Mountains;

Whereas the United States Agency for International Development provides famine relief to the people of Sudan primarily through groups operating within Operation Lifeline Sudan and, thus, subjects that relief to the arrangement's associated constraints imposed by the regime in Khartoum;

Whereas several relief groups already operate successfully in areas of southern Sudan where Operation Lifeline Sudan has been denied access in the past, thus providing crucial assistance to the distressed population;

Whereas it is in the interest of the people of Sudan and the people of the United States, to take proactive and preventative measures to avoid any future famine conditions in southern Sudan;

Whereas the United States Agency for International Development, when it pursues assistance programs most effectively, encourages economic self-sufficiency;

Whereas assistance activities should serve as integral elements in preventing famine conditions in southern Sudan in the future;

Whereas the current international and media attention to the starving populations in southern Sudan and to the causes of the famine conditions that affect them have pushed the regime in Khartoum and the rebel forces to announce a tentative but temporary cease-fire to allow famine relief aid to be more widely distributed; and

Whereas the current level of attention weakens the resolve of the regime in Khartoum to manipulate famine relief for its own agenda: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, acting through the United States Agency for International Development, should—

(A) aggressively seek to secure emergency famine relief for the people of Sudan who now face widespread starvation;

(B) immediately take appropriate steps to distribute that famine relief to affected areas in Sudan, including the use of relief groups operating outside the umbrella of Operation Lifeline Sudan and without regard to a group's status with respect to Operation Lifeline Sudan; and

(C) encourage and assist Operation Lifeline Sudan and the ongoing efforts to develop relief distribution networks for affected areas of Sudan outside of the umbrella and associated constraints of Operation Lifeline Sudan;

(2) both bilaterally and within the United Nations, the President should aggressively seek to change the terms by which Operation Lifeline Sudan and other groups are prohibited from providing necessary relief according to the true needs of the people of Sudan;

(3) the President, acting through the United States Agency for International Development, should—

(A) begin providing development assistance in areas of Sudan not controlled by the regime in Khartoum with the goal of building self-sufficiency and avoiding the same conditions which have created the current crisis, and with the goal of longer-term economic, civil, and democratic development, including the development of rule of law, within the overall framework of United States strategy throughout sub-Saharan Africa; and

(B) undertake such efforts without regard to the constraints that now compromise the ability of Operation Lifeline Sudan to distribute famine relief or that could constrain future multilateral relief arrangements;

(4) the Administrator of the United States Agency for International Development should submit a report to the appropriate congressional committees on the Agency's progress toward meeting these goals; and

(5) the policy expressed in this resolution should be implemented without a return to the *status quo ante* policy after the immediate famine conditions are addressed and international attention has decreased.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Administrator of the United States Agency for International Development.

AMENDMENTS SUBMITTED

RICKY RAY HEMOPHILIA RELIEF FUND ACT OF 1998

JEFFORDS AMENDMENT NO. 3483

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill (H.R. 1023) to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Ricky Ray Hemophilia Relief Fund Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEMOPHILIA RELIEF FUND

Sec. 101. Ricky Ray Hemophilia Relief Fund.
Sec. 102. Compassionate payment.
Sec. 103. Determination and payment.
Sec. 104. Limitation on transfer of rights and number of petitions.
Sec. 105. Time limitation.
Sec. 106. Certain claims not affected by payment.
Sec. 107. Limitation on agent and attorney fees.
Sec. 108. Definitions.

TITLE II—TREATMENT OF CERTAIN PRIVATE SETTLEMENT PAYMENTS IN HEMOPHILIA-CLOTTING-FACTOR SUIT UNDER THE MEDICAID AND SSI PROGRAMS

Sec. 201. Treatment of certain private settlement payments in hemophilia-clotting-factor suit under the Medicaid and SSI programs.

TITLE I—HEMOPHILIA RELIEF FUND

SEC. 101. RICKY RAY HEMOPHILIA RELIEF FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "Ricky Ray Hemophilia Relief Fund", which shall be administered by the Secretary of the Treasury.

(b) INVESTMENT OF AMOUNTS IN FUND.—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on and proceeds from any such investment shall be credited to and become part of the Fund.

(c) AVAILABILITY OF FUND.—Amounts in the Fund shall be available only for disbursement by the Secretary of Health and Human Services under section 103.

(d) TERMINATION.—The Fund shall terminate upon the expiration of the 5-year period beginning on the date of the enactment of this Act. If all of the amounts in the Fund have not been expended by the end of the 5-year period, investments of amounts in the Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Fund, and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury of the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund to carry out this title $1,771,400,000.

SEC. 102. COMPASSIONATE PAYMENT.

(a) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—If the conditions described in subsection (b) are met and if there are sufficient amounts in the Fund to make the payment involved, the Secretary shall make a single payment of $100,000 from the Fund to any individual—

(A) who—

(i) has an HIV infection; or

(ii) is diagnosed with AIDS; and

(B) who is described in paragraph (2).

(2) REQUIREMENT.—An individual described in this paragraph is any of the following individuals:

(A) An individual who—

(i) has any form of blood-clotting disorder, such as hemophilia, and was treated with antihemophilic factor at any time during the period beginning on July 1, 1982, and ending on December 31, 1987; or

(ii) was treated with HIV contaminated blood transfusion, HIV contaminated blood components, or HIV contaminated human tissue during the period beginning on January 1, 1982, and ending on March 31, 1985.

(B) An individual who—

(i) is the lawful spouse of an individual described in subparagraph (A); or

(ii) is the former lawful spouse of an individual described in subparagraph (A) and was the lawful spouse of the individual at any time after a date, within the applicable period described in such subparagraph, on which the individual was treated as described in such paragraph and through medical documentation can assert reasonable certainty of transmission of HIV from the individual described in such subparagraph.

(C) The individual acquired the HIV infection through perinatal transmission from a parent who is an individual described in subparagraph (A) or (B).

(b) CONDITIONS.—The conditions described in this subsection are, with respect to an individual, as follows:

(1) SUBMISSION OF MEDICAL DOCUMENTATION.—The individual submits to the Secretary written medical documentation that—

(A) the individual has (or had) an HIV infection; and

(B)(i) in the case of an individual described in subsection (a)(2)(A)(i), that the individual has (or had) a blood-clotting disorder, such as hemophilia, and was treated as described in such section; and

(ii) in the case of an individual described in subsection (a)(2)(A)(ii), the individual was treated with HIV contaminated blood transfusion, HIV contaminated blood components, or HIV contaminated human tissue provided by a medical professional during the period described in such subsection.

(2) PETITION.—A petition for the payment is filed with the Secretary by or on behalf of the individual.

(3) DETERMINATION.—The Secretary determines, in accordance with section 103(b), that the petition meets the requirements of this title.

SEC. 103. DETERMINATION AND PAYMENT.

(a) ESTABLISHMENT OF FILING PROCEDURES.—The Secretary of Health and Human Services shall establish procedures under which individuals may submit petitions for payment under this title.

(b) DETERMINATION.—For each petition filed under this title, the Secretary shall determine whether the petition meets the requirements of this title.

(c) PAYMENT.—

(1) IN GENERAL.—To the extent there are sufficient amounts in the Fund to cover each payment, the Secretary shall pay, from the Fund, each petition that the Secretary determines meets the requirements of this title in the order received.

(2) PAYMENTS IN CASE OF DECEASED INDIVIDUALS.—

(A) IN GENERAL.—In the case of an individual referred to in section 102(a)(1)(A)(ii) who is deceased at the time that payment is made under this section on a petition filed by or on behalf of the individual, the payment shall be made as follows:

(i) If the individual is survived by a spouse who is living at the time of payment, the payment shall be made to such surviving spouse.

(ii) If the individual is not survived by a spouse described in clause (i), the payment shall be made in equal shares to all children of the individual who are living at the time of the payment.

(iii) If the individual is not survived by a person described in clause (i) or (ii), the payment shall be made in equal shares to the parents of the individual who are living at the time of payment.

(iv) If the individual is not survived by a person described in clause (i), (ii), or (iii), the payment shall revert back to the Fund.

(B) Filing of petition by survivor.—If an individual eligible for payment under section 102(a) dies before filing a petition under this title, a survivor of the individual may file a petition for payment under this title on behalf of the individual if the survivor may receive payment under subparagraph (A).

(C) Definitions.—For purposes of this paragraph:

(i) The term "spouse" means an individual who was lawfully married to the relevant individual at the time of death.

(ii) The term "child" includes a recognized natural child, a stepchild who lived with the relevant individual in a regular parent-child relationship, and an adopted child.

(iii) The term "parent" includes fathers and mothers through adoption.

(3) Timing of payment.—The Secretary may not make a payment on a petition under this title before the expiration of the 120-day period beginning on the date of the enactment of this Act or after the expiration of the 5-year period beginning on the date of the enactment of this Act.

(d) Action on Petitions.—The Secretary shall complete the determination required by subsection (b) regarding a petition not later than 120 days after the date the petition is filed under this title.

(e) Humanitarian Nature of Payment.—This Act does not create or admit any claim of or on behalf of the individual against the United States or against any officer, employee, or agent thereof acting within the scope of employment or agency that relate to an HIV infection arising from treatment described in section 102(a)(2). A payment under this Act shall, however, when accepted by or on behalf of the individual, be in full satisfaction of all such claims by or on behalf of that individual.

(f) Administrative Costs Not Paid From Fund.—No costs incurred by the Secretary in carrying out this title may be paid from the Fund or set off against, or otherwise deducted from, any payment made under subsection (c)(1).

(g) Termination of Duties of Secretary.—The duties of the Secretary under this section shall cease when the Fund terminates.

(h) Treatment of Payments Under Other Laws.—A payment under subsection (c)(1) to an individual—

(1) shall be treated for purposes of the Internal Revenue Code of 1986 as damages described in section 104(a)(2) of such Code;

(2) shall not be included as income or resources for purposes of determining the eligibility of the individual to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits, and such benefits shall not be secondary to, conditioned upon reimbursement from, or subject to any reduction because of receipt of, any such payment; and

(3) shall not be treated as a third party payment or payment in relation to a legal liability with respect to such benefits and shall not be subject (whether by subrogation or otherwise) to recovery, recoupment, reimbursement, or collection with respect to such benefits (including the Federal or State governments or any entity that provides such benefits under a contract).

(i) Regulatory Authority.—The Secretary may issue regulations necessary to carry out this title.

(j) Time of Issuance of Procedures.—The Secretary shall, through the promulgation of appropriate regulations, guidelines, or otherwise, first establish the procedures to carry out this title not later than 120 days after the date of the enactment of this Act.

SEC. 104. LIMITATION ON TRANSFER OF RIGHTS AND NUMBER OF PETITIONS.

(a) Rights Not Assignable or Transferable.—Any right under this title shall not be assignable or transferable.

(b) 1 Petition With Respect to Each Victim.—With respect to each individual described in subparagraph (A), (B), or (C) of section 102(a)(2), the Secretary may not make payment with respect to more than 1 petition filed in respect to an individual.

SEC. 105. TIME LIMITATION.

The Secretary may not make any payment with respect to any petition filed under this title unless the petition is filed within 3 years after the date of the enactment of this Act.

SEC. 106. CERTAIN CLAIMS NOT AFFECTED BY PAYMENT.

A payment made under section 103(c)(1) shall not be considered as any form of compensation, or reimbursement for a loss, for purposes of imposing liability on the individual receiving the payment, on the basis of such receipt, to repay any insurance carrier for insurance payments or to repay any person on account of worker's compensation payments. A payment under this title shall not affect any claim against an insurance carrier with respect to insurance or against any person with respect to worker's compensation.

SEC. 107. LIMITATION ON AGENT AND ATTORNEY FEES.

Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the petition of an individual under this title, more than 5 percent of a payment made under this title on the petition. Any such representative who violates this section shall be fined not more than $50,000.

SEC. 108. DEFINITIONS.

For purposes of this title:

(1) The term "AIDS" means acquired immune deficiency syndrome.

(2) The term "Fund" means the Ricky Ray Hemophilia Relief Fund.

(3) The term "HIV" means human immunodeficiency virus.

(4) Unless otherwise provided, the term "Secretary" means Secretary of Health and Human Services.

TITLE II—TREATMENT OF CERTAIN PAYMENTS IN HEMOPHILIA-CLOTTING-FACTOR SUIT UNDER THE SSI PROGRAM

SEC. 201. TREATMENT OF CERTAIN PAYMENTS IN HEMOPHILIA-CLOTTING-FACTOR SUIT UNDER THE MEDICAID AND SSI PROGRAMS.

(a) Private Payments.—

(1) In general.—Notwithstanding any other provision of law, the payments described in paragraph (2) shall not be considered income or resources in determining eligibility for, or the amount of—

(A) medical assistance under title XIX of the Social Security Act, or

(B) supplemental security income benefits under title XVI of the Social Security Act;

(2) Private payments described.—The payments described in this subsection are—

(A) payments made from any fund established pursuant to a class settlement in the case of Susan Walker v. Bayer Corporation, et al., 96–C–5024 (N.D. Ill.); and

(B) payments made pursuant to a release of all claims in a case—

(i) that is entered into in lieu of the class settlement referred to in subparagraph (A); and

(ii) that is signed by all affected parties in such case on or before the later of—

(I) December 31, 1997, or

(II) the date that is 270 days after the date on which such release is first sent to the persons (or the legal representative of such persons) to whom the payment is to be made.

(b) Government Payments.—

(1) In general.—Notwithstanding any other provision of law, the payments described in paragraph (2) shall not be considered income or resources in determining eligibility for, or the amount of supplemental security income benefits under title XVI of the Social Security Act.

(2) Government payments described.—The payments described in this subsection are payments made from the fund established pursuant to section 101 of this Act.

● Mr. JEFFORDS. Mr. President, in October of last year I held a hearing on "HIV/AIDS: Recent Developments and Future Opportunities.". A good portion of that hearing was devoted to a discussion on the blood crisis of the 1980s, resulting in the HIV infection of thousands of Americans who trusted that the blood or blood product with which they were treated was safe. Witnesses at the hearing included John Williams, the father of a child who contracted HIV from the clotting factor and died at the age of 18, and Donna McCullough, a young woman who contracted HIV when she received a blood transfusion after a miscarriage. Although Ms. McCullough remains relatively healthy, she lost her only son to AIDS. Ms. McCullough did not know of her own infection until her infant son was diagnosed.

The tragedy of the blood supply's infection has brought unbearable pain to families all over the country. I have heard from dozens, perhaps hundreds of them over the past months. As Mr. Williams testified, the community hit by this tragedy has found it nearly impossible to make recovery through the courts because of blood shield laws in most states that raise the burden of proof for product liability claims for blood and blood products. In addition, all States have statutes of limitations that prohibit litigation if the suit was not filed within a certain period of time. Other witnesses spoke of the stigma associated with HIV/AIDS and the hesitancy many felt to bring suit and thus be public about their infection.

My heart goes out to the victims and families of this terrible tragedy. I sincerely hope that we will, in this Congress, bring some peace to these families with the passage of the Ricky Ray Hemophilia Relief Fund Act. The House passed this bill by voice vote on May 19, 1998. Its companion in the Senate was introduced by Senators

DEWINE and GRAHAM, and I have pledged to move that bill forward in my Committee.

Sadly, the Ricky Ray bill as introduced does not include all victims of the blood supply crisis. I feel strongly that the bill we pass in the Senate must include not only hemophiliacs, but also people who received a blood transfusion or blood product in the course of medical treatment for other illnesses. Transfusion-associated AIDS victims are subject to the same laws that Mr. Williams mentioned. While in some cases individuals in this group were able to track the source of their infection and bring suit against the blood bank, the vast majority were not.

There is the perception that most transfusion cases recovered millions of dollars in court, and that is simply not the case. Fewer than 10%—and the most credible estimates put the number at 2%—of transfusion cases made any financial recovery. Even among those transfusion cases who reached settlement the majority recovered far less than the reputed millions, the average settlement for transfusion cases is more like $40,000.

I am introducing today an amendment to the House passed HR 1023 in the nature of a substitute. While the change to include transfusion cases increases the cost of this bill, many have already noted that this bill is not about money, it's about fairness. I urge my colleagues to join me in recognizing the terrible tragedy the blood supply crisis of the 1980s bestowed upon all of its victims.●

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

FRIST AMENDMENT NO. 3484

Mr. GORTON (for Mr. FRIST) proposed an amendment to the bill (S. 1754) A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes; as follows:

Beginning on page 299, strike line 20 and all that follows through line 2 on page 300.

On page 300, line 3, strike "(d)" and insert "(c)".

Beginning on page 305, strike line 21 and all that follows through line 14 on page 306, and insert the following:

"SEC. 143. INSURANCE PROGRAM.

"Section 710(a)(2)(B) of".

DASCHLE AMENDMENT NO. 3485

Mr. GORTON (for Mr. DASCHLE) proposed an amendment to the bill, S. 1754, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES.

(a) SHORT TITLE.—This section may be cited as the "Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act".

(b) FINDINGS.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading preventable cause of mental retardation, and it is 100 percent preventable;

(2) estimates on the number of children each year vary, but according to some researchers, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effect, also known as Alcohol Related Neurobehavioral Disorder (ARND), a related and equally tragic syndrome;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effect are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effect are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effect pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,500,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effect increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) PURPOSE.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effect nationwide and to provide effective intervention programs and services for children, adolescents and adults already affected by these conditions. Such program shall—

(1) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(2) coordinate, support, and conduct prevention and intervention studies as well as epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(3) coordinate, support and conduct research and demonstration projects to develop effective developmental and behavioral interventions and programs that foster effective advocacy, educational and vocational training, appropriate therapies, counseling, medical and mental health, and other supportive services, as well as models that integrate or coordinate such services, aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families; and

(4) foster coordination among all Federal, State and local agencies, and promote partnerships between research institutions and communities that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, surveillance, prevention, and interventions and otherwise meet the general needs of populations already affected or at risk of being impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

(d) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM.

"(a) FETAL ALCOHOL SYNDROME PREVENTION, INTERVENTION AND SERVICES DELIVERY PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention and services delivery program that shall include—

"(1) an education and public awareness program to support, conduct, and evaluate the effectiveness of—

"(A) educational programs targeting medical schools, social and other supportive services, educators and counselors and other service providers in all phases of childhood development, and other relevant service providers, concerning the prevention, identification, and provision of services for children, adolescents and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(B) strategies to educate school-age children, including pregnant and high risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(D) strategies to coordinate information and services across affected community agencies, including agencies providing social services such as foster care, adoption, and social work, medical and mental health services, and agencies involved in education, vocational training and civil and criminal justice;

"(2) a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate to—

"(A) develop appropriate medical diagnostic methods for identifying Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(B) develop effective prevention services and interventions for pregnant, alcohol-dependent women; and

"(3) an applied research program concerning intervention and prevention to support and conduct service demonstration projects, clinical studies and other research models providing advocacy, educational and vocational training, counseling, medical and mental health, and other supportive services, as well as models that integrate and coordinate such services, that are aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families.

"(b) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may award grants, cooperative agreements and contracts and provide technical assistance to eligible entities described in section 399H to carry out subsection (a).

"(c) DISSEMINATION OF CRITERIA.—In carrying out this section, the Secretary shall develop a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effect diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals.

"(d) NATIONAL TASK FORCE.—

"(1) IN GENERAL.—The Secretary shall establish a task force to be known as the National task force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (referred to in this subsection as the 'task force') to foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

"(2) MEMBERSHIP.—The Task Force established pursuant to paragraph (1) shall—

"(A) be chaired by an individual to be appointed by the Secretary and staffed by the Administration; and

"(B) include the Chairperson of the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services, individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and representatives from advocacy and research organization such as the Research Society on Alcoholism, the FAS Family Resource Institute, the National Organization of Fetal Alcohol Syndrome, the Arc, the academic community, and Federal, State and local government agencies and offices.

"(3) FUNCTIONS.—The Task Force shall—

"(A) advise Federal, State and local programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect, including programs and research concerning education and public awareness for relevant service providers, school-age children, women at-risk, and the general public, medical diagnosis, interventions for women at-risk of giving birth to children with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and beneficial services for individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect and their families;

"(B) coordinate its efforts with the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services; and

"(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

"(4) TIME FOR APPOINTMENT.—The members of the Task Force shall be appointed by the Secretary not later than 6 months after the date of enactment of this part.

"SEC. 399H. ELIGIBILITY.

"To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

"(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $27,000,000 for each of the fiscal years 1999 through 2003.

"(b) TASK FORCE.—From amounts appropriate for a fiscal year under subsection (a), the Secretary may use not to exceed $2,000,000 of such amounts for the operations of the National Task Force under section 399G(d).

"SEC. 399J. SUNSET PROVISION.

"This part shall not apply on the date that is 7 years after the date on which all members of the national task force have been appointed under section 399G(d)(1).".

TECHNOLOGY ADMINISTRATION AUTHORIZATION ACT

FRIST (AND ROCKEFELLER) AMENDMENT NO. 3486

Mr. GORTON (for Mr. FRIST, for himself and Mr. ROCKEFELLER) proposed an amendment to the bill (S. 1325) to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes; as follows:

On page 11, line 2, after "receives" insert "from the government".

On page 11 strike lines 5 through 7 and insert the following: "shall not exceed one-third of the total costs of operation of a center under the program.".

On page 26 strike lines 6 through 18 and insert the following:

SEC. 17. FASTENER QUALITY ACT STANDARDS.

(a) AMENDMENT.—Section 15 of the Fastener Quality Act (15 U.S.C. 5414) is amended—

(1) by inserting "(a) TRANSITIONAL RULE.—" before "The requirements of this Act"; and

(2) by adding at the end the following new subsection:

"(b) AIRCRAFT EXEMPTION.—

"(1) IN GENERAL.—The requirements of this Act shall not apply to fasteners specifically manufactured or altered for use on an aircraft if the quality and suitability of those fasteners for that use has been approved by the Federal Aviation Administration, except as provided in paragraph (2).

"(2) EXCEPTION.—Paragraph (1) shall not apply to fasteners represented by the fastener manufacturer as having been manufactured in conformance with standards of specifications established by a consensus standards organization or a Federal agency other than the Federal Aviation Administration.".

(b) DELAYED IMPLEMENTATION OF REGULATIONS.—The regulations issued under the Fastener Quality Act by the National Institute of Standards and Technology on April 14, 1998, and any other regulations issued by the National Institute of Standards and Technology pursuant to the Fastener Quality Act, shall not take effect until after the later of June 1, 1999, or the expiration of 120 days after the Secretary of Commerce transmits to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a report on—

(1) changes in fastener manufacturing processes that have occurred since the enactment of the Fastener Quality Act;

(2) a comparison of the Fastener Quality Act to other regulatory programs that regulate the various categories of fasteners, and an analysis of any duplication that exists among programs; and

(3) any changes in that Act that may be warranted because of the changes reported under paragraphs (1) and (2).

The report required by this section shall be transmitted to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, by February 1, 1999.

FRIST AMENDMENT NO. 3487

Mr. GORTON (for Mr. FRIST) proposed an amendment to the bill, S. 1325, supra; as follows:

On page 17, strike lines 11 through 15.

McCAIN AMENDMENT NO. 3488

Mr. GORTON (for Mr. MCCAIN) proposed an amendment to the bill, S. 1325, supra; as follows:

On page 11, after line 13, insert the following:

"(F) Environmental technology providers.".

JOINT RESOLUTION FINDING THE GOVERNMENT OF IRAQ IN UNACCEPTABLE AND MATERIAL BREACH OF ITS INTERNATIONAL OBLIGATIONS

LOTT AMENDMENT NO. 3489

Mr. GORTON (for Mr. LOTT) proposed an amendment to the resolution (S.J. Res. 54) finding the Government of Iraq in unacceptable and material breach of its international obligations; as follow:

Strike all after the resolving clause and insert the following:

"That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws for the United States, to bring Iraq into compliance with its international obligations."

AMERICAN GI FORUM LEGISLATION

HATCH AMENDMENT NO. 3490

Mr. GORTON (for Mr. HATCH) proposed an amendment to the bill (S. 1759) to grant a Federal charter to the American GI Forum of the United States; as follows:

On page 1, line 7, strike "New Mexico" and insert "Texas"

On page 2, line 5, strike "New Mexico" and insert "Texas"

On page 2, line 6, strike "New Mexico" and insert "Texas"

On page 3, line 15, strike "New Mexico" and insert "Texas"

On page 4, line 3, strike "New Mexico" and insert "Texas"

On page 4, line 9, strike "New Mexico" and insert "Texas"

On page 5, line 7, strike "New Mexico" and insert "Texas"

On page 5, line 10, strike "New Mexico" and insert "Texas"

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Monday, August 24, 1998, from 9:00 a.m. to 11:30 a.m., at the Anchorage Museum of History and Art, 121 West 7th Avenue, Anchorage, Alaska.

The purpose of this hearing is to receive testimony on high altitude rescue activities on Mt. McKinley within Denali National Park and Preserve, as well as, the potential for cost recovery for expenses incurred by the United States for rescue activities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, July 31, 1998. The purpose of this meeting will be to review pending nominations to the U.S. Department of Agriculture and the Commodity Futures Trading Commission and vote on confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, July 31, 1998. The purpose of this meeting will be to mark-up legislation related to the year 2000 computer problem and the U.S. Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 31, 1998, to conduct an oversight hearing on mandatory arbitration agreements in employment contracts in the securities industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, July 31, 1998 at 10:00 a.m. in room 226 of the Senate Hart Office Building to hold a hearing on: "Drugs, Dignity and Death: Physician Assisted Suicide?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON YEAR 2000 TECHNOLOGY PROBLEM

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Year 2000 Technology Problem be permitted to meet on July 31, 1998 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

"PRIVATE HEALTH INSURANCE: IMPACT OF PREMIUM INCREASES ON THE NUMBER OF COVERED INDIVIDUALS IS UNCERTAIN" (GAO/HEHS–98–203R)

• Mr. JEFFORDS. Mr. President, today, I am releasing a new U.S. General Accounting Office (GAO) report entitled "Private Health Insurance: Impact of Premium Increases on the Number of Covered Individuals Is Uncertain" (GAO/HEHS–98–203R). In November, 1997, the Lewin Group published a study that estimates for every one percent increase in health insurance premiums, 400,000 people would lose their health care coverage. This GAO report assesses the methodology used in the Lewin Group report and evaluates the factors that could determine how premium increases relate to the number of individuals with health insurance coverage.

Over the past 14 months, the Committee on Labor and Human Resources has held nine hearings on issues relating to health care quality and two hearings on ways to increase health insurance coverage. At each of these hearings, the point was made that proposed health care legislation could increase the cost of health care and have the unintended consequence of reducing the number of individuals covered by employer-sponsored health care.

The GAO report found several problems with the original November, 1997, Lewin Group estimate. GAO concluded that, based on a more recent Lewin Group report, if health insurance premiums increase by 1 percent for only some types of insurance (for example, HMOs), then the coverage loss would be less than 300,000.

The first concern identified by the GAO with the November, 1997, Lewin Group report is that it was based on the effects of insurance premium subsidies on an employer's decision to offer insurance. The Lewin Group concluded from its studies that a one percent decrease in premiums would induce employers to offer coverage to an additional 400,000 employees. The Lewin Group then assumed that this same relationship could be reversed to represent accurately the number of employees who would lose coverage if premiums increased. The GAO analysis concludes that a more important variable in assessing the impact on health insurance coverage is not whether an employer decides to offer insurance coverage, but whether an employee will choose to accept it.

According to the Current Population Survey data, in 1996, about 70 percent of the population under the age of 65 was covered by health insurance purchased through an employer or purchased privately. About 12 percent of the population was covered by Medicare, Medicaid, or the Civilian Health and Medical Program of the Uniformed Services. And the remaining 18 percent of the population was uninsured.

Between 1987 and 1996, the number of workers who were offered insurance by their employers rose from 72.4 percent to 75.4 percent; but, at the same time, the number of workers who accepted coverage actually fell from 88.3 percent to 80.1 percent. There could be several reasons for this declining acceptance rate. In 1988, employees in small firms with fewer than 200 workers paid an average of 12 percent of their premiums. However, by 1996, the employees' premium contributions had risen to 33 percent. Also, during this same period, the States were expanding the eligibility requirements for their Medicaid programs, and the real incomes of workers declined.

The studies available to the Lewin Group in preparing their November, 1997, report were primarily focused on an employer's decision to offer coverage, not on the relationship between the cost of insurance and the number of individuals covered by insurance. These studies also varied widely in their research questions and their findings. Some of the older studies used data from 1971 and earlier.

The second factor identified by the GAO was the release by the Lewin Group, in January, 1998, of a revised estimate of the coverage loss due to health care premium increases. The

Lewin Group now believes that approximately 300,000 people could lose their employer-sponsored coverage for every one percent increase in premiums. The new estimate is based on a new statistical analysis of the relationship between what employees pay for health insurance, and the likelihood that their families have access to employer-sponsored health insurance.

The Lewin Group estimates also assume equal premium increases for all types of insurance products. Since the legislation that Congress is considering will primarily affect HMO premiums, employees faced with higher premiums may switch to other types of insurance rather than drop coverage entirely. Based on the work of the Barents Group, the GAO found that this change in plans by employees would further reduce the Lewin Group estimate to a number less than 300,000.

In conclusion, the GAO report indicates that if health insurance premiums increase by one percent for only some types of insurance (for example, HMOs), then the coverage loss predicted by the Lewin Group would be less than 300,000. However, the GAO urges that this figure must be used cautiously. There are still many factors that were not included in the Lewin Group estimate, such as: changes in benefits offered by an insurance plan; changes in real wages; and what percentage of a premium increase is passed on from the employer to the employee.

Mr. President, as we consider legislation to ensure that Americans have access to high-quality health care, we must also be concerned that new health plan requirements do not lead to increased numbers of the uninsured. The GAO report, "Private Health Insurance: Impact of Premium Increases on the Number of Covered Individuals Is Uncertain," will be a valuable resource for the Congress in achieving an appropriate balance between these two important societal goals.•

FISCAL YEAR 1999 DEFENSE APPROPRIATIONS BILL

• Mr. DODD. Mr. President, I want to congratulate the Chairman and Ranking Member of the Defense Appropriations Subcommittee—Senator STEVENS and Senator INOUYE, respectively—for finishing work on this appropriations bill. Every year their Subcommittee does the vitally important work of balancing the multitude of priorities that make up this nation's defense. Their work becomes more important every year as our nation leaves behind the more predictable Cold War era.

I am pleased that this bill contains full funding for the second New Attack Submarine. This highly capable and relatively inexpensive class of submarines will take a lead role in the defense of this nation well into the 21st century. This submarine is exactly the type of military asset that we will rely on in the years to come. It is multi-mission capable, it will make use of new technology as it develops, and it will be able to remain on station at all corners of the earth.

This bill also provides for the helicopter needs of the Army and the National Guard. Both the Blackhawk and the Comanche helicopter programs achieved significant increases beyond the President's request. This year, strong Congressional support brought the number of Blackhawk-type helicopters from the 22 requested by the Administration to 34. I hope that as the Administration develops the Fiscal Year 2000 defense budget, it will take into account the fact that the Army, Navy, and National Guard need these helicopters sooner rather than later. We need 36 helicopters per year to fulfill requirements expeditiously and to trigger the savings that would come from a purchase of that size. The Comanche helicopter, still in development, enjoys a similar level of Congressional support that is matched only by the support it enjoys at the Pentagon. This bill's support for the Comanche is reassuring.

I am particularly pleased that two amendments that I offered to this bill were accepted. The first will expand the Defense Department's programs aimed at monitoring and researching Lyme Disease. The disease is a serious problem in the Northeast and is listed by the Defense Department as a militarily significant disease for troops stationed within the United States and deployed worldwide. The sooner we confront this disease with the necessary resources, the sooner the Defense Department and this nation will be able to avoid the significant losses from this terrible disease.

Also, I am glad that the Senate included my amendment that will eliminate the delay in processing Army pensions. All military retirees are due a pension and medical benefits beginning at age 60. My amendment will ensure that pensioners receive their payments and benefits on time. Mr. Arthur Greenberg, of Hamden, Connecticut, first brought this problem to my attention several weeks ago. He wrote a letter to me and stated that the Army had told him that he would not receive his pension or medical benefits until nine months after his 60th birthday. To my surprise, Mr. Greenberg's case was not an isolated incident. The Army told me that 40% of its caseload was backlogged. This is absolutely unsatisfactory, and that is why I put this amendment forward. This amendment directs the Secretary of the Army to eliminate the backlog by the end of this calendar year and to submit a report to Congress on the matter. I fully expect that those who put their lives at risk to defend this nation will soon begin to receive their pensions and benefits, as expected, on their 60th birthday.

In sum, this bill is a responsible effort to provide for the national defense for Fiscal Year 1999. The New Attack Submarine, Comanche and Blackhawk helicopters, F-22 and F/A-18 fighters, C-17 cargo aircraft, and the many other assets that this bill funds are vitally important to protecting our way of life and our interests throughout the world. As usual, the men and women in my home state of Connecticut, whether they serve in the military or in the defense industry, will play important roles with respect to this bill. Overall, I support this bill, and I am glad that this body has nearly unanimously agreed on it.•

IDAHO'S 116TH—THE SNAKE RIVER BRIGADE

• Mr. KEMPTHORNE. Mr. President, I rise today to offer my praise for the men and women of the Idaho National Guard as they prepare to complete their exercise at our nation's crown jewel for desert warfare training.

It is, Mr. President, the National Training Center (NTC) at Fort Irwin, California. It is in those harsh and challenging conditions that our Army and National Guard personnel receive the best training of any armed force in the world.

I had the pleasure of spending this past weekend with the 116th Cavalry Brigade of the Idaho Army National Guard as they conducted Operation Desert Avenger at the NTC. The 116th, also called the Snake River Brigade, is only the second National Guard brigade to train at NTC in eight years. And from what I saw, Mr. President, they are more than holding their own.

Under the leadership of The Adjutant General, Major General Jack Kane, Brigade Commander Colonel Lawrence LaFrenz, Sergeant Major Austin Cummins and Brigade Sergeant Major Patrick Murphy, the men and women of the 116th have set an example that all future National Guard units will be hard-pressed to match.

Mr. President, the Snake River Brigade spent over two years preparing for their training rotation at NTC. Not only was there the logistical problems associated with getting more than 1,700 Idahoans and their equipment to California, but they supplemented the Idaho Guard with units from 41 other states and Canada. Nearly 5,000 men and women of the National Guard are taking part in Operation Desert Avenger. One can only imagine the myriad details that had to be handled to make this exercise a success. Think of all the planning that had to be done years ahead of the actual training. Mr. President, under the guidance of the Adjutant General and his staff, I believe Idaho's 116th Brigade has developed the model for how Guard units should prepare for this high intensity training.

Not only was the Snake River Brigade prepared, they performed above expectations. While these training exercises are not a test, the performance is observed and evaluated. The goal is to make the leadership and troops perform to the best of their ability. On the day I visited, the 116th beat the opposition forces. That is significant. Active duty Army units that come to NTC on a regular basis that don't do that. Those Idahoans can now go home with their heads held high. Talking with the tank crews, artillery units and support teams later, you can see the devotion they have and how high morale is. I'll tell you, Mr. President, had there been a National Guard recruiter on the field right after that battle, many of those soldiers would have immediately signed up for another tour of duty.

All Idahoans can be proud of the citizen-soldiers of the Snake River Brigade, and I would like to salute them here in the United States Senate.

These men and women are on call, prepared to defend our freedom. Mr. President, we owe a tremendous debt of gratitude to the families of these patriots, who support them at home, and to the employers, who allow them the time away from work to attend training like NTC.●

THE SECOND INTERNATIONAL CONFERENCE FOR WOMEN IN AGRICULTURE, HELD IN WASHINGTON, D.C., ON JUNE 28–JULY 2, 1998

● Mr. LEAHY. The role of women in the production and development of the global agriculture system has historically been largely overlooked. Women, however, are an indispensable part of the system, producing 65% of the world's food supply. They have historically held the primary burden for the production, acquisition, and preparation of food for their households. According to the International Food Policy Research Institute, in Africa women produce up to 80% of the total food supply.

Women contribute a great deal to the agricultural backbone upon which we all rely, and yet they too often go without praise or thanks. I want to recognize the invaluable role that women play in feeding the world.

In the last few years, several important steps have been taken to assure that women working in agriculture around the world are given the recognition they deserve. In 1994, the First International Conference on Women in Agriculture was held in Melbourne, Australia. It was designed as a forum for women involved in agriculture to come together and share their experiences while learning more about successful farming and agri-business techniques. This conference was one of the first attempts to call attention to the specific roles women play in the agricultural world.

The following year, the Fourth United Nations World Conference on Women was held in Beijing, China. It was at this international conference that a decision was made to call on the world's governments to finally measure and value uncompensated work by women, including agricultural labor, in their respective country's official statistics.

In 1997, President Clinton proclaimed October 15 as International Rural Women's Day. In doing so, he again brought to the world's attention that rural women comprise more than one-quarter of the world's population and form the basis of much of the world's agricultural economy. These important events provide a substantial foundation that we must continue to build upon.

The Second International Conference for Women in Agriculture, recently held here in our nation's capitol, continued to capitalize upon the efforts of the past by focusing on the status of women and their agricultural contributions to the world. Women from all parts of world, including my home state of Vermont, gathered to discuss and learn about the major concerns of women in agriculture.

Ten Vermonters, including farmers and representatives from the Vermont Department of Agriculture and the Vermont State Farm Bureau, attended the conference. Linda Aines, Beverly Bishop, Diane Bothfeld, Nancy Bruce, Kate Duesterberg, Bunny Flint, Debra Heleba, Sandra Holt, Martha Izzi, Lindsey Ketchel, Daphne Makinson, Kristin Mason, and Mary Peabody participated in the conference and contributed to the events with an extremely well-received exhibit of photographs and goods produced by Vermont women, including cheese and maple syrup. These women joined with representatives from throughout the country and the world to discuss agriculture issues while celebrating their roles as food producers. Issues ranged from protection from banned chemicals and hazardous equipment to biotechnology, some of the most debated and contentious agriculture issues facing our world today.

We need to continue to nurture the seed of promise and hope planted by the Women in Agriculture Conference. At the conclusion of the conference a caucus of women representatives, including Vermont's, presented a resolution declaring that the role and rights of women in agriculture should be respected and supported by the nations and societies they serve and that they be valued and consulted as equal partners in the production and trade of agricultural goods around the world. We must not ignore this resolution and the movement it represents. Mr. President, I ask that the text of resolution be placed in the RECORD after my remarks.

Women involved in agriculture around the globe deserve our appreciation and respect and have gone far too long without it. Conferences such as the one held in Washington bring attention to the plight of women in agriculture while aiding the communication between women in agriculture in the advanced world and women in the developing one.

A great deal more work needs to be done, however, before the dreams and ambitions of women involved in agriculture everywhere are realized. I implore all the members of Congress to join me in acknowledging our debts to the women of the agricultural world, celebrate their attempts to bring their work to the attention of the world, and help to make their ambitions and goals reality.

The resolution follows:

RESOLUTION OF THE SECOND INTERNATIONAL CONFERENCE FOR WOMEN IN AGRICULTURE

Whereas women are an integral and critical part of the global food production system, producing 65 percent of the world's food supply; and

Whereas a stable and reliable supply of safe and nutritious food is an essential component of human health and a hallmark of national prosperity, and is in the best interest of global security; and

Whereas maintaining an ample food supply depends on an agriculture that is respectful of those who work the land, respectful of the environment, and sustainable over the long term, be it therefore

Resolved, That the role and rights of women in agriculture must be respected and supported by the nations and the societies that they serve; that women involved in agriculture, whether by choice or by need, shall be valued and consulted as equal partners in the production and trade of agricultural goods, and that women in agriculture shall be valued and consulted as well in the best practicable methods of agricultural production to sustain human health, international prosperity, and the global environment.●

U.S. GEOLOGICAL SURVEY ESTIMATES OF THE 1002 AREA

● Mr. MURKOWSKI. Mr. President, the Nation's gold repository at Fort Knox, Kentucky is an acknowledged asset—cuddled, counted and cared for.

But the Nation has a potential "black gold" repository under the Arctic Oil Reserve (AOR) that is largely ignored by the Administration—denied, discounted and disputed.

Should someone try to tunnel under Fort Knox to borrow a few tons of gold from the vaults, retribution would be swift—remember "Goldfinger"?

Yet safe, environmentally sound development at the edge of ANWR at the Sourdough site could potentially siphon off barrels of oil belonging to the U.S. Government. Where is James Bond when we need him?

Certainly not in the person of Secretary of the Interior Bruce Babbitt, the purported watchdog of the Nation's natural resources.

To the contrary, Secretary Babbitt put his head in the tundra back in 1995 and pronounced the Arctic Oil Reserve's oil possibilities to be very low at about 898 million barrels.

In May 1998, the Secretary's own scientists at the U.S. Geological Survey begged to differ. Their estimate based on three years of work by more than 40 geologists and other professionals is that a mean of 7.7 billion barrels of producible oil may reside in the 1002 Area of the AOR.

In the interest of looking at this amazing leap in the estimate of ANWR's producible oil, I chaired a hearing of the Senate Energy and Natural Resources Committee last week, and invited the U.S. Geological Survey to participate.

Three things rang clear at that hearing.

First, while these estimates were the highest ever and proved the 1002 area of the AOR has the greatest potential of securing our Nation's energy needs—they were extremely conservative.

For instance, these estimates were based on a minimum economic field size of 512 million barrels. When in practice the minimum economic field size in Alaska is much lower than that.

Northstar: 145 mm/bb (With a sub-sea pipeline) is deemed economic; Badami: 120 mm/bb is deemed economic; Liberty: 120 mm/bb is deemed economic Sourdough: 100+ mm/bb (adjacent to AOR) is deemed economic.

The Second fact that rang clear is while these new estimates show a clearer picture of the Western portion of the AOR, much remains unclear about the oil and gas potential of the massive structures present in the Eastern portion.

While the USGS has slightly downgraded the potential of that specific area, they do not have the data that industry has from actually drilling a well.

And I can assure you that those with knowledge of what that well contained—the select few—remain very optimistic about the potential oil and gas reserves of the Eastern portion.

Third, technology has increased so dramatically that we can now extract greater amounts of oil from wells with far less impact on the environment at a cost 30% less than 10 years ago.

Consider this, Mr. President. In June of 1994, Amerada Hess concluded the Northstar field in Alaska was uneconomic because development would exceed $1.2 billion and eventually sold the field to BP.

Today, BP expects to begin production of that field's 145 million barrels of reserves in 2000. Estimated development costs: $350 million—a 70% reduction from just 4 years ago.

Mr. President, all these factors point toward the logical conclusion that underlying the 1.5 million-acre oil reserve in Alaska lies greater reserves than recently estimated, and we need to confirm them with better science.

Dr. Thomas J. Casadevall, acting director of the USGS, was very clear in his explanation that if the newer three dimensional (3D) seismic data were available from the Arctic Oil Reserve, their high May estimates of producible oil could soar even higher.

Casadevall explained that their new estimates, while supported by sound science and peer review, were still based on 2D seismic tests done more than a decade ago.

Kenneth A. Boyd, director, division of Oil and Gas of the Alaska Department of Natural Resources, likened the advance of the new testing to the difference between an x-ray and a CAT-scan.

He said the available information from 2D seismic as opposed to 3D seismic is that the former produces a line of data while the latter produces a cube of data. The cube can be turned and examined from all sides and the geologic information proves invaluable for exploration.

This data has revolutionized exploration and development of the North Slope of Alaska. Modern 3-D data provides enhanced and incredibly accurate imaging of potential subsurface reservoirs.

This in turn reduces exploration and development risk, reduces the number of drilled wells, and in turn reduces both overall costs and environmental impacts.

Of course the Administration is under little pressure to allow testing or exploration of the Coastal Plain with gas prices at a 30-year low. However, the Department of Energy's Information Administration predicts, in ten years, America will be at least 64 percent dependent on foreign oil. It would take that same ten-year period to develop any oil production in AOR.

Therefore, it seems prudent to plan ahead to protect our future energy security.

I intend to introduce legislation that would allow 3D seismic testing on the Coastal Plain. This testing leaves no footprint. In fact, just last year the U.S. Fish and Wildlife Service allowed such testing to be done in the Kenai National Wildlife Refuge, declaring such testing would have "no significant impact."

It would have even less impact on the frozen tundra in ANWR. It is also a possibility that the oil industry would be willing to share in the cost of such testing. Let's at least find out what kind of resource we are talking about.

It the Nation were to be crunched in an energy crisis—like the Gulf War—that would require the speedup of development; that development could impact the environment negatively because it would not have the benefit of thoughtful planning.

I believe it is as criminal as stealing gold to refuse to acknowledge the potential for producible oil in the Coastal Plain of the AOR. If we don't know what the resource is, how can we protect it or make an informed decision about its use?

And how can those in this Administration or the environmental community argue it is a bad idea to seek a greater understanding of our public lands?

If we are just guessing that the Sourdough drillers may have tapped an underground AOR vein then we deserve to lose the resource. It is time to get rid of the guesswork and 3D testing will help to do that.●

TRIBUTE TO ALAN J. GIBBS

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to an individual who dedicated his life to public service, and who died leaving that legacy as a model for all of us.

Alan Gibbs began his career in Baltimore, Maryland. After serving several years on the National Labor Relations Board he joined the Equal Employment Opportunity Commission right here in Washington, D.C. His work at the EEOC was recognized by his peers when he received the Commission's meritorious service award. Wherever Alan served there was always public acknowledgment of his contributions. New York City, Seattle and my home state of New Jersey were fortunate beneficiaries of Alan's energy, tenacity and commitment to bettering the lives of others.

In 1977, Alan was appointed Assistant Secretary of the Army by President Carter. He was awarded the Distinguished Civilian Service Award—an honor not many are given but few deserve as much.

In New Jersey, Alan served as the Commissioner of the Department of Human Services. During his tenure, Alan made sure that individuals were not lost in the shuffle or became faceless statistics. He was always compassionate and caring. The principle that guided his tenure, and is his most enduring legacy, was to give each individual the resources to live a life with dignity and hope. The job was not easy, but Alan got it done.

Alan also gave of his time to teaching. He recognized the importance of education and helped equip students for their careers.

Mr. President, I extend my deep condolences to Alan's wife Barbara, and their children Jordan, Philip and Cynthia. The outpouring of tributes to Alan are in reality a celebration of his life. I hope they bring comfort and a measure of joy in remembrance to his family.●

MEDICARE HOME HEALTH BENEFICIARY PROTECTION ACT OF 1998

● Mr. FRIST. Mr. President, I rise today to add my name as a cosponsor to S. 2354, the "Medicare Home Health Beneficiary Act of 1998".

This bill amends title XVIII of the Social Security Act to impose a moratorium on the implementation of the Interim Payment System (IPS) for home health agencies. This IPS was set up by Congress at the recommendation of the Health Care Financing Administration (HCFA) as a transition to a Prospective Payment System. However, the IPS, along with surety bond requirements and other regulatory implementations of the Balanced Budget Act, has had a negative influence on the home health care providers and their patients, forcing many providers out of business.

The IPS has hurt home health care in Tennessee. For example, in Tennessee, the amount of funding each agency receives per patient per year was based on each agency's costs for Fiscal Year 1994. This method of calculation has the potential to penalize agencies who acted responsibly to hold down costs. One Tennessee provider, who had very low 1994 costs due to aggressive cost control, is concerned that the IPS may force them out of business. We cannot afford to sacrifice quality in home health care, and we must not punish agencies that have always tried to provide quality care at reasonable costs.

In addition, some home health providers who have a good reputation in their communities, built on years of service, did not submit a full cost report for Fiscal Year 1994 due to accounting methods. Regrettably, these agencies are now classified by HCFA as "new agencies." If the agency is classified as a new agency, then their historic costs are disregarded in their reimbursement, and they will receive a payment based on a national average. Well, Mr. President, we know that the cost of care in Tennessee may be very different from the cost of care in another region. In fact, in Tennessee, home health costs tend to be higher than the national average. This will make it extremely difficult for these agencies to meet the IPS budget constraint.

Home health care provides a critical service to our nation's Medicare beneficiaries. The IPS was created to address some of the problems with cost control in the home health industry. However, it appears that this interim plan manages to create more problems than it solves. In fact, I believe it can do more harm than good. We need to impose a moratorium on IPS and encourage implementation of a system of fair reimbursement payment rates that ensures all home health providers are cost-effective without sacrificing quality of care for patients. We must find a way to terminate those agencies that take advantage of seniors and the Medicare system, while ensuring continuity of high quality home health care for our nation's most vulnerable populations.•

CURT FLOOD ACT

• Mr. KOHL. Mr. President, last night the Senate passed, on a voice vote, S. 53, a measure dealing with antitrust matters and Major League Baseball. Let the record show that if this bill had come before the Senate in a recorded vote, I would have recused myself on this vote.•

TRIBUTE TO THE UNITED STATES CUSTOMS SERVICE ON ITS 209TH ANNIVERSARY SINCE IT WAS ESTABLISHED

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the men and women of the U.S. Customs Service as it celebrates its 209th anniversary today.

As our young nation was on the verge of economic despair and in search of revenue, the First Congress passed and President George Washington signed into law the Tariff Act of July 4, 1789, which authorized the collection of duties on imported goods. This, the fifth act of the 1st Congress, established Customs and its ports of entry as the collector and protector of the revenue on July 31, 1789, essentially creating what we now know as the U.S. Customs Service.

For approximately 125 years, until the passage of the Federal Income Tax Act in 1913, Customs provided our federal government with its only source of revenue. During this time, the incoming revenue from Customs funded the purchases of Alaska and Florida, and the territories of Louisiana and Oregon. In addition, Customs collections built Washington, D.C., the U.S. military and naval academies, and many of the nation's lighthouses from the Great Lakes to the Gulf of Mexico. Most impressively, by 1835, Customs revenues alone reduced the national debt to zero.

Customs offices first appeared in Minnesota around 1851, seven years before Minnesota achieved statehood. Minnesota's geographical layout as head of three great navigation systems—the Red River to the North, the Mississippi to the south, the Great Lakes-Saint Lawrence River to the east, and 395 miles along the Canadian border to the north—was a key to handling the traffic of people and goods that passed through these ports.

In its first year of existence, Customs collected $2 million in revenue in 59 ports of entry. Today, the U.S. Customs Service has a total of 301 ports of entry which collect over $20 billion annually in revenue. In addition, Customs processes over 450 million persons entering the United States each year. As for Minnesota, there are 14 ports of entry throughout the entire state. These ports of entry collected nearly $2 billion in revenue for the U.S. Customs Service during FY 1997. Besides all the products that are processed, many people enter the United States through Minnesota. An estimated 1.1 million people have entered through Minnesota's ports of entry since last October alone. This number continues to grow at an increasing rate over previous years.

The U.S. Customs Service has grown from being the chief collector of revenue on imports into what has become our nation's first defense against the threat of terrorism, combatting the illegal drug trade, and ensuring that all imports and exports comply with U.S. laws and regulations.

Mr. President, I commend the U.S. Customs Service for its long history protecting the American public. But most of all, I want to pay tribute to the many men and women who continue to stand as symbols of national pride and enforce the mission of the U.S. Customs Service: to ensure that all goods and persons entering and exiting the United States do so in accordance with all United States laws and regulations.•

HAPPY BIRTHDAY, PURPLE HEART

• Mr. WELLSTONE. Mr. President, I rise today to say "Happy Birthday" to the Purple Heart. The Purple Heart is the oldest military decoration in the country, and it turns 216 years old on August 7th.

The Purple Heart honors combat-wounded veterans who have given their blood for their country. It is the only medal which is earned, not awarded. It is earned by being wounded by an enemy during a hostile action toward the United States or an ally.

I want to thank my friend, Jim Wendt of the Purple Heart in Minnesota, for bringing my attention to this important occasion. The Purple Heart was created by George Washington on August 7, 1782, almost 216 years ago, and the first three medals were awarded during the Revolutionary War.

On the Purple Heart's 216th birthday, I want to thank Jim and all my friends at the Purple Heart for all their great work. Thank you, and Happy Birthday.•

TRIBUTE TO DR. KARL K. WALLACE, JR.

• Mr. WARNER. Mr. President, I would like to take this opportunity to recognize and congratulate a devoted and energetic physician for his tireless service to his patients, students, and fellow radiologists. On September 12, 1998, the American College of Radiology (ACR) will bestow the 1998 Gold Medal to Karl K. Wallace Jr., MD at their annual meeting in Pittsburgh, Pennsylvania. The prestigious Gold Medal is ACR's highest award, and will honor this distinguished doctor as a national leader as well as a dedicated servant for Radiology.

K.K., as he is known to those in medicine and Radiology, was a long time community hospital clinician at the Virginia Beach General Hospital. After 28 years as the director of the Virginia Beach General Hospital Department of Radiology, Dr. Wallace made an unusual career move. He undertook a "second career" as a professor at the University of Virginia Health Sciences Center, where he is currently co-director of thoraco-abdominal imaging and the medical director of chest diagnosis.

Dr. Wallace's active commitment to medicine has been characteristic ever since his career began. Two years after starting his practice, he became an officer in the Virginia Beach Medical Society. One year later he was elected to the House of Delegates of the Medical Society of Virginia where he was speaker from 1977 to 1980. His history of service to the American College of Radiology goes back to 1967 where he was elected secretary/treasurer of the Virginia Chapter. Six years later, he served as its president and held a number of key leadership positions for the following 14 years, including speaker of the council and chairman of the Board of Chancellors.

During those 14 years, Dr. Wallace continued to lead Radiology in its efforts to work on national health policy such as physician payment reform and the Mammography Quality Standards Act. He worked with members of the U.S. Senate to develop reasonable approaches to legislation in our rapidly changing health care system. He provided honest, fair and meaningful input efforts. I know all of my colleagues join me in congratulating my fellow Virginian, Dr. Wallace, on being chosen as a recipient of the Gold Medal.•

LEO B. FLAHERTY, JR.

• Mr. DODD. Mr. President, I rise today to pay tribute a good friend to me and my family, and a pillar of the Connecticut legal and political community: Leo Flaherty of Vernon, Connecticut. Sadly, Mr. Flaherty recently died at the age of 75.

Leo Flaherty was Vernon's elder statesman. For years, young attorneys and political aspirants in town have looked to Leo Flaherty as a role model and for his advice and leadership. He was respected by all who knew him for his integrity as a lawyer, his instincts as a politician, and, in general, his strong moral character.

While remembered as possessing a great legal mind, Leo's intelligence was not limited to any one discipline. In 1942, he left Connecticut to attend Georgia Tech. A year later he received an appointment to the United States Naval Academy, where he was a classmate of President Jimmy Carter. After graduating from the Academy, he earned a degree in engineering from the University of Connecticut, and he worked at both Pratt & Whitney and Hamilton Standard.

But despite his ventures into engineering, there was always something drawing him to politics. It was in his blood. His father, Leo, Sr. served as a Rockville city alderman and Democratic Town Committee Chairman—a position that Leo, Jr. held for 10 years.

He held several positions in Rockville from tax collector to a member of the State Board of Education. In 1960, he became Rockville's mayor. The most significant accomplishment of his tenure in the mayor's office was managing the consolidation of Rockville with the neighboring, more rural town of Vernon. This was a controversial proposal, but Rockville had one of the worst urban poverty rates in the state, and he saw the merger of the two cities as key to Rockville's future prosperity.

The Rockville mayor's job was eliminated upon completion of the merger. So, in the end, Leo Flaherty worked himself out of a job. But Leo Flaherty never regretted his actions because he knew that this was the right thing to do, not for him, but for his community.

The final political office that he ever held was chairman of Connecticut's members of the Electoral College, which chooses the President. True to form and his principles, his first act in this position was to call for the elimination of the college. He always believed that the popular vote should prevail.

His tenure as an attorney lasted even longer than his political career. Leo Flaherty earned a reputation as a lawyer who would help anyone. Oftentimes he found himself representing some of society's undesirables, but he never wavered in his belief that every individual, rich or poor, had certain rights and was entitled to effective legal representation. He never sought the high powered clients, and he never became a millionaire. But, as was said after his passing, Leo Flaherty died a rich man because he owned his soul.

In a 1996 interview, Leo Flaherty said that he had no intention of retiring unless he had to. This prophecy was fulfilled. He worked until his body would no longer allow it, as he contracted Lou Gehrig's disease—a terminal degenerative nerve condition.

Leo Flaherty was a man whom I looked up to with the highest respect and admiration. He will be dearly missed.•

GERALD R. AND BETTY FORD CONGRESSIONAL GOLD MEDAL ACT

• Mr. D'AMATO. Mr. President, I rise today, pleased to urge bipartisan support for and passage of H.R. 3506, the Gerald R. and Betty Ford Congressional Gold Medal Act.

Mr. President, this bill commemorates a number of anniversaries that few individuals succeed in reaching. This year is quite a milestone for our former thirty-eighth President and First Lady. First and foremost, Gerald Ford celebrated his 85th birthday on July 14 and Betty Ford celebrated her 80th birthday on April 8.

This October marks another anniversary well worth mentioning—the 50th wedding anniversary of Gerald and Betty Ford. In 1948, they were wed only a few weeks before Gerald Ford won his first term in the House of Representatives. The Fords returned to Washington every term thereafter until 1974. Gerald Ford served as House Minority Leader from 1965 to 1973.

And finally Mr. President, this year commemorates the 25th anniversary of Gerald Ford becoming the first Vice President chosen under the terms of the Twenty-fifth Amendment. Less than a year later, he succeeded the first President ever to resign.

President and First Lady Ford led our country with bravery and dignity during a time that he declared upon his inauguration, ". . . troubles our minds and hurts our hearts." Gerald Ford was faced with seemingly unsurmountable tasks when he took the oath of office of the Presidency on August 9, 1974. There were the challenges of mastering inflation, reviving a depressed economy, solving chronic energy shortages, and trying to ensure world peace.

For their first twenty five years in Washington, Betty Ford not only was instrumental in rearing the four Ford children, she supervised the home, did the cooking, undertook volunteer work, and took part in the "House wives" and "Senate wives" for Congressional and Republican clubs. In addition, she was an effective campaigner for her husband. In 1974, Mrs. Ford set aside personal need for privacy when she openly discussed her experience from radical surgery for breast cancer. She reassured troubled women across the country with her openness, care and bravery.

H.R. 3506, a bill authorizing the President to award Gerald R. and Betty Ford the congressional gold medal, passed the House by unanimous consent on July 29, 1998. It is my sincere hope that the Senate act expeditiously on this legislation.

Mr. President, this honor, the highest award bestowed by the United States Congress, is a fitting tribute to life-long public service and dedication bestowed upon the American people by the thirty-eighth President and First Lady, Gerald and Betty Ford. In addition, it is a wonderful way for all of Congress to commemorate and congratulate the Fords on their fifty years of commitment to one another. On behalf of all my colleagues, I wish them many more happy years together.•

VIRGINIA S. BAKER

• Ms. MIKULSKI. Mr. President, I rise today to pay special tribute to a special lady who passed away Wednesday July 30, 1998 in Baltimore, Maryland. Virginia S. Baker was special to me, my family and the entire city of Baltimore.

Virginia Baker started as a volunteer playground monitor in Baltimore, where she brought joy and fun to the city's streets and neighborhoods. But more importantly, she always kept an eagle eye out for the children with a broken heart or the ones from a broken home. Without notice she would find a way to bring those children into her circle of compassion, to let them know they always had a home at her recreation center. She had the special gift of mending children's hearts.

She came to serve in the recreation departments of nine Baltimore Mayors and always made sure children had a safe place to play. When I was a City Councilwoman I became friendly with Virginia because she was always hustling the City Council for more money. She took me to the playgrounds and community events, got me to play hopscotch, and got me leapfrogging over the bureaucracy to ensure strong community programs for the city of Baltimore. Virginia was also friends with my dear mother. My mother volunteered for me for several years when I served on the Baltimore City Council. When my schedule wouldn't allow me to tour the city streets, Virginia would take Pearl, her assistant, and my mother out to visit the senior centers and community playgrounds. They would never forget to stop at Faidley's for a crabcake, Greektown for a few stuffed grape leaves, or countless other diners and snack shops where Baltimoreans gathered.

Virginia Baker was just a special person. She had a God-given gift of compassion and caring and used it selflessly. Today, I have humbly tried to express my personal experience with Virginia and her gift. I also request the Baltimore Sun article on Virginia's life be printed in the RECORD. It really expresses Virginia's effect on Baltimore and its citizens best.

The article follows:

[From the Baltimore Sun, July 31, 1998]

CITY'S QUEEN OF FUN DIES AT 76—VIRGINIA BAKER RAN RECREATIONAL ACTIVITIES

(By Rafael Alvarez)

Baltimore's oldest kid has died at the age of 76.

Virginia S. Baker—who began her career in fun and games as an East Baltimore playground monitor in 1940 and hopscotched her way up to City Hall in the silly-hat regime of William Donald Schaefer—died yesterday at St. Joseph Medical Center of complications from pneumonia.

"I've made a lot of kids happy," she said in a 1995 interview. "That's what I get paid for."

Never married, Miss Baker counted generations of Baltimore youngsters as her own special brood.

Her secret?

The girl who grew up as "Queenie" in her father's confectionary at Belnord Avenue and Monument Street—where she honed her child-like playfulness and steely resolve—never stopped thinking like a kid.

In a century that whittled an American child's idea of a good time down to pushing buttons on plastic gadgets, Miss Baker championed timeless fun: hog-calling contests, frog-jumping races, turtle derbies, sack races, beanbag tosses, peanut shucking and doll shows.

"And don't forget her annual Elvis salute," said Sue McCardell, Miss Baker's longtime assistant in the Department of Recreation and Parks. "We'll keep going with all the things Virginia started."

Bob Wall, a recreation programmer in Patterson Park—where the rec center is named in Miss Baker's honor—first met his mentor as an 11-year-old Little Leaguer in 1968.

"It was a Saturday and our game was rained out and we were walking past the rec center in our uniforms. I'd never been inside it before," Mr. Wall remembered. "This boisterous lady yelled out to us: 'You boys want to catch frogs for me today?'"

Of course they did. And that was Mr. Wall's initiation into a world he unexpectedly found himself eulogizing yesterday when the city's 58th annual doll show—launched by Miss Baker at the start of her career—coincided with her death.

"We had a moment of silence," said Mr. Wall. "And then we said the show's got to go on."

The Virginia Baker show started in 1921. Her father was a Czech immigrant who changed the family name from Pecinka to Baker. Her mother, Hattie, was a Baltimorean of Czechoslovakian descent.

"Daddy mixed the syrup for the sodas and milkshakes and Mama cooked the chocolate for the sundaes," she said of the family store, now a carryout restaurant and liquor store protected by iron bars and bulletproof plastic. "Boy, did this neighborhood smell good!"

Miss Baker had a voice so quintessentially Baltimore that Washington disc jockeys regularly put her on the radio just to let the nation's power brokers believe everything they'd ever heard about this city.

On the sidewalks of her beloved hometown, young Virginia learned the tricks she would turn into a career.

"We played every game you can imagine out here," she said during a 1995 visit to the old store that was her home from infancy until her father died in 1954.

Miss Baker rode scooters, shot marbles, made kites out of newspapers and sticks, played tag, spun tops, and made yo-yos sing and puppets dance. She collected matchbook covers and wagered hundreds of them at a time in card games of pitch, poker and pinochle down at Sprock's Garage on Lakewood Avenue.

And when she got black eyes from roughhousing—Queenie was a bruiser, she freely admitted—the local butcher put beef on them to keep down the swelling.

As a youngster, Miss Baker became a volunteer at the old Patterson Park recreation center. After graduating from Eastern High School in 1940, she made play her work, soon becoming director of recreation for the park.

From that time, she served nine Baltimore mayors, from Howard W. Jackson to Kurt L. Schmoke. She became best known during the 15-year tenure of Mr. Schaefer, who installed her at City Hall as perhaps the only civil servant in America in charge of an office called Adventures in Fun.

Miss Baker turned City Hall Plaza into a staging area for endless contests—marbles, pogo sticks, chess, checkers, Hula-Hoops, yoyos, roller skates, bicycles, kites and tops.

She invented the Fun Wagon, a small trailer with a basketball hoop on back and stuffed with toys. Five of them toured the city. She started the Kid Swap Shop, where children traded toys, an event copied across the nation because of Miss Baker's knack for publicity.

"She was a great old girl," Mr. Schaefer said yesterday. "She initiated all sorts of hokey things and everybody loved them. I hog-called one year. I didn't have my own frog for the jumping contest, but she gave me one. He didn't win. But Virginia always had young people around her. She made them work hard and feel good."

For six decades, her motto never changed: "A kid is still a kid."

Miss Baker lived at the Marylander Apartments from 1954 until a stroke in 1992. She did not officially retire until 1995. She resided in recent years at a Towson nursing home and is survived by several nieces and nephews.

Services will be held a 10 a.m. Saturday at Church of the Nativity, Cedarcroft and York roads.

Donations may be made to the Virginia S. Baker Recreation Memorial Fund, c/o Friends of Patterson Park, 27 S. Patterson Park Ave., Baltimore 21231.•

WORKFORCE INVESTMENT ACT CONFERENCE REPORT

• Mr. JEFFORDS. Mr. President, last night, the Senate passed the Workforce Investment Act conference report, H.R. 1385. This legislation makes important reforms to our job training, adult education, and vocational rehabilitation programs.

The Workforce Investment Act is one of the most significant proposals that has passed the Senate this year. H.R. 1385 proposes a streamlined, practical, business-oriented approach to job training which empowers states with the ability to transform a current patchwork of programs into a comprehensive system.

This bill is the result of more than four years of hard work. The last Congress, under the leadership of Senator Nancy Kassebaum, spent a considerable amount of time on similar legislation. Senator Kassebaum did not act alone in championing the workforce legislation in the last Congress. Senator DEWINE, Senator KENNEDY and myself and many other members were also involved in that effort.

Senator KENNEDY and I have been working on job training legislation for over two decades. I count the Job Training Partnership Act (JTPA), which I co-authored along with Representative Hawkins and Senators KENNEDY, HATCH, and Quayle as a significant legislative accomplishment. Today, over twenty years later, it is clear that JTPA is not sufficient to meet the increasing demands being made on our education and training system.

The Workforce Investment Act conference report as passed by the Senate will enable states to better coordinate employment and training programs and related activities, with a special emphasis on coordinating adult education and job training initiatives. This coordination will lead to customer satisfaction—which is perhaps the most important aspect of this bill. Individuals seeking job training and adult education services will choose to enroll in high quality programs which will lead to better paying jobs. In addition, employers will also be satisfied customers because they will have the ability to hire better skilled employees.

The Workforce Investment Act is a product of many efforts. In particular, I would like to thank Senator MIKE DEWINE, the chairman of the Subcommittee on Employment and Training for his leadership in this area. He has done an outstanding job in putting this bill together and his contribution regarding the redesigning of our youth training programs will be of great benefit to our nation's disadvantaged youth. I would also like to thank Senator PAUL WELLSTONE, the Employment and Training Subcommittee's ranking member for his work on the bill.

Senator TED KENNEDY and I have been working for many years on employment and training issues. The Workforce Investment Act has been a bipartisan effort. I would like to thank Senator KENNEDY for his leadership.

Not only has this been a bipartisan effort, but it has also been bicameral. Representative BILL GOODLING, the chairman of the House Education and Workforce Committee and the chair of this conference has also been working on job training legislation for over twenty years. I commend him on his leadership and thank him for all of his hard work in completing action on H.R. 1385.

Chairman GOODLING was joined by Representative BILL CLAY, Representative BUCK MCKEON, and Representative DALE KILDEE. This bill is a product of their expertise and commitment to improving job training and adult education.

In addition, I would like to thank the staff of the Congressional Research Service: Ann Lordeman, Rick Apling, and Paul Irwin. I would also like to thank the Legislative Counsel staff: Liz King, Mark Sigurski, and Mark Synnes. Their dedication and hard work were essential in completing the Workforce Investment Act Conference Report.

In May of 1997, I held a hearing at Vermont Technical College in Randolph, Vermont. The testimony that I received at that hearing was my touchstone for the Workforce Investment Act. Witness after witness discussed the urgency for a skilled workforce. I would like to thank my home state of Vermont for serving as an inspiration for this legislation. I would especially like to thank Susan Auld, the Commissioner for Vermont's Department of Employment and Training, and Kathy Finck, the director of Vermont's Adult and Vocational Education program for their contributions to this legislation.

As I mentioned earlier, customer satisfaction, flexibility, and stronger accountability are the themes of H.R. 1385. A provision of the bill which relates to these issues is the ability of states to submit one plan to Washington for a variety of federal programs. This encourages states to coordinate their programs; also cuts through bureaucratic red tape by giving states the option to submit one plan versus several plans. Another provision which emphasizes the importance of customer satisfaction and accountability is the opportunity for states to be rewarded, through incentive grants, for exceeding their performance standards in delivering employment and training and education related services.

When this bill originally passed the Senate, vocational education was a major section of the legislation. The one disappointment I have is that we were unable to include vocational education in this conference report. However, I do hope that the House and Senate conferees will be able to bring a vocational education conference report to the Congress before the October adjournment.

The final section of the conference report is the reauthorization of the Vocational Rehabilitation Act. The rehabilitation provisions in this bill will open up more employment opportunities to individuals with disabilities. They will also provide state vocational rehabilitation agencies and other agencies and organizations that offer employment-related assistance to individuals with disabilities with the tools they need to give appropriate, timely help to individuals with disabilities who want to work. These provisions bring us closer to a seamless system for job training and employment assistance for individuals with disabilities.

The Workforce Investment Act lays the groundwork to establish an outstanding employment and training system nationwide that will meet the economic demands of the next century. The business community and the Administration have been very helpful in this endeavor. I want to especially thank Secretary Herman and Secretary Riley and their staffs for their work and who literally worked on this legislation up to the last minute. The passage of H.R. 1385 means that this nation will have a better skilled workforce.●

BILL TUTTLE, 69, VICTIM AND OPPONENT OF SMOKELESS TOBACCO

● Mr. DURBIN. Mr. President, a baseball star died this week. Bill Tuttle, centerfielder for the Detroit Tigers, Kansas City Athletics, and Minnesota Twins over a period of 11 years, succumbed to oral cancer after a five-year battle. Among baseball fans, Mr. Tuttle's baseball card picture, with a bulging cheek full of chewing tobacco, is well-known. Unfortunately, that ever-present wad of tobacco was his undoing. Over the past five years, it cost him part of his jaw, his cheek, a number of teeth, his taste buds, and ultimately his life.

To his credit, when Mr. Tuttle realized what spit tobacco, as he accurately called it, had begun to do to him, he devoted the last years of his life to warning other ballplayers about what might happen to them if they too use spit tobacco. But he did more than reach out to his fellow ballplayers. He spent many hours and days working to prevent young people from starting to use this addictive product.

I ask that a letter be printed in the RECORD that I received from Bill Tuttle during the debate on the tobacco bill earlier this year. It describes his first-hand experience of the ravages of spit tobacco and his efforts to educate children, as well as Major League players, about the dangers of spit tobacco use.

Spit tobacco is addictive, causes cancer and other serious illnesses, and leaves a trail of devastation among its victims and their families. It is essential that we listen to the words of Bill Tuttle and others like him, and continue to fight to prevent the use of smokeless tobacco by our Nation's kids.

The letter follows:

May 18, 1998.

THE HONORABLE MEMBERS OF THE UNITED STATES SENATE: My name is Bill Tuttle. I hope that some of you remember me as a former Major League Baseball player who played with the Minnesota Twins, Detroit Tigers, and Kansas City Athletics. But, I hope more of you know me as a staunch anti-spit tobacco fighter who, at this very moment, is literally fighting for his life. Little did I know when I started experimenting with spit tobacco some forty years ago at the invitation of a fellow ballplayer, that spit tobacco would become such a major part of my life and death. I chewed every day for many years, right up until the time I was diagnosed with oral cancer five years ago. I have undergone numerous operations to remove cancerous growths in my head and neck. I have endured unimaginable pain and disfigurement from the surgeries and treatments and I have been literally cut apart and patched back together. My family has suffered with me every step of the way. Life has been a living hell for several years now.

I have been blessed, however, with the opportunity to talk to others about the dangers of spit tobacco, particularly young people. I know that the temptation to try new things, especially forbidden things, can be tough for young people. In my message to the thousands of youngsters that I have talked to, I have emphasized that they just should not start using any form of tobacco. If you don't start, you'll never need to stop. But once started, tobacco use can literally addict you to a substance that stands a good chance of killing you. Even after enduring several surgeries and having half of my face cut away, I hate to admit that I still have a craving to try spit tobacco. That's how addicting spit tobacco can be.

I have had some excellent partners in the fight against spit tobacco. Joe Garagiola, Oral Health America, The Robert Wood Johnson Foundation, Major League Baseball, the Major League Baseball Player Association, the Professional Baseball Athletic Trainers Society, and others have supported me in many ways. But my most ardent supporter and best friend is my wife Gloria. She has accompanied me on my visits to schools, community meetings, and spring training. She has become an expert on spit tobacco, particularly what it can do to destroy lives and families.

I am sorry that I can not meet you in person to talk about his matter as my physical condition just won't permit it. But I wish to implore you to become a partner in the fight against spit tobacco. So many of you have already done so much to move badly needed tobacco legislation forward that we must not stop short of the goal—that is to make tobacco products, including spit tobacco, as unavailable and unattractive to young people as possible. I urge you to take the necessary action that will address spit tobacco as aggressively as you will smoking. We need taxes that make all tobacco equally unattractive for young people. We need to monitor not just highly addicted daily users, but also experimenters, if we are to practice prevention and be able to measure progress. And we need to tell people the truth about the addictive nature of spit tobacco, including putting the nicotine content on labels. None of us wishes to see spit tobacco become the bargain basement pathway for young people into a lifetime of tobacco addiction.

On May 19, 1998, my wife Gloria and I will be honored at the Metrodome in Minneapolis as the first recipients of the Bill Tuttle Award. This recognition of our efforts to try to save American children from hazards of tobacco use is greatly appreciated. At the same time, however, this is a very sad occasion for us. We both know that my remaining time in this fight and our remaining time together is limited. It would honor us greatly if you, as the distinguished elected leaders of our country, would commit to an aggressive course of action against spit tobacco. That would be a big league accomplishment and one for which you would never be forgotten.

Sincerely,

BILL TUTTLE.•

THE NATIONAL TRAINING CENTER

• Mr. KEMPTHORNE. Mr. President, I rise today to talk about a national resource that is training the military leaders of today and tomorrow. It is the National Training Center at Fort Irwin, California.

The commanding officer of the National Training Center, Brigadier General Dean Cash, is a soldier's soldier. He is dedicated to developing leaders, and he leads by example. General Cash is also dedicated to the soldiers' families. Despite the long hours and tough duty, General Cash makes sure none of the soldiers or officers in his command misses the birth of their child or a birthday celebration. He believes those are significant events that cannot be missed.

And General Cash wants to make sure the families are cared for. Whether its child care, shopping or support groups, the families of the soldiers assigned to Fort Irwin get the best available. The base takes an active role in the schools and also has extended its reach to at-risk children in the Los Angeles basin.

The soldiers at Fort Irwin and the National Training Center are professionals. They present the greatest challenge for units training at the center. This is their mission, and they do it well.

I believe, Mr. President, that the reason our forces were successful against Saddam Hussein in Operation Desert Storm was the training they received at NTC. They were in an environment very similar to conditions in the Middle East. They were fighting against forces simulating the style of the former Soviet bloc. And they were fighting against tanks, artillery and infantry units with a "home field" advantage. The permanent opposition force at NTC knows every rock, every hill and every ravine. That is a tremendous advantage, and really tests the leadership skills of the training forces.

As we see the downsizing of our active Army force, we must have a National Guard and Reserve component acting as an integral part of our military if we have a significant crisis anywhere in the world that we have to deal with. That is why, Mr. President, I am so pleased that the Idaho Snake River Brigade is able to train at NTC. We need to make sure they're ready if called upon.

The facilities at NTC are, to say the least, very impressive. Using the latest state-of-the-art computer, laser and satellite technology, the instructors and observers at NTC can tell, in real time, where every tank, every piece of artillery and every humvee is at any moment. And each soldier's movements, radio communications and weapons are continuously monitored.

When a simulated battle is complete, the instructors go through each exercise with the individual unit commanders. They find out what went right, what went wrong, and what can be done to improve. This attention to detail is vital. The only way our nation is going to maintain the best military in the world is to have the best leaders leading the best-trained forces. They're getting that education at the National Training Center.

Countless individuals provide that education. I met two who I'd like to highlight. Colonel J.D. Thurman is Chief of the Operations Group, and Colonel John Rosenberger is Commander of the 11th Armored Cavalry Regiment. Both men are soldiers. But both are educators. They take their jobs very seriously, and they see the value to what they're doing. It's because of their dedication and skill that our Army turns out commanders for the next century—commanders who will be on the front lines of defending democracy.

I would like to encourage my colleagues on the Senate Armed Services Committee and others in the Senate to visit the National Training Center and see it first hand. You can't leave there without being totally impressed with the dedication of the officers and the enlisted personnel at Fort Irwin and their belief in what they're doing. To see how it enhances the morale and training of units that rotate through NTC, is impressive. This is a national resource that deserves our utmost support.•

RETIREMENT OF JOHN TURNER

• Mr. BUMPERS. Mr. President, John Turner will retire this year after more than twenty-five years of service to the forest products industry. A native of Camden, Arkansas, John is completing a long and distinguished career with the Georgia-Pacific Corporation.

John joined Georgia-Pacific Corporation in 1972 as Public Relations Manager for the Crossett, Arkansas, Division. His responsibilities were expanded to include government relations in 1977 for the states of Alabama, Mississippi, and Arkansas. In 1983, he assumed responsibility for state-level government affairs for the corporation and relocated to Washington, D.C.

In his present position as Vice President of Government Affairs, John has directed and coordinated the corporation's Federal and State government affairs staff and legislative policy for the corporation in Washington and in the eight state office locations.

In addition to a long association with various entities in the forest products industry, John also had a career in radio and television broadcasting. John was educated at Southern Arkansas University in Magnolia, Arkansas, receiving a degree in communications.

Active in forestry and trade associations, John serves on the American Forest and Paper Association's Energy Council and chairs the Endangered Species Reauthorization Committee. John has also served two terms on the Arkansas Natural Heritage Commission and one term on the Arkansas Forestry Commission. He is also a member of the Public Relations Society of America.

Despite his consuming dedication to his industry, John has made time for numerous civic duties, including work with the Jaycees, Lions Club, Rotary Club, Boys Club of America, and United

Way. He has served his local community as a city airport commission member and as a member of the hospital board of directors.

Mr. President, I am proud of the association I have had with John Turner over the years. He has been a steadfast friend and a trusted adviser on issues of importance not only to his industry, but to the economy of our beloved State as well. His preparedness, integrity and willingness to compromise have served him and his industry well.

I wish John and his lovely wife Jean a long and relaxing retirement. Perhaps John's retirement from his "day" job will give them time to more faithfully follow their beloved Razorbacks football and basketball teams, as well as enjoy their two daughters and two granddaughters.

Mr. President, John Turner leaves big shoes to fill in the forest products industry. I hope his successors will look to his fine example of the role of the lobbyist and spokesperson in our system.•

TRIBUTE TO LIEUTENANT COLONEL KEVIN "SPANKY" KIRSCH, USAF

• Mr. WARNER. Mr. President, I rise today to pay tribute to Lieutenant Colonel Kevin "Spanky" Kirsch, United States Air Force, on the occasion of his retirement after over twenty years of exemplary service to our nation. Colonel Kirsch's strong commitment to excellence will leave a lasting impact on the vitality of our nation's military procurement and information technology capabilities. His expertise in these areas will be sorely missed by his colleagues both in the Pentagon and on Capitol Hill.

Before embarking on his Air Force career, Colonel Kirsch worked as an estimator/engineer for Penfield Electric Co. in upstate New York, where he designed and built electrical and mechanical systems for commercial construction. In 1978, Colonel Kirsch received his commission through the Officer Training School at Lackland AFB in San Antonio, TX. Eagerly traveling to Williams AFB in Arizona for flight training, Colonel Kirsch earned his pilot wings after successful training in T-37 and T-38 aircraft.

In 1980, Colonel Kirsch was assigned to Carswell AFB, in Fort Worth, TX, as a co-pilot in the B-52D aircraft. While serving in this capacity on nuclear alert for the next five years, he earned his Masters degree, completed Squadron Officer School and Marine Corps Command and Staff School by correspondence, and earned an engineering specialty code with the Civil Engineering Squadron.

An experienced bomber pilot serving with the 7th Bomb Wing, Colonel Kirsch, then a First Lieutenant, served as the Resource Manager for the Director of Operations—a position normally filled by an officer much more senior in rank. He was selected to the Standardization Evaluation (Stan-Eval) Division and became dual-qualified in the B-52H. Subsequently, he was selected ahead of his peers to be an aircraft commander in the B-52H.

Colonel Kirsch was selected in 1985 as one of the top 1% of the Air Force's captains to participate in the Air Staff Training (ASTRA) program at the Pentagon. His experience during that tour, working in Air Force contracting and legislative affairs, would serve him well in later assignments.

In 1986, Colonel Kirsch returned to flying in the FB-111 aircraft at Plattsburgh AFB, NY. He joined the 529th Bomb Squadron as an aircraft commander and was designated a flight commander shortly thereafter. He employed his computer skills to help automate the scheduling functions at the 380th Bomb Wing and was soon designated chief of bomber scheduling.

Following his tour with the 529th, Colonel Kirsch was assigned to Strategic Air Command (SAC) Headquarters at Offutt AFB, NE. As Chief of the Advanced Weapons Concepts Branch, he served as a liaison with the Department of Energy on nuclear weapons programs and worked on development of new strategic systems—including the B-2 bomber. Colonel Kirsch was one of four officers chosen to be part of the commander-in-chief's (CINC's) staff group to facilitate the transition of SAC to Strategic Command (STRATCOM). Originally picked as a technical advisor for weapon systems, he soon became the legislative liaison for STRATCOM. In this capacity, Colonel Kirsch organized congressional delegations to visit STRATCOM, and managed CINC STRATCOM's interaction with Capitol Hill.

In 1994, Colonel Kirsch traveled here, to Washington, to begin his final assignment on active duty. Initially serving as a military assistant to the Assistant Secretary of Defense for Legislative Affairs, Colonel Kirsch once again quickly distinguished himself and was designated the special assistant for acquisition and C3 policy. Representing the Secretary of Defense, the Under Secretary of Defense for Acquisition and Technology and the Assistant Secretary of Defense for C3I, Colonel Kirsch managed myriad critical initiatives including acquisition reform and information assurance. He also served as the principal architect for the organization's web page, computer network, and many of the custom applications used to automate the office's administrative functions.

Colonel Kirsch's numerous military awards include the Defense Superior Service Medal, the Defense Meritorious Service Medal with Oak Leaf Cluster, the Air Force Meritorious Service Medal, the Air Force Commendation Medal with Oak Leaf Cluster, and the Air Force Achievement Award.

Following his retirement, Colonel Kirsch and his wife Carol will continue to reside in Springfield, VA with their children Alicia and Benjamin.

Mr. President, our nation, the Department of Defense, the United States Air Force, and Lieutenant Colonel Kirsch's family can truly be proud of this outstanding officer's many accomplishments. His honorable service will be genuinely missed in the Department of Defense and on Capitol Hill. I wish Lieutenant Colonel Spanky Kirsch the very best in all his future endeavors.•

FIGHTING VIOLENT CRIME IN SANTA ANA, CALIFORNIA

• Mrs. BOXER. Mr. President, on July 11, I had the pleasure of visiting the Santa Ana Police Department to observe its community policing program. Santa Ana is the largest city in Orange County and the ninth largest city in the State of California. Thanks in part to their aggressive community policing program, violent crime in Santa Ana has fallen dramatically.

According to the FBI, violent crime in Santa Ana has dropped 39 percent since 1992; homicides alone are down more than 60 percent, property crimes have dropped 51 percent, and grand theft is down 43 percent.

As one of the first recipients of a Department of Justice Law Enforcement Assistance Administration grant over twenty years ago, the Santa Ana Police Department has been a leader in community policing programs. The Santa Ana Police Department initiated a test program called Community Oriented Policing (COP), designed to create greater interaction between the police department and the community.

The COP philosophy utilizes two strategies: prevention and response. The prevention element aims to remove many of the causes of crime in a community. The Santa Ana Police Department, for example, adopted the "Broken Windows" philosophy of James Wilson and George Kelling. This theory states that minor crimes, disorder, and community disrepair breed crime. Santa Ana put this theory to the test with its "Operation: Round Up" program. By making cosmetic improvements to crime-ridden neighborhoods—repairing homes and removing abandoned cars for example—and by prosecuting minor violations, the police sent a strong message that crime of any and all magnitude is not acceptable. As a result, the "Operation: Round Up" program was able to eliminate a notorious street gang and improve the infrastructure and appearance of the neighborhood.

The response element of the COP philosophy focuses on improved reaction to crime and effective use of police resources. As part of the COPS MORE 96 grant from the Department of Justice, the city received a $1.8 million grant that allowed for the purchase of 150 laptop computers for its police department, which do the work of 55 police officers. These computers enable officers to file police reports from the field electronically, allowing them to patrol the community longer. The increase in the number of available officers has decreased the number of calls for assistance. The COP program has allowed the Santa Ana Police Department to concentrate all available resources on fighting and preventing crime.

Mr. President, I am so pleased to recognize Police Chief Paul Walters and the entire Santa Ana Police Department for providing outstanding service to the people of California. Their actions serve as a model for other communities to follow. I hope Congress will continue to help communities such as Santa Ana improve the quality of life for its citizens.•

TRIBUTE TO THE UNITED STATES COAST GUARD

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the United States Coast Guard as it celebrates the 208th Anniversary of its founding on August 4, 1998.

On August 4, 1790, Congress passed a law creating within the Department of Treasury a service to enforce customs laws. The passage of this law was the foundation for the modern day Coast Guard. The following year, Hopley Yeaton was commissioned as "Master of a Cutter in the service of the United States for the protection of revenue." Yeaton's commission, which was signed by President George Washington, marks the first commission of a seagoing officer, thus giving the Coast Guard the distinction of being the oldest continuous seagoing service of the United States Armed Forces.

Today, the Coast Guard has grown into a force of over 35,000 men and women on active-duty and 8,000 reservist. On a daily basis, the dedicated members of the Coast Guard carry out a number of task which ensure the safety of our waters. These tasks include Search and Rescue, Maritime Law Enforcement, Aids to Navigation, Ice Breaking, Environmental Protection, Port Security and Military Readiness.

In times of war, the Coast Guard has performed valiantly to protect our national interests. From the War of 1812 to the Persian Gulf War, members of the Coast Guard have served and given their lives during our Nation's most trying times. The Coast Guard's wartime service was especially noteworthy during the Second World War when 241,093 Americans answered the call to service as members of the Coast Guard, 1,917 of whom were either killed or wounded in the service of their country.

Equally impressive are the often unsung acts of heroism performed by the Coast Guard on a daily basis. Whether the action is a preventative measure such as ensuring our waterways are clear of hazardous ice, or saving the lives of boaters in danger in the high seas, the work of the Coast Guard affects us all and is a contributing factor to the security we enjoy as Americans.

Mr. President, the Coast Guard motto of "Semper Paratus", meaning "Always Ready", indeed speaks to the dedication and efficiency of the Coast Guard as it stands watch over America's waters. For more than two centuries the Coast Guard has responded with the utmost dedication to service, and for this, Mr. President, all Americans have reason to be grateful.•

WORKFORCE INVESTMENT ACT OF 1998

• Mrs. HUTCHISON. Mr. President, I wish to engage my colleague, Senator DEWINE, in a colloquy.

I thank Senator JEFFORDS, and the other members of the Senate Committee on Labor and Human Resources for your collective efforts in passing H.R. 1385, the Workforce Investment Act of 1998. This bill promises to improve and revitalize our country's workforce system and will enhance the effectiveness and efficiency of our federal job training programs.

As you know, Texas has been in the forefront of the remaking its state and local workforce delivery system. Beginning in 1993, Texas created a system very similar to one embodied in HR 1385. As with this federal legislation, the new Texas system is based on the principles of local control, customer service, and consolidation.

In this regard, I commend you for recognizing in the bill the uniqueness and foresight of the Texas workforce system by providing flexibility in the bill for our state to fully implement its new laws.

Specifically, I understand that HR 1385 provides that Texas will be able to maintain use of its Human Resource Investment Council (known as the Texas Council for Workforce and Economic Competitiveness) as defined in Texas statute and regulation to fulfill the State Board requirements under Section 111. In addition, Section 117(I) provides that Texas will be able to maintain the Local Workforce Development Boards as defined in Texas statute and regulation to fulfill the Local Board requirements under Section 117. Section 189(I)(2) provides that Texas may maintain the current local workforce board areas as defined in Texas statute and regulation to fulfill the requirements under section 116, and that no other language in HR 1385 may be construed to force Texas to change the configuration of its 28 local workforce areas. Section 189(I)(3) provides that Texas may maintain its sanctioning process for local boards. Section 194(a)(1)(A) provides that Texas may maintain it current process and formulas for allocating funds under sections 127 and 132 to its local workforce boards and that Texas may maintain it current procedures for disbursing money that is allocated to local workforce boards. Section 194(a)(1)(B) provides that local workforce boards in Texas may maintain their disbursal processes and procedures for monies provided under sections 127 and 132. Section 194(a)(2) provides that Texas may maintain the procedure as defined in Texas statute and regulation through which fiscal agents are designated by local boards for monies provided under sections 127 or 132. Section 194(a)(3) provides that Texas may maintain its process by which local boards designate or select one-stop partners and one-stop operators, notwithstanding any requirements set forth in section 121. Section 194(a)(4) provides that Texas may maintain its requirements that service providers shall not be permitted to perform both intake and training services. Section 194(a)(5) provides that Texas may maintain the roles and functions of its state board (otherwise known as the Texas Council for Workforce and Economic Competitiveness) and that no requirements for elements of state plans shall be construed to force a role or function upon Texas' State Board that is inconsistent with Texas statute or regulation. Section 194(a)(6) provides that Texas may maintain the roles and functions of its Local Boards and that no requirements for elements of state or local plans shall be construed to force a role or function upon Texas' local board that is inconsistent with Texas statute or regulation.

Mr. DEWINE. The Senator is correct, and I, too, share your commitment to preserving the leading edge reforms Texas is implementing.

Mrs. HUTCHISON. I thank the Senator. There is, however, one final item on which I request clarification. It is my understanding that the intent of Section 194(a)(4) is to allow Texas to limit providers to provide either intake or training services as defined under section 134.

Mr. DEWINE. The Senator is correct. It was the intent of the Conference Committee to allow Texas this specific flexibility with regard to intake and training providers.

Mrs. HUTCHISON. I thank the Senator for his leadership and his assistance and cooperation in ensuring that the intent of this important bill is allowed to be carried-out according to specific state needs and laws.•

STATUS OF THE HAWAIIAN MONK SEAL

• Mr. AKAKA. Mr. President, a we continue to celebrate the International

Year of the Ocean, I would like to inform members of the status and efforts to save the endangered Hawaiian monk seal, the only seal endemic to the Hawaiian islands.

As you may know, the Hawaiian monk seal is one of three species of monk seal known in the world. The other two are the Caribbean and Mediterranean monk seal. The last Caribbean monk seal was sighted in 1952 and is thought to be extinct; the Mediterranean monk seal still survives, but barely, with a population of only 500–1,000 individuals. The rarity of the monk seal makes efforts to save the Hawaiian variety all the more urgent.

Monk seals belong to an order known as pinnipedia, which in Latin means feather or flipper footed. This order includes seals, sea lions, and walruses. Walruses are not found in Hawaii because the weather is not cold enough for them to survive; sea lions are also not natural to the area. The only pinniped found in Hawaiian waters is a seal—the Hawaiian monk seal. Although, Hawaiian monk seals predominately inhabit the Northwestern Hawaiian islands, including Kure Atoll, French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Reef, they are occasionally found in the main Hawaiian islands. In fact, the Hawaiian monk seal is one of only two mammals that are endemic to the Hawaiian islands, the other being the Hoary bat.

The National Marine Fisheries Service (NMFS) estimates that there is a population of approximately 1,200–1,400 Hawaiian monk seals. This is half of what the population was in the 1950s. Factors threatening this species include entanglement and consumption of marine debris, disturbance by humans and animals on pupping and haul out beaches, mobbing of females by males, and shark predation.

The NMFS is leading the effort to save the Hawaiian monk seal from further endangerment and ultimate extinction. Under federal law, the agency protects Hawaiian monk seals through education, research, and recovery programs. For example, NMFS has appointed a Hawaiian Monk Seal Recovery team to help with research programs, data analysis, population assessment, and addressing specific problems such as mobbing, human disturbance, and fishing line/net entanglement. The recovery team's mission is to eliminate the causes leading to the declining monk seal population and recommend how further efforts should be managed to stabilize and impede endangerment of this species.

Throughout the years, NMFS has monitored activity on primary breeding locations and taken appropriate actions to aid young monk seal pups and their mothers to a full and healthy life. In order to do this, NMFS has initiated recovery plans to protect females and their offspring from vicious male mobbing which occurs when adult male monk seals attack pups, juveniles, and sub-adult females, probably mistaking them for breeding females. Some of the efforts that NMFS has launched include removing weaned pups from the beach and placing them in enclosed pens until they are strong enough to be released on their own, relocating monk seal males from areas where they greatly outnumber females, and rehabilitating small abandoned pups until they can be released back into the wild.

NMFS also strives to decrease indirect and direct human activities that result in harmful occurrences, like a seal swallowing marine debris or entangling itself in fishing lines or nets. In order to accomplish the task of cleaning up beaches and ridding the oceans of debris, NMFS offers information to schools, marine parks, organizations, and individuals who want to learn what they can do to help the recovery of this species. NMFS also sets up signs on beaches where monk seals are most likely to breed or visit informing visitors how to avoid disturbing the sea animals.

Fortunately, the agency is supported by other organizations that have fostered efforts for the recovery of this unique and beautiful species. These include: the Hawaii Department of Land and Natural Resources, which assists and supports NMFS's recovery efforts; Earthtrust and the Hawaii Wildlife Fund, which promote awareness of and education about the Hawaiian monk seal; Sea Life Park Hawaii, which has in the past offered rehabilitation for monk seal pups; and Dolphin Quest, which financially supports monk seal recovery efforts.

In addition to these organized efforts to save the monk seal, I should recognize the conservation conscious beachgoers, fishermen, and other individuals, who go out of their way to ensure that their activities do not disturb or harm Hawaiian monk seals or other marine life. By simply picking up trash before they leave the beach, beachgoers can do much to promote the survival of the Hawaiian monk seal. Fishermen can also help by being aware of where they fish and making sure that they do not cast their lines in an area where Hawaiian monk seals may inhabit and accidentally bite onto a baited hook. It is also important to make sure that fishing lines and nets are not left in the ocean for a monk seal to swallow or become entangled in. Thus, conscientious citizens can do much to perpetuate the existence of this special creature.

Mr. President, the Hawaiian monk seal is one of Hawaii's biological treasures. Through the combined efforts of government agencies, community organizations, and ordinary citizens, we may one day witness the full recovery of the Hawaiian monk seal. It is my hope that through the education and preservation of this rare species, more people will learn to respect and value all marine life and, by extension, understand our own relationship to our living environment.•

CONGRATULATIONS TO ST. THERESA OF THE LITTLE FLOWER CATHOLIC CHURCH ON ITS APPROACHING FIFTIETH ANNIVERSARY

• Mr. REID. Mr. President, I rise today to pay tribute to Reno, Nevada's Little Flower Catholic Church, which will soon be marking its fiftieth anniversary. This amazing church has truly been a blessing for the people of northern Nevada, as it has become a pillar of strength, inspiration, and hope for the thousands who have passed through its doors.

Little Flower has truly blossomed since its first mass was celebrated on October 17, 1948. Senator Patrick McCarran, Representative Walter Baring and area religious leaders of all denominations were just a few of those who filled the church's 200 seats on that special day. By the time Father Robert Bowling became pastor in 1974, facilities has expanded and the parish had grown to several hundred people. And, during the following year, the parish actually doubled in size. Today, under Father Bowling's continued stewardship, the church ministers to almost four thousand families, reflecting an extraordinary increase—particularly over the last twenty-five years. Moreover, each month, a Little Flower worship service is taped and later aired on local television for the benefit of those who would like to attend mass but are too infirm to do so.

In celebrating this anniversary, I am reminded of the well-known biblical passage that refers to our duty as our brother's keeper. This message is clearly not lost on the Little Flower congregation. While the church is by no means what one would consider wealthy, its parishioners' generosity is boundless. In addition to monthly donations to St. Vincent's shelter, the Little Flower distributes food vouchers to the hungry on a daily basis. A local supermarket honors the certificates and then bills the church at the end of each month. Likewise, gas vouchers are provided to stranded motorists. Bus fare is available for runaways looking to return home and for others caught in similarly difficult straits. Even money for medicine is given to the uninsured poor. Little Flower's policy holds that nobody in need is turned away, and no questions are ever asked.

Yet, Little Flower Catholic Church is not just about worship and charity; it's also a garden of personal and community development. The church operates a school that enrolls three hundred youngsters, providing top-notch religious and academic instruction. In addition, the church sponsors countless organizations such as a Mom's Group, Altar Society, Knights of Columbus, as well as Filipino, Hispanic, and youth-centered choirs. Of course, standard Marriage, Baptism and Sunday school classes are also included in the Little Flower's crowded slate of activities. Sometimes I think that if a book could be written about the church's history, it may well be called the Little Flower That Could.

Father Omar, one of the parish priests, is a more recent example of Little Flower's devotion to its parishioners. Born in Colombia, with a heart big enough to fill the world, Father Omar today sets the standard for spirituality and community activism. He is truly a man for others.

Hanging over the entrance of the church chapel is a sign declaring that "love is spoken here." Indeed, it's a language the folks at Little Flower Catholic Church have clearly mastered. The church has embraced newcomers, comforted and cheered the downtrodden, and is one of those special places that brings out the best in all of us. While its history is grand, Little Flower Catholic Church's future promises to be equally as rosy. Congratulations on the approaching fiftieth anniversary to Reno Bishop Phillip Straling, Father Bowling, the church's charter members, and all of the parishioners that have made it such a sanctuary of unconditional love.•

CATHERINE KENNEDY

• Mr. DODD. Mr. President, our nation's struggle against the AIDS virus has been a difficult one. More and more Americans are beginning to learn the facts about this disease that has become the leading killer of U.S. adults between the ages of 25 and 44. And in recent years, we have finally begun to devote significant resources toward quality treatment and the search for a cure. But as my colleagues know, for many years, attention to the disease was severely lacking, and only a handful of people in this country were actively working for better treatment of its victims. I am proud to say that one of the true heroes and pioneers in the fight against AIDS hails from Connecticut: Catherine Kennedy of New Haven. Sadly, Mrs. Kennedy recently died of pancreatic cancer at the age of 51.

Catherine Kennedy was active on many fronts in the fight against AIDS, but she is best known for her efforts to establish Connecticut's first nursing home for people afflicted with this disease.

A native of England, Catherine Kennedy moved to New Haven in 1983. Shortly after moving to Connecticut, she noticed the lack of nursing centers and services for people in the area living with AIDS. She saw nursing homes that were refusing care to many individuals. Patients were being kept, at enormous expense, at hospitals that were essentially unequipped to treat them. And other patients were in fact homeless.

Catherine Kennedy took it upon herself to create a nursing home designed specifically to treat persons living with HIV/AIDS who were too sick to stay at home but too healthy to need hospital care. Her efforts were met with great resistance along the way.

But she eventually gained the help of Lucie McKinney, the widow of U.S. Representative Stewart McKinney, who had died of AIDS. Together they were able to convince the Governor and state legislature to support the idea of a treatment center, and a law was passed which provided funding to cover non-hospital care costs for AIDS patients and to convert an old factory in New Haven into a nursing home. She was also able to secure a grant from Yale-New Haven Hospital to help finance the home.

In 1995, eight years after Catherine Kennedy began her efforts to establish this center, Leeway, Inc. opened its doors and became the first nursing home in Connecticut for the treatment of persons with AIDS or the HIV virus. Since it opened, Leeway has treated more than 150 individuals. And while Catherine Kennedy's original idea was to create a center to primarily provide quality care for dying patients, today nearly half of their patients are able to go home and resume their everyday lives.

Catherine Kennedy is a shining example of what one person can accomplish if they are willing to fully commit themselves to the betterment of their community. She overcame tremendous resistance and even greater odds to open this nursing home. Her determination has resulted in a better life for hundreds of people living with HIV/AIDS in Connecticut, as well as in communities all across the country who look at Leeway as a model for providing quality care.

But Catherine Kennedy touched the lives of many more people than just those who struggle with this deadly disease. She was a beloved figure by all who knew her, and she inspired those around her to ask more of themselves and reach out to others in need. She will be dearly missed.

She is survived by her husband Paul, her three sons, two brothers and two sisters. I offer my heartfelt condolences to them all.•

ELIMINATING THE BACKLOG OF VETERANS REQUESTS FOR MILITARY MEDALS

• Mr. HARKIN. Mr. President, I would like to take some time to address an unfilfilled obligation we have to our nation's veterans. The problem is a substantial backlog of requests by veterans for replacement military medals.

I first became aware of this issue a few years ago after dozens of Iowa veterans began contacting my State offices requesting assistance in obtaining medals and other military decorations they earned while serving the country. These veterans had tried in vain—usually for months, sometimes for years—to navigate the vast Pentagon bureaucracy to receive their military decorations. The wait for medals routinely exceeded more than a year, even after intervention by my staff. I believe this is unacceptable. Our nation must continue its commitment to recognize the sacrifices made by our veterans in a timely manner. Addressing this simple concern will fulfill an important and solemn promise to those who served to preserve democracy both here and abroad.

Let me briefly share the story of Mr. Dale Holmes, a Korean War veteran. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years through the normal Department of Defense channels to get the medals her father deserved. Ms. Groff turned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve the issue favorably until September 1997.

Ms. Groff made a statement about the delays her father experienced that sums up my sentiments perfectly: "I don'ts think it's fair . . . My dad deserves—everybody deserves—better treatment than that." Ms. Groff could not be more correct. Our veterans deserve better than that from the country they served so courageously.

Another example that came through my district offices is Mr. James Lunde, a Vietnam-era veteran. His brother in law contacted my Des Moines office in January of this year for help in obtaining a Purple Heart and other medals Mr. Lunde earned. These medals have been held up since 1975. Unfortunately, there is still no determination as to when Mr. Lunde's medals will be sent.

The numbers are disheartening and can sound almost unbelievable. For example, a small Army Reserve staff at the St. Louis Office faces a backlog of tens of thousands of requests for medals. So why the lengthy delays? Why, at one personnel center, is there a backlog of 40,000 requests?

The primary reason DOD officials cite for these unconscionable delays is personnel and other resource shortages resulting from budget cuts and hiring freezes. For example, the Navy Liaison Office has gone from 5 or more personnel to 3 within the last 3 years. Prior to this, the turnaround time was 4–5 months. Budget shortages have delayed the agency's ability to replace employees who have left, and in cases where they can be replaced, the "learning curve" in training new employees leads to further delays.

Yesterday, during the debate over the Defense Appropriations bill, I offered an amendment to eliminate the backlog of unfulfilled military medal requests. The amendment was accepted by unanimous consent.

My amendment directs the Secretary of Defense to allocate resources necessary to eliminate the backlog of requests for military medals. Specifically, the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem. In addition, this reallocation of resources is only to be made in a way that "does not detract from the performance of other personnel service and personnel support activities within the DOD."

Our veterans are not asking for much. Their brave actions in time of war deserve our highest respect, recognition, and admiration. My amendment will help expedite the recognition they so richly deserve. Our veterans deserve nothing less.●

HONORING THE COUNTRYSIDE FIRE PROTECTION DISTRICT

● Ms. MOSELEY-BRAUN. Mr. President, it is my distinct pleasure to bring to the attention of the Senate the achievements of one of the Nation's most accomplished firefighting districts.

The Countryside Fire Protection District, in my home state of Illinois, has recently received accreditation from the Commission on Fire on Accreditation International. The Countryside Fire Protection District, serving the towns of Hawthorn Woods, Indian Creek, Long Grove, Vernon Hills and portions of unincorporated Lake County, was the first district in the world to be awarded this prestigious mark of firefighting quality and excellence. The Village of Long Grove, the Lake County Board and the Office of the Illinois State Fire Marshall have since recognized this important achievement.

The Commission on Fire Accreditation International, created by the International Association of Fire Chiefs and the International City/County Manager Association, is a non-profit trust organization dedicated to the quality and improvement of fire and emergency service agencies. The Commission offers accreditation for local firefighting districts after a comprehensive evaluation. Accreditation is awarded if, among other qualifications, a district's firefighting program is broad, rigorous, contemporary and adaptive. The Countryside Fire Protection District, under the exemplary leadership of Chief A. Lewis Landry, has demonstrated those standards and continues to be a model for both this Nation and the international firefighting community to follow.

As a member of the Congressional Fire Services Caucus, I am deeply impressed by the caliber of services that the Countryside Fire Protection District Provides. With admirable distinction, Chief Landry and the fire fighters of his district have gallantly protected their district from the perils of disaster, ensuring the safety of their fellow citizens. I congratulate the members of the Countryside Fire Protection District on this momentous achievement, and I extend my gratitude to you for your selfless dedication to the safety of your community and your neighbors.●

RECOGNIZING SECRETARY OF EDUCATION RICHARD RILEY

● Mr. ROCKEFELLER. Mr. President, today, I would like to recognize the extraordinary work and dedication of our Secretary of Education, the Honorable Richard Riley. I am quite proud to call Secretary Riley a good friend. Over many years, I have had the privilege of working closely with the Secretary to promote quality education and help children and families. I believe everyone in the Senate understands the importance of quality education for every child, even if we may sometimes disagree on the best ways to achieve this fundamental goal.

I believe that education technology provides enormous promise for strengthening education, enhancing choice, and helping every child gain access to the wealth of information and educational resources on the Information Superhighway. In my our state of West Virginia, distance learning has provided access to advance courses in math, science, and even foreign languages like Japanese in some of the poorest, most rural areas. And this is just one example. There is much we can do, as noted by the Secretary's speech to the National Conference of Young Leaders about the role of technology and education. I ask that Secretary Riley's remarks be printed in the RECORD so that all of my colleagues can review these compelling remarks.

The remarks follow:

TECHNOLOGY AND EDUCATION—AN INVESTMENT IN EQUITY AND EXCELLENCE

(By Richard W. Riley)

Thank you Senator Glenn. I am so grateful that you could take the time out of your busy schedule—between being a Senator and preparing to return to space—to be here with us today. I am especially delighted by your presence because I can think of no American who better exemplifies the link between education and technology—and whose life has been a constant quest of new challenges, new experiences and, perhaps most importantly, new knowledge.

On that note, let me say what a great delight it is to address the many students who are taking part in the National Young Leaders Conference who are here in Washington to study our government. I also want to welcome those education and technology leaders who are with us today—as well as the students, teachers, librarians, and others who are joining us across the country on the Internet.

I am very pleased—and I think it is so appropriate—that this event, which focuses on the critical relationship between education and technology, is being Webcast via the Internet. It is an example of the kind of opportunity available to those who might not otherwise be able to participate in these kinds of discussions.

My friends, I come before you to talk about the promise and the possibilities of technology in education. I want to assure you that this future can be a rich and limitless one, full of opportunity for students of all ages. But I also want to make clear that to achieve this kind of bright future requires a real commitment by this nation to end the great disparity that exists between those who have, and those who do not have these exciting tools for learning. We have the potential to do great things with technology in our schools, but it is a potential still largely unrealized.

Right now, if I had to describe the application of technology in our nation's schools, I would say that it is a tale of two worlds. One world is a world of families and communities that have the best in educational technology and are reaping the benefits.

In the other world, the use of technology in schools to achieve maximum educational benefit is usually little more than a dream. Figures from the Commerce Department—just released—confirm that we are in the midst of a severe digital divide—a gap between those who have access to computers and the Internet—and those who do not. The figures show that it is a divide centered largely on racial, economic, and other demographic lines. But it is a divide that does not have to be.

The Commerce numbers show, for instance, that White Americans are more than twice as likely to own a computer as African Americans or Hispanics, 41% to 19%. Households earning more than $75,000 have more than 75 percent computer ownership, while households with incomes under $10,000 have 11 percent or less computer ownership. And Americans with a college degree are almost ten times more likely to own a personal computer than those with eight years of school or less.

The statistics are equally disappointing in our schools. Too many of our nation's classrooms lack the resources and connections to hook into these effective learning technologies. According to the National Center for Education Statistics, although 78 percent of our public schools are now connected to the Internet, thanks to communities and schools working together, only 27 percent of classrooms have access. What is more, in low income communities and minority neighborhoods, only 13 percent of classrooms have such access.

Now, it doesn't take a statistician to figure out what all these numbers mean. We, as a nation, are missing the opportunity of a lifetime. It is the opportunity it offers a student living in a rural area to experience the greatest museums and libraries in our cities and around the world. It is the chance a student with a disability has to gain access to all kinds of information.

It is the ability of all students—no matter whether rich or poor, or whether they are from a small town, a city, a rural area, or a suburb—to learn at the highest levels with the greatest resources and have the promise of a future of real opportunity. This is the potential of technology.

Quite simply, technology can be one of the greatest equalizers of opportunity that has existed since the first textbook was distributed in our nation's public schools. But a single computer in the principal's office won't allow kids to benefit from these learning technologies. We need to get the technology to where kids learn—in the classroom.

I believe it is time to think seriously about the direction in which we want to go and the kind of investment we want to make in our nation and our children's future. It is time to break the cycle of technological inequity—not perpetuate it.

Today's students are the first generation that will be expected to have technology skills for careers and future success. These skills are the "new basics." By the year 2000, 60 percent of all jobs will require high tech computer skills. Over the next seven years, according to the Bureau of Labor Statistics, it is estimated that there will be a 70% growth in computer and technology related jobs—jobs with a real future.

In this Information Age, information is the currency that drives the economy. If people do not have access to information or the necessary tools, they cannot participate in this economy.

In some schools, students already are getting this kind of training. Covington High School in Covington, Louisiana, for instance—and I understand that Stephanie Piranio is here from that school today—has integrated technology into almost every aspect of learning to help students further their development of basic and advanced skills like reading, writing, mathematics, science, and geography.

In one environmental science class, students focused on cleaning up and restoring a local stream. They conducted research on restoration, worked at improving water quality and analyzed results. They wrote reports, prepared multimedia presentations, and met with local and state leaders. The Army Corps of Engineers even awarded a grant to the city, in large part due to the students' work, which it said was the equivalent of more than $50,000 in research and preparation.

The "Do-It Scholars" program at the University of Washington, is another exciting program that used technology to expand learning opportunities. High school students with disabilities who have interests in science and engineering are provided with special tools and training to use the Internet to explore academic and career interests.

One student, who was totally blind used a computer with speech output to explore the fields of biology and computer science. That student commented, "I have all of the information for school projects. I no longer have to get help from fellow students to do my research papers. In fact, a few have even asked me for help."

But it's not just students who can reap these benefits. Teachers can spend more individual time with students; they can communicate with each other and be exposed to new and engaging methods of teaching; and they can communicate with parents about their children's schoolwork.

I think a science teacher in Florida explained it best when she said that using technology to learn is "the difference between looking at a picture of a heart in a textbook, and looking at a beating heart and being able to slow it down and analyze it to see exactly how it works, step by step."

Research by David Dwyer and others shows significant links between computer-assisted instruction and achievement in traditional subject matter. Students with access to these technologies have shown better organizational and problem-solving skills when compared with students who do not have access to these technologies.

Perhaps even more important, research shows that students in schools that integrate technology into the traditional curriculum have higher attendance and lower dropout rates—which leads to greater academic success.

This can be seen at one of our Blue Ribbon schools, Westwood High School in Austin, Texas, which has developed a comprehensive program to use technology to enhance teaching and learning. I believe Stephanie Pan is here today from that school. Westwood's SAT and ACT test scores are among the highest in the state, and the school's AP placement programs rank 20th in the nation.

The use of computers has also been shown to be an especially effective way to improve learning and educational opportunities for at-risk students, as a recent study by City University of New York demonstrates.

Significant academic improvement was found, especially in reading, when computers were provided in the homes of at-risk middle school students. The greatest improvement was shown by those who spent the most time on their computers because it helped them learn to think and express themselves, and use their time more productively.

The strong connection between technology and learning only serves to highlight the utter injustice of the continuing inequity in computer ownership and access that was confirmed so clearly in the Commerce Department statistics I mentioned earlier.

President Clinton and Vice President Gore have been working hard to end this digital divide—and to give all young people in poorer communities the chance to use these kinds of resources and build stronger schools. One of the most important of these initiatives is called the E-Rate, or Education Rate.

Now "E" could also stand for equality or equal access—because the fastest way I know to help close the "digital divide" is by providing significantly discounted telecommunications services for schools and libraries. This initiative is critically important because it guarantees affordable telecommunications access to all schools—public and private.

Curiously, in spite of the great benefits it would bring to communities around the country, the E-Rate has faced a number of serious challenges. This offers a good example of how even the best ideas can get sidetracked or derailed by powerful special interests. Let me tell you what happened.

Two years ago, after months of public hearings and with bipartisan support, Congress passed, and the FCC implemented, the Telecommunications Act of 1996. This law deregulated the industry and provided telecommunications companies with broad new opportunities for growth.

Linked to this opportunity was a responsibility to continue Universal Service—a 60-year old program that has provided affordable telephone services to some rural communities and other areas with unusually high telephone costs. The Congress also expanded this critical program to provide schools and libraries with more affordable telecommunications services through what is referred to as the E-rate. It was a win-win situation.

In exchange for their continued support of Universal Service, the long distance telephone carriers were given significant reductions in their costs through reduced access fees. Unfortunately, after the plan was enacted, some of the long distance companies sought to change the way it was funded, jeopardizing the E-rate. And some members of Congress have sought short term political gain by trying to pull the plug on the program.

The long distance companies added a surcharge to phone bills purportedly to recover the cost of Universal Service. But we argue that they already had been reimbursed through the reduced access fees.

They also failed to distinguish between all Universal Service charges and the E-Rate. One large long distance company put a 95 cent surcharge on telephone bills. But only 19 cents of that was for the school and library program—which amounted to less than a penny a day. I can think of no more worthwhile investment for our children.

Now, I am pleased to say that grass roots groups and student organizations have fought diligently for this effort. As a result, we were able to save the E-rate, but attacks on it continue. If the E-rate is taken away or reduced any further, as a recent report by the National School Boards Association clearly demonstrates, students in schools and people in libraries across the country will be left high and dry. That is wrong and people need to speak out about it.

Let me tell you in no uncertain terms—President Clinton, Vice President Gore, and I will continue to fight any efforts to dismantle the e-rate and widen the digital divide.

What good is it to be the richest nation in the world—with the greatest technological resources in the world—if the ability to benefit from technology is dependent on whether a student goes to a particular school?

There are many who criticize the use of technology in our schools. The irony is that those who belittle this use of technology are those who already have access to computers and the preparation to participate fully in today's Information Age.

This debate has never been about technology. It has been about what our children have the opportunity to do. It's about much more than just giving a young person a computer or connecting that person to the Internet. It's about connecting students to a whole new world of learning resources and offering the mind the opportunity to expand and take on a new and challenging future.

As I'm sure many of you already know, the web is a wondrous resource for those of you thinking about college. A recent survey of college-bound high school seniors found that 78% had used college web sites during their hunt for campus information—up from 4% just two years earlier.

The Department of Education's own web site provides publications such as "Getting Ready for College Early," the "Student Guide to Financial Aid" and "Funding your Education." You can even get and fill out your financial aid forms for college (FAFSA) via the web.

I am delighted to announce that today we are unveiling our "Think College Early" web site. This new site (www.ed.gov/thinkcollege) will provide middle school students, parents, and teachers critical information they need to know to begin to get prepared for college. If parents are not computer literate, I would encourage students to download a copy of the Department's own "Parents Guide to the Internet"—so that parents and children can discuss and research these issues together.

We also need to improve opportunities for teachers to use technology—so that it is just as easy as it is for most teachers to use a chalkboard today. The best high tech learning equipment is of little value if a teacher doesn't know how to use it effectively in the classroom. Colleges of education need to incorporate technology resources and training into their curriculum. Some already use this, most do not, and all of them should.

This Administration has proposed a number of initiatives designed to strengthen teacher training, with an emphasis on application of technology in the classroom. One such effort would provide $75 million to help ensure that all new teachers entering the workforce can integrate technology effectively in the curriculum.

This is particularly important, given the expected need over the next 10 years for more than two million new teachers. And I hope when the full House of Representatives takes up this issue, it will reverse the decision of the House Appropriations Committee, which refused to fund this important initiative.

Now before I close, I want to emphasize another very important point. While we know that technology makes a very real difference in helping teaching and learning, it is not—I repeat—it is not a panacea for fixing all of the challenges that our schools face. It is a not a substitute for solid teaching and learning, but an opportunity to enhance and build upon it.

The benefits of technology in schools can only be achieved by entire communities coming together. And this Administration is fighting to make the investment to improve education and our schools. We want to give every community more resources—through efforts to raise standards, lower class size, strengthen teaching, improve reading, build and modernize schools, and expand after-school programs. And technology is an important part of this.

The majority in Congress has so far been only negative and opposed full investment in these initiatives. But I hope with the new school year they will get the education spirit.

Quite simply, we need to work together—in our local communities and with national leadership and assistance—to make sure that all schools have the hardware, software, wiring, and teacher training they need and every child has the opportunity to click into the educational promise of technology.

We have it in our power to make sure that this tool for learning not only does not exacerbate the divide between rich and poor—but also works to close it.

Most parents and educators understand the value of technology even if they don't understand the technology itself. It is a reflection of Americans' overall deep feeling about the promise and the power of education—its enormous capacity to open doors, create opportunities and help make people better citizens. Americans understand that without education, we can have neither excellence nor equity. I hope Congress will hear the voices of America.

As President Clinton said recently, "We can extend opportunity to all Americans—or leave many behind. We can erase lines of inequity—or etch them indelibly. We can accelerate the most powerful engine of growth and prosperity the world has ever know—or allow that engine to stall."

I say it is time we take on the challenge and commit ourselves to ending the digital divide. I challenge this nation to work to ensure that every young person in America has the opportunity to sign on to the Internet, to conduct research, look for information about colleges, and just express a natural curiosity and strengthen a love for learning.

What we can not do is let this opportunity pass us by. We must fulfill the promise of this new age of education and information.●

TRIBUTE TO CHRISTINE JACOBS

● Mr. CLELAND. Mr. President, I rise today to honor the many accomplishments of Christine Jacobs of Norcross, Georgia. Chris is the President, CEO and Chairman of the Board of Theragenics Corporation which markets, sells and distributes the FDA-licensed medical device TheraSeed for treating cancer.

She has had many remarkable accomplishments during her career, but today I would like to call attention to yet another important milestone. On August 6, 1998 Chris will switch Theragenics from the NASDAQ exchange, which the company has been trading on publicly since 1986, to the New York Stock Exchange. Chris will become the first female CEO to enroll a company on the New York Stock Exchange. She will also be ringing the bell to open the exchange that morning.

Chris Jacobs is truly a remarkable and successful business-savy member of the Georgia business community. She also dedicates time to civic and medical organizations in Georgia including the Georgia Bio-Medical Partnership, the Board of Councilors of the Carter Center, the State's Small Business Taskforce and the Georgia Chamber of Commerce.

Chris Jacobs possesses the tenacity and vision that has changed the world as we have known it and paved the road to the next millennium in regard to medical treatment. I ask my colleagues in the Senate to join me in honoring the innumerable achievements of Chris Jacobs and her work at Theragenics, and wish her luck and much success on the New York Stock Exchange. She proves that if we can perceive it we can achieve it—Chris will continue to rewrite history and achieve unending successes.●

CURT FLOOD ACT OF 1998

● Mr. WELLSTONE. Mr. President, late last night, the Senate passed by unanimous consent S. 53. I have been contacted by the Attorney General of my State, Hubert H. Humphrey III, and asked to try to clarify a technical legal point about the effect of this legislation. The State of Minnesota, through the office of Attorney General, and the Minnesota Twins are currently involved in an antitrust-related investigation. It is my understanding that S. 53 will have no impact on this investigation or any litigation arising out of the investigation.

Mr. HATCH. That is correct. The bill simply makes it clear that major league baseball players have the same rights under the antitrust laws as do other professional athletes. The bill does not change current law in any other context or with respect to any other person or entity.

Mr. WELLSTONE. Thank you for that clarification. I also note that several lower courts have recently found that baseball currently enjoys only a narrow exemption from antitrust laws and that this exemption applies only to the reserve system. For example, the Florida Supreme Court in Butterworth v. National League, 644 So.2d 1021 (Fla. 1994), the U.S. District Court in Pennsylvania in Piazza v. Major League Baseball, 831 F. Supp. 420 (E.D. Pa. 1993) and a Minnesota State court in a case involving the Twins have all held the baseball exemption from antitrust laws is now limited only to the reserve system. It is my understanding that S. 53 will have no effect on the courts' ultimate resolution of the scope of the antitrust exemption on matters beyond those related to owner-player relations at the major league level.

Mr. HATCH. That is correct. S. 53 is intended to have no effect other than to clarify the status of major league players under the antitrust laws. With regard to all other context or other persons or entities, the law will be the same after passage of the Act as it is today.

Mr. LEAHY. I concur with the statement of the Chairman of the Committee. The bill affects no pending or decided cases except to the extent that courts have exempted major league baseball clubs from the antitrust laws in their dealings with major league players. In fact, Section 3 of the legislation makes clear that the law is unchanged with regard to issues such as relocation. The bill has no impact on the recent decisions in federal and state courts in Florida, Pennsylvania and Minnesota concerning baseball's status under the antitrust laws.

Mr. WELLSTONE. I thank the Senator. I call to my colleagues attention the decision in Minnesota Twins v. State by Humphrey, No. 62-CX-98-568 (Minn. dist. Court, 2d Judicial dist., Ramsey County April 20, 1998) reprinted in 1998-1 Trade Cases (CCH) ¶72,136.●

BLONDIE LABOUISSE, 1915–1998

• Ms. LANDRIEU. Mr. President, I note with sadness the passing of a leading citizen of my hometown, New Orleans, Louisiana. Carolyn Gay Labouisse, a community leader and civic activist for many decades, died this past weekend at the age of 83. She was the daughter of Edward James Gay, a Senator from Louisiana from 1918 until 1921.

Known to everyone as "Blondie," she was the classic Southern woman who, when she saw something lacking in the community, would immediately step forward, roll up her sleeves, and set about making things right. For example, when she saw that New Orleans had an inadequate, out-of-date library facility, she immediately began to spearhead efforts to build a new, modern Main Library. She also worked to develop and expand public affairs programming at our local public television station (WYES). She was an active participant in several task force committees dealing with education in New Orleans.

Blondie was dedicated to progressive politics. In the 1940's and 1950's, she was part of a circle of young people in New Orleans who fought hard to eliminate corruption from politics and to make state and local government more responsive to the needs of its citizens. She campaigned to elect reform candidates as governor of Louisiana and mayor of New Orleans. She was one of the founding members of the Independent Women's Organization, which is a leading reform organization in New Orleans.

She received the 1991 Times-Picayune Loving Cup, the single most prestigious award given annually in New Orleans for community service. The selection committee, in recommending her, noted that "few show more care and compassion for community and fellow man."

I extend my sympathies to her family. Blondie Labouisse meant a great deal to the people of New Orleans. She will be missed.•

RETIREMENT OF GENERAL RICHARD I. NEAL

• Mr. LEAHY. Mr. President, I rise today to honor a fine Marine Officer, General Butch Neal, the Assistant Commandant of the Marine Corps, who will soon retire from active duty.

General Neal's long and distinguished career began more than thirty years ago following his graduation from Northeastern University when he was commissioned a Second Lieutenant in the United States Marine Corps. Following the completion of The Basic School at Quantico, Butch was trained as an artillery officer and was assigned to duty in the Republic of Vietnam where he served tours as a Forward Observer and as an Advisor to the Vietnamese Marine Corps.

While serving in Vietnam, he was wounded and received the Purple Heart. He was also awarded the Silver Star Medal on two occasions for his heroism as well as the Bronze Star Medal with Combat "V" device.

General Neal distinguished himself over the years as one of the Marine Corps' finest commanding officers. Whether as a battery commander, artillery battalion commander, Deputy Marine Expeditionary Force Commander or Commanding General of the 2nd Marine Division, his reputation as an uncommonly gifted leader of Marines has grown with each billet he held. In the joint arena, he served with distinction as the Commanding General, Joint Task Force for Operation GITMO, the humanitarian relief effort for Haitian immigrants in Cuba and as the Deputy Commander in Chief/Chief of Staff for U.S. Central Command.

Day after day, year after year he demonstrated the rare quality of balancing difficult and often dangerous responsibilities with a keen concern for the welfare of his Marines. Butch has been a superb staff officer. Most Americans remember him from his no-nonsense daily briefings during the Persian Gulf War, but he also distinguished himself in personnel management as well as in operational planning.

This unique combination of leadership and administrative skills carried him to the very highest levels of the Marine Corps. His impeccable character and strong moral fiber make him a leader among the very best of our nation's military commanders. Yet what stands out most to me when I think of this fine officer is his simplicity and unassuming nature.

Despite all the accolades and all the honors, he remains a simple man from Massachusetts. I got to know him and his wife Kathy because they attend the same church as my wife Marcelle and I. He is a hard working New Englander who with love of God, country and Corps dedicated a lifetime in service to our nation. Too often we do not thank the Butch Neals of the world, those who choose a lifetime of service and sacrifice so that the rest of us can live safe and free.

Butch, we are grateful for the service you have rendered as a Marine, as well as the sacrifices made by both you and your family. I wish Butch, his wife Kathy and their children Andrew, Amy and Erin much health and happiness in the years ahead. Our country is better for the many contributions he has given us.•

PAUL O'DWYER

• Mr. DODD. Mr. President, I rise today to pay tribute to one of the most passionate and committed political leaders that this country has ever known: Paul O'Dwyer of New York City. Sadly, Mr. O'Dwyer recently died, one day before his 91st birthday.

A former New York City Council President, Paul O'Dwyer was the soul of political activism in New York for a half-century.

Author Frank McCourt mourned him as "one of the pure souls" who "developed convictions early in life and never wavered." And not only did Paul O'Dwyer hold deep convictions, he also acted on them. Mr. O'Dwyer once said, "Politics is the only machinery around on which you can really straighten things out." And hardly a day went by, where Paul O'Dwyer didn't work to "straighten things out" for the people of our country and our world who were most in need.

He was the quintessential champion of the underdog, and his thick white mane of hair became the symbol of most every significant social movement in New York during the past 50 years.

The causes he championed were as diverse as the people and places of our great nation, but at the soul of each of his endeavors was the pursuit of social justice.

He immigrated to the United States from Ireland when he was 17, and he worked his entire adult life for a united Ireland. He was the national coordinator for the American League for an Undivided Ireland. He worked very closely with Gerry Adams and fought for his historic trip to the United States so he could plead his case for peace and understanding in his homeland. And he insisted on meeting with Protestant leaders who visited our shores.

He fought diligently for the creation of the State of Israel. As chairman of the Lawyer's Committee for Justice in Palestine, he pleaded at the United Nations in the late 1940s for Israeli sovereignty.

He was deeply committed to ending segregation in our country. He successfully litigated a critical desegregation suit in 1951, which opened the way for blacks to live in Stuyvesant Town, a large Manhattan housing complex. He also went to the Deep South to register African-American voters, campaign for black candidates, and provide legal assistance.

He successfully argued before the Supreme Court for the right of mainland Puerto Ricans to take their voter literacy test in Spanish.

His constant support of minority causes helped deny him a mainstream role in American politics. In all his efforts to win elective public office, he succeeded just twice, once as Manhattan's councilman at large and the other time as New York City Council President. He also won the Democratic nomination for U.S. Senator in 1968, but lost the general election to Senator Jacob Javits. But Paul O'Dwyer didn't enter politics to win elections, he did so because he saw injustice in this country, and he was determined to eradicate it.

In the end, Paul O'Dwyer may have lost more elections than he won, but his leadership was not based on titles. It was built on principles.

Perhaps that is why few individuals have ever earned the level of respect and admiration that Paul O'Dwyer received from both his colleagues and his adversaries.

Paul O'Dwyer was truly one of a kind, and he will be dearly missed for his leadership and more importantly for his friendship.●

S. 53—THE CURT FLOOD ACT OF 1998

The text of S. 53, the Curt Flood Act of 1998, as passed by the Senate on July 30, 1998, is as follows:

S. 53

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Curt Flood Act of 1998".

SEC. 2. PURPOSE.

It is the purpose of this legislation to state that major league baseball players are covered under the antitrust laws (i.e., that major league baseball players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision that makes it clear that the passage of this Act does not change the application of the antitrust laws in any other context or with respect to any other person or entity.

SEC. 3. APPLICATION OF THE ANTITRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

The Clayton Act (15 U.S.C. §12 et seq.) is amended by adding at the end the following new section:

"SEC. 27. (a) Subject to subsections (b) through (d), the conduct, acts, practices, or agreements of persons in the business of organized professional major league baseball directly relating to or affecting employment of major league baseball players to play baseball at the major league level are subject to the antitrust laws to the same extent such conduct, acts, practices, or agreements would be subject to the antitrust laws if engaged in by persons in any other professional sports business affecting interstate commerce.

"(b) No court shall rely on the enactment of this section as a basis for changing the application of the antitrust laws to any conduct, acts, practices, or agreements other than those set forth in subsection (a). This section does not create, permit or imply a cause of action by which to challenge under the antitrust laws, or otherwise apply the antitrust laws to, any conduct, acts, practices, or agreements that do not directly relate to or affect employment of major league baseball players to play baseball at the major league level, including but not limited to—

"(1) any conduct, acts, practices, or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players;

"(2) the agreement between organized professional major league baseball teams and the teams of the National Association of Professional Baseball Leagues, commonly known as the 'Professional Baseball Agreement', the relationship between organized professional major league baseball and organized professional minor league baseball, or any other matter relating to organized professional baseball's minor leagues;

"(3) any conduct, acts, practices, or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting franchise expansion, location or relocation, franchise ownership issues, including ownership transfers, the relationship between the Office of the Commissioner and franchise owners, the marketing or sales of the entertainment product of organized professional baseball and the licensing of intellectual property rights owned or held by organized professional baseball teams individually or collectively;

"(4) any conduct, acts, practices, or agreements protected by Public Law 87-331 (15 U.S.C. §1291 et seq.) (commonly known as the 'Sports Broadcasting Act of 1961');

"(5) the relationship between persons in the business of organized professional baseball and umpires or other individuals who are employed in the business of organized professional baseball by such persons; or

"(6) any conduct, acts, practices, or agreements of persons not in the business of organized professional major league baseball.

"(c) Only a major league baseball player has standing to sue under this section. For the purposes of this section, a major league baseball player is—

"(1) a person who is a party to a major league player's contract, or is playing baseball at the major league level; or

"(2) a person who was a party to a major league player's contract or playing baseball at the major league level at the time of the injury that is the subject of the complaint; or

"(3) a person who has been a party to a major league player's contract or who has played baseball at the major league level, and who claims he has been injured in his efforts to secure a subsequent major league player's contract by an alleged violation of the antitrust laws: *Provided however*, That for the purposes of this paragraph, the alleged antitrust violation shall not include any conduct, acts, practices, or agreements of persons in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, including any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players; or

"(4) a person who was a party to a major league player's contract or who was playing baseball at the major league level at the conclusion of the last full championship season immediately preceding the expiration of the last collective bargaining agreement between persons in the business of organized professional major league baseball and the exclusive collective bargaining representative of major league baseball players.

"(d)(1) As used in this section, 'person' means any entity, including an individual, partnership, corporation, trust or unincorporated association or any combination or association thereof. As used in this section, the National Association of Professional Baseball Leagues, its member leagues and the clubs of those leagues, are not 'in the business of organized professional major league baseball'.

"(2) In cases involving conduct, acts, practices, or agreements that directly relate to or affect both employment of major league baseball players to play baseball at the major league level and also relate to or affect any other aspect of organized professional baseball, including but not limited to employment to play baseball at the minor league level and the other areas set forth in subsection (b) above, only those components, portions or aspects of such conduct, acts, practices, or agreements that directly relate to or affect employment of major league players to play baseball at the major league level may be challenged under subsection (a) and then only to the extent that they directly relate to or affect employment of major league baseball players to play baseball at the major league level.

"(3) As used in subsection (a), interpretation of the term 'directly' shall not be governed by any interpretation of section 151 et seq. of title 29, United States Code (as amended).

"(4) Nothing in this section shall be construed to affect the application to organized professional baseball of the nonstatutory labor exemption from the antitrust laws.

"(5) The scope of the conduct, acts, practices, or agreements covered by subsection (b) shall not be strictly or narrowly construed.".

H.R. 1702—THE COMMERCIAL SPACE ACT OF 1997

The text of H.R. 1702, the "Commercial Space Act of 1997", as amended, and passed by the Senate on July 30, 1998, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 1702) entitled "An Act to encourage the development of a commercial space industry in the United States, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Commercial Space Act of 1997".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of space station.
Sec. 102. Commercial space launch amendments.
Sec. 103. Promotion of United States Global Positioning System standards.
Sec. 104. Acquisition of space science data.
Sec. 105. Administration of Commercial Space Centers.

TITLE II—REMOTE SENSING

Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.
Sec. 202. Acquisition of earth science data.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 301. Requirement to procure commercial space transportation services.
Sec. 302. Acquisition of commercial space transportation services.
Sec. 303. Launch Services Purchase Act of 1990 amendments.
Sec. 304. Shuttle privatization.
Sec. 305. Use of excess intercontinental ballistic missiles.
Sec. 306. National launch capability study.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term "payload" means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term "space-related activities" includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term "space transportation services" means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term "space transportation vehicle" means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers, to companies described in subparagraph (A) with respect to local investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

SEC. 101. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORTS.—(1) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 90 days after the date of the enactment of this Act, a study that identifies and examines—

(A) the opportunities for commercial providers to play a role in International Space Station activities, including operation, use, servicing, and augmentation;

(B) the potential cost savings to be derived from commercial providers playing a role in each of these activities;

(C) which of the opportunities described in subparagraph (A) the Administrator plans to make available to commercial providers in fiscal year 1999 and 2000;

(D) the specific policies and initiatives the Administrator is advancing to encourage and facilitate these commercial opportunities; and

(E) the revenues and cost reimbursements to the Federal Government from commercial users of the Space Station.

(2) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independently-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1) based on the external market assessment.

(3) The Administrator shall deliver to the Congress, no later than the submission of the President's annual budget request for fiscal year 2000, a report detailing how many proposals (whether solicited or not) the National Aeronautics and Space Administration received during calendar year 1998 regarding commercial operation, servicing, utilization, or augmentation of the International Space Station, broken down by each of these four categories, and specifying how many agreements the National Aeronautics and Space Administration has entered into in response to these proposals, also broken down by these four categories.

(4) Each of the studies and reports required by paragraphs (1), (2), and (3) shall include consideration of the potential role of State governments as brokers in promoting commercial participation in the International Space Station program.

SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

and

(D) by adding at the end the following new items:

"70120. Regulations.
"70121. Report to Congress.".

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting ", reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "conduct of commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) in paragraph (3)—

(i) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth";

(ii) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a comma; and

(iii) by adding after subparagraph (C) the following:

"including activities involved in the preparation of a launch vehicle or payload for launch, when those activities take place at a launch site in the United States.";

(B) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (14), (15), and (16), respectively;

(D) by inserting after paragraph (10) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle

designed to return from Earth orbit or outer space to Earth, substantially intact.''; and

(E) by inserting ''or reentry services'' after ''launch services'' each place it appears in paragraph (15), as so redesignated by subparagraph (C) of this paragraph;

(4) in section 70103(b)—

(A) by inserting ''AND REENTRIES'' after ''LAUNCHES'' in the subsection heading;

(B) by inserting ''and reentries'' after ''commercial space llaunches'' in paragraph (1); and

(C) by inserting ''and reentry'' after ''space launch'' in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

''§ 70104. Restrictions on launches, operations, and reentries'';

(B) by inserting ''or reentry site, or to reenter a reentry vehicle,'' after ''operate a launch site'' each place it appears in subsection (a);

(C) by inserting ''or reentry'' after ''launch or operation'' in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking ''launch license'' and inserting in lieu thereof ''license'';

(ii) by inserting ''or reenter'' after ''may launch''; and

(iii) by inserting ''or reentering'' after ''related to launching''; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: ''PREVENTING LAUNCHES AND REENTRIES.—'';

(ii) by inserting ''or reentry'' after ''prevent the launch''; and

(iii) by inserting ''or reentry'' after ''decides the launch'';

(6) in section 70105—

(A) by inserting ''(1)'' before ''A person may apply'' in subsection (a);

(B) by striking ''receiving an application'' both places it appears in subsection (a) and inserting in lieu thereof ''accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)'';

(C) by adding at the end of subsection (a) the following: ''The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when a license is not issued within the deadline established by this subsection.

''(2) In carrying out paragraph (1), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities.'';

(D) by inserting ''or a reentry site, or the reentry of a reentry vehicle,'' after ''operation of a launch site'' in subsection (b)(1);

(E) by striking ''or operation'' and inserting in lieu thereof '', operation, or reentry'' in subsection (b)(2)(A);

(F) by striking ''and'' at the end of subsection (b)(2)(B);

(G) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof ''; and'';

(H) by adding at the end of subsection (b)(2) the following new subparagraph:

''(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application.''; and

(I) by inserting '', including the requirement to obtain a license,'' after ''waive a requirement'' in subsection (b)(3);

(7) in section 70106(a)—

(A) by inserting ''or reentry site'' after ''observer at a launch site'';

(B) by inserting ''or reentry vehicle'' after ''assemble a launch vehicle''; and

(C) by inserting ''or reentry vehicle'' after ''with a launch vehicle'';

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

''§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries'';

and

(B) in subsection (a)—

(i) by inserting ''or reentry site, or reentry of a reentry vehicle,'' after ''operation of a launch site''; and

(ii) by inserting ''or reentry'' after ''launch or operation'';

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

''§ 70109. Preemption of scheduled launches or reentries'';

(B) in subsection (a)—

(i) by inserting ''or reentry'' after ''ensure that a launch'';

(ii) by inserting '', reentry site,'' after ''United States Government launch site'';

(iii) by inserting ''or reentry date commitment'' after ''launch date commitment'';

(iv) by inserting ''or reentry'' after ''obtained for a launch'';

(v) by inserting '', reentry site,'' after ''access to a launch site'';

(vi) by inserting '', or services related to a reentry,'' after ''amount for launch services''; and

(vii) by inserting ''or reentry'' after ''the scheduled launch''; and

(C) in subsection (c), by inserting ''or reentry'' after ''prompt launching'';

(10) in section 70110—

(A) by inserting ''or reentry'' after ''prevent the launch'' in subsection (a)(2); and

(B) by inserting ''or reentry site, or reentry of a reentry vehicle,'' after ''operation of a launch site'' in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting ''or reentry'' after ''launch'' in subsection (a)(1)(A);

(B) by inserting ''and reentry services'' after ''launch services'' in subsection (a)(1)(B);

(C) by inserting ''or reentry services'' after ''or launch services'' in subsection (a)(2);

(D) by striking ''source.'' in subsection (a)(2) and inserting ''source, whether such source is located on or off a Federal range.'';

(E) by inserting ''or reentry'' after ''commercial launch'' both places it appears in subsection (b)(1);

(F) by inserting ''or reentry services'' after ''launch services'' in subsection (b)(2)(C);

(G) by inserting after subsection (b)(2) the following new paragraph:

''(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.'';

(H) by striking ''or its payload for launch'' in subsection (d) and inserting in lieu thereof ''or reentry vehicle, or the payload of either, for launch or reentry''; and

(I) by inserting '', reentry vehicle,'' after ''manufacturer of the launch vehicle'' in subsection (d);

(12) in section 70112—

(A) in subsection (a)(1), by inserting ''launch or reentry'' after ''(1) When a'';

(B) by inserting ''or reentry'' after ''one launch'' in subsection (a)(3);

(C) by inserting ''or reentry services'' after ''launch services'' in subsection (a)(4);

(D) in subsection (b)(1), by inserting ''launch or reentry'' after ''(1) A'';

(E) by inserting ''or reentry services'' after ''launch services'' each place it appears in subsection (b);

(F) by inserting ''applicable'' after ''carried out under the'' in paragraphs (1) and (2) of subsection (b);

(G) by striking '', Space, and Technology'' in subsection (d)(1);

(H) by inserting ''OR REENTRIES'' after ''LAUNCHES'' in the heading for subsection (e);

(I) by inserting ''or reentry site or a reentry'' after ''launch site'' in subsection (e); and

(J) in subsection (f), by inserting ''launch or reentry'' after ''carried out under a'';

(13) in section 70113—by inserting ''or reentry'' after ''one launch'' each place it appears in paragraphs (1) and (2) of subsection (d);

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting ''reentry site,'' after ''launch site,''; and

(B) by inserting ''or reentry vehicle'' after ''launch vehicle'' both places it appears;

(15) in section 70117—

(A) by inserting ''or reentry site, or to reenter a reentry vehicle'' after ''operate a launch site'' in subsection (a);

(B) by inserting ''or reentry'' after ''approval of a space launch'' in subsection (d);

(C) by amending subsection (f) to read as follows:

''(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports, except that payloads launched pursuant to foreign trade zone procedures as provided for under the Foreign Trade Zones Act (19 U.S.C. 81a–81u) shall be considered exports with regard to customs entry.''; and

(D) in subsection (g)—

(i) by striking ''operation of a launch vehicle or launch site,'' in paragraph (1) and inserting in lieu thereof ''reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,''; and

(ii) by inserting ''reentry,'' after ''launch,'' in paragraph (2); and

(16) by adding at the end the following new sections:

''§ 70120. Regulations

''(a) IN GENERAL.—The Secretary of Transportation, within 9 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

''(1) guidelines for industry and State governments to obtain sufficient insurance coverage for potential damages to third parties;

''(2) procedures for requesting and obtaining licenses to launch a commercial launch vehicle;

''(3) procedures for requesting and obtaining operator licenses for launch;

''(4) procedures for requesting and obtaining launch site operator licenses; and

''(5) procedures for the application of government indemnification.

''(b) REENTRY.—The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue a notice of proposed rulemaking to carry out this chapter that includes—

''(1) procedures for requesting and obtaining licenses to reenter a reentry vehicle;

''(2) procedures for requesting and obtaining operator licenses for reentry; and

"(3) procedures for requesting and obtaining reentry site operator licenses.

"§ 70121. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 70119 of title 49, United States Code, is amended to read as follows:

"§ 70119. Authorization of appropriations

"There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

"(1) $6,182,000 for the fiscal year ending September 30, 1998;

"(2) $6,275,000 for the fiscal year ending September 30, 1999; and

"(3) $6,600,000 for the fiscal year ending September 30, 2000.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a)(6)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(H).

SEC. 103. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.

(a) FINDING.—The Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data links, and associated command and control facilities, has become an essential element in civil, scientific, and military space development because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.

(b) INTERNATIONAL COOPERATION.—In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national security, public safety, scientific, and economic interests of the United States, the Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees;

(2) enter into international agreements that promote cooperation with foreign governments and international organizations to—

(A) establish the Global Positioning System and its augmentations as an acceptable international standard; and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide; and

(3) provide clear direction and adequate resources to United States representatives so that on an international basis they can—

(A) achieve and sustain efficient management of the electromagnetic spectrum used by the Global Positioning System; and

(B) protect that spectrum from disruption and interference.

SEC. 104. ACQUISITION OF SPACE SCIENCE DATA.

(a) ACQUISITION FROM COMMERCIAL PROVIDERS.—In order to satisfy the scientific and educational requirements of the National Aeronautics and Space Administration, and where practicable of other Federal agencies and scientific researchers, the Administrator shall to the maximum extent possible acquire, where cost effective, space science data from a commercial provider.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations. Nothing in this subsection shall be construed to preclude the United States from acquiring sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) DEFINITION.—For purposes of this section, the term "space science data" includes scientific data concerning the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets, microgravity acceleration, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

SEC. 105. ADMINISTRATION OF COMMERCIAL SPACE CENTERS.

The Administrator shall administer the Commercial Space Center program in a coordinated manner from National Aeronautics and Space Administration headquarters in Washington, D.C.

TITLE II—REMOTE SENSING

SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.

(a) FINDINGS.—The Congress finds that—

(1) a robust domestic United States industry in high resolution Earth remote sensing is in the economic, employment, technological, scientific, and national security interests of the United States;

(2) to secure its national interests the United States must nurture a commercial remote sensing industry that leads the world;

(3) the Federal Government must provide policy and regulations that promote a stable business environment for that industry to succeed and fulfill the national interest;

(4) it is the responsibility of the Federal Government to create domestic and international conditions favorable to the health and growth of the United States commercial remote sensing industry;

(5) it is a fundamental goal of United States policy to support and enhance United States industrial competitiveness in the field of remote sensing, while at the same time protecting the national security concerns and international obligations of the United States; and

(6) it is fundamental that the states be able to deploy and utilize this technology in their land management responsibilities. To date, very few states have the ability to do so without engaging the academic institutions within their boundaries. In order to develop a market for the commercial sector, the states must have the capacity to fully utilize the technology.

(b) AMENDMENTS.—The Land Remote Sensing Policy Act of 1992 is amended—

(1) in section 2 (15 U.S.C. 5601)—

(A) by amending paragraph (5) to read as follows:

"(5) Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal, of United States policy.";

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively;

(C) in paragraph (11), as so redesignated by subparagraph (B) of this paragraph, by striking "determining the design" and all that follows through "international consortium" and inserting in lieu thereof "ensuring the continuity of Landsat quality data"; and

(D) by adding at the end the following new paragraphs:

"(16) The United States should encourage remote sensing systems to promote access to land remote sensing data by scientific researchers and educators.

"(17) It is in the best interest of the United States to encourage remote sensing systems whether privately-funded or publicly-funded, to promote widespread affordable access to unenhanced land remote sensing data by scientific researchers and educators and to allow such users appropriate rights for redistribution for scientific and educational noncommercial purposes.";

(2) in section 101 (15 U.S.C. 5611)—

(A) in subsection (c)—

(i) by inserting "and" at the end of paragraph (6);

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (e)(1)—

(i) by inserting "and" at the end of subparagraph (A);

(ii) by striking ", and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(iii) by striking subparagraph (C);

(3) in section 201 (15 U.S.C. 5621)—

(A) by inserting "(1)" after "NATIONAL SECURITY.—" in subsection (b);

(B) in subsection (b)(1), as so redesignated by subparagraph (A) of this paragraph—

(i) by striking "No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply" and inserting in lieu thereof "The Secretary shall grant a license if the Secretary determines that the activities proposed in the application are consistent";

(ii) by inserting ", and that the applicant has provided assurances adequate to indicate, in combination with other information available to the Secretary that is relevant to activities proposed in the application, that the applicant will comply with all terms of the license" after "concerns of the United States"; and

(iii) by inserting "and policies" after "international obligations";

(C) by adding at the end of subsection (b) the following new paragraph:

"(2) The Secretary, within 6 months after the date of the enactment of the Commercial Space Act of 1997, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information."; and

(D) in subsection (c), by amending the second sentence thereof to read as follows: "If the Secretary has not granted the license within such 120-day period, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant or the Secretary in order to result in the granting of a license.";

(4) in section 202 (15 U.S.C. 5622)—

(A) by striking "section 506" in subsection (b)(1) and inserting in lieu thereof "section 507";

(B) in subsection (b)(2), by striking "as soon as such data are available and on reasonable terms and conditions" and inserting in lieu thereof "on reasonable terms and conditions, including the provision of such data in a timely manner subject to United States national security and foreign policy interests";

(C) in subsection (b)(6), by striking "any agreement" and all that follows through "nations or entities" and inserting in lieu thereof "any significant or substantial agreement"; and

(D) by inserting after paragraph (6) of subsection (b) the following:

"The Secretary may not seek to enjoin a company from entering into a foreign agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, transmitted to the licensee a statement that such agreement is inconsistent with the national security, foreign policy, or international obligations of the United States, including an explanation of such inconsistency.";

(5) in section 203(a)(2) (15 U.S.C. 5623(a)(2)), by striking "under this title and" and inserting in lieu thereof "under this title or";

(6) in section 204 (15 U.S.C. 5624), by striking "may" and inserting in lieu thereof "shall";

(7) in section 205(c) (15 U.S.C. 5625(c)), by striking "if such remote sensing space system is licensed by the Secretary before commencing operation" and inserting in lieu thereof "if such private remote sensing space system will be licensed by the Secretary before commencing its commercial operation";

(8) by adding at the end of title II the following new section:

"SEC. 206. NOTIFICATION.

"(a) LIMITATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations imposed on the licensee, and the period during which such limitations apply.

"(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Not later than 30 days after an action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 202(b) or section 203(a)(2), the Secretary shall provide written notification to Congress of such action and the reasons therefor.";

(9) in section 301 (15 U.S.C. 5631)—

(A) by inserting ", that are not being commercially developed" after "and its environment" in subsection (a)(2)(B); and

(B) by adding at the end the following new subsection:

"(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVITIES.—The Federal Government shall not undertake activities under this section which duplicate activities available from the United States commercial sector, unless such activities would result in significant cost savings to the Federal Government, or are necessary for reasons of national security or international obligations or policies.";

(10) in section 302 (15 U.S.C. 5632)—

(A) by striking "(a) GENERAL RULE.—";

(B) by striking ", including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303,"; and

(C) by striking subsection (b);

(11) by repealing section 303 (15 U.S.C. 5633);

(12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking ", including any such enhancements developed under the technology demonstration program under section 303,";

(13) in section 501(a) (15 U.S.C. 5651(a)), by striking "section 506" and inserting in lieu thereof "section 507";

(14) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking "section 506" and inserting in lieu thereof "section 507"; and

(15) in section 507 (15 U.S.C. 5657)—

(A) by amending subsection (a) to read as follows:

"(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under title II affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of such conditions. The Secretary of Defense shall convey to the Secretary the determinations for a license issued under title II, consistent with this Act, that the Secretary of Defense determines necessary to meet the national security concerns of the United States.";

(B) by striking subsection (b)(1) and (2) and inserting in lieu thereof the following:

"(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under title II affecting international obligations and policies of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions. The Secretary of State shall convey to the Secretary the determinations for a license issued under title II, consistent with this Act, that the Secretary of State determines necessary to meet the international obligations and policies of the United States.

"(2) Appropriate United States Government agencies are authorized and encouraged to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from commercial providers. National Aeronautics and Space Administration, United States Geological Survey, and National Oceanic and Atmospheric Administration should develop and implement a program to aid the transfer of remote sensing technology and Mission to Planet Earth (OES) science at the state level"; and

(C) in subsection (d), by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

SEC. 202. ACQUISITION OF EARTH SCIENCE DATA.

(a) ACQUISITION.—For purposes of meeting Government goals for Mission to Planet Earth, and in order to satisfy the scientific and educational requirements of the National Aeronautics and Space Administration, and where appropriate of other Federal agencies and scientific researchers, the Administrator shall to the maximum extent possible acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations. Nothing in this subsection shall be construed to preclude the United States from acquiring sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(d) ADMINISTRATION AND EXECUTION.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the Space Shuttle;

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with foreign policy purposes, or launch of the payload by a foreign entity serves foreign policy purposes;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services

and space transportation vehicles acquired or owned by the Federal Government before the date of the enactment of this Act, or with respect to which a contract for such acquisition or ownership has been entered into before such date.

(d) Historical Purposes.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SEC. 302. ACQUISITION OF COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) Treatment of Commercial Space Transportation Services as Commercial Item Under Acquisition Laws.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of such laws and regulations.

(b) Safety Standards.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (42 U.S.C. 2465b et seq.) is amended—

(1) by striking section 202;

(2) in section 203—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;

(3) by striking sections 204 and 205; and

(4) in section 206—

(A) by striking "(a) Commercial Payloads on the Space Shuttle.—"; and

(B) by striking subsection (b).

SEC. 304. SHUTTLE PRIVATIZATION.

(a) Policy and Preparation.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) Feasibility Study.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiters and ground facilities;

(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments, and what policies should be developed to prioritize among payloads generally;

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(c) Report to Congress.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (b) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

SEC. 305. USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.

(a) In General.—The Federal Government shall not—

(1) convert any missile described in subsection (c) to a space transportation vehicle configuration or otherwise use any such missile to place a payload in space; or

(2) transfer ownership of any such missile to another person, except as provided in subsection (b).

(b) Authorized Federal Uses.—

(1) A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if, except as provided in paragraph (2) and at least 30 days before such conversion, the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on National Security and the Committee on Science of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, a certification that the use of such missile—

(A) would result in cost savings to the Federal Government when compared to the cost of acquiring space transportation services from United States commercial providers;

(B) meets all mission requirements of the agency, including performance, schedule, and risk requirements;

(C) is consistent with international obligations of the United States; and

(D) is approved by the Secretary of Defense or his designee.

(2) The requirement under paragraph (1) that the assurance described in that paragraph must be transmitted at least 30 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

(c) Missiles Referred To.—The missiles referred to in this section are missiles owned by the United States that—

(1) were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles; and

(2) have been declared excess to United States national defense needs and are in compliance with international obligations of the United States.

SEC. 306. NATIONAL LAUNCH CAPABILITY STUDY.

(a) Findings.—Congress finds that—

(1) a robust satellite and launch industry in the United States serves the interest of the United States by—

(A) contributing to the economy of the United States;

(B) strengthening employment, technological, and scientific interests of the United States; and

(C) serving the foreign policy and national security interests of the United States.

(b) Definitions.—In this section:

(1) Secretary.—The term "Secretary" means the Secretary of Defense.

(2) Total Potential National Mission Model.—The term "total potential national mission model" means a model that—

(A) is determined by the Secretary, in consultation with the Administrator, to assess the total potential space missions to be conducted by the United States during a specified period of time; and

(B) includes all United States launches (including launches conducted on or off a Federal range).

(c) Report.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator and appropriate representatives of the satellite and launch industry and the governments of States and political subdivisions thereof—

(A) prepare a report that meets the requirements of this subsection; and

(B) submit that report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(2) Requirements for Report.—The report prepared under this section shall—

(A) identify the total potential national mission model for the period beginning on the date of the report and ending on December 31, 2007;

(B) identify the resources that are necessary to carry out the total potential national mission model described in subparagraph (A), including providing for—

(i) launch property and services of the Department of Defense; and

(ii) the ability to support commercial launch-on-demand on short notification at national launch sites or test ranges;

(C) identify each deficiency in the resources referred to in subparagraph (B); and

(D) with respect to the deficiencies identified under subparagraph (C), including estimates of the level of funding necessary to address those deficiencies for the period described in subparagraph (A).

(3) Quinquennial Updates.—The Secretary shall update the report required by paragraph (1) quinquennially beginning with 2012.

(d) Recommendations.—Based on the reports under subsection (c), the Secretary, after consultation with the Secretary of Transportation, the Secretary of Commerce, and representatives from interested private sector entities, States, and local governments, shall—

(1) identify opportunities for investment by non-Federal entities (including States and political subdivisions thereof and private sector entities) to assist the Federal Government in providing launch capabilities

for the commercial space industry in the United States;

(2) identify 1 or more methods by which, if sufficient resources referred to in subsection (c)(2)(D) are not available to the Department of Defense, the control of the launch property and launch services of the Department of Defense may be transferred from the Department of Defense to—

(A) 1 or more other Federal agencies;

(B) 1 or more States (or subdivisions thereof);

(C) 1 or more private sector entities; or

(D) any combination of the entities described in subparagraphs (A) through (C); and

(3) identify the technical, structural, and legal impediments associated with making national ranges in the United States viable and competitive.

COMMENDING THE NAVAL NUCLEAR PROPULSION PROGRAM ON ITS 50TH ANNIVERSARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 265, submitted earlier today by Senator WARNER.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 265) commending the Naval Nuclear Propulsion Program on its 50th Anniversary and expressing the sense of the Senate regarding continuation of the program into the 21st century.

The Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I rise today to pay tribute to the Naval Nuclear Propulsion Program and to introduce a resolution to commemorate the 50th anniversary of this outstanding institution.

The Naval Nuclear Propulsion Program was founded by the legendary Admiral Hyman Rickover in 1948 when he was a Captain. At that time, the technology that enabled the release of nuclear power was in its infancy—a byproduct of the atomic bomb. Captain Rickover assigned himself the task of building a nuclear submarine. Just seven years later, U.S.S. *Nautilus* put to sea under nuclear power.

Admiral Rickover's legacy—the Naval Nuclear Propulsion Program—is a technical organization unequaled in accomplishment throughout the world.

The Program is truly a gem of efficiency in government and a crown jewel in our Nation's security. The program fulfills its multifaceted responsibilities over all aspects of naval nuclear propulsion with only 750 Government personnel led by a single Director, currently Admiral Skip Bowman, USN.

By law, the Director, Naval Nuclear Propulsion, is singularly responsible for the design, construction, operation, operator training, maintenance, refueling, and ultimate disposal of naval nuclear propulsion plants. During its 50 years of existence, the Naval Nuclear Propulsion Program has developed, built, and operated 246 nuclear reactors of more than 30 different designs. Since the *Nautilus* first sailed, the Navy has delivered 209 nuclear-powered warships which have safely steamed a combined total of over 113 million miles.

The accomplishments of the Naval Nuclear Propulsion Program provide evidence that good engineering does not happen by coincidence, or by clever management technique. Good engineering is the result of thoroughly trained, dedicated people who are committed to ensuring proper attention to technical details.

The high degree of public confidence in the Navy's nuclear-powered warships results from the Program's unparalleled operating, environmental, and safety record. This record is made possible because the Program has the requisite authority, structure, expertise, and experience necessary to focus all aspects of work on a common goal: Safe and reliable nuclear propulsion supporting military objectives.

Mr. President, I congratulate the Naval Nuclear Propulsion Program on its 50th anniversary and on all the accomplishments it has achieved during that time.

On a personal note, I wish to acknowledge the contributions of the Directors of the Naval Nuclear Propulsion Program past and present—Admiral Hyman G. Rickover, Admiral Kin McKee, Admiral Bruce DeMars and Admiral Skip Bowman—all of whom I am proud to have known and with whom I have worked closely over the years.

I urge my colleagues to join me in honoring this fine organization by cosponsoring this resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that a statement by Senator WARNER in explanation appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 265

Whereas in 1948, Admiral (then Captain) Hyman G. Rickover first assembled his team of Navy professionals, other Government professionals, and contractor professionals that would adapt the relatively new technology of atomic energy to design and build the United States' fleet of nuclear-powered warships;

Whereas over the next seven years, Admiral Rickover and his team developed an industrial base in a new technology, pioneered new materials, designed and built a prototype reactor, established a training program, and took the world's first nuclear-powered submarine, the U.S.S. Nautilus, to sea thus ensuring America's undersea superiority;

Whereas since 1955, when the U.S.S. Nautilus first sailed, the Navy has put to sea 209 nuclear-powered ships whose propulsion plants have given the Navy unparalleled mobility, flexibility, and, additionally for submarines, stealth, with an outstanding record of safety;

Whereas during its 50 years of existence, the Naval Nuclear Propulsion Program has developed, built, and managed the operation of 246 nuclear reactors of more than 30 different designs with a combined total of 4,900 reactor years of operation, thereby leading the world in reactor construction, servicing, and operational experience;

Whereas since its inception, the Naval Nuclear Propulsion Program has trained over 90,000 reactor operators and the Navy's nuclear-powered warships have achieved over 113,000,000 miles of safe steaming on nuclear power; and

Whereas nuclear energy now propels more than 40 percent of the Navy's major combatant vessels and these nuclear-powered warships are accepted without reservation by over 50 countries and territories into 150 ports: Now, therefore, be it

Resolved, That—

(1) the Senate commends the past and present personnel of the Naval Nuclear Propulsion Program for the technical excellence, accomplishment, and oversight demonstrated in the program and congratulates those personnel for the 50 years of exemplary service that has been provided to the United States through the program; and

(2) it is the sense of the Senate that the Naval Nuclear Propulsion Program should be continued into the next millennium to provide exemplary technical accomplishment in, and oversight of, Naval nuclear propulsion plants and to continue to be a model of technical excellence in the United States and the world.

HONORING CENTENNIAL OF FOUNDING OF DEPAUL UNIVERSITY

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 266, submitted earlier today by Senator MOSELEY-BRAUN and Senator DURBIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 266) honoring the centennial of the founding of DePaul University in Chicago, IL.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. MOSELEY-BRAUN. Mr. President, it is my privilege to join my colleague from Illinois, Senator RICHARD DURBIN, in recognizing an important milestone in our nation's history of higher education. This year marks the 100th anniversary of the founding of the country's largest Catholic university, DePaul University, in my hometown of Chicago.

One hundred years ago, the Vincentian Fathers founded a college to educate immigrants who were otherwise denied admission to many of the nation's colleges and universities. Today, DePaul University serves a student population of 17,000 young men and women. Over the course of these 100 years, DePaul's growth has been guided by the original mission of the Fathers to foster in higher education a deep respect for the God-given dignity of all persons, and to instill in educated persons a dedication to the service of others.

From its humble beginnings, DePaul University has grown to become a major educational and economic force in both the city of Chicago and the State of Illinois. The more than 65,000 DePaul alumni who live and work in Illinois are prominent in such diverse fields as law, education, business, music and art.

Mirroring its hometown of Chicago, DePaul is nationally recognized for the diversity of its faculty and student body. In fact, the University enrolls the largest combined number of African-American and Latino students of any private college or university in Illinois.

A few of the many areas of study in which DePaul has distinguished itself include the performing arts, education, law, telecommunication and business. The School of Music and Theater also are nationally recognized institutions. The School of Education has provided elementary and high school teachers to many schools throughout the Chicago metropolitan area. Furthermore, on an issue that is very near to my heart, the School of Education has joined forces with the Chicago Public School system in an effort to help develop new and innovative teaching techniques to meet the demands of the 21st century.

Many of Illinois' finest jurists and lawyers received their training at DePaul University's School of law. The Law School, internationally known for its work on human rights, is currently working with the University's International Criminal Justice and Weapons Control Center in support of the establishment of an International Criminal Court.

In the field of business, DePaul University has distinguished itself with a nationally ranked graduate school, which is one of the largest in the country, and whose part-time MBA program has received national recognition as one of the country's top ten programs for each of the past four years. Moreover, the School of Computer Science, Telecommunications Information Systems is one of the largest graduate schools of its kind in the United States.

Mr. President, there are but a few of the many ways in which DePaul University has repeatedly demonstrated its great worth to the State of Illinois and our nation as a purveyor of quality higher education and invaluable academic research. It is important, however, that it be mentioned that DePaul University accomplishes all this while maintaining a strong commitment to high moral ideals and the selfless service to others and to God.

It is, therefore, right and appropriate that the United States Senate pass this resolution, and join me and Senator DURBIN in congratulating DePaul University on its Centennial Anniversary, and in wishing the University much continued success for the next 100 years.

Mr. DURBIN. Mr. President, I rise today to join my colleague, Senator MOSELEY-BRAUN, in honoring DePaul University on its 100th anniversary.

The students, alumni, and faculty of DePaul University have much to be proud of. One hundred years ago, a group of Vincentian fathers founded what would become DePaul University in order to teach immigrants who would otherwise be denied access to a college education. Since that time, DePaul has been guided by its original mission: to foster in higher education a respect for all persons and a commitment to service of others.

It is no surprise that DePaul produces some of Illinois' top citizens and plays a significant role in the Illinois economy. The University has distinguished itself in major education fields such as business, law, telecommunications, and art. The School of Education has provided the Chicago metropolitan area with many devoted and innovative professional elementary and high school teachers. Further, DePaul's School of Business is a nationally ranked program that has been recognized as one of the best in the nation.

Moreover, the DePaul School of Law has garnered an international reputation for its work in international human rights. The International Criminal Justice and Weapons Control Center of DePaul University is working to establish an International Criminal Court in order to discourage war crimes.

In keeping with its original mission to teach immigrants who faced disadvantages, DePaul continues to be committed to educating minority students who still face barriers to their advancement. The University is nationally recognized for the diversity of its faculty and enrolls the largest number of African-American and Latino students of any private college or university in Illinois.

DePaul has matured into a prestigious university and an integral part of the city of Chicago. There are over 65,000 working DePaul graduates living in Illinois. Further, DePaul graduates are prominent in every facet of employment, including law, business, and the arts.

Again, I extend my congratulations to DePaul University. The University has proven itself to be a great asset to the state of Illinois and the city of Chicago. I hope that its second century proves to be as successful as its first.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating thereto be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 266) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 266

Whereas 1998 marks the 100th anniversary of the founding of DePaul University in Chicago, Illinois, which is the largest Catholic university in the Nation with over 17,000 students;

Whereas DePaul University was originally founded by the Vincentian Fathers to teach immigrants who were otherwise denied access to a college education, and has been guided for the past 100 years by the mission to foster in higher education a deep respect for the God-given dignity of all persons and to instill in educated persons a dedication to the service of others;

Whereas DePaul University has matured into a major regional resource that drives the Illinois economy at many levels and with over 65,000 alumni who live and work in Illinois, DePaul graduates are prominent in the State's business community, the law profession and the judicial system, the educational institutions of the State, and music and theatre;

Whereas DePaul University is nationally recognized for the diversity of its faculty and student population as the University enrolls the largest combined number of African-American and Latino students of any private college or university in Illinois;

Whereas DePaul University has distinguished itself in such fields as education, business, performance art, telecommunications, and law;

Whereas the School of Education has provided the Chicago metropolitan area with many of its elementary and high school teachers, and has joined forces with the Chicago Public School system to develop innovative educational techniques;

Whereas DePaul University has a nationally ranked graduate School of Business, which is one of the largest in the United States, and a part-time MBA program that has received national recognition as 1 of the top 10 programs in the Nation for the past 4 years;

Whereas DePaul's School of Music and Theatre School are nationally recognized institutions;

Whereas DePaul's School of Computer Science, Telecommunication and Information Systems is the largest graduate school of its kind in the United States; and

Whereas the DePaul School of Law has produced many of Chicago's lawyers and jurists while obtaining an international reputation for its work in international human rights, and the International Criminal Justice and Weapons Control Center of DePaul University is working in support of the establishment of an International Criminal Court: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the important educational contributions that DePaul University has made to the State of Illinois and the Nation; and

(2) congratulates the students, alumni, faculty, and staff of DePaul University on the occasion of the centennial anniversary of the founding of DePaul University.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 424, S. 1754.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1754) to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Health Professions Education Partnerships Act of 1998".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Under-represented minority health professions grant program.
Sec. 102. Training in primary care medicine and dentistry.
Sec. 103. Interdisciplinary, community-based linkages.
Sec. 104. Health professions workforce information and analysis.
Sec. 105. Public health workforce development.
Sec. 106. General provisions.
Sec. 107. Preference in certain programs.
Sec. 108. Definitions.
Sec. 109. Technical amendment on National Health Service Corps.
Sec. 110. Savings provision.

Subtitle B—Nursing Workforce Development

Sec. 121. Short title.
Sec. 122. Purpose.
Sec. 123. Amendments to Public Health Service Act.
Sec. 124. Savings provision.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 131. Primary care loan program.
Sec. 132. Loans for disadvantaged students.
Sec. 133. Student loans regarding schools of nursing.
Sec. 134. General provisions.

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health Education Assistance Loan Program.
Sec. 142. HEAL lender and holder performance standards.
Sec. 143. Reauthorization.
Sec. 144. HEAL bankruptcy.
Sec. 145. HEAL refinancing.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. State offices of rural health.
Sec. 302. Demonstration projects regarding Alzheimer's Disease.
Sec. 303. Project grants for immunization services.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103–183.
Sec. 402. Miscellaneous amendments regarding PHS commissioned officers.
Sec. 403. Clinical traineeships.
Sec. 404. Project grants for screenings, referrals, and education regarding lead poisoning.
Sec. 405. Project grants for preventive health services regarding tuberculosis.
Sec. 406. CDC loan repayment program.
Sec. 407. Community programs on domestic violence.
Sec. 408. State loan repayment program.
Sec. 409. Authority of the director of NIH.
Sec. 410. Raise in maximum level of loan repayments.
Sec. 411. Construction of regional centers for research on primates.
Sec. 412. Peer review.
Sec. 413. Funding for trauma care.
Sec. 414. Health information and health promotion.
Sec. 415. Emergency medical services for children.
Sec. 416. Administration of certain requirements.
Sec. 417. Aids drug assistance program.
Sec. 418. National Foundation for Biomedical Research.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. UNDER-REPRESENTED MINORITY HEALTH PROFESSIONS GRANT PROGRAM.

(a) In General.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

"PART B—HEALTH PROFESSIONS TRAINING FOR DIVERSITY

"SEC. 736. CENTERS OF EXCELLENCE.

"(a) In General.—The Secretary shall make grants to, and enter into contracts with, designated health professions schools described in subsection (c), and other public and nonprofit health or educational entities, for the purpose of assisting the schools in supporting programs of excellence in health professions education for under-represented minority individuals.

"(b) Required Use of Funds.—The Secretary may not make a grant under subsection (a) unless the designated health professions school involved agrees, subject to subsection (c)(1)(C), to expend the grant—

"(1) to develop a large competitive applicant pool through linkages with institutions of higher education, local school districts, and other community-based entities and establish an education pipeline for health professions careers;

"(2) to establish, strengthen, or expand programs to enhance the academic performance of under-represented minority students attending the school;

"(3) to improve the capacity of such school to train, recruit, and retain under-represented minority faculty including the payment of such stipends and fellowships as the Secretary may determine appropriate;

"(4) to carry out activities to improve the information resources, clinical education, curricula and cultural competence of the graduates of the school, as it relates to minority health issues;

"(5) to facilitate faculty and student research on health issues particularly affecting under-represented minority groups, including research on issues relating to the delivery of health care;

"(6) to carry out a program to train students of the school in providing health services to a significant number of under-represented minority individuals through training provided to such students at community-based health facilities that—

"(A) provide such health services; and

"(B) are located at a site remote from the main site of the teaching facilities of the school; and

"(7) to provide stipends as the Secretary determines appropriate, in amounts as the Secretary determines appropriate.

"(c) Centers of Excellence.—

"(1) Designated Schools.—

"(A) In general.—The designated health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraphs (B) and (C), and that—

"(i) meet each of the conditions specified in paragraph (2)(A);

"(ii) meet each of the conditions specified in paragraph (3);

"(iii) meet each of the conditions specified in paragraph (4); or

"(iv) meet each of the conditions specified in paragraph (5).

"(B) General conditions.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) has a significant number of under-represented minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting under-represented minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting under-represented minority individuals to enroll in and graduate from the school, including providing scholarships and other financial assistance to such individuals and encouraging under-represented minority students from all levels of the educational pipeline to pursue health professions careers; and

"(iv) has made significant recruitment efforts to increase the number of under-represented minority individuals serving in faculty or administrative positions at the school.

"(C) Consortium.—The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health profession school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium.

"(D) Application of criteria to other programs.—In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(2) Centers of excellence at certain historically black colleges and universities.—

"(A) Conditions.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) is a school described in section 799B(1); and

"(ii) received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.

"(B) USE OF GRANT.—In addition to the purposes described in subsection (b), a grant under subsection (a) to a designated health professions school meeting the conditions described in subparagraph (A) may be expended—

"(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for under-represented minority individuals; and

"(ii) to provide improved access to the library and informational resources of the school.

"(C) EXCEPTION.—The requirements of paragraph (1)(C) shall not apply to a historically black college or university that receives funding under paragraphs (2) or (5).

"(3) HISPANIC CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that—

"(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Hispanic individuals; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit community based Hispanic serving organizations, or public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Hispanic individuals, the purposes of which will be to carry out a program—

"(I) to identify Hispanic students who are interested in a career in the health profession involved; and

"(II) to facilitate the educational preparation of such students to enter the health professions school; and

"(ii) the school will make efforts to recruit Hispanic students, including students who have participated in the undergraduate or other matriculation program carried out under arrangements established by the school pursuant to clause (i)(II) and will assist Hispanic students regarding the completion of the educational requirements for a degree from the school.

"(4) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Subject to subsection (e), the conditions specified in this paragraph are that—

"(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Native Americans; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

"(I) to identify Native American students, from the institutions of higher education referred to in clause (i), who are interested in health professions careers; and

"(II) to facilitate the educational preparation of such students to enter the designated health professions school; and

"(ii) the designated health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the designated health professions school.

"(5) OTHER CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are—

"(A) with respect to other centers of excellence, the conditions described in clauses (i) through (iv) of paragraph (1)(B); and

"(B) that the health professions school involved has an enrollment of under-represented minorities above the national average for such enrollments of health professions schools.

"(d) DESIGNATION AS CENTER OF EXCELLENCE.—

"(1) IN GENERAL.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in paragraph (2) or (5) of subsection (c) shall, for purposes of this section, be designated by the Secretary as a Center of Excellence in Under-Represented Minority Health Professions Education.

"(2) HISPANIC CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(3) shall, for purposes of this section, be designated by the Secretary as a Hispanic Center of Excellence in Health Professions Education.

"(3) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(4) shall, for purposes of this section, be designated by the Secretary as a Native American Center of Excellence in Health Professions Education. Any consortium receiving such a grant pursuant to subsection (e) shall, for purposes of this section, be so designated.

"(e) AUTHORITY REGARDING NATIVE AMERICAN CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(1) the school has formed a consortium in accordance with subsection (d)(1); and

"(2) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.

"(f) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED HEALTH PROFESSIONS SCHOOL.—

"(A) IN GENERAL.—The term 'health professions school' means, except as provided in subparagraph (B), a school of medicine, a school of osteopathic medicine, a school of dentistry, a school of pharmacy, or a graduate program in behavioral or mental health.

"(B) EXCEPTION.—The definition established in subparagraph (A) shall not apply to the use of the term 'designated health professions school' for purposes of subsection (c)(2).

"(2) PROGRAM OF EXCELLENCE.—The term 'program of excellence' means any program carried out by a designated health professions school with a grant made under subsection (a), if the program is for purposes for which the school involved is authorized in subsection (b) or (c) to expend the grant.

"(3) NATIVE AMERICANS.—The term 'Native Americans' means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there authorized to be appropriated $26,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) ALLOCATIONS.—Based on the amount appropriated under paragraph (1) for a fiscal year, one of the following subparagraphs shall apply:

"(A) IN GENERAL.—If the amounts appropriated under paragraph (1) for a fiscal year are $24,000,000 or less—

"(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A); and

"(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

"(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

"(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under paragraph (1) for a fiscal year exceed $24,000,000 but are less than $30,000,000—

"(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

"(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under paragraph (1) for a fiscal year are $30,000,000 or more, the Secretary shall make available—

"(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

"(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

"(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

"(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

"(3) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for other grants under this section.

"(4) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

“(B) Use of Federal Funds.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the Secretary may not make such a grant to the center for any fiscal year unless the center agrees that the center will, before expending the grant, expend the Federal amounts obtained from sources other than the grant.

“SEC. 737. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

“(a) In General.—The Secretary may make a grant to an eligible entity (as defined in subsection (d)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (d). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school.

“(b) Preference in Providing Scholarships.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agree that, in providing scholarships pursuant to the grant, the schools will give preference to students for whom the costs of attending the schools would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

“(c) Amount of Award.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities.

“(d) Definitions.—In this section:

“(1) Eligible Entities.—The term ‘eligible entities’ means an entity that—

“(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, chiropractic, or allied health, a school offering a graduate program in behavioral and mental health practice, or an entity providing programs for the training of physician assistants; and

“(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

“(2) Eligible Individual.—The term ‘eligible individual’ means an individual who—

“(A) is from a disadvantaged background;

“(B) has a financial need for a scholarship; and

“(C) is enrolled (or accepted for enrollment) at an eligible health professions or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.

“SEC. 738. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

“(a) Loan Repayments.—

“(1) Establishment of Program.—The Secretary shall establish a program of entering into contracts with individuals described in paragraph (2) under which the individuals agree to serve as members of the faculties of schools described in paragraph (3) in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such individuals.

“(2) Eligible Individuals.—The individuals referred to in paragraph (1) are individuals from disadvantaged backgrounds who—

“(A) have a degree in medicine, osteopathic medicine, dentistry, nursing, or another health profession;

“(B) are enrolled in an approved graduate training program in medicine, osteopathic medicine, dentistry, nursing, or other health profession; or

“(C) are enrolled as full-time students—

“(i) in an accredited (as determined by the Secretary) school described in paragraph (3); and

“(ii) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a degree from such a school.

“(3) Eligible Health Professions Schools.—The schools described in this paragraph are schools of medicine, nursing (as schools of nursing are defined in section 801), osteopathic medicine, dentistry, pharmacy, allied health, podiatric medicine, optometry, veterinary medicine, or public health, or schools offering graduate programs in behavioral and mental health.

“(4) Requirements Regarding Faculty Positions.—The Secretary may not enter into a contract under paragraph (1) unless—

“(A) the individual involved has entered into a contract with a school described in paragraph (3) to serve as a member of the faculty of the school for not less than 2 years; and

“(B) the contract referred to in subparagraph (A) provides that—

“(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

“(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty; and

“(iii) the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).

“(5) Applicability of Certain Provisions.—The provisions of sections 338C, 338G, and 338I shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

“(6) Waiver Regarding School Contributions.—The Secretary may waive the requirement established in paragraph (4)(B) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved.

“(b) Fellowships.—

“(1) In General.—The Secretary may make grants to and enter into contracts with eligible entities to assist such entities in increasing the number of underrepresented minority individuals who are members of the faculty of such schools.

“(2) Applications.—To be eligible to receive a grant or contract under this subsection, an entity shall provide an assurance, in the application submitted by the entity, that—

“(A) amounts received under such a grant or contract will be used to award a fellowship to an individual only if the individual meets the requirements of paragraphs (3) and (4); and

“(B) each fellowship awarded pursuant to the grant or contract will include—

“(i) a stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member for not to exceed 3 years of training; and

“(ii) an allowance for other expenses, such as travel to professional meetings and costs related to specialized training.

“(3) Eligibility.—To be eligible to receive a grant or contract under paragraph (1), an applicant shall demonstrate to the Secretary that such applicant has or will have the ability to—

“(A) identify, recruit and select underrepresented minority individuals who have the potential for teaching, administration, or conducting research at a health professions institution;

“(B) provide such individuals with the skills necessary to enable them to secure a tenured faculty position at such institution, which may include training with respect to pedagogical skills, program administration, the design and conduct of research, grants writing, and the preparation of articles suitable for publication in peer reviewed journals;

“(C) provide services designed to assist such individuals in their preparation for an academic career, including the provision of counselors; and

“(D) provide health services to rural or medically underserved populations.

“(4) Requirements.—To be eligible to receive a grant or contract under paragraph (1) an applicant shall—

“(A) provide an assurance that such applicant will make available (directly through cash donations) $1 for every $1 of Federal funds received under this section for the fellowship;

“(B) provide an assurance that institutional support will be provided for the individual for the second and third years at a level that is equal to the total amount of institutional funds provided in the year in which the grant or contract was awarded;

“(C) provide an assurance that the individual that will receive the fellowship will be a member of the faculty of the applicant school; and

“(D) provide an assurance that the individual that will receive the fellowship will have, at a minimum, appropriate advanced preparation (such as a master's or doctoral degree) and special skills necessary to enable such individual to teach and practice.

“(5) Definition.—For purposes of this subsection, the term ‘underrepresented minority individuals’ means individuals who are members of racial or ethnic minority groups that are underrepresented in the health professions including nursing.

“SEC. 739. EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

“(a) In General.—

“(1) Authority for Grants.—For the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake education to enter a health profession, the Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, public and nonprofit private schools that offer graduate programs in behavioral and mental health, programs for the training of physician assistants, and other public or private nonprofit health or educational entities to assist in meeting the costs described in paragraph (2).

“(2) Authorized Expenditures.—A grant or contract under paragraph (1) may be used by the entity to meet the cost of—

“(A) identifying, recruiting, and selecting individuals from disadvantaged backgrounds, as so determined, for education and training in a health profession;

“(B) facilitating the entry of such individuals into such a school;

"(C) providing counseling, mentoring, or other services designed to assist such individuals to complete successfully their education at such a school;

"(D) providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education and health research training designed to assist them to complete successfully such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education;

"(E) publicizing existing sources of financial aid available to students in the education program of such a school or who are undertaking training necessary to qualify them to enroll in such a program;

"(F) paying such scholarships as the Secretary may determine for such individuals for any period of health professions education at a health professions school;

"(G) paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount determined appropriate by the Secretary (notwithstanding any other provision of law regarding the amount of stipends);

"(H) carrying out programs under which such individuals gain experience regarding a career in a field of primary health care through working at facilities of public or private nonprofit community-based providers of primary health services; and

"(I) conducting activities to develop a larger and more competitive applicant pool through partnerships with institutions of higher education, school districts, and other community-based entities.

"(3) Definition.—In this section, the term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in behavioral or mental health.

"(b) Requirements for Awards.—In making awards to eligible entities under subsection (a)(1), the Secretary shall give preference to approved applications for programs that involve a comprehensive approach by several public or nonprofit private health or educational entities to establish, enhance and expand educational programs that will result in the development of a competitive applicant pool of individuals from disadvantaged backgrounds who desire to pursue health professions careers. In considering awards for such a comprehensive partnership approach, the following shall apply with respect to the entity involved:

"(1) The entity shall have a demonstrated commitment to such approach through formal agreements that have common objectives with institutions of higher education, school districts, and other community-based entities.

"(2) Such formal agreements shall reflect the coordination of educational activities and support services, increased linkages, and the consolidation of resources within a specific geographic area.

"(3) The design of the educational activities involved shall provide for the establishment of a competitive health professions applicant pool of individuals from disadvantaged backgrounds by enhancing the total preparation (academic and social) of such individuals to pursue a health professions career.

"(4) The programs or activities under the award shall focus on developing a culturally competent health care workforce that will serve the unserved and underserved populations within the geographic area.

"(c) Equitable Allocation of Financial Assistance.—The Secretary, to the extent practicable, shall ensure that services and activities under subsection (a) are adequately allocated among the various racial and ethnic populations who are from disadvantaged backgrounds.

"(d) Matching Requirements.—The Secretary may require that an entity that applies for a grant or contract under subsection (a), provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant or contract. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 740. AUTHORIZATION OF APPROPRIATION.

"(a) Scholarships.—There are authorized to be appropriated to carry out section 737, $37,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

"(b) Loan Repayments and Fellowships.—For the purpose of carrying out section 738, there is authorized to be appropriated $1,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(c) Educational Assistance in Health Professions Regarding Individuals for Disadvantaged Backgrounds.—For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $29,400,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. The Secretary may use not to exceed 20 percent of the amount appropriated for a fiscal year under this subsection to provide scholarships under section 739(a)(2)(F).

"(d) Report.—Not later than 6 months after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the efforts of the Secretary to address the need for a representative mix of individuals from historically minority health professions schools, or from institutions or other entities that historically or by geographic location have a demonstrated record of training or educating underrepresented minorities, within various health professions disciplines, on peer review councils.".

(b) Repeal.—

(1) In general.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) Nontermination of authority.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) Conforming Amendments.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a–2(c)(3)(D)(i)) is amended by striking "section 739" and inserting "part B of title VII".

SEC. 102. TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

*(1) in the part heading by striking "**PRIMARY HEALTH CARE**" and inserting "**FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PHYSICIAN ASSISTANTS, GENERAL DENTISTRY, AND PEDIATRIC DENTISTRY**";*

(2) by repealing section 746 (42 U.S.C. 293j);

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", internal medicine, or pediatrics" after "family medicine"; and

(II) by inserting before the semicolon the following: "that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)";

(ii) in paragraph (2), by inserting ", general internal medicine, or general pediatrics" before the semicolon;

(iii) in paragraphs (3) and (4), by inserting "(including geriatrics), general internal medicine or general pediatrics" after "family medicine";

(iv) in paragraph (3), by striking "and" at the end thereof;

(v) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

"(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training; and

"(6) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, of general dentistry or pediatric dentistry.

For purposes of paragraph (6), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general or pediatric practice of dentistry, approved advanced education programs in the general or pediatric practice of dentistry, or approved residency programs in pediatric dentistry.";

(C) in subsection (b)—

(i) in paragraphs (1) and (2)(A), by inserting ", general internal medicine, or general pediatrics" after "family medicine";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "or" at the end; and

(II) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(3) Priority in making awards.—In making awards of grants and contracts under paragraph (1), the Secretary shall give priority to any qualified applicant for such an award that proposes a collaborative project between departments of primary care.";

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

"(c) Priority.—

"(1) In general.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general or pediatric dentistry.

"(2) Disadvantaged individuals.—With respect to programs for the training of interns, residents, or physician assistants, the Secretary

shall give priority in awarding grants under this section to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among primary care practice or general or pediatric dentistry).

"(3) SPECIAL CONSIDERATION.—In awarding grants under this section the Secretary shall give special consideration to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and victims of domestic violence."; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking "$54,000,000" and all that follows and inserting "$78,300,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002."; and

(ii) by striking paragraph (2) and inserting the following:

"(2) ALLOCATION.—

"(A) IN GENERAL.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available—

"(i) not less than $49,300,000 for awards of grants and contracts under subsection (a) to programs of family medicine, of which not less than $8,600,000 shall be made available for awards of grants and contracts under subsection (b) for family medicine academic administrative units;

"(ii) not less than $17,700,000 for awards of grants and contracts under subsection (a) to programs of general internal medicine and general pediatrics;

"(iii) not less than $6,800,000 for awards of grants and contracts under subsection (a) to programs relating to physician assistants; and

"(iv) not less than $4,500,000 for awards of grants and contracts under subsection (a) to programs of general or pediatric dentistry.

"(B) RATABLE REDUCTION.—If amounts appropriated under paragraph (1) for any fiscal year are less than the amount required to comply with subparagraph (A), the Secretary shall ratably reduce the amount to be made available under each of clauses (i) through (iv) of such subparagraph accordingly."; and

(4) by repealing sections 748 through 752 (42 U.S.C. 2931 through 293p) and inserting the following:

"SEC. 748. ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Training in Primary Care Medicine and Dentistry (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals. In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of such members shall serve for a term of 1 year;

"(B) ⅓ of such members shall serve for a term of 2 years; and

"(C) ⅓ of such members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committtee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under section 747; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under section 747.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.".

SEC. 103. INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

"PART D—INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES

"SEC. 750. GENERAL PROVISIONS.

"(a) COLLABORATION.—To be eligible to receive assistance under this part, an academic institution shall use such assistance in collaboration with 2 or more disciplines.

"(b) ACTIVITIES.—An entity shall use assistance under this part to carry out innovative demonstration projects for strategic workforce supplementation activities as needed to meet national goals for interdisciplinary, community-based linkages. Such assistance may be used consistent with this part—

"(1) to develop and support training programs;

"(2) for faculty development;

"(3) for model demonstration programs;

"(4) for the provision of stipends for fellowship trainees;

"(5) to provide technical assistance; and

"(6) for other activities that will produce outcomes consistent with the purposes of this part.

"SEC. 751. AREA HEALTH EDUCATION CENTERS.

"(a) AUTHORITY FOR PROVISION OF FINANCIAL ASSISTANCE.—

"(1) ASSISTANCE FOR PLANNING, DEVELOPMENT, AND OPERATION OF PROGRAMS.—

"(A) IN GENERAL.—The Secretary shall award grants to and enter into contracts with schools of medicine and osteopathic medicine, and incorporated consortia made up of such schools, or the parent institutions of such schools, for projects for the planning, development and operation of area health education center programs that—

"(i) improve the recruitment, distribution, supply, quality and efficiency of personnel providing health services in underserved rural and urban areas and personnel providing health services to populations having demonstrated serious unmet health care needs;

"(ii) increase the number of primary care physicians and other primary care providers who provide services in underserved areas through the offering of an educational continuum of health career recruitment through clinical education concerning underserved areas in a comprehensive health workforce strategy;

"(iii) carry out recruitment and health career awareness programs to recruit individuals from underserved areas and under-represented populations, including minority and other elementary or secondary students, into the health professions;

"(iv) prepare individuals to more effectively provide health services to underserved areas or underserved populations through field placements, preceptorships, the conduct of or support of community-based primary care residency programs, and agreements with community-based organizations such as community health centers, migrant health centers, Indian health centers, public health departments and others;

"(v) conduct health professions education and training activities for students of health professions schools and medical residents;

"(vi) conduct at least 10 percent of medical student required clinical education at sites remote to the primary teaching facility of the contracting institution; and

"(vii) provide information dissemination and educational support to reduce professional isolation, increase retention, enhance the practice environment, and improve health care through the timely dissemination of research findings using relevant resources.

"(B) OTHER ELIGIBLE ENTITIES.—With respect to a State in which no area health education center program is in operation, the Secretary may award a grant or contract under subparagraph (A) to a school of nursing.

"(C) PROJECT TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the period during which payments

may be made under an award under subparagraph (A) may not exceed--

“(I) in the case of a project, 12 years or

“(II) in the case of a center within a project, 6 years.

“(ii) EXCEPTION.—The periods described in clause (i) shall not apply to projects that have completed the initial period of Federal funding under this section and that desire to compete for model awards under paragraph (2)(A).

“(2) ASSISTANCE FOR OPERATION OF MODEL PROGRAMS.—

“(A) IN GENERAL.—In the case of any entity described in paragraph (1)(A) that—

“(i) has previously received funds under this section;

“(ii) is operating an area health education center program; and

“(iii) is no longer receiving financial assistance under paragraph (1);

the Secretary may provide financial assistance to such entity to pay the costs of operating and carrying out the requirements of the program as described in paragraph (1).

“(B) MATCHING REQUIREMENT.—With respect to the costs of operating a model program under subparagraph (A), an entity, to be eligible for financial assistance under subparagraph (A), shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs.

“(C) LIMITATION.—The aggregate amount of awards provided under subparagraph (A) to entities in a State for a fiscal year may not exceed the lesser of—

“(i) $2,000,000; or

“(ii) an amount equal to the product of $250,000 and the aggregate number of area health education centers operated in the State by such entities.

“(b) REQUIREMENTS FOR CENTERS.—

“(1) GENERAL REQUIREMENT.—Each area health education center that receives funds under this section shall encourage the regionalization of health professions schools through the establishment of partnerships with community-based organizations.

“(2) SERVICE AREA.—Each area health education center that receives funds under this section shall specifically designate a geographic area or medically underserved population to be served by the center. Such area or population shall be in a location removed from the main location of the teaching facilities of the schools participating in the program with such center.

“(3) OTHER REQUIREMENTS.—Each area health education center that receives funds under this section shall—

“(A) assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs;

“(B) arrange and support rotations for students and residents in family medicine, general internal medicine or general pediatrics, with at least one center in each program being affiliated with or conducting a rotating osteopathic internship or medical residency training program in family medicine (including geriatrics), general internal medicine (including geriatrics), or general pediatrics in which no fewer than 4 individuals are enrolled in first-year positions;

“(C) conduct and participate in interdisciplinary training that involves physicians and other health personnel including, where practicable, public health professionals, physician assistants, nurse practitioners, nurse midwives, and behavioral and mental health providers; and

“(D) have an advisory board, at least 75 percent of the members of which shall be individuals, including both health service providers and consumers, from the area served by the center.

“(c) CERTAIN PROVISIONS REGARDING FUNDING.—

“(1) ALLOCATION TO CENTER.—Not less than 75 percent of the total amount of Federal funds provided to an entity under this section shall be allocated by an area health education center program to the area health education center. Such entity shall enter into an agreement with each center for purposes of specifying the allocation of such 75 percent of funds.

“(2) OPERATING COSTS.—With respect to the operating costs of the area health education center program of an entity receiving funds under this section, the entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs, except that the Secretary may grant a waiver for up to 75 percent of the amount of the required non-Federal match in the first 3 years in which an entity receives funds under this section.

“SEC. 752. HEALTH EDUCATION AND TRAINING CENTERS.

“(a) IN GENERAL.—To be eligible for funds under this section, a health education training center shall be an entity otherwise eligible for funds under section 751 that—

“(1) addresses the persistent and severe unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs;

“(2) establishes an advisory board comprised of health service providers, educators and consumers from the service area;

“(3) conducts training and education programs for health professions students in these areas;

“(4) conducts training in health education services, including training to prepare community health workers; and

“(5) supports health professionals (including nursing) practicing in the area through educational and other services.

“(b) ALLOCATION OF FUNDS.—The Secretary shall make available 50 percent of the amounts appropriated for each fiscal year under section 752 for the establishment or operation of health education training centers through projects in States along the border between the United States and Mexico and in the State of Florida.

“SEC. 753. EDUCATION AND TRAINING RELATING TO GERIATRICS.

“(a) GERIATRIC EDUCATION CENTERS.—

“(1) IN GENERAL.—The Secretary shall award grants or contracts under this section to entities described in paragraphs (1), (3), or (4) of section 799B, and section 853(2), for the establishment or operation of geriatric education centers.

“(2) REQUIREMENTS.—A geriatric education center is a program that—

“(A) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

“(B) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

“(C) supports the training and retraining of faculty to provide instruction in geriatrics;

“(D) supports continuing education of health professionals who provide geriatric care; and

“(E) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

“(b) GERIATRIC TRAINING REGARDING PHYSICIANS AND DENTISTS.—

“(1) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs, for the purpose of providing support (including residencies, traineeships, and fellowships) for geriatric training projects to train physicians, dentists and behavioral and mental health professionals who plan to teach geriatric medicine, geriatric behavioral or mental health, or geriatric dentistry.

“(2) REQUIREMENTS.—Each project for which a grant or contract is made under this subsection shall—

“(A) be staffed by full-time teaching physicians who have experience or training in geriatric medicine or geriatric behavioral or mental health;

“(B) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching dentists who have experience or training in geriatric dentistry;

“(C) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching behavioral mental health professionals who have experience or training in geriatric behavioral or mental health;

“(D) be based in a graduate medical education program in internal medicine or family medicine or in a department of geriatrics or behavioral or mental health;

“(E) provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations, such as geriatric consultation services, acute care services, dental services, geriatric behavioral or mental health units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals; and

“(F) provide training in geriatrics through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

“(3) TRAINING OPTIONS.—The training options referred to in subparagraph (F) of paragraph (2) shall be as follows:

“(A) A 1-year retraining program in geriatrics for—

“(i) physicians who are faculty members in departments of internal medicine, family medicine, gynecology, geriatrics, and behavioral or mental health at schools of medicine and osteopathic medicine;

“(ii) dentists who are faculty members at schools of dentistry or at hospital departments of dentistry; and

“(iii) behavioral or mental health professionals who are faculty members in departments of behavioral or mental health; and

“(B) A 2-year internal medicine or family medicine fellowship program providing emphasis in geriatrics, which shall be designed to provide training in clinical geriatrics and geriatrics research for—

“(i) physicians who have completed graduate medical education programs in internal medicine, family medicine, behavioral or mental health, neurology, gynecology, or rehabilitation medicine;

“(ii) dentists who have demonstrated a commitment to an academic career and who have completed postdoctoral dental training, including postdoctoral dental education programs or who have relevant advanced training or experience; and

“(iii) behavioral or mental health professionals who have completed graduate medical education programs in behavioral or mental health.

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) The term ‘graduate medical education program’ means a program sponsored by a

school of medicine, a school of osteopathic medicine, a hospital, or a public or private institution that—

"(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

"(ii) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association through its Committee on Postdoctoral Training.

"(B) The term 'post-doctoral dental education program' means a program sponsored by a school of dentistry, a hospital, or a public or private institution that—

"(i) offers post-doctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency; and

"(ii) has been accredited by the Commission on Dental Accreditation.

"(c) GERIATRIC FACULTY FELLOWSHIPS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as academic geriatricians.

"(2) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under paragraph (1), an individual shall—

"(A) be board certified or board eligible in internal medicine, family practice, or psychiatry;

"(B) have completed an approved fellowship program in geriatrics; and

"(C) have a junior faculty appointment at an accredited (as determined by the Secretary) school of medicine or osteopathic medicine.

"(3) LIMITATIONS.—No Award under paragraph (1) may be made to an eligible individual unless the individual—

"(A) has submitted to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, and the Secretary has approved such application; and

"(B) provides, in such form and manner as the Secretary may require, assurances that the individual will meet the service requirement described in subsection (e).

"(4) AMOUNT AND TERM.—

"(A) AMOUNT.—The amount of an Award under this section shall equal $50,000 for fiscal year 1998, adjusted for subsequent fiscal years to reflect the increase in the Consumer Price Index.

"(B) TERM.—The term of any Award made under this subsection shall not exceed 5 years.

"(5) SERVICE REQUIREMENT.—An individual who receives an Award under this subsection shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of such individual under the Award.

"SEC. 754. RURAL INTERDISCIPLINARY TRAINING GRANTS.

"(a) GRANTS.—The Secretary may make grants or contracts under this section to help entities fund authorized activities under an application approved under subsection (c).

"(b) USE OF AMOUNTS.—

"(1) IN GENERAL.—Amounts provided under subsection (a) shall be used by the recipients to fund interdisciplinary training projects designed to—

"(A) use new and innovative methods to train health care practitioners to provide services in rural areas;

"(B) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care;

"(C) deliver health care services to individuals residing in rural areas;

"(D) enhance the amount of relevant research conducted concerning health care issues in rural areas; and

"(E) increase the recruitment and retention of health care practitioners from rural areas and make rural practice a more attractive career choice for health care practitioners.

"(2) METHODS.—A recipient of funds under subsection (a) may use various methods in carrying out the projects described in paragraph (1), including—

"(A) the distribution of stipends to students of eligible applicants;

"(B) the establishment of a post-doctoral fellowship program;

"(C) the training of faculty in the economic and logistical problems confronting rural health care delivery systems; or

"(D) the purchase or rental of transportation and telecommunication equipment where the need for such equipment due to unique characteristics of the rural area is demonstrated by the recipient.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—An applicant shall not use more than 10 percent of the funds made available to such applicant under subsection (a) for administrative expenses.

"(B) TRAINING.—Not more than 10 percent of the individuals receiving training with funds made available to an applicant under subsection (a) shall be trained as doctors of medicine or doctors of osteopathy.

"(C) LIMITATION.—An institution that receives a grant under this section shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (b)(1) in the fiscal year preceding the year for which the grant is received.

"(c) APPLICATIONS.—Applications submitted for assistance under this section shall—

"(1) be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas; and

"(2) designate a rural health care agency or agencies for clinical treatment or training, including hospitals, community health centers, migrant health centers, rural health clinics, community behavioral and mental health centers, long-term care facilities, Native Hawaiian health centers, or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act.

"(d) DEFINITIONS.—For the purposes of this section, the term 'rural' means geographic areas that are located outside of standard metropolitan statistical areas.

"SEC. 755. ALLIED HEALTH AND OTHER DISCIPLINES.

"(a) IN GENERAL.—The Secretary may make grants or contracts under this section to help entities fund activities of the type described in subsection (b).

"(b) ACTIVITIES.—Activities of the type described in this subsection include the following:

"(1) Assisting entities in meeting the costs associated with expanding or establishing programs that will increase the number of individuals trained in allied health professions. Programs and activities funded under this paragraph may include—

"(A) those that expand enrollments in allied health professions with the greatest shortages or whose services are most needed by the elderly;

"(B) those that provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences;

"(C) those that establish community-based allied health training programs that link academic centers to rural clinical settings;

"(D) those that provide career advancement training for practicing allied health professionals;

"(E) those that expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained;

"(F) those that develop curriculum that will emphasize knowledge and practice in the areas of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics;

"(G) those that expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly;

"(H) those that expand or establish demonstration centers to emphasize innovative models to link allied health clinical practice, education, and research;

"(I) those that provide financial assistance (in the form of traineeships) to students who are participants in any such program; and

"(i) who plan to pursue a career in an allied health field that has a demonstrated personnel shortage; and

"(ii) who agree upon completion of the training program to practice in a medically underserved community;

that shall be utilized to assist in the payment of all or part of the costs associated with tuition, fees and such other stipends as the Secretary may consider necessary; and

"(J) those to meet the costs of projects to plan, develop, and operate or maintain graduate programs in behavioral and mental health practice.

"(2) Planning and implementing projects in preventive and primary care training for podiatric physicians in approved or provisionally approved residency programs that shall provide financial assistance in the form of traineeships to residents who participate in such projects and who plan to specialize in primary care.

"(3) Carrying out demonstration projects in which chiropractors and physicians collaborate to identify and provide effective treatment for spinal and lower-back conditions.

"SEC. 756. ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Interdisciplinary, Community-Based Linkages (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals from schools of the types described in sections 751(a)(1)(A), 751(a)(1)(B), 753(b), 754(3)(A), and 755(b). In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee *under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.*

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of the members shall serve for a term of 1 year;

"(B) ⅓ of the members shall serve for a term of 2 years; and

"(C) ⅓ of the members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under this part; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under this part.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 3 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.

"SEC. 757. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $55,600,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) ALLOCATION.—

"(1) IN GENERAL.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make available—

"(A) not less than $28,587,000 for awards of grants and contracts under section 751;

"(B) not less than $3,765,000 for awards of grants and contracts under section 752, of which not less than 50 percent of such amount shall be made available for centers described in subsection (a)(1) of such section; and

"(C) not less than $22,631,000 for awards of grants and contracts under sections 753, 754, and 755.

"(2) RATABLE REDUCTION.—If amounts appropriated under subsection (a) for any fiscal year are less than the amount required to comply with paragraph (1), the Secretary shall ratably reduce the amount to be made available under each of subparagraphs (A) through (C) of such paragraph accordingly.

"(3) INCREASE IN AMOUNTS.—If amounts appropriated for a fiscal year under subsection (a) exceed the amount authorized under such subsection for such fiscal year, the Secretary may increase the amount to be made available for programs and activities under this part without regard to the amounts specified in each of subparagraphs (A) through (C) of paragraph (2).

"(c) OBLIGATION OF CERTAIN AMOUNTS.—

"(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—Of the amounts made available under subsection (b)(1)(A) for each fiscal year, the Secretary may obligate for awards under section 751(a)(2)—

"(A) not less than 23 percent of such amounts in fiscal year 1998;

"(B) not less than 30 percent of such amounts in fiscal year 1999;

"(C) not less than 35 percent of such amounts in fiscal year 2000;

"(D) not less than 40 percent of such amounts in fiscal year 2001; and

"(E) not less than 45 percent of such amounts in fiscal year 2002.

"(2) SENSE OF CONGRESS.—It is the sense of the Congress that—

"(A) every State have an area health education center program in effect under this section; and

"(B) the ratio of Federal funding for the model program under section 751(a)(2) should increase over time and that Federal funding for other awards under this section shall decrease so that the national program will become entirely comprised of programs that are funded at least 50 percent by State and local partners.".

SEC. 104. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended to read as follows:

"PART E—HEALTH PROFESSIONS AND PUBLIC HEALTH WORKFORCE

"Subpart 1—Health Professions Workforce Information and Analysis

"SEC. 761. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide for the development of information describing the health professions workforce and the analysis of workforce related issues; and

"(2) provide necessary information for decision-making regarding future directions in health professions and nursing programs in response to societal and professional needs.

"(b) GRANTS OR CONTRACTS.—The Secretary may award grants or contracts to State or local governments, health professions schools, schools of nursing, academic health centers, community-based health facilities, and other appropriate public or private nonprofit entities to provide for—

"(1) targeted information collection and analysis activities related to the purposes described in subsection (a);

"(2) research on high priority workforce questions;

"(3) the development of a non-Federal analytic and research infrastructure related to the purposes described in subsection (a); and

"(4) the conduct of program evaluation and assessment.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $750,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $600,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.

"(3) AVAILABILITY OF ADDITIONAL FUNDS.—Amounts otherwise appropriated for programs or activities under this title may be used for activities under subsection (b) with respect to the programs or activities from which such amounts were made available.".

(b) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408) is amended—

(1) in subsection (j), by striking "1995" and inserting "2002";

(2) in subsection (k), by striking "1995" and inserting "2002";

(3) by adding at the end thereof the following new subsection:

"(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.";

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 762; and

(6) by inserting such section after section 761.

SEC. 105. PUBLIC HEALTH WORKFORCE DEVELOPMENT.

Part E of title VII of the Public Health Service Act (as amended by section 104) is further amended by adding at the end the following:

"Subpart 2—Public Health Workforce

"SEC. 765. GENERAL PROVISIONS.

"(a) IN GENERAL.—The Secretary may award grants or contracts to eligible entities to increase the number of individuals in the public health workforce, to enhance the quality of such workforce, and to enhance the ability of the workforce to meet national, State, and local health care needs.

"(b) ELIGIBILITY.—To be eligible to receive a grant or contract under subsection (a) an entity shall—

"(1) be—

"(A) a health professions school, including an accredited school or program of public health, health administration, preventive medicine, or dental public health or a school providing health management programs;

"(B) an academic health center;

"(C) a State or local government; or

"(D) any other appropriate public or private nonprofit entity; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PREFERENCE.—In awarding grants or contracts under this section the Secretary may grant a preference to entities—

"(1) serving individuals who are from disadvantaged backgrounds (including underrepresented racial and ethnic minorities); and

"(2) graduating large proportions of individuals who serve in underserved communities.

"(d) ACTIVITIES.—Amounts provided under a grant or contract awarded under this section may be used for—

"(1) the costs of planning, developing, or operating demonstration training programs;

"(2) faculty development;

"(3) trainee support;

"(4) technical assistance;

"(5) to meet the costs of projects—

"(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health, that have available full-time faculty members with training and experience in the fields of preventive medicine and dental public health; and

"(B) to provide financial assistance to residency trainees enrolled in such programs;

"(6) the retraining of existing public health workers as well as for increasing the supply of new practitioners to address priority public health, preventive medicine, public health dentistry, and health administration needs;

"(7) preparing public health professionals for employment at the State and community levels; or

"(8) other activities that may produce outcomes that are consistent with the purposes of this section

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—With respect to amounts used under this section for the training of health professionals, such training programs shall be designed to—

"(A) make public health education more accessible to the public and private health workforce;

"(B) increase the relevance of public health academic preparation to public health practice in the future;

"(C) provide education or training for students from traditional on-campus programs in practice-based sites; or

"(D) develop educational methods and distance-based approaches or technology that address adult learning requirements and increase knowledge and skills related to community-based cultural diversity in public health education.

"(2) SEVERE SHORTAGE DISCIPLINES.—Amounts provided under grants or contracts under this section may be used for the operation of programs designed to award traineeships to students in accredited schools of public health who enter educational programs in fields where there is a severe shortage of public health professionals, including epidemiology, biostatistics, environmental health, toxicology, public health nursing, nutrition, preventive medicine, maternal and child health, and behavioral and mental health professions.

"SEC. 766. PUBLIC HEALTH TRAINING CENTERS.

"(a) IN GENERAL.—The Secretary may make grants or contracts for the operation of public health training centers.

"(b) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

"(2) PREFERENCE.—In awarding grants or contracts under this section the Secretary shall give preference to accredited schools of public health.

"(c) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subsection (a) unless the program agrees that it—

"(1) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations;

"(2) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities;

"(3) will specifically designate a geographic area or medically underserved population to be served by the center that shall be in a location removed from the main location of the teaching facility of the school that is participating in the program with such center; and

"(4) will assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs.

"SEC. 767. PUBLIC HEALTH TRAINEESHIPS.

"(a) IN GENERAL.—The Secretary may make grants to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, for the purpose of assisting such schools and institutions in providing traineeships to individuals described in subsection (b)(3).

"(b) CERTAIN REQUIREMENTS.—

"(1) AMOUNT.—The amount of any grant under this section shall be determined by the Secretary.

"(2) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(3) ELIGIBLE INDIVIDUALS.—The individuals referred to in subsection (a) are individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals (which fields include the fields of epidemiology, environmental health, biostatistics, toxicology, nutrition, and maternal and child health).

"SEC. 768. PREVENTIVE MEDICINE; DENTAL PUBLIC HEALTH.

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, and dentistry to meet the costs of projects—

"(1) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health; and

"(2) to provide financial assistance to residency trainees enrolled in such programs.

"(b) ADMINISTRATION.—

"(1) AMOUNT.—The amount of any grant under subsection (a) shall be determined by the Secretary.

"(2) ELIGIBILITY.—To be eligible for a grant under subsection (a), the applicant must demonstrate to the Secretary that it has or will have available full-time faculty members with training and experience in the fields of preventive medicine or dental public health and support from other faculty members trained in public health and other relevant specialties and disciplines.

"(3) OTHER FUNDS.—Schools of medicine, osteopathic medicine, dentistry, and public health may use funds committed by State, local, or county public health officers as matching amounts for Federal grant funds for residency training programs in preventive medicine.

"SEC. 769. HEALTH ADMINISTRATION TRAINEESHIPS AND SPECIAL PROJECTS.

"(a) IN GENERAL.—The Secretary may make grants to State or local governments (that have in effect preventive medical and dental public health residency programs) or public or nonprofit private educational entities (including graduate schools of social work and business schools that have health management programs) that offer a program described in subsection (b)—

"(1) to provide traineeships for students enrolled in such a program; and

"(2) to assist accredited programs health administration in the development or improvement of programs to prepare students for employment with public or nonprofit private entities.

"(b) RELEVANT PROGRAMS.—The program referred to in subsection (a) is an accredited program in health administration, hospital administration, or health policy analysis and planning, which program is accredited by a body or bodies approved for such purpose by the Secretary of Education and which meets such other quality standards as the Secretary of Health and Human Services by regulation may prescribe.

"(c) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that meet the following conditions:

"(1) Not less than 25 percent of the graduates of the applicant are engaged in full-time practice settings in medically underserved communities.

"(2) The applicant recruits and admits students from medically underserved communities.

"(3) For the purpose of training students, the applicant has established relationships with public and nonprofit providers of health care in the community involved.

"(4) In training students, the applicant emphasizes employment with public or nonprofit private entities.

"(d) CERTAIN PROVISIONS REGARDING TRAINEESHIPS.—

"(1) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(2) PREFERENCE FOR CERTAIN STUDENTS.—Each entity applying for a grant under subsection (a) for traineeships shall assure to the satisfaction of the Secretary that the entity will give priority to awarding the traineeships to students who demonstrate a commitment to employment with public or nonprofit private entities in the fields with respect to which the traineeships are awarded.

"SEC. 770. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this subpart, there is authorized to be appropriated $9,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) LIMITATION REGARDING CERTAIN PROGRAM.—In obligating amounts appropriated under subsection (a), the Secretary may not obligate more than 30 percent for carrying out section 767.".

SEC. 106. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

"SEC. 796. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional health professions program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish. To the extent practicable, grantees under this section shall establish linkages with health care providers who provide care for underserved communities and populations.

"SEC. 797. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, dissemination of information, and exploring new policy directions, as appropriate to meet recognized health workforce objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 798. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 799. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

"(b) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this title from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities for funding and participation in health professions and nursing training activities. The Secretary may accept applications from for-profit private entities if determined appropriate by the Secretary.

"(c) INFORMATION REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(2) DATA COLLECTION.—The Secretary shall establish procedures to ensure that, with respect to any data collection required under this title, such data is collected in a manner that takes into account age, sex, race, and ethnicity.

"(3) USE OF FUNDS.—The Secretary shall establish procedures to permit the use of amounts appropriated under this title to be used for data collection purposes.

"(4) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants or contracts under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

"(d) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(e) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(f) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

"(1) IN GENERAL.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

"(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall ensure sex, racial, ethnic, and geographic balance among the membership of such groups.

"(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(g) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

"(h) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under section 761; and

"(2) discipline-specific workforce information and analytical activities are carried out as part of—

"(A) the community-based linkage program under part D; and

"(B) the health workforce development program under subpart 2 of part E.

"(i) OSTEOPATHIC SCHOOLS.—For purposes of this title, any reference to—

"(1) medical schools shall include osteopathic medical schools; and

"(2) medical students shall include osteopathic medical students.

"SEC. 799A. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(b) PROFESSIONAL COUNSELORS AS MENTAL HEALTH PROFESSIONALS.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by inserting "professional counselors," after "clinical psychologists,".

SEC. 107. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

"(c) EXCEPTIONS FOR NEW PROGRAMS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet at least 4 of the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking "sections 747" and all that follows through "767" and inserting "sections 747 and 750"; and

(2) in paragraph (2), by striking "under section 798(a)".

SEC. 108. DEFINITIONS.

(a) GRADUATE PROGRAM IN BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B(1)(D) of the Public Health Service Act (42 U.S.C. 295p(1)(D)) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) by inserting "behavioral health and" before "mental"; and

(2) by inserting "behavioral health and mental health practice," before "clinical".

(b) PROFESSIONAL COUNSELING AS A BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) by inserting "and 'graduate program in professional counseling'" after "graduate program in marriage and family therapy'"; and

(ii) by inserting before the period the following: "and a concentration leading to a graduate degree in counseling";

(B) in subparagraph (D), by inserting "professional counseling," after "social work,"; and

(C) in subparagraph (E), by inserting "professional counseling," after "social work,"; and

(2) in paragraph (5)(C), by inserting before the period the following: "or a degree in counseling or an equivalent degree".

(c) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking "or" at the end thereof;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) is designated by a State Governor (in consultation with the medical community) as a shortage area or medically underserved community.".

(d) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

"(3) The term 'program for the training of physician assistants' means an educational program that—

"(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

"(B) extends for at least one academic year and consists of—

"(i) supervised clinical practice; and

"(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

"(C) has an enrollment of not less than eight students; and

"(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

(e) PSYCHOLOGIST.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended by adding at the end the following:

"(11) The term 'psychologist' means an individual who—

"(A) holds a doctoral degree in psychology; and

"(B) is licensed or certified on the basis of the doctoral degree in psychology, by the State in which the individual practices, at the independent practice level of psychology to furnish diagnostic, assessment, preventive, and therapeutic services directly to individuals.".

SEC. 109. TECHNICAL AMENDMENT ON NATIONAL HEALTH SERVICE CORPS.

Section 338B(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(B)) is amended by striking "or other health profession" and inserting "behavioral and mental health, or other health profession".

SEC. 110. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Workforce Development

SEC. 121. SHORT TITLE.

This title may be cited as the "Nursing Education and Practice Improvement Act of 1998".

SEC. 122. PURPOSE.

It is the purpose of this title to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subpart II of part B and sections 846 and 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS";

(3) by striking section 837;

(4) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, academic health centers, State or local governments, and other public or private nonprofit entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, or to an equivalent degree, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) ACCREDITED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as tc the quality of education offered.

"(B) NEW PROGRAMS.—A new program of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such a program.

"(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

"(b) INFORMATION REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(2) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

"(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

"(1) IN GENERAL.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

"(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall, except as otherwise provided, ensure sex, racial, ethnic, and geographic representation among the membership of such groups.

"(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(f) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under this title; and

"(2) discipline-specific workforce information is developed and analytical activities are carried out as part of—

"(A) the advanced practice nursing activities under part B;

"(B) the workforce diversity activities under part C; and

"(C) basic nursing education and practice activities under part D.

"(g) STATE AND REGIONAL PRIORITIES.—Activities under grants or contracts under this title shall, to the extent practicable, be consistent with related Federal, State, or regional nursing professions program plans and priorities.

"(h) FILING OF APPLICATIONS.—

"(1) IN GENERAL.—Applications for grants or contracts under this title may be submitted by health professions schools, schools of nursing, academic health centers, State or local governments, or other appropriate public or private nonprofit entities as determined appropriate by the Secretary in accordance with this title.

"(2) FOR PROFIT ENTITIES.—Notwithstanding paragraph (1), a for-profit entity may be eligible for a grant or contract under this title as determined appropriated by the Secretary.

"SEC. 807. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, NURSE ANESTHETISTS, AND OTHER ADVANCED PRACTICE NURSES

"SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced practice nursing education and practice; and

"(2) traineeships for individuals in advanced practice nursing programs.

"(b) DEFINITION OF ADVANCED PRACTICE NURSES.—For purposes of this section, the term 'advanced practice nurses' means individuals trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, clinical nurse specialists, nurse midwives, nurse anesthetists, nurse educators, nurse administrators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

"(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(1) meet guidelines prescribed by the Secretary; and

"(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, acute care, and other health care settings.

"(d) AUTHORIZED NURSE ANESTHESIA PROGRAMS.—Nurse anesthesia programs eligible for support under this section are education programs that—

"(1) provide registered nurses with full-time anesthetist education; and

"(2) are accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

"(e) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

"(f) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible *entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, preentry preparation, and retention activities.*

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First, Second and Third Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992, 1993 and 1997, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the National Black Nurses Association, the National Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the Native American Indian and Alaskan Nurses Association, and the National Council of State Boards of Nursing.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for individuals from disadvantaged backgrounds and ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the educational mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education, such as through—

"(1) establishing or expanding nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, the homeless, and victims of domestic violence;

"(3) providing managed care, quality improvement, and other skills needed to practice in existing and emerging organized health care systems;

"(4) developing cultural competencies among nurses;

"(5) expanding the enrollment in baccalaureate nursing programs;

"(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups;

"(7) providing education in informatics, including distance learning methodologies; or

"(8) other priority areas as determined by the Secretary.";

(5) by adding at the end the following:

"PART F—AUTHORIZATION OF APPROPRIATIONS

"SEC. 841. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out sections 811, 821, and 831, $65,000,000 for fiscal year 1998, and such sums as may be necessary in each of the fiscal years 1999 through 2002.

"PART G—NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE

"SEC. 845. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Advisory Council').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Advisory Council shall be composed of

"(A) not less than 21, nor more than 23 individuals, who are not officers or employees of the Federal Government, appointed by the Secretary without regard to the Federal civil service laws, of which—

"(i) 2 shall be selected from full-time students enrolled in schools of nursing;

"(ii) 2 shall be selected from the general public;

"(iii) 2 shall be selected from practicing professional nurses; and

"(iv) 9 shall be selected from among the leading authorities in the various fields of nursing, higher, secondary education, and associate degree schools of nursing, and from representatives of advanced practice nursing groups (such as nurse practitioners, nurse midwives, and nurse anesthetists), hospitals, and other institutions and organizations which provide nursing services; and

"(B) the Secretary (or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson)).

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Council and each such member shall serve a 4 year term. In making such appointments, the Secretary shall ensure a fair balance between the nursing professions, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved. A majority of the members shall be nurses.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Council under paragraph (1), the Secretary shall ensure the adequate representation of minorities.

"(c) VACANCIES.—

"(1) IN GENERAL.—A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(2) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Council shall—

"(1) provide advice and recommendations to the Secretary and Congress concerning policy matters arising in the administration of this title, including the range of issues relating to the nurse workforce, education, and practice improvement;

"(2) provide advice to the Secretary and Congress in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement; and

"(3) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Council shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Council shall prepare and make available an agenda of the matters to be considered by the Advisory Council at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Council shall prepare and make available a summary of the meeting and any actions taken by the Council based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) EXPENSES.—The members of the Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

"(g) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"(h) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section."; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 131. PRIMARY CARE LOAN PROGRAM.

(a) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42

U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(b) NONCOMPLIANCE.—Section 723(a)(3) of the Public Health Service Act (42 U.S.C. 292s(a)(3)) is amended to read as follows:

"(3) NONCOMPLIANCE BY STUDENT.—Each agreement entered into with a student pursuant to paragraph (1) shall provide that, if the student fails to comply with such agreement, the loan involved will begin to accrue interest at a rate of 18 percent per year beginning on the date of such noncompliance.".

(c) REPORT REQUIREMENT.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 132. LOANS FOR DISADVANTAGED STUDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for each of the fiscal years 1998 through 2002".

(b) REPEAL.—Effective October 1, 2002, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 133. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) IN GENERAL.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

(b) MINIMUM MONTHLY PAYMENTS.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking "$15" and inserting "$40".

(c) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

"(l) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

"(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) BREACH OF AGREEMENTS.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended by adding at the end thereof the following new subsection:

"(h) BREACH OF AGREEMENT.—

"(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.".

(e) TECHNICAL AMENDMENTS.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 134. GENERAL PROVISIONS.

(a) MAXIMUM STUDENT LOAN PROVISIONS AND MINIMUM PAYMENTS.—

(1) IN GENERAL.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500)" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary".

(3) REPAYMENT PERIOD.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103–43, is amended—

(A) in the subsection heading by striking "TEN-YEAR" and inserting "REPAYMENT";

(B) by striking "ten-year period which begins" and inserting "period of not less than 10 years nor more than 25 years, at the discretion of the institution, which begins"; and

(C) by striking "such ten-year period" and inserting "such period".

(4) MINIMUM PAYMENTS.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "$15" and inserting $40".

(b) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103–43, is amended by adding at the end the following new subsection:

"(m) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

"(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) DATE CERTAIN FOR CONTRIBUTIONS.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

"(2) Date certain for contributions.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.".

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) Health Education Assistance Loan Deferment for Borrowers Providing Health Services to Indians.—

(1) In general.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) Conforming amendments.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) Effective date.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) Report Requirement.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding "and" after the semicolon;

(2) in paragraph (5), by striking "; and" and inserting a period; and

(3) by striking paragraph (6).

(c) Collection From Estates.—Section 714 of the Public Health Service Act (42 U.S.C. 292m) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, the Secretary may, in the case of a borrower who dies, collect any remaining unpaid balance owed to the lender, the holder of the loan, or the Federal Government from the borrower's estate.".

(d) Program Eligibility.—

(1) Limitations on loans.—Section 703(a) of the Public Health Service Act (42 U.S.C. 292b(a)) is amended by striking "or clinical psychology" and inserting "or behavioral and mental health practice, including clinical psychology".

(2) Definition of eligible institution.—Section 719(1) of the Public Health Service Act (42 U.S.C. 292o(1)) is amended by striking "or clinical psychology" and inserting "or behavioral and mental health practice, including clinical psychology".

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) General Amendments.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking "determined." and inserting "determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.";

(3) by striking "Upon" and inserting:

"(1) In general.—Upon"; and

(4) by adding at the end the following new paragraph:

"(2) Exceptional performance.—

"(A) Authority.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

"(B) Compliance performance rating.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

"(C) Annual audits for lenders, holders, and servicers.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

"(D) Secretary's determinations.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

"(E) Quarterly compliance audit.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

"(F) Revocation authority.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

"(G) Documentation.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

"(H) Cost of audits.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

"(I) Additional revocation authority.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

"(J) Noncompliance.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.".

(b) Definition.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

"(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. REAUTHORIZATION.

(a) Loan Program.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking "$350,000,000" and all that follows through "1995" and inserting "$350,000,000 for fiscal year 1998, $375,000,000 for fiscal year 1999, and $425,000,000 for each of the fiscal years 2000 through 2002";

(2) by striking "obtained prior loans insured under this subpart" and inserting "obtained loans insured under this subpart in fiscal year 2002 or in prior fiscal years";

(3) by adding at the end thereof the following new sentence: "The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart."; and

(4) by striking "September 30, 1998" and inserting "September 30, 2005".

(b) Insurance Program.—Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking "any of the fiscal years 1993 through 1996" and inserting "fiscal year 1993 and subsequent fiscal years".

SEC. 144. HEAL BANKRUPTCY.

(a) In General.—Section 707(g) of the Public Health Service Act (42 U.S.C. 292f(g)) is amended in the first sentence by striking "A debt which is a loan insured" and inserting "Notwithstanding any other provision of Federal or State law, a debt that is a loan insured".

(b) Application.—The amendment made by subsection (a) shall apply to any loan insured under the authority of subpart I of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) that is listed or scheduled by the debtor in a case under title XI, United States Code, filed—

(1) on or after the date of enactment of this Act; or

(2) prior to such date of enactment in which a discharge has not been granted.

SEC. 145. HEAL REFINANCING.

Section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by striking "Consolidation" and inserting "Refinancing or Consolidation"; and

(B) in the first sentence, by striking "indebtedness" and inserting "indebtedness or the refinancing of a single loan"; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "Debts" and inserting "Debts and Refinancing";

(B) in the first sentence, by striking "all of the borrower's debts into a single instrument" and inserting "all of the borrower's loans insured under this subpart into a single instrument (or, if the borrower obtained only 1 loan insured under this subpart, refinancing the loan 1 time)"; and

(C) in the second sentence, by striking "consolidation" and inserting "consolidation or refinancing".

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) DUTIES AND REQUIREMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

"(2) Enter into interagency agreements with other agencies of the Public Health Service.

"(3) Support research, demonstrations and evaluations to test new and innovative models.

"(4) Increase knowledge and understanding of health risk factors.

"(5) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

"(6) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(7) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(8) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(9) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language. Activities under the preceding sentence shall include developing and evaluating model projects.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) through (9) of subsection (b) for each racial and ethnic minority group.

"(3) CHAIR.—The chairperson of the Committee shall be selected by the Secretary from among the members of the voting members of the Committee. The term of office of the chairperson shall be 2 years.

"(4) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be such officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate Departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—In carrying out subsection (b), the Secretary shall ensure that services provided under such subsection are equitably allocated among all groups served under this section by the Secretary.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) IN GENERAL.—In carrying out subsection (b), the Secretary acting through the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made, to the extent practical, only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review.

"(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

"(f) REPORTS.—

"(1) IN GENERAL.—Not later than February 1 of fiscal year 1999 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted under sections 201(e)(3) and 201(f)(2) for such years by the heads of the Public Health Service agencies.

"(2) AGENCY REPORTS.—Not later than February 1, 1999, and biennially thereafter, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

"(g) DEFINITION.—For purposes of this section:

"(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

"(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, such sums as may be necessary for each of the fiscal years 1999 through 2002.".

(b) AUTHORIZATION FOR NATIONAL CENTER FOR HEALTH STATISTICS.—Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m), by adding at the end the following:

"(4)(A) Subject to subparagraph (B), the Secretary, acting through the Center, shall collect data on Hispanics and major Hispanic subpopulation groups and American Indians, and for developing special area population studies on major Asian American and Pacific Islander populations.

"(B) The provisions of subparagraph (A) shall be effective with respect to a fiscal year only to the extent that funds are appropriated pursuant to paragraph (3) of subsection (n), and only if the amounts appropriated for such fiscal year pursuant to each of paragraphs (1) and (2) of subsection (n) equal or exceed the amounts so appropriated for fiscal year 1997.";

(2) in subsection (n)(1), by striking "through 1998" and inserting "through 2003"; and

(3) in subsection (n)

(A) in the first sentence of paragraph (2)—

(i) by striking "authorized in subsection (m)" and inserting "authorized in paragraphs (1) through (3) of subsection (m)"; and

(ii) by striking "$5,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1999 through 2003."; and

(B) by adding at the end the following:

"(3) For activities authorized in subsection (m)(4), there are authorized to be appropriated $1,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.".

(c) Miscellaneous Amendments.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) in the heading for the section by striking "ESTABLISHMENT OF"; and

(2) in subsection (a), by striking "Office of the Assistant Secretary for Health" and inserting "Office of Public Health and Science".

TITLE III—SELECTED INITIATIVES

SEC. 301. STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1998 through 2002"; and

(3) in subsection (k), by striking "$10,000,000" and inserting "$36,000,000".

SEC. 302. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) In General.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and".

(b) Duration.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

*(1) in the heading for the section, by striking "**LIMITATION**" and all that follows and inserting "**REQUIREMENT OF MATCHING FUNDS**";*

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking "third year" and inserting "third or subsequent year".

(c) Authorization of Appropriations.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the period the following: ", $8,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002".

SEC. 303. PROJECT GRANTS FOR IMMUNIZATION SERVICES.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking "individuals against vaccine-preventable diseases" and all that follows through the first period and inserting the following: "children, adolescents, and adults against vaccine-preventable diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002."; and

(2) in paragraph (2), by striking "1990" and inserting "1997".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) Amendatory Instructions.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) Public Health Service Act.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking "nonprofit".

(c) Miscellaneous Correction.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) Conforming Amendment.—Section 308(b) of the Public Health Service Act (42 U.S.C. 242m(b)) is amended—

(1) in paragraph (2)(A), by striking "306(n)" and inserting "306(m)"; and

(2) in paragraph (2)(C), by striking "306(n)" and inserting "306(m)".

(e) Effective Date.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 402. MISCELLANEOUS AMENDMENTS REGARDING PHS COMMISSIONED OFFICERS.

(a) Anti-Discrimination Laws.—Amend section 212 of the Public Health Service Act (42 U.S.C. 213) by adding the following new subsection at the end thereof:

"(f) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for purposes of all laws related to discrimination on the basis of race, color, sex, ethnicity, age, religion, and disability."

(b) Training in Leave Without Pay Status.—Section 218 of the Public Health Service Act (42 U.S.C. 218a) is amended by adding at the end the following:

"(c) A commissioned officer may be placed in leave without pay status while attending an educational institution or training program whenever the Secretary determines that such status is in the best interest of the Service. For purposes of computation of basic pay, promotion, retirement, compensation for injury or death, and the benefits provided by sections 212 and 224, an officer in such status pursuant to the preceding sentence shall be considered as performing service in the Service and shall have an active service obligation as set forth in subsection (b) of this section.".

(c) Utilization of Alcohol and Drug Abuse Records That Apply to the Armed Forces.—Section 543(e) of the Public Health Service Act (42 U.S.C. 290dd–2(e)) is amended by striking "Armed Forces" each place that such term appears and inserting "Uniformed Services".

SEC. 403. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling," after "family therapy,".

SEC. 404. PROJECT GRANTS FOR SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "1998" and inserting "2002".

SEC. 405. PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS.

Section 317E(g) of the Public Health Service Act (42 U.S.C. 247b–6(g)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "1998" and inserting "2002"; and

(B) in subparagraph (B), by striking "$50,000,000" and inserting "25 percent"; and

(2) in paragraph (2), by striking "1998" and inserting "2002".

SEC. 406. CDC LOAN REPAYMENT PROGRAM.

Section 317F of the Public Health Service Act (42 U.S.C. 247b-7) is amended—

(1) in subsection (a)(1), by striking "$20,000" and inserting "$35,000";

(2) in subsection (c), by striking "1998" and inserting "2002"; and

(3) by adding at the end the following:

"(d) Availability of Appropriations.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 407. COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) In General.—Section 318(h)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)(2)) is amended by striking "fiscal year 1997" and inserting "for each of the fiscal years 1997 through 2002".

(b) Study.—The Secretary of Health and Human Services shall request that the Institute of Medicine conduct a study concerning the training needs of health professionals with respect to the detection and referral of victims of family or acquaintance violence. Not later than 2 years after the date of enactment of this Act, the Institute of Medicine shall prepare and submit to Congress a report concerning the study conducted under this subsection.

SEC. 408. STATE LOAN REPAYMENT PROGRAM.

Section 338I(i)(1) of the Public Health Service Act (42 U.S.C. 254q–1(i)(1)) is amended by inserting before the period ", and such sums as may be necessary for each of the fiscal years 1998 through 2002".

SEC. 409. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking "and" at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

"(13) may conduct and support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) which does not consist of residency training of physicians or other health professionals; and

"(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.".

SEC. 410. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) Repayment Programs With Respect to AIDS.—Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking "$20,000" and inserting "$35,000"; and

(2) in subsection (c), by striking "1996" and inserting "2001".

(b) Repayment Programs With Respect to Contraception and Infertility.—Section 487B(a) of the Public Health Service Act (42 U.S.C. 288–2(a)) is amended by striking "$20,000" and inserting "$35,000".

(c) Repayment Programs With Respect to Research Generally.—Section 487C(a)(1) of the Public Health Service Act (42 U.S.C. 288–3(a)(1)) is amended by striking "$20,000" and inserting "$35,000".

(d) Repayment Programs With Respect to Clinical Researchers From Disadvantaged Backgrounds.—Section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking "$20,000" and inserting "$35,000"; and

(2) in paragraph (3), by striking "338C" and inserting "338B, 338C".

SEC. 411. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended—

(1) by striking "shall" and inserting "may"; and

(2) by striking "$5,000,000" and inserting "up to $2,500,000".

SEC. 412. PEER REVIEW.

Section 504(d)(2) of the Public Health Service Act (42 U.S.C. 290aa–3(d)(2)) is amended by striking "cooperative agreement, or contract" each place that such appears and inserting "or cooperative agreement".

SEC. 413. FUNDING FOR TRAUMA CARE.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32) is amended by striking "and 1996" and inserting "through 2002".

SEC. 414. HEALTH INFORMATION AND HEALTH PROMOTION.

Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking "through 1996" and inserting "through 2002".

SEC. 415. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a)—

(A) by striking "two-year period" and inserting "3-year period (with an optional 4th year based on performance)"; and

(B) by striking "one grant" and inserting "3 grants"; and

(2) in subsection (d), by striking "1997" and inserting "2005".

SEC. 416. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) In General.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) Conforming Amendments.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) Sense" and all that follows through "In the case" and inserting the following:

"(a) Sense of Congress Regarding Purchase of American-Made Equipment and Products.—In the case";

(2) by striking "(2) Notice to recipients of assistance" and inserting the following:

"(b) Notice to Recipients of Assistance"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) Effective Date.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 417. AIDS DRUG ASSISTANCE PROGRAM.

Section 2618(b)(3) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(3)) is amended—

(1) in subparagraph (A), by striking "and the Commonwealth of Puerto Rico" and inserting ", the Commonwealth of Puerto Rico, the Virgin Islands, and Guam"; and

(2) in subparagraph (B), by striking "the Virgin Islands, Guam".

SEC. 418. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Part I of title IV of the Public Health Service Act (42 U.S.C. 290b et seq.) is amended—

(1) by striking the part heading and inserting the following:

"PART I—FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH";

and

(2) in section 499—

(A) in subsection (a), by striking "National Foundation for Biomedical Research" and inserting "Foundation for the National Institutes of Health";

(B) in subsection (k)(10)—

(i) by striking "not"; and

(ii) by adding at the end the following: "Any funds transferred under this paragraph shall be subject to all Federal limitations relating to Federally-funded research."; and

(C) in subsection (m)(1), by striking "$200,000" and all that follows through "1995" and inserting "$500,000 for each fiscal year".

AMENDMENT NO. 3484

(Purpose: To strike the reauthorization of the HEAL program)

Mr. GORTON. Mr. President, Senator Frist has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington, [Mr. Gorton], for Mr. Frist, proposes an amendment numbered 3484.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 299, strike line 20 and all that follows through line 2 on page 300.

On page 300, line 3, strike "(d)" and insert "(c)".

Beginning on page 305, strike line 21 and all that follows through line 14 on page 306, and insert the following:

"SEC. 143. INSURANCE PROGRAM.

"Section 710(a)(2)(B) of".

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 3484) was agreed to.

AMENDMENT NO. 3485

(Purpose: To initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal alcohol syndrome and Fetal Alcohol Effect)

Mr. GORTON. Mr. President, I ask for the immediate consideration of Senator Daschle's amendment, which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. Gorton], for Mr. Daschle, proposes an amendment numbered 3485.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3485) was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1754), as amended, was considered read the third time and passed.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 510, S. 2375.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

The Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statement relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2375) was considered read the third time and passed, as follows:

S. 2375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Anti-Bribery Act of 1998".

SEC. 2. AMENDMENTS RELATING TO ISSUERS OF SECURITIES.

(a) PROHIBITED CONDUCT.—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such foreign official in his official capacity;

"(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

"(C) securing any improper advantage; or";

(2) in paragraph (2)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

"(B) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate;

"(C) securing any improper advantage; or"; and

(3) in paragraph (3)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

"(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

"(C) securing any improper advantage; or".

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Section 30A(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The term—

"(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government, department, agency, or instrumentality, or for or on behalf of any such public international organization; and

"(B) 'public international organization' means an organization that has been so designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288)."; and

(2) in paragraph (3)(A)(v), by inserting before the period "to those referred to in clauses (i) through (iv)".

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE OF THE UNITED STATES.—Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) is amended—

(1) by redesignating subsection (f) as subsection (g);

(2) by inserting after subsection (e) the following:

"(f) ALTERNATIVE JURISDICTION.—

"(1) IN GENERAL.—It shall be unlawful for an issuer, or for any United States person that is an officer, director, employee, or agent of such issuer or any stockholder thereof, acting on behalf of that issuer, to corruptly do any act outside of the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of any thing of value to any of the persons or entities referred to in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, whether or not that issuer (or that officer, director, employee, agent, or stockholder) makes use of the mails or any means or instrumentality of interstate commerce in furtherance of the offer, gift, payment, promise, or authorization.

"(2) APPLICABILITY.—This subsection applies only to an issuer that—

"(A) is organized under the laws of the United States, or a State, territory, possession, or commonwealth of the United States or a political subdivision thereof; and

"(B) has a class of securities registered pursuant to section 12 or that is required to file reports under section 15(d).

"(3) UNITED STATES PERSON.—In this subsection, the term 'United States person' means—

"(A) a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); and

"(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(3) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (f)"; and

(4) in subsection (c), by striking "subsection (a)" and inserting "subsections (a) and (f)".

(d) PENALTIES.—Section 32(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(c)) is amended—

(1) by striking "section 30A(a) of this title" each place that term appears and inserting "subsection (a) or (f) of section 30A"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or director" and inserting ", director, employee, or agent";

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 3. AMENDMENTS RELATING TO DOMESTIC CONCERNS.

(a) PROHIBITED CONDUCT.—Section 104(a) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such foreign official in his official capacity;

"(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

"(C) securing any improper advantage; or";

(2) in paragraph (2)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

"(B) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate;

"(C) securing any improper advantage; or"; and

(3) in paragraph (3)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

"(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

"(C) securing any improper advantage; or".

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Section 104(h) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(h)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) The term—

"(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government, department, agency, or instrumentality, or for or on behalf of any such public international organization; and

"(B) 'public international organization' means an organization that has been so designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288)."; and

(2) in paragraph (4)(A)(v), by inserting before the period "to those referred to in clauses (i) through (iv)".

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE OF THE UNITED STATES.—Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following:

"(h) ALTERNATIVE JURISDICTION.—

"(1) IN GENERAL.—It shall be unlawful for a United States person to corruptly do any act outside of the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of any thing of value to any of the persons or entities referred to in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, whether or not that United States person makes use of the mails or any means or instrumentality of interstate commerce in furtherance of the offer, gift, payment, promise, or authorization.

"(2) DEFINITION.—In this subsection, the term 'United States person' means—

"(A) a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); and

"(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(3) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (h)";

(4) in subsection (c), by striking "subsection (a)" and inserting "subsections (a) and (h)"; and

(5) in subsection (d), by striking "subsection (a) of this section" and inserting "subsection (a) or (h)".

(d) PENALTIES.—Section 104(g) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(g)) is amended—

(1) by striking "subsection (a)" each place that term appears and inserting "subsection (a) or (h)";

(2) in paragraph (1), by inserting "that is not a natural person" after "domestic concern" each place that term appears; and

(3) in paragraph (2)—

(A) by striking "Any officer" each place that term appears and inserting "Any natural person that is an officer";

(B) in subparagraph (A), by striking "or director" and inserting ", director, employee, or agent";

(C) by striking subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B).

(e) TECHNICAL AMENDMENT.—Section 104(i)(4)(A) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(h)(4)(A)), as redesignated by subsection (c) of this section, is amended by striking "For purposes of paragraph (1), the" and inserting "The".

SEC. 4. AMENDMENT RELATING TO OTHER PERSONS.

The Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd et seq.) is amended by inserting after section 104 the following new section:

"SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.

"(a) PROHIBITED CONDUCT.—It shall be unlawful for any covered person, or for any officer, director, employee, or agent of such covered person or any stockholder thereof, acting on behalf of such covered person, while in the territory of the United States, corruptly to make use of the mails or any means or instrumentality of interstate commerce or to do any other act in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

"(1) any foreign official for purposes of—

"(A) influencing any act or decision of such foreign official in the official capacity of the foreign official;

"(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

"(C) securing any improper advantage; or

"(D) inducing such foreign official to use the influence of that official with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person;

"(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

"(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

"(B) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate;

"(C) securing any improper advantage; or

"(D) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person; or

"(3) any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

"(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

"(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

"(C) securing any improper advantage; or

"(D) inducing such foreign official, political party, party official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person.

"(b) EXCEPTION FOR ROUTINE GOVERNMENTAL ACTION.—Subsection (a) shall not apply to any facilitating or expediting payment to a foreign official, political party, or party official, the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official, political party, or party official.

"(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to actions under subsection (a) that—

"(1) the payment, gift, offer, or promise of anything of value that was made, was lawful under the written laws and regulations of the country of the foreign official, political party, party official, or candidate; or

"(2) the payment, gift, offer, or promise of anything of value that was made was a reasonable and bona fide expenditure, such as travel and lodging expenses, incurred by or on behalf of a foreign official, party, party official, or candidate, and was directly related to—

"(A) the promotion, demonstration, or explanation of products or services; or

"(B) the execution or performance of a contract with a foreign government or agency thereof.

"(d) INJUNCTIVE RELIEF.—

"(1) IN GENERAL.—When it appears to the Attorney General that any covered person, or officer, director, employee, agent, or stockholder of a covered person, is engaged, or about to engage, in any act or practice constituting a violation of subsection (a), the Attorney General may, in the discretion of the Attorney General, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent injunction or a temporary restraining order shall be granted without bond.

"(2) CIVIL INVESTIGATIONS.—For the purpose of any civil investigation that, in the opinion of the Attorney General, is necessary and proper to enforce this section, the Attorney General, or a designee thereof, may administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents that the Attorney General deems relevant or material to such investigation. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

"(3) SUBPOENAS.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or in which such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General, or a designee thereof, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(4) PROCESS.—All process in any action referred to in this subsection may be served in the judicial district in which such person resides or may be found.

"(5) RULES.—The Attorney General may make such rules relating to civil investigations as may be necessary or appropriate to implement this subsection.

"(e) PENALTIES.—

"(1) JURIDICAL PERSONS.—Any covered person that is a juridical person that violates subsection (a)—

"(A) shall be fined not more than $2,000,000; and

"(B) shall be subject to a civil penalty of not more than $10,000, imposed in an action brought by the Attorney General.

"(2) NATURAL PERSON.—Any covered person who is a natural person and who—

"(A) willfully violates subsection (a) shall be fined not more than $100,000, or imprisoned not more than 5 years, or both;

"(B) violates subsection (a) shall be subject to a civil penalty of not more than $10,000, imposed in an action brought by the Attorney General.

"(3) PAYMENT OF FINES.—Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a covered person, such fine may not be paid, directly or indirectly, by that covered person.

"(f) APPLICABILITY; OTHER LAWS.—This section does not apply—

"(1) to any issuer of securities to which section 30A of the Securities Exchange Act of 1934 applies; or

"(2) to any domestic concern to which section 104 of this Act applies.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term—

"(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization; and

"(B) 'public international organization' means an organization that has been designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288);

"(2) the state of mind of a covered person is 'knowing' with respect to conduct, a circumstance, or a result if—

"(A) such covered person is aware that such covered person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

"(B) such covered person has a firm belief that such circumstance exists or that such result is substantially certain to occur;

"(3) if knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a covered person is aware of a high probability of the existence of such circumstance, unless the covered person actually believes that such circumstance does not exist;

"(4) the term 'covered person' means—

"(A) any natural person, other than a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act); and

"(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the law of a foreign nation or a political subdivision thereof; and

"(5) the term 'routine governmental action'—

"(A) means only an action that is ordinarily and commonly performed by a foreign official—

"(i) in obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;

"(ii) in processing governmental papers, such as visas and work orders;

"(iii) in providing police protection, mail pickup and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods across country;

"(iv) in providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or

"(v) in actions of a similar nature to those referred to in clauses (i) through (iv); and

"(B) does not include any decision by a foreign official regarding whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decisionmaking process to encourage a decision to award new business to or continue business with a particular party.".

TECHNOLOGY ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 1998, 1999 AND 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 388, S. 1325.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1325) to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1988 and 1999, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This title may be cited as the "Technology Administration Authorization Act for Fiscal Years 1998 and 1999".**]**

This Act may be cited as the Technology Administration Authorization Act for Fiscal Years 1998, 1999, and 2000.

SEC. 2. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(2) MAJOR REORGANIZATION.—With respect to the National Institute of Standards and Technology, the term "major reorganization" means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the National Institute of Standards and Technology.

(3) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

(1) **[**$278,352,000 for fiscal year 1998; and**]** *$271,900,000 for fiscal year 1998;*

(2) $287,658,000 for fiscal year **[**1999.**]** *1999; and*

(3) $296,287,000 for fiscal year 2000.

(b) CONSTRUCTION AND MAINTENANCE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(A) **[**$16,692,000 for fiscal year 1998; and**]** *$95,000,000 for fiscal year 1998;*

(B) $67,000,000 for fiscal year **[**1999.**]** *1999; and*

(C) $56,700,000 for fiscal year 2000.

(2) PROHIBITION.—None of the funds authorized by paragraph (1)(B) for construction of facilities may be obligated unless the Secretary of Commerce has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that the obligation of funds is consistent with a plan for meeting the needs of the facilities of the National Institute of Standards and Technology that the Secretary has transmitted to those committees.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the activities of the Under Secretary for Technology, the Office of Technology Policy, and the Office of Air and Space Commercialization (as established under section 415 of this title)—

(1) **[**$9,230,000 for fiscal year 1998; and**]** *$8,500,000 for fiscal year 1998;*

(2) $10,807,400 for fiscal year **[**1999.**]** *1999; and*

(3) $11,132,000 for fiscal year 2000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR INDUSTRIAL TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the industrial technology services activities of the National Institute of Standards and Technology—

(1) **[**$309,040,000**]** *$306,000,000* for fiscal year 1998, of which—

(A) **[**$198,000,000**]** *$192,500,000* shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) **[**$111,040,000**]** *$113,500,000* shall be for the manufacturing extension partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l); **[**and**]**

(2) $318,371,000 for fiscal year 1999, of which—

(A) $204,000,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $114,371,000 shall be for the manufacturing extension partnerships program under sections **[**5**]** *25* and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and **[**278l).**]** *278l); and*

(3) $324,491,000 for fiscal year 2000, of which—

(A) $210,120,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $114,371,000 shall be for the manufacturing extension partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

SEC. 6. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

(a) AMENDMENTS.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting "(A)" after "(1)";

(ii) by inserting "and be of a nature and scope that would not be pursued in a timely manner without Federal assistance" after "technical merit"; and

(iii) by adding at the end the following:

"(B) Each applicant for a contract or award under the Program shall certify that the applicant has made an effort to secure private market funding for the research project involved. That certification shall include a written narrative description of the efforts made by the applicant to secure that funding."; and

(B) by adding at the end the following:

"(12) A large business may participate in a research project that is the subject of a contract or award under paragraph (3) only as a member of a joint venture that includes 1 or more small businesses as members.";

(2) in subsection (j)—

(A) by striking "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

"(2) the term 'large business' means a business that—

"(A) is not a small business; and

"(B) has gross annual revenues in an amount greater than $2,500,000,000;

"(3) the term 'medium business' means a business that—

"(A) is not a small business; and

"(B) has gross annual revenues in an amount less than or equal to $2,500,000,000;

"(4) the term 'small business' means a small business concern, as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)); and";

(3) by redesignating subsection (j) as subsection (m); and

(4) by inserting after subsection (i) the following:

"(j) Notwithstanding subsection (b)(1)(B) and subsection (d)(3), the Director may grant an extension beyond the applicable deadline specified in subsection (b)(1)(B) or (d)(3) for a joint venture or single applicant recipient of assistance to expend Federal funds to complete the project assisted with that assistance, if that extension—

"(1) is granted with no additional cost to the Federal Government; and

"(2) is in the interest of the Federal Government.

"(k)(1) The Secretary, acting through the Director, may vest title to tangible personal property in any recipient of financial assistance under this section if—

"(A) the property is purchased with funds provided under this section; and

"(B) the Secretary, acting through the Director, determines that the vesting of such property furthers the objectives of the Institute.

"(2) Vesting under this subsection shall—

"(A) be subject to such limitations as are prescribed by the Secretary, acting through the Director; and

"(B) be made without further obligation to the United States Government.

In carrying out this section, the Secretary, acting through the Director, shall ensure that the requirements of Circular No. A–110 issued by the Office of Management and Budget are met with respect to the valuation of cost-share items used by participants in the ❙Program.".❙ *Program.*

"(l) AWARDS BASED ON COMPETITION.—All amounts appropriated for grants under subsection (b) for fiscal years beginning after the date of enactment of the Technology Administration Authorization Act for Fiscal Years 1998, 1999, and 2000 shall be used for grants awarded on the basis of general open competition.".

(b) ADDITIONAL AMENDMENT.—

(1) IN GENERAL.—Section 28(d)(11)(A) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(11)(A)) is amended by striking the period at the end of the first sentence and inserting the following: "or any other university or nonprofit awardee or subawardee (as those terms are defined by the Secretary) receiving financial assistance under this section, as agreed by the parties, notwithstanding the requirements of chapter 18 of title 35, United States Code.".

(2) APPLICABILITY.—The amendment made by this subsection shall apply only with respect to assistance for which solicitations for proposals are made after the date of enactment of this title.

SEC. 7. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking ", which are designed" and all that follows through "operation of a Center." and inserting ". After the sixth year, a Center may receive additional financial support under this section if that Center has received a positive evaluation through a review, under procedures and criteria established by the Institute. The review referred to in the preceding sentence shall be required not later than 2 years after the sixth year, and not less frequently than every 2 years thereafter. The funding received by a Center for a fiscal year under this section after the sixth year of operation shall be for capital and annual operating expenses and maintenance costs. The proportion of funding that the Center receives after the sixth year of operation from funds made available to carry out this section for the costs referred to in the preceding sentence shall not exceed the proportion of that funding received by the Center for each of those costs during the sixth year of operation of the Center.".

SEC. 8. MALCOLM BALDRIGE NATIONAL QUALITY AWARD.

Section 17(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following:

"(D) Health care providers.

"(E) Education providers.".

SEC. 9. NEXT GENERATION INTERNET.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds authorized by this title, or any other Act enacted before the date of enactment of this Act, may be used for the programs and activities for the Internet project known as the "Next Generation Internet".

(b) EXCEPTION.—Notwithstanding subsection (a), funds described in that subsection may be used for the continuation of programs and activities related to Next Generation Internet that were funded and carried out during fiscal year 1997.

SEC. 10. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(b) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the National Institute of Standards and Technology, the Director shall provide notice to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Science and Appropriations of the House of Representatives.

SEC. 11. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Director should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the National Institute of Standards and Technology to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this title, assess the extent of the risk to the operations of the National Institute of Standards and Technology posed by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the National Institute of Standards and Technology is unable to correct by the year 2000.

SEC. 12. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS—

(1) IN GENERAL.—It is the sense of Congress that the Director should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Director shall prepare and submit to the President a report. The President shall submit the report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 13. TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.

(a) IN GENERAL.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 19 the following:

"SEC. 19A. (a) The Director shall establish within the Institute a teacher science and technology enhancement program.

"(b) The purpose of the program under this section shall be to provide for professional development of mathematics and science teachers of elementary, middle, and secondary schools (as those terms are defined by the Director), including providing for the improvement of those teachers with respect to the teaching of science—

"(1) teaching strategies;

"(2) self-confidence; and

"(3) the understanding of science and the impacts of science on commerce.

"(c) In carrying out the program under this section, the Director shall focus on the areas of—

"(1) scientific measurements;

"(2) tests and standards development;

"(3) industrial competitiveness and quality;

"(4) manufacturing;

"(5) technology transfer; and

"(6) any other area of expertise of the Institute that the Director determines to be appropriate.

"(d) The Director shall develop and issue procedures and selection criteria for participants in the program. Each such participant shall be a teacher described in subsection (b).

"(e) The Director shall issue awards under the program to participants. In issuing the awards, the Director shall ensure that the maximum number of participants practicable participate in the program. In order to ensure a maximum level of participation of participants, the program under this section shall be conducted on an annual basis during the summer months, during the period of time when a majority of elementary, middle, and secondary schools have not commenced a school year.

“(f) The program shall provide for teachers participation in activities at the Institute laboratory facilities of the Institute.”.

(b) AVAILABILITY OF FUNDS.—The following amounts of the funds made available by appropriations pursuant to section 3(a) shall be used to carry out the teacher science and technology enhancement program under section 19A of the National Institute of Standards and Technology, as added by subsection (a) of this section:

(1) $1,500,000 for fiscal year 1998.

(2) $2,500,000 for fiscal year 1999.

SEC. 14. JOINT STUDY BY THE NATIONAL ACADEMY OF SCIENCE AND THE NATIONAL ACADEMY OF ENGINEERING.

(a) IN GENERAL.—

(1) CONTRACT.—Not later than 90 days after the date of enactment of this title, the Secretary of Commerce shall enter into a contract with the National Academy of Science and the National Academy of Engineering to provide for a joint study to be conducted by those academies under this section.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to apply the Federal Advisory Committee Act (5 U.S.C. App.) to the National Academy of Science or the National Academy of Engineering.

(b) STUDY PANEL.—In carrying out the study under this section, the appropriate officials of the National Academy of Science and the National Academy of Engineering shall establish a study panel. The members appointed to the study panel shall include—

(1) industry and labor leaders;

(2) entrepreneurs;

(3) individuals who—

(A) have previously served as government officials; and

(B) have recognized expertise and experience with respect to civilian research and technology; and

(4) individuals with recognized expertise and experience with respect to science and technology, including individuals who have had experience working with or for a Federal laboratory.

(c) CONTENTS OF STUDY.—The study conducted under this section shall—

(1) provide for a thorough review of the effectiveness of the Advanced Technology Program (referred to in this section as the “Program”) under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(2) carry out a root cause analysis to determine—

(A) which aspects of the Program have been effective in stimulating the development of technology; and

(B) strategies used to conduct the Program that have failed; and

(3) examine alternative approaches to accomplish the purposes of the Program.

(d) REPORT.—Not later than 1 year after the Secretary of Commerce enters into contracts under subsection (a) for the conduct of the joint study under this section, the study panel established under subsection (b) shall prepare, and submit to the Secretary of Commerce, for transmittal to the President and Congress, a study that includes the findings of the panel with respect to the results of the study.

SEC. 15. OFFICE OF AIR AND SPACE COMMERCIALIZATION.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Air and Space Commercialization (referred to in this section as the “Office”).

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5, United States Code, as determined by the Secretary of Commerce.

(c) FUNCTIONS OF THE OFFICE; DUTIES OF THE DIRECTOR.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The primary responsibilities of the Director, in carrying out the functions of the Office, shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, with respect to commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

SEC. 16. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

(a) IN GENERAL.—Section 5 of the Stevenson Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

“(f) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.—

“(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish a program to be known as the Experimental Program to Stimulate Competitive Technology (referred to in this subsection as the ‘program’). The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than those received by a majority of the States.

“(2) ARRANGEMENTS.—In carrying out the program, the Secretary, acting through the Under Secretary, shall—

“(A) enter into such arrangements as may be necessary to provide for the coordination of the program through the State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation; and

“(B) cooperate with—

“(i) any State science and technology council established under the program under subparagraph (A); and

“(ii) representatives of small business firms and other appropriate technology-based businesses.

“(3) GRANTS.—In carrying out the program, the Secretary, acting through the Under Secretary, may make grants or enter into cooperative agreements to provide, for—

“(A) technology research and development;

“(B) technology transfer from university research;

“(C) technology deployment and diffusion; and

“(D) the strengthening of technological capabilities through consortia comprised of—

“(i) technology-based small business firms;

“(ii) industries and emerging companies;

“(iii) universities; and

“(iv) State and local development agencies and entities.

“(4) REQUIREMENTS FOR MAKING AWARDS.—

“(A) IN GENERAL.—In making grant awards under this subsection, the Secretary, acting through the Under Secretary, shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award.

“(B) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under a grant under this subsection shall be not less than 25 percent of the cost of those activities.

“(5) CRITERIA FOR STATES.—With respect to States that participate in the program, the Secretary, acting through the Under Secretary, shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

“(6) COORDINATION.—To the extent practicable, in carrying out this section, the Secretary, acting through the Under Secretary, shall coordinate the program with other programs of the Department of Commence.

“(7) REPORT.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Technology Administration Authorization Act for Fiscal Years 1998 and 1999, the Under Secretary shall prepare and submit a report that meets the requirements of this paragraph to the Secretary. Upon receipt of the report, the Secretary shall transmit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

“(B) REQUIREMENTS FOR REPORT.—The report prepared under this paragraph shall contain with respect to the program—

“(i) a description of the structure and procedures of the program;

“(ii) a management plan for the program;

“(iii) a description of the merit-based review process to be used in the program;

“(iv) milestones for the evaluation of activities to be assisted under the program in each of fiscal years 1998 and 1999;

“(v) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

“(vi) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated pursuant to paragraph (8).

“(8) EVALUATION.—Not earlier than the date that is 4 years after the date on which the program is established, the Secretary, acting through the Under Secretary, shall carry out an evaluation of the program. In carrying out the evaluation the Secretary, acting through the Under Secretary, shall apply the criteria described in paragraph (7)(B)(vi).".

(b) FUNDING.—Of the amounts made available by appropriations pursuant to section 4—

(1) for fiscal year 1998, $1,650,000 shall be used to carry out the Experimental Program to Stimulate Competitive Technology established under section 5(f) of the Stevenson Wydler Technology Innovation Act of 1980, as added by subsection (a) of this section; and

(2) for fiscal year 1999, $3,000,000 shall be used to carry out the program referred to in paragraph (1).

SEC. 17. FEDERAL AVIATION ADMINISTRATION AS ALTERNATIVE QUALITY AUTHORITY.

Any fastener used on an aircraft or component, system, subassembly, or part of an aircraft that has been manufactured or altered by, or under the direction and control of, the holder of a Type Certificate, Production Certificate, Parts Manufacturer Approval, or Technical Standard Order Authorization issued by the Federal Aviation Administration, or manufactured or altered subject to a quality assurance program approved by the Federal Aviation Administration, is deemed to comply with the provisions of the Fastener Quality Act (15 U.S.C. 1501 et seq.) and any regulation issued thereunder.

SEC. 18. INTERNATIONAL ARCTIC RESEARCH CENTER.

There are authorized to be appropriated $5,000,000 for each of fiscal years 1999 and 2000 for the Federal share of the administrative costs of the International Arctic Research Center.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The committee amendments were agreed to.

AMENDMENTS NOS. 3486 AND 3487, EN BLOC

Mr. GORTON. Mr. President, I understand Senator FRIST has two amendments at the desk, and I ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. FRIST, proposes amendments numbered 3486 and 3487, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3486

(Purpose: To make minor and technical corrections in the bill as reported, and for other purposes)

On page 11, line 2, after "receives" insert "from the government".

On page 11 strike lines 5 through 7 and insert the following: "shall not exceed one-third of the total costs of operation of a center under the program.".

On page 26 strike lines 6 through 18 and insert the following:

SEC. 17. FASTENER QUALITY ACT STANDARDS.

(a) AMENDMENT.—Section 15 of the Fastener Quality Act (15 U.S.C. 5414) is amended—

(1) by inserting "(a) TRANSITIONAL RULE.—" before "The requirements of this Act"; and

(2) by adding at the end the following new subsection:

"(b) AIRCRAFT EXEMPTION.—

"(1) IN GENERAL.—The requirements of this Act shall not apply to fasteners specifically manufactured or altered for use on an aircraft if the quality and suitability of those fasteners for that use has been approved by the Federal Aviation Administration, except as provided in paragraph (2).

"(2) EXCEPTION.—Paragraph (1) shall not apply to fasteners represented by the fastener manufacturer as having been manufactured in conformance with standards or specifications established by a consensus standards organization or a Federal agency other than the Federal Aviation Administration.".

(b) DELAYED IMPLEMENTATION OF REGULATIONS.—The regulations issued under the Fastener Quality Act by the National Institute of Standards and Technology on April 14, 1998, and any other regulations issued by the National Institute of Standards and Technology pursuant to the Fastener Quality Act, shall not take effect until after the later of June 1, 1999, or the expiration of 120 days after the Secretary of Commerce transmits to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a report on—

(1) changes in fastener manufacturing processes that have occurred since the enactment of the Fastener Quality Act;

(2) a comparison of the Fastener Quality Act to other regulatory programs that regulate the various categories of fasteners, and an analysis of any duplication that exists among programs; and

(3) any changes in that Act that may be warranted because of the changes reported under paragraphs (1) and (2).

The report required by this section shall be transmitted to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, by February 1, 1999.

AMENDMENT NO. 3487

On page 17, strike lines 11 through 15.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3486 and 3487) were agreed to.

AMENDMENT NO. 3488

Mr. GORTON. Mr. President, I ask for the immediate consideration of Senator MCCAIN's amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, proposes an amendment numbered 3488.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, after line 13, insert the following:

"(F) Environmental technology providers.".

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3488) was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; that the title amendment be agreed to; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1325), as amended, was considered read the third time and passed, as follows:

S. 1325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Administration Authorization Act for Fiscal Years 1998, 1999, and 2000".

SEC. 2. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(2) MAJOR REORGANIZATION.—With respect to the National Institute of Standards and Technology, the term "major reorganization" means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the National Institute of Standards and Technology.

(3) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

(1) $271,900,000 for fiscal year 1998;

(2) $287,658,000 for fiscal year 1999; and

(3) $296,287,000 for fiscal year 2000.

(b) CONSTRUCTION AND MAINTENANCE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(A) $95,000,000 for fiscal year 1998;

(B) $67,000,000 for fiscal year 1999; and

(C) $56,700,000 for fiscal year 2000.

(2) PROHIBITION.—None of the funds authorized by paragraph (1)(B) for construction of facilities may be obligated unless the Secretary of Commerce has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that the obligation of funds is consistent with a plan for meeting the needs of the facilities of the National Institute of Standards and Technology that the Secretary has transmitted to those committees.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

There are authorized to be appropriated to the Department of Commerce for use by the

Secretary of Commerce for the activities of the Under Secretary for Technology, the Office of Technology Policy, and the Office of Air and Space Commercialization (as established under section 415 of this title)—

(1) $8,500,000 for fiscal year 1998;

(2) $10,807,400 for fiscal year 1999; and

(3) $11,132,000 for fiscal year 2000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR INDUSTRIAL TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the industrial technology services activities of the National Institute of Standards and Technology—

(1) $306,000,000 for fiscal year 1998, of which—

(A) $192,500,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $113,500,000 shall be for the manufacturing extension partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l);

(2) $318,371,000 for fiscal year 1999, of which—

(A) $204,000,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $114,371,000 shall be for the manufacturing extension partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l); and

(3) $324,491,000 for fiscal year 2000, of which—

(A) $210,120,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $114,371,000 shall be for the manufacturing extension partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

SEC. 6. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

(a) Amendments.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting "(A)" after "(1)";

(ii) by inserting "and be of a nature and scope that would not be pursued in a timely manner without Federal assistance" after "technical merit"; and

(iii) by adding at the end the following:

"(B) Each applicant for a contract or award under the Program shall certify that the applicant has made an effort to secure private market funding for the research project involved. That certification shall include a written narrative description of the efforts made by the applicant to secure that funding."; and

(B) by adding at the end the following:

"(12) A large business may participate in a research project that is the subject of a contract or award under paragraph (3) only as a member of a joint venture that includes 1 or more small businesses as members.";

(2) in subsection (j)—

(A) by striking "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

"(2) the term 'large business' means a business that—

"(A) is not a small business; and

"(B) has gross annual revenues in an amount greater than $2,500,000,000;

"(3) the term 'medium business' means a business that—

"(A) is not a small business; and

"(B) has gross annual revenues in an amount less than or equal to $2,500,000,000;

"(4) the term 'small business' means a small business concern, as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)); and";

(3) by redesignating subsection (j) as subsection (m); and

(4) by inserting after subsection (i) the following:

"(j) Notwithstanding subsection (b)(1)(B) and subsection (d)(3), the Director may grant an extension beyond the applicable deadline specified in subsection (b)(1)(B) or (d)(3) for a joint venture or single applicant recipient of assistance to expend Federal funds to complete the project assisted with that assistance, if that extension—

"(1) is granted with no additional cost to the Federal Government; and

"(2) is in the interest of the Federal Government.

"(k)(1) The Secretary, acting through the Director, may vest title to tangible personal property in any recipient of financial assistance under this section if—

"(A) the property is purchased with funds provided under this section; and

"(B) the Secretary, acting through the Director, determines that the vesting of such property furthers the objectives of the Institute.

"(2) Vesting under this subsection shall—

"(A) be subject to such limitations as are prescribed by the Secretary, acting through the Director; and

"(B) be made without further obligation to the United States Government.

In carrying out this section, the Secretary, acting through the Director, shall ensure that the requirements of Circular No. A-110 issued by the Office of Management and Budget are met with respect to the valuation of cost-share items used by participants in the Program.

"(l) Awards Based on Competition.—All amounts appropriated for grants under subsection (b) for fiscal years beginning after the date of enactment of the Technology Administration Authorization Act for Fiscal Years 1998, 1999, and 2000 shall be used for grants awarded on the basis of general open competition.".

(b) Additional Amendment.—

(1) In general.—Section 28(d)(11)(A) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(11)(A)) is amended by striking the period at the end of the first sentence and inserting the following: "or any other university or nonprofit awardee or subawardee (as those terms are defined by the Secretary) receiving financial assistance under this section, as agreed by the parties, notwithstanding the requirements of chapter 18 of title 35, United States Code.".

(2) Applicability.—The amendment made by this subsection shall apply only with respect to assistance for which solicitations for proposals are made after the date of enactment of this title.

SEC. 7. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking ", which are designed" and all that follows through "operation of a Center." and inserting ". After the sixth year, a Center may receive additional financial support under this section if that Center has received a positive evaluation through a review, under procedures and criteria established by the Institute. The review referred to in the preceding sentence shall be required not later than 2 years after the sixth year, and not less frequently than every 2 years thereafter. The funding received by a Center for a fiscal year under this section after the sixth year of operation shall be for capital and annual operating expenses and maintenance costs. The proportion of funding that the Center receives from the Government after the sixth year of operation from funds made available to carry out this section for the costs referred to in the preceding sentence shall not exceed one-third of the total costs of operation of a center under the program.".

SEC. 8. MALCOLM BALDRIGE NATIONAL QUALITY AWARD.

Section 17(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following:

"(D) Health care providers.

"(E) Education providers.

"(F) Environmental technology providers.".

SEC. 9. NEXT GENERATION INTERNET.

(a) In General.—Except as provided in subsection (b), none of the funds authorized by this title, or any other Act enacted before the date of enactment of this Act, may be used for the programs and activities for the Internet project known as the "Next Generation Internet".

(b) Exception.—Notwithstanding subsection (a), funds described in that subsection may be used for the continuation of programs and activities related to Next Generation Internet that were funded and carried out during fiscal year 1997.

SEC. 10. NOTICE.

(a) Notice of Reprogramming.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(b) Notice of Reorganization.—Not later than 15 days before any major reorganization of any program, project, or activity of the National Institute of Standards and Technology, the Director shall provide notice to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Science and Appropriations of the House of Representatives.

SEC. 11. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Director should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the National Institute of Standards and Technology to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this title, assess the extent of the risk to the operations of the National Institute of Standards and Technology posed

by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the National Institute of Standards and Technology is unable to correct by the year 2000.

SEC. 12. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS—

(1) IN GENERAL.—It is the sense of Congress that the Director should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Director shall prepare and submit to the President a report. The President shall submit the report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 13. TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.

(a) IN GENERAL.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 19 the following:

"SEC. 19A. (a) The Director shall establish within the Institute a teacher science and technology enhancement program.

"(b) The purpose of the program under this section shall be to provide for professional development of mathematics and science teachers of elementary, middle, and secondary schools (as those terms are defined by the Director), including providing for the improvement of those teachers with respect to the teaching of science—

"(1) teaching strategies;

"(2) self-confidence; and

"(3) the understanding of science and the impacts of science on commerce.

"(c) In carrying out the program under this section, the Director shall focus on the areas of—

"(1) scientific measurements;

"(2) tests and standards development;

"(3) industrial competitiveness and quality;

"(4) manufacturing;

"(5) technology transfer; and

"(6) any other area of expertise of the Institute that the Director determines to be appropriate.

"(d) The Director shall develop and issue procedures and selection criteria for participants in the program. Each such participant shall be a teacher described in subsection (b).

"(e) The Director shall issue awards under the program to participants. In issuing the awards, the Director shall ensure that the maximum number of participants practicable participate in the program. In order to ensure a maximum level of participation of participants, the program under this section shall be conducted on an annual basis during the summer months, during the period of time when a majority of elementary, middle, and secondary schools have not commenced a school year.

"(f) The program shall provide for teachers participation in activities at the Institute laboratory facilities of the Institute.".

(b) AVAILABILITY OF FUNDS.—The following amounts of the funds made available by appropriations pursuant to section 3(a) shall be used to carry out the teacher science and technology enhancement program under section 19A of the National Institute of Standards and Technology, as added by subsection (a) of this section:

(1) $1,500,000 for fiscal year 1998.

(2) $2,500,000 for fiscal year 1999.

SEC. 14. JOINT STUDY BY THE NATIONAL ACADEMY OF SCIENCE AND THE NATIONAL ACADEMY OF ENGINEERING.

(a) CONTRACT.—Not later than 90 days after the date of enactment of this title, the Secretary of Commerce shall enter into a contract with the National Academy of Science and the National Academy of Engineering to provide for a joint study to be conducted by those academies under this section.

(b) STUDY PANEL.—In carrying out the study under this section, the appropriate officials of the National Academy of Science and the National Academy of Engineering shall establish a study panel. The members appointed to the study panel shall include—

(1) industry and labor leaders;

(2) entrepreneurs;

(3) individuals who—

(A) have previously served as government officials; and

(B) have recognized expertise and experience with respect to civilian research and technology; and

(4) individuals with recognized expertise and experience with respect to science and technology, including individuals who have had experience working with or for a Federal laboratory.

(c) CONTENTS OF STUDY.—The study conducted under this section shall—

(1) provide for a thorough review of the effectiveness of the Advanced Technology Program (referred to in this section as the "Program") under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(2) carry out a root cause analysis to determine—

(A) which aspects of the Program have been effective in stimulating the development of technology; and

(B) strategies used to conduct the Program that have failed; and

(3) examine alternative approaches to accomplish the purposes of the Program.

(d) REPORT.—Not later than 1 year after the Secretary of Commerce enters into contracts under subsection (a) for the conduct of the joint study under this section, the study panel established under subsection (b) shall prepare, and submit to the Secretary of Commerce, for transmittal to the President and Congress, a study that includes the findings of the panel with respect to the results of the study.

SEC. 15. OFFICE OF AIR AND SPACE COMMERCIALIZATION.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Air and Space Commercialization (referred to in this section as the "Office").

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5, United States Code, as determined by the Secretary of Commerce.

(c) FUNCTIONS OF THE OFFICE; DUTIES OF THE DIRECTOR.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The primary responsibilities of the Director, in carrying out the functions of the Office, shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, with respect to commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

SEC. 16. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

(a) IN GENERAL.—Section 5 of the Stevenson Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

"(f) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish a program to be known as the Experimental Program to Stimulate Competitive Technology (referred to in this subsection as the 'program'). The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than those received by a majority of the States.

"(2) ARRANGEMENTS.—In carrying out the program, the Secretary, acting through the Under Secretary, shall—

"(A) enter into such arrangements as may be necessary to provide for the coordination of the program through the State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation; and

"(B) cooperate with—

"(i) any State science and technology council established under the program under subparagraph (A); and

"(ii) representatives of small business firms and other appropriate technology-based businesses.

"(3) Grants.—In carrying out the program, the Secretary, acting through the Under Secretary, may make grants or enter into cooperative agreements to provide, for—

"(A) technology research and development;

"(B) technology transfer from university research;

"(C) technology deployment and diffusion; and

"(D) the strengthening of technological capabilities through consortia comprised of—

"(i) technology-based small business firms;

"(ii) industries and emerging companies;

"(iii) universities; and

"(iv) State and local development agencies and entities.

"(4) Requirements for making awards.—

"(A) In general.—In making grant awards under this subsection, the Secretary, acting through the Under Secretary, shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award.

"(B) Matching requirement.—The non-Federal share of the activities (other than planning activities) carried out under a grant under this subsection shall be not less than 25 percent of the cost of those activities.

"(5) Criteria for states.—With respect to States that participate in the program, the Secretary, acting through the Under Secretary, shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

"(6) Coordination.—To the extent practicable, in carrying out this section, the Secretary, acting through the Under Secretary, shall coordinate the program with other programs of the Department of Commence.

"(7) Report.—

"(A) In general.—Not later than 90 days after the date of enactment of the Technology Administration Authorization Act for Fiscal Years 1998 and 1999, the Under Secretary shall prepare and submit a report that meets the requirements of this paragraph to the Secretary. Upon receipt of the report, the Secretary shall transmit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

"(B) Requirements for report.—The report prepared under this paragraph shall contain with respect to the program—

"(i) a description of the structure and procedures of the program;

"(ii) a management plan for the program;

"(iii) a description of the merit-based review process to be used in the program;

"(iv) milestones for the evaluation of activities to be assisted under the program in each of fiscal years 1998 and 1999;

"(v) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

"(vi) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated pursuant to paragraph (8).

"(8) Evaluation.—Not earlier than the date that is 4 years after the date on which the program is established, the Secretary, acting through the Under Secretary, shall carry out an evaluation of the program. In carrying out the evaluation the Secretary, acting through the Under Secretary, shall apply the criteria described in paragraph (7)(B)(vi).".

(b) Funding.—Of the amounts made available by appropriations pursuant to section 4—

(1) for fiscal year 1998, $1,650,000 shall be used to carry out the Experimental Program to Stimulate Competitive Technology established under section 5(f) of the Stevenson Wydler Technology Innovation Act of 1980, as added by subsection (a) of this section; and

(2) for fiscal year 1999, $3,000,000 shall be used to carry out the program referred to in paragraph (1).

SEC. 17. FASTENER QUALITY ACT STANDARDS.

(a) Amendment.—Section 15 of the Fastener Quality Act (15 U.S.C. 5414) is amended—

(1) by inserting "(a) Transitional Rule.—" before "The requirements of this Act"; and

(2) by adding at the end the following new subsection:

"(b) Aircraft Exemption.—

"(1) In general.—The requirements of this Act shall not apply to fasteners specifically manufactured or altered for use on an aircraft if the quality and suitability of those fasteners for that use has been approved by the Federal Aviation Administration, except as provided in paragraph (2).

"(2) Exception.—Paragraph (1) shall not apply to fasteners represented by the fastener manufacturer as having been manufactured in conformance with standards or specifications established by a consensus standards organization or a Federal agency other than the Federal Aviation Administration.".

(b) Delayed Implementation of Regulations.—The regulations issued under the Fastener Quality Act by the National Institute of Standards and Technology on April 14, 1998, and any other regulations issued by the National Institute of Standards and Technology pursuant to the Fastener Quality Act, shall not take effect until after the later of June 1, 1999, or the expiration of 120 days after the Secretary of Commerce transmits to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a report on—

(1) changes in fastener manufacturing processes that have occurred since the enactment of the Fastener Quality Act;

(2) a comparison of the Fastener Quality Act to other regulatory programs that regulate the various categories of fasteners, and an analysis of any duplication that exists among programs; and

(3) any changes in that Act that may be warranted because of the changes reported under paragraphs (1) and (2).

The report required by this section shall be transmitted to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, by February 1, 1999.

SEC. 18. INTERNATIONAL ARCTIC RESEARCH CENTER.

There are authorized to be appropriated $5,000,000 for each of fiscal years 1999 and 2000 for the Federal share of the administrative costs of the International Arctic Research Center.

The title was amended so as to read:

A Bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998, 1999, and 2000, and for other purposes.

FASTENER QUALITY ACT AMENDMENTS

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 498, H.R. 3824.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3824) amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 15 of the Fastener Quality Act (15 U.S.C. 5414) is amended—

(1) by inserting "(a) Transitional Rule.—" before "The requirements of this Act"; and

(2) by adding at the end the following new subsection:

"(b) Aircraft Exemption.—

"(1) In general.—The requirements of this Act shall not apply to fasteners specifically manufactured or altered for use on an aircraft if the quality and suitability of those fasteners for that use has been approved by the Federal Aviation Administration, except as provided in paragraph (2).

"(2) Exception.—Paragraph (1) shall not apply to fasteners represented by the fastener manufacturer as having been manufactured in conformance with standards or specifications established by a consensus standards organization or a Federal agency other than the Federal Aviation Administration.".

SEC. 2. DELAYED IMPLEMENTATION OF REGULATIONS.

The regulations issued under the Fastener Quality Act by the National Institute of Standards and Technology on April 14, 1998, and any other regulations issued by the National Institute of Standards and Technology pursuant to the Fastener Quality Act, shall not take effect until after the later of June 1, 1999, or the expiration of 120 days after the Secretary of Commerce transmits to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a report on—

(1) changes in fastener manufacturing processes that have occurred since the enactment of the Fastener Quality Act; **[**and**]**

(2) a comparison of the Fastener Quality Act to other regulatory programs that regulate the various categories of fasteners, and an analysis of any duplication that exists among programs; and

[(2)**]** *(3)* any changes in that Act that may be warranted because of the changes reported under **[**paragraph (1).**]** *paragraphs (1) and (2).*

The report required by this section shall be transmitted to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, by February 1, 1999.

Mr. GORTON. I ask unanimous consent that the committee amendments be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 3824), as amended, was considered read the third time and passed.

FINDING THE GOVERNMENT OF IRAQ IN UNACCEPTABLE AND MATERIAL BREACH OF ITS INTERNATIONAL OBLIGATIONS

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 499, S.J. Res. 54.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 54) finding the Government of Iraq in unacceptable and material breach of its international obligations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Foreign Relations, with amendments to the preamble; as follows:

(The parts of the preamble intended to be stricken are shown in boldface brackets and the parts of the preamble intended to be inserted are shown in italic.)

S.J. Res. 54

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

Whereas in June 1991, Iraqi forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in UN Security Council Resolution 707 which found Iraq to be in "material breach" of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

Whereas in January and February of 1992, Iraq rejected plans to install long-term monitoring equipment and cameras called for in UN resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in "continuing material breach" of its obligations;

Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting the Security Council Presidential Statement of February 28, 1992, which reiterated that Iraq was in "continuing material breach" and noted a "further material breach" on account of Iraq's failure to allow destruction of ballistic missile equipment;

Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6, 1992, which declared that Iraq was in "material and unacceptable breach" of its obligations under UN resolutions;

Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface to air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying UN weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993, which declared that Iraq was in an "unacceptable and material breach" of its obligations under UN resolutions;

Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993, reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17 with an allied missile attack on Iraqi targets;

Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993, declaring Iraq's refusal to comply to be a "material and unacceptable breach";

Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on March 8, 11, 14, and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning "clear violations by Iraq of previous Resolutions 687, 707, and 715";

Whereas from June 11–15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the "clear violation on United Nations Security Council Resolutions 687, 707, and 715" and in response to Iraq's continued violations, issued a Presidential Statement detailing Iraq's "gross violation of obligations";

Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the UN oil for food plan;

Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile engines from Iraq for analysis, resulting in a Security Council presidential statement which "deplore[d]" Iraq's refusal to cooperate with UNSCOM;

Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of "specific consultation" with the Council;

Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a UN Security Council presidential statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

Whereas on September 13, 1997, during an inspection mission, an Iraqi official attacked UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997, adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for non-compliance with UN resolutions;

Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down U.S. U–2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997, which imposed the travel ban on Iraqi officials and threatened unspecified "further measures";

Whereas on November 13, 1997, Iraq expelled U.S. inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council presidential statement demanding Iraq revoke the expulsion;

Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption of a United Nations Security Council presidential statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

Whereas despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998, of United Nations Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the "severest consequences" for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the UN Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX; *and*

Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and [security; and] *security:*

[Whereas the United States has existing authority to defend United States interests in the Persian Gulf region:] Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore, the President of the United States is urged to act accordingly.

AMENDMENT NO. 3489

(Purpose: To provide substitute language)

Mr. GORTON. There is an amendment to the joint resolution at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. LOTT, proposes an amendment numbered 3489.

The amendment is as follows:

Strike all after the resolving clause and insert the following: "That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations."

Mr. GORTON. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3489) was agreed to.

Mr. GORTON. I ask unanimous consent that the joint resolution, as amended, be considered read three times and passed, the amendments to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 54), as amended, was considered read a third time and passed.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The joint resolution, as amended, with its preamble, as amended, reads as follows:

S.J. RES. 54

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

Whereas in June 1991, Iraqi forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in UN Security Council Resolution 707 which found Iraq to be in "material breach" of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

Whereas in January and February of 1992, Iraq rejected plans to install long-term monitoring equipment and cameras called for in UN resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in "continuing material breach" of its obligations;

Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting the Security Council Presidential Statement of February 28, 1992, which reiterated that Iraq was in "continuing material breach" and noted a "further material breach" on account of Iraq's failure to allow destruction of ballistic missile equipment;

Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6, 1992, which declared that Iraq was in "material and unacceptable breach" of its obligations under UN resolutions;

Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface to air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying UN weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993, which declared that Iraq was in an "unacceptable and material breach" of its obligations under UN resolutions;

Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993, reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17 with an allied missile attack on Iraqi targets;

Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993, declaring Iraq's refusal to comply to be a "material and unacceptable breach";

Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on March 8, 11, 14, and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning "clear violations by Iraq of previous Resolutions 687, 707, and 715";

Whereas from June 11–15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the "clear violation on United Nations Security Council Resolutions 687, 707, and 715" and in response to Iraq's continued violations, issued a Presidential Statement detailing Iraq's "gross violation of obligations";

Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the UN oil for food plan;

Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile engines from Iraq for analysis, resulting in a Security Council presidential statement which "deplore[d]" Iraq's refusal to cooperate with UNSCOM;

Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of "specific consultation" with the Council;

Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a UN Security Council presidential statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

Whereas on September 13, 1997, during an inspection mission, an Iraqi official attacked

UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997, adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for non-compliance with UN resolutions;

Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down U.S. U–2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997, which imposed the travel ban on Iraqi officials and threatened unspecified "further measures";

Whereas on November 13, 1997, Iraq expelled U.S. inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council presidential statement demanding Iraq revoke the expulsion;

Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption of a United Nations Security Council presidential statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

Whereas despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998, of United Nations Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the "severest consequences" for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the UN Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX; and

Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

POTOMAC HIGHLANDS AIRPORT AUTHORITY COMPACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 512, S.J. Res. 51.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 51) granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GORTON. I ask unanimous consent that the joint resolution be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to joint resolution appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 51) was considered read the third time and passed, as follows:

S.J. Res. 51

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress hereby consents to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia. The compact reads substantially as follows:

"Potomac Highlands Airport Authority Compact

"SECTION 1. COUNTY COMMISSIONS EMPOWERED TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS RELATING TO CUMBERLAND MUNICIPAL AIRPORT.

"The county commissions of Mineral County, West Virginia, and of other West Virginia counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, may enter into intergovernmental agreements with this State, Allegany County, Maryland, other Maryland counties contiguous to Allegany County and Cumberland, Maryland, and other municipal corporations situated in those Maryland counties, and with the Potomac Highlands Airport Authority regarding the operation and use of the Cumberland Municipal Airport situated in Mineral County, West Virginia. The agreements shall be reciprocal in nature and may include, but are not limited to, conditions governing the operation, use, and maintenance of airport facilities, taxation of aircraft owned by Maryland residents and others, and user fees.

"SEC. 2. POTOMAC HIGHLANDS AIRPORT AUTHORITY AUTHORIZED.

"The county commissions of Mineral County, West Virginia, and of other West Virginia counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, or any one or more of them, jointly and severally, may create and establish, with proper governmental units of this State, Allegany County, Maryland, other Maryland counties contiguous to Allegany County, and Cumberland, Maryland, and other municipal corporations situated in those Maryland counties, or any one or more of them, a public agency to be known as the 'Potomac Highlands Airport Authority' in the manner and for the purposes set forth in this Compact.

"SEC. 3. AUTHORITY A CORPORATION.

"When created, the Authority and the members of the Authority shall constitute a public corporation and, as such, shall have perpetual succession, may contract and be contracted with, sue and be sued, and have and use a common seal.

"SEC. 4. PURPOSES.

"The Authority may acquire, equip, maintain, and operate an airport or landing field and appurtenant facilities in Mineral County, on the Potomac River near Ridgeley, West Virginia, to serve the area in which it is located.

"SEC. 5. MEMBERS OF AUTHORITY.

"(a) In General.—The management and control of the Potomac Highlands Airport Authority, its property, operations, business, and affairs, shall be lodged in a board of seven or more persons who shall be known as members of the Authority and who shall be appointed for terms of three years each by those counties, municipal corporations, or other governmental units situated in West Virginia and Maryland as contribute to the funds of the Authority, in such proportion between those States and counties, municipal corporations, and units, and in whatever manner, as may from time to time be provided in the bylaws adopted by the Authority.

"(b) First Board.—The first board shall be appointed as follows:

"(1) The County Commission of Mineral County shall appoint two members for terms of two and three years, respectively.

"(2) The governing official or body of the municipal corporation of Cumberland, Maryland, shall appoint three members for terms of one, two, and three years, respectively.

"(3) The governing official or body of Allegany County, Maryland, shall appoint two members for terms of one and two years, respectively.

"SEC. 6. POWERS.

"The Potomac Highlands Airport Authority has power and authority as follows:

"(1) To make and adopt all necessary bylaws, rules, and regulations for its organization and operations not inconsistent with law.

"(2) To take all legal actions necessary or desirable in relation to the general operation, governance, capital expansion, management, and protection of the Cumberland Municipal Airport.

"(3) To increase the number of members of the Authority, and to set the terms of office and appointment procedures for those additional members.

"(4) To elect its own officers, to appoint committees, and to employ and fix the compensation for personnel necessary for its operation.

"(5) To enter into contracts with any person, firm, or corporation, and generally to do anything necessary for the purpose of acquiring, equipping, expanding, maintaining, and operating an airport.

"(6) To delegate any authority given to it by law to any of its officers, committees, agents, or employees.

"(7) To apply for, receive, and use grants in aid, donations, and contributions from any sources.

"(8) To take or acquire lands by purchase, holding title to it in its own name.

"(9) To purchase, own, hold, sell, and dispose of personal property and to sell and dispose of any real estate which it may have acquired and may determine not to be needed for its purposes.

"(10) To borrow money.

"(11) To extend its funds in the execution of the powers and authority hereby given.

"(12) To take all necessary steps to provide for proper police protection at the airport.

"(13) To inventory airplanes and other personal property at the airport and provide the assessor of Mineral County and other proper governmental officials with full particulars in regard to the inventory.

"SEC. 7. PARTICIPATION BY WEST VIRGINIA.

"(a) Appointment of Members; Contribution to Costs.—The county commissions of

Mineral County and of counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, or any one or more of them, jointly and severally, may appoint members of the Authority and contribute to the cost of acquiring, equipping, maintaining, and operating the airport and appurtenant facilities.

"(b) Transfer of Property.—Any of the foregoing county commissions or municipal corporations may transfer and convey to the Authority property of any kind acquired previously by the county commission or municipal corporation for airport purposes.

"SEC. 8. FUNDS AND ACCOUNTS.

"(a) Contribution and Deposit of Funds.—Contributions may be made to the Authority from time to time by the various bodies contributing to its funds and shall be deposited in whatever bank or banks a majority of the members of the Authority direct and may be withdrawn from them in whatever manner the Authority directs.

"(b) Accounts and Reports.—The Authority shall keep strict account of all of its receipts and expenditures and shall make quarterly reports to the public and private bodies contributing to its funds, containing an itemized account of its operations in the preceding quarter. The accounts of the Authority shall be regularly examined by the State Tax Commissioner in the manner required by Article nine, Chapter six of the Code of West Virginia.

"SEC. 9. PROPERTY AND OBLIGATIONS OF AUTHORITY EXEMPT FROM TAXATION.

"The Authority is exempt from the payment of any taxes or fees to the State of West Virginia or any subdivisions of that State or to any officer or employee of the State or other subdivision of it. The property of the Authority is exempt from all local and municipal taxes. Notes, debentures, and other evidence of indebtedness of the Authority are declared to be issued for a public purpose and to be public instrumentalities, and, together with interest on them, are exempt from taxes.

"SEC. 10. SALE OR LEASE OF PROPERTY.

"In the event all of the public corporations contributing to the funds of the Authority so determine, the Authority shall make sale of all of its properties and assets and distribute the proceeds of the sale among those contributing to its funds. In the alternative, if such of the supporting corporations contributing a majority of the funds of the Authority so determine, the Authority may lease all of its property and equipment upon whatever terms and conditions the Authority may fix and determine.

"SEC. 11. EMPLOYEES TO BE COVERED BY WORKMEN'S COMPENSATION.

"All eligible employees of the Authority are considered to be within the Workmen's Compensation Act of West Virginia, and premiums on their compensation shall be paid by the Authority as required by law.

"SEC. 12. LIBERAL CONSTRUCTION OF COMPACT.

"It is the purpose of this Compact to provide for the maintenance and operation of an airport in a prudent and economical manner, and this Compact shall be liberally construed as giving to the Authority full and complete power reasonably required to give effect to the purposes hereof. The provisions of this Compact are in addition to and not in derogation of any power existing in the county commissions and municipal corporations herein named under any constitutional, statutory, or charter provisions which they or any of them may now have or may hereafter acquire or adopt.".

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

Mr. GORTON. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 475, S.J. Res. 35.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 35) granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GORTON. I ask unanimous consent that the joint resolution be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 35) was considered read the third time and passed, as follows:

S.J. Res. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the Pacific Northwest Emergency Management Arrangement entered into between the States of Alaska, Idaho, Oregon, and Washington, and the Province of British Columbia and the Yukon Territory. The arrangement is substantially as follows:

"PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

"Whereas, Pacific Northwest emergency management arrangement between the government of the States of Alaska, the government of the State of Idaho, the government of the State of Oregon, the government of the State of Washington, the government of the State of the Providence of British Columbia, and the government of Yukon Territory hereinafter referred to collectively as the 'Signatories' and separately as a 'Signatory';

"Whereas, the Signatories recognize the importance of comprehensive and coordinated civil emergency preparedness, response and recovery measures for natural and technological emergencies or disasters, and for declared or undeclared hostilities including enemy attack;

"Whereas, the Signatories further recognize the benefits of coordinating their separate emergency preparedness, response and recovery measures with that of contiguous jurisdictions for those emergencies, disasters, or hostilities affecting or potentially affecting any one or more of the Signatories in the Pacific Northwest; and

"Whereas, the Signatories further recognize that regionally based emergency preparedness, response and recovery measures will benefit all jurisdictions within the Pacific Northwest, and best serve their respective national interests in cooperative and coordinated emergency preparedness as facilitated by the Consultative Group on Comprehensive Civil Emergency and Management established in the Agreement Between the government of the United States of America and the government of Canada on Cooperation and Comprehensive Civil Emergency Planning and Management signed at Ottawa, Ontario, Canada on April 28, 1986: Now, therefore, be it is hereby agreed by and between each and all of the Signatories hereto as follows:

"ADVISORY COMMITTEE

"(1) An advisory committee named the Western Regional Emergency Management Advisory Committee (W-REMAC) shall be established which will include one member appointed by each Signatory.

"(2) The W-REMAC will be guided by the agreed-upon Terms of Reference-Annex A.

"PRINCIPLES OF COOPERATION

"(3) Subject to the laws of each Signatory, the following cooperative principles are to be used as a guide by the Signatories in civil emergency matters which may affect more than one Signatory:

"(A) The authorities of each Signatory may seek the advice, cooperation, or assistance of any other Signatory in any civil emergency matter.

"(B) Nothing in the arrangement shall derogate from the applicable laws within the jurisdiction of any Signatory. However, the authorities of any Signatory may request from the authorities of any other signatory appropriate alleviation of such laws if their normal application might lead to delay or difficulty in the rapid execution of necessary civil emergency measures.

"(C) Each Signatory will use its best efforts to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment or other resources into or across its territory, or to a designated staging area when it is agreed that such movement or staging will facilitate civil emergency operations by the affected or participating Signatories.

"(D) In times of emergency, each Signatory will use its best efforts to ensure that the citizens or residents of any other Signatory present in its territory are provided emergency health services and emergency social services in a manner no less favorable than that provided to its own citizens.

"(E) Each Signatory will use discretionary power as far as possible to avoid levy of any tax, tariff, business license, or user fees on the services, equipment, and supplies of any other Signatory which is engaged in civil emergency activities in the territory of another Signatory, and will use its best efforts to encourage local governments or other jurisdictions within its territory to do likewise.

"(F) When civil emergency personnel, contracted firms or personnel, vehicles, equipment, or other services from any Signatory are made available to or are employed to assist any other Signatory, all providing Signatories will use best efforts to ensure that charges, levies, or costs for such use or assistance will not exceed those paid for similar use of such resources within their own territory.

"(G) Each Signatory will exchange contact lists, warning and notification plans, and selected emergency plans and will call to the attention of their respective local governments and other jurisdictional authorities in areas adjacent to intersignatory boundaries, the desirability of compatibility of civil emergency plans and the exchange of contact lists, warning and notification plans, and selected emergency plans.

"(H) The authority of any Signatory conducting an exercise will ensure that all other signatories are provided an opportunity to observe, and/or participate in such exercises.

"COMPREHENSIVE NATURE

"(4) This document is a comprehensive arrangement on civil emergency planning and management. To this end and from time to time as necessary, all Signatories shall—

"(A) review and exchange their respective contact lists, warning and notification plans, and selected emergency plans; and

"(B) as appropriate, provide such plans and procedures to local governments, and other emergency agencies within their respective territories.

"ARRANGEMENT NOT EXCLUSIVE

"(5) This is not an exclusive arrangement and shall not prevent or limit other civil emergency arrangements of any nature between Signatories to this arrangement. In the event of any conflicts between the provisions of this arrangement and any other arrangement regarding emergency service entered into by two or more States of the United States who are Signatories to this arrangement, the provisions of that other arrangement shall apply, with respect to the obligations of those States to each other, and not the conflicting provisions of this arrangement.

"AMENDMENTS

"(6) This Arrangement and the Annex may be amended (and additional Annexes may be added) by arrangement of the Signatories.

"CANCELLATION OR SUBSTITUTION

"(7) Any Signatory to this Arrangement may withdraw from or cancel their participation in this Arrangement by giving sixty days, written notice in advance of this effective date to all other Signatories.

"AUTHORITY

"(8) All Signatories to this Arrangement warrant they have the power and capacity to accept, execute, and deliver this Arrangement.

"EFFECTIVE DATE

"(9) Notwithstanding any dates noted elsewhere, this Arrangement shall commence April 1, 1996.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

MARION NATIONAL FISH HATCHERY AND CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER CONVEYANCE ACT

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 493, S. 1883.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1883) to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marion National Fish Hatchery and Claude Harris National Aquacultural Research Center Conveyance Act".

SEC. 2. CONVEYANCE OF MARION NATIONAL FISH HATCHERY AND CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER TO THE STATE OF ALABAMA.

(a) CONVEYANCE REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the State of Alabama without reimbursement, and subject to the condition described in paragraph (2), all right, title, and interest of the United States in and to the properties described in subsection (b) for use by the Game and Fish Division of the Department of Conservation and Natural Resources of the State of Alabama (referred to in this section as the "Game and [Fish Division")—

[(A) as part of the fish culture program of the State of Alabama; or

[(B) for any other purpose approved in writing by the regional director of the United States Fish and Wildlife Service for the region in which the properties are located.

[(2) LEASE OF CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER.—

[(A) TO ALABAMA AGRICULTURE EXPERIMENT STATION.—As a condition of the conveyance under paragraph (1), the Game and Fish Division shall offer to lease the property described in subsection (b)(1)(B) to the Alabama Agriculture Experiment Station—

[(i) at no cost to the Station or the Game and Fish Division; and

[(ii) for the period requested by the Station and provided by Alabama law.

[(B) TO ANOTHER PUBLIC ENTITY.—If the Station declines the offer or fails to renew any lease, the Game and Fish Division shall offer to lease any portion of the property to another public entity.]

Fish Division)" as part of the fish culture program of the State of Alabama.

(2) LEASE OF CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER.—As a condition of the conveyance under paragraph (1), the Game and Fish Division shall offer to lease the property described in subsection (b)(1)(B) to the Alabama Agriculture Experiment Station—

(A) at no cost to the Station or the Game and Fish Division; and

(B) for the period requested by the Station and provided by Alabama law.

(b) DESCRIPTION OF PROPERTIES.—The properties referred to in subsection (a)(1) consist of—

(1)(A) the portion of the Marion National Fish Hatchery leased to the Game and Fish Division, located 7 miles northeast of Marion, Alabama, on State Highway 175, as described in Amendment No. 2 to the Cooperative Agreement dated June 6, 1974, between the United States Fish and Wildlife Service and the Game and Fish Division, consisting of approximately 300 acres; and

(B) the Claude Harris National Aquacultural Research Center, located 7 miles northeast of Marion, Alabama, on State Highway 175, as described in a document of the United States Fish and Wildlife Service entitled "EXHIBIT A" and dated March 19, 1996, consisting of approximately 298 acres;

(2) all improvements and related personal property under the control of the Secretary of the Interior that are located on the properties described in paragraph (1), including buildings, structures, and equipment; and

(3) all easements, leases, and water and timber rights relating to the properties described in paragraph (1).

(c) REVERSIONARY INTEREST.—

(1) REQUIREMENT.—If any property conveyed to the State of Alabama under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States.

(2) CONDITION OF PROPERTY ON REVERSION.—In the case of a reversion of property under paragraph (1), [subject to any sale or lease of timber or mineral interests on or under the property,] the State of Alabama shall ensure that all property reverting to the United States under this subsection is in substantially the same condition as, or in better condition than, at the time of conveyance under subsection (a).

[(d) JURISDICTION.—Effective at the time of conveyance of the properties under subsection (a), the United States retrocedes jurisdiction over the properties to the State of Alabama.]

Mr. GORTON. I ask unanimous consent that the committee amendments be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1883), as amended, was considered read the third time and passed.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS AUTHORIZATION ACT OF 1998

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 488, H.R. 3504.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3504) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the

Performing Arts and to further define the criteria for capital repair and operation and maintenance.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, the bill now before the Senate is the "John F. Kennedy Center for the Performing Arts Authorization Act."

The concept of a national Center for the performing arts originated during the administration of President Dwight D. Eisenhower. President Eisenhower envisioned a national cultural center in the nation's capital, and in 1958, with the support of Congress, he signed into law the National Cultural Center Act, which established the Center as an independently administered bureau of the Smithsonian Institution. Following the death of President Kennedy, the Congress in 1964 renamed the Center in honor of the late president.

The Kennedy Center was opened to the public in September 1971. The response was overwhelming—so much so that the Center's Board of Trustees requested help from Congress in maintaining and operating the Center, for the benefit of the millions of visitors. In 1972, Congress authorized the National Park Service to provide maintenance, security, and other services necessary to maintain the facility. For the next two decades, the Park Service received federal appropriations for the maintenance and operation of the Presidential monument.

In the early part of this decade, however, it became clear that the Kennedy Center facility—which had not seen comprehensive capital repair since its opening—had deteriorated significantly due to both age and intensive public use. Those repairs that had taken place—such as the 1977 repair of the leaking roof—were undertaken in response to threatening conditions. The Board of Trustees, with the support of the Park Service, therefore set out to achieve a more effective long-term approach to management of the facility, with one entity responsible for both the care of the physical plant and the staging of performance activities.

In 1994, therefore, Congress approved and the President signed the John F. Kennedy Center Act Amendments (Public Law 103-279). That Act authorized the transfer of all capital repair, operations, and maintenance of the Center from the Park Service to the Kennedy Center Board of Trustees.

The Act also directed the Board to develop a comprehensive, multi-year plan for the restoration and ongoing maintenance of the Kennedy Center. In 1995, the Board delivered the Comprehensive Building Plan, which set forth a long-term, two-stage program for the remediation of substandard building conditions, as well as continuous maintenance for the future. Phase I, scheduled for Fiscal Years 1995 through 1998, has concluded successfully. During this time, several major projects were completed, including the installation of a new, energy-efficient heating and cooling system, replacement of the leaking roof and roof terrace, and the major renovation of the Concert Hall. Phase II is scheduled to take place over the next eleven fiscal years, through Fiscal Year 2009. This stage will involve the massive "Center Block" project, during which the Opera House will be overhauled, as well as projects to make improvements to the plaza, improve accessibility to the theaters, install fire and other safety technology, and make a host of other repairs designed to ensure that the facility meets life safety standards.

That brings us to the legislation we are considering today. For the major Phase II projects to get underway, Congress must revise the 1994 Act to authorize appropriate funding for the next several fiscal years. This bill authorizes significant funding levels for the next eleven fiscal years for maintenance as well as capital repair work.

The bill before the Senate is H.R. 3504, the House-passed bill. It is almost identical to S. 2038, legislation that I introduced and that was reported by the Environment and Public Works Committee on June 12, 1998. Because of the similarity in the two bills, we are pleased to pass the House bill without amendment sending it to the President for his signature.

The Kennedy Center is a living Presidential memorial and a national monument, and as such demands a high standard of maintenance and upkeep. As an ex-officio member of the Board, and Chairman of the authorizing Committee, I am dedicated to the appropriate restoration and preservation of the facility, which millions of Americans have enjoyed for more than a quarter of a century.

Mr. President, I ask unanimous consent that a letter from the Congressional Budget Office setting forth the budgetary impacts of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1998.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3504, the John F. Kennedy Center for the Performing Arts Authorization Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Sadoti.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3504—John F. Kennedy Center for the Performing Arts Authorization Act of 1998

Summary: H.R. 3504 would provide additional authorizations in the amount of $146 million for capital projects, operations, and maintenance at the John F. Kennedy Center for the Performing Arts for fiscal years 1999 through 2003. Because H.R. 3504 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 3504 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3504 is shown in the following table.

The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars					
	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Authorizations under current law:						
Authorization levels	20	21	0	0	0	0
Estimated outlays	18	20	9	4	3	1
Proposed changes:						
Authorization levels		12	34	34	34	32
Estimated outlays		4	19	26	30	33
Authorization under H.R. 3504:						
Authorization levels	20	33	34	34	34	32
Estimated outlays	18	24	29	30	33	34

Basis of estimate: H.R. 3504 would amend the John F. Kennedy Center Act to reauthorize appropriations for the John F. Kennedy Center. The bill would authorize spending on maintenance, repair, and security at $13 million for 1999, $14 million for each of fiscal years 2000 and 2001, and $15 million for each of fiscal years 2002 and 2003. Capital projects would be authorized at $20 million annually for fiscal years 1999-2001, $19 million for fiscal year 2002, and $17 million for fiscal year

2003. Currently these functions are authorized through fiscal year 1999—maintenance, repair and security at $12 million and capital projects at $9 million. Thus, enactment of H.R. 3504 would result in a net increase in authorizations of $12 million for fiscal year 1999 and $146 million over the 1999–2003 period. Assuming that the amounts authorized are appropriated and that spending follows historical outlay patterns, H.R. 3504 would result in increased outlays of $112 million during fiscal years 1999–2003.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 3504 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimates: On May 6, 1998, CBO provided an identical estimate for H.R. 3504 as ordered reported by the House Committee on Transportation and Infrastructure. In addition, CBO provided an identical estimate for a similar bill, S. 2038, on May 22, 1998.

Estimate prepared by: Federal Cost: Christina Hawley Sadoti; Impact on State, Local, and Tribal Governments: Marc Nicole; and Impact on the Private Sector: Jean Wooster.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. GORTON. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3504) was considered read the third time and passed.

D.C. CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT OF 1995

Mr. GORTON. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4237 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4237) to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 and to revise the revenues and activities covered under such Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent the bill be considered read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4237) was read the third time and passed.

GRANTING A FEDERAL CHARTER TO THE AMERICAN GI FORUM OF THE UNITED STATES

Mr. GORTON. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1759, and further, that the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1759) to grant a Federal charter to the American GI Forum of the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3490

(Purpose: To make a technical amendment)

Mr. GORTON. Senator Hatch has a technical amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. Gorton], for Mr. Hatch, proposes an amendment numbered 3490.

The amendment is as follows:

On page 1, line 7, strike "New Mexico" and insert "Texas"

On page 2, line 5, strike "New Mexico" and insert "Texas"

On page 2, line 6, strike "New Mexico" and insert "Texas"

On page 3, line 15, strike "New Mexico" and insert "Texas"

On page 4, line 3, strike "New Mexico" and insert "Texas"

On page 4, line 9, strike "New Mexico" and insert "Texas"

On page 5, line 7, strike "New Mexico" and insert "Texas"

On page 5, line 10, strike "New Mexico" and insert "Texas"

Mr. GORTON. I ask unanimous consent the amendment be considered read and agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3490) was agreed to.

The bill (S. 1759), as amended, was agreed to, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The American GI Forum of the United States, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such and granted a Federal charter.

SEC. 2. POWERS.

The American GI Forum of the United States (in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State of Texas and subject to the laws of the State of Texas.

SEC. 3. PURPOSES.

The purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To secure the blessing of American democracy at every level of local, State, and national life for all United States citizens.

(2) To uphold and defend the Constitution and the United States flag.

(3) To foster and perpetuate the principles of American democracy based on religious and political freedom for the individual and equal opportunity for all.

(4) To foster and enlarge equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States citizens, regardless of race, color, religion, sex, or national origin.

(5) To encourage greater participation of the ethnic minority represented by the corporation in the policy-making and administrative activities of all departments, agencies, and other governmental units of local and State governments and the Federal Government.

(6) To combat all practices of a prejudicial or discriminatory nature in local, State, or national life which curtail, hinder, or deny to any United States citizen an equal opportunity to develop full potential as an individual.

(7) To foster and promote the broader knowledge and appreciation by all United States citizens of their cultural heritage and language.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State of Texas and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Except as provided in section 8(g), eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the corporation.

SEC. 6. BOARD OF DIRECTORS.

Except as provided in section 8(g), the composition of the board of directors of the corporation and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 7. OFFICERS.

Except as provided in section 8(g), the positions of officers of the corporation and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 8. RESTRICTIONS.

(a) Income and Compensation.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) Loans.—The corporation may not make any loan to any member, officer, director, or employee of the corporation.

(c) Issuance of Stock and Payment of Dividends.—The corporation may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The corporation may not claim the approval of Congress or the authorization of the Federal Government for any of its activities by virtue of this Act.

(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation organized and incorporated under the laws of the State of Texas.

(f) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State of Texas.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote in any proceeding of the corporation, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(80) American GI Forum of the United States.".

SEC. 12. ANNUAL REPORT.

The corporation shall annually submit to Congress a report concerning the activities of the corporation during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 11. The annual report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the corporation fails to maintain its status as a corporation exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this Act shall terminate.

SEC. 15. TERMINATION.

The charter granted in this Act shall expire if the corporation fails to comply with any of the provisions of this Act.

SEC. 16. DEFINITION OF STATE.

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

CARL B. STOKES UNITED STATES COURTHOUSE

Mr. GORTON. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 487, H.R. 643.

The PRESIDING OFFICER. The clerk will report.

A bill (H.R. 643) to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent the bill be considered read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6743) was read the third time and passed.

UNANIMOUS CONSENT—H.R. 4354

Mr. GORTON. I ask unanimous consent when the Senate receives from the House H.R. 4354, a bill regarding the U.S. Capitol Police Memorial Fund, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask consent that if the language of H.R. 4354, as amended, as received, is different than that of the bill currently at the desk, this consent be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. I ask unanimous consent the Agriculture Committee be discharged from further consideration of the nominations of James E. Newsome, Keith C. Kelly, Charles Rawls, and Barbara Pedersen Holum, and further that the Senate proceed to their consideration and consideration en bloc the following nominations on the Executive Calendar, 701, 702, 703, 704, 705, 707, 708, 710, 712, 713, 714, 715, 717, 723, 724, 725, 727, 729, 736, 737, 782, 791, and 792, and all nominations on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominations be confirmed en bloc; the motion to reconsider be laid upon the table; any statements relating to the nominations appear in the RECORD; and the President be immediately notified of the Senate's action; and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

John D. Kelly, of North Dakota, to be United States Circuit Judge for the Eighth Circuit.

Dan A. Polster, of Ohio to be United States District Judge for the Northern District of Ohio.

Robert G. James, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Ralph E. Tyson, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

Raner Christercunean Collins, of Arizona, to be United States District Judge for the District of Arizona.

DEPARTMENT OF COMMERCE

Deborah K. Kilmer, of Idaho, to be an Assistant Secretary of Commerce.

COMMODITY FUTURES TRADING COMMISSION

Barbara A. Pedersen Holum, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2002.

James E. Newsome, of Mississippi, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring June 19, 2001.

DEPARTMENT OF AGRICULTURE

Keith C. Kelly, of Arizona, to be a member of the Board of Directors of the Commodity Credit Corporation.

Charles R. Rawls, of North Carolina, to be General Counsel of the Department of Agriculture.

EXECUTIVE OFFICE OF THE PRESIDENT

Neal F. Lane, of Oklahoma, to be Director of the Office of Science and Technology Policy.

DEPARTMENT OF TRANSPORTATION

Clyde J. Hart, Jr., of New Jersey, to be Administrator of the Maritime Administration.

DEPARTMENT OF THE TREASURY

Raymond W. Kelly, of New York, to be Commissioner of Customs.

James E. Johnson, of New Jersey, to be Under Secretary of the Treasury for Enforcement.

Elizabeth Bresee, of New York to be an Assistant Secretary of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT

Jacob Joseph Lew, of New York, to be Director of the Office of Management and Budget.

THE JUDICIARY

Kim McLean Wardlaw, of California, to be United States Circuit Judge for the Ninth Circuit.

DEPARTMENT OF STATE

Richard Nelson Swett, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Arthur Louis Schechter, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

James Howard Holmes, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

John Bruce Craig, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

David Michael Satterfield, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Charles F. Kartman, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for the Korean Peace Talks.

William B. Milam, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

DEPARTMENT OF ENERGY

Bill Richardson, of New Mexico, to be Secretary of Energy.

DEPARTMENT OF JUSTICE

Howard Hikaru Tagomori, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Paul M. Warner, of Utah, to be United States Attorney for the District of Utah for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Homi Jamshed, and ending Joseph E. Zadrozny, Jr., which nominations were received by the Senate and appeared in the Congressional Record of June 18, 1998.

Foreign Service nominations beginning Robert Bigart, Jr., and ending Carol J. Urban, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 1998.

NOMINATION OF RAYMOND W. KELLY

Mr. D'AMATO. Mr. President, today this body formally approved the nomination of Raymond W. Kelly, of New York, to be Commissioner of Customs. I am deeply, deeply pleased and believe that we have a Customs Commissioner of whom we can be proud, who will do the kind of outstanding work that Ray Kelly has done over the years in law enforcement.

He is a native New Yorker. He spent quite a bit of his time as a young man in the village of Island Park, where I live and grew up. So it is a great pleasure to see him come to this highly regarded position. I know he is going to be an outstanding Commissioner, and I look forward to working with him.

NOMINATION OF JACOB JOSEPH LEW

Mr. BROWNBACK. Mr. President, as we confirm the nomination of Mr. Jack Lew to the Director of the Office of Management and Budget, I want to take this opportunity to highlight a problem that OMB has the power to help correct, but to this date has chosen not to.

As many are aware, there is a real problem right now in rural America brought about the dismal farm prices. The only way that commodity prices are going to increase is to boost exports. Certainly, passage of Fast Track, funding of the IMF, continuing normal trade relations with China, and lifting sanctions are necessary parts of the strategy to grow our export markets.

However, there is also a tool, the Export Enhancement Program, that the federal government can be using to help boost exports and revive farm exports in the near term. Congress has done its part in providing appropriations for this program, but the Administration has failed to utilize the program.

The EEP program is designed to help our agricultural exports compete in the face of subsidized competition in international markets. Despite clear evidence that subsidized competition is eroding U.S. markets, particularly for wheat flour, the Administration has been dragging its feet in initiating the EEP.

The USDA has been pushing for the use of the Export Enhancement Program for wheat flour for almost two years. However, before the program can be initiated, an interagency review group, of which OMB is a member, must approve the initiative. OMB has not endorsed usage of the Export Enhancement Program to counteract European subsidies for wheat flour, and thus has effectively blocked use of the program.

It is objectionable that the Clinton Administration is not compelled to stand up for its farm community in the face of adversity in the same way that its European counterparts are. Secondly, it is objectionable that the OMB is driving agricultural trade policy, instead of the Department of Agriculture in conjunction with the U.S. Trade Representative.

Exports of U.S. wheat flour have come to a virtual standstill, and it is not because U.S. farmers and millers are relatively inefficient. It is because our competitors, namely the European Union, highly subsidize flour milling. The Administration has the power to correct this by using our own export subsidy program, but OMB is preventing it.

The Administration has announced its intention to purchase wheat and donate it overseas for humanitarian purposes. This is a fine idea, but it is not a substitute for an initiative that will target commercial markets. The EEP program can be used in countries that pay cash for the wheat flour they consume and that do not qualify for humanitarian assistance. These are important markets that the U.S. wheat industry has spent years developing. Furthermore, using the EEP to leverage sales will allow USDA to facilitate a larger amount of wheat flour sales using fewer federal dollars that it would through a donation program.

The EEP is needed not only because it wall help us regain our commercial presence in markets traditionally held by the U.S., but also because it will increase our leverage in future trade negotiations. The real objective here needs to be to eliminate export subsidies worldwide. However, our competitors have no reason to come to the negotiating table if the U.S. has already unilaterally eliminated export subsidies.

The Export Enhancement Program needs to be utilized now for wheat flour. I encourage Mr. Lew to make that a priority when he enters office.

NOMINATION OF BILL RICHARDSON TO BE SECRETARY OF ENERGY

Mr. WARNER. Mr. President, I have had the opportunity to work with the current Ambassador to the United Nations, Bill Richardson, on a number of occasions. I have met with him briefly twice this week. I find him to be a very impressive man.

I, first, wish to commend him for his work at the United Nations, and particularly that chapter of his work which occurred during the course of the crisis in the gulf with Saddam Hussein in the early part of this year. I accompanied the Secretary of Defense on his trip to the gulf region and to Russia and to meet with his counterpart in Germany, and throughout that process then-Ambassador Richardson played a key role.

I know for a fact Ambassador Richardson had a very significant participation, together with the President and the Secretaries of State and Defense, in negotiating with other nations to avoid the need for the use of force and to bring about a conclusion, while not entirely satisfactory to this Senator and to others, nevertheless, it was the best that could be achieved at that time. It was an extraordinary role that he played.

I also observed, as did others, his tireless efforts throughout the world in fulfilling his responsibilities as Ambassador to the United Nations, and, indeed, he put a particular emphasis on Africa, where assistance is very gravely needed at this time.

I think he comes eminently qualified to the position of Secretary of Energy. The Armed Services Committee, of which I am privileged to be a member, has oversight of approximately two-thirds of the budget of the Department. The key elements of that budget relate to stewardship of our nuclear weapons stockpile. We currently do no underground nuclear testing, and, therefore, there is a very significant challenge placed on the Secretary of Energy to make certain that the nuclear stockpile is maintained in a state of readiness to ensure its safety and reliability. The nuclear stockpile is an essential part of our arsenal of deterrence, and the certification of the stockpile's safety and reliability is a responsibility under the Secretary.

That, together with the need to do cleanup at numerous Department of Energy weapons sites, places a great challenge on the Secretary. In my judgment, I believe unequivocally he has the ability to meet these challenges, and I join others in the Senate in supporting his nomination.

Again, the term Secretary of Energy is aptly named for Bill Richardson because, as I think my good friend and colleague from New Mexico would say, he is a man of unlimited energy and is, indeed, the right man for that job.

I yield the floor.

Mr. MURKOWSKI. Mr. President, on July 22, exactly one week after receiving the nomination of Ambassador Bill Richardson to be Secretary of Energy, the Committee on Energy and Natural Resources held a hearing on his nomination. Two days ago, exactly one week after the hearing, the Committee ordered his nomination reported. Now, two days later, the nomination is before this body for final passage at 2:00 p.m. I describe this to make it clear that the Committee on Energy and Natural Resources, and its Chairman, have made every effort to go beyond simple good faith and work cooperatively with the White House and Department of Energy to fill this vital cabinet position.

I believe that Ambassador Richardson is personally well-qualified to be Secretary of Energy. However, I, along with other members of the Energy Committee, have had serious reservations about this nomination. I have supported the demand of Senators CRAIG and GRAMS, and others, that this Administration show that it intends to live up to its responsibility to solve this Nation's nuclear waste problem.

The Federal government is in breach of its contractual obligation to remove nuclear waste from more than 80 sites in 40 states by last January, making the American taxpayer liable for as much as $80 billion in damages. The Administration's failure to address this pressing environmental problem threatens to eliminate our single largest source of emissions-free power, and is already resulting in dirtier air.

The Administration not only failed to propose a solution for this problem, they threatened to veto a Congressional solution that has overwhelming bipartisan support in both Houses. This issue was raised when the previous Secretary was nominated and confirmed, and we received assurances that he would work with us to address this problem. However, all we received from the Department of Energy was silence and a threat to veto Congress' proposed solution.

All during this time, my request, echoed by many others on both sides of the aisle, to the Administration has been simple: live up to your obligation. The problem is real, and getting worse every day. If you do not like the solution Congress has proposed, you have an obligation to propose an alternative. I have made it clear that, while I can accept and support Ambassador Richardson as Secretary of Energy, I cannot accept any Secretary of Energy that would attempt to undertake all of this responsibility with no real authority. If the President does not trust, or expect, his nominee to undertake a resolution of one of the most important problems facing the Department of Energy, then he should not nominate him. If the Secretary of Energy cannot work with Congress to resolve such problems, then there is no point in having a Secretary of Energy.

As I indicated earlier, despite these reservations, I, along with all of the members of the Committee on Energy and Natural Resources have gone out of our way to engender a spirit of cooperation with the Administration with respect to this nomination. In response, I am glad to say that the President has confirmed, via letter, the Administration's commitment to resolving the nuclear waste storage issue, and has assured me that Ambassador Richardson, if confirmed, will have the portfolio, and full authority, to address this problem. I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 30, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to encourage your support for an expeditious confirmation of Ambassador Bill Richardson as Secretary of Energy. Ambassador Richardson brings a wealth of experience to this position and I believe he will be able to move the Department of Energy forward on its many critical missions.

I want to assure you that my Administration is committed to resolving the nuclear waste storage issue. I have personal confidence in Ambassador Richardson's ability to deal with this complex matter in a competent, straight-forward professional manner.

It is extremely important that Ambassador Richardson be confirmed so he can oversee the Department of Energy's viability assessment process for the Yucca Mountain site. As you know, the viability assessment will be completed by the end of this year. Once that assessment is made, the Ambassador will have my complete support in talking with Members of Congress on future issues related to the Yucca Mountain site. Let me assure you that Ambassador Richardson has the portfolio for addressing the nuclear waste issue and has full authority to carry out his responsibilities in this area.

I believe it is in the Nation's interest to confirm Ambassador Richardson as quickly as possible so that he can bring his full attention to the viability assessment and the future of Yucca Mountain as well as to the other important missions of the Department of Energy.

Sincerely,

BILL CLINTON.

Mr. MURKOWSKI. The letter does make it clear that Congress should not expect to hear anything substantive from the new Secretary of Energy on this matter until the end of the year, well after the election. This concerns me, as a signal that the Administration plans to continue to hold nuclear waste hostage for political posturing, while the physical and economic health of American citizens is held in abeyance.

However, the President also assures me of his faith in Ambassador Richardson's ability to deal with this complex matter in a competent, straight-forward professional manner. I have faith in his ability, as well, as long as he is given the authority to exercise it. As I now have a promise that he will have such authority, I will take this commitment in good faith, the spirit in which I have conducted this entire process, and will expect no less from President and Ambassador Richardson.

Therefore, I encourage my colleagues to join me in supporting the confirmation of Ambassador Richardson to be Secretary of Energy.

Mr. GRAMS. Mr. President, the Senate today passed by unanimous consent the nomination of Bill Richardson to be the next Secretary of Energy. Mr. Richardson's nomination passed the Senate unanimously because he was an honorable Member of Congress, he was an honorable representative for our country at the United Nations, and he is an honorable man. Mr. Richardson has the capability to be among the best Secretaries of Energy to serve our nation.

But if we had voted today on Mr. Richardson's nomination, I would have voted no. I would have done so not out of doubt for Mr. Richardson's capabilities, but because of the horrible record of the Clinton Administration in responding to my concerns and the concerns of many other Members of Congress with regard to nuclear waste storage.

On April 8, 1998, I wrote a detailed letter to the President outlining my dissatisfaction with responses to questions I have posed to nominees for positions within the Department of Energy. In that letter I quoted those nominees and showed very clearly how they all want to do something, how they all want to work with Congress, and how they all recognize the problems at the DOE. Regrettably, not one of them has ever been allowed to tackle the issues for which they express so much concern before Congress. This Administration has yet to allow a nominee or professional staffer from the DOE to come to Congress and speak openly about nuclear waste.

As I stated earlier, I wrote to the Administration with my concerns on April 8, and just received a response this morning. They knew I was going to be looking closely at the answers of Mr. Richardson and that I expected those answers to be detailed and substantive. Instead, they ignored my letter until the last minute and sent to me responses from Mr. Richardson that displayed the same lack of candor as all previous nominees. Let me read for the Senate a couple of examples.

I provided Mr. Richardson with a detailed description of what I learned on a recent trip to France about its nuclear industry. I explained how France uses nuclear energy to meet over 80% of its electricity needs. I explained their use of reprocessing and MOX fuel and the level to which they are able to reduce the amount of nuclear waste they retain for final disposal. I then asked Mr. Richardson if he felt we should begin to look for ways to expand our use of nuclear energy. Mr. Richardson's response was notable in its brevity. He wrote:

> I agree that nuclear energy must be a viable option to meeting future electricity demand in the United States.

I find it hard to believe that Mr. Richardson, who used to represent the Congressional District in which Los Alamos National Laboratory rests, cannot be more specific in his views on the future of nuclear power in the United States. The answer provided above was written by a staffer at the DOE who sought to evade my question.

I expanded on that question by asking Mr. Richardson how we expand our use of nuclear power? He wrote:

> The Department, in its FY 1999 Budget Request, recognized the need to maintain a viable nuclear option for the future. The Budget Request proposed new programs to work on the technologies required to extend the licenses nuclear plants and to undertake the research necessary to develop more efficient, more reliable, and safer nuclear plants for the future. I think these efforts are a good start at providing the Nation with the option of safe and affordable nuclear power in the future.

Again, not a very definite statement on the future of nuclear power, but at least it was longer than the one sentence answer to the previous question. Sadly, Mr. Richardson's answer doesn't address any of the real issues in relation to the continuation and expansion of nuclear power. First, he never once mentioned nuclear waste storage in his answer. Without a storage solution, not only will we not build new plants, but our existing plants will begin to shut down prematurely. In fact, Minnesota is set to lose our Prairie Island facility in 2007 due to a lack of storage space for nuclear fuel. Minnesota will at that point lose 20% of its electricity generating capacity and will be forced to replace clean nuclear power with polluting fossil fuels at exactly the same time the Kyoto Protocol is set to take effect—and consumer costs will soar.

That brings me to the next consideration unmentioned in Mr. Richardson's response: the role of nuclear power in our efforts to reduce greenhouse gas emissions. Nuclear power is responsible for 90% of our greenhouse gas emissions reductions from the electricity industry since 1973. The countries of Europe and Japan are going to meet their requirements under the Kyoto Protocol using nuclear power. Mr. Richardson mentioned a new program to develop more reliable and safer nuclear power plants. Europe, Japan, and others are using our technology right now to build new plants—technology we continue to ignore.

Those are but two of the important issues which must be addressed when we consider expanding or maintaining our use of nuclear power in the next century. I find it unreasonable that this Administration would send to me responses which so clearly lack the information directly asked for in the question.

Mr. Richardson did, however, write some interesting things about nuclear power in his responses. Let me share with you a couple of those responses. They read:

> Nuclear power is a proven means of generating electricity. When managed well, it is also a safe means of generating electricity.
>
> It is my understanding that spent nuclear fuel has been safely transported in the United States in compliance with the regulatory requirements set forth by the Nuclear Regulatory Commission and the Department of Transportation.
>
> From the experience that France, England, and Japan have reported, it appears that they have engaged in successful shipping efforts. However, my understanding is that these countries also have experienced some degree of difficulty and criticism from the public.
>
> The widely publicized shipment last week of spent fuel from California to Idaho is proof that transportation can be done safely. The safety record of nuclear shipments would be among the issues I would focus on as Secretary of Energy.

I asked Mr. Richardson to tell me who would pay the billions of dollars in damages some say the DOE will owe utilities as a result of DOE failure to remove spent nuclear fuel by January 31, 1998. After writing about the DOE's beliefs on their level of liability he wrote: "I will give this issue priority attention once I am confirmed as Secretary of Energy."

I asked Mr. Richardson if he felt the taxpayers had been treated fairly. Again, after telling me about the history of the Department's actions to avoid their responsibilities, he wrote: "I share your interest in resolving these issues and I will continue to pursue this once I am confirmed."

Now, Mr. President, lets look at who then nominee Federico Peña responded to my question regarding the responsibility of the DOE to begin removing spent nuclear fuel from my state. He said in testimony before the Energy and Natural Resources Committee:

> . . . we will work with the Committee to address these issues within the context of the President's statement last year. So we've got a very difficult issue. I am prepared to address it. I will do that as best as I can, understanding the complexities involved. But they are all very legitimate questions and I look forward to working with you and others to try to find a solution.

Does that sound familiar? I suspect Secretary O'Leary had something equally vague to say about nuclear waste storage as well. Secretary Peña, I believe, said it best when he stated, "I will do that as best as I can, understanding the complexities involved." Those complexities, Mr. President, are not that complex at all. Quite simply, the President of the United States, despite the will of 307 Members of the House of Representatives and 65 Senators, does not want to keep the DOE's promise and does not want to address this important issue for our nation. His absence in this debate is all the complexity we need identify.

Mr. President, I want to be very clear that I am sincere in these complaints. My concern is for the ratepayers of my state and ratepayers across the country. They have poured billions of dollars into the Nuclear Waste Fund expecting the DOE to take this waste. They have paid countless more millions paying for on-site nuclear waste storage. Effective January 31, 1998, they are paying for both of these cost simultaneously even though no waste has been moved.

Mr. President, when the DOE is forced to pay damages to utilities across the nation, the ratepayers and taxpayers will again pay for the follies authorized by the DOE. Some estimate the costs of damages to be as high as $80 to $100 billion or more. The ratepayers will also have to pay the price of building new gas or coal fired plants when nuclear plants must shut down. And, if the Administration gets its way, my constituents will pay again when the Kyoto Protocol takes effect in 2008—exactly the same time Minnesota will be losing 20% of its electricity from clean nuclear power and replacing it with fossil fuels.

Six years of rudderless leadership in the White House with regard to nuclear energy holds grave consequences for the citizens of my state. I cannot merely sit by now and tell my constituents I tried. I must take whatever action I can to raise this issue with this Administration and with this Congress.

The Administration has admitted nuclear waste can be transported safely. They have admitted they neglected their responsibility. They have admitted nuclear power is a proven, safe means of generating electricity. And they have admitted there is a general consensus that centralized interim storage is scientifically and technically possible and can be done safely. If you add all of these points together and hold them up against the Administration's lack of action, you can only come to one conclusion: politics has indeed won out over policy and science.

If the Senate would have voted on the Richardson nomination I would have voted no. I like Bill Richardson and I think he will do a fine job as Secretary of Energy—but my state and my constituents need someone to take substantive action at the DOE to begin removing nuclear fuel from my state. Regrettably, as long as Bill Clinton occupies 1600 Pennsylvania Avenue, I do not believe it will happen. I do not believe Bill Richardson will have the opportunity to do what is needed to resolve these problems. I know he will have to advocate the policies of President Clinton and Vice President GORE. And in my opinion, that is the problem. This Administration has made this a political issue at the expense of the electricity needs of the country. Until this Administration wants to deal with policy and not politics, I will not support its continued lack of action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

EMERGENCY FAMINE RELIEF FOR THE PEOPLE OF SUDAN

Mr. GORTON. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 267 submitted earlier by Senator FRIST.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 267) expressing the sense of the Senate that the President, acting through the United States Agency for International Development, should more effectively secure emergency famine relief for the people of Sudan, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I rise to speak on behalf of a Sense of the Senate which, with the help of Senators FEINGOLD, DEWINE, ASHCROFT, and GRAMS, I have brought before this body in an effort to more clearly define the role of the United States Agency for International Development in the ongoing multinational effort to address the needs of the people of southern Sudan. At least 1.2 million Sudanese are hovering on the brink of starvation, with an additional 1.4 million being targeted by the World Food Program in an effort to stave off the famine conditions which may soon threaten them.

This Sense of the Senate we offer both urges the President to go forward with a more aggressive approach to our contribution to that effort, and it gives him explicit Senate backing for the efforts which the Administration is already undertaking to that end. The underlying premise of the legislation is simple: the United States' role in that relief effort and in other, proactive self-sufficiency programs has general recognized the constraints placed upon the members of Operation Lifeline Sudan—the United Nations' agreement with the government of Sudan in Khartoum, where the regime holds veto authority over the member's specific deliveries of humanitarian relief. This flawed arrangement has allowed Khartoum to use that very humanitarian relief as a weapon in their war on the South, and with devastating effect. Indeed, the current famine conditions now threatening the lives of over 2 million Sudanese is largely created by the massive disruptions to the fragile agrarian and pastoralist populations in the South these acts of war represent. While the United States should continue to provide relief through the established channels of Operation Lifeline Sudan, it must also seek to use other distribution channels to reach populations to which Khartoum has routinely and with devastating calculation denied relief agencies access. Additionally, the United States must also begin to plan how we can help in preventing future threats of famine.

To realize these goals and directives, the Sense of the Senate recommends that the President take three specific actions. First, through the Agency for International Development, he should begin to more aggressively utilize relief agencies which distribute famine relief outside the umbrella of Operation Lifeline Sudan, thus unimpaired by the restrictions of Khartoum. Second, the Agency for International Development should begin to incorporate areas of southern Sudan which are outside of Khartoum's control into its overall strategy for sub-Saharan Africa in an effort to prevent future famine conditions and assist in helping the region realize a greater level of self-sufficiency—both in food production and in rule of law. Finally, the President is urged to use the current tentative cease-fire in Sudan, and international attention the famine has created, to push for the United Nations and the State Department to revamp the terms under which Operation Lifeline Sudan operates. It is especially important to guarantee that food cannot be used as a weapon and thus end Khartoum's veto authority over shipments of humanitarian relief in southern Sudan.

Mr. President, I am grateful for the support this critical piece of legislation has received on both sides of the aisle, and I am especially thankful for the effort and support of the Senators who have cosponsored this Sense of the Senate. It is important that the Administration and the Congress work together to ensure that the United States relief effort is the most effective it can possibly be.

Mr. President, I also ask unanimous consent that an op-ed I wrote for The Washington Post's July 19, 1998 edition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 19, 1998]

SUDAN'S MERCILESS WAR ON ITS OWN PEOPLE

(By Senator Bill Frist)

When the United Nations World Food Program announced last week that up to 2.6 million people in Southern Sudan are in imminent danger of starvation, the news was received with surprising nonchalance. Such news is becoming almost routine from misery-plagues East Africa, but what is unfolding in southern Sudan is at least the fourth widespread, large-scale humanitarian disaster in the region in the past 15 years.

In all cases, the United States' record is not one of success. Ethiopia in 1984, a disastrous military involvement in Somalia in 1993 and shameful neglect in Rwanda in 1994 have left the public bitter toward the prospect of yet more involvement. But again, as famine hovers over the region, we face a disconcertingly similar quandary on the nature of our response.

In January I worked in southern Sudan as a medical missionary, and I have seen firsthand the terrible effects of the continuing civil war and how that war came to help create this situation. As a United States senator, however, I fear that by failing to make necessary changes in our response, American policy toward Sudan may be a contributing factor in the horrendous prospect of widespread starvation.

The radical Islamic regime in Khartoum is unmatched in its barbarity toward the sub-Saharan or "black African" Christians of the country's South. It is largely responsible for creating this impending disaster through a concerted and sustained war on its own people, in which calculated starvation, bombing of hospitals, slavery and the killing of innocent women and children are standard procedure.

Our policy toward Khartoum looks tough on paper, but it has yet to pose a serious challenge to the Islamic dictatorship. Neither has our wavering and inconsistent commitment to sanctions affected its behavior or its ability to finance the war.

Khartoum is set to gain billions of dollars in oil revenues from fields it is preparing to exploit in areas of rebel activity. The U.S. sanctions prohibit any American investment, but recent evidence indicates that enforcement is lax. Additionally, relief groups operating there report that new weapons are flowing in as part of a deal with one of he partners—a government-owned petroleum company in China.

It is our policy toward southern Sudan that is of more immediate importance to the potential humanitarian disaster. From my own experience operating in areas where U.S. government relief is rarely distributed, I fear that both unilaterally and as a member of the United Nations, the United States unnecessarily restricts our own policy in odd deference to the regime in Khartoum.

In southern Sudan our humanitarian relief contributions to the starving are largely funneled through nongovernmental relief organizations that participate in Operation Lifeline Sudan. All of our contributions to the United Nations efforts are distributed through this flawed deal.

In this political arrangement the Khartoum regime has veto power over all decisions as to where food can be sent. That which is needed in the areas outside their control is often used as an instrument of war, with Khartoum routinely denying permission for a flight to land in an area of rebel activity, especially during times when international attention lacks its current focus. This practice starves combatants and noncombatants alike and compromises the integrity and effectiveness of relief groups desperately trying to fend off famine.

Despite associated risks, some relief groups operate successfully outside the arrangement's umbrella, getting food and medicine to areas that the regime in Khartoum would rather see starve. Out of concern that the Khartoum regime would be provoked into prohibiting all relief deliveries under the scheme, the U.S. Agency for International Development and its Office of Foreign Disaster Assistance do not regularly funnel famine relief through outside organizations, and thus our relief supplies are only selectively distributed—a decision that unnecessarily abets Khartoum's agenda.

The U.S. policy in Sudan does not seek an immediate rebel victory and the fragmenting of Sudan that could follow. Because the splintered rebel groups could not provide a functioning government or civil society at this time, that policy cannot be thrown out wholesale. Yet our failure to separate this policy from the action necessary to save these people from starvation results in absurdity.

Thus, even while generously increasing the amount of aid, for political reasons we seek the permission of the "host government" in Khartoum to distribute it and feed the very people they are attempting to kill through starvation and war. A second reason for this posture is, presumably, a fear that even modest, calculated food aid would allow the rebels to mobilize instead of foraging for their families—a factor that could turn the outcome on the battlefield in their favor.

The prospect of widespread starvation in southern Sudan does not necessitate that the United States seek a quick solution on the battlefield. Military victory and an end to hostilities are not a substitute for food. However, the administration should make an immediate and necessary distinction between the policy principle and the humanitarian challenge. It should articulate a response without political limitations, which, frankly, are trivial in comparison to the human lives at stake, and it should press the United Nations to do the same.

We can no longer afford to dance around the issues of sovereignty and political principles while restraining our response to a looming disaster that Khartoum helped create. Such academic debates and diplomatic concerns are for the well fed, but offer no solace to the starving.

Mr. GORTON. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 267) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 267

Whereas the National Islamic Front regime in Khartoum, Sudan, continues to wage a brutal war against its own people in southern Sudan;

Whereas that war has already caused the death of more than 1,500,000 Sudanese since 1983;

Whereas famine conditions now threaten areas of southern Sudan as a direct consequence of the concerted and sustained effort by the regime in Khartoum to subdue its southern regions by force and including violations of basic human rights;

Whereas famine conditions are exacerbated by diversions of humanitarian assistance by armed parties on all sides of the conflict;

Whereas the United Nations World Food Program has now targeted 2,600,000 Sudanese for famine relief aid, to be distributed through an umbrella arrangement called "Operation Lifeline Sudan";

Whereas the regime in Khartoum retains the ability to deny the relief agencies operating in Operation Lifeline Sudan the clearance to distribute food according to needs in Sudan;

Whereas the regime in Khartoum has used humanitarian assistance as a weapon by routinely denying the requests by Operation Lifeline Sudan and its members to distribute food and other crucial items in needy areas of Sudan both within the Khartoum regime's control and areas outside the Khartoum regime's control, including the Nuba Mountains;

Whereas the United States Agency for International Development provides famine relief to the people of Sudan primarily through groups operating within Operation Lifeline Sudan and, thus, subjects that relief to the arrangement's associated constraints imposed by the regime in Khartoum;

Whereas several relief groups already operate successfully in areas of southern Sudan where Operation Lifeline Sudan has been denied access in the past, thus providing crucial assistance to the distressed population;

Whereas it is in the interest of the people of Sudan and the people of the United States, to take proactive and preventative measures to avoid any future famine conditions in southern Sudan;

Whereas the United States Agency for International Development, when it pursues assistance programs most effectively, encourages economic self-sufficiency;

Whereas assistance activities should serve as integral elements in preventing famine conditions in southern Sudan in the future;

Whereas the current international and media attention to the starving populations in southern Sudan and to the causes of the famine conditions that affect them have pushed the regime in Khartoum and the rebel forces to announce a tentative but temporary cease-fire to allow famine relief aid to be more widely distributed; and

Whereas the current level of attention weakens the resolve of the regime in Khartoum to manipulate famine relief for its own agenda: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, acting through the United States Agency for International Development, should—

(A) aggressively seek to secure emergency famine relief for the people of Sudan who now face widespread starvation;

(B) immediately take appropriate steps to distribute that famine relief to affected areas in Sudan, including the use of relief groups operating outside the umbrella of Operation Lifeline Sudan and without regard to a group's status with respect to Operation Lifeline Sudan; and

(C) encourage and assist Operation Lifeline Sudan and the ongoing efforts to develop relief distribution networks for affected areas of Sudan outside of the umbrella and associated constraints of Operation Lifeline Sudan;

(2) both bilaterally and within the United Nations, the President should aggressively seek to change the terms by which Operation Lifeline Sudan and other groups are prohibited from providing necessary relief according to the true needs of the people of Sudan;

(3) the President, acting through the United States Agency for International Development, should—

(A) begin providing development assistance in areas of Sudan not controlled by the regime in Khartoum with the goal of building self-sufficiency and avoiding the same conditions which have created the current crisis, and with the goal of longer-term economic, civil, and democratic development, including the development of rule of law, within the overall framework of United States strategy throughout sub-Saharan Africa; and

(B) undertake such efforts without regard to the constraints that now compromise the ability of Operation Lifeline Sudan to distribute famine relief or that could constrain future multilateral relief arrangements;

(4) the Administrator of the United States Agency for International Development should submit a report to the appropriate congressional committees on the Agency's progress toward meeting these goals; and

(5) the policy expressed in this resolution should be implemented without a return to the status quo ante policy after the immediate famine conditions are addressed and international attention has decreased.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Administrator of the United States Agency for International Development.

EXECUTIVE SESSION

CONVENTION ON COMBATING BRIBERY OF FOREIGN PUBLIC OFFICIALS IN INTERNATIONAL BUSINESS TRANSACTIONS

Mr. GORTON. I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today's Executive Calendar, No. 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that all committee provisos, reservations, understandings, declarations be considered agreed to; that any statements be inserted in the CONGRESSIONAL RECORD as if read; I further ask consent when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table; the President be notified of the Senate's action, and following the disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolution of ratification please stand and be counted.

All those opposed, please stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted at Paris on November 21, 1997, by a conference held under the auspices of the Organization for Economic Cooperation and Development (OECD), signed in Paris on December 17, 1997, by the United States and 32 other nations (Treaty Doc. 105-43), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The advice and consent of the Senate is subject to the following understanding, which shall be included in the instrument of ratification and shall be binding on the President:

EXTRADITION.—The United States shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force. In such cases where the United States does have a bilateral extradition treaty in force, that treaty shall serve as the legal basis for extradition for offenses covered under this Convention.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) ENFORCEMENT AND MONITORING.—On July 1, 1999, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Convention to ratify and implement it.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION.—A description of the domestic laws enacted by each Party to the Convention that implement commitments under the Convention, and an assessment of the compatibility of the laws of each country with the requirements of the Convention.

(C) ENFORCEMENT.—An assessment of the measures taken by each Party to fulfill its obligations under this Convention, and to advance its object and purpose, during the previous year. This shall include:

(1) an assessment of the enforcement by each Party of its domestic laws implementing the obligations of the Convention, including its efforts to:

(i) investigate and prosecute cases of bribery of foreign public officials, including cases involving its own citizens;

(iii) provide sufficient resources to enforce its obligations under the Convention;

(iii) share information among the Parties to the Convention relating to natural and legal persons prosecuted or subjected to civil or administrative proceedings pursuant to enforcement of the Convention; and

(iv) respond to requests for mutual legal assistance or extradition relating to bribery of foreign public officials.

(2) an assessment of the efforts of each Party to—

(i) extradite its own nationals for bribery of foreign public officials;

(ii) make public the names of natural and legal persons that have been found to violate its domestic laws implementing this Convention; and

(iii) make public pronouncements, particularly to affected businesses, in support of obligations under this Convention.

(3) an assessment of the effectiveness, transparency, and viability of the OECD monitoring process, including its inclusion of input from the private sector and non-governmental organizations.

(D) LAWS PROHIBITING TAX DEDUCTION OF BRIBES.—An explanation of the domestic laws enacted by each signatory to the Convention that would prohibit the deduction of bribes in the computation of domestic taxes. This shall include:

(i) the jurisdictional reach of the country's judicial system;

(ii) the definition of "bribery" in the tax code;

(iii) the definition of "foreign public officials" in the tax code; and

(iv) the legal standard used to disallow such a deduction.

(E) FUTURE NEGOTIATIONS.—A description of the future work of the Parties to the Convention to expand the definition of "foreign public official" and to assess other areas where the Convention could be amended to decrease bribery and other corrupt activities. This shall include:

(1) a description of efforts by the United States to amend the Convention to require countries to expand the definition of "foreign public official," so as to make illegal the bribery of:

(i) foreign political parties or party officials,

(ii) candidates for foreign political office, and

(iii) immediate family members of foreign public officials.

(2) an assessment of the likelihood of successfully negotiating the amendments set out in paragraph (1), including progress made by the Parties during the most recent annual meeting of the OECD Ministers; and

(3) an assessment of the potential for expanding the Convention in the following areas:

(i) bribery of foreign public officials as a predicate offense for money laundering legislation;

(ii) the role of foreign subsidiaries and offshore centers in bribery transactions; and

(iii) private sector corruption and corruption of officials for purposes other than to obtain or retain business.

(F) EXPANDED MEMBERSHIP.—A description of U.S. efforts to encourage other non-OECD member to sign, ratify, implement, and enforce the Convention.

(G) CLASSIFIED ANNEX.—A classified annex to the report, listing those foreign corporations or entities the President has credible national security information indicating they are engaging in activities prohibited by the Convention.

(2) MUTUAL LEGAL ASSISTANCE.—When the United States receives a request for assistance under Article 9 from a country with which it has in force a bilateral treaty for mutual legal assistance in criminal matters, the bilateral treaty will provide the legal basis for responding to that request. In any case of assistance sought from the United States under Article 9, the United States shall, consistent with U.S. laws, relevant treaties and arrangements, deny assistance where granting the assistance sought would prejudice its essential public policy interest, including cases where the Responsible Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Convention is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. FEINGOLD. Mr. President, I rise today in strong support of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and am pleased that the Senate is poised to ratify it today.

This convention seeks to establish worldwide standards for the criminalization of the bribery of foreign officials to influence or retain business. That this treaty has overwhelming bipartisan support is not surprising. But that we have this treaty to consider at all is a rather exceptional event.

For it was just over 20 years ago that the Congress passed the Foreign Corrupt Practices Act, or FCPA. This landmark legislation, which I am proud to say was sponsored by one of Wisconsin's most respected elected officials, Senator William Proxmire, was enacted after it was discovered that some American companies were keeping slush funds for making questionable and/or illegal payments to foreign officials to help land business deals.

For these 20 years, the FCPA has succeeded at curbing U.S. corporate bribery of foreign officials by establishing extensive bookkeeping requirements to ensure transparency and by criminalizing the bribery of foreign officials.

These very important principles do not simply reflect an American sense of morality and fair play in business. They also strengthen America's trade policy, foster faith in American democracy, and protect our interests in requiring an open environment for U.S. investment.

Certainly, these are principles and guidelines in everyone's best interest, and as such, well worth promoting worldwide.

Yet there has been a price for taking the ethical high road. U.S. companies that are trying to pursue opportunities in the global marketplace are forced to compete with firms from countries whose national laws take a more—shall we say—"laissez-faire" approach to this issue, and turn a blind eye to the corruption and graft evident in many business transactions. Some countries—Germany is the most-often cited example—even allow companies to take a tax deduction for bribes paid to foreign officials as a business expense.

I call such practices corporate welfare of the worst kind!

These laws and practices by our closest trading partners clearly put our businesses at a disadvantage. I have heard from more than one Wisconsin company about international contracts lost as a result of some non-American company paying a bribe to a foreign official. These lost contracts represent lost employment and revenue opportunities for my state, and I am sure for many other states. A 1997 report by the Trade Promotion Coordinating Committee estimates that in a single year, U.S. firms lost at least 50 international commercial contracts—valued at more than $15 billion—as a result of bribes by competitors.

But with the signing of the OECD Convention last December, the rest of the industrialized world, along with several key lesser developed countries, is finally beginning to follow America's lead. What this convention does is initiate several significant steps to raise the standards of our major trading partners to the level established by the FCPA.

Specifically, the convention obligates the parties to criminalize bribery of foreign public officials in all branches of government. Individuals who bribe public officials will be subject to "effective, proportionate and dissuasive criminal penalties," and the parties agree to cooperate in investigations and proceedings related to such crimes.

I have been keenly interested in anti-corruption efforts for many years. In 1994, I authored a provision to close a loophole in defense contracting by outlawing kickback payments in the conduct of offsets—an issue brought to my attention by a major Wisconsin corporation. I have raised the potential problem of corruption in taxpayer-supported export promotion programs to a Wisconsin State trade promotion commission, the Lucey Commission.

In 1995, I introduced legislation that would have specifically barred the extension of U.S. export financing and trade promotion to U.S. subsidiaries of foreign corporations which have not adopted and enforced a company-wide anti-bribery code. I also introduced a resolution expressing the sense of the Senate that bribery is indeed a morally reprehensible business practice and has destabilizing consequences for the international trade environment. Finally, I offered an amendment to the 1996 State Department authorization bill requiring an inter-agency study on bribery and corruption and the impact it has on American businesses.

I believe the Administration's actions with respect to negotiation of this convention have been consistent with my intent in all of these efforts, as well as the intent of the authors of the 1988 amendments to the FCPA. I commend all the individuals involved for their efforts.

In addition, I commend the Chairman of the Senate Committee on Foreign Relations for moving the Committee quickly to recommend ratification of this convention.

I will highlight for my colleagues several provisions in the resolution of ratification. Section (c)(1) requires the President to submit to Congress an annual report that sets out various details regarding ratification, relevant domestic legislation of the parties, and enforcement. It also requires a description of the future work of the parties to expand the definition of "foreign public official." In particular, the President will need to report on the steps taken by the Parties to specifically make illegal the bribery of foreign political parties or party officials and candidates for public office. This provision reflects the strong views of the Committee on Foreign Relations that the pernicious practice of bribery also pervades the political world, and it too must be stopped.

Finally, Section (c)(1)(F) requires the President to provide a description of U.S. efforts to encourage other non-OECD members to sign, ratify, implement, and enforce the treaty. This provision, which I encouraged the Committee to include, is important because it recognizes that while most major international companies are based in OECD members states—the major industrialized nations of the world—it is vitally important to include less developed countries in an undertaking of this nature. As Secretary of State Madeleine Albright noted at the December 1997 signing ceremony for the Convention, "supplier nations have a special responsibility to stop this destructive practice. * * * At the same time, * * * it is vital that nations in the developing world meet their responsibility to act." As noted in the Committee report, we expect the Executive to work through bilateral and multilateral fora to encourage other non-OECD members to join this effort by ratifying the treaty and implementing its provisions.

I think those of us that are members of the Foreign Relations Committee can help in this effort. For example, at the most recent hearing of the Subcommittee on Africa to consider ambassadorial nominations, I asked a panel of seven nominees to provide their views on the effectiveness of the efforts of their respective, prospective host countries' governments to combat corruption, and asked them to comment on how they might work individually with these governments to become more active in dealing with this issue at a multilateral level. These nominees provided quite thoughtful responses, and I certainly encourage all of our ambassadors to pursue similar goals in their respective countries.

Mr. President, in sum, I believe this is a vitally important treaty, and I am thrilled that the Senate has moved so quickly to ratify it. As a direct descendent of Senator Proxmire's Foreign Corrupt Practices Act, it represents the best of a long Wisconsin tradition of good government and ethics, and I am proud to have been a part of the Senate's ratification of this effort.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

AUTHORITY TO MAKE APPOINTMENTS

Mr. GORTON. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE COMMITTEE-REPORTED MEASURES DURING THE RECESS

Mr. GORTON. Mr. President, I ask unanimous consent that during the recess, committees have between the hours of 10 a.m. to 2 p.m. on Tuesday, August 25, to file committee-reported legislation and nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, AUGUST 31, 1998 AND TUESDAY, SEPTEMBER 1, 1998

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of S. Con. Res. 114 until the hour of 12 noon on Monday, August 31, and that there then be a period for the transaction of routine morning business until 1 p.m., with Members permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask that the consent agreement with respect to the conference report to accompany the Texas Compact be postponed and at the hour of 9:30 a.m. on Tuesday, September 1, the Senate proceed to the vote with respect to the Military Construction Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask that the consent agreement with respect to the conference report to accompany the Texas Compact commence on Tuesday September 1, at a time to be determined by the majority leader, after notification of the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that following the vote with respect to the conference report to accompany the Military Construction Appropriations bill, the Senate proceed to the Foreign Operations Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the first vote following the recess will be at 9:30 a.m. on Tuesday, September 1. Following that vote, the Senate will begin the Foreign Operations Appropriations bill. Therefore, votes can be expected to occur throughout the day on Tuesday.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, AUGUST 31, 1998

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment, under the provisions of S. Con. Res. 114, until 12 noon on Monday, August 31.

Thereupon, the Senate, at 2:28 p.m., adjourned until Monday, August 31, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 31, 1998:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

TERRENCE L. BRACY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOR A TERM EXPIRING OCTOBER 6, 2004. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate July 31, 1998:

DEPARTMENT OF COMMERCE

DEBORAH K. KILMER, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

EXECUTIVE OFFICE OF THE PRESIDENT

NEAL F. LANE, OF OKLAHOMA, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF TRANSPORTATION

CLYDE J. HART, JR., OF NEW JERSEY, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION, VICE ALBERT J. HERBERGER, RESIGNED.

DEPARTMENT OF THE TREASURY

RAYMOND W. KELLY, OF NEW YORK, TO BE COMMISSIONER OF CUSTOMS.

JAMES E. JOHNSON, OF NEW JERSEY, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT.

ELIZABETH BRESEE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

JACOB JOSEPH LEW, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

DEPARTMENT OF STATE

RICHARD NELSON SWETT, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

ARTHUR LOUIS SCHECHTER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

JAMES HOWARD HOLMES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

JOHN BRUCE CRAIG, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

DAVID MICHAEL SATTERFIELD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

CHARLES F. KARTMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR THE KOREAN PEACE TALKS.

WILLIAM B. MILAM, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

DEPARTMENT OF ENERGY

BILL RICHARDSON, OF NEW MEXICO, TO BE SECRETARY OF ENERGY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COMMODITY FUTURES TRADING COMMISSION

BARBARA PEDERSEN HOLUM, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2002.

JAMES E. NEWSOME, OF MISSISSIPPI, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING JUNE 19, 2001.

DEPARTMENT OF AGRICULTURE

KEITH C. KELLY, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

CHARLES R. RAWLS, OF NORTH CAROLINA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE.

THE JUDICIARY

JOHN D. KELLY, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

DAN A. POLSTER, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

ROBERT G. JAMES, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE JOHN M. SHAW, RETIRED.

RALPH E. TYSON, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA.

RANER CHRISTERCUNEAN COLLINS, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

KIM MCLEAN WARDLAW, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

DEPARTMENT OF JUSTICE

HOWARD HIKARU TAGOMORI, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

PAUL M. WARNER, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING HOMI JAMSHED, AND ENDING JOSEPH E. ZADROZNY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 1998.

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT JAMES BIGART, JR., AND ENDING CAROL J. URBAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 1998.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 31, 1998, withdrawing from further Senate consideration the following nomination:

THE JUDICIARY

MICHAEL D. SCHATTMAN, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE HAROLD BAREFOOT SANDERS, JR., RETIRED, WHICH WAS SENT TO THE SENATE ON MARCH 21, 1997.

EXTENSIONS OF REMARKS

ISSUES FACING YOUNG PEOPLE TODAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD these statements by high school students from my home state of Vermont, who were speaking at my recent town meeting on issues facing young people today. I am asking that you please insert these statements in the CONGRESSIONAL RECORD as I believe that the views of these young people will benefit my colleagues.

Statement by Trevor Gingras, Miranda Girvan, Jessica Bordeaux and April Hathaway Regarding Teen Smoking

Trevor Gingras: We interviewed teenagers to see how many did and didn't smoke. Out of the ten, eight of the teens smoked. Teenage smoking rates go higher and higher each year. They start at a young age and get addicted to it. Some teenagers got started by getting pressured by their friends, some started smoking because they think it is cool, and some teenagers smoke because their parents smoke and they figure it is okay.

Teens get their cigarettes by either their parents or someone who is old enough to buy them. No law or even raising the price of the cigarettes are going to stop the teens from smoking. Teens save their money for gas for their cars and to get cigarettes. There are many places where teens are allowed to smoke, so this doesn't help the issue any.

We also did a survey on what types of cigarettes teens smoke. These were the results: Marlboros, Camels, Newports and Parliaments.

Congressman Sanders: Thank you.

Statement by Shawn Brackett and Sid Messick Regarding Federal Funds for Youth Programs

Shawn Brackett: Hello. My name is Shawn Brackett, and this is Sid Messick. We represent Youth Build Burlington. Youth Build Burlington is a unique program dedicated to helping out-of-school youth complete their education and prepare for the world of work. Youth Build does this by providing alternating weeks of academic instruction and on-the-job training in construction skills. We also perform community service by building or renovating affordable housing units and providing our help to local agencies.

For example, Youth Build provided assistance during the Montgomery flood cleanup efforts last summer, and during the ice storm cleanup this January. We are currently completing the construction of a new house on Hyde Street.

Currently, I am completing my high school diploma through Youth Build, and Sid is completing his GED requirements. Over the past ten months, Youth Build has helped four of us earn our high school diplomas and eleven of us have already earned our GEDs. Youth Build has provided us with a supportive atmosphere. It has made counseling available and instruction in small groups or on an individual basis. Without Youth Build, none of us would have completed our education or learned the work readiness skills that we need to move ahead in our lives. If this program is not funded in the future, it will be an immeasurable loss to the youth and the community.

Sid Messick: What Youth Build has done for me has changed my life a lot. I was in trouble a lot all the time. So I decided to go back to school, because my probation officer said Youth Build would be a good program. So I just about have my GED completed, and my construction certificate.

The amount that it cost for one Youth Build student for one year is $20,000. We do activities like volunteer work also. Like the ice storm, we helped like elderly people clean up their yard and whatnot. We do like activities, like at the Racket's Edge. We are trying to set up one to go to Camp Abanaki.

That is pretty much it, but it has done a lot for me.

Congressman Sanders: Shawn?

Shawn Brackett: For people that are looking for places to go for the youth in the community, I think Youth Build is the best program for a lot of kids that will jump at the opportunity, if they research it, with Youth Build. It is the ideal program for this community.

Congressman Sanders: Thank you very, very much. That was an excellent presentation.

Statement by Andrew Jaspersohn, Heather Cook, Debbie Cole and Alexis Oustinoff Regarding Issues

Andrew Jaspersohn: Thank you Congressman Sanders, distinguished panel members. My name is Andrew Jaspersohn. I am a senior at Lamoille Union High School in Hyde Park, Vermont. I am also a product of school overcrowding. From grades one through six, I attended an elementary school, Johnson Elementary, that has some 375 students in a turn-of-the-century building meant for fewer than 300. At Lamoille Union High School, my student life in overcrowded conditions has continued. I have taken math classes with as many as 30 students in a classroom designed for fewer than 25. I witnessed teachers teaching in hallways, closets and stairwells, and have seen one of Lamoille's finest teachers, Mark Gilbertson, who is also a member of 1990 U.S. winter Olympic ski team, pushing a grocery cart full of the teaching materials through the crowded hallways of our school for want of a permanent classroom.

Congressman Sanders, I have managed to have a decent high school education despite overcrowded conditions, but I wonder, sir, how much better that education might have been given more space. I also wonder about those students, many of them friends of mine, who dropped out of school early, who, in effect, fell through the cracks of our overcrowded infrastructure. Education takes time, but it also takes space.

Debbie Cole: As a student at Lamoille Union, I have been overall satisfied by my education, but continually frustrated by the limited opportunities. As a result of overcrowding and underfunding, there is a lot that my school has not been able to offer me.

The beginning of ever semester finds me in the guidance office pleading for more classes and less study halls. Usually, I end up pursuing the list of courses offered and at what times, and rearranging my own schedule. In this way, I have incorporated woodworking, cooking and creative writing into my schedule, usually with the help of my counselor pulling strings to get me into an already full class. By second semester, senior year, I was left with 18 out of 40 periods per week as study halls, almost 50 percent. Two of the classes were only being taken to fill time because that was all that was available. They held no real interest to me. The other classes that I would not have minded taking were only offered during the periods when I had my essential courses.

The one thing my school could offer was an honors program which allowed me to take up to two courses at Johnson State College for $50 apiece. I took advantage of this, and now have two college credits that are transferable. However, by the time I paid for the classes, the fees and the books, the cost was up to $150 per class, not to mention I needed my own transportation. This was a valuable alternative, but not an ideal one for many people.

Students should have alternatives within the school which could be provided by more space and more funding. I would have much preferred to take other high school classes than to be removed from the high school environment for over half the day. With more space and more teachers, more classes could be offered, not to mention the current class size would decrease, making all the courses more effective. Space and money are also key aspects to incorporating satellite learning into the school systems.

Students should have more options within their schools. They should be completely satisfied by their high school careers, based solely on the offerings of their schools, and not have to search elsewhere, if they don't choose to.

Alexis Oustinoff: There always has been a greater demand for tax dollars than will ever be available. However, a look at the news on any given day sends warning signals that we need to deal with the youths of this country.

By doing this, many problems may be prevented in the future. The best place to deal with youth is in a school system, especially as the schools are forced to take on roles formerly left to the families. By spending money on the schools to upgrade facilities, install adequate technology, and make sure quality teaching is provided, we can only enhance the education, and also make school a better vehicle to help our youth and prevent outbreaks of violence that we have seen so much of lately.

Our proposed solution to these issues is that the Public School Modernization Act be passed. Until now, our district has been able to fund temporary fixes, such as our now decrepit modular classrooms, instead of projects that would not only accommodate

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

our immediate needs but our future needs. The Public Schools Renewal Act would also improve education by providing grants and programs to help schools improve conditions and train teachers. Our school is not alone in this problem. Other states have been struggling with these problems of overcrowding for years. And what we would like to see is some of these acts actually passed into law.

Congressman SANDERS: Thank you very much.

A TRIBUTE TO ALYCE LIVINGSTON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to my constituent and dear friend, Mrs. Alyce J. Livingston of Decatur, Illinois who has recently passed. She was a devoted citizen and my condolences and best wishes go to her family and all who will miss her.

Alyce was born on July 19, 1934 in Paducah, Kentucky. She was a dedicated student, and her scholastic excellence throughout her years at Lincoln High and West Kentucky Vocational School led her to my district during the 1950's, where she attended Millikin University.

Alyce recognized the importance of providing quality child care service to Decatur's next generation. As founder and director of the Tiny Tots Nursery, she inspired and shaped our young children. In addition, Alyce was also a lab technician for the A.E. Stanley Manufacturing Company, where she provided nearly thirty years of service.

As a faithful community leader, Alyce spent her time helping the city of Decatur and increasing momentum in the Civil Rights struggle. She was a long time member of the National Association for the Advancement of Colored People (NAACP), where she served as an advisor and member of the Joe Slaw Civil Rights Awards Committee. Her strong beliefs in equality fostered her persistent efforts to build unity in Decatur. Furthermore, Alyce was a Decatur Township Trustee who committed five years to the city and was a member of the St. Peter's African Methodist Episcopal Church. She is survived by her husband of 40 years. Mr. David C. Livingston, President of the Illinois NAACP, and her two sons, Malcolm and David.

Mr. Speaker, citizens such as Alyce Livingston exemplify the undying devotion critical to community involvement. I will miss her dedication, her persistence, and most of all, her friendship. Mr. Speaker, please join me in recognizing Mrs. Alyce J. Livingston whose dedication to her career, community, and her personal convictions had a profound impact on those who knew her, including myself. It has been an honor to have represented her in the United States Congress.

CONFERENCE REPORT ON H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. BEREUTER. Mr. Speaker, this Member rises to express his support for the conference report on H.R. 4059, the Military Construction Appropriations Act for 1999. This Member would like to again express a very special and sincere thanks to the Chairman of the Appropriations Subcommittee on Military Construction, the distinguished gentleman from California [Mr. PACKARD], and also express appreciation to the ranking Democrat of the Subcommittee, the distinguished gentleman from North Carolina [Mr. HEFNER], the Chairman of the Appropriations Committee, the distinguished gentleman from Louisiana [Mr. LIVINGSTON], and the Ranking Democrat of the Appropriations Committee, the distinguished gentleman from Wisconsin [Mr. OBEY], along with the other Members of the Military Construction Subcommittee, and the full Committee for their efforts in approving the Nebraska National Guard Joint Army-Air Medical Training Facility located in Nebraska's 1st Congressional District, which this Member represents.

This new facility will be a unique cost saving military construction project as both Nebraska's Army and Air National Guard Units will provide resources jointly to fund the construction project. While this joint funding construction arrangement is unusual, and was initially bureaucratically challenged, it is the reasonable way to go, for a jointly used facility is by far the most cost-effective and economical use of taxpayer resources. Isn't it ironic that taking the most cost-effective approach in spending the taxpayers' money is not always the easiest bureaucratic course? This project will go a long way toward improving the quality of training that Army and Air National Guard health professionals will receive, and will also improve the quality of health care provided to Nebraska National Guard personnel. In conclusion, I again want to express my thanks to the National Guard Bureau, and the Subcommittee for assisting this Member in his effort to make this a joint, cost-effective project.

Mr. Speaker, this conference report appears to be carefully and necessarily frugally drafted to contain worthy military construction projects. Therefore, this Member also asks his colleagues to vote for the conference report on H.R. 4059.

TRIBUTE TO MRS. GEORGIANNA SINGLETON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to honor Georgianna Singleton on the occasion of her 101st birthday.

Georgianna Brewer Singleton was born on this date July 30 in the year of our Lord one thousand eight hundred and ninety seven. She is the daughter of the late George and Hester Brewer. Mrs. Singleton was educated in the public schools of Sumter county. She met and married the late Willie Singleton, also of Sumter. Their union was blessed with six children, five of whom are still living; Maggie, Willie, Jr., Hester, Addell, and Woodrow. One child Ezekiel is deceased. Mrs. Singleton also raised a younger brother.

Mrs. Singleton is a life-long member of St. Luke African Methodist Episcopal Church where for many years she sang on the gospel choir, served on the stewardess board, taught Sunday school, and participated in various other groups and organizations. Mrs. Singleton has received several awards for her dedication and outstanding service to her church and community.

Mrs. Singleton has always been an inspiration to her family and community. She can still thread a needle without the aid of glasses, and continues to read the Bible daily. Hebrew 11:1, "Faith the substance of things hoped for, the evidence of things not seen," must be one of her favorite passages of scripture because no matter the situation, she always says, "Leave it to the Lord and he will work it out."

Mrs. Singleton has outlived all of her siblings, but continues to enjoy the love of family. In addition to her five living children, she has 15 grandchildren, 37 great grandchildren, and 5 great-great grandchildren.

Mr. Speaker, I rise today to honor this fine woman as she and her family celebrate her 101st birthday, and I ask that we all join in saluting her dedication to family, church, and community.

TRIBUTE TO ST. THOMAS AQUINAS CHURCH IN KNOX, INDIANA, ON THE OCCASION OF ITS 75TH ANNIVERSARY

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. BUYER. Mr. Speaker, today I rise to pay tribute to St. Thomas Aquinas Church of Knox, IN as it celebrates its 75th Anniversary. The church is commemorating this special year by hosting a variety of festivities each month.

A church of humble beginnings, the original church was purchased in 1911 by Father Joseph Abel who traveled to Knox for the occasional Sunday Mass. The church was officially recognized as a parish in 1923 and received its first resident pastor, Father John Lach. Father Lach performed the church's first baptism, marriage, and funeral before retiring in 1926.

St. Thomas Aquinas expanded in 1927 with the addition of its sanctuary and its sacristy under Father Charles Malay, the church's second pastor. As the United States emerged from the Depression, so too did the parish. Although St. Thomas Aquinas suffered through the Great Depression along with the rest of the country, the parish persevered through this trying time and entered a new era of growth led by Father Conrad Stoll. The church, led by the visions of Father Conrad A. Stoll, began a building fund for a new church in 1941. By 1953 it had raised enough funds to build both a new church building and a new school.

The new school was run by the Dominican Sisters and lay teachers. The Order left the school in 1962 to the devoted leadership of lay staff, the Principal, Mrs. Marie Martin, and the staff, Mrs. Anne Hindle, Mrs. Mary Jo Kennedy, and Mrs. Emily Brown who ran the school from September 1962 to June 1964 when the Sisters of St. Joseph arrived. The school provided an education for many children through love and dedication until it closed in 1983.

The parish continues to grow under the guidance of Monsignor Richard Zollinger, the current pastor of St. Thomas Aquinas. Its latest addition is a new rectory which was built in 1993.

Mr. Speaker, I congratulate St. Thomas Aquinas Church on the celebration of its Diamond Anniversary, and thank its pastors, lay leaders, and parishioners for their witness and contribution to the Knox community. I wish the church many more long and prosperous years of worship and service to God.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Mr. DOYLE. Mr. Chairman, I rise today in support of the brownfields redevelopment initiative and the Frelinghuysen-Stokes-DeGette amendment which seeks to eliminate the bill's restrictions on the use of EPA funds for brownfields cleanups. The bill prohibits brownfields funds from being used by localities to set up a revolving loan fund program. In addition, the bill also prohibits brownfields funds from being used for research, technical assistance, education and community outreach.

As a lifelong resident of Pittsburgh, I have seen our region go through many changes. When I was growing up, we were a thriving industrial center. There were plenty of good jobs to be had. These jobs weren't glamorous, but they paid well and families in the region knew there was always going to be an opportunity for their children to earn a good living in the area.

About the time I went to college in the early and mid-70's, the economic dynamics began to change. The global competitiveness of U.S. heavy industry began to fade. Our domestic economic focus began to shift from manufacturing to the service industry. This meant hard times for older industrial areas in Pittsburgh. As a result, many of these industrial sites like Homestead, McKeesport, and Dusquene lie abandoned or under used.

I am proud of the brownfields initiative, as it provides much-needed economic stimulus without erecting a massive government program. Instead the program encourages public-private partnerships that can work efficiently to revitalize our economy. We need to make sure that the federal government is working with these private partnerships, not against it.

In my state, there are several programs that are designed to foster private-public partnerships and help turn brownfields into viable properties. For example the Industrial Sites Reuse Program and Infrastructure Development Program are both financing programs that are targeted to brownfields sites, in which Pennsylvania has their fair share.

In fact, many local volunteers, service organizations and non-profit groups in conjunction with community leaders in Pennsylvania have begun to volunteer their time and have started cleaning up these sites. In addition, local governments are working with private companies in offering them incentives, like tax credits, in order for them to move into these reclaimed brownfields. In Pennsylvania, these programs are gaining momentum and that is why it is crucial that we continue to fund this viable program.

We have one of the most important economic development tools in the brownfields program. The program authorizes money to be used for outreach, clean up, technical assistance and research that will stimulate and return these sites for industrial use. Once these sites are cleaned up, new businesses looking to relocate in our region will find it much more feasible and attractive.

As some of my colleagues will recall, in the early version of H.R. 2014, the Taxpayer Relief Act of 1997, there was no language dealing with brownfields redevelopment nor expanding the number of Empowerment Zones. So I decided to lead a bipartisan effort to rally for this language to be inserted in the final version of H.R. 2014. Thanks to our hard work the brownfields funding and the Empowerment Zone program were expanded and now more communities can take advantage of these two programs.

A vote against the Frelinghuysen-Stokes-DeGette Amendment will discourage these partnerships and send our communities the wrong message. A vote for this Amendment will ensure our communities that the federal government is committed to reclaiming and utilizing our abandoned industrial sites. I urge my colleagues to vote yes on the Frelinghuysen-Stokes-DeGette Amendment, and I yield back the balance of my time.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Mr. ROMERO-BARCELÓ. Mr. Chairman, today, the House of Representatives is considering the VA–HUD appropriations bill. An amendment was presented—and defeated—on the floor of the House that would have prevented the Veterans Administration from implementing and administering the Veterans Equitable Resource Allocation System, commonly known as VERA.

I opposed this amendment because the American veterans in Puerto Rico deserve to be treated fairly and equitably. Our Nation has a moral obligation to fulfill our promises to the men and women who have patriotically defended our democracy and the very values that enable us to enjoy our freedom, liberties and rights. Puerto Rico already has one of the largest veterans populations nationwide. In the past we have been shortchanged in the allocation of resources; a failure that has discriminated against the very men and women who deserve our utmost respect.

As Congress continues to cut funding for veterans programs, we must look to the best way to maximize the available resources so that all veterans nationwide are treated equally and fairly. This is what VERA does. This innovative VA program provides a more efficient and effective allocation of resources that considers workload and demand, promotes a better labor-patient mix and supports research and education funding per patient. The end result is a more equitable distribution of much needed funds that takes into account population shifts in the provision of quality health care to our Nation's veterans.

I salute my colleagues in the House of Representatives for considering the needs of American veterans and in particular their support for the veterans in Puerto Rico. It is our responsibility and duty to provide our veterans the quality care they have so valiantly earned in a prompt, respectful and courteous manner. We need to keep our promises.

A HUMAN RIGHTS PERSPECTIVE ON A VISIT TO ALGERIA AND EGYPT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. WOLF. Mr. Speaker, over the July recess, I traveled to Algeria and Egypt on official business to learn about the human rights problems in both countries.

In Algeria, I met with government officials, parliamentary leaders and representatives of non-government organizations. I also had the opportunity to visit the sites of a recent massacre to talk with individuals who lost loved ones to terrorism. Encouraging political reform, pluralism, rule of law and democracy may help bring an end to the conflict.

In Egypt, I met with government officials, Coptic Christians and others to discuss human rights abuses and the problems facing Christians living in Egypt.

I submit here the report of my trip to share with our colleagues.

REPORT OF A VISIT TO ALGERIA AND EGYPT: A HUMAN RIGHTS PERSPECTIVE

(This report provides details of my trip to northern Africa during the period July 5–10, 1998. This visit included a two-day stop in Algiers (July 6–8) followed by a two-day visit to Cairo (July 8–10). The relatively short traveling time between Algiers and Cairo afforded the opportunity for back-to-back visits. Algeria is rampant with terrorism which is largely unreported to the outside world. Nearby Cairo afforded the opportunity to meet with and see in their homeland Coptic Christians and to develop a broader perspective of human rights conditions there.)

I have, for several years, followed events in Algeria and have a growing concern about the terrible toll on human life that ongoing, unabated terrorism and the government's response to it are having in this violent land.

Algeria has deep roots in history. Saint Augustine (354–430), one of the greatest leaders of the early Christian Church and the author of Confessions, one of the first great autobiographies, was born in the city of Tagaste, near what is now Constantine, in the northeast corner of Algeria.

In 1815, a U.S. Naval Squadron under Captain Stephen Decatur attacked Algiers and forced its governor to sign a treaty banning piracy against American ships. Continuing piracy on European shipping led ultimately to the French invasion of Algiers in 1830 and the occupation of Algeria which continued for more than 130 years until 1962.

During eight years of intense fighting with the French immediately before winning independence in 1962, Algeria paid a terrible price. It has been said that one million people were killed and two million lost their homes. An independent nation emerged with no infrastructure and no skilled labor force to keep the country running. Various experiments in governance followed. But it wasn't until the collapse of oil prices in the late 1980s on which Algeria's economy was largely based and the disappearance of Soviet influence and support that a movement toward democracy and a free-market economy took shape.

Beginning in 1989, legitimate opposition to the government in power emerged under a new constitution. Municipal elections were held in 1992 and the opposition Islamic Salvation Front (FIS) won a large majority. The military quickly intervened, canceled the elections, imposed a state of emergency and outlawed the FIS. The government justified its actions on two fronts: the need to prevent the FIS from overthrowing the government and imposing an Islamic state, and the existence of the FIS contravened a law on political parties stipulating that no party can be based upon religion.

The move toward democracy was put on hold. Leaders and members of FIS were targeted, imprisoned and punished by the government. In response, terrorist bands began to form and violence and killing in Algeria escalated. These bands continue to wreak fear and death on the country and its people. Several sources said that some of these Algerian terrorists were trained to fight in Afghanistan against the Soviet army and were called Mujahideen. As many as 70,000 people have been killed by terrorists since 1992. Many more have been injured and the toll continues to grow. Ten people were killed and 21 were injured in a terrorist bombing in Algiers the day we departed on July 8.

While in Algeria, we visited the tiny villages of Sidi Hamed and Sidi Rais near the town of Blida less than an hour's drive from Algiers. These villages are the sites of recent terrorist acts and massacres. Late on the night of January 10, 1998, terrorists attacked residents of Sid Hamed and killed 103 men, women and children and wounded many more. We visited a home at the center of the massacre and spoke with the owner who lost his wife and family in the raiding and burning that took place. We met with young children who lost parents and family to that night's terrorist attack. We visited a cemetery with 103 fresh graves.

The fear that was evident in Sidi Hamed was shared by virtually all the Algerians we met. The 2,000 to 4,000 terrorists estimated to be active in Algeria are holding hostage the entire country, its people and, to a significant degree, future progress and development.

Algerians have much on which to base this fear. Terrorist groups have threatened to "slash the throats of all apostates and their allies." They have certainly made good on these threats. On May 14, 1997, for example, terrorists in the town of Douar Daoud slaughtered more than 30 residents including two infants, 15 other children and seven women. On April 16, 1997, bodies of four young girls were found outside the village of Chaib Mohammed. They had been raped before their throats were slit. During this same period, 18 people, mostly young men, were shot or hacked to death at a phony roadblock near Saida. The largest massacre took place in Sidi Rias on August 28, 1987, when up to 300 people, many of them women and children and even small babies were killed. About 100 more were injured. This pattern of terrorism, brutality and violence continues today.

We met with a number of Algerian government officials including the prime minister, a regional governor, the speaker of the lower house and senior members of the upper body of parliament, the foreign minister, representatives of most of the major political parties and factions. We also met with representatives of human rights and terrorism watch organizations, with representatives of the Algerian press, business, student and women's groups and with a number of terrorist victims who were personally injured and/or who lost close family members.

By most accounts, incidents of terrorism have measurably declined since about 1994–95. Still, there is more than enough terrorism to instill in the people an elevated level of fear, caution and reluctance to venture out, especially after dark. Terrorists have targeted specific groups, among them members of the press, Westerners, police and government officials and other high-profile individuals. Sometimes, fake roadblocks are established by terrorists dressed as police or army members and passersby are stopped and killed. This is most prevalent in the countryside away from Algiers.

The government and the army have been strongly criticized on two fronts. The first is for not responding quickly enough or with sufficient force to combat incidents of ongoing terrorism. While some of this criticism is justified, it is noted that Algeria has an armed force of 125,000 or less. Subtracting those in the navy and air force and the poorly equipped and trained conscripts, there are only about 25,000 regular soldiers in a country whose size approximates the United States east of the Mississippi River. Only about half of this number is mobilized at any time. It is also noteworthy that the army has been trained by and patterned after the former Soviet military, which is not known for rapid response to crises.

Criticism has also been leveled at the government for "extra-judicial" actions taken in response to terrorism or under circumstances attributed to terrorism. Frequent occasions were mentioned when government actions outside the rule of law occur. Reports have been made of several hundred apprehensions of individuals by government and police forces where the person taken was never again heard from and family members cannot learn what happened from the government.

The Algerian government has been urged to become more "transparent" in its efforts to combat terrorism and to discipline police and military forces to work within the rule of law. Progress in this area is slow and perhaps human rights training of military units should be provided.

Unemployment is high (above 20 percent) and there is a critical shortage of sufficient housing. Improvement in these areas could reduce the numbers of young people willing to turn to terrorism. Median age of the 30 million Algerian population is 15 years. There is also the age group hardest hit by high unemployment. Privatization of government-run industries (Air Algerie, the primary airline serving Algeria, is an example) would help. Many foreign investors are doubtless reluctant to move into Algeria with the level of terrorism that exists. Efforts to drive down the killings, bombings and other acts of terror would do the most to help.

The United States is presently Algeria's most important trading partner with 1998 exports to the U.S. projected to be $2.2 billion (mostly hydrocarbon/petroleum industry). Imports from the U.S. in 1998 are predicted to be $920 million. U.S. trade with Algeria is expected to continue to increase. There are tremendous business opportunities there.

There is a lack of qualified outside observers to provide commentary and conscience to heavy-handed government activities in Algeria. The permanent presence of ICRC (International Committee of the Red Cross), Amnesty International, and other human rights watch organizations would be helpful in curbing extra-legal behavior and in certifying legitimate forceful response as conditions improve. At a minimum, observers should be allowed to visit whenever they want and the government should cooperate with them.

The Algerian Parliament has recently passed legislation that imposes Arabic as the sole official language. This action resulted in strong protest by Berbers, who make up about 30 percent of Algeria's population. Algeria has not yet found the key to democratically balancing the legitimate concerns and interests of all its minority and citizens groups.

Still, with all the fear, terrorism and sometimes massacre that are part of each day, the Algerian people are going about their daily life, working, attending school and making a home as best they can with determination and resilience as they try to change their country. We were told that Algerian women strongly influence this balanced daily lifestyle.

From my observations while in Algeria, I offer the following recommendations:

1. Terrorism and violence taking place in Algeria should be condemned in the strongest terms by the U.S. and by all nations.

2. The government should be encouraged to invite ICRC, Amnesty International and other human rights organizations to Algeria on a permanent basis.

3. Efforts to increase international press coverage and ensure uncensored national press should be encouraged.

4. The U.S. should consider providing human rights training to Algerian military and police.

5. Ongoing labor training provided by the AFL–CIO to help union leaders cope with events as the economy is privatized should continue and perhaps increase.

6. Parliamentary exchange programs should be developed and encouraged to assist Algerian progress toward democracy. Exchange programs in other areas such as business, academia, government, medical and others should also be encouraged and supported.

7. Assistance to and education about the criminal justice system are required to strengthen safeguards and ensure that human rights are protected.

8. More housing must be constructed and help to develop the private ownership of homes is required. Organizations such as Fannie May can provide advice and information to assist in this effort.

In conclusion, I would add the comment that U.S. interests are extremely well served by our ambassador, Cameron R. Hume, and his able embassy staff who ensure we are effectively represented under always trying and sometimes dangerous conditions. They do an outstanding job and America is fortunate to have them there.

VISIT TO CAIRO

I also visited Cairo for about two days during this trip. I met with President Mubarak and others in the government, members of the Coptic Christian community, Muslims and representatives of various human rights action and assistance groups. I was not able to visit the upper Nile where many problems regarding Coptic Christians have been reported. This is an area I would like to visit in a future trip.

Areas of human rights and religious tolerance are slowly progressing although much more could be done. About one fourth of Egypt's 65 million population lives in Cairo and huge numbers live in abject poverty. We visited one of five "garbage cities" in Cairo. These are huge garbage dumps where hordes of the poorest live and eke out an existence by sorting, selling and using garbage under indescribably horrific conditions.

Under Egyptian law, a church cannot be built without approval of the president. Until recently, this restriction also applied to existing churches being allowed to make even the most minor repairs. Although the law remains unchanged, authority to allow repairs has now been delegated to the presidentially appointed governors. It is uncertain how successful this new delegation of authority will be.

President Mubarak said that the concept of discriminating against people is not the policy of Egypt. Many Copts with whom I spoke agreed that there is little if any systematic government persecution. Still, in the course of daily life, with virtually no important government or other positions filled by Coptic Christians, interpretation of laws and regulations, judgments between Copts and other Egyptians, the meting out of routine rulings and the normal conduct of business imposes hardships and unfairness on Copts. Clearly, there are difficulties being faced by Coptic Christians. Many would agree with the statement in an Australian report on Copts in Egypt that "although the government of Egypt would like to believe that keeping silent about the issues will make them go away, it's clear the government could do more to insure the Coptic minority is treated equally."

I would also like to thank the staff at the American Embassy and particularly Ms. Molly Phee who accompanied us during our stay in Cairo. Our Foreign Service corps does an exceptional job under trying and demanding conditions.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise in opposition to the Hilleary Amendment which would cut critical funding for the Housing Opportunities for People with Aids program. While I certainly understand the need to support our veterans, this amendment looks to cut funding from the wrong place. It would result in an approximately ten percent cut in a program that makes housing available to the over 100,000 veterans living with AIDS. The HOPWA program is the only federal housing program designed to address the housing crisis of the AIDS epidemic and it provides vital assistance to 52,000 individuals in 29 states. HOPWA is cost effective and provides needed care and housing for individuals who would otherwise be without a place to live.

Even with last year's increase in funding, Connecticut and the Hartford and New Haven areas actually saw a decrease of $480,000 in funding because new areas became eligible for funds. A further cut in funding will make precious HOPWA dollars even more scarce particularly since seven new jurisdictions are expected to qualify for funds in fiscal year 1999.

Connecticut is a leader in AIDS housing, and at one time boasted the only statewide AIDS residence coalition in the nation. But even in a state that runs an effective AIDS housing program, the need for funding is great. In 1997, as many as 400 requests for housing in Connecticut were denied solely on the basis of the lack of space. The alternative for many of those denied housing is homelessness, something none of us should feel comfortable with.

Finally, let me talk about the cost of AIDS housing. The average cost of an acute care hospital bed for an AIDS patient is $1,085 per day, while the cost of HOPWA community housing is far cheaper at a cost of only between $55 to $110 a day. In fact, HOPWA programs save an estimated $47,000 per person per year on emergency medical expenses. The HOPWA program is cost-effective, while providing quality care for people living with AIDS.

I urge my colleagues to oppose this amendment, and to support funding for this important housing program.

IN HONOR OF THE AMERICAN GI FORUM OF THE UNITED STATES

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the American GI Forum of the United States, a truly outstanding organization that has served our Nation's veterans for fifty years. They are dedicated to addressing critical issues affecting veterans, with special emphasis on Hispanic American veterans and their families.

Hispanic Americans have always been willing to fight for America's freedom and to defend our peace. They know what it means to wear the uniform of our country and to be willing to bear any sacrifice to keep America free. The American GI Forum has helped to resolve problems of discrimination or inequality endured by Hispanic American veterans.

The American GI Forum is a national veterans family organization and was founded on March 26, 1948, in Corpus Christi, Texas by the late Dr. Hector P. Garcia, a medical doctor who was a veteran of World War II, and other Hispanic American veterans.

The American GI Forum has more than 500 chapters in the United States and Puerto Rico. Although the Forum is predominantly Hispanic, it is a fully interracial organization. The American GI Forum is made up of three separate groups—the Veterans Forum, the Women's Forum, and the Youth Forum.

The American GI Forum is the founding organization of the American GI Forum Hispanic Educational Foundation (HEF), a national educational and scholarship program. It was also the founding organization of the American GI

Forum National Veterans Outreach Program, Inc. (NVOP), which is the Nation's premier nonprofit community based service provider of employment and training, economic development, housing, and social service programs.

Mr. Speaker, I know my colleagues join me in saluting the members of the American GI Forum. Their hard work and dedication for America's veterans have set an example for all of us, I congratulate the American GI Forum on their fiftieth anniversary and I wish them continued success in all their future endeavors.

1998 UNITED STATES SINGLES AND PAIRS LAWN BOWLS CHAMPIONSHIPS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. McDERMOTT. Mr. Speaker, I rise to bring your attention to the 1998 United States Singles and Pairs Lawn Bowls Championship, sponsored by The American Lawn Bowling Association and The American Women's Lawn Bowls Association (ALBA/AWLBA), which will be held in Seattle, Washington, August 17–August 21, 1998.

The sport of lawn bowls, also known as bowling on the green, has been played throughout Europe in various forms since it was introduced by soldiers of the Roman empire. Similar to the games of bocce ball and curling, it was one of the first sports introduced to the New World. Records show that Williamsburg, Virginia had a bowling green as early as 1632, and that another green was built in 1670 at what is now Bowling Green, Virginia. The American Lawn Bowls Association, one of the oldest national sports federations in our country, was founded in 1915, and since 1918 has consistently sponsored a national championship. During the 1930's, the Works Progress Administration built greens at a number of public parks across the country, and the sport experienced a small boom. It declined after World War II, but began to rebound in the mid-1970's, and has gained considerable popularity in California and in areas of Florida, particularly around St. Petersburg.

Although lawn bowls has been thought of as a pastime primarily enjoyed by senior citizens, the game is beginning to attract more young players as a competitive sport and leisure activity. Over eight thousand people, some over 70 years old, are affiliated with ALBA/AWLBA, and compete in numerous lawn bowl clubs in every region of the country. ALBA/AWLBA is committed to promoting the benefits associated with the sport in hopes of expanding participation in lawn bowling. Studies have shown that for a variety of reasons, Americans young and old, are becoming more sedentary. Many health problems can be avoided by the inclusion of a regular regimen of exercise. The inclusion of a physical activity such as the game of lawn bowls, is essential for the maintenance of good health and mental spirits.

In my district, the 7th Congressional District of Washington, the Jefferson Park Lawn Bowls Club is a leader in the national effort to involve youth in lawn bowling. According to Susan Parker, 1998 U.S. Championship Committee Co-Chair, the Jefferson Park Lawn Bowls Club is working to introduce lawn bowling as a lifetime physical activity to Metropolitan King County young people through schools, the Seattle Parks Department, and such youth organizations as Big Sisters and Boy Scouts. Pacific Northwest clubs also are enlisting senior citizen and retiree organizations in this intergenerational effort to promote lawn bowling.

I hope all my colleagues will join me in commending the efforts of ALBA/AWLBA to encourage a healthy lifestyle through sports such as lawn bowling. Mr. Speaker, I am confident all my colleagues join me in extending best wishes for a successful 1998 U.S. lawn bowling championship tournament in Seattle.

HONORING DAVID C. HUDAK OF THE U.S. FISH & WILDLIFE SERVICE

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. ROEMER. Mr. Speaker, this Friday marks the retirement of a distinguished and dedicated public servant in my home State of Indiana. Mr. David C. Hudak is the Supervisor of the U.S. Fish & Wildlife Office in Bloomington. His retirement caps a distinguished and dedicated career in Wildlife Biology spanning more than three decades.

Dave's resume has developed over the years to reflect his continual commitment to nature and the environment through wilderness conservation. He is a man who does not merely support these causes from the sidelines, but has led the effort by setting an example and working passionately to preserve the vulnerable balances of nature.

While Dave has been honored with many awards for his work, talent, and his ability to educate, the true measure of his accomplishments is the impact he has had on both the people he has worked with, and on the environment in the State of Indiana. I believe the real reward for Dave is the knowledge that he has made significant contributions to conservation in our country. His work will have a real and lasting impact, and for that we are grateful. Our state is a better place to live thanks to his efforts.

By being such a strong friend to nature, Dave Hudak has been a strong friend to Hoosiers. His dynamism and devotion will be missed. I ask everyone who has had the privilege to knowing him to join with me in wishing him the best.

IN HONOR OF WILLIAM BOYD OWEN

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. TAYLOR of North Carolina. Mr. Speaker, America is strong because of its millions of citizens who work hard and provide futures for themselves and their families. They build professions, businesses, jobs, and they build strong communities through endless hours of service.

It's my privilege today to recognize one of those individuals who has been a leader in his profession, his community, and a respected and revered father and grandfather, William Boyd Owen.

Born in Dellwood, North Carolina on August 16, 1918, W. Boyd Owen was the youngest of three physician brothers in a medical family which spans several generations and includes his son, William B. Owen Jr., a Haywood County, North Carolina orthopedic surgeon.

Boyd attended Canton, North Carolina public schools before entering Wake Forest College in Wake Forest, North Carolina where he displayed many talents. Young Boyd played basketball, and played the saxophone and clarinet with an orchestra while in college. In 1939, he played for Wake Forest in the very first post season NCAA basketball tournament. After graduation, he entered the Wake Forest Medical School, later transferring to the University of Pennsylvania Medical School where he earned his medical degree at the age of twenty-three.

Dr. Owen interned at Philadelphia General Hospital, then entered the United States Army Medical Corps in 1943. He remained in the medical corps until 1946, attaining the rank of major. He served in Hawaii, the United States and the Philippines, and after leaving active duty, he remained in the inactive reserves for six years.

In 1946, he opened a general medical practice in Waynesville. In 1947 he "covered" the Canton practice of his older brother Dr. Charles Owen. Meanwhile his own practice grew until he built the present Owen-Smith Clinic in 1954 after being joined by Dr. A. Heyward Smith. In 1962 he was elected to the North Carolina Board of Medical Examiners, serving for six years including the last year as president.

Dr. Owen's career has spanned the time period when he could not get a new car because of war-time conditions and he was paid with chickens and wood, to present-day medicine which utilizes computers, lasers and high-tech surgical procedures. He is a member and founding fellow of the American Academy of Family Practice, life member of the North Carolina Medical Society and the North Carolina Academy of Family Practitioners.

Dr. Owen has been a member of the Wake Forest Board of Trustees since 1954, longer than any living member. He served on the Trustee Athletic Committee as chairman and was also on the Executive Committee. In 1991, Dr. Owen was made a life trustee. For two decades he belonged to the Wake Forest President's Club, and he worked as class agent for several medical classes. Dr. Owen was president of the Bowman Gray Medical School Alumni and earned a citation for distinguished service. In 1989, he chaired the Medical Center Board which encompasses the Bowman Gray School of Medicine of Wake Forest and the North Carolina Baptist Hospital in Winston-Salem.

Active in the First Baptist Church of Waynesville, Dr. Owen has served as deacon, trustee and chaired a variety of committees. He has been a member and former president of the Lions Club, the Waynesville Chamber of Commerce, the "30 Club" and is now a member of the Rotary Club.

Dr. Owen recently retired after fifty-one years in active practice and resides in Waynesville. His wife of more than 50 years is the former Helen Bryan. Their four children are: Elizabeth Owen Taylor, William Boyd Owen, Jr., James Griffin Owen and Mary Owen Davis. All four children graduated from Wake Forest University as did his wife, Helen. Helen's father, D.B. Bryan, was Dean of Wake Forest College for 26 years. He is the proud grandfather of eleven grandchildren one of whom is now enrolled at Wake Forest University.

IN TRIBUTE

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Ms. MILLENDER-McDONALD. Mr. Speaker, on behalf of the people of the 37th Congressional District of California, my family, my staff and the American people, I wish to express our most heartfelt condolences and sympathy to the wives, children and extended families of United States Capitol Police Detective John Gibson and Officer Jacob "J.J." Chestnut as we pay homage to the nobility of service they rendered and their ultimate sacrifice: their lives. I was deeply saddened to learn of the turn of events that led to this tragedy. Their sacrifice is a terrible reminder of the risk the men and women of the United States Capitol Police and all law enforcement personnel face on a daily basis in order to protect us and our ability to serve the American people.

Words are unable to capture the breadth and depth of the sorrow I and the members of my staff feel.

Yet, Friday's event is a reminder to those of us whose lives are consumed in the work of this building that real bonds of friendship, camaraderie and a sense of family can and do, indeed, develop. And, as in most families, sometimes we take one another for granted. The simple pleasantries we extend to one another can become all too routine and oftentimes, distracted by the burdens of the work we perform. Unfortunately, a tragedy like this one makes us aware of both the significance and the fragility of our relationships, our responsibilities and our friendships. Let their sacrifice not only serve as a reminder of the costs associated with duty, service and commitment, but let it also serve as a reminder of our own mortality and humanity.

I hope the circumstances surrounding the events on Friday, July 24, 1998 will serve as a reflection in our having known these fine officers, who were dedicated and committed, and the reality that much too often their ultimate form of service could be their lives. Their heroism and their duty to the People's House and to all of us is the epitome of patriotism. May God grant the families the strength to endure!

TRIBUTE TO SENATOR ALFRED E. ALQUIST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Senator Alfred E. Alquist, a distinguished former member of the California State Legislature and committed community leader, on the happy occasion of his ninetieth birthday. Senator Alquist served in the California Legislature for thirty-four years, representing his constituents in both the State Assembly and the State Senate.

Senator Alquist embodies the best of public service. Born August 2, 1908 in Memphis, Tennessee, he graduated from Southwestern University in Memphis and began serving our country as a navigation and meteorology instructor for the U.S. Army's Air-Sea Emergency Rescue Service during World War II.

Senator Alquist took an active role in politics as a participant in local and national Democratic Party affairs when he moved to California in 1947. His career in the California Legislature began in 1962 with his election to the State Assembly, where he served two terms. In 1966, he won a seat in the State Senate and was re-elected every time thereafter for the next two decades, a testament to his outstanding ability to represent the diverse needs and interests of his constituents.

Senator Alquist quickly earned a reputation for championing countless efforts to guarantee public safety and welfare for the people of California. The State Legislature passed more than forty earthquake safety bills penned by Senator Alquist during his terms of office, among them the measure which created the Seismic Safety Commission. He worked tirelessly to improve deadly highway conditions in his district and was instrumental in passing legislation to establish the Santa Clara County Transportation District in 1972.

As Chairman of the Senate Energy and Public Utilities Committee, he led the effort to promote conservation and the use of alternative energy sources. While holding the Chairmanship, he co-authored legislation to establish the California State Energy Commission. Not only did the Senator successfully ensure that environmental concerns were considered, but he also fought to improve California's education system, in one instance holding out as the lone vote against a tax rebate because he felt that the funds were sorely needed for schools. He also chaired the Senate Finance Committee, the Joint Legislative Budget Committee, and, after the Senate split the Senate Financing Committee into two separate committees, the Budget and Fiscal Review Committee.

Mr. Speaker, Senator Alquist's life is instructive to everyone who knows him. Because of his vision, his compassion, and his superior leadership, remarkable contributions have been made to our community and our country throughout his ninety years of life.

Mr. Speaker, I ask my colleagues to join me in honoring this noble man and wishing him the happiest of birthdays as he celebrates his ninetieth.

LOUISE MARGUEZ IS AN INSPIRATION TO US ALL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my friend, Louise Marquez, who on her own has transformed the community of Panorama City. Louise is proof that one person can make a difference—a huge difference. She is not only Marketing Director of the Panorama Mall, the commercial hub of the area, but she is also involved in outside activities involving literacy, gangs, youth sports, law enforcement and health care. It's no wonder that Louise is loved and admired by many.

Louise has turned the Panorama Mall into a valuable resource for the community. For several years she has sponsored a free tax assistance program for senior citizens and low-income families. I know the service is a huge success; at tax time people are constantly calling my District Office and asking for the number to the Panorama Mall. Louise also co-sponsors Government Day, an annual event at the Mall that brings together representatives from municipal, county, state and federal governments to provide much-needed information to the community.

Louise works tirelessly to improve the economy of Panorama City. The Mall is the site of numerous job fairs, as well as the Latin Business Expo, which brings together employers with prospective employees. I also know that the Mall's merchants hire many young people from the immediate area. The recent upsurge in the economic fortunes of Panorama City, and a corresponding drop in crime, can in part be credited to the efforts of Louise Marquez.

With all the work she does for the Mall, it amazes me that Louise is a member of nine Boards and sponsor of too many events and fund-raisers to mention here. She doesn't know the meaning of the word "stop." If there is another cause to champion, or group to support, you can be sure that Louise will get involved, especially when the focus is on youth. After all, Louise is herself the mother of three teen-agers.

In recent years, Louise has been battling cancer. Her grit and determination to keep working—and smiling—despite her condition is remarkable. I am inspired by her strength and her courage.

I ask my colleagues to join me in saluting Louise Marquez, whose love of community and life-affirming spirit are shining examples for us all.

CONGRATULATING MR. STARR ON AVOIDING A CONSTITUTIONAL CRISIS CONCERNING THE PRESIDENT'S TESTIMONY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. CONYERS. Mr. Speaker, after unprecedented requests for testimony from Secret

Service agents and lawyers and mothers, we recently had another request for testimony from Independent Counsel Kenneth Starr, this time of the President himself. There were several reasons why the President would have been justified in viewing this request as another unfair abuse of Mr. Starr's powers. It is highly unusual for the target of a grand jury investigation to be subpoenaed to appear before a grand jury. It almost never happens and Department of Justice guidelines strongly discourage such a practice.

Never in the history of presidential investigations, from Teapot Dome to Watergate to Iran-Contra, has a prosecutor gone to such lengths to secure testimony from every conceivable quarter on a matter which appears to take on less and less significance as we learn more and more about it.

In addition, Mr. Starr, who is still under investigation for possible grand jury leaks by Judge Johnson, the D.C. Bar Association and, potentially, the Department of Justice, is seeking President Clinton's testimony even before other investigations have reached their conclusion. Notwithstanding grave doubts about the fairness of Mr. Starr's investigation, the President has agreed to appear for questioning on August 17, 1998. Apparently, Mr. Starr has offered some guarantee that the questioning will not become an unlimited 'fishing expedition," as some of Mr. Starr's other activities have been previously described by a federal judge.

It was very important that Mr. Starr offer some assurance that he was engaged in legitimate fact-finding and not a partisan attempt to embarrass this President. After all, this is the same independent counsel who forced First Lady Clinton to personally appear before a D.C. grand jury in the federal courthouse here over two years ago to testify about her work as an attorney while still in private practice in Arkansas. That was also unprecedented and apparently designed to embarrass the Clintons. Since then, of course, nothing appears to have come of the whole Whitewater investigation.

Mr. Starr's recent agreement to limit conditions of the President's testimony was entirely appropriate because to do otherwise would have been a transparent attempt to embarrass the President. If these negotiations had broken down in a legal dispute over the power of this particular independent counsel to call a President before a grand jury under conditions dictated by the independent counsel, then Mr. Starr would have been responsible for creating a wholly unnecessary constitutional crisis.

I commend the Independent Counsel for the flexibility he displayed in reaching an agreement with the President's counsel. We will also be watching closely to ensure that details about the President's deposition are not mysteriously leaked to the news media.

IN MEMORY OF MRS. IRENE NORWOOD

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I am saddened to note the passing of Mrs. Irene Norwood, an ordinary woman from my community who did extraordinary things.

Mrs. Norwood was a wife, grandmother, avid churchgoer, community leader, and member of the South Austin Coalition Community Council where she rose to prominence as the utilities spokesperson.

Mrs. Norwood was an inspiration to thousands of people who knew her, saw her on television or heard her on the news. Mrs. Norwood became ill and reached the point where she could not walk and often would come to meetings and functions in a wheelchair. Her motto was, she might give out, but would never give up.

Well, she finally gave in and gave out and is now gone to a new community where she remains a premier activist. I can hear her now calling the heaven to order.

HAPPY 50TH ANNIVERSARY TO ALEXANDER AND LILLIAN JOZWIAK

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. BARCIA. Mr. Speaker, I rise today to salute a couple who have endured the test of time. On July 31, Alexander and Lillian Jozwiak are celebrating their 50th wedding anniversary.

Both born to Polish immigrant parents, they met at a Halloween dinner dance in Flint in 1947. Soon after, they fell in love and Alexander proposed to Lillian at Christmas. They made a commitment to spend their lives together—a commitment they have taken very seriously. On July 31, 1948, they were married at All Saints Catholic Church in Flint by Father S. Bortnowski. The best man was Jerome "Harry" Jozwiak and the maid of honor Jeanette Szacki.

Shortly after the wedding, the couple moved to Frankenmuth, Michigan. They moved again to Flint before settling in my hometown of Bay City to raise their family. Alexander and Lillian are devoted to their family and instilled strong values in their three children, Kathleen Janell, Gerard Joseph and Linette Marie. The couple is now retired in Colonial Heights. Virginia, where they enjoy watching their three and one-half year old grandson, Thomas Emmanuel Burnette II, grow with the same values they instilled in their children. Today it is Thomas' perpetual amount of energy that is responsible for preserving their youth.

Alexander and Lillian are not only dedicated to each other and their family, but also dedicated to their country. Alexander enlisted in the Army and served in World War II. They are symbols to the American people that commitment and strong family values can produce many blessings and much happiness.

Mr. Speaker, though the road of life has been long and laborious, the fortitude, love and perseverance of this couple have made a lasting mark on the future generations. I urge you and all our colleagues to join me in extending our best wishes for many more happy years together. May God's continued blessing be upon them.

IN MEMORY OF MEDFORD R. PARK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. SKELTON. Mr. Speaker, it is with great regret that I inform the Members of the House on the passing of Medford R. Park, a former Executive Director of the Wentworth Foundation, on July 23, 1998.

Mr. Park, a native of Lexington, Missouri, graduated from Wentworth Military Academy, and later attended the University of Missouri-Columbia. While at the University, Med participated in various extracurricular activities and was a four-year varsity letterman in basketball. After graduating from Mizzou with a bachelor's of Science in Education in 1955, Med joined the St. Louis Hawks of the National Basketball Association. Med played for the Hawks from 1955 through 1959—including the 1958 national championship team. He concluded his NBA Career with the Cincinnati Royals from 1959 to 1960. Med coached the Battle Creek Braves of the Northern Professional League from 1966 to 1968.

Mr. Park was the Executive Director of the Georgia Sports Hall of Fame in Macon, Georgia, and served as the Executive Director of the John Q. Hammons Missouri Sports Hall of Fame in Springfield, Missouri.

Mr. Park is survived by his wife Nancy, three sons, and one sister.

Mr. Speaker, Medford Park was an inspiration in the Lexington community, and he will be greatly missed by all who knew him. I am certain that the Members of the House will join me in paying tribute to the life of this great Missourian.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Mr. SAWYER. Mr. Chairman, here we go again.

I rise today in opposition to this bill because it fails to fund the AmeriCorps National Service program.

Despite the public's consistently strong support of AmeriCorps, critics in Congress consistently strive to eliminate this important program. So far, they have not succeeded.

Last year, this destructive idea took the form of a funding reduction amendment that passed the House by voice vote. Fortunately for America, the Senate rightly included full funding—in fact, increased funding—for the program in its version of the bill. The program was ultimately retained in the conference report but funded at 75% of the previous year.

Eliminating this program would be a tragedy for our country. The AmeriCorps program, which has had a long history of bipartisan support, has effectively demonstrated our nation's strong commitment to community service and higher education. The program has helped more than 50,000 young adults (1,844 in my state alone) earn trust awards to put towards college and has provided opportunities for seniors to remain active within their communities. Despite these achievements, some in this Congress continue to criticize.

Over the past few years, these critics have cited allegations of cost overruns and inefficiencies in the program. They have looked for every opportunity to criticize the program and, at the same time, criticize the President.

Early in the last Congress, the Oversight Subcommittee of the Committee on Economic and Educational Opportunities held a series of hearings on the AmeriCorps program to address the concerns of its critics. As Ranking Member of that subcommittee at the time, I had the opportunity to investigate the allegations and to hear the truth about the progress that has been made to correct any problems.

I, too, was initially concerned about cost overruns, political abuses, and other teething problems with the AmeriCorps program. However, we learned at our first hearing that the Corporation for National Service, of which AmeriCorps is a part, has taken aggressive action to correct any problems. Where political activity was evident, AmeriCorps has cut off funding. In its first year, AmeriCorps also raised almost triple the amount dictated by law from non-Corporation sources.

The Corporation took additional steps to address the concerns of its critics. Former Senator Harris Wofford, now CEO of the Corporation for National Service, and Senator Charles Grassley announced a 10-point plan to reform the AmeriCorps program.

That bipartisan effort made clear, enforceable commitments to contain costs. It also resulted in an increase in the AmeriCorps private sector match from 25 to 33 percent of progam costs. The 10-point plan also called for further steps to prohibit any kind of lobbying and to improve the grant review and evaluation process. AmeriCorps also agreed to expand its commitment to service and volunteerism. Finally, the 10-point plan called for increased collaboration with national non-profits, special scholarships to reward volunteerism, and efforts to increase occasional volunteerism nationwide.

Indeed, the Corporation heard the voices of its critics and has taken successful steps to cut its costs, leverage more volunteers, and improve its financial management.

Mr. Chairman, despite the widely-known successes of the program, reflected in its public support, some in Congress continue to attack its funding. That leads me to believe that the motives behind the criticism were never constructive, nor intended to produce a model government program. Instead, these critics' real goal was ultimately to defund a program that has been a target of theirs for years, no matter how well it is working today.

The President has announced that he will veto this bill—in large part because it zeroes out funding for this important effort. I urge my colleagues not to terminate an AmeriCorps that has provided many Americans with constructive options to prepare for the future and to better their communities through volunteering. AmeriCorps, through its own valuable projects and its example to the work of others, is making our nation a better place for everyone. Please, oppose this bill.

INTRODUCTION OF LEGISLATION TO PROVIDE EQUITABLE TREATMENT OF CERTAIN WOOL PRODUCTS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. HOUGHTON. Mr. Speaker, today I rise, along with my colleague Representative Louise Slaughter of Fairport, NY, to introduce a bill to correct a harmful competitive imbalance that has developed because of an aberration in our tariff schedule. This bill is a companion to the one recently introduced by the two Senators from New York, Daniel Patrick Moynihan, Al D'Amato along with Senator Arlen Specter of Pennsylvania.

The Chicago based M. Wile & Co., produced fine quality suits in Dunkirk, NY. M. Wile recently closed down their Dunkirk operation; 200 employees were left out of work. The company's Buffalo office is also in danger because of this anomaly in the U.S. tariff schedule.

You may have heard of a company called Hickey-Freeman. Hickey-Freeman has produced fine quality suits in Rochester, NY, for nearly a century. Unfortunately, the U.S. tariff schedule now makes it difficult for Hickey-Freeman to produce such fine suits in the United States. Learbury, in Syracuse, NY, also imports high quality wool for use in their suits.

The fact is that companies like M. Wile, Hickey-Freeman, and Learbury must import very high quality wool fabric used to make men's and boy's suits. To do so, they pay a tariff of 31.7 percent. They compete with companies that import finished wool suits from a number of countries. If the imported suits are from Canada, the importers pay no tariff at all due to NAFTA regulations. I'm told that Canadian shipments of men's suits into the United States have gone from 0 to 1.5 million in the past 10 years.

If from Mexico, the tariff is 11 percent. If from other countries around the world, 20.2 percent. Domestic tailors are clearly at a disadvantage. The tariff structure forces an incentive to import finished suits from aboard, which takes critical jobs away from American suit manufacturers.

The results of this have been noticed in western and central New York, and Pennsylvania. In fact, production of fine suits in the United States has dropped by 40 percent, and the number of employees has been cut from 58,000 to around 30,000. These are high paying jobs that have been lost to this unfair tariff schedule.

This problem can be corrected before the entire industry is lost. This bill can be an important tool to correct the problem. It suspends these tariffs through December 31, 2004 on the highest grade of wool—called Super 90's—produced only in a limited way domestically. It would also reduce the tariffs for slightly lower grades of fabric—Super 70's and 80's—to 20.2 percent, which is the same as the tariff on finished wool suits other than those from Canada or Mexico which receive more favorable treatment under NAFTA.

Mr. Speaker, this bill corrects a critical problem for suit manufacturers such as M. Wile, Hickey-Freeman, and Learbury. I urge my colleagues to support this important effort to save American jobs.

TRIBUTE TO ADMIRAL WILLIAM R. ANDERSON

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. BRYANT. Mr. Speaker, on Monday, August 3, the day will mark the 40th anniversary of a great feat in U.S. Naval history when Columbia, TN resident and former Congressman, Adm. William R. Anderson, led a expedition to the Earth's polar ice cap.

William Robert Anderson was born on June 17, 1921, in Bakersville, TE. He attended Columbia Military Academy before entering the U.S. Naval Academy and graduated in the class of 1943. He is a graduate of the Submarine School and sailed on 11 war patrols during World War II. Anderson saw action in the Korean Theater from January to May 1954, aboard the U.S.S. *Wahoo* as commander.

On April 30, 1957, he took command of the U.S.S. *Nautilus*, the first atomic powered submarine. The *Nautilus* made the first voyage in history from the Pacific Ocean to the Atlantic Ocean by way of the North Pole.

The *Nautilus* departed Pearl Harbor, HI on July 23, 1958, under top secret orders to conduct "Operation Sunshine" the first crossing of the North Pole by a ship. At 11:15 p.m. on August 3, 1958, *Nautilus* second commanding officer, Commander William R. Anderson, announced to his crew "For the world, our country and the Navy—the North Pole." With 116 men aboard, the *Nautilus* had accomplished the impossible—reaching the geographic North Pole, 90 degrees north.

In July, 1962, following 3 years of Washington duty on the staffs of Adm. H.G. Rickover and three Secretaries of the Navy, he retired with 20 years service to enter politics. In 1963, he was named consultant to the late President John F. Kennedy for the National Service Corps. He was elected to the House of Representatives, 89th Congress, in November 1964.

Anderson served as a member of the House of Representatives from 1964 through 1970. His best known legislative achievement is his authorship and promotion of the law enforcement education bill. It is opened broad opportunities for specialized higher education in Police and Corrections careers.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Ms. MCCARTHY of Missouri. Mr. Chairman, today I rise in opposition to the provision in H.R. 4194 which removes all funding from AmeriCorps, the national service program that allows people of all ages and backgrounds to earn help paying their higher education expenses in exchange for a year of community service. This four-year-old program has met with great success throughout America. Currently, more than 40,000 AmeriCorps members serve in over 600 programs across the country.

In my district, AmeriCorps volunteers have helped residents in distressed neighborhoods develop a vision for their neighborhoods block by block, and acquire the necessary resources to achieve that vision. The number of neighborhoods being served in the City Building Blocks program has increased by 40 percent thanks to AmeriCorps. One block served by an AmeriCorps volunteer has successfully closed two drug houses and a methamphetamine lab. These structures are now being renovated by the Community Development Corporation, and they will soon be occupied by new residents. If AmeriCorps funding is cut this block and many others like it will lose the support that AmeriCorps volunteers have provided.

Seniors for Schools is another successful AmeriCorps program in my district. Last year twenty AmeriCorps volunteers tutored 90 first, second, and third grade students in reading. At the beginning of the school year, these students were all below grade level in reading—45 percent of them were two grade levels behind. After one year of AmeriCorps volunteers' help, each and every one of these students now reads at or above grade level.

Gail Vessels oversees the Seniors for Schools program through the Kansas City YMCA, and she notes that AmeriCorps has "allowed us to tackle the hardest issues in this community." She indicates that it would just not be possible to have these programs without AmeriCorps funding. I urge all members of the House to continue AmeriCorps funding, so that programs like those I have mentioned will continue in their own districts as well.

AmeriCorps does more than rebuild communities. In my district, several AmeriCorps volunteers were actually able to leave welfare rolls because of AmeriCorps, and they were also able to go on to college, earn a degree, and gain employment—and thus stay off of welfare. These volunteers are often middle-aged, single parents who have been on welfare for several years. They have low self-esteem and not many skills. AmeriCorps allows them to gain valuable skills while serving their community. In addition, they earn an education award after one year of service that can be used to offset college or vocational training tuition costs. AmeriCorps has allowed one Kansas City volunteer, Anna—a single parent who had been on welfare for many years—to earn her children's respect, attend college, and get off of welfare. Anna now works full time for a local neighborhood association.

I strongly oppose eliminating this valuable program and urge my colleagues to restore funding in the Conference Committee. AmeriCorps strengthens America. We must support proactive programs that help to build communities and give individuals the opportunity to better themselves through education and giving back to their communities.

INTRODUCTION OF THE INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. OXLEY. Mr. Speaker, since the introduction of the Foreign Corrupt Practices Act in 1977, the U.S. has been firmly committed in its battle against international bribery and corruption. Unfortunately, our policies have left U.S. companies at a competitive disadvantage in the international environment, where they frequently lose commercial contracts to foreign firms willing to participate in bribery or other corruption. This situation has cost American companies billions of dollars in lost opportunities over the years.

Now, through the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, signed in December 1997 by 33 countries including the United States, we have the opportunity to ensure that other signatory countries commit themselves to outlawing the use of bribery to influence officials or gain business abroad. The convention obligates signatory countries to enact domestic laws to combat foreign bribery.

Because the U.S. already has strong federal anti-bribery laws in place, the implementing legislation submitted by the administration seeks to close loopholes in the statute and otherwise strengthen the Foreign Corrupt Practices Act. Building upon the legislation submitted to Congress, Commerce Committee Chairman BLILEY and I today introduce the International Anti-Bribery and Fair Competition Act of 1998. I intend to hold hearings in the Subcommittee on Finance and Hazardous Materials, which I am honored to chair, when the Congress reconvenes in September.

The proposal requires several definitional adjustments to the Foreign Corrupt Practices Act, including coverage of individuals as well as businesses, and officials of international organizations as well as other foreign officials. The bill expands the scope of proscribed activities to include payments to secure "any improper advantage." It also expands the jurisdiction of the law to cover the acts of U.S. citizens taking place wholly outside the United States.

While the amendments to U.S. law required by the convention are relatively modest, the changes required of other signatories will mean, in many cases, a radical departure from past practices. Such a change in attitudes towards corruption will be of enormous benefit to American firms seeking to do business abroad.

With the introduction of the International Anti-Bribery and Fair Competition Act, we have the opportunity to redress an imbalance and level the playing field for U.S. companies, giving them the chance to compete in a fair and corruption-free environment. These refinements are necessary to emphasize and reinforce America's view that bribery is not only morally reprehensible but that it ultimately creates a destabilized international trading climate.

If the U.S. is to continue to demonstrate its firm commitment to fair trading opportunities, we need to take the lead and act as a model. Enactment of this legislation will represent and reflect America's determination to foster economic development and trade liberalization, as well as the promotion of democracy and democratic institutions.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Ms. STABENOW. Mr. Chairman, I rise in opposition to the amendment by my esteemed colleague TIM ROEMER, which would terminate the International Space Station. I am especially pleased to say that my support for the International Space Station is shared by my constituents as evidenced by letters I have received from them, and from the 2,000+ space enthusiasts that attended the Great Space Adventure events that I sponsored this past Spring.

The prospect of a permanent laboratory for researchers and scientists has students of all ages inspired—inspiration that will lead to more students pursuing math, science, engineering and medical careers. The International Space station also provides hope to the medical community and to patients afflicted with a variety of health conditions. Hope that research conducted in this permanent laboratory will yield new insights into human health and disease prevention and treatment, especially in the area of heart, lung, and kidney functions, cardiovascular disease, osteoporosis, hormonal disorders and immune system functions.

Already we have benefitted from the federal investments in the U.S. space program—and our investment in the International Space Station is no exception. For example: NASA developed a "cool suit" which is now helping to improve the quality of life of multiple sclerosis patients. NASA technology has produced a pacemaker that can be programmed from outside the body. NASA developed instruments to measure bone loss and bone density without penetrating the skin, which is now being used by hospitals.

NASA research has led to an implant for delivering insulin to diabetics that is only 3 inches across, providing more precise control of blood sugar levels and frees diabetics from the burden of daily insulin injections. NASA technology has led to the development of medical devices which are used to revitalize purposeful movement to muscles crippled by spinal cord injuries. As a result, paraplegics and quadriplegics can get a full cardiovascular workout equivalent to jogging three miles three times per week.

Technology from NASA also led to the development of an anti-shock garment for paramedic use which essentially reverses the effect of shock on the body's blood distribution and returns blood to the vital organs. This anti-shock garment has demonstrated effectiveness in treating shock from trauma induced by natural disasters or military actions, complications of pregnancy, ruptured internal organs, severe allergic reactions, brain injury and pediatric emergencies.

Even, telemedicine has benefitted from NASA expertise since adoption during the previous decades was slowed by high costs and technological shortcomings. Today, the technique is burgeoning under the impetus of snowballing advances in computer, video-conferencing and digital imaging technologies that offer greater health access to rural Americans along with greater efficiency in data transmission and display.

Mr. Chairman, these are but a few of the medical and health benefits that have come from our investments in the U.S. Space program, and I can not emphasize enough what value they have brought to the quality of life that so many of us have come to expect. It is because of this well documented success that I believe in the potential of the International Space Station. Joining me in recognizing the research potential of the Space Station are: the American Medical Association; the National Academy of Sciences; the National Research Council; the Federation of American Societies for Experimental Biology; the American Medical Women's Association; the Planetary Society; the National Foundation for Brain Research; and the Shering-Plough Research Institute.

Let me also share with you what Dr. Michael DeBakey, Chancellor and Chairman of the Department of Surgery at the Baylor College of Medicine says about the need for a permanent laboratory in space:

> The Space Station is not a luxury any more than a medical research center at Baylor College of Medicine is a luxury . . . Present technology on the shuttle allows for stays in space of only about two weeks. We do not limit medical researchers to only a few hours in the laboratory and expect cures for cancer. We need much longer missions in space—in months to years—to obtain research results that may lead to the development of new knowledge and breakthroughs.

I agree with Dr. DeBakey's view; and because I believe the International Space Station has the potential to help my constituents with their health and quality of life in the long term, I urge my colleagues to oppose the Roemer amendment and to support the International Space Station.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Mr. GREEN of Texas. Mr. Chairman, for the past five years I have struggled with the Department of Housing and Urban Development to help the citizens of Houston. Houston is the fourth largest city—yet for a long time, they have lacked a full service HUD office. Out of the ten largest metropolitan areas, Houston was the only one without a fully serviceable HUD office.

Over the past five years I have worked with HUD and have received various verbal commitments and assurances that Houston would receive the necessary HUD staff and programs to be an effective agency to help the citizens of Houston. We've made some progress, but we still have a ways to go.

In past years, I have considered offering an amendment to this bill to require better HUD service for Houston residents. This year I will again try to work with the agency to ensure proper services for the city. This would include establishing an Office of Community Planning and Development, which would provide technical assistance and monitoring of state and local entities receiving federal funding to assist with elderly and disabled housing loans, CDBG, and funds for Houston's Enhanced Enterprise Community. This service is particularly important because of the city's growing population. Unfortunately, because there is no full service HUD office in the city, quality housing opportunities have not keep pace with the growth.

When I go back to my district and I talk with seniors, families and local officials, one of their greatest concerns is housing for the elderly. No one wants to see our elderly without shelter. An Office of Community Planning and Development would aid the citizens of Houston to gain access and administer funds to renovate, locate, and build elderly housing. This office also oversees funding and provides technical assistance to our Enhanced Enterprise Community.

HUD came up with a good idea to provide funds to local governments to help their economically disadvantaged areas through Empowerment Zones and Enterprise Communities.

Through tax breaks to businesses and access to federal funds and a plan drawn up by local communities, HUD hoped to revitalize disadvantaged areas. Houston has an Enhanced Enterprise Community, and we have access to two hundred million dollars to help revitalize parts of Houston. It would be a shame to see that money go to waste without proper support and assistance by HUD.

The nearest HUD office that offers this service is in Ft. Worth Texas, which is over two hundred miles away. My constituents have had to call to Ft. Worth to get someone from CPD to come down to Houston to check out a faulty foundation. Most of the time the response from Ft. Worth is that they don't have the money in their budget for travel or they have to wait for years for a response.

The citizens of Houston deserve better than having to call HUD in Ft. Worth, which is over 200 miles away, to get an inspector who can not travel because of budgetary constraints.

I still do not understand why the fourth largest city in the nation does not have all the HUD programs to serve its citizens.

When we first started looking into upgrading the Houston HUD field office, we received assurances from former Secretary Cisneros and now Secretary Cuomo that the Houston office would receive all available programs.

Without these offices who is going to monitor these programs, who is going to check for fraud, waste, and abuse. Who is going to help the citizens of Houston provide for their housing needs. If this critical change isn't made soon, I am concerned that more residents will be denied services they are entitled to.

While I am not offering an amendment this year, I am looking forward to working with the committee and administration to see that this issue can finally be resolved.

IN TRIBUTE

SPEECH OF

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. JACKSON of Illinois. Mr. Speaker, with a heavy heart I come before you today. On Friday, July 24, we lost two members of our congressional family: Capitol Police Officer Jacob J. Chestnut and Special Agent John Gibson.

Although tragic, these men died in service to their nation, in service to us. In the Gospel of John, Jesus says, "Greater love has no man than this, that a man lay down his life for his friends."

With faith and trust in God and the help of family and friends the Chestnut and Gibson families will endure this seemingly unbearable time. I hope that the families of these two men—genuine American heroes—take comfort in knowing that their husbands, their fathers, their brothers, their sons, did not die in vain. By laying down their lives, these two men upheld our most cherished principles of liberty and democracy. I speak for all Americans when I say I am grateful for and honored by their courage, service and sacrifice.

While we mourn their death, we also celebrate the lives of Officer Chestnut and Special Agent Gibson. All Americans can rest assured that their freedom and the future of this great land remain intact because Officers Chestnut and Gibson died preserving liberty so that we may survive in freedom. We all are forever indebted to them.

On behalf of the people of the Second District of Illinois, I thank Officers Chestnut and Gibson for giving the ultimate sacrifice so that all Americans can sleep tonight under a security blanket of freedom. Their earthly lives may have drawn to a close, but their lives with God are eternal. Psalm 30 reminds us that "Weeping may endure for a night, but joy comes in the morning."

YEAR 2000 PROBLEM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. KUCINICH. Mr. Speaker, the year 2000 will herald the start of a new millennium. However, if our country doesn't address the Year 2000 or Y2K technology problem, the millennium may begin with numerous disruptions. Meeting the challenges presented by the Year 2000 conversion will require the commitment of significant resources from both the public and private sectors. The federal government, in particular, must take a leadership role. The federal government is fixing its own systems and must facilitate private sector conversion.

Today Mr. HORN and Mrs. MORELLA have introduced the "Year 2000 Information Disclosure Act". I am cosponsoring this bipartisan legislation which will serve to encourage businesses to share information on solving the Y2K bug. This legislation protects from liability claims those who in good faith share information on solving the Y2K problem.

Without timely sharing of data on the Y2K fix, many small-to-medium size companies may not meet the deadline of Jan. 1, 2000. This could have serious repercussions for the economy. Small to medium size businesses who face disruptions from the Y2K bug may simply not make it because they may not be able to continue business. Many business sectors are dependent on each other. They exchange information electronically every day. For this reason, it's crucial to limit liability for sharing information on Y2K solutions.

Currently, the President's Council on Year 2000 Conversion has determined that concern over liability is impeding the transfer of information on the Y2K bug between companies. The "Year 2000 Information Disclosure Act" is of national importance. I encourage this body to act on this legislation as soon as possible.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Ms. McCARTHY. Mr. Chairman, I rise today to commend my colleagues for joining me in passing significant changes to the H.R. 4194, The Veterans Administration (VA)—Housing and Urban Development (HUD)—Independent Agencies Appropriations bill to remove restrictive language regarding the Brownfields initiative. Continued federal support and funding for this initiative is critical to the revitalization of our nation's urban core. In my district, Kansas City, Missouri, and our friends across the state line in Kansas City, Kansas, have joined to form a unique and innovative Brownfields partnership. This bi-state junction has not only received an Environmental Protection Agency (EPA) Brownfields grant in 1996, but recently was designated one of only 16 cities in the nation to become a Showcase Community.

Redevelopment already has begun to revitalize our area. The Westside Business Park has been fighting for many years to hurdle the environmental constraints that had stunted its economic growth. Through the Brownfields Initiative the shackles have been broken and today more than $14 million dollars in HUD Economic Development Initiative Money has been secured for assistance. Union Station built in 1914 is one of the city's greatest historical assets in need of rejuvenation for reuse as a transit, cultural, and commercial center. Yet $4 million dollars in asbestos abatement must occur before the dream of restoration and reuse can become a reality. Without the Kansas City Brownfields Initiative this would not be possible.

These stories only mark the beginning. The resources needed to accomplish these tremendous tasks throughout the country can only be accessed if all the government agencies continue as a team to help the blighted abandoned warehouses, gas stations, and parking lots that face environmental hardships in order to turn into the schools, businesses, and recreational areas that our neighborhoods need and deserve.

I again applaud my colleagues for realizing it is necessary to assist the Brownfields Initiative for the sake of our nation's economic growth.

IN TRIBUTE

SPEECH OF

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to Officer Jacob Chestnut and Detective John Gibson, and to honor the sacrifice they made for their country last Friday afternoon. These two dedicated Capitol Police force officers never hesitated for one second when faced with a situation where the lives of others were at risk. They had been trained for such an event and without pause sprang into action and fulfilled their duty.

These men are indeed heroes, in every sense of the word. But, they are ordinary men, with families and friends who mourn their passing. While we have seen in the last few days how dedicated they were to their jobs, we have also learned of how caring they were in their homes and neighborhoods. Testimony after testimony from friends and loved ones has shown us the high regard these men were held in their "civilian" lives. We have seen photos of the prized garden "J.J." kept and whose bounty he shared with all. We have learned that John Gibson kept an eye on his neighborhood and made sure all was right. For a police officer, constant vigilance is the way of life and both of these men lived that credo.

Friday was no exception. As the gunman burst into the Capitol Building through the detector, Officer Chestnut immediately knew trouble was at hand and without hesitation took action. Unfortunately, his assailant had a split second on him and had his gun pulled. Detective Gibson heard the gunshots and knew immediately what the sound was. He was in the immediate vicinity of several staff members and he took action to put himself between them and the danger at hand. It ultimately took the lives of these two officers, but the lives of many others were spared because of the selfless acts by these two officers.

No words can comfort their families. No words can change the events of last Friday. No words can make these two men come walking through the door. Our words can only serve as some solace to their loved ones. Officer Chestnut and Detective Gibson will long live in our consciousness, and in our hearts. Time may ease the sharpness of the pain of their loss, but, I say to their families, they will never be forgotten.

They are, now and forever, heroes of America's democracy.

CONFERENCE REPORT ON H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

SPEECH OF

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. PACKARD. Mr. Speaker, I rise today to thank my colleagues for their support of the

Military Construction Appropriations Act. This is a bill for appropriations of military construction, family housing, and base realignment and closure for the fiscal year ending September 30, 1999.

Our military is the hegemon of the globe. We boast of having the strongest fighting force in the world, yet our soldiers go home every evening to homes that are simply not acceptable or safe. I commend the members of this House for their dedication to the men and women in our Armed Services.

I believe this piece of legislation will make positive adjustments for the living conditions of our military personnel. I do understand that there is much more yet to do, however, I commend the Subcommittee for their outstanding efforts considering the means we were given to work with. I have personally seen the poor and unsafe living and working conditions we subject our soldiers to both here in the U.S. and abroad. The funds this House approved last night will go a long way in addressing many of these needs.

Mr. Speaker, this bill goes much deeper than just appropriating funds, this legislation will keep the people who protect and serve our country safe.

IN HONOR OF THE HULETT ORE UNLOADERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the important contribution that Hulett ore unloaders have made to mechanical engineering. This year marks the 100th anniversary of the invention of the Hulett ore unloaders.

Hulett ore unloaders have played a significant role in the industrial history of Cleveland, Ohio. For over 40 years, men had to manually unload ore coming in from the Lake Superior region. After the first shipment in 1852, the men of Cleveland had to manually unload about two tons of ore. A 300 ton shipment could take a week to unload.

George Hulett's invention of the Hulett ore unloader revolutionized the shipping process of iron ore by making it a less timely and less costly process. It gave men a break from hard labor and allowed them to enhance their mechanical skills. These skills in turn made them more employable and more capable to take care of their families and provide them with the necessities of a good home and a decent education. Hulett ore unloaders fostered the developments of steel mills and factories throughout the Great Lakes region, creating jobs and industrial progress along the way.

This year the American Society of Mechanical Engineers will designate the last four Hulett ore unloaders as historical landmarks. On behalf of the Congress of the United States I stand today in recognition of George Hulett and his outstanding contribution to the engineering world.

IN TRIBUTE

SPEECH OF

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Ms. GRANGER. Mr. Speaker, many years ago a poet eulogized the sacrifice of hundreds of young men. The poet was Tennyson. The poem was the "Charge of the Light Brigade." In this famous verse, Tennyson gave answer to those who wondered why so many young men would give so much. "Theirs not to make reply," Tennyson explained. "Theirs not to reason why. Theirs but to do and die."

The price of freedom has never been cheap. But in America, there have always been those willing to meet the demand, bear the burden, and pay the price to keep our nation free.

Mr. Speaker, I believe that America will remain the land of the free only as long as it is the home of the brave. Andrew Jackson once said that one man with courage is a majority. Last Friday afternoon, not one but two courageous leaders formed a supermajority—and thereby saved the lives of others.

When the moment of crisis arose last week, Officer Jacob J. Chestnut and Detective John M. Gibson were not found wanting. They were there. They responded. And they gave their lives.

The thin blue line held firm last Friday—thanks to two heroes. Like the men of Tennyson's tribute, their sacrifice was complete. It was theirs to respond. It is ours to remember. Mr. Speaker, I hope America never forgets that freedom isn't free. And I know that the prayers and thoughts of every American are with the Chestnut and Gibson families.

May God Bless them. And May God Bless America.

TRIBUTE TO CARLOS ALBERTO WAHNON DE CARVALHO VEIGA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to an outstanding leader and Head of State, Carlos Alberto Wahnon de Carvalho Veiga, the first democratically elected Prime Minister of the Republic of Cape Verde. This provocative and exciting leader has—with grace and integrity—steered his country through its transition from a one-party to a multi-party system. He is visiting the United States this week and is being honored by the California Legislature for his distinguished service to Cape Verdeans.

The accomplishments of Carlos Alberto Wahnon de Carvalho Veiga are due in no small part to his willingness to accept change and meet the challenges before him. His unwavering commitment to civil rights, civil liberties and freedom is testimony to his humanity and basic goodness. Veiga exemplifies the selflessness, patience and empathy characteristic of the best leaders of the world.

Carlos Alberto Wahnon de Carvalho Veiga's career spans a period of immense change for the Republic of Cape Verde. He earned his law degree at the "Universidade Classica de Lisboa" in 1971. From 1972 until 1974 he worked in Angola as the Registrar in the City of Bie. He then returned to Cape Verde in 1975 as the Public Prosecutor in Praia and was the Director General of Internal Administration until 1978. In 1980, Mr. Veiga was appointed Attorney General. In 1982, as a result of his opposition to state policies, he left government for private practice and was elected president of the Cape Verdean Bar Association. Veiga's vision for Cape Verde's democratic development at a time of political instability and upheaval became evident in 1985 when he joined Parliament and soon after set in motion vigorous efforts to democratize the Government and set the foundation for the creation of the Movement for Democracy (MPD), the present ruling party.

His positions in defense of democratic reforms are well known and respected by the majority of Capeverdeans. During his second term in the Parliament he became President of the MPD and soon led his party to a strong victory over the ruling party in the National Assembly. In 1991, he was elected Prime Minister. Carlos Alberto Wahnon de Carvalho Veiga represents the "spirit" of the Capeverdean people both on the ten island archipelago and across the world.

I ask my colleagues to join me today in saluting Prime Minister Carlos Alberto Wahnon de Carvalho Veiga, whose dedication to the causes in which he deeply believes is an inspiration to us all.

IN TRIBUTE

SPEECH OF

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. JOHN. Mr. Speaker, I wish to join my colleagues today in honoring the selfless acts of Detective Gibson and Private First Class Chestnut of the United States Capitol Police.

As we know, the U.S. Capitol is the people's house and the dedicated men and women of the United States Capitol Police guard this institution to protect the Members of Congress, their staff and millions of people who come to bear witness to the working of our democratic process. The Capitol is a living testament to the rights of our citizens and those that are sworn to guard it truly defend the rights of mankind.

On July 24, 1998, Officers Gibson and Chestnut made the ultimate sacrifice for these unalienable rights in courageously protecting the lives of tourists, staff and Members of Congress. We are forever indebted to these brave men. Had it not been for their heroic actions, many more innocent people could have been seriously injured or killed.

Mr. Speaker, I stand with my colleagues today to honor these men killed in the line of duty and to pay my condolences to their families. I vow to ensure their legacy of defending the people's house will live on for generations to come; symbolized by our continuing commitment to open the halls of democracy to the public. God Bless Officers Gibson and Chestnut for their memory will forever survive in the freedoms of our nation's Capitol.

THE COMMISSIONING OF THE U.S.S. "HARRY S TRUMAN"

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. SKELTON. Mr. Speaker, on Saturday, July 25, 1998, I attended the commissioning of the U.S.S. *Harry S Truman,* CVN 75. It is our Navy's newest and most advanced nuclear aircraft carrier. It was a special day not only for me, but for Missouri and for the United States of America. This vessel bears the name of a fellow Missourian and family friend, and I feel that it is most fitting and appropriate that an aircraft carrier be named for this great man. Harry Truman provided heroic leadership and set a standard of personal accountability during a critical period in our nation's history. This son of rural Missouri possessed common sense and decency.

I share my remarks of that day with the Members of the House.

REMARKS OF CONGRESSMAN IKE SKELTON (D–MO) COMMISSIONING OF THE U.S.S. "HARRY S TRUMAN" JULY 25, 1998—NORFOLK, VA

THE TRUMAN-SKELTON CONNECTION

This may well be the largest gathering of Missourians outside our state since the inauguration of Harry S Truman as President on January 20, 1949, in Washington.

As a teenager, I was fortunate to accompany my father to that momentous event on the east front of the United States Capitol. President Truman began his inaugural address by saying, "I accept with humility the honor which the American people have conferred upon me." Were he with us today, I am convinced that President Truman would again be humbled by the honor of having this great naval ship named for him.

I am able to speak from a personal point of view because of the friendship that was formed some seventy years ago—on September 17, 1928, to be exact. The occasion was the dedication of the Pioneer Mother Statue—the Madonna of the Trail—located in my hometown of Lexington, Missouri. Two speakers on the program met that day—the President of the National Old Trails Association and a representative of the Lexington American Legion Post. The former was County Court Judge Harry S. Truman, from nearby Jackson County, and the other was the young Lafayette County Prosecuting Attorney, Ike Skelton, my father. Because of the lasting friendship that was formed that day, my wife and I in later years came to know the genuinely nice person we call the "Man from Independence".

HARRY TRUMAN—THE MAN

My task today is to speak of the man—Harry S. Truman—and I direct my remarks especially to the sailors of this ship who will be known as "Truman sailors" from this day forward.

Truman once wrote, "Great men and women are assayed in future generations." So as this ship is commissioned in his name today, let us take measure of Truman the man and reflect on the traits of his character that allowed him to lead this great nation and be recognized as one of America's finest Presidents.

Harry Truman was bedrock American. He remains a role model for Americans of all ages and generations.

Underlying Truman's political accomplishments was the strength of his personal character. When faced with challenges, Truman put his shoulder to the task, used his Missouri good sense to "call it as he saw it", and forged ahead with the serious business at hand. And unlike those who assign blame to others, he believed in personal responsibility, as the sign on his desk and the motto of this ship declare—"The Buck Stops Here."

HARRY TRUMAN WAS DEVOTED TO HIS FAMILY

Harry Truman was a man of great devotion to his wife and lifelong sweetheart, Bess, and to his daughter, Margaret. The hundreds of letters exchanged by President and Mrs. Truman during their courtship and throughout their married life give testimony to their close relationship. And who can forget the letter written by a loving father who, coming to the defense of his daughter's vocal talents, threatened to blacken the eyes and break the nose of the music critic that published an unflattering review?

HARRY TRUMAN LOVED HIS COUNTRY

Harry Truman had high regard for the Armed Forces of our country, having served in combat during the First World War as an artillery battery commander and later rising to the rank of Colonel in the Army Reserve.

He loved America and the American people, ever keeping the public interest uppermost in his decisions.

He was an avid reader and student of history. My friend, the late Congressman Fred Schwengel, told me about meeting Senator Truman in 1935 while Schwengel was a college student in Missouri. Truman advised him that to be a good American, ". . . you should know your history." That story is consistent with my experience. I well remember taking a group of grade school students to visit the Truman Library in 1963, and though President Truman was of advanced age, he spoke to them in the library auditorium about American history and the Constitution. He wanted young people to learn as much as they could about America.

HARRY TRUMAN WAS POLITICALLY COURAGEOUS

Like the Presidents who came before and after him, Truman was burdened with the loneliness that goes along with being the Chief Executive. But President Truman did not shy away from difficult, often politically unpopular, decisions. He once said, "Do your duty and history will do you justice."

Today we applaud Truman's controversial decision to integrate the Armed Forces. In the face of opposition from military leaders and much of the American public, Truman had the courage to reject their arguments and do what he thought was right.

The state of the world prompted Truman to move away from America's established pattern of peacetime isolationism in order to assist European economic recovery through the Marshall Pan and to protect Western Europe under the umbrella of the North Atlantic Treaty Organization.

Truman also had the courage to stand up to the communist aggression that marked the beginning of the Cold War. The Truman Doctrine made clear that the United States would not stand idly by in the face of communist aggression in Greece, Turkey, and elsewhere. Truman's commitment to the democratic rights of free people was clear as the U.S. provided essential supplies to the people of Berlin during the Soviet blockade and when Truman made the agonizing decision to use American troops to lead the United Nation's resistance to the communist invasion of South Korea. These actions earned the praise of British Prime Minister Winston Churchill who said to Truman, "You, more than any other man, have saved Western civilization."

HARRY TRUMAN WAS TRUE TO HIS PERSONAL BELIEFS AND VALUES

Truman learned about hard work and the value of a job well-done while growing up as a Missouri farm boy. His mother claimed that he plowed the straightest furrow of anyone in the community.

His handshake was firm, reflecting his farming background. His posture ever remained that of a soldier, and his early morning, fast-paced walks—in Washington and later in Independence—were legendary.

His honesty and personal integrity were never questioned. Though not a great orator, his speeches and conversations were direct and to the point.

He was a kind and compassionate man. At a campaign whistlestop in 1952, I saw him purposefully step down from the train to greet a severely disabled man who had struggled to the front of the crowd to catch a glimpse of President Truman.

His loyalty to his friends was enduring. While Vice President, he attended the funeral of Tom Pendergast, the disgraced Kansas City machine politician who had supported Truman early in his career. Truman, refusing to allow outside critics to weaken the bonds of his personal ties, attended the funeral and showed that he was a loyal friend to the end.

He was positive in nature and optimistic about the future.

Truman never forgot his Missouri roots, and reflected poet Rudyard Kipling's description of the man who could ". . . walk with kings" without losing "the common touch."

He was a man of determination. Prior to the 1948 Presidential election, pundits and pollsters had written off Harry Truman. Just before the election, I asked my father if President Truman had a chance to win. My Dad replied, "Ike, don't count Harry Truman out." Truman didn't let others convince him that his race for a term in his own right would fail. Instead, he took his message directly to the American people during his trademark whistlestop campaign tour. Then, as now, America loved a man with guts, and Truman's persistence was rewarded with a tremendous victory on election day.

Election night reports indicated a solid vote for Truman, but well-known radio commentator H.V. Kaltenborne repeatedly predicted, in his then familiar shrill voice, that Harry Truman would be defeated by Thomas Dewey. Fortunately, Truman had a keen sense of humor. His wry wit was on display during 1949's inaugural events. While in Washington for the inauguration, I attended the Electoral Dinner. Although at the time my attention was a bit distracted by the beauty of Hollywood actress Joan Bondell, who was sitting at a table a few feet away from me, I will never forget President Truman's mocking impersonation of H.V. Kaltenborne, which brought down the house with laughter.

CHARGE TO THE SAILORS

My mere words today cannot do justice to President Harry S. Truman. But you sailors—you Truman sailors—who will serve aboard this ship named for him can do justice to his memory.

You can do your duty as if Harry Truman were looking over your shoulder. You can reflect all that was good and decent about him: take responsibility for your actions; be honest and direct in your dealings with others; humble in your demeanor; straight in your posture and brisk in your walk; thoughtful and considerate of others; loyal to your friends; devoted to your family; determined in your endeavors; know the history of our country; appreciate humor; proud of the uniform you wear; and love America.

From the earliest times, all sailors at sea have felt a sense of loneliness. On such occasions, I urge you to reflect on the loneliness of Harry Truman when he made momentous decisions while doing his duty for our country. During your lonely times, may the spirit of Harry Truman be an inspiration to you.

Keep in mind one more thought. President Truman liked to tell the story about the grave marker in Tombstone, Arizona, that read, "Here lies Jack Williams. He done his damndest." Missouri's President always strived to do just that—to do his damndest—that is, to do his best. So I charge you, Truman sailors, to heed the wisdom of that epitaph by doing your damndest. By doing so, your dedication will ensure that American freedom continues to shine like a polestar in the heavens.

It is now my pleasure to introduce the man who put his shoulder to the wheel by appointing and leading the Commissioning Committee—Missourians all—to the highly successful conclusion that we are witnessing on this occasion. I am proud to call him my friend. He is Trumanesque in his character and is a truly dedicated public servant—The Governor of our State of Missouri, the Honorable Mel Carnahan. At the conclusion of his remarks, he will pass the traditional long glass.

God bless.

THE EPA, TOBACCO AND PERSONAL RESPONSIBILITY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. OXLEY. Mr. Speaker, I call to my colleagues' attention this incisive and well-written column by George Will that in many ways captures the essence of what is going on at the EPA and throughout the environmental community. I would particularly direct my colleagues to the final paragraph in Mr. Will's column in which he quotes from an article by Dennis Prager in the Weekly Standard about "this assault on the idea of personal responsibility."

[From the Washington Post, July 30, 1998]

EPA'S CRUSADERS

(By George F. Will)

Before the tobacco bill was blown to rags and atoms by its supporters' overreaching, they substituted reiteration for reasoning. But then, for years now the debate about smoking has been distorted by vehement people who rarely suffer even temporary lapses into logic.

A new reason for skepticism about the evidence and motives of the anti-tobacco crusaders comes in a ruling by a federal judge in North Carolina concerning a 1993 report by the Environmental Protection Agency. EPA said secondhand smoke is a Class A carcinogen that causes 3,000 lung cancer deaths per year. The judge said:

"EPA publicly committed to a conclusion before research had begun; excluded industry by violating the [1986 Radon Gas and Indoor Air Quality Research] Act's procedural requirements; adjusted established procedure and scientific norms to validate the Agency's public conclusion; and aggressively utilized the Act's authority to disseminate findings to establish a de facto regulatory scheme intended to restrict Plaintiffs' products and to influence public opinion."

The judge charges EPA not just with bad science but with bad faith—with having "cherry picked its data." Granted, this is just one judge's opinion; EPA demurs; the litigation, already five years old, will churn on. Still, what disinterested persons considers the judge's conclusion implausible?

EPA's report came in 1993, when the infant Clinton administration was preparing to micro-manage the nation's health, and hence its behavior. Furthermore, do not all bureaucracies tend to try to maximize their missions? EPA's mission is to reduce environmental hazards. What kind of people are apt to be attracted to work in EPA? Those prone to acute anxieties about hazards. Is an agency apt to get increased appropriations and media attention by moderate assessments of hazards? What is the evidentiary value of the EPA defenders' assertion, in response to the judge, that in California (where smoking has been banned even in bars) the state EPA agrees that secondhand smoke is a serious carcinogen?

The anti-tobacco crusade was a money grab by government that, had the grab succeeded, would have acquired a dependence on a continuous high level of smoking to fund programs paid for by exactions from a legal industry selling a legal product to free people making foolish choices. The crusade's rationale was threefold: Secondhand smoke is deadly to nonsmokers; people start smoking because they, poor things, are putty in the hands of advertisers; smokers cannot stop because nicotine is too addictive.

The last rationale is inconvenienced by the fact that there are almost as many American ex-smokers as smokers. The assertion of the irresistible power of advertising is so condescending toward the supposedly malleable masses (notice, the people who assert the power of advertising never include themselves among the susceptible), the anti-tobacco crusade had to become a children's crusade. Hence the reiterated assertion that almost as many 6-year-olds—90 percent of them—recognize Joe Camel as recognize Mickey Mouse. This assertion, akin to EPA's "science," was based entirely on interviews with 23 Atlanta preschoolers. There has been no demonstration that advertising by tobacco brands increases tobacco consumption (rather than particular brands' market shares).

One mechanism of the money grab was to be a tax increase of up to $1.50 per pack. However, John E. Calfee of the American Enterprise Institute, writing in the Weekly Standard, notes that in the late 1970s, when teenage smoking declined nearly one-third, cigarette prices were declining about 15 percent. Given that teenage smokers smoke an average of only eight cigarettes a day, adding even a dime per smoke ($2 per pack) would not deter them.

The 40 percent decline in smoking between 1975 and 1993 coincided with a public health campaign emphasizing individual responsibility for choices. Then came the Clinton administration and the ascendancy of victimology: Wicked corporations preying upon helpless individuals are responsible for individuals' behavior. Calfee says per capita cigarette consumption has barely declined since 1993.

Also in the Weekly Standard, Dennis Prager, a theologian and talk-show host, notes that the full apparatus of the modern state has been mobilized for "the largest public relations campaign in history teaching Americans this: If you smoke, you are in no way responsible for what happens to you. You are entirely a victim."

This assault on the idea of personal responsibility, Prager writes, further pollutes "a country that regularly teaches its citizens to blame others—government, ads, parents, schools, movies, genes, sugar, tobacco , alcohol, sexism, racism—for their poor decisions and problems." This assault, a result of the politics produced by a culture of irresponsibility, is an emblematic fruit of Clintonism.

RECOGNIZING THE 50TH ANNIVERSARY OF THE INTEGRATION OF THE ARMED FORCES

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Ms. LEE. Mr. Speaker, as an Army brat, I rise in support of House Concurrent Resolution 294.

H. Con. Res. 294 is the resolution to recognize the 50th anniversary of the integration of the Armed Forces. The integration of the military was crucial to enhancing the quality of life not only for my family, but for the children of all Black military personnel.

I am proud of my father, Lt. Col. (retired) Garvin A. Tutt. He fought for this country during World War II as a member of the 92nd battalion in Italy. He also served the United States with honor in the subsequent Korean conflict. Yet, I vividly remember that back in the States, my dad, my mother, my sisters and myself could not eat in restaurants, could not attend movie theaters in town, could not drink out of water fountains except those marked "colored" only. However, after Executive Order 9981, military bases became "safe havens" where at least recreational facilities on base were open to African American families. Oftentimes, Ft. Bliss, in which my dad was stationed, was the only "Safe Haven" for my family.

As an adult, I have had the privilege to work for my predecessor, a former Marine and a great champion for justice, Congressman Ron Dellums, During my employment with Ron, I had the honor to work with great African American Heroes of the United States Armed Forces such as the Tuskegee airmen. They are loyal and dedicated Americans who sacrificed so much for their country, all the while suffering the degradation and humiliation of segregation.

Mr. Speaker, I do not think that Americans who were born after the civil rights movement realize the extent of the overt, divisive and punishing discrimination against a group of people, African Americans, the extent of their alienation from the rest of the people of the United States. The United States Armed Forces, more than any other body of its size, is an institution based on a strict set of explicit and implicit rules of behavior. The act and process of integration of the armed services is a political, social, and legal phenomenon that must be appreciated, recognized, praised, honored, and made known to all Americans, all people who are committed to a just and fair society.

When President Truman issued Executive Order 9981 in 1948, it was six years before Brown vs Board of Education and ten years before the nominal integration of some of our schools. Through his leadership, President Truman eradicated the legal structure of racism in our military force. The integration of the military had remarkable, positive consequences for American society. I believe that this is a story of success largely unknown to people outside of the Armed Forces. This is a story of the Government taking a series of steps to bring equality of access to all personnel. This work made training available; supported promotions, and allowed people to gain experience, which has led to the promotion of African American non-commissioned and commissioned officers. This is the successful story, still unfolding, of a major branch of the Government working to rid itself of the evils of racism and segregation.

50 years is not a long time, Mr. Speaker. The vestiges of racism and discrimination still exist. I hope that, as we commemorate the 50th anniversary of the integration of our Armed Forces, we recommit ourselves to ending bigotry in this country.

MR. STARR: NO OCTOBER SURPRISE, PLEASE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. CONYERS. Mr. Speaker, media reports this week suggest that Independent Counsel Kenneth Starr may be close to wrapping up his four year, forty million dollar investigation of the President. If that is true, I can only say that it's about time. Even my Republican colleagues in the Senate, Mr. ORRIN HATCH and Mr. ARLEN SPECTER, said this week that it is time for this investigation to come to a close.

While we have no way of knowing what action, if any, the Independent Counsel will take after he closes-up shop, one thing is for certain: if he intends to send any type of report to Congress, he should not do so before the mid-term elections.

Each day, countless talking heads spend hours on end speculating about who's up and who's down in this investigation of the President. But almost no time is spent on issues that really matter in this election, like health care reform, tobacco legislation, and campaign finance reform. While the talking heads base their opinions on gossip and supposed leaks, the issues that matter in people's lives get overlooked.

We have very few days left in this legislative session to get the people's work done, certainly not enough to consider or respond to anything that comes from the independent Counsel's office. If we were to receive a report before the upcoming elections, it could only be seen as an effort to influence the outcome of those contests.

Mr. Starr is supposed to be an independent prosecutor, but all too often since he took office in 1994, he has seemed to wear his politics on his sleeve. Mr. Starr has chosen to continue representing clients, including tobacco companies, whose interests are adverse to those of President Clinton. Many in the Republican party would like nothing better than to play politics with a report from the Independent Counsel. That is especially true because we need only eleven seats to take back the House of Representatives this fall. Not only would it be wrong for the Independent Counsel to provide fuel for that fire, it would undermine whatever integrity his investigation may retain.

If the Independent Counsel intends to send us a report, the right thing for him to do is to wait until the new Congress begins its work. Mr. Starr, for the good of our country, don't play politics with the timing of your investigation of the President. No October surprise, please.

H.R. 4162—THE REGULATORY INFORMATION PRESENTATION ACT

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mrs. CHENOWETH. Mr. Speaker, on June 25, 1998, I introduced H.R. 4162, a bill that will assist the American public, small business and anyone else interested in understanding how a decision was reached by the federal government when publishing regulations. My bill, entitled the "Regulatory Information Presentation Act," is presented to the Congress for comments and to bring the issue for debate.

In May of this year, the GAO released a report that points to the need for this legislation. The report, entitled "Regulatory Reform Agencies Could Improve Development, Documentation, and Clarity of Regulatory Economic Analyses," should be read by all of my colleagues.

Currently, the Administrative Procedure Act, provides only that a notice of proposed rulemaking must include the legal authority for a rule and "either the terms or substance of the proposed rule and/or description of the subjects and issues involved." The provisions for final rule are even more general: They must "incorporate * * * a concise general statement of their basis and purpose."

The above APA provisions were adopted in 1966. Since then, there has been a demand for more rigorous analysis of proposed rules and increased "transparency" in the rulemaking process. In addition, since 1981, several Presidents have uniformly required OMB and the Federal agencies to address certain analytical issues in rulemakings, and particularly in major regulatory actions. The current Executive Order is E.O., 12866, which was signed by President Clinton in September 1993. The previous Executive Order 12291, was signed by President Reagan in February 1981. During this time, it has become routine for agencies to address the issues covered in those Executive Orders; however, the public rulemaking notices published in the Federal Register often do not reflect clearly the agency's rationale for the rulemaking action, and the agency discussions of proposed and final rules, contained in the Federal Register "Preamble" to the substance of the rule, are highly inconsistent in format and depth of information, making it difficult for the public to understand the basis for the rule and how particular issues were addressed. Often, such information might exist, but it is not summarized in the Federal Register notice, but is contained in an agency docket or other files, where it is generally inaccessible to all but the most knowledgeable and Washington-based individuals. In other words, the current rulemaking information presentation system is not "user-friendly" for the public.

The proposed bill would address this matter by requiring the Office of the Federal Register to establish a uniform format for Federal agency rulemaking that would make clear how an agency addressed certain issues that are commonly addressed in rulemaking and which are covered in the regulatory Executive Order. If a particular issue was not relevant for an individual rulemaking, presumably the agency would simply put "not applicable" under that subject heading in the Federal Register notice.

This should not make more work for agencies; in fact, it should reduce effort for all concerned, particularly our citizens.

One provision would call for some additional effort, but it would be minimal. The "Public Notice" section of the proposed legislation (Sec. 4) would establish certain reporting requirements for agencies regarding number of rules promulgated and reviewed by OMB each year. The purpose of this is to allow Congress to track the level of regulatory activity from year to year.

I urge my colleagues and the American public to support this legislation.

TRIBUTE TO CARL S. SMITH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. GREEN. Mr. Speaker, I rise today to reflect on the passing of an outstanding man, a legendary Houstonian, and a great Texan, Carl S. Smith, who died this week at the age of 89. Carl served 51 years as Harris County's Tax Assessor and Collector. Mr. Smith served the citizens of Harris County with distinction and honor.

Carl was a legend in Harris County politics. He was first appointed to the office by the Harris County Commissioners Court in 1947. The next year, he won election to the office and was re-elected 12 times.

Well liked and respected, Mr. Smith was revered by many of his employees. He was always known for insisting, from his staff, on unwavering courtesy to the public. He expected much of this staff, but he treated them kindly and with respect.

Carl had a real interest in helping all people. In 1952, he was the first Harris County official to promote an African-American employee to an important government position, a deputy clerkship. In addition, he wrote the statewide property tax exemption for citizens over 65 that was later adopted as a constitutional amendment.

Carl's wife of 59 years, Dorothy DeArman Smith, died in 1991. They were parents of two daughters, Nancy Stewart and Pam Robinson, both of Houston.

Mr. Speaker, I ask all the Members of the House to join me in offering their gratitude for the hard work and dedication of Carl S. Smith.

AUTHORIZING VA HEALTH CARE FOR VETERANS EXPOSED TO NASOPHARYNGEAL RADIUM IRRADIATION THERAPY—H.R. 4367

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. EVANS. Mr. Speaker, today I am introducing legislation to authorize the Department of Veterans Affairs to provide health care treatment to veterans exposed to Nasopharyngeal Radium Irradiation Therapy (NRIT) and to include these veterans in its Ionizing Radiation Registry (IRR) Program. Joining me as original co-sponsors of the bill in the House are Representatives BOB FILNER, COLLIN PETERSON, CORRINE BROWN, FRANK MASCARA, BARBARA LEE, LUIS GUTIERREZ, CIRO RODRIGUEZ, JULIA CARSON, NEIL ABERCROMBIE, and JOSEPH KENNEDY. The measure I am introducing today is similar to legislation submitted to Congress by the Administration and closely reflects S. 1822, as introduced by Senator SPECTER and cosponsored by most of the members of the Senate Veterans Affairs' Committee: Senators THURMOND, JEFFORDS, MURKOWSKI, ROCKEFELLER, AKAKA, WELLSTONE, LIEBERMAN, and MURRAY.

During the 1940's to the 1960's, many submariners and air crew members were occupationally exposed to NRIT to prevent ear injury. The Centers for Disease Control has estimated that as many as 20,000 service members may have received this treatment. Treatment was not limited to service members. This therapy was prevalent among civilians and was even used to treat children. Studies have found statistically significant associations between exposure to this therapy as a child and development of certain head and neck cancers. Associations between health outcomes and adult exposure to therapy are less clear, but poor recordkeeping on the use of this treatment may not allow new studies to determine definitive associations within the veteran population and previous studies have been flawed.

VA has noted that the high levels of exposure among treated individuals may call for special consideration of this population. Exposure to radiation during nasopharyngeal treatments was greater than the exposure of many of the veterans who already populate VA's IRR. Given the high incidence of exposure to this therapy for occupational purposes among the veteran population, the relatively high levels of exposure these individuals were subjected to, and the scientific evidence that exists, the Administration requested that Congress authorize these veterans' treatment in VA medical facilities. It is time to give the veterans who received NRIT treatments—many of whom did so involuntarily—the benefit of the doubt. It is time to allow VA to treat them and the conditions it believes may be linked to this exposure and add them, along with other veterans who were exposed to far lower levels of radiation, to its registry. This is a responsible bill—and it's the right thing to do.

I urge my colleagues to sign on as a cosponsor to this important legislation.

PATIENT PROTECTION ACT OF 1998

SPEECH OF

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1998

Mr. FAWELL. Mr. Speaker, I would like to take some time to talk about some "good news" in the area of private health care. So often, the news media and Congress will tend to center on what's wrong with private health care and ignore the many good things that have happened, and are happening in private health care.

For instance, let us recognize that about 132 million people in America are getting their health care in the private market via employer provided health care under the ERISA statute! About 80 million of these people are receiving their health care from their employers under self-insured health plans, that is, where the employer is acting as their own insurance company, so to speak. Here, we are talking about fee for service plans, PPOs and variations of managed care. But under these self-insured plans, in general the employer does not pay "premiums" or transfer the obligation to pay benefits to an insurance company or HMO. Instead, the employer takes the place of the insurance company and may even contract directly with hospitals, doctors, other providers and health care networks The market dynamics of these arrangements help to bring the price of health care down. Most of the large corporations in the United States use this method to supply health coverage to their employees. The remainder of the 132 million people who receive their employer provided health insurance from their employers do so under standard indemnity insurance policies, HMO contracts or other forms of fully-insured health insurance coverage purchased by their employers. With the exception of governmental plans, all private employer provided health coverage plans are under ERISA, although indemnity health insurance policies and HMO policies (referred to as "fully insured" coverage, as opposed to "self-insured" coverage) are subject to regulation by the states. That is, while the employer provided plan (i.e. the employer benefit plan consisting of medical care) is always under ERISA, in those instances where an employer buys an indemnity or HMO policy for his employees, the states control the issuance, make up and conditions of the policies themselves.

The important point, however is that the employers of America, under the ERISA statute are voluntarily providing health insurance coverage for their employees. There is no law requiring employers to finance health care, fully or partially, for their employees. ERISA, insofar as health care is concerned, has functioned over the years—especially in the area of self-insurance—with relatively little interference from either federal or state laws. It is a rare oasis of freedom, representative of neither federal or state power. It is, rather, a relatively unique example of "people power", because it is the employer and the employees and unions, who collectively determine what kind of health care coverage should be provided for the employees, and how the plan will operate. The employer makes no profit from his involvement in health insurance as does the indemnity insurance company or HMO. It is a not-for-profit health insurance obligation that is assumed voluntarily by the employer. And, yes, state law is pre-empted, in general, insofar as the administration of an employee health benefit plan by an employer is concerned and that, I think, reflects the genius of the drafters of ERISA. As a result, employers have, over the years, been able to create lower cost and high quality health plans for their employees without having to readjust to the laws and regulations of the various states in which the employer's business may be involved or in which an employee may reside. Business people, of course, must be involved wherever the flow of their commerce may take them. They cannot very well be expected, in setting up health or pension programs for their employees, to readjust these programs to meet the laws, mandates, regulations price controls and standards of the various states which the flow of their commerce mat take them. Indeed, it was this recognition which, in 1974, resulted in the creation of ERISA and the necessity for the uniformity of federal law relative to employee benefit program.

As a result, the administration of employer health benefit plans, under ERISA, was able to flower in a unique area of relative freedom, unimpeded by the regulation of the 50 states (with the exception of the states' regulations of health insurance policies per se). And, over the years after ERISA, the Congress has also restrained itself from micromanaging ERISA employer provided health care, although I will admit there are increasing signals that this era of enlightenment may be changing. Indeed in this environment employer provided health care—especially self-insured plans—have been eminently successful. The result has been the 132 million people who now secure private employer provided health care under ERISA. In addition, an estimated 33 million people also receive employer provided health care, outside of ERISA, from state and local governments as well as under the Federal Employee Health Benefit Act.

I find it troublesome, therefore, to hear so many of my colleagues talk with levity and disapproval of ERISA preemption, as though it stands as a mortal threat to states' rights. They seem totally unaware of the tremendous success of ERISA in motivating employers to provide health care and pensions for their employees. Rather than decry an alleged loss of "states' rights", I prefer to recognize that a major cause for the creation of our Nation's Constitution was the need for commerce to flow between the various states unimpeded by conflicting state taxes, laws, regulations and requirements. If Congress should now become hostile to ERISA and its preemption clause at this late date, and if employers are told that their employee benefit plans, including health care plans, can no longer flow with their commerce without meeting hundreds and thousands of conflicting state laws, taxes and regulations, then multiple millions of workers and their families will be in for a rude surprise as employers began to opt out of their sponsorship of employee health care plans. That, indeed, would invite a political upheaval that would make the Medicare Catastrophic Health Insurance debate of a few years ago look like a passing inconvenience.

The need for broad preemption is clearly explained in testimony by Mr. Frank Cummings, then Senate Labor Committee Minority Counsel and an adviser to Senator Javits, who helped fashion a predecessor of the ERISA law. Speaking of the law prior to ERISA, he stated "The inherent limits of state jurisdiction made the system unworkable, and often did more harm than good. Technical problems in enforcing benefit rights were often unsurmountable under state laws. Those hurdles included: inability to achieve service of process on necessary parties outside the boundaries of a single state; choice-of-law uncertainty; insufficiency of the law of equity since the real decisions were made by persons who were not defined as 'fiduciaries' (other than the trustee). Interstate businesses could not comply with these laws separately, and yet benefit plans were most effective and efficient if they were company-wide in scope."

ERISA, in my view, was one of finest acts passed by the Congress. It was a law born ahead of its time! It is 21st Century thinking! It gave employers, employees and their representatives the freedom to self-insure and create not-for-profit health care plans for their workers and their families without being subjected to the endless varieties of state micro-management, mandates, price controls, and remedies which otherwise drive up the price of health insurance. And it has worked miraculously well for large and mid-sized employers who had the economies of size to opt for self-insurance. It allowed employers to break away from the monopoly of the regular indemnity insurance companies and HMOs and, on behalf of their employees, to bargain and discount the price of health care directly with both health care providers, including their networks, and insurance companies. Employers and employees were thus allowed to determine for themselves what the price, cost and terms of their health insurance would be, what would be covered, whether preventive care would be emphasized, ad infinitum. In short, they were given the right to operate their own health care plan free from domination of the states and their for-profit allies, the insurance companies and HMOs, and to do so by simply having the employers act as their own insurer or, if they got the right price, to contract with a regular indemnity insurance company after bartering down the price of insurance. Insurance companies and HMOs no longer ruled the roost! The market evolved!

The ERISA statute was born back in 1974 when Congress was blessed with a lot of forward thinking people like Senator Jacob Javits of new York and Congressman John Erlenborn, of Illinois, and a host of others who realized that employers cannot very well sponsor health and/or pension plans or other employee benefit plans if they had to readjust their rules and operations with each of the 50 states. Obviously, commerce needs to flow generally unimpeded over state lines and that surely includes employee health insurance programs operated by employers. The creators of ERISA were well aware of all this. Thus, the concept of pre-empting state laws which "related to" employer provided employee benefit programs was born! Ahead of its time! Rep. John Dent (D-PA), the House floor manager of the ERISA bill, declared that the broad preemption provision was the "cornerstone" of the legislation.

Mr. Speaker, the ERISA statute has served the nation well in allowing employers to provide health insurance for their employees—especially for large and mid-sized employers! Professor of Law Sallyanne Payton says it well in her presentation to the Conference on Patient-Centered Health Care Reform at the University of Michigan Health Policy Forum held November 21, 1997. "These large employee benefit plans have been the driving forces behind most of the recent innovations in medical service delivery because, being unregulated, they have the power to create their own benefit packages and medical care delivery mechanisms. For example, despite the health policy community's enthusiasm for full-integrated closed-panel HMOs, the employee benefit plans responded to patient dissatisfaction and resistance by inventing the Preferred Provider Organization and have created a market for network-style managed care organizations of many different types. Self-insured employers have been aggressive in the current effort, through, for example, the National Council on Quality Assurance, to develop quality standards and measures and to redesign the quality oversight function."

However, as indicated, small employers who do not have the economies of size and who therefore cannot as easily "self insure", have never had the ability to take advantage of the ERISA statute in providing health insurance for their employees. These small employers, in order to secure health insurance for themselves and their employees, have to go into the small group insurance markets, controlled by health insurance companies or HMOs, who of course do not want new competition in this market. They didn't want it in the large employer insurance market either and were reluctant suitors of ERISA in 1974.

But anyone who has to go out into the small business group health insurance market or even the individual market—alone—knows that affordable health insurance can be difficult to find and even more difficult to hold onto if any chronic illness develops in the family.

Mr. Speaker, the existing "system" of health insurance relative to small employers and the self-employed, controlled by indemnity insurance companies and HMOs which are basically under state jurisdiction, has, in effect, anti-selected its purchasers of health care to the tune of 43 million people who cannot find accessible and affordable health care. It is the disgrace of the private health care system in America and it must change. And it can change by simply allowing small business employers and the self-employed to finally have precisely the same advantages long possessed by large and mid-sized employers. There is nothing so powerful as an idea whose time has come. The idea that small employers and the self-employed should be able to band together in bona fide professional, trade and business associations to give them the economies of scale of large businesses is an idea whose time has come. It has been held off by fierce opposition of insurers and HMOs who simply fear the same competition they must daily face in the large business group health insurance market. The Association Health Plan provisions are an important and positive answer to the problems challenging the private health insurance market. Millions of the uninsured are hoping that AHPs will become law as a part of the Patient Protection Act of 1988.

I would now like to explain in more detail the rules governing association health plans included under Title I, Subtitle D, the Small Business Affordable Health Coverage Act of 1998.

In effect, the proposal implements a current law provision, which the Administration has failed to invoke, allowing legitimate association health plans (AHPs) to be treated under ERISA preemption in a manner similar to single employer health plans. Only ERISA "group health plans"—sponsored by legitimate associations, franchise networks, church plans, etc. are eligible to voluntarily apply for certification.

Association must be bona-fide. An association sponsor must demonstrate that it is established as a permanent entity with substantial purposes other than sponsoring an AHP, has the active support of its members, and collects dues from its members without conditioning such on the basis of the health status or claims experience of plan participants or on the basis of the member's participation in a group health plan.

AHPs will expand choice of coverage. To be certified, AHPs must allow plan participants to choose at least one option of fully-insured "health insurance coverage" offered by a health insurance issuer and may also offer non-fully-insured options—such as those found under the plans of large employers like CBS, Inc, the New York Times, the Washington Post Co., Gannett, Dow Jones Co., etc.—only if the plan meets strict solvency provisions.

AHPs will expand portability. Employees would be more likely to have true portability of coverage, since employees and the self-employed tend to stay in the same occupation or industry.

AHPs improve affordability. AHPs can better reach small businesses and the uninsured with more affordable and accessible health benefit options by removing regulatory barriers—plans are freed from costly state mandated benefits and given flexibility to offer coverage that employees want and employers can afford, including uniform benefits across state lines; plans can achieve administrative economies-of-scale and join with coalitions of other ERISA plans to negotiate more cost-effective and high quality services from providers and insurers; costs of coverage can be allocated to employers in a nondiscriminatory manner based on plan experience (an employer cannot be singled out for higher contributions just because they are in a particular type of business or have higher claims experience); in general, AHPs are nonprofit entities that can deliver more benefits for the contribution dollar by also improving cash flow and earning investment income on reserves.

AHPs are subject to consumer protections. AHPs are subject to strict sponsor eligibility, nondiscrimination, fiduciary, financial, reporting, disclosure, solvency and plan termination standards. Also, AHPs are already subject to the portability, preexisting condition, nondiscrimination, special enrollment, and renewability rules added to ERISA under HIPAA. AHPs offering options that are not fully-insured are subject to actuarial reporting, reserve, mandatory stop-loss insurance and mandatory solvency indemnification standards to ensure participants against loss of promised benefits. The standards are enforced by the states with a federal backup.

AHPs offer guaranteed coverage. AHPs must offer coverage to all employer and self-employed members and cannot condition coverage on the basis of employee health status, claims experience, or the risk of the employer's business. AHP sponsors must be established for at least 3 years for substantial purposes other than offering health insurance.

Subtitle D stops insurance fraud. The Department of Labor Inspector General testified that the enforcement provisions will help stop health insurance fraud perpetrated by "bogus unions" and other illegitimate operators by making legitimate association plans accountable and adding new civil and criminal tools to end fraudulent schemes.

Under Subtitle D, bona-fide Association Health Plans offering benefit options that do not consist solely of fully-insured health insurance coverage (i.e. self-insured options are available) will be subject to strict new solvency protections as follows.

An AHP must remain a qualified actuary on behalf of plan participants.

AHPs must maintain cash reserves sufficient for unearned contributions, benefit liabilities incurred but not yet satisfied and for which risk of loss has not been transferred, expected administrative costs, any other obligations and a margin for error recommended by the plan's qualified actuary. The reserves must be invested prudently and be liquid.

In addition to the cash reserves, AHPs must maintain capital surplus in an amount at least equal to $2,000,000 reduced in accordance with a scale, to not less than $500,000, based on the level of aggregate and specific stop loss insurance coverage provided under the plan.

AHPs must secure coverage from an insurer consisting of aggregate stop-loss insurance with an attachment point not greater than 125% of expected gross annual claims and specific stop-loss insurance with an attachment point of up to $200,000 as recommended by the qualified actuary.

AHPs must also obtain non-cancelable and guaranteed renewable indemnification insurance. To prevent insolvency, the indemnification insurance would pay for any claims that a plan is unable to satisfy by reason of a termination of the plan.

To ensure that the indemnification insurance will always be available to pay all unpaid claims upon plan termination, AHPs are required to make annual payments to an AHP Account which would be used only in the unlikely event that a terminating plan is in need of funds to avoid a lapse of the required indemnification insurance. These solvency protections apply to AHPs in every state, whereas the solvency guaranty fund protection for fully-insured options by HMOs and Blue-Cross/Blue-Shield organizations are only available in six states and 25 states respectively.

To ensure that the solvency standards are uniform, negotiated rulemaking is used to receive the advice of the National Association of Insurance Commissioners, the American Academy of Actuaries, and other interested parties.

States would enforce the AHP solvency and other standards with a federal backup if the state of domicile of an AHP does not choose to enforce such standards. States will have more authority to put an end of health insurance fraud. If an entity cannot show that it is either licensed by the state or is certified as an APH, then the state can shut down the entity. To the extent the entity flees a state's border, the Department of Labor is directed to assist the state to shut the entity down through new "cease and desist" authority. Illegal entities become subject to criminal penalties if they try to hide their operations.

IN TRIBUTE

SPEECH OF

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. TAYLOR of North Carolina. Mr. Speaker, it's said that tragedy can bring us together and result in stronger bonds than existed before. The tragic deaths of Officers Chestnut and Gibson have brought a most heartfelt expression of the appreciate we all have for the heroic efforts of not just Officers Chestnut and Gibson, but all of our law enforcement officers throughout the nation.

Sue Stover Gaither, a volunteer chaplain with the Asheville, North Carolina Police Department was asked to sing at the Department's Annual Awards Banquet. Sue asked her brother, Jim to write a song meaningful 'just for them.' Sue made a special effort through my office to share a recording of "Heroes in Blue," with the Chestnut and Gibson families; noting in her letter to the families, that while the title of the song is "Heroes in Blue," it was written and is performed in appreciation of all law enforcement officers, no matter what color their uniform or department in which they serve.

Mr. Speaker, I am proud to share the lyrics of "Heroes in Blue," by Jim Stover.

HEROES IN BLUE

To the footsoldier faithfully pounding the beat
The one in the blue and one cruising the street
Laying your life on the line, protecting mine
There's always somebody who's breaking the rules
Thugs in the alley and drugs in the schools
In a war that never ends, you hold the line

Chorus: To every hero dressed in blue
Thank you all for everything you do
Each and every day you risk your lives
And that makes you a hero in my eyes

And when we fail to acknowledge the good deeds you do
It may be that many are known to only a few
You keep the faith, you fight the fight
You teach the kids that right is right
Into the dark, you bring some light

Footsoldiers pounding, blue and whites cruising
Good guys are winning, bad guys are losing
Almighty God is on your side!

Chorus: To every hero dressed in blue
Thank you all for everything you do
Each and every day you risk your lives
And that makes you a hero . . .
Each and every day you risk your lives
And that makes you a hero
And that makes you a hero
And that makes you a hero in my eyes!

REGULATION OF DERIVATIVE PRODUCTS

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. LEACH. Mr. Speaker, in the past fortnight, the Banking Committee has held two hearings on the regulation of over-the-counter markets in derivative and hybrid instruments. Bankers and businessmen, farmers and fund managers use these esoteric financial products, whose value derives from an underlying asset like a government bond or the income stream from a loan, to mitigate risk from changes in commodity prices or interest rates. Few Americans have ever come into contact with one of these instruments, but every American with a pension fund or money in a bank has been affected by them.

I scheduled the hearings in response to an unusual circumstance: three of the four government agencies which have responsibility for overseeing the derivatives market place—the Federal Reserve Board, the Treasury Department, the Securities and Exchange Commission—have come to the conclusion that the other principal regulator, the Commodity Future Trading Commission, has embarked on a regulatory path at odds with the U.S. national interest.

The Fed's, Treasury's and the SEC's concerns about a rogue regulator were touched off by a long and detailed request for public comment on OTC derivatives trading practices issued in May by the Commodity Futures Trading Commission. OTC derivatives have some characteristics of futures—like futures, they are used to manage risk—but the Congress has never defined them as such and, in 1992, directed the CFTC to exempt them from the Commodity Exchange Act, which the CFTC administers. Although the CFTC stated in its release that its questionnaire was merely a fact-finding exercise, to everyone else it had the potential of radically changing the existing laws and regulations with the unsettling prospect that existing contracts could be invalidated. To the market place, the CFTC inquiry had all the tell-tale signs of precipitating a regulatory regime that would cause a market currently dominated by American firms and under American law to go off shore.

The current laws and regulations that govern the trading on our futures exchanges and over-the-counter markets are a tissue of ambiguities and exceptions—a veritable elysian field for lawyers. It is not an exaggeration to say a unilateral CFTC change in the definition of a swap, which was clearly contemplated in its public comment request, could invalidate thousands of similar contracts held by banks and other financial institutions and businesses here and abroad, worth billions of dollars. Such a stroke would jolt the world's financial system and force our financial institutions to take this innovative and profitable business to a foreign location, whether it be London, Tokyo or the Caribbean.

For better or worse, the word "paradigm" has in recent years become one of Washington's most fashionable expressions. At the risk of contributing to its overuse, it would appear that the interagency dispute that has been revealed is reflective of two separate but overlapping paradigms, one stemming from perspectives grounded in a career in law, the other from careers rooted in finance and economics.

Chairman Born's paradigm, which involves a legalistic reading of the Commodity Exchange Act, has certain merit in the abstract. But in the real world of trading, a world shaped by history and legislative intent, world not frozen in footnotes, the economic paradigm should be considered the dominant one. Indeed, the extraordinarily original analysis Chairman Greenspan provided the Banking Committee last week amounts to an essay that should be required reading for every college economics student.

The Greenspan paradigm will not be found in any legal tome because it captures a dynamic and fast-evolving situation, whereas the legalistic Born paradigm, by its very nature, must look backward for precedent.

In brief, Chairman Greenspan argued that, as currently implemented, the Commodity Exchange Act was not an appropriate framework for professional trading of financial futures. The CEA, he noted, was enacted in 1936 primarily to curb price manipulation in grain markets and its objectives haven't changed since then. As a consequence, we are applying today crop-futures regulation to instruments for which it is wholly inappropriate. The Greenspan view is that the financial derivatives markets are encumbered with a regulatory structure devised for a wholly different economic process, a structure that impedes the efficiency of the market system and slows down improvement in living standards.

This is rich food for thought for Congress. The interagency regulatory Donnybrook is unseemly, generating market tension and uncertainty. It shows that our system may need a fix. If a single regulator can roil markets with an institutionally self-serving and whimsical reading of the law, it is time to have a good look not only at the statutes but at who enforces them.

The "who" and the "what" of regulation in this area must be revisited, with an understanding that it is more important for regulation to be adapted to markets than for markets to be hamstrung by regulation. A balance involving legal certitude, especially of contracts, must be established. This balance must be flexible enough to accommodate innovation, but also legally firm when it comes to issues like fraud.

Chairman Born's July 24 letter to Chairman Smith in which she states "the Commodity Futures Trading Commission . . . will not propose or issue" OTC derivative regulations until the Congress convenes in January 1999 momentarily muted the crisis. But, in effect, her offer isn't much of a concession. It is far short of the agreement Chairman Smith believed he had reached—and so said in a press release: "the CFTC will not pursue regulation of over-the-counter (OTC) derivatives until Congress has the opportunity to act during CFTC reauthorization in 1999."

It is my view that it would be preferable to resolve this dispute without legislation and, accordingly, I chaired two informal meetings with the regulators to attempt to reach an non-legislated solution. But given the impasse, I introduced H.R. 4062, which provides a standstill on new regulation until the CFTC reauthorization is done. Work on this bill has been temporarily suspended to give everyone time for another effort at compromise. But if the Agricultural Committees don't address the issue, the bill remains on the table for consideration yet this year.

Meanwhile, I am asking the Secretary of the Treasury, in his capacity of chairman of the President's Working Group on Financial Markets, to undertake a study of our regulations and regulators. The industry, academic experts, and other interested parties, including users of derivative products, should be given a prominent voice in the study. The Treasury Secretary should provide the Group's findings and suggestions to the appropriate committees in the House and Senate by February 1, 1999, so that the Congress can get an early start on rebuilding our market supervision system. Nothing less than the primacy of the U.S. financial industry in the world is at stake—along with the safety and soundness of our banks and protection of their customers.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Mr. MARKEY. Mr. Chairman, I rise in strong support of the motion to recommit offered by the gentleman from Wisconsin [Mr. OBEY].

Under the version of the bill reported out of the Appropriations Committee, a legislative rider was attached which would prevent the CPSC from adopting a rule regarding flammability standards for upholstered furniture until an outside panel was convened to examine the toxicity of fire retardants that would be used to treat such furniture. Currently the CPSC is considering a flammability standard for upholstered furniture. They are doing so pursuant to a petition from the National Association of State Fire Marshals, who asked the CPSC more than four years ago to develop a mandatory safety standard for upholstered furniture to address the risk of fires started from open flames—such as lighters, matches, and candles. The Fire Marshals called for such a rule because the U.S. has one of the highest fire death rates in the world. Nearly 4,000 people died in 1995 because of fires that started in their homes, of which nearly 1,000 were children under the age of 15.

Over the last four years the CPSC has been going through the process of taking public comments, conducting laboratory tests, and evaluating all the technical and economic issues relating to adoption of a safety standard in this area, including requirements relating to use of flame resistant chemicals to treat upholstered furniture. The CPSC staff has been working with scientists from other agencies, such as the National Institute of Environmental Health Sciences and the EPA to assure that all of the significant public health and safety issues associated with adoption of such a rule would be studied.

Now, the bill before us today contains a provision that would, in the words of CPSC Chairwoman Ann Brown, "completely halt work currently underway . . . on a safety regulation to address the risk of fire from upholstered furniture" According to Chairwoman Brown, "more fire deaths result from upholstered furniture than any other product under the CPSC's jurisdiction." The proposed rules in this area could save hundreds of lives and hundreds of millions in societal costs every year, according to CPSC staff estimates. And yet, instead of allowing the CPSC to proceed with its process, the legislative rider that has been attached to this bill would add at least a year's delay by requiring unnecessary and costly technical review and halting Commission work.

This anti-consumer rider will add additional cost and delays to an ongoing rulemaking process at the CPSC. It will micromanage the cost-benefit analysis that the CPSC is already required to undertake before it adopts a final rule. And it does so why? Well, according to last Friday's Washington Post, this provision is in the bill to benefit the narrow economic interests of a few upholstered furniture manufacturers in Mississippi who are opposed to a mandatory furniture flammability standard. As CPSC Chairwoman Brown has noted, the furniture industry's "lobbyists are bringing the proper work of government to a halt."

I think this is wrong. We should adopt the Motion to Recommit with Instructions that is being offered by the Gentleman from Wisconsin and allow the CPSC to move forward in conjunction with the EPA to adopt a flammability standard for upholstered furniture that fully protects the public from harm. The Clinton Administration has indicated in its Statement of Administration policy that it is opposed to this provision and warned that "efforts to block the development of a new safety standard represent a threat to public health." I agree, and I hope that the Members will support the Obey motion.

MR. STARR: END THE UNFAIR LEAKS NOW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. CONYERS. Mr. Speaker, Ken Starr's four year, $40 million investigation of the President repeatedly has been plagued by leaks, some of which have been patently untrue. The leaking has become so intolerable that it now threatens the very integrity of the Independent Counsel's work. For this, Mr. Starr has no one to blame but himself.

From the very beginning of his investigation, it is now known, the Independent Counsel and his staff have actively courted the media. They have admitted talking to reporters on an off-the-record basis about matters that would be coming before the grand jury, and they discussed how to provide substantive information to at least one journalist, who actually tape recorded that conversation. Meanwhile, as all of this was going on in the Independent Counsel's office, Mr. Starr was publicly and vigorously denying any such leaks. In fact, he said that leaks were a reason to fire people from their jobs in his office.

Leaking is not an inconsequential matter. It creates harm to the reputation of the individual who is the subject of the leak, and also to the Independent Counsel's ability to do his work. Mr. Starr is bound by law and ethical rules not to release grand jury information. That is because even the media focus that results from these leaks is enough to harm innocent people.

In January of this year, it was commonly assumed by the media and the general public that someone in the White House, almost certainly Deputy White House Counsel Bruce Lindsey, had participated in drafting the talking points supposedly given to Linda Tripp by Monica Lewinsky. These talking points were reputed to be the centerpiece of an obstruction of justice case that was being put together by the Independent Counsel. Speculation was rampant that Mr. Lindsey was headed toward a criminal indictment. But this speculation, fueled by off-the record comments, has finally been laid to rest. We have now learned that Ms. Lewinsky apparently wrote the talking points herself without any participation by anyone in the White House.

In the instance of attorney Vernon Jordan, there were numerous leaks implying that he was at the center of a conspiracy to find Ms. Lewinsky a job in New York. He was repeatedly called before the grand jury, but now it is being reported that Mr. Jordan is not a target of the Independent Counsel's investigation. While the charges made about him have finally melted away, what about the damage to his reputation, which previously was based on his distinguished record of service to the Bar?

There are other examples, but hopefully we have seen the last of these improper leaks from the Independent Counsel's office.

PERSONAL EXPLANATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. SERRANO. Mr. Speaker, on Wednesday, July 22nd and Thursday, July 23rd, I was unavoidably absent and missed rollcall votes 316–334. Had I been present, I would have voted as follows:

Rollcall 316—present (quorum call), rollcall 317—no, rollcall 318—no, rollcall 319—no, rollcall 320—yes, rollcall 321—no, rollcall 322—yes, rollcall 323—yes, rollcall 324—present (quorum call), rollcall 325—no, rollcall 326—no, rollcall 327—yes, rollcall 328—yes, rollcall 329—yes, rollcall 330—no, rollcall 331—no, rollcall 332—yes, rollcall 333—present (quorum call), and rollcall 334—yes.

IN HONOR OF UNITED AUTO WORKERS LOCAL 1050

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the important work of United Auto Workers Local 1050 as the chapter enters its fiftieth year in defending the rights of working men and women. Dedicated to the cause of forging an equitable partnership between labor and management, Local 1050 has played a formidable role in Cleveland's labor history and promises only to grow in influence as industry continues to expand.

Receiving its charter in 1948, Local Chapter 1050 has benefited from the far reaching vision of twelve presidents, beginning with the election of Fred Barbeck. Today, Don Slaughter continues Local 1050's tradition of strong leadership. The contributions of Mr. Barbeck and Mr. Slaughter, and all of those that have served Local 1050 so capably, demand respect. The United Auto Workers was, at its brave beginnings, a social movement, an institution that derived its energy from the mistreatment of the working class. The UAW undertook with courage the daunting task of providing representation to those who had no voice, refusing to yield in the face of injustice. It was men such as Fred Barbeck and Don Slaughter who led this fight. It was workers like the men and women of Local 1050 who had the courage to follow. All of the men and women at every level of Local 1050 share in the United Auto Worker's proud legacy.

Today, Local 1050 boasts a membership of 1,146 workers. With the recent addition of two New Auto Wheel Plants, membership in Local 1050 promises only to grow. Let us hope that, under the leadership of Mr. Slaughter, these newfound numbers will provide Local 1050 with the strength to effect greater change in the interests of its members.

My fellow colleagues, let us congratulate Local 1050 on the fiftieth anniversary of its charter. Let us hope that, with a sense of their own proud past, they will continue to show courage in protecting those who do not have a voice.

IN HONOR OF LEOPOLD THIBAULT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. McGOVERN. Mr. Speaker, today I rise to honor Leopold Thibault, a distinguished World War II veteran from Somerset, Massachusetts.

On June 26, 1945, Mr. Thibault was traveling on a bombardment raid to the island of Truk. His mission, along with 10 other servicemen, was to bomb a Japanese installation. Mr. Thibault was not originally scheduled to be part of that mission, but he flew an extra mission that day. The plane carrying the 11 servicemen, for reasons that are still unknown today, took a nose dive. "The aircraft came down, hit the runway, hit the airfield, burned and flipped over on its side and exploded," Mr. Thibault recalled.

Eight members of the crew died when the plane crashed. Mr. Thibault was blown out of the plane onto the runway and ran into the jungle. He was later rescued by Navy troops and brought to a Naval hospital. Mr. Thibault had second and third degree burns on his arms, back, and face. During the first few weeks that he was in the hospital, doctors did not know if he would survive. After he returned home to the states, it took Mr. Thibault about a year to recover from the injuries he received in the plane crash.

In addition to the Purple Heart, Mr. Thibault received other awards for his service to his country in World War II, including the Air Medal with Clusters, the Victory Medal, the Good Conduct Medal, American Theater Campaign/Asiatic Pacific Campaign Ribbons with three Battle Stars and the Presidential Unit Citation.

Mr. Speaker, I ask my colleagues to take a moment to join me in honoring Leopold Thibault for his patriotism, bravery, and courage while defending our great country.

IN TRIBUTE

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. FOSSELLA. Mr. Speaker, it is with a heavy heart that I come here today to offer my condolences and prayers to the families of Officer Chestnut and Detective Gibson. As I was walking here just a few moments ago, I stopped to speak to a retired Capitol Hill Police Officer. As we were discussing last week's tragic shooting, he said to me, "It could have been one of us." In many ways, I think that characterizes the mood on Capitol Hill right now. Many of us feel vulnerable today because, indeed, it could have been one of us.

The greatest gift one human being can give another is his life. Officer Chestnut and Detective Gibson made the ultimate sacrifice not because they sought to be heroes, but because that was the type of men they were. In a moment of intense fear, of extreme panic that I pray most Americans will never know, Officer Chestnut and Detective Gibson stood tall. They laid their lives down so that others would not have to.

Sadly, in my community on Staten Island, there is another hero in need of our prayers. Police Officer Gerard Carter is lying in a hospital bed right now with a bullet lodged in his brain. He is holding onto life with the faintest of grips, struggling to survive after being shot in the right temple two nights ago by a 17-year old, two-time murderer. Police Officer Carter was truly one of New York's Finest, a brave young man who stared danger in the face and sought to make a difference.

Sometimes we may forget the danger that our law enforcement officers face when they put on their uniforms, clip on their badges and take to the streets. They put themselves in harm's way so that we may be safe. I offer them our thanks, and to the families of Officer Chestnut, Detective Gibson and Police Officer Carter, I offer you our prayers.

TRIBUTE TO MEEK STALLING

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to tell my colleagues about a proud American and a beloved Milwaukeean: Meek Gladney Stalling.

Meek Stalling was born on June 20, 1921. On that same day, in 1782, our nation chose the eagle as its symbol. Those who knew and loved Mr. Stalling will tell you that he had a lot in common with our national symbol.

Like the eagles that grace our nation's skies, Meek Stalling loved to fly. A year before Pearl Harbor, he joined the U.S. Army Air Corps and served as a Tuskegee Airman. Like other members of this historic unit, Mr. Stalling fought two wars; a life and death battle against the most formidable air force in Europe, and a moral struggle against racial prejudice at home. Meek Stalling served proudly through it all, and at the end of the war, he returned home with an honorable discharge.

Mr. Stalling's passion for flight continued in civilian life, as an active member of the Circle Masters Flying Club, the Milwaukee Public Schools Aviation Program, and the Jackie Robinson Aviation Program. He was also an accomplished airplane model builder, and his vigorous support for aviation won the recognition of NASA's Apollo Program and earned him the opportunity to accompany Milwaukee's 128th Air Refueling Group, during the Persian Gulf War.

Meek Stalling, like our nation's symbol, also represented some of America's best qualities. As a World War II veteran, he demonstrated the strength and passion for freedom that have always been our country's hallmarks, and as a pioneer in the desegregation of America's armed services, he envisioned a future where patriotism, not race, was an American soldier's guide.

Mr. Stalling also shared our country's firm foundation in faith. As a young man, he joined St. Mark A.M.E. Church in Duluth, Minnesota. When he moved to Milwaukee, in 1956, Mr. Stalling joined our community's St. Mark A.M.E. Church and began a long and distinguished service. He was a talented carpenter and volunteered his skills to ensure that the church buildings were always in good repair. He was one of St. Mark's oldest living Trustees.

Two of our nation's core values, family and community, were also central commitments for Meek Stalling. He loved Ruby, his wife of 42 years, deeply, and rejoiced with her in their son, Charles. Mr. Stalling was also an active community volunteer, serving as a Scoutmaster, a leader in several aviation related organizations, and as the unofficial sporting goods repair guru for the neighborhood's children.

Mr. Speaker, Meek Stalling passed away, this week. Though our community is diminished by his loss, I ask that my colleagues join me, his family, and friends, in celebrating the remarkable life of this man who truly symbolized America at its best.

DR. LUCILLE BANKS ROBINSON MILLER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Ms. NORTON. Mr. Speaker, I rise today to celebrate the life and mark the passing of Dr. Lucille Banks Robinson Miller.

Dr. Miller was born in the District of Columbia. She was the eldest of six daughters born to Deacon Edward Lewis and Deaconess Mary Lewis of the Metropolitan Baptist Church. As an adult, Dr. Miller became affiliated with Corinthian Baptist Church. Most recently, she was a member of the New Bethel Baptist Church. She was the devoted mother of three sons: Dr. Thomas Tipton, Arthur Robinson and Reginald Robinson.

Dr. Miller graduated from Armstrong Senior High School, the Just Nursing School, and Jennifer Business College. She also attended Howard University, where she majored in music and minored in psychology. Dr. Miller received an Honorary Doctorate from Virginia Seminary and College in 1983, and an Honorary Doctorate from the Washington Saturday College in 1996.

With a deep love for gospel music, she formed the Banks Seminary Choir in 1937. That group rapidly became one of the most successful youth choirs in the Washington area. Following this success, Dr. Miller founded the Paramount School of Music, one of the largest private schools in the area. She taught music for 38 years.

As she gained popularity among churches and ministers in the Washington area, Dr. Miller was called upon to be the Mistress of Ceremonies at area churches and for major gospel events. During this time she established friendships with renowned gospel artists of her time, including Mahalia Jackson, James Cleveland, Roberta Martin, Richard Smallwood, Donald Vails, and a host of others. She also held regular Sunday vesper services at various churches from the late 1950's to the 1970's.

Known for her colorful and inspirational style, Dr. Miller became a legend in her own time. It was this same personal style that led her to become Washington's premier gospel music radio personality. She started her radio career at Station WOOK. She also worked at WUST and WOL radio stations. In 1979, she joined the WYCB Family. Her radio career continued for more than 45 years. The spirit of Dr. Miller's WYCB programs—"The Early Dawn of Gospel Sound" and "The Hour of Love and Power"—radiated a family warmth. Her never-ending concern for senior citizens, youth and the religious community was always apparent.

During her career, Dr. Miller received over 600 awards and commendations and was received in an audience with Pope John Paul II at Vatican City in Rome, Italy. Two of her most cherished awards were her induction into the Thomas Dorsey Gospel Music Hall of Fame in 1996 and her induction into the Eta Beta Sorority Hall of Fame in 1996.

Her passion for helping others will always be remembered. She made sure that the children of her listeners had tuition and clothes for school, that families in need of food and shelter were provided for, and that the needs of senior citizens were met. This was her legacy of compassion, touching the hearts and lives of hundreds of thousands.

Mr. Speaker, for her faithfulness, nobility of character and humbleness of spirit, I ask the Members in this chamber to join me in celebrating the marvelous legacy of Dr. Lucille Banks Robinson Miller.

ISSUES FACING YOUNG PEOPLE TODAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD these statements by high school students from my home State of Vermont, who were speaking at my recent town meeting on issues facing young people today. I am asking that you please insert these statements in the CONGRESSIONAL RECORD as I believe that the views of these young people will benefit my colleagues

STATEMENT BY ERICA LEWIS AND DAN JOHNSON REGARDING DRUNK DRIVING

ERICA LEWIS: We would like to express a concern that is becoming a big issue with teen Vermonters today. Our concern is probably the same as many others: Teen driving under the influence of alcohol.

Young adults are usually both inexperienced drivers as well as inexperienced drinkers. These two combined is a fatality waiting to happen. Alcohol, when consumed, decreases alertness, causes depression, nausea, unconsciousness, hangovers, and possible overdose, which could lead to death. We, as teenagers, should be aware of the serious risks that are involved when wrong choices are made and lives are at stake. Driving should be considered a privilege, not a right, for we all have the right to be safe while driving, and when alcohol is involved, no one can predict the outcome. Anyone of us here today could be driving down the road next week and, because of a drunk driver, never make it to where we were headed. Because of this increasing problem, there needs to be more awareness of alcohol and its effects. It is up to us, the younger generation, to make an impression on our peers and those that follow, and most of all to prove to our elders that we have what it takes to make the right decisions and follow through.

There is no overall solution to this problem, but we, as mature young adults, should make a strong effort to plan ahead before it gets to a point where it might be too late, whether that be make arrangements for a designated driver or staying until you are capable of driving.

DAN JOHNSON. A suggestion that we have and strongly agree with is a paper called a contract for life. It is an agreement between teenagers and their parents stating, if at any given time that either they feel incapable of driving, there will be transportation provided, and safe transportation for them. This contract was given to us from our drivers ed teachers at the Essex Technical Center. Other suggestions that we agree with is larger penalties for adults in furnishing alcohol for minors at stores to sell this. Teen drinking and driving will always be a problem, but, hopefully, with our help, we can reduce it. Thank you for our time.

CONGRESSMAN SANDERS. A very important contribution to this discussion. Thank very much.

Statement by Bill Doe, Nick Bullard, Mike Currier and Heather Doloff Regarding Teen Drinking and Drug Usage Survey

BILL DOE: First of all, we would like to thank you for inviting us to this event today. And we would like to make a minor correction on the program guide. Our presentation is focused mainly on the alcohol abuse and not so much drug abuse.

In preparation for this presentation, we conducted a survey amongst our junior and senior peers. The topic of the survey was underaged drinking. Some of our survey questions were as follows:

MIKE CURRIER: It goes: How old are you? Do you drink? If so, how often? Do you ever drink and drive, or ride with somebody who has been drinking? Why do you drink? To be rebellious; tastes good; to get rid of problems; to get wasted; and, a social drinker. The last question was: What do you think about lowering the drinking age?

HEATHER DOFOFF: And our results turned out to be most of the people who drank were age 18, 17, 16, and we had a few who were aged 19, and we did not take surveys from people under 16.

On the average, people drink and they tend to drink once or two times monthly, and a few do drink more than that, and we did have just under 20 people who we surveyed, out of a hundred, who did not drink at all.

And, overall, people don't drive when they have been drinking or don't ride with someone who has been drinking. Only about 30 people we surveyed said that they did, 10 said sometimes, and 60 said not at all, which is encouraging.

And the most common cause for people to drink was that they are a social drinker, which leads me to believe that peer pressure is playing a large role in it.

BILL DOE: We also found that many of the people that we interviewed or surveyed, actually, would have liked the drinking age to be lowered to 16. Now, I tend to think that was more of a case of not being mature, they want to go out and party and have a good time, and wouldn't be young enough to be able to do it legally.

In many countries, you will find the drinking age is very young, perhaps, I think, 16. And it has proven to actually work in many countries, I think only because it has kind of been found as, you know, it is just a given, that is what their society accepts, and they have grown to a certain maturity level that they can live with that.

If we were to, perhaps, lower the drinking age, I think we would have to do it gradually, perhaps like one year at a time, or lower it to like maybe 20 in five years, or 19 the next five years, gradually getting down to maybe 18, perhaps. And maybe then our society will be mature enough to handle it and perhaps be mature about it.

NICK BULLARD: As you can see from our graphs, we have done extensive work with certain questions dealing with underage drinking. In this year alone, the drinking problem in this state has risen greatly, with numerous deaths resulting. This is why the State is cracking down on underage drinking, from the special task force known as START Team to DUI teams. These peoples' only job is to control drinking and driving in Vermont. START concentrates only on underage drinking.

CONGRESSMAN SANDERS: Thanks very much.

Statement by Elizabeth Cartier, Anne Mitiguy, Jason Magnani, Eric Moran, Danielle Pezzimenti and Ted Demulder Regarding Teen Drinking

ELIZABETH CARTIER: Today we would like to express our concern about alcohol advertising and the effects it has on youth. Alcohol is the number one drug used among young people. Eight teenagers a day die due to alcohol-related accidents. About two-thirds of teenagers who drink say they can buy their own alcohol. It is said that one out of every 280 babies born today will die in an automobile accident that is alcohol related. Traffic accidents are the single greatest cause of death between the ages of 6 and 28. About 47 percent of these accidents are alcohol-related. 56 percent of students in grades 5 through 12 say that alcohol advertising encourages them to drink.

TED DEMULDER: We have a poster to illustrate underage drinking. There are 10 million underage drinkers in the United States. Of those 10 million, 4.4 million are binge drinkers, which means they have 5 drinks or more, and 1.7 million teens drink heavily on a regular basis.

JASON MAGNANI: Teenagers are known to be more susceptible to alcoholic advertising than adults. This is especially true when it comes to radio and television broadcasting. In June of 1996, the Seagrams America Company began running Crown Royal brand whiskey commercials in Corpus Christi, Texas. It featured a dog labeled Obedience School Graduate who was carrying a newspaper. Another dog labeled Valedictorian was carrying a bottle of Crown Royal. In this ad, Seagrams positioned liquor as an award for achievement.

When liquor ads started to run on television, public health groups and government officials reacted in an alarming way. They said that, by running liquor ads on television, they would be seen by young people and that sometimes they were deliberately targeted at young people. In November of '96, after the liquor ads came out, 26 members of Congress wrote to the Federal Communications Corporation, urging them to further investigate the liquor ads on television. They said that they did not want children to get an image of academic and athletic success, gained through drinking alcohol beverages.

ANNE MITIGUY: Consumer and public health groups scoff at alcohol ads that are aimed at teenagers. They say that beer is heavily advertised during televised sporting events. These are mostly watched by high school and college aged students. The Seagrams ads about the obedience dogs and the Budweiser frogs are designed to catch the eye of young viewers. The alcohol industry critics say that young people decide to sample alcohol because of peer pressure but that advertising reinforces their inner thoughts. The ads are mostly young, attractive and healthy-looking adults. Most of the time, you can't even really tell how old they are. They are drinking beer, and at the end of the commercial, one of them says "It just can't get much better than this." These ads don't show both sides. As they say, it might not get any better, but it can get a whole lot worse. This is a side that should be shown more often, but isn't.

TED DEMULDER: In flipping through two mainstream magazines for our collage, Newsweek and People, we came across various alcohol advertisements. The Barcardi ads shows an unrealistic view of what happens to people when they drink. The Absolut ads have become coffee book material for many teenagers that collect them. The slogan "Forget the rules and enjoy the wine" shows how irresponsible people are, and basically the companies are saying anyone can drink.

ERIC MORAN: Because alcohol ads are very glorified and intensified, more today than ever were before, they can be very harmful to our generation and generations to come. These ads exert constant and powerful pressure on today's youth. With more and more kids exploring the Internet and the Worldwide web there is a growing trend of advertising and promotional material. Oftentimes the corporations use such techniques as up-to-the-minute sports scores, games and contests to promote their type of alcohol. With all the advertising that is going on, there is a growing influence upon youth today. What the corporations have in mind is that, if they gear their ads towards young adults, they will start to drink at a younger age. Once they start to drink, soon the corporation will have a lifelong customer. Our main concern about ads today is that they are giving us an unrealistic view about what alcoholic beverages are and what they can do to you.

Congressman Sanders, after hearing this information, we leave it in your hands to make proposals to remedy this problem, such as placing more responsibility on the alcohol companies to direct their ads at older and more mature audiences, instituting stricter penalties to whose who procure alcohol for teens, as well as those teens who try to purchase it, and initiating a stronger community involvement with alternatives to alcohol, such as rec centers, sports leagues, and school-related affairs.

CONGRESSMAN SANDERS: Excellent.

INTRODUCTION OF THE VIDEO COMPETITION AND CONSUMER CHOICE ACT OF 1998

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. MARKEY. Mr. Speaker, I rise to join Telecommunications Subcommittee Chairman BILLY TAUZIN (R–LA) in introducing this bill today. The legislation we are proposing today will help to promote competition to our nation's cable monopolies and will help to provide consumer protection.

The legislation will promote greater competition to cable monopolies in a couple of important ways. First, the bill will expand program access rules to reflect the highly-concentrated nature of the current cable programming market and enable competitors to obtain the programming they need to compete effectively. Program access is a key provision that is the lifeblood of many of cable's fledgling competitors. The program access provisions are expanded to include all cable programming, not only programming that is from vertically-integrated programmers and delivered via satellite. Exclusive programming arrangements for incumbent operators may be permitted, but only by obtaining a public interest waiver from the FCC for such channels as locally-produced and locally-originated cable news channels, for example.

Second, the bill will establish a low-cost basic tier so that Direct Broadcast Satellite (DBS) consumers—or potential DBS customers—who today cannot receive local TV channels as part of a DBS service may obtain a lifeline basic tier over the cable wire. This will permit consumers to obtain their local channels in a way that will affordably complement their satellite service. Both the program access and low cost basic tier provisions will help to promote greater competition to cable monopolies. I also want to note at this point that I look forward to working with Chairman TAUZIN on legislation that will allow satellite competitors to broadcast local TV stations back into local markets via satellite. Hopefully Congress can address that issue as well in the near future.

With respect to consumer price protections, the bill seeks to protect consumers by permitting local franchising authorities to certify that an incumbent cable monopoly is not offering consumers an acceptable range of choices and thereby retain FCC consumer price protections for an additional year. This does not mean that the bill is mandating a la carte cable offerings, but rather it means that we'd like to see a greater range of cable programming packages, or "mini-tiers," that cater to particular programming interests of consumers.

This approach also attempts to deal in part with the faulty premise of the FCC's so-called "going forward" rules, which went into effect in 1995 and reversed the good job the Commission had been doing up until that point and which has saved consumers approximately $3 Billion. The premise of the Commission's rule change was that the cable monopolies needed an incentive to launch new cable programming channels. The new rules allowed for programming costs to be passed on to consumers, plus operators were allowed to charge an extra 20 cents per subscriber per month on top of that for each of up to 6 new channels. Cable operators responded by adding more channels and today claim the high cost of providing those channels as part of the rationale for why cable prices are increasing so drastically.

One obvious result of the FCC's adjustments to its rates is that too many cable consumers are paying excessive monopoly rents to cable operators who blissfully allow their programming units to let costs rise because the cable operator is allowed under the Commission's rules to simply pass these costs along to cable subscribers. No need to ask advertisers to shoulder part of the burden—all of it can go on the cable bills of many working Americans or those on fixed incomes. (Most American companies see their stock prices rise when they are able to announce that they are effectively controlling their costs. Cable companies gleefully see their stocks rise as they fail utterly to hold the line on their programming costs.)

Yet this failure to control programming costs also means that incumbent vertically-integrated programmers cannot only pass these inflated costs on to their customers, but also means that the costs borne by new entrants competing against them get inflated as well. These higher programming rates unnaturally inflate the costs of competitors attempting to take on the entrenched cable club. This is clearly anti-competitive.

In addition, the FCC's "going forward" rules also wound up forcing many consumers to pay more for programming that they have little to no interest of ever watching. The grievance of paying for unwanted programming on a 35-channel cable system is exacerbated when we move to a 60 or 80 or 100 channel universe. A more robust marketplace would help ensure that consumers would not have to pay for all of these unwanted channels and would more adequately reflect the programming demands and desires of different cable consumers.

But we do not have anything remotely close to a competitive cable marketplace today. And the current marketplace is so overwhelmingly concentrated in the hands of monopolies that the cable club has little interest in catering to consumer choice.

That's why we are introducing this bill today. Chairman TAUZIN and I have lived this cable odyssey together for many, many years. We are familiar with the industry—both its promise and its problems. And we are familiar with all of their tired arguments as to why rates keep going up and up even as inflation stays at near record lows. Chairman TAUZIN has been driven in his pursuit of promoting cable competition and so have I. The legislation that Chairman TAUZIN and I are proposing today will help address pending cable problems. It says that cable systems are deregulated on March 31, 1999 unless a local franchising authority certifies that the incumbent cable company does not offer an acceptable level of choices in the programming offered to consumers. This means that local franchising authorities can help ensure that consumers get additional, smaller programming packages and do not have to take all of the unwanted programming.

Right now, cable rates are rising multiple times the rate of inflation. The massive assault on cable markets that we had expected from the phone companies has not materialized and, except in a few scattered communities across the country, the phone industry has largely pulled back from plans to enter the market in a big way. And we have this deregulation date looming in March of next year. I want to applaud Chairman TAUZIN for the leadership he is demonstrating in taking on this vitally important issue for consumers, for the economy and for innovation. And I am happy to be an original cosponsor of this proposal.

IN HONOR OF WILLIAM BOYD OWEN

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. TAYLOR of North Carolina. America is strong because of its millions of citizens who work hard and provide futures for themselves and their families. They build professions, businesses, jobs, and they build strong communities through endless hours of service.

It's my privilege today to recognize one of those individuals who has been a leader in his profession, his community, and a respected and revered father and grandfather, William Boyd Owen.

Born in Dellwood, North Carolina on August 16, 1918, W. Boyd Owen was the youngest of three physician brothers in a medical family which spans several generations and includes his son, William B. Owen Jr., a Haywood County, North Carolina orthopedic surgeon.

Boyd attended Canton, North Carolina public schools before entering Wake Forest College in Wake Forest, North Carolina where he displayed many talents. Young Boyd played basketball, and played the saxophone and clarinet with an orchestra while in college. In 1939, he played for Wake Forest in the very first post season NCAA basketball tournament. After graduation, he entered the Wake Forest Medical School, later transferring to the University of Pennsylvania Medical School where he earned his medical degree at the age of twenty-three.

Dr. Owen interned at Philadelphia General Hospital, then entered the United States Army Medical Corps in 1943. He remained in the medical corps until 1946, attaining the rank of major. He served in Hawaii, the United States and the Philippines, and after leaving active duty, he remained in the inactive reserves for six years.

In 1946, he opened a general medical practice in Waynesville. In 1947 he "covered" the Canton practice of his older brother Dr. Charles Owen. Meanwhile his own practice grew until he built the present Owen-Smith Clinic in 1954 after being joined by Dr. A. Heyward Smith. In 1962 he was elected to the North Carolina Board of Medical Examiners, serving for six years including the last year as president.

Dr. Owen's career has spanned the time period when he could not get a new car because of war-time conditions and he was paid with chickens and wood, to present-day medicine which utilizes computers, lasers and high-tech surgical procedures, He is a member and founding fellow of the American Academy of Family Practice, life member of the North Carolina Medical Society and the North Carolina Academy of Family Practitioners.

Dr. Owen has been a member of the Wake Forest Board of Trustees since 1954, longer than any living member. He served on the Trustee Athletic Committee as chairman and was also on the Executive Committee. In 1991, Dr. Owen was made a life trustee. For two decades he belonged to the Wake Forest President's Club, and he worked as class agent for several medical classes. Dr. Owen was president of the Bowman Gray Medical School Alumni and earned a citation for distinguished service. In 1989, he chaired the Medical Center Board which encompasses the Bowman Gray School of Medicine of Wake Forest and the North Carolina Baptist Hospital in Winston-Salem.

Active in the First Baptist Church of Waynesville, Dr. Owen has served as deacon, trustee and chaired a variety of committees. He has been a member and former president of the Lions Club, the Waynesville Chamber of Commerce, the "30 Club" and is now a member of the Rotary Club.

Dr. Owen recently retired after fifty-one years in active practice and resides in Waynesville. His wife of more than 50 years is the former Helen Bryan. Their four children are: Elizabeth Owen Taylor, William Boyd Owen, James Griffin Owen and Mary Owen Davis. All four children graduated from Wake Forest University as did his wife, Helen. Helen's father, D.B. Bryan, was Dean of Wake Forest College for 26 years. He is the proud grandfather of eleven grandchildren one of whom is now enrolled at Wake Forest University.

IN CELEBRATION OF AIRLINE UNITED METHODIST CHURCH'S FIFTIETH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. GREEN. Mr. Speaker, I rise today to honor Airline United Methodist Church in Houston, Texas, on its 50th Anniversary. On August 30th, Airline Church will celebrate fifty years of faith, love, and friendship. My family has attended Airline Church for many years now, and I want to personally thank the entire congregation for their fellowship and their contributions to our community.

In 1948, forty-four Houstonians gathered under the leadership and vision of Reverend C.E. Clark to form Airline United Methodist Church. Airline today has expanded from its humble beginnings in surplus Army barracks to become a multi-structure facility with a membership of 700 individuals. While Houston and the United States have changed dramatically in the past 50 years, Airline has remained true to its original mission: to be faithful to God and to provide for the spiritual, emotional, and physical needs of the community.

The strength and longevity of Airline United Methodist comes from its people, their faith, and the relationships they build within our church family. The United Methodist Women encourages its members to study how the Methodist Church is at work in the world and the United Methodist Men participate in several service projects. Planning for the future, Airline youth fellowship seeks to instill Christian values in our younger members in order to prepare them for the challenges that today's youth face.

Airline United Methodist Church believes that its mission extends beyond the membership to the entire community. In collaboration with other Houston food programs, the Society of St. Stephen's operates a food pantry and serves as a food distribution point. At Thanksgiving, Church members furnish meals to local families, and at Christmas, both children and adults provide presents and meals for families identified by the local school district and for children whose parents are incarcerated. Today, church members have established a multicultural program designed to reach out to a rapidly changing community and our church services are translated into Spanish. In recognition of its evangelism efforts, Airline United Methodist Church has twice been presented with the Copeland Evangelism Award by the Texas Annual Conference.

Airline United Methodist's 50th Anniversary is both a milestone and a beginning. This celebration provides us the opportunity to review what has been accomplished through faith in God and to look forward to all that lies ahead.

THE JUSTICE FOR ATOMIC VETERANS ACT OF 1998—H.R. 4368

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. EVANS. Mr. Speaker, today, I am introducing the Justice For Atomic Veterans Act of 1998. This legislation will grant a presumption of service-connection for illnesses which have been identified as being significantly or suggestively increased in persons who have been exposed to radiation risk activities to those men and women who, during the course of their military service, were subjected to unknown doses of radioactive material.

Under present law, veterans who engaged in radiation risk activities during military service are entitled to a presumption of service-connection for some illnesses, but must prove causation by "dose reconstruction estimates" which many reputable scientists have found fatally flawed. By VA estimates, only about 50 veterans have been able to show the requisite reconstructed dose to establish service-connection.

It is certainly not these veterans who are responsible that accurate records of their exposure were not kept and maintained. In addition, many veterans have been unsuccessful in obtaining access to even the inadequate medical records relating to their exposure during military service. In some cases, records have reportedly been lost. In other cases, records of radiation-related activities were classified and not made available to the veterans seeking compensation. It is also well known that many veterans were not provided with adequate protection to the radiation exposures to which they were subjected during their military service.

Our atomic veterans were put in harm's way in service to our Nation. But our government failed to collect the data and provide the follow-up that would enable our atomic veterans to effectively pursue claims for the harms which resulted. I agree with the statement in the 1995 final report of the Advisory Committee on Human Radiation Experiments:

> When the nation exposes servicemen and women to hazardous substances, there is an obligation to keep appropriate records of both the exposures and the long-term medical outcomes.

We failed to keep the records of the exposures of our atomic veterans. They should not suffer for our neglect. Let us right the injustices visited on our atomic veterans since the days of World War II. Presumption of service-connection for illnesses which are likely to be due to radiation risk activity should be enacted. I thank the Members who have agreed to be original cosponsor of this legislation and urge all other Members to support this legislation.

TO DESIGNATE JULY 6TH AS "PALOMAR MARKET DAY"

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. BILBRAY. Mr. Speaker, I rise today to commend Mr. and Mrs. James Mellos, a couple in my district whose retirement symbolizes the end of an era.

Since May of 1927, the Mellos family has owned and operated the Palomar Market Liquor & Grocery store located at 1802 W. Washington Street in San Diego, California, Mr. James D. Mellos, his brother Mr. Louis Mellos, and his cousin Mr. George Antonopoulos, started this business which the family has successfully owned and operated for 71 years—through the Great Depression, World War II, the Korean and Vietnam Wars, and the Cold War. According to the Alcoholic Beverage Control, the Palomar Market has the unique recognition of holding the oldest off-sale liquor license in the State of California. Mr. James Mellos, Jr. worked at Palomar Market since he was nine years old, continuing a family tradition of serving the Mission Hills Community which lasted over four decades.

In addition to their success at business, James and Hellen Mellos raised three wonderful children. Their oldest son, James D. Mellos, III, has become a successful attorney and has opened up his own law office in Mission Hills. Their middle child, Peter L. Mellos, is completing his masters in Forensic Science and is anticipating attending law school with the goal of working in the San Diego District Attorney's office. Their youngest child, Stella K. Mellos, is currently a hard-working successful paralegal for the downtown San Diego Law Firm of Jeffrey E. Estes & Associates. Like her brothers, she plans to attend law school and become a practicing attorney in San Diego.

Since their children all found success in the field of law, Mr. and Mrs. Mellos decided to sell their store upon retirement and start new traditions. After much searching, Mr. and Mrs. Mellos found another family to take over the business who will continue the Mellos traditions of hard work and excellent service. On Monday, July 6, 1998, the Palomar Market opened under new ownership, bringing the era of the Mellos family business to a bittersweet end.

Therefore, Mr. Speaker, I hereby declare that hereafter, July 6th will be known to San Diegans as "Palomar Market Day" to commemorate this great piece of San Diego's history.

PROVIDING FOR CONSIDERATION OF H.R. 4276, DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FY 1999

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on the rule which will govern how we proceed on H.R. 4276, the Commerce, Justice, State Appropriations bill. I am grateful to the Rules Committee for allowing the Mollohan amendment to be considered which would restore full funding for a fair and accurate census. The subject of the Census was addressed in Article I Section 2 of the Constitution of the United States as it states, "The actual Enumeration shall be made within three years after the first Meeting of the Congress of the United States, and within every subsequent Term of Ten Years." With that goal in mind the Bureau of the Census conducted the first National Census in 1790. The census also places our population in a particular location as of census day so Congress can be reapportioned and the state and local governments redistricted while federal monies can be apportioned.

The ability to use sampling during the 2000 Census will insure that any undercounting which may occur in this census because of sparsely populated regions of states like Texas or hard to count urban populated areas like Houston, can be held to a minimum. Undercounting the results of the 2000 Census would negatively impact Texas' share of federal funds for block grants, housing, education, health, transportation and numerous other federally funded programs.

In 1990, the City of Houston was undercounted by 3.9 percent in that year's Census using the current "head count" method which only recorded 1,630,553 residents. Based on the sampling that was prepared for that Census, but never used it is estimated that over 66,000 Houstonians were missed by the 1990 Census.

African-Americans, Hispanics, Asians, and American Indians were missed at a much greater rate than whites. The 1990 Census undercounted approximately 4 Million people, about the same number who were counted all together in the first census 200 years ago. Even more troubling, this last census was, for the first time in history, less accurate than its predecessor. The undercount was 33 percent greater than the undercount in the 1980 census.

Mr. Chairman, I will be offering some amendments to this bill.

One of these amendments will increase funding to the Community Relations Service of The Department of Justice. As many of you may be aware, CRS is a Federal agency under the Department of Justice that helps local communities prevent and assuage community racial conflict and violence. CRS worked hard in my homestate of Texas during the aftermath of the recent tragic and brutal murder of Mr. James Byrd, Jr. in Jasper, and CRS was crucial in helping the community to begin healing during the Jasper aftermath and CRS has also been with us during recent rallies opposing the Ku Klux Klan. In fact, when racial conflict threatens peaceful community relations, CRS services are sought by mayors, police chiefs, school superintendents and civic leaders throughout our country.

During 1996 and 1997, more than 500 churches in 13 Southern States were burned or desecrated. CRS has been an integral partner in working with state and local officials in more than 190 communities throughout Texas and the south.

Unfortunately, due to the rise of racial conflict and hate crimes in our country, CRS was forced to decline more than 40% of the requests for assistance made during this year. Because of CRS' lack of adequate resources, CRS cannot respond to some communities who face even the most serious racial conflict and violence.

Currently, CRS operates its entire program with just 41 staff and a budget of just 5.3 million. Between 1992 and 1997, CRS' budget declined more than 80% and its staffing by two thirds, an all time low. My amendment will increase funding to CRS by 2.2 million dollars and will allow CRS to further assist all of our communities in working towards eliminating racial intolerance and conflict throughout America.

The other amendment, that I may offer, is to protect our children from the dangers of handguns by requiring every handgun purchased in this country to have a child protective lock device.

It is a great tragedy that children are accidentally hurt and killed across our country, simply because their parents guns are accessible to their curious hands.

The addition of a handgun lock will allow responsible citizens to obtain guns, however it will not allow those guns to be accidentally fired by a family or neighborhood child who discovers the weapon.

LEGACY OF ABRAHAM LINCOLN

HON. JOHN M. SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. SHIMKUS. Mr. Speaker, on August 3, 1846, Abraham Lincoln was elected to the United States House of Representatives from Illinois' 13th Congressional District winning eight of the eleven counties in his district and capturing 56% of the vote against candidates from the Democrat and Liberty parties.

Today, my honorable colleague RAY LAHOOD and I share what was the Lincoln district. Ray has nine of the counties and I have two including the city of Springfield where Mr. Lincoln lived and was subsequently buried.

Ray and I have a friendly struggle about possession of the Lincoln District. In essence it doesn't really belong to either of us but rather to the people we represent. But the legacy of Abraham Lincoln belongs to us all.

DISAPPROVING EXTENSION OF WAIVER AUTHORITY WITH RESPECT TO VIETNAM

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Ms. PELOSI. Mr. Speaker, I rise in support of H.J. Res. 120, a resolution to disapprove the President's request for a waiver of Jackson-Vanik for Vietnam. The purpose of this Presidential waiver is to allow U.S. companies to receive U.S. government support for trade and investment in Vietnam.

I have the highest regard for Ambassador Pete Peterson and am confident that he will be a force for improving human rights in Vietnam. I have supported the normalization of relations with Vietnam and am blessed to have a strong Vietnamese-American community in my district. This community is not unanimous whether or not Jackson-Vanik should be waived. They are unanimous, however, about concerns regarding the continuing lack of freedom of emigration from Vietnam or about continuing human rights abuses there.

If the Vietnamese government allowed freedom of emigration, the President would not have needed to request a waiver of the Jackson-Vanik law in the first place. Some progress in freedom of emigration is reportedly being made, but serious problems remain.

The Vietnamese government has made some progress with people in the U.S. refugee program, Resettlement Opportunities for Vietnamese Refugees (ROVR), clearing 12,000 ROVR applicants—about 3000 per month for four months—immediately before President Clinton granted the waiver in March. Unfortunately, as soon as the waiver was granted, the approvals slowed back to a trickle—about 300 per month. There are reportedly still 4000 people we haven't been given permission to interview, including some of the most compelling cases. And, while Hanoi recently eliminated an important obstacle to U.S. access to people in

ROVR, deeming that ROVR applicants will no longer need "exit permits" from local security police in order to be interviewed by U.S. refugee officers, the U.S. is unfortunately still forbidden to interview anyone whose name is not on a list supplied by the Vietnamese government.

Problems remain in the Orderly Departure Program (ODP), too. ODP is a refugee program for re-education camp survivors, former U.S. government employees, and others who never left Vietnam. Thousands of people who qualify under this program have been unable to get exit permits—in some cases because the Vietnamese government does not like their political views.

I am also concerned about continuing human rights abuses in Vietnam. While the Vietnamese government continues to insist that it has no political or religious prisoners, we continue to receive reports of imprisoned Catholic priests, Buddhist monks, pro-democracy activists, and others, some of whom are imprisoned for crimes such as "using freedom and democracy to injure the national unity."

Mr. Speaker, I understand the desire of the government of Vietnam to enter more fully into the global marketplace, as I understand the desire of U.S. corporations to obtain U.S. government guarantees and assistance for doing business in Vietnam. I also understand the yearnings of people who seek to be free. I urge my colleagues to vote yes on this resolution to signal to the government of Vietnam that more must be done to promote freedom there.

HOUSE OF REPRESENTATIVES—*Monday, August 3, 1998*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 3, 1998.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 643. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse".

H.R. 3504. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 4237. An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such act, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3824. An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

The message also announced that the Senate had passed bills and joint resolutions of the following titles in which concurrence of the House is requested:

S. 1325. An act to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998, 1999, and 2000, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

S. 1759. An act to grant a Federal charter to the American GI Forum of the United States.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

S.J. Res. 51. Joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

S.J. Res. 54. Joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

CONGRESSIONAL WOMEN'S CAUCUS "MAGNIFICENT 7" LEGISLATION

Ms. NORTON. Mr. Speaker, I come this morning as the cochair of the Congressional Women's Caucus. There are now 55 women in the House of Representatives, 55 women strong, a high point and a high number.

For 21 years there has been a Congressional Women's Caucus. That caucus has been responsible for the lead of much of the most important family legislation to pass this House, from the Family Medical Leave Act to the Pregnancy Discrimination Act and the Violence Against Women Act.

We have normally had a very long legislative agenda with every woman Member putting her piece of legislation in and the caucus embracing all of that legislation. This year, we have decided on a more focused approach. With 55 women in the Congress, we think there should be a number of bills that simply must pass. We have designated 7 must-pass pieces of legislation, and we call them the "Magnificent 7." They have been chosen because they are easily consensus pieces of legislation, even easy pieces of legislation to pass. We are seeing both leaders; we have already seen the gentleman from Missouri (Mr. GEPHARDT), and this week we will be seeing the gentleman from Georgia (Mr. GINGRICH).

The focused approach the Women's Caucus has adopted this year is already paying off. We have seen pass this House some provisions of the Violence Against Women Act and the reauthorization of that act was one of the "Magnificent 7." There are other provisions of the act due to come forward, we think, with the bill of the Subcommittee on Commerce, Justice, State, The Judiciary, and Related Agencies of the Committee on Appropriations.

We have seen another of our priorities pass the House and the Senate, which is contraceptive coverage for Federal employees, so that women who are Federal employees have choices of contraception. This is very important for women's health, since some forms of contraception do not work for some women; others are dangerous to the health of some women.

The Mammography Standards Act is a priority we would like to see pass this week. This is another easy piece of legislation. It is a reauthorization of a bill that would set standards so that when mammograms are read, they are read correctly because the machinery is in good standing. This bill, the Mammography Standards Act, has passed the Senate; it is now here in the Commerce, Justice, State, The Judiciary, and Related Agencies bill. We have been promised by the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies that they will move this bill forward, and we ask them to move it quickly.

There are 4 other pieces of legislation that would be easy to pass. The Women-Owned Business resolution, H. Con. Res. 313, simply calls upon Federal agencies to review their own recommendations for the purpose of improving women-owned businesses' access to Federal procurement. There is the Commission on the Advancement of Women in Science and Engineering. At a time when the country is begging for scientists, engineers, and mathematicians, this commission would look at the barriers that keep women from entering and moving forward in these vital professions.

The sixth and seventh are a bill, any of 3 that are pending, that would forbid genetic discrimination, and finally, a bill that would allow child care legislation to come forward. On child care we

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have no preference; we have only principles. We think that the 105th Congress should not close without finally coming forward with the first significant child care legislation ever to pass.

These are the 7 priorities of the Women's Caucus, which for 21 years has led this Congress, and which this year asked the Congress, the House and the Senate, to focus on 7 pieces of legislation which would allow every Member, male or female, to go back and say, I have done something for women and children; I have done more than talk about families. I have helped pass vital pieces of legislation.

Mr. Speaker, we can do it if we focus on the Magnificent 7. We can do it because these bills have been chosen precisely because this is the kind of legislation, bipartisan in its very genesis, bipartisan in the way it is designed to embrace us all and to have us embrace these pieces of legislation.

SECURITY OF AMERICAN PEOPLE IS TOO IMPORTANT TO RISK CONTINUED ENGAGEMENT WITH CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES. Mr. Speaker, the Pentagon is considering a plan for our elite Special Forces to train Chinese PLA troops. Recently the House debated a resolution to express the dissent of this Congress to extend normal trading, or formally known as Most Favored Nation status to the People's Republic of China.

Myself and many of my colleagues on both sides of the aisle agree that extending this economic advantage to a Communist Nation is more than just an issue of trade. As Americans, we live free. Free from oppressive government and free to enjoy the rights and liberties awarded by our Constitution. Chinese citizens are not so fortunate. They suffer horrible violations of their basic human rights on a daily basis, and those who seek their fundamental rights or seek democracy are jailed, tortured and too often killed.

The State Department's Human Rights Report for China states that in 1996, all public dissent against the party and the government was effectively silenced by intimidation, exile, incarceration, administration detention, or house arrest. By year's end, all dissidents have effectively been silenced by the government, and those released from prison were often prevented from seeking employment or resuming any semblance of a normal life.

Freedom of religion is a freedom Americans take for granted every day. In China, the harassment and incarceration of religious leaders and the forcible closure and destruction of places of worship is all too common when the faith and church are not government-sanctioned. The government of the People's Republic of China has arrested, tortured and detained hundreds, if not thousands, of Protestants, Roman Catholics and Buddhists for practicing their religious beliefs. As a man of strong religious convictions, I find this appalling. However, the Chinese government does not even stop there. It maintains a policy of forced abortion and sterilization. Not only does it silence its citizens, it silences innocent life.

In the last 50 years alone, 10 times the number of people killed during the Holocaust have been killed in China. Let me repeat that, Mr. Speaker. Ten times the number of people killed during the Holocaust have been killed in China since 1949.

Mr. Speaker, does Congress need any more evidence to realize that we cannot trust the Chinese government?

The United States has tried to build a relationship with China, but to no avail. We give China an inch, and China takes a mile. In 1995 we extended Most Favored Nation status to China if it would agree to stop its abusive human rights practices and stop exporting nuclear weapons. China failed on the first account, Mr. Speaker, and it failed on the second account as well.

In January of this year, President Clinton told this Congress that China had assured him it was not participating in the sale of nuclear technology. Less than a month later, China was found planning to sell chemical weaponry to Iran. In fact, just last year, the CIA reported that in 1996, China was the greatest supplier of weapons-of-mass-destruction related goods and technology to foreign countries. Not only has China failed to comply with our terms of agreement, but it poses a significant threat to our Nation's security.

Former Defense Secretary Donald Rumsfeld reported that it is China's proliferation of ballistic missiles, weapons of mass destruction, and enabling technologies that has threatened the security of the United States. The CIA reported this year that 13 of 18 Chinese CSS-4 missiles are targeted at United States cities.

The Air Force's National Air Intelligence Center reports that the Chinese government is developing a new ICBM with the capability of hitting targets throughout the western United States running southwest from Wisconsin through California. And China took advantage of having President Clinton in Beijing to test a component of its new missile.

Mr. Speaker, what a blatant indication of China's lack of respect for our country. And yet, because our administration wants access to China's military secrets and training practices, it is willing to engage in cooperative military training with the hope of establishing a mutual relationship of trust and confidence. That is right. Despite the threat China poses to the security of the United States of America, we are allowing our elite Special Forces, the best in the world, to train and share military technology and training with a Communist Nation.

If the past is any indication, we have no reason to trust China. This proposal is far too great of a risk for our men and women in uniform to assume when the security of the American people is at stake.

Mr. Speaker, may God bless America.

DECENNIAL CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, this week we will be debating the appropriation for the Year 2000 Decennial Census. The census is something that is required by our Constitution and is very fundamental to our entire democratic system of government, because most elected officials in America are dependent on an accurate census to be conducted.

Unfortunately, the 2000 Census has become politically involved, because President Clinton has decided to radically change the way the census is conducted, and for the first time in the history of this country, going back to Jefferson when he conducted the first census, we are not going to attempt to count everyone.

I think it would be helpful, as we begin this debate this week, to understand the Clinton budget plan and what is traditionally used where we count everybody in the census. Under the Clinton plan, as designed, and it is an interesting theory, questionnaires will be mailed out in the year April of 2000 and be mailed back in. The expectation is that we will get maybe 65 percent response rate, though that is in question because when the American people realize that we are not going to count everybody, that we are going to use polling and sampling, the response rate may be significantly affected. But let us hope they get a 65 percent response rate.

Then we do what is called a non-response follow-up. But what the Clinton plan is proposing is instead of trying to follow up on everybody in this country, they are going to automatically delete, not count, 10 percent of the population. So that means about 27 million people will not be included in the census. Let me repeat that. Mr. Speaker, 27 million people will not be included in the census under President Clinton's plan. He will only count up to 90 percent of the population and he will use cloning to create the mysterious 10 percent. He is going to clone 10 percent of the population, 10 percent of the population.

Now, the 10 percent that is not counted is not the hard-to-count people. Some people say, oh, those are the hard-to-count people. These are a randomly-selected 10 percent where maybe people are on vacation, they are not in town or something, and they do not complete their questionnaire. So they are going to be potentially not counted. That is just not the right way to do that.

So, Mr. Speaker, once they have cloned in that 10 percent of the population, they will then do what is called an ICM sample of 750,000 households. The 750,000-household count will then be used to adjust the clone numbers to get what they think would be the right number.

In 1990, they used something with only 150,000 households. This time they are going to take a sample five times larger, but they are going to do it in half the time. It is very unrealistic. In fact, the whole plan is extremely risky and is moving towards failure.

The General Accounting Office and the Inspector General have both warned this is a high-risk plan and the risk of failure is very high.

Now, let me go back to the way it has been done in the past where we make an effort to count everyone. In 1990, they sent out the questionnaire as they would propose this time in the year 2000, but this time the key is going to be the mailing lists. We realize that about 50 percent of the problem back in 1990 was the mailing list, and so the Census Bureau is putting new efforts and new ideas into doing that. In fact, there is $100 million of extra money to let the Census Bureau go out and verify the addresses. So we are going to do a better job to help address that part of the problem.

There will be paid advertising this time around to help encourage the response rate and, hopefully, under full enumeration, we can do a second mailing of questionnaires and even get a higher response rate. Then, when we go to nonresponse follow-up, say we get a 65 percent rate or 70 percent, when we do the follow-up, we are going to try to count everybody, not try to delete 27 million and create them by cloning. We are going to go out and use whatever efforts we need and resources, and that means using administrative records.

If we have an undercount of children, which we did have, let us work with the WIC program and the Medicaid program. There are ways to go about doing this. This is hard work. Let us also make it easier to use people from the local communities to participate in the program.

Mr. Speaker, the gentlewoman from Florida (Mrs. MEEK) has a proposal, which we are working with her on, to help support and to help people who say they are receiving food stamps or welfare benefits to not lose those benefits when they work part-time for the Census Bureau. So in the Haitian community in Miami, we want Haitians to go out to help count Haitians, and this makes it possible.

So, there are a lot of things that can be done to improve upon the 1990 census, but the important thing is let us count everybody, because everyone counts. It is just plain wrong to not count 27 million people, and say we have all of these big fancy computers with all of these academic intellectuals up here who know how to clone people and create a virtual population of America. It is just not right.

We need to work this in a bipartisan fashion. We do not need a Democratic census. We do not need a Republican census. We need an American census. I hope when we debate the Mollohan amendment, we realize that the right way to do this is to work together to count all Americans.

OPPORTUNITY FOR MEANINGFUL CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Connecticut (Mr. SHAYS) is recognized during morning hour debates for 5 minutes.

Mr. SHAYS. Mr. Speaker, tonight this Chamber has the opportunity to vote for meaningful campaign finance reform. Tonight, Members of this House will cast one of the most important votes of their careers in this House: To help restore integrity to our democratic system of government. That is what this debate is about tonight, to help restore some integrity to our democratic process.

Mr. Speaker, the vote we will be casting tonight is on legislation that was introduced by Senator MCCAIN and Senator FEINGOLD in the Senate, and the gentleman from Massachusetts (Mr. MEEHAN) and myself in the House, along with a number of other sponsors.

The McCain-Feingold bill in the Senate had a majority of Members who sought to support this legislation, but were not able to break the filibuster because they felt that the House would never deal with this issue, so why should the Senate take it up. But tonight, this House has the opportunity to pass the McCain-Feingold legislation, the Meehan-Shays legislation as it is referred to in the House.

Mr. Speaker, this legislation bans soft money. It completely eliminates the soft money contributions, the unlimited sums from individuals, corporations, labor unions and other interest groups that go to the political parties. In recent years these contributions have been rerouted right back down to help the individual candidates. This makes a mockery of our campaign laws which, under our constitutional form of government, provide for limitation of campaign contributions. Those limits are ignored because of our failure to ban soft money to the political parties.

The second thing this legislation does is it recognizes the sham issue ads for what they truly are: campaign ads. They are not sham campaign ads; they are truly campaign ads. They are sham issue ads. In other words, issue ads are able to circumvent the campaign law, because they do not say "vote for" or "vote against." Yet they are clearly campaign ads.

Under our bill any ad run 60 days to an election that names or pictures a Federal candidate is a campaign ad and is called such. In addition, any ad that expresses "unambiguous and unmistakable support for" or "opposition to" a clearly identified Federal candidate, is a campaign ad and would come under campaign finance laws not just 60 days to an election, but 365.

Mr. Speaker, the bottom line is we seek to call these sham issue ads what they are: Campaign ads. One of the significant side effects of that is that by doing so, we prevent both corporate and union money being utilized in these advertisements. Right now, it is the law that corporate money and union dues money cannot be used in campaign ads.

The third thing we seek to do is to improve the Federal Elections Commission's disclosure and enforcement. We provide for disclosure on the Internet electronically, and that within 20 days to an election, contributions and expenditures of $1,000 or more must be disclosed every 24 hours.

We have other miscellaneous aspects to the bill. We ban ussolicited franked mass mail 6 months to an election, and we make sure that foreign money is illegal, and that fund-raising on government property is illegal. The reason why it has not been illegal today is that soft money is not viewed as campaign money and, therefore, it does not come under the campaign law.

The bottom line is: we ban soft money, the unlimited sums from individuals, corporations, labor unions and other interest groups; we recognize the sham issue ads for what they truly are, campaign ads; and, we improve FEC disclosure and enforcement.

We have debated this bill for a long time. This is not a new piece of legislation that is coming to the floor of the House. We were promised a vote last year, but did not receive it, in February or March. We were then finally promised a vote, and under what is clearly a very open and frankly fair process, we were allowed 60 amendments to our bill. Some of those were gutting amendments, and some of those were "siren call" amendments that one would want to vote for, but then it broke apart a coalition.

Fortunately, we have repelled every one of these amendments. Now the question is will we pass Meehan-Shays legislation; will it become Queen of the Hill in competition of the other substitutes that will follow this week? Will, at the end, when it becomes and if it becomes the Queen of the Hill legislation, will it be sent to the Senate?

Mr. Speaker, I hope and pray we will do our job and send this bill to the Senate. We can begin that process by voting for it tonight.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 p.m.

Accordingly (at 10 o'clock and 53 minutes a.m.), the House stood in recess until 12 p.m.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 12 noon.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are thankful, O God, for all Your blessings so freely given to us and to all people. We know that these gifts are as high and as deep and as wide as Your mercy and as abundant as Your grace. You have blessed us in ways that are more than our deserving and greater than our ability to grasp. And so we pray, O gracious God, that as we are thankful for what You have done for us in the past, we will continue to appreciate Your goodness to us in all the days to come.

In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRESIDENT VETOES BILL ALLOWING TAX-FREE EDUCATION SAVINGS ACCOUNTS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, H.G. Wells once said, "Human history becomes more and more a race between education and catastrophe."

Well, two weeks ago special interests, liberals, and the President gave in to catastrophe, putting our children's education, their future, and this Nation at risk.

On July 21 of this year, the President dashed the hopes of millions of Americans, the parents of millions of children, by vetoing a bill that would have allowed parents to set up tax-free education savings accounts.

It is truly a shame that giving parents more of an opportunity to save for their children's education is now a partisan issue.

This unfortunate veto reminds me of a saying from one of my high school Latin classes: "Via ovicipitum dura est." For you rocket scientists out there who never took Latin, "the way of the egghead is hard."

The President is now on record as thinking that parents who save for their children's education are doing a disservice to them. This is truly a ridiculous notion.

Let us support our children. Let us support their future. I urge all my colleagues not to let catastrophe win but to override the President's veto on education savings.

SUPPORT DEMOCRATS' PATIENTS BILL OF RIGHTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Republican leadership has succeeded in steam rolling its HMO bill through the House, and patients should beware.

The Republican bill is far worse than current law and riddled with loopholes. When you compare it to the Democrats' Patients Bill of Rights, you find there is no comparison at all.

I just want to mention one negative aspect, just one negative aspect, of the Republican bill. It does not guarantee them access to a specialist. Under the Democratic bill, if they had cancer they could go directly to an oncologist. Under the Republican plan, they would still have to go see their primary care physician for a referral and there is no guarantee that they would get to see a specialist if they need one.

Under the Republican bill, if they need to see a specialist outside of their HMO network and their HMO says no, they are out of luck.

The Democrats' Patients Bill of Rights ensures that they will be able to go outside of their network at no cost to them if they need to see a specialist that their HMO does not have.

Mr. Speaker, the President has said that he will veto the Republican bill if they send it to him in its current form, and the do-nothing 105th Congress is running out of time.

Let us send the President a bill he will sign, one that is written for patients, not insurance companies. Support the Democrats' Patients Bill of Rights.

JUDGE STARR DOING A GOOD JOB

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, Judge Starr was appointed by a 3-judge panel to investigate allegations of criminal conduct by the White House. Mr. Speaker, he has compiled a remarkable record.

Although we would never know it if we were watching TV today, Judge Starr has been perhaps the most single independent successful counsel in history. Fifteen guilty pleas or convictions thus far. Fifteen. And yet, the untruth gets repeated over and over again that Judge Starr has "nothing to show" for his investigations.

David Hale, Charles Matthews, Eugene Fitzhugh, Robert Palmer, Webster Hubbell, Neal Ainley, Christopher Wade, William J. Marks, Sr., Jim Guy Tucker, John Haley, Stephen SMITH, and Larry Kuca, these 12 have all pleaded guilty to felonies as a result of Judge Starr's investigations.

In addition to those guilty pleas, Governor Jim Guy Tucker, James McDougal, and Susan McDougal have been convicted by a jury of their peers for other crimes they have committed.

Twelve guilty pleas and 3 convictions. Nothing to show? Let the American people decide if these allegations are true.

SEVEN PERCENT OF SCIENTISTS BELIEVE IN GOD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a new report says only 7 percent of scientists believe in God. That is right. And the reason they gave was that the scientists are "super smart." Unbelievable. Most of these absent-minded professors cannot find the toilet.

Mr. Speaker, I have one question for these wise guys to constipate over: How can some thing come from no thing?

And while they digest that, Mr. Speaker, let us tell it like it is. Put these super-cerebral master debaters in some foxhole with bombs bursting all around them, and I guarantee they will not be praying to Frankenstein.

Beam me up here. My colleagues, all the education in the world is worthless without God and a little bit of common sense. And I yield back whatever we have left.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and the nays are ordered or on which the vote is objected to under Clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules but not before 5 p.m. today.

VETERANS BENEFITS IMPROVEMENT ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4110) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for our purposes, as amended.

The Clerk read as follows:

H.R. 4110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits Improvement Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Sec. 101. Increase in rates of disability compensation and dependency and indemnity compensation.

TITLE II—EDUCATION BENEFITS

Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.
Sec. 202. Election of advance payment of work-study allowance.
Sec. 203. Alternative to twelve semester hour equivalency requirement.
Sec. 204. Medical evidence for flight training requirements.
Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.
Sec. 206. Expansion of education outreach services.
Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.

TITLE III—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

Sec. 301. Continuation in office of judges pending confirmation for second term.
Sec. 302. Authority to prescribe rules and regulations.

Subtitle B—Retirement-Related Provisions

Sec. 311. Recall of retired judges.
Sec. 312. Calculation of years of service as a judge.
Sec. 313. Judges' retired pay.
Sec. 314. Exemption of retirement fund from sequestration orders.
Sec. 315. Limitation on activities of retired judges.
Sec. 316. Early retirement authority for current judges in order to provide for staggered terms of judges.
Sec. 317. Adjustments for survivor annuities.
Sec. 318. Reports on retirement program modifications.

Subtitle C—Renaming of Court

Sec. 321. Renaming of the Court of Veterans Appeals.
Sec. 322. Conforming amendments.
Sec. 323. Effective Date.

TITLE IV—OTHER MATTERS

Sec. 401. Applicability of procurement law to certain contracts of Department of Veterans Affairs.
Sec. 402. Permanent eligibility of members of Selected Reserve for veterans housing loans.
Sec. 403. Furnishing of burial flags for deceased members and former members of the Selected Reserve.
Sec. 404. State cemetery grants program.
Sec. 405. Disabled Veterans Outreach Program specialists.
Sec. 406. Permanent authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.
Sec. 407. Members of the Board of Veterans' Appeals.
Sec. 408. National Service Life Insurance program.
Sec. 409. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1998, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(7) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1998.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1998, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1998, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to subsection (a).

TITLE II—EDUCATION BENEFITS

SEC. 201. CALCULATION OF REPORTING FEE BASED ON TOTAL VETERAN ENROLLMENT DURING A CALENDAR YEAR.

(a) IN GENERAL.—The second sentence of section 3684(c) is amended by striking out ", on October 31" and all that follows through the period and inserting in lieu thereof "during the calender year.".

(b) FUNDING.—Section 3684(c), as amended by subsection (a), is further amended by adding at the end the following new sentence: "The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to calendar years beginning after December 31, 1998.

SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.

(a) IN GENERAL.—The third sentence of section 3485(a)(1) is amended by striking out "An individual shall be paid in advance" and inserting in lieu thereof "An individual may elect, in a manner prescribed by the Secretary, to be paid in advance".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after January 1, 1999.

SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR EQUIVALENCY REQUIREMENT.

(a) IN GENERAL.—The following sections of chapter 30 are each amended by striking out "successfully completed" each place it appears and inserting in lieu thereof "successfully completed (or otherwise received academic credit for)": sections 3011(a)(2), 3012(a)(2), 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B), 3018B(a)(2)(B), and 3018C(a)(3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING REQUIREMENTS.

(a) TITLE 38.—Sections 3034(d)(2) and 3241(b)(2) are each amended—

(1) by striking out "pilot's license" each place it appears and inserting in lieu thereof "pilot certificate"; and

(2) by inserting ", on the day the individual begins a course of flight training," after "meets".

(b) TITLE 10.—Section 16132(c)(1) of title 10, United States Code, is amended—

(1) by striking out "pilot's license" each place it appears and inserting in lieu thereof "pilot certificate"; and

(2) by inserting ", on the day the individual begins a course of flight training," after "meets".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to courses of flight training beginning on or after October 1, 1998.

SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAYMENT RATE REQUIREMENTS FOR GOVERNMENT JOB TRAINING PROGRAM APPROVAL.

(a) IN GENERAL.—Section 3677(b) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) respectively;

(3) in subparagraph (A), as so redesignated, by striking out "(A)" and "(B)" and inserting in lieu thereof "(i)" and "(ii)" respectively; and

(4) by adding at the end the following new paragraph:

"(2) The requirement under paragraph (1)(A)(ii) shall not apply with respect to a training establishment operated by the United States or by a State or local government.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to approval of programs of training on the job under section 3677 of title 38, United States Code, on or after October 1, 1998.

SEC. 206. EXPANSION OF EDUCATION OUTREACH SERVICES.

(a) EXPANSION OF EDUCATION OUTREACH SERVICES TO MEMBERS OF THE ARMED FORCES.—Section 3034 is amended by adding at the end the following new subsection:

"(e)(1) In the case of a member of the Armed Forces who participates in basic educational assistance under this chapter, the Secretary shall furnish the information described in paragraph (2) to each such member, as soon as practicable after the basic pay of the member has been reduced by $1,200 in accordance with sections 3011(b) and 3102(c) of this title. The Secretary shall furnish such information to each such member at such additional times as the Secretary determines appropriate.

"(2) The information referred to in paragraph (1) is information with respect to the benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of the basic educational assistance program under this chapter, including application forms for such basic educational assistance under section 5102 of this title.

"(3) The Secretary shall furnish the forms described in paragraph (2) and other educational materials to educational institutions, training establishments, and military education personnel, as the Secretary determines appropriate.

"(4) The Secretary shall use amounts appropriated for readjustment benefits to carry out this subsection and section 5102 of this title with respect to application forms under that section for basic educational assistance under this chapter.".

(b) CONFORMING AMENDMENT.—Section 7722(c) is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in section 3034(e) of this title, the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR EDUCATION BENEFITS FOR MEMBERS OF THE ARMED FORCES DISCHARGED EARLY FROM DUTY FOR THE CONVENIENCE OF THE GOVERNMENT.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended by adding at the end the following new subsection:

"(i) The Secretary concerned shall inform any member of the Armed Forces, who has not completed that member's initial obligated period of active duty (as described in subsection (a)(1)(A)) and who indicates the intent to be discharged or released from such duty for the convenience of the Government, of the minimum active duty requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.".

(b) RESERVE PROGRAM.—Section 3012 is amended by adding at the end the following new subsection:

"(g)(1) The Secretary concerned shall inform any member of the Armed Forces, who has not completed that member's initial service (as described in paragraph (2)) and who indicates the intent to be discharged or released from such service for the convenience of the Government, of the minimum service requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.

"(2) The initial service referred to in paragraph (1) is the initial obligated period of active duty (described in subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the period of service in the Selected Reserve (described in subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1)).".

(c) REPORT TO CONGRESS.—Section 3036(b)(1) is amended—

(1) by striking out "and (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon the following: ", and (C) describing the efforts under sections 3011(i) and 3012(g) of this title to inform members of the Armed Forces of the minimum service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts".

(d) EFFECTIVE DATES.—(1) The amendments made by subsections (a) and (b) shall take effect 120 days after the date of the enactment of this Act.

(2) The amendments made by subsection (c) shall apply with respect to reports to Congress submitted by the Secretary of Defense under section 3036 of title 38, United States Code, on or after January 1, 2000.

TITLE III—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

SEC. 301. CONTINUATION IN OFFICE OF JUDGES PENDING CONFIRMATION FOR SECOND TERM.

Section 7253(c) is amended by adding at the end the following new sentence: "A judge who is nominated by the President for appointment to an additional term on the Court without a break in service and whose term of office expires while that nomination is pending before the Senate may continue in office for up to one year while that nomination is pending.".

SEC. 302. AUTHORITY TO PRESCRIBE RULES AND REGULATIONS.

Section 7254 is amended by adding at the end the following new subsection:

"(f) The Court may prescribe rules and regulations to carry out this chapter.".

Subtitle B—Retirement-Related Provisions

SEC. 311. RECALL OF RETIRED JUDGES.

(a) AUTHORITY TO RECALL RETIRED JUDGES.—Chapter 72 is amended by inserting after section 7256 the following new section:

"§ 7257. Recall of retired judges

"(a)(1) A retired judge of the Court may be recalled for further service on the Court in accordance with this section. To be eligible to be recalled for such service, a retired judge must at the time of the judge's retirement provide to the chief judge of the Court (or, in the case of the chief judge, to the clerk of the Court) notice in writing that the retired judge is available for further service on the Court in accordance with this section and is willing to be recalled under this section. Such a notice provided by a retired judge is irrevocable.

"(2) For the purposes of this section—

"(A) a retired judge is a judge of the Court of Veterans Appeals who retires from the Court under section 7296 of this title or under chapter 83 or 84 of title 5; and

"(B) a recall-eligible retired judge is a retired judge who has provided a notice under paragraph (1).

"(b)(1) The chief judge may recall for further service on the court a recall-eligible retired judge in accordance with this section. Such a recall shall be made upon written certification by the chief judge that substantial service is expected to be performed by the retired judge for such period, not to exceed 90 days (or the equivalent), as determined by the chief judge to be necessary to meet the needs of the Court.

"(2) A recall-eligible retired judge may not be recalled for more than 90 days (or the equivalent) during any calendar year without the judge's consent or for more than a total of 180 days (or the equivalent) during any calendar year.

"(3) If a recall-eligible retired judge is recalled by the chief judge in accordance with this section and (other than in the case of a judge who has previously during that calendar year served at least 90 days (or the equivalent) of recalled service on the court) declines (other than by reason of disability) to perform the service to which recalled, the chief judge shall remove that retired judge from the status of a recall-eligible judge.

"(4) A recall-eligible retired judge who becomes permanently disabled and as a result of that disability is unable to perform further service on the court shall be removed from the status of a recall-eligible judge. Determination of such a disability shall be made in the same manner as is applicable to judges of the United States under section 371 of title 28.

"(c) A retired judge who is recalled under this section may exercise all of the powers and duties of the office of a judge in active service.

"(d)(1) The pay of a recall-eligible retired judge who retired under section 7296 of this title is specified in subsection (c) of that section.

"(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5.

"(e)(1) Except as provided in subsection (d), a judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be considered to be a reemployed annuitant under that chapter.

"(2) Nothing in this section affects the right of a judge who retired under chapter 83 or 84 of title 5 to serve as a reemployed annuitant in accordance with the provisions of title 5.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 72 is amended by inserting after the item relating to section 7256 the following new item:

"7257. Recall of retired judges.".

SEC. 312. CALCULATION OF YEARS OF SERVICE AS A JUDGE.

Section 7296(b) is amended by adding at the end the following new paragraph:

"(4) For purposes of calculating the years of service of an individual under this subsection and subsection (c), only those years of service as a judge of the Court shall be credited. In determining the number of years of such service, that portion of the aggregate number of years of such service that is a fractional part of one year shall be disregarded if less than 183 days and shall be credited as a full year if 183 days or more.".

SEC. 313. JUDGES' RETIRED PAY.

(a) In General.—Subsection (c)(1) of section 7296 is amended by striking out "at the rate of pay in effect at the time of retirement." and inserting in lieu thereof "as follows:

"(A) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court (or of the chief judge, if the individual retired from service as chief judge).

"(B) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

"(C) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.".

(b) Cost-of-Living Adjustments.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

"(3)(A) A cost-of-living adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section only in the case of retired pay computed under paragraph (2) of subsection (c).

"(B)(i) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired chief judge being in excess of the annual rate of pay in effect for the chief judge of the court as provided in section 7253(e)(1) of this title, such adjustment may be made in the retired pay of that retired chief judge only in such amount as results in the retired pay of the retired chief judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).

"(ii) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired judge (other than a retired chief judge) being in excess of the annual rate of pay in effect for judges of the court as provided in section 7253(e)(2) of this title, such adjustment may be made only in such amount as results in the retired pay of the retired judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).".

(c) Coordination With Military Retired Pay.—Subsection (f) of such section, as amended by subsection (b), is further amended by adding at the end the following new paragraph:

"(4) Notwithstanding subsection (c) of section 5532 of title 5, if a regular or reserve member of a uniformed service who is receiving retired or retainer pay becomes a judge of the court, or becomes eligible therefor while a judge of the court, such retired or retainer pay shall not be paid during the judge's regular active service on the court, but shall be resumed or commenced without reduction upon retirement as a judge.".

SEC. 314. EXEMPTION OF RETIREMENT FUND FROM SEQUESTRATION ORDERS.

Section 7298 is amended by adding at the end the following new subsection:

"(g) For purpose of section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be treated in the same manner as the Claims Judges' Retirement Fund.".

SEC. 315. LIMITATION ON ACTIVITIES OF RETIRED JUDGES.

(a) In General.—Chapter 72 is amended by adding at the end the following new section:

"§ 7299. Limitation on activities of retired judges

"If a retired judge of the Court in the practice of law represents (or supervises or directs the representation of) a client in making any claim relating to veterans' benefits against the United States or any agency thereof, the retired judge shall forfeit all rights to retired pay under section 7296 of this title or under chapter 83 or 84 of title 5 for the period beginning on the date on which the representation begins and ending one year after the date on which the representation ends.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 72 is amended by adding at the end the following new item:

"7299. Limitation on activities of retired judges.".

SEC. 316. EARLY RETIREMENT AUTHORITY FOR CURRENT JUDGES IN ORDER TO PROVIDE FOR STAGGERED TERMS OF JUDGES.

(a) Retirement Authorized.—One eligible judge may retire in accordance with this section each year beginning in 1999 and ending in 2003.

(b) Eligible Judges.—For purposes of this section, an eligible judge is an associate judge of the United States Court of Appeals for Veterans Claims who—

(1) has at least 10 years of service creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service described in section 7297(l) of such title; and

(4) is at least 55 years of age.

(c) Multiple Eligible Judges.—If for any year specified in subsection (a) more than one eligible judge provides notice in accordance with subsection (d), the judge who has the greatest seniority as a judge of the United States Court of Appeals for Veterans Claims shall be the judge who is eligible to retire in accordance with this section in that year.

(d) Notice.—An eligible judge who desires to retire in accordance with this section in any year specified in subsection (a) shall provide to the President and the chief judge of the United States Court of Appeals for Veterans Claims written notice to that effect not later than April 1 of that year. Such a notice shall specify the retirement date in accordance with subsection (f). Notice provided under this subsection shall be irrevocable.

(e) Retirement.—A judge who is eligible to retire in accordance with this section shall be retired during the fiscal year in which notice is provided pursuant to subsection (d), but not earlier than 90 days after the date on which such notice is provided. Except as provided in subsection (f), such judge shall be considered for all purposes to be retired under section 7296(b)(1) of title 38, United States Code.

(f) Rate of Retired Pay.—The rate of retired pay for a judge retiring under this section is—

(1) the rate applicable to that judge under section 7296(c)(1) of title 38, United States Code, multiplied by

(2) the fraction (not in excess of 1) in which—

(A) the numerator is the sum of (i) the number of years of service of the judge as a judge of the United States Court of Appeals for Veterans Claims creditable under section 7296 of such title, and (ii) the age of the judge; and

(B) the denominator is 80.

(g) Adjustments in Retired Pay for Judges Available for Recall.—Subject to section 7296(f)(3)(B) of title 38, United States Code, an adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section in the case of a judge who is a recall-eligible retired judge under section 7257 of title 38, United States Code, or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability.

(h) Duty of Actuary.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) For purposes of subparagraph (B), the term 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.".

SEC. 317. ADJUSTMENTS FOR SURVIVOR ANNUITIES.

Subsection (o) of section 7297 is amended to read as follows:

"(o) Each survivor annuity payable from the retirement fund shall be increased at the same time as, and by the same percentage by which, annuities payable from the Judicial Survivors' Annuities Fund are increased pursuant to section 376(m) of title 28.".

SEC. 318. REPORTS ON RETIREMENT PROGRAM MODIFICATIONS.

(a) REPORT ON JUDGES' RETIREMENT SYSTEM.—Not later than one year after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of merging the retirement plan of the judges of that court with retirement plans of other Federal judges.

(b) REPORT ON SURVIVOR ANNUITIES PLAN.—Not later than six months after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of allowing judges of that court to participate in the survivor annuity programs available to other Federal judges.

Subtitle C—Renaming of Court

SEC. 321. RENAMING OF THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—The United States Court of Veterans Appeals is hereby renamed as, and shall hereafter be known and designated as, the United States Court of Appeals for Veterans Claims.

(b) SECTION 7251.—Section 7251 is amended by striking out "United States Court of Veterans Appeals" and inserting in lieu thereof "United States Court of Appeals for Veterans Claims".

SEC. 322. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO TITLE 38.—

(1) The following sections are amended by striking out "Court of Veterans Appeals" each place it appears and inserting in lieu thereof "Court of Appeals for Veterans Claims": sections 5904, 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261, 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.

(2)(A) The heading of section 7286 is amended to read as follows:

"§ 7286. Judicial Conference of the Court".

(B) The heading of section 7291 is amended to read as follows:

"§ 7291. Date when Court decision becomes final".

(C) The heading of section 7298 is amended to read as follows:

"§ 7298. Retirement Fund".

(3) The table of sections at the beginning of chapter 72 is amended as follows:

(A) The item relating to section 7286 is amended to read as follows:

"7286. Judicial Conference of the Court.".

(B) The item relating to section 7291 is amended to read as follows:

"7291. Date when Court decision becomes final.".

(C) The item relating to section 7298 is amended to read as follows:

"7298. Retirement Fund.".

(4)(A) The heading of chapter 72 is amended to read as follows:

"CHAPTER 72—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS".

(B) The item relating to chapter 72 in the table of chapters at the beginning of title 38 and the item relating to such chapter in the table of chapters at the beginning of part V are amended to read as follows:

"72. United States Court of Appeals for Veterans Claims .... 7251".

(b) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) The following provisions of law are amended by striking out "Court of Veterans Appeals" each place it appears and inserting in lieu thereof "Court of Appeals for Veterans Claims":

(A) Section 8440d of title 5, United States Code.

(B) Section 2412 of title 28, United States Code.

(C) Section 906 of title 44, United States Code.

(D) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2)(A) The heading of section 8440d of title 5, United States Code, is amended to read as follows:

"§ 8440d. Judges of the United States Court of Appeals for Veterans Claims".

(B) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

"8440d. Judges of the United States Court of Appeals for Veterans Claims.".

(c) OTHER LEGAL REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the United States Court of Veterans Appeals shall be deemed to be a reference to the United States Court of Appeals for Veterans Claims.

SEC. 323. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

TITLE IV—OTHER MATTERS

SEC. 401. APPLICABILITY OF PROCUREMENT LAW TO CERTAIN CONTRACTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3720(b) is amended by striking out "; however" and all that follows and inserting in lieu thereof the following: ", except that title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall apply to any contract for services or supplies on account of any property acquired pursuant to this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into under section 3720 of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 402. PERMANENT ELIGIBILITY OF MEMBERS OF SELECTED RESERVE FOR VETERANS HOUSING LOANS.

Section 3702(a)(2)(E) is amended by striking out "For the period beginning on October 28, 1992, and ending on October 27, 1999, each veteran" and inserting in lieu thereof "Each veteran".

SEC. 403. FURNISHING OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.

Section 2301 is amended by adding at the end the following new subsection:

"(f)(1) The Secretary shall furnish a flag to drape the casket of each deceased member or former member of the Selected Reserve (as described in section 10143 of title 10) who is not otherwise eligible for a flag under this section or section 1482(a) of title 10—

"(A) who completed at least one enlistment as a member of the Selected Reserve or, in the case of an officer, completed the period of initial obligated service as a member of the Selected Reserve;

"(B) who was discharged before completion of the person's initial enlistment as a member of the Selected Reserve or, in the case of an officer, period of initial obligated service as a member of the Selected Reserve, for a disability incurred or aggravated in line of duty; or

"(C) who died while a member of the Selected Reserve.

"(2) A flag may not be furnished under subparagraph (A) or (B) of paragraph (1) in the case of a person whose last discharge from service in the Armed Forces was under conditions less favorable than honorable.

"(3) After the burial, a flag furnished under paragraph (1) shall be given to the next of kin or to such other person as the Secretary considers appropriate.".

SEC. 404. STATE CEMETERY GRANTS PROGRAM.

(a) AMOUNT OF GRANT RELATIVE TO PROJECT COST.—(1) Paragraphs (1) and (2) of section 2408(b) are amended to read as follows:

"(1) The amount of a grant under this section may not exceed—

"(A) in the case of the establishment of a new cemetery, the sum of (i) the cost of improvements to be made on the land to be converted into a cemetery, and (ii) the cost of initial equipment necessary to operate the cemetery; and

"(B) in the case of the expansion or improvement of an existing cemetery, the sum of (i) the cost of improvements to be made on any land to be added to the cemetery, and (ii) the cost of any improvements to be made to the existing cemetery.

"(2) If the amount of a grant under this section is less than the amount of costs referred to in subparagraph (A) or (B) of paragraph (1), the State receiving the grant shall contribute the excess of such costs over the grant. Costs of land acquired or dedicated by the State for such cemetery shall not be taken into account for purposes of the preceding sentence.".

(2) The amendment made by paragraph (1) shall apply with respect to grants under section 2408 of title 38, United States Code, made after the end of the 60-day period beginning on the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS WITHOUT FISCAL YEAR LIMITATION.—The first sentence of section 2408(e) is amended by striking out "shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated" and inserting in lieu thereof "shall remain available until expended".

(c) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM.—Paragraph (2) of section 2408(a) is amended to read as follows:

"(2) There is authorized to be appropriated $10,000,000 for fiscal year 1999 and for each succeeding fiscal year through fiscal year 2004 for the purpose of making grants under paragraph (1).".

SEC. 405. DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS.

(a) IN GENERAL.—section 4103A(a)(1) is amended—

(1) in the first sentence by striking out "for each 6,900 veterans residing in such State" through the period and inserting in lieu thereof "for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.";

(2) in the third sentence, by striking out "of the Vietnam era"; and

(3) by striking out the fourth sentence.

(b) Effective Date.—The amendments made by this section shall apply with respect to appointments of disabled veterans' outreach program specialists under section 4103A of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 406. PERMANENT AUTHORITY TO USE FOR OPERATING EXPENSES OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES AMOUNTS AVAILABLE BY REASON OF THE LIMITATION ON PENSION FOR VETERANS RECEIVING NURSING HOME CARE.

(a) In General.—Section 5503(a)(1)(B) is amended by striking out "Effective through September 30, 1997, any" in the second sentence and inserting in lieu thereof "Any".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of October 1, 1997.

SEC. 407. MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) Title of Board Members.—Section 7101(a) is amended—

(1) by inserting "(1)" after "(a)";

(2) by designating the fourth and fifth sentences as paragraph (2); and

(3) by adding after the third sentence the following: "Members of the Board (other than the Chairman) shall also be known as 'veterans administrative law judges'.".

(b) Requirement for Board Members To Be Attorneys.—Section 7101A(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each member of the Board shall be a member in good standing of the bar of a State.".

(c) Employment Reversion Rights.—Paragraph (2) of section 7101A(d) is amended to read as follows:

"(2)(A) Upon removal from the Board under paragraph (1) of a member of the Board who before appointment to the Board served as an attorney in the civil service, the Secretary shall appoint that member to an attorney position at the Board, if the removed member so requests. If the removed member served in an attorney position at the Board immediately before appointment to the Board, appointment to an attorney position under this paragraph shall be in the grade and step held by the removed member immediately before such appointment to the Board.

"(B) The Secretary is not required to make an appointment to an attorney position under this paragraph if the Secretary determines that the member of the Board removed under paragraph (1) is not qualified for the position.".

SEC. 408. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) Eligibility of Certain Veterans for Dividends Under VSLI Program.—Section 1919(b) is amended—

(1) by striking out "sections 602(c)(2) and" and inserting in lieu thereof "section"; and

(2) by striking out "sections" after "under such" and inserting in lieu thereof "section".

(b) Effective Date.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 409. TECHNICAL AMENDMENTS.

(a) Redesignation.—Section 1103, as added by section 8031(a) of the Veterans Reconciliation Act of 1997 (title VIII of Public Law 105–33), is redesignated as section 1104, and the item relating to that section in the table of sections at the beginning of chapter 11 is revised to reflect that redesignation.

(b) Other Corrections.—

(1) Section 1803(c)(2) is amended by striking out "who furnishes health care that the Secretary determines authorized" and inserting in lieu thereof "furnishing health care services that the Secretary determines are authorized".

(2) Section 3680A(d)(2)(C) is amended by striking out "section".

(3) Section 8107(b)(3)(E) is amended by striking out "section 7305" and inserting in lieu thereof "section 7306(f)(1)(A)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. Stump) and the gentleman from Illinois (Mr. Evans) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Stump).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4110, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4110 is the Veterans Benefits Improvement Act of 1998. This bill provides a cost-of-living adjustment, a COLA, for veterans' compensation pensions and related programs.

The COLA will follow the Social Security Administration figure, which is based on the Consumer Price Index.

H.R. 4110 makes various changes in education programs and adjustments in the retirement provisions for judges serving on the U.S. Court of Veterans Appeals.

It also makes improvements in the State Cemetery Grant program and provides permanent authority for members of the Guard and Reserve to participate in the VA Home Loan program.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation, as amended. I want to take this opportunity to thank the gentleman from Arizona (Mr. Stump), the chairman of the committee, for bringing floor action on this bill today.

I also want to thank the gentleman from New York (Mr. Quinn), the chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. Filner), the ranking Democratic member of the subcommittee, for their hard work in passing this important legislation.

The Veterans Improvement Act of 1998 is an excellent bill that includes improvements to several of our very important benefit programs and is yet another example of the bipartisanship that is a hallmark of this committee.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. Redmond), a member of the Subcommittee on Benefits.

Mr. REDMOND. Mr. Speaker, I rise today in support of H.R. 4110, the Veterans Benefits Improvements Act of 1998.

This bill provides a cost of living adjustment for compensation, DIC and related benefits. As the chairman stated, the adjustment is computed using the same percentage increase given to Social Security recipients.

In addition, the bill makes a number of improvements to programs serving veterans. It includes provisions that would expand the opportunity for veterans to participate in on-the-job training programs, especially those for law enforcement and fire fighting personnel operated by the Federal, State and local governments;

Allow VA to consider up to 12 hours of academic credits granted for life experiences as meeting the eligibility requirements for the Montgomery GI bill.

It will also authorize a more accurate payment to schools for processing VA paperwork.

It will simplify physical requirements for veterans taking flight training; require VA to regularly notify service members of the eligibility requirements for the Montgomery GI bill and require the armed services branches to counsel service members volunteering for early discharge concerning their eligibility benefits.

The committee has received reports that some personnel are taking early discharges, without considering whether they have accumulated enough time in service to qualify for the Montgomery GI benefits.

Title III pertains to the Court of Veterans Appeals and makes numerous changes requested by the court to improve the internal operations. Among this title's authorities are provisions that would, first, authorize early retirement of one Court of Veterans Appeals judge per year between 1999 and 2003 to ensure continuity of the court when the original appointee's term expires. This is really the major provision of title III;

Provide the authority for the judges of the court to volunteer for recall status upon retirement and for the court to exercise recall authority;

To allow a judge from the Court of Veterans Appeals, who is nominated by the President for an additional term, to remain in office up to one year pending confirmation by the Senate;

Require the court to provide a report on merging the court's retirement and annuity plans with other existing plans for Federal judges, since the court is composed of only 7 judges; and

Rename the court as the United States Court of Appeals for Veterans Claims, in order to distinguish it as completely separate from the Department of Veterans Affairs.

Title IV makes improvements to several areas of benefits, including making permanent the VA loan guarantee program for Selected Reservists;

Authorizing a burial flag for any reservist who dies while in the Reserves or has completed one enlistment and has an honorable discharge.

Until now, members of the Selected Reserve have not been eligible for a burial flag. This provision recognizes reservists' increased contribution to the national defense of our country.

Changing the Federal funding formula to authorize VA to pay up to 100 percent of the cost of constructing state veteran cemeteries and initial equipment needed to operate such cemeteries. The current formula authorizes VA to pay up to 50 percent of the costs of land and construction. This is an administrative request.

State employment offices locate disabled veterans and help them find jobs. Currently, these outreach staffers are required to be disabled veterans from the Vietnam era. This provision removes the Vietnam era requirement for the specialists in order to make the positions available to a wider group of veterans. The number of specialists hired will also be based on the number of working age veterans in the State;

Reauthorizing VA to retain pension funds in excess of $90 paid to dependent-less veterans who are being cared for in the VA nursing homes. These funds would be used to augment the operating funds of the medical center providing the care;

Changing the title of the Board of Veterans' Appeals Members to Veterans Administrative Law Judges and clarifying employment revisions for the board members who are demoted and who have prior civil service as an attorney.

Finally, Mr. Speaker, the bill accommodates the VA's request that would authorize payment of insurance dividends to disabled veterans who purchase World War II era "H" life insurance policies. This change will put "H" policyholders on an equal footing with other World War II era veterans who hold national life service insurance policies.

Mr. Speaker, this is a very good bill and benefits many veterans. The bill is a result of bipartisan hard work for which I thank the Members on both sides of the aisle. I urge my colleagues to support H.R. 4110 and thank the chairman of the full committee for his leadership on behalf of our Nation's veterans.

I also want to thank the gentleman from Illinois (Mr. EVANS), the ranking minority member, the gentleman from New York (Mr. QUINN), the chairman of the subcommittee, and the gentleman from California (Mr. FILNER), the ranking member of the subcommittee, for their support on this legislation.

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Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, as ranking Democrat on the Subcommittee on Benefits, I strongly support H.R. 4110, the Veterans Benefits Improvement Act of 1998, a bill which will significantly improve and enhance several of the most important programs we provide for our Nation's veterans.

Title I of this measure will provide an increase in compensation and other benefits effective December 1, 1998. By approving these provisions, we are fulfilling our first and primary responsibility, to care for those who are disabled while serving in our military, and to care for their survivors.

Title II of H.R. 4110 improves veterans' education programs, and in doing so we are fulfilling our commitment to the millions of young Americans who have, at least in part, volunteered to serve in our armed forces because of the opportunity to earn money for college through service to our country.

Title III will provide for uninterrupted service by judges of the Court of Veterans' Appeals when a judge whose term is expiring is nominated for a subsequent term. It will also provide for the early retirement of judges presently sitting on the court in order to avoid the potential for all the judges' terms expiring within a very short period of time. These provisions, Mr. Speaker, will carry out our commitment to ensuring veterans' access to justice.

Title IV includes a section which will expand and enhance the State Cemetery Grant program. In approving this provision, we are fulfilling our responsibility to honor America's veterans even at the end of their lives.

I regret that because of its cost, we had to eliminate a provision approved by the subcommittee which would have enabled veteran students to receive more GI Bill money up front, that is, at the beginning of a semester when they particularly need it. I hope that enacting this or similar legislation will be a high priority for our committee during the 106th Congress.

Additionally, I would like to stress the importance of sections 206 and 207 of the bill which require the VA and the military services to provide additional information regarding Montgomery GI Bill benefits to active duty service members. I have received reports from college and VA officials that some young veterans who have taken early-outs from their military duty specifically in order to enter college were informed when they arrived at school and applied for their VA education benefits that because they took an early-out, they had not fulfilled the minimum active duty requirements and consequently had lost their eligibility for Montgomery GI Bill benefits.

I have been told also that in spite of earlier legislative initiatives, too many veterans still do not understand the benefit payment procedures and other characteristics of our GI bill. As long ago as 1988, the Commission on Veterans' Education Policy noted that, and I quote, "more effective use of GI Bill benefits would result if individuals seeking to use their benefits were advised of the intricacies of the program and of their rights and responsibilities at the outset of their training."

In response to the Commission's recommendations, Congress enacted legislation requiring the VA to provide a brochure that would clearly and fully explain veterans' education programs to individuals first applying for VA education benefits. The VA went on to develop an excellent pamphlet which has been helpful to thousands of veteran students. But additional years of experience with the GI Bill have shown that information regarding a program must be provided to the GI Bill participants while they are still on active duty and before they begin using their VA education benefits. I feel certain that the additional requirements under sections 206 and 207 will provide service members the GI Bill information they need when they need it.

Mr. Speaker, in closing I want to thank the gentleman from New York (Mr. QUINN), the chairman of the subcommittee, for his leadership on this and all other issues before our subcommittee, and for his commitment to the long-standing bipartisan spirit of this committee. I believe America's veterans have benefited from our close cooperation.

Of course I also want to thank the gentleman from Arizona (Mr. STUMP), the chairman of the full committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, for their support of this important measure. H.R. 4110 is an excellent bill, Mr. Speaker. I urge my colleagues to support it.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from New York (Mr. QUINN) and the gentleman from California (Mr. FILNER), the chairman and ranking member of the Subcommittee on Benefits, as well as the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee, for all their hard work and input on this bill. This is a bipartisan bill. I would urge the Members to support it.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 4110, the Veterans Benefits Improvement Act of 1998. We are all too familiar about recent criticisms and accusations from America's veterans about Congress' failure to keep its promises. H.R. 4110 gives us a chance to somehow address some of the problems and demonstrate our concerns for our veterans.

H.R. 4110 provides a much needed re-adjustment of benefits and compensation. This bill, among others, focuses upon improvements of the current veterans educational benefits system, better adjudication of V.A. claims, the adjustment survivor annuities and burial entitlements, and the extension of certain benefits to reservists.

Guardsmen and reservists currently comprise almost half of our nation's military forces. As we tend to rely and place more demands upon reserve components for our nation's defense, we are continually faced with the challenge of providing benefits commensurate to the demands placed on these men and woman. Provisions on H.R. 4110 extending V.A. loan benefits and some burial entitlement for members of the Selected Reserves would definitely go towards recognizing the vital role of "citizen soldiers" in our nation's defense.

Amid accusations that our veterans are being "sold out" and that we have reneged on our promises, I urge my colleagues to take a step towards reassuring our commitment to the brave men and women who served and made great sacrifices for this nation.

Mr. EVERETT. Mr. Speaker, I rise in strong support of H.R. 4110, the Veterans Benefits Improvement Act of 1998. I am very pleased that, once again, veterans with service-connected disabilities and the families of veterans who died from service-connected causes should receive a full cost of living adjustment (COLA) for 1999.

This Congress is maintaining America's commitment to those who have answered the call to defend our great country and its freedoms. H.R. 4110 would provide a COLA commensurate with the Social Security COLA, which will be calculated at the end of this September. The increased benefit rate would begin on December 1, 1998. If it were calculated right now, it would be about 1.6 percent.

As my colleagues have already described, this pro-veteran legislation would also improve several veterans programs. It would improve education benefits by giving veterans greater flexibility on payment of work-study allowances and by allowing credit for life and work experiences to establish eligibility for the GI Bill.

This legislation would allow Federal, State and local governments to waive wage increase requirements and minimum payment rates for certain government on-the-job training programs, thereby making these programs more accessible to veterans. The VA and military services would also be required to provide service members and veterans better information about their GI Bill benefits.

Recognizing the increasing importance of our Nation's Reserve and National Guard forces, H.R. 4110 would establish their permanent eligibility for veterans housing loans and would authorize the VA to furnish burial flags for deceased members of the reserve components even before they are eligible for retirement.

This bill has too many good provisions in it for complete discussion here, so I have chosen only a few. Certainly, I support all of the bill.

Mr. Speaker, I want to commend Chairman STUMP of the full Committee, Mr. EVANS, the Ranking Minority Member, Chairman QUINN of the Subcommittee on Benefits, and Mr. FILNER, the Subcommittee's Ranking Minority Member, for their hard work and bipartisan approach on the bill. I am pleased to join them in cosponsoring the bill.

And finally, Mr. Speaker, I urge all of my colleagues to act favorably on this measure.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4110, the Veterans' Benefits Improvement Act.

H.R. 4110 authorizes a full cost-of-living adjustment for veterans with service connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans, for FY 1999. It also simplifies VA education programs, makes reservists and National Guard members permanently eligible for the VA Home Loan Program, and makes internal improvements to the operation of the U.S. Court of Veterans Appeals.

The disability compensation program is intended to provide some relief for those veterans whose earning potential has been adversely impacted as a result of disabilities incurred during military service.

The survivors benefit program is intended to provide partial compensation to the appropriate survivors for a loss of financial support due to a service-connected death.

Congress has provided an annual cost-of-living adjustment to these veterans and survivors since 1976.

This legislation also addresses a potential future problem for the Court of Veterans Appeals. Beginning in 2004, five of the six original appointees on this court will be eligible for retirement. Moreover, the last two years have seen a substantial increase in the workload and backlog of cases pending before the court.

This legislation permits the Court of Veterans Appeals to operate in a manner similar to other Federal courts, whereby retired judges are permitted to volunteer their services in a limited capacity, typically 25% of a normal workload. These judges receive retired pay equal to that of an active judge in exchange for their services.

This goal of this provision is to provide an effective measure to help reduce overall workload and shorten the time that veterans must wait for decisions on their appeals.

Finally, H.R. 4110 makes permanent the authority of the VA to guarantee home loans for National Guard and Reserve members. This authority was previously set to expire on September 30, 1999.

Mr. Speaker, I believe this is worthy legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill, which makes substantial improvements to our national policy as it relates to veterans. The special contributions that veterans have made to the history of this country are under-appreciated and this bill, I believe, tries to bring much needed satisfaction to our real-life heroes.

H.R. 4110 contains several provisions posed to improve current policy. First and foremost, it amends Title 38 to require the Department of Veterans Affairs to use free and open competition in the award of Veteran's housing contracts. We have opened the doors of privatization in other segments of our society, and it is about time that we start to let market forces work for us in our military expenditures.

This bill also raises the cost of living allowances given to veterans and survivors who are receiving funds from the VA, which should give immediate relief to families who have had a hard time dealing with the modern economy. This provision is especially important because, many times, these funds are the sole source of income for these families.

Other important provisions in the bill improve the quality of life for veterans by providing valuable services for their families, for instance, by improving the way home loan guarantees are issued. Another important change in this bill makes it easier for individuals attending schools on the GI Bill to receive their degrees, an always important goal. Although these changes may seem insignificant to some, I have no doubt that the veterans of this great country will appreciate each and every change made on their behalf in this bill.

I applaud the efforts of the Committee on Veterans' Affairs, who reported this bill favorably with a unanimous vote, for their hard work, and I urge my colleagues here today to do H.R. 4110 similar justice by passing it unanimously as well.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 4110, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PERSIAN GULF WAR VETERANS HEALTH CARE AND RESEARCH ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3980) to amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans Health Care and Research Act of 1998".

SEC. 2. HEALTH CARE FOR VETERANS OF WAR.

(a) AUTHORITY TO PROVIDE PRIORITY CARE.—Section 1710(e) of title 38, United States Code, is amended—

(1) by adding at the end of paragraph (1) the following new subparagraph:

"(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Vietnam era, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after the date of the enactment of this subparagraph, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.";

(2) in paragraph (2)(B), by inserting "or (1)(D)" after "paragraph (1)(C)";

(3) in paragraph (3)—

(A) by striking out "and" at the end of subparagraph (A);

(B) by striking out "December 31, 1998." in subparagraph (B) and inserting in lieu thereof "December 31, 2001; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case of care for a veteran described in paragraph (1)(D), after a period of five years beginning on the date of the veteran's discharge or release from active military, naval, or air service."; and

(4) by adding at the end the following new paragraph:

"(5) When the Secretary first provides care for veterans using the authority provided in paragraph (1)(D), the Secretary shall submit to Congress a report on the experience under that authority. The report shall cover the period of the first three years during which that authority is used and shall be submitted not later than nine months after the end of that three-year period. The Secretary shall include in the report any recommendations of the Secretary for extension of that authority.".

(b) ENROLLMENT PRIORITY.—Section 1705(a)(4) of such title is amended—

(1) by striking out "and" after "permanently housebound" and inserting in lieu thereof a comma; and

(2) by inserting ", and veterans described in subparagraph (F) of section 1710(a)(2) of this title" after "disabled".

SEC. 3. NATIONAL CENTER FOR THE STUDY OF WAR-RELATED ILLNESSES.

(a) IN GENERAL.—(1) Chapter 73 of title 38, United States Code, is amended by inserting after section 7322 the following new section:

"§ 7323. National Center for the Study of War-Related Illnesses

"(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Health, shall establish and operate in the Veterans Health Administration a National Center for the Study of War-Related Illnesses (hereinafter in this section referred to as the 'Center'). The Center shall, as appropriate, coordinate its activities with those of the National Center on Post-Traumatic-Stress Disorder established pursuant to section 110(c) of the Veterans' Health Care Act of 1984 (Public Law 98–528).

"(b) PURPOSES.—The purposes of the Center shall be to promote improvement of clinical, research, and educational activities of the Veterans Health Administration with respect to war-related illnesses, including medically unexplained illnesses.

"(c) FUNCTIONS.—In carrying out the purposes of the Center, the Under Secretary shall ensure that the Center—

"(1) promotes the training of health care and related personnel in, and research into, the causes, mechanisms, and treatment of war-related illnesses;

"(2) serves as a resource center for, and promotes and seeks to coordinate the exchange of information regarding, research and training activities carried out by the Department, the Department of Defense, and other Federal and non-Federal entities; and

"(3) coordinates with the Department of Defense and other interested Federal departments and agencies in the conduct of research, training, and treatment and the dissemination of information pertaining to war-related illnesses.

"(d) STAFF.—The Under Secretary shall ensure that the staff of the Center has an appropriate range and breadth of expertise so as to enable the Center to bring an interdisciplinary approach to the study and treatment of war-related illnesses.

"(e) COORDINATION BETWEEN DEPARTMENTS.—(1) In order to ensure needed coordination between the Department and the Department of Defense in carrying out the mission of the Center, the officials identified in subparagraphs (A) and (B) of section 8111(b)(2) of this title shall—

"(A) meet regularly to review pertinent policies, procedures, and practices of their respective departments relating to such coordination and to identify actions that could be taken to change policies, procedures, and practices to improve such coordination; and

"(B) take all appropriate steps to carry out those actions identified under paragraph (1).

"(2) The Secretary and the Secretary of Defense shall submit to the appropriate committees of Congress an annual joint report, not later than April 1 each year, on the activities under paragraph (1) during the preceding year.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:

"7323. National Center for the Study of War-Related Illnesses.".

(b) EFFECTIVE DATE.—The National Center for the Study of War-Related Illnesses required to be established by section 7323 of title 38, United States Code, as added by subsection (a), shall be established not later than October 1, 1999.

SEC. 4. ASSESSMENT OF EFFECTIVENESS OF CARE OF PERSIAN GULF WAR VETERANS.

(a) ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.—Not later than November 1, 1998, the Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences for the conduct of a review of a methodology which could be used by the Department of Veterans Affairs for determining the efficacy of treatments furnished to, and health outcomes (to include functional status) of, Persian Gulf War veterans who have been treated for illnesses which may be associated with their service in the Persian Gulf War.

(b) ACTION ON REPORT.—Not later than 180 days after receiving the final report of the National Academy of Sciences under subsection (a), the Secretary shall—

(1) if scientifically feasible, develop an appropriate mechanism to monitor and study the effectiveness of treatments furnished to, and health outcomes of, Persian Gulf War veterans who suffer from diagnosed and undiagnosed illnesses which may be associated with their service in the Persian Gulf War; and

(2) submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this subsection.

SEC. 5. CONTRACT FOR INDEPENDENT RECOMMENDATIONS ON RESEARCH AND FOR DEVELOPMENT OF CURRICULUM ON CARE OF PERSIAN GULF WAR VETERANS.

Section 706 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by adding at the end thereof the following new subsection:

"(d) RESEARCH REVIEW AND DEVELOPMENT OF MEDICAL EDUCATION CURRICULUM.—(1) In order to further understanding of the health consequences of military service in the Persian Gulf theater of operations and of new research findings with implications for improving the provision of care for veterans of such service, the Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences under which the Institute of Medicine of the Academy would—

"(A) develop a curriculum pertaining to the care and treatment of veterans of such service who have ill-defined or undiagnosed illnesses for use in the continuing medical education of both general and specialty physicians who provide care for such veterans; and

"(B) periodically review and provide recommendations regarding the research plans and research strategies of the Departments relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War, including recommendations that the Academy considers appropriate for additional scientific studies to resolve areas of continuing scientific uncertainty relating to the health consequences of any aspects of such military service.

"(2) Not later than six months after the Institute of Medicine provides the Secretaries the curriculum developed under paragraph (1), the Secretaries shall provide for the conduct of continuing education programs using the curriculum developed under paragraph (1). Such programs shall include instruction which seeks to emphasize use of appropriate protocols of diagnosis, referral, and treatment of such veterans.".

SEC. 6. REVISION TO PROCESS FOR DETERMINING PRIORITIES FOR HEALTH-RELATED RESEARCH ON THE PERSIAN GULF WAR.

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) PUBLIC ADVISORY COMMITTEE.—Not later than January 1, 1999, the head of the department or agency designated under subsection (a) shall establish an advisory committee consisting of members of the general public, to include Persian Gulf War veterans and representatives of such veterans, to provide advice to the head of that department or agency on proposed research studies, research plans, or research strategies relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War. The department or agency head shall consult with such advisory committee on a regular basis.

"(c) REPORTS.—(1) Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on—

"(A) the status and results of all such research activities undertaken by the executive branch during the previous year;

"(B) research priorities identified during that year; and

"(C) recommendations of the public advisory committee established under subsection (b) that were not adopted during that year and the reasons for not adopting each such recommendation.

"(2)(A) Not later than 120 days after submission of the epidemiological research study conducted by the Department of Veterans Affairs entitled 'VA National Survey of Persian Gulf Veterans—Phase III', the head of the department or agency designated under subsection (a) shall submit to the congressional committees specified in paragraph (1) a report on the findings under that study.

"(B) With respect to any findings of that study which identify scientific evidence of a greater relative risk of illness or illnesses in family members of veterans who served in the Persian Gulf War theater of operations than in family members of veterans who did not so serve, the head of the department or agency designated under subsection (a) shall seek to ensure that appropriate research studies are designed to follow up on such findings.

"(d) PUBLIC AVAILABILITY OF RESEARCH FINDINGS.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the executive branch relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War (including information pertinent to improving provision of care for veterans of such service) are made available to the public through peer-reviewed medical journals, the Internet World Wide Web, and other appropriate media.".

SEC. 7. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, is hereby designated as the "H. John Heinz III Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "H. John Heinz III Department of Veterans Affairs Medical Center".

SEC. 8. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN GAINESVILLE, FLORIDA.

The Department of Veterans Affairs medical center in Gainesville, Florida, is hereby designated as the "Malcom Randall Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "Malcom Randall Department of Veterans Affairs Medical Center".

SEC. 9. MANAGEMENT OF SPECIALIZED TREATMENT AND REHABILITATIVE PROGRAMS.

(a) STANDARDS OF JOB PERFORMANCE.—Section 1706(b) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking out "April 1, 1997, April 1, 1998, and April 1, 1999", and inserting in lieu thereof "April 1, 1999, April 1, 2000, and April 1, 2001"; and

(2) by adding at the end the following new paragraph:

"(3)(A) To ensure compliance with paragraph (1), the Under Secretary for Health shall prescribe objective standards of job performance for employees in positions described in subparagraph (B) with respect to the job performance of those employees in carrying out the requirements of paragraph (1). Those job performance standards shall include measures of workload, allocation of resources, and quality-of-care indicators.

"(B) Positions described in this subparagraph are positions in the Veterans Health Administration that have responsibility for allocating and managing resources applicable to the requirements of paragraph (1).

"(C) The Under Secretary shall develop the job performance standards under subparagraph (A) in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.".

(b) EFFECTIVE DATE.—The standards of job performance required by paragraph (3) of section 1706(b) of title 38, United States Code, as added by subsection (a), shall be prescribed not later than January 1, 1999.

SEC. 10. EXTENSION OF AUTHORITY TO COUNSEL AND TREAT VETERANS FOR SEXUAL TRAUMA.

Section 1720D(a) of title 38, United States Code, is amended by striking out "December 31, 1998" in paragraphs (1) and (3) and inserting in lieu thereof "December 31, 2001".

SEC. 11. AUTHORIZATION OF CONSTRUCTION OF A SPINAL CORD INJURY CENTER AT THE TAMPA, FLORIDA, VAMC.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out a major medical facility project for construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $46,300,000.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1999 for the Construction, Major Projects, account $20,000,000 to be available for the project authorized in subsection (a).

(c) SOURCE OF FUNDS.—The project authorized in subsection (a) may be carried out using—

(A) funds appropriated pursuant to the authorization of appropriations in subsection (b);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 for a category of activity not specific to a project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3980.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, H.R. 3980 is the Persian Gulf War Veterans Health Care and Research Act of 1998. H.R. 3980 addresses the most pressing concerns facing our Persian Gulf War veterans today. It does so by extending and expanding the VA's treatment authority for Persian Gulf veterans; by taking major steps to improve the effectiveness of that treatment; and by strengthening the process by which the government sets its Persian Gulf research agenda.

This legislation is also forward looking in providing broad treatment authority for veterans of any future combat situations, and requiring the VA to establish a center for the study of war-related illnesses.

The bill also extends VA's authority to provide counseling for sexual trauma to the year 2001.

I would like to thank and acknowledge the leadership and work of the gentleman from Florida (Mr. STEARNS), our subcommittee chairman, and also commend the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee, and the gentleman from Massachusetts (Mr. KENNEDY) for initiating legislation of their own and for their work on this bill.

H.R. 3980 addresses the concerns that many have raised, including the General Accounting Office, the Presidential Advisory Committee on Persian Gulf Illnesses, and the Committee on Government Reform and Oversight, as well as many members of the Committee on Veterans' Affairs. In my view, the solutions that H.R. 3980 proposes are responsible and offer the promise of improved care for Persian Gulf veterans, and greater confidence in the agenda for research on Persian Gulf illnesses.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3980. I want to thank the chairman, the gentleman from Arizona (Mr. STUMP), and the chairman and ranking Democratic member of the Subcommittee on Health, the gentleman from Florida (Mr. STEARNS) and the gentleman from Illinois (Mr. GUTIERREZ), for their work on this important legislation. I join the chairman in voicing my strong support for this far-reaching legislation.

The bill offers the VA a better means of assuring the quality of care provided to veterans of the Persian Gulf War and lays a foundation for understanding health care needs of veterans of future conflicts.

I am particularly pleased that this bill incorporates H.R. 3571 that I introduced in March to extend VA's authority to provide health care treatment for Persian Gulf veterans. In addition, I am pleased that provisions of another measure, H.R. 3279, which I introduced to provide compensation for veterans with Persian Gulf illnesses and to improve their health care treatment, was also included in H.R. 3980.

More than a year ago, I requested that the GAO determine whether VA is maintaining its capacity in certain special emphasis programs as required by law. Preliminary findings from this report and other sources indicate that the expensive specialized services, those once considered the crown jewels of the system, have indeed become increasingly vulnerable to programmatic shifts and funding cuts that now threaten their integrity. These programs serve veterans with catastrophic disabilities, conditions such as spinal cord injury, blindness, severe mental illness, amputations, traumatic brain injury and posttraumatic stress disorder, conditions that I believe most Americans would agree the VA system exists to treat.

H.R. 3980, as amended, will require the VA to assess its resource managers' performance and, in part, base merit pay on ensuring that special programs receive programmatic and resource support veterans served by them deserve. This will better ensure that VA managers are not rewarded for dumping their patients who are most difficult and most costly to treat.

There are a number of other important provisions in this bill, Mr. Speaker, which my longer statement for the record addresses. I want to thank the gentleman from Arizona (Mr. STUMP), the chairman, again for his work on this important legislation. I encourage my colleagues to support H.R. 3980, as amended.

Mr. Speaker, I rise in support of H.R. 3980. I want to thank Chairman STUMP and the Chairman and Ranking Democratic Member of the Health Subcommittee, CLIFF STEARNS and LUIS GUTIERREZ, for their work on this legislation. As a result of their efforts and the efforts of others, H.R. 3980, as now before the House, deserves the support of every member of this body. I join the Chairman in voicing my strong support for this far-reaching health care legislation. The bill offers VA a better means of assuring the quality of care provided to veterans who served in the Persian Gulf War and lays the foundation for understanding health care needs of veterans of future conflicts. In so doing, the legislation will undoubtedly benefit not only Gulf War veterans, but also those combat veterans that follow in their footsteps.

I am particularly pleased that this bill incorporates the measure I introduced this past March, H.R. 3571, to extend VA's authority to provide health care treatment for Persian Gulf veterans. H.R. 3980 also includes provisions from a bill I introduced, H.R. 3279 (Persian Gulf War Veterans Act of 1998), to provide compensation for veterans with illnesses attributable to service in the Persian Gulf. For example, the bill requires VA to commission a study from the National Academy of Sciences to identify associations between exposures service members likely encountered as a result of Gulf War service and their health outcomes.

VA has, on its own initiative, entered into a two-year contract with the Institute to review and evaluate the research and medical literature available to assess associations between exposures and health effects on Gulf War veterans. While the contract is not as expansive as that which is required in the Persian Gulf War Veterans Act of 1998, it lays the groundwork for research that could identify probable clinical associations and areas where more work is needed. I commend VA for taking the initiative to respond to the recommendation made by the Presidential Advisory Committee on Gulf War Illnesses and reaffirm my commitment to making this a longer-term partnership in the future.

This measure further ensures that the federal government is accountable for its research agenda by establishing a Veterans Advisory Panel. The Advisory Panel will recommend areas where VA should do additional research, advise on strategies for research, and suggest improvements in study designs. This measure further ensures that the Research Working Group is accountable to Persian Gulf Veterans by requiring the Working Group to either implement the Panel's recommendations or to justify not incorporating their recommendations.

The Committee has built on the relationship VA has already established with the Institute of Medicine. Assessing health care effectiveness was a concern of many of our members, so this measure asks VA to work with the Institute of Medicine to identify the outcome measures that would be useful in helping us understand which treatments are most beneficial to veterans. Outcomes would include measures of both health and functional status. Having both types of measures would allow us not only to assess if veterans' physical symptoms are improving, but if the veteran is also better able to engage in productive activities and social relationships.

Mr. KENNEDY's original Persian Gulf bill supported a measure for training VA clinicians to provide better health care to those with poorly defined symptoms or undiagnosed illnesses. I recognized the value in such a proposal immediately and I support the measure included in the legislation before us today to ask the Institute of Medicine to develop a recommended curriculum for VA primary and specialty physicians involved with Gulf War veterans' care.

H.R. 3980 also establishes a new plan for addressing the spouses and children of Gulf War veterans. The current program is expiring but is clearly not meeting the needs of veterans' dependents. It offers a medical examination at only 18 sites around the country with no follow-up treatment if a problem is found. VA is now in the third phase of an important epidemiological study to identify prevalence of symptoms or conditions in veterans and their families. As the findings of this study become available, this legislation will require VA to engage in additional studies of those conditions veterans' families exhibit more than their peers. I will pledge that to the degree there are clinically significant associations found in this study, I will offer legislation to assure veterans' families have access to treatment for the conditions they suffer.

My friends, KAREN THURMAN of Florida and MIKE DOYLE of Pennsylvania have each introduced bills to rename VA facilities in their states. These bills have been incorporated into H.R. 3980 and just last week, companion bills were reported favorably by the Senate Veterans' Affairs Committee. Representative THURMAN's measure will rename the Gainesville VA Medical Center after a long-time public servant, Malcom Randall, who served as the facility's director for more than 30 years. Congressman DOYLE's provision will rename the Aspinwall VA Medical Center in Pittsburgh after the late Senator, H. John Heinz III. I thank the Members for their commitment to ensuring enactment of these two provisions and thank my colleagues on the Committee for favorably considering the renaming measures on behalf of these two worthy individuals.

Recently, the Subcommittee on Health held a hearing on the record of the Veterans' Health Administration's special programs meeting the treatment and rehabilitation needs of disabled veterans. Specifically, the Committee wanted to ensure that the VHA was obeying a provision of the law Congress enacted as part of its comprehensive Eligibility Reform Act in 1994. The Act, along with the sweeping administrative changes being made, transformed the delivery of VA medical care. At the time the law was enacted, Congress realized there would be far reaching changes, many of which would be positive, but was prescient enough to recognize that authorizing VA to become a more efficient provider could adversely affect some successful programs. Our concerns were based, at least in part, upon watching the experience of private sector medicine, as it became more cost-effective. Specialty care for people with chronic conditions was more adversely affected than care in other areas, largely because it cost more to deliver. Accordingly, Congress required VA to maintain its capacity to meet veterans' health care and rehabilitation needs in the special programs.

More than a year ago, I requested the General Accounting Office to determine whether VA is maintaining its capacity in certain special emphasis programs as required by law. The Veterans' Health Administration developed these special programs to treat combat injuries or other conditions disproportionately experienced by veterans. These programs treat and rehabilitate veterans with catastrophic illnesses or disabilities—conditions such as Spinal Cord Injury, blindness, severe mental illness, amputations, traumatic brain injury and Post-traumatic Stress Disorder—conditions I believe most Americans would agree the VA medical system exists to treat.

It appears the expensive specialized services—the crowned jewels of the system—have indeed become increasingly vulnerable to programmatic shifts and funding cuts which threaten their integrity. I must sadly report that the hearing elicited some of the most disturbing testimony our Committee has heard this year. Witnesses made it clear that Congress must continue to collect data from VA to assess these programs and to improve the data VA collects. It is apparent that too many psychiatric inpatient settings are discharging veterans with severe mental illness onto the streets without community resources to support them; too many spinal cord injury centers lack the resources they need to operate and have no medical leadership for months on end; and the increasing demands on the prosthetics programs are not being met with new resources to support them. Worst of all, witnesses allege that VA officials are encouraging employees to underreport important measures designed to help Congress understand how well the programs are operating! Without these important measures or with faulty and inaccurate measures, which are required by law, we are unable to provide effective oversight of these critical programs.

To address this concern, H.R. 3980, as amended, will require VA to assess its resource managers' performance in ensuring that special programs receive the programmatic and resource support veterans served by them deserve. Any merit pay managers receive based on their performance must assess how well these important programs are maintained. This will better ensure VA managers are not rewarded for "dumping" their patients who are the hardest and most costly to treat and is an important test in further protecting the programs which make VA a unique and essential provider.

Also in the interest of special programs, for the third time, this Committee will put forward a measure to authorize a major construction project to replace the Spinal Cord Injury center in Tampa, Florida. There are major deficiencies in the current structure and the new wards this project will create are absolutely essential. My good friend, MIKE BILIRAKIS, has been a tireless champion of this project for more than 10 years—neither the need, nor his devotion, to fulfilling it has diminished over this time.

I am pleased H.R. 3980 is reauthorizing the sexual trauma counseling program that is helping so many of our women service members move on with their lives after being subject to traumatic physical or verbal abuse during military service. During a recent Committee hearing, we received unequivocal testimony from VA and veterans' service organizations about the value of this important program. In a perfect world we would hope that the problem of sexual harassment and abuse in our armed forces would diminish and, in time, be eliminated, but, in fact, all signs point to just the opposite happening. In this not so perfect world, it is essential that we maintain this program.

I, again, want to thank Chairman STUMP for working with me and others on this important legislation. I recommend and encourage our colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I appreciate the recognition from the distinguished chairman of the full committee. I also want to thank the gentleman from Illinois (Mr. EVANS), the ranking member, and the gentleman from Illinois (Mr. GUTIERREZ), the ranking member on the Subcommittee on Health. Mr. Speaker, I am going to take a few moments just to outline some of the broad understanding of this Gulf War syndrome for the record.

Mr. Speaker, in January and early February of 1991, the United States stood on the brink of what many people anticipated would be a protracted military campaign against the forces of an aggressor nation. Many lawmakers, some in this Chamber, opposed military action, of course, fearing heavy losses.

Thankfully our armed forces proved vastly superior to Saddam Hussein's army, and in a matter of days the conflict was over.

Appropriately, much of the credit for our swift, decisive action went to the approximately 700,000 American men and women who served in the Gulf War during that operation. As a Nation, of course, we salute their heroism.

In one month after the war's close, however, it became apparent that many Persian Gulf veterans who had escaped the hazards of enemy rockets, tanks, mines and gunfire were not left untouched. Increasingly veterans who returned home uninjured began to experience illnesses with multiple symptoms which their doctors really could not explain.

Almost as soon as the reports of these problems reached Congress, our committee, the House Committee on Veterans' Affairs, began investigating. We held two hearings in 1992 exploring the possible link between these illnesses and the troops' exposure to the chemical soot of Iraqi-set oil well fires. With continued reports of veterans' health problems, the committee continued its review, seeking to explore the possible effects of an ever-growing number of risk factors. In all, the committee has held 17 hearings relating to the health effects of service in the Persian Gulf War. While answers to these many questions remained elusive, the committee over the years has nevertheless initiated the passage of unprecedented legislation to address health care problems experienced by Persian Gulf veterans, research on risk factors associated with such service, and provision of compensation for veterans with unexplained or undiagnosed conditions.

In the course of its oversight, the committee has heard from individual veterans and their dependents and representatives, as well as clinicians, researchers and auditors.

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We have met with and taken testimony from officials of numerous government agencies and representatives of each of the expert panels which have studied Persian Gulf War veterans' health problems, including scientists from the Institute of Medicine and the Presidential Advisory Committee on Gulf War Illnesses. The committee has led efforts to ensure that lack of definitive answers not be a barrier to provision of health care and compensation for health problems which appear to have their origin in service. At the same time we have pushed and pursued funding for research to ascertain the nature of these illnesses and determine the most effective means of treatment.

Mr. Speaker, numbers and statistics do not adequately explain the problems that have led us to develop the bill we bring to the floor today. However, the plain-spoken words of a former Marine, Carl Wickline, who testified at one of our hearings, graphically convey the kind of health problems veterans have encountered:

> Multiple symptoms began to become noticeable shortly after I returned to the United States. Symptoms have included severe headaches, chronic fatigue, recurring neuromuscular back pain, short-term memory loss, lapses in concentration, severe rash, depression which medication has not successfully treated, night sweats, insomnia, severe gastrointestinal problems, blurred vision, photosensitivity, bleeding gums, immune system inefficiencies and multiple chemical sensitivities.

Describing VA attempts to treat him as having been unsuccessful, he stated that,

> I end up in the same place each time I attempt to contact the VA concerning my illnesses. Mental health must be the dead end for all cases which the VA has no knowledge or interest in treating.

Mr. Speaker, his experiences echo those of many veterans. In fact, in my district Michael Adcock of Ocala, Florida, who had many of the symptoms Mr. Wickline reported, he died at the age of 22, shortly after returning home to Ocala from the Gulf.

Another spouse, Deborah Smith, testified as to how little trust these veterans have.

> For 5 years veterans questioned the likelihood that they had been exposed to chemical weapons during the Gulf War. For 5 years the Pentagon denied that possibility. When indisputable evidence was presented in 1996, those denials were turned to affirmation. Sensitivity is needed to grasp the betrayal these soldiers experienced due to this incident.

What has become clear, Mr. Speaker, is that scientists do not believe there is any one single illness or any single exposure which would explain all these problems. It seems equally clear that many veterans who have undergone VA or DOD clinical examinations or participated in the research programs have very real illnesses which are likely connected to the service in the Gulf.

Well, we have reviewed these, and that is why this bill is presented today.

In a June of 1997 report on Gulf War illness and testimony before our Subcommittee on Health, the General Accounting Office criticized the Federal research effort as, quote, lacking a coherent approach, and questioned the emphasis Federal departments have given on epidemiological research rather than research on diagnosis, treatment and prevention of Gulf War veterans' illnesses. Our committee initiated legislation last year to foster more clinical research in this area.

It is clear that many Persian Gulf veterans are unsatisfied. They are frustrated that research has not provided the full answers, and they perhaps have lost confidence in departments managing that research, and I share their concern. That is why this committee, in developing the legislation we are bringing to the floor today, has sought to bring to attention these concerns to the public and pass legislation that will solve these problems.

H.R. 3980 would address all these concerns directly. It would provide both for independent expert oversight of the Federal research program relating to the Gulf War illnesses and a mechanism for, quote, consumer participation in Persian Gulf research agenda-setting. It is not all the military, it is not all the Veterans Affairs. For the first time we bring the consumer in. An independent voice is now available.

H.R. 3980 would effectively carry out the recommendation that Congress provide for independent oversight. It would do so by requiring the VA and DOD to enter into contract with the National Academy of Sciences, under which the Academy Institute of Medicine would periodically review and provide recommendations to the departments on their plans and strategies for Persian Gulf research. Such review would involve both assessing and making recommendations on the DOD and other departments' research plan.

While the research agenda is the key to resolving long simmering questions, many veterans continue to experience disabling health problems. To that end this bill today would extend VA special treatment authority for Persian Gulf War veterans and to assure that the promise of "priority health care" is not compromised.

The bill would also elevate the "enrollment priority" of the veterans. At the same time the committee recognized that health care issues for Persian Gulf veterans are not just issues of access. Lack of understanding of these issues and lack of tools available to resolve these symptoms have certainly been the perception out there that many veterans have, and we seek to change that in this bill. Evaluations of VA care for the veterans has not been altogether good.

The American Legion, for example, testified that, quote, there is little evidence that VA's overall approach provides effective medical treatment for Gulf War veterans with difficult-to-diagnose and ill-defined conditions. The structure of VA's medical system, the lack of treatment protocols to guide physicians in the treatment of this illness, the nature of the illness and the site visit conducted by the American Legion suggests that on the whole VA does not effectively treat these illnesses. Our bill attempts to correct that.

There remains questions, I understand, regarding the effectiveness, but the important concerns we have are addressed in this bill. In H.R. 3980 there is a provision to require VA to enter into a contract with the National Academy of Sciences to remedy these problems.

We have, Mr. Speaker, to apply the lessons that we have learned from the Persian Gulf War experience and not just continue to hearken on the past. Just as our committee has worked to resolve the health problems, we believe it is critical to apply the lessons in the future.

Early this year, for example, the country again faced the possibility of committing our armed forces to military intervention in Iraq with the potential for renewed combat in the Persian Gulf theater we have to be prepared, and we have to have in place legislation to care for these soldiers that might go to fight again.

The findings that we provided in our hearings underscores the importance both of increasing understanding of war-related illness generally and of ensuring that the Department of Veterans Affairs is better prepared to treat veterans in future wars or military combat.

So, Mr. Speaker, I think this bill takes a long step forward, and let me again say that H.R. 3980 is an important bill, not just for Persian Gulf veterans, but for those now in military service and in the future. I believe the American Legion has best described the significance of these provisions in this bill when they talk about it by saying, "The best contribution that Congress can make in the search for the cause and medical treatment of Gulf War illnesses, they refer to this bill."

So, Mr. Speaker, I believe that H.R. 3980 is an important bill that all Members should support, and I urge all my colleagues to do so.

Mr. EVANS. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise today to speak about two bills, H.R. 3980, the Persian Gulf War Veterans Health Care and Research Act of 1998, the measure that is before us today, and H.R. 4036, the Persian Gulf War Veterans Health Act of 1998 that I hope will be before us at a later date. I certainly appreciate the work of the Committee on Veterans' Affairs' Subcommittee on Health as well as our full committee on this issue. I think we have heard the eloquent statement of the gentleman from Florida (Mr. STEARNS), the chairman, that he is attempting to get at the root of our problems with the Persian Gulf War illness. The gentleman from Illinois (Mr. GUTIERREZ), his ranking member, and the gentleman from Arizona (Mr. STUMP), chairman of the full committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, have spent countless hours in crafting this legislation, and as the gentleman from Florida said, I think this will address many of the concerns of our Persian Gulf War veterans.

I will be voting for this bill. But I think the statement that the gentleman from Florida (Mr. STEARNS) so eloquently gave and the compassion which he feels for our veterans should logically lead to a bill which would go a little further, and let me make my concerns clear about that by spending a few minutes on a bill that was later introduced, H.R. 4036, introduced by the gentleman from Connecticut (Mr. SHAYS), who was chairman of the Subcommittee on Human Resources for the Committee on Government Reform and Oversight of our House. That is a bill which also enjoys bipartisan support in Congress, widespread support in both the Gulf War veterans' community and the veterans' community at large. The Shays bill does three things more than the bill before us:

Number 1, it assumes that our fighting men and women were indeed exposed to toxins found in the Gulf War, including chemical warfare agents, experimental drugs and depleted uranium. Thus this legislation provides researchers with a blueprint of where to begin. It creates a definitive toxic exposure list, one that can be added to with new information. Given dramatic failures at the Department of Defense and the Department of Veterans' Affairs to begin, even begin, research on oil well fire pollution, depleted uranium or combinations of exposures creating this sort of list is a clear step in the right direction, and passage of such a bill has strong precedent. The Agent Orange Act of 1991, for example, contained a listing of herbicide toxic exposures. If we never actually list the toxins, as H.R. 4036 does, then the suspected causes are left open for endless future debate with little possibility of action or treatment for our veterans.

Secondly, what I find most disturbing about the bill before us is that the Veterans Administration and the Department of Defense remain basically in charge of the medical research, research the Committee on Government Reform and Oversight of this House has found, and I quote, irreparably flawed, hobbled by institutional inertia, plagued by arrogant incuriosity and a pervasive myopia. In my view, these agencies, condemned by their own stonewalling and lack of forthrightness to the American people, have forfeited the right to direct this research effort.

H.R. 4036, the bill that I hope will come before us, would establish an independent research body to investigate toxic exposures and true, true independent oversight of government research. With this kind of expanded research scientists would have a better chance of discovering treatment programs that Gulf War veterans desperately need, contrasted with most of the research done by the VA and DOD up to this point. The General Accounting Office, as already pointed out by the gentleman from Florida (Mr. STEARNS), characterized those efforts as lacking focus and putting little or no emphasis on developing treatment programs. It is time for a radical change in the structure by which we carry out this research.

Thirdly, under H.R. 4036, when scientists find an association between the exposure and illness, the ill Gulf War veteran becomes classified as service connected; that is, eligible for not only health care but compensation and other benefits. This is a health crisis, Mr. Speaker, not a political football to be decided by the public relations and turf-conscious referees in those departments. This issue should be in the hands of scientists.

As I said earlier, I will vote in favor of H.R. 3980. The gentleman from Florida (Mr. STEARNS) has made an excellent case for how it will make improvements in our treatment of Persian Gulf War veterans. But I do not believe that this should be the final vote on this issue. It gets us closer to the goal, but it does not score the goal. Why I ask, Mr. Speaker, after 7 years should Gulf War veterans settle for anything less than a full accountability and full responsibility from their government? H.R. 4036 goes all the way and addresses the core problems at issue. Congress can do no less than to support those who have allowed this great Nation to remain free and prosperous.

All Gulf War veterans want to know is how they got sick, how they are going to get better and how this country is going to prevent future comrades from getting the same sickness. This is the essence of the written as well as the unwritten contracts between those who lay their lives on the line for our people. Our Persian Gulf War veterans gave their best, they deserve the best from their country: the best in research, the best in treatments. We should be doing nothing less.

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Mr. EVANS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the Persian Gulf Veterans Health Care and Research Act of 1998. Seven years and hundreds of billions of dollars later, our Nation's Gulf War veterans still do not have the answer to their most pressing question, what is causing Persian Gulf War syndrome.

While I continue to find this troubling, I believe that Congress is on the right track by continuing to elevate the priority for access to VA health care for Persian Gulf War veterans. The symptoms associated with Gulf War syndrome are often so complex and obscured that it can be difficult to continuously prove service-connected disability. Furthermore, Congress should be encouraging early intervention and treating these illnesses, often made difficult by current eligibility requirements. This legislation would provide priority health care to treat illness that may be attributable to a veteran's service in combat.

Unfortunately, our Nation's troops may be needed again in a region where chemical warfare is a possibility. When they put their lives on the line to protect our freedoms, we should hold nothing back to ensure their safety. We owe our veterans, present and future, this investment.

I would also like to thank the gentleman from Arizona (Chairman STUMP) for all of his help over the last couple of months, and the ranking member, the gentleman from Illinois (Mr. EVANS) and the entire Florida delegation, including the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. STEARNS), for including in this comprehensive bill my legislation, H.R. 3336, renaming the VA Medical Center in Gainesville, Florida, the Malcolm Randall VA Medical Center.

After 32 years of service, on April 27 of this year Mr. Malcolm Randall retired as director of the Gainesville VA Medical Center. Mr. Randall has devoted his life to serving our country bravely and meritoriously. His long and honorable career is recognized worldwide.

Not only did Mr. Randall serve on PT boats and battleships in the South Pacific in World War II, he was formerly Air Staff Commander of the Naval Air Reserve Unit in Jacksonville, Florida, and holds the rank of Captain in the U.S. Naval Reserve.

In addition, he was awarded the two highest awards the VA offers, the Meritorious Service Award and Exceptional Service Award. Throughout Florida, Mr. Randall is regarded as a leader in introducing medical technology and techniques that have resulted in higher quality medical care being delivered to greater numbers of veterans.

It is altogether fitting that one of the premier VA medical centers in this country, one that symbolizes innovation and excellence in medical care, should bear his name. With passage of this bill, not only the entire Florida delegation but the Nation can take pride in Mr. Randall's achievements.

Again, I want to thank the gentleman from Arizona (Chairman STUMP) for all of his help.

Mr. STUMP. Mr. Speaker, I yield one minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I just want to echo the comments of my colleague, the gentlewoman from Florida (Mrs. THURMAN). We did indeed recognize Malcolm Randall for his efforts, the 40 years of hard work he has done at that hospital. I had the privilege to represent that hospital for 4 years in Congress, and I wanted to echo the sentiments of my colleague.

Mr. Randall has been an outstanding administrator, and, more importantly, he has been there for 40 years. He developed this hospital from a very small facility to a very prestigious institution. I have toured that facility many times and I have spoken at their dedications and veterans' ceremonies, so I feel a special akin to that institution.

So I am pleased to recognize the naming of the institution, as the gentlewoman from Florida (Mrs. THURMAN) has mentioned. I am glad we included this initiative as part of our bill. I wanted to thank the gentlewoman for her efforts, because she is the one that spearheaded this effort and got it going in the early stages. She also got the Florida delegation to all sign on. The gentlewoman is to be recognized, and that is another reason I stand. I stand also to recognize the gentlewoman from Florida (Mrs. THURMAN) for her efforts.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to again commend the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health, the gentleman from Illinois (Mr. EVANS), the ranking member on the committee, and the gentleman from Illinois (Mr. GUTIERREZ), for their work in drafting this bill. I am pleased to be able to accommodate the gentlewoman from Florida (Mrs. THURMAN), and I thank her.

Mr. DOYLE. Mr. Speaker, I rise today in support of H.R. 3980, the Persian Gulf War Veterans Health Care and Research Act. Incorporated as part of H.R. 3980, is legislation I introduced, H.R. 2775, which designates the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania as the H. John Heinz, III Veterans Affairs Medical Center.

As the Chairman of the Senate VA–HUD Appropriations Subcommittee, the late Senator Heinz made a top priority of ensuring that the federal government maintained its commitment to our nation's veterans. In keeping with this legacy, I am confident Senator Heinz would be honored to have his name associated with legislation that reinforces our commitment to those who served in the Persian Gulf War.

In the area of southwestern Pennsylvania where both Senator Heinz and I were born and raised, young men and women have served in our nation's armed forces at a greater rate than almost anywhere in our country. Because of this, the VA has been a major part of life in our communities for generations, and the benefits and services provided by the VA have improved the lives of countless families in our area. As the son of a fully disabled World War II veteran, I can personally attest to this fact.

Without question, the Aspinwall facility was constructed as a direct result of Senator Heinz' recognition of the critical need for increased VA health care services in Pittsburgh. Thus, it is fitting and appropriate that the Aspinwall facility be renamed to acknowledge his dedication to all those who have benefited from the hospital's medical care. I can assure all members of the House that renaming the Aspinwall VA facility is no small tribute.

The tragic death of Senator Heinz in 1991 was, and continues to be, a heartfelt loss for not only the veterans of Pennsylvania, but for all of its residents. The gratitude that Pennsylvanians have for Senator Heinz is evident in the overwhelming support my bill has received from members of the Pennsylvania delegation and veterans organizations from across the Commonwealth.

I am pleased that the House is considering H.R. 2775 as part of the Persian Gulf War Veterans Health Care and Research Act. I want to extend my sincere thanks to Veterans' Affairs Committee Chairman STUMP and Ranking Member EVANS for their support of my efforts to rename the Aspinwall VA facility in honor of the life and achievements of Senator John Heinz. I urge support for H.R. 3980.

Mr. EVERETT. Mr. Speaker, I rise in strong support of H.R. 3980. Eight years after 700,000 American troops were deployed to the Persian Gulf, many disturbing questions remain unanswered about their residual medical conditions. As I said at our joint Subcommittee on Health and Oversight Hearings on Persian Gulf War Veterans' Health Concerns in April 1997, "It is clearly evident that our government was aware of the presence of chemical weapons in Iraq since at least 1986. The CIA and the Defense Department's long denial of the possibility of chemical weapons exposure was a great disservice to thousands of Gulf War veterans who believe their tour of duty in the Persian Gulf has adversely affected their health."

While DoD and the VA have improved their research, a more disciplined approach is required to address the unresolved questions regarding Persian Gulf veterans health problems as well as applying these lessons learned from the Persian Gulf experience to assist veterans who may deploy in future conflicts.

As my colleagues have mentioned before me, this legislation would authorize the VA to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during any period of war after the Vietnam War or during any other future period of hostilities.

This legislation would require the VA to establish a multi-disciplinary National Center for the Study of War-Related Illnesses to carry out and foster research, education and improved clinical care of war-related illnesses.

This bill contains many requirements for accountability and openness, so I have chosen to address only a few. I fully support all provisions of this bill.

Mr. Speaker, I want to commend Chairman STUMP of the full Committee, Mr. EVANS, the Ranking Minority Member, Chairman STEARNS of the Subcommittee on Health, and Mr. GUTIERREZ, the Subcommittee's Ranking Minority Member, for their hard work and bipartisan approach on the bill. I am pleased to join them in cosponsoring the bill.

And finally, Mr. Speaker, when we send American troops into the hostile physical and military environment of war and they come back wounded or ill, we need to do all we can to heal the wounds of war. I urge all of my colleagues to approve this bill.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of H.R. 3980, the Persian Gulf War Veterans Health Care and Research Act.

HR. 3980 establishes priority VA health care enrollment to treat illnesses that may have been caused by a veterans service in any combat period after the Vietnam war or for any future combat service. This treatment will be available for five years after a veterans discharge from service.

This legislation also directs the VA to establish a multi-disciplinary center to support research, education and improved treatment of war-related illnesses. Furthermore, the VA must establish a joint research project with the national academy of sciences to study the efficacy of treatments given to Gulf war veterans for possible service-connected illness. Finally, the emphasis of public input on gulf war illness efforts is increased.

Mr. Speaker, in my view this legislation is long overdue. As we all know, the track record of the Department of Defense and the Pentagon regarding Gulf War illness research is sorely lacking. For years, the VA was all too happy to accept the overly optimistic findings of DOD that no veterans had been exposed to toxic chemicals or other materials. Consequently, research on Gulf-war illness did not truly begin until 1995, four years after the war ended.

Moreover, Mr. Speaker, this research effort has been slow to get off the ground and lacks, a uniform approach. The General Accounting Office has been sharply critical of the VA research efforts, and the VA has chosen to contest GAO findings, rather than adopt more of them.

In the interim, our Gulf-war veterans, have not been getting any healthier, their symptoms are real, they are debilitating, and they are most definitely not products of the veterans' imaginations, I hope that this legislation will continue to make their lives, and their coping with their symptoms, a somewhat easier.

According, I urge my colleagues to support this worthwhile legislation.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3980, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING ADMINISTRATIVE ASSISTANT TO CHIEF JUSTICE TO ACCEPT VOLUNTARY SERVICES

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2143) to amend chapter 45 of title 28, United States Code, to authorize the Administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

The Clerk read as follows:

S. 2143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR VOLUNTARY SERVICES.

Section 677 of title 28, United States Code, is amended by adding at the end the following:

"(c)(1) Notwithstanding section 1342 of title 31, the Administrative Assistant, with the approval of the Chief Justice, may accept voluntary personal services to assist with public and visitor programs.

"(2) No person may volunteer personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5.

"(3) No person volunteering personal services under this subsection shall be considered an employee of the United States for any purpose other than for purposes of—

"(A) chapter 81 of title 5; or

"(B) chapter 171 of this title.

"(4) In the administration of this subsection, the Administrative Assistant shall ensure that the acceptance of personal services shall not result in the reduction of pay or displacement of any employee of the Supreme Court.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2143.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill was passed by unanimous consent in the other body.

It is an innocuous measure that will benefit the Supreme Court in its day-to-day operations, as well as the estimated 1 million visitors who tour the building annually.

The Supreme Court, Mr. Speaker, as all of us no doubt know, is inundated with visitors. Now, this is perhaps a mixed blessing. On the one hand, it is a good thing, because it demonstrates the interest that the American people have in the history of our national jurisprudence. On the other hand, it means that the small group of men and women who conduct tours and deliver lectures at the facility cannot accommodate all these visitors in an orderly fashion.

This bill simply authorizes the Administrative Assistant to the Chief Justice of the Supreme Court to accept voluntary personal services to assist with public and visitor programs. Importantly, S. 2143, the bill before us, contains a proviso to ensure that the acceptance of these personal services will not result in the reduction of pay or displacement of any employee of the Court. This restriction is similar to the one which applies to the operations of the Capitol tour guide service.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over 1 million tourists visit the Supreme Court building each year, and, because of budgetary pressures, the Court has asked Congress to enact legislation permitting volunteers in the Supreme Court Historical Society to conduct public tours of the Court.

As we know, here at the Capitol, the Capitol Guide Service is assisted by 35 volunteers who help with Capitol visitors, and the volunteers have expanded the service to increase the number of tours to the Capitol by approximately 25 percent.

As the chairman has indicated, this bill authorizes the Supreme Court to accept volunteers to assist the public with the visitor program. The volunteers could not be hired unless they waive all claims against the Federal Government arising out of their service, and the bill specifies that the volunteers would not be considered Federal employees. Importantly, the bill prevents paid Supreme Court employees from being fired or having their salary reduced as a result of increased volunteer services.

Having said that, I must point out that concern has been raised about this bill. If adopted, the Supreme Court could accept the services. However, we have not had a hearing on the House side, and I note that apparently no hearing was held on the Senate side either. Because of that and concerns expressed by the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and the gentleman from Massachusetts (Mr. FRANK), the ranking member of the subcommittee, it is suggested that we do have a hearing. There is concern among employees that this might have adverse ramifications, despite the language suggesting otherwise.

So that would be my comment. Should this bill pass anyhow, I would strongly urge the administrators at the Court to deliberate collaboratively with the employee groups there.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of the gentlewoman from California who, by the way, has been a valued member of the Committee on the Judiciary and specifically a valued member of the Subcommittee on Courts and Intellectual Property.

Permit me just to say this, Mr. Speaker, in response. As I said before, the bill requires the Administrative Assistant to the Chief Justice to ensure that no Supreme Court employee will be displaced or have his or her pay reduced. None of the workers at the Court, including the police officers, who are members of the Fraternal Order of Police, oppose this bill, to my knowledge, and the Chief Justice is enthusiastic about its passage.

I think, Mr. Speaker, and I say to my friend, the gentlewoman from California, I think this is an operational problem that can be cured without requiring the Court to submit a larger budget request, and I urge its passage.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note the very courteous remarks of the chairman, and should this bill pass, that that consideration and administrative deliberation would indeed take place as the chairman has expressed.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the Senate bill, S. 2143.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GRANTING FEDERAL CHARTER TO AMERICAN GI FORUM

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1759) to grant a Federal charter to the American GI Forum of the United States.

The Clerk read as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The American GI Forum of the United States, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such and granted a Federal charter.

SEC. 2. POWERS.

The American GI Forum of the United States (in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State of Texas and subject to the laws of the State of Texas.

SEC. 3. PURPOSES.

The purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To secure the blessing of American democracy at every level of local, State, and national life for all United States citizens.

(2) To uphold and defend the Constitution and the United States flag.

(3) To foster and perpetuate the principles of American democracy based on religious and political freedom for the individual and equal opportunity for all.

(4) To foster and enlarge equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States citizens, regardless of race, color, religion, sex, or national origin.

(5) To encourage greater participation of the ethnic minority represented by the corporation in the policy-making and administrative activities of all departments, agencies, and other governmental units of local and State governments and the Federal Government.

(6) To combat all practices of a prejudicial or discriminatory nature in local, State, or national life which curtail, hinder, or deny to any United States citizen an equal opportunity to develop full potential as an individual.

(7) To foster and promote the broader knowledge and appreciation by all United States citizens of their cultural heritage and language.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State of Texas and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Except as provided in section 8(g), eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the corporation.

SEC. 6. BOARD OF DIRECTORS.

Except as provided in section 8(g), the composition of the board of directors of the corporation and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 7. OFFICERS.

Except as provided in section 8(g), the positions of officers of the corporation and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 8. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any member, officer, director, or employee of the corporation.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The corporation may not claim the approval of Congress or the authorization of the Federal Government for any of its activities by virtue of this Act.

(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation organized and incorporated under the laws of the State of Texas.

(f) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State of Texas.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote in any proceeding of the corporation, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(80) American GI Forum of the United States.".

SEC. 12. ANNUAL REPORT.

The corporation shall annually submit to Congress a report concerning the activities of the corporation during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 11. The annual report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the corporation fails to maintain its status as a corporation exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this Act shall terminate.

SEC. 15. TERMINATION.

The charter granted in this Act shall expire if the corporation fails to comply with any of the provisions of this Act.

SEC. 16. DEFINITION OF STATE.

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1759, the bill we are considering today would grant a Federal charter to the American GI Forum of the United States. This Senate bill is the companion measure to H.R. 3843, introduced and championed by my colleagues, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Texas (Mr. BONILLA).

The American GI Forum will be holding its 50th anniversary celebration during August, and both House and Senate supporters have worked very hard to make sure we pass this legislation in time for that anniversary.

The American GI Forum of the United States is a Hispanic veterans family organization. The organization has more than 100,000 Members and 500 chapters in 32 States and Puerto Rico. Although predominantly Hispanic, the American GI Forum is open to all veterans and their families.

The House subcommittee of jurisdiction suspended the granting of Federal charters to private nonprofit organizations in 1989. Organizations seek Federal charters primarily to obtain the prestige of Federal Government recognition. The charter itself grants no special privileges or legal rights to the organization. It does, however, lead to the public perception that the Federal Government ensures the integrity and worthiness of the group's activities.

Unfortunately, Congress does not have the resources to monitor the activities and operations of the numerous existing federally chartered organizations, and has maintained the moratorium to keep from exacerbating the problem.

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However, it was brought to the attention of the Congress that the circumstances surrounding the G.I. Forum are such that this exception needs to be made to the moratorium.

The American G.I. Forum of the United States is a family-oriented Hispanic veterans group founded in 1948, and responds to a lack of representation available to Hispanic veterans within already established veterans' organizations. By the 1960s, membership had grown to an amount equal to or greater than that of the major veterans' organizations.

At that time, the American G.I. Forum looked into obtaining a Federal charter like their contemporaries, the American Legion and the VFW. They were told they could not obtain one because their membership was not limited to veterans only. This was a clear misrepresentation. Restrictions on membership have never been a standard for the granting of a Federal charter. Prior to the American G.I. Forum's inquiry, many charters have been given to organizations that were not limited to veterans. The American G.I. Forum tried again to obtain a Federal charter in 1992, but by then the current moratorium on the granting of new Federal charters was in place.

When looking at the historical record, it appears that the general prejudice against Hispanics during the 1950s and 1960s prevented the American G.I. Forum, representing a large portion of the veterans' community, from receiving a Federal charter, rather than any lack of qualification on their part.

Research has already shown that no other group that has consistently represented such a large number of veterans and has been in existence since World War II was subject to rejection for a Federal charter.

The American G.I. Forum's history and situation is unique. It is appropriate, as a matter of policy, to make this exception to the moratorium on the granting of Federal charters, and bestow upon this organization the recognition that should have been granted decades ago. I urge the House to pass this legislation to give the American G.I. Forum this long-overdue recognition.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to support S. 1759, which is the companion bill to H.R. 3843. This measure will permit the American G.I. Forum of the

United States to receive a Federal charter.

The American G.I. Forum is a national organization of Hispanic veterans founded in 1948 in Corpus Christi, Texas. The organization has 30 State chapters, over 100,000 members, and is dedicated to addressing issues affecting Hispanic veterans and their families, including resolving problems of discrimination or inequity endured by Hispanic veterans.

The American G.I. Forum sought to obtain a charter, as the chairman has indicated, 40 years ago when other large veterans' organizations received them, but because of the discrimination, they were denied. This year, the organization celebrates its 50th anniversary. Clearly the American G.I. Forum should receive the same national charter that other veterans' organizations did.

I would like to commend the gentleman from Texas (Mr. Rodriguez) for sponsoring this measure, and am grateful for the bipartisan support for the measure.

Unknown to many, perhaps, in this body, the G.I. Forum was founded in response to the worst kind of racial and ethnic discrimination. In fact, those who had fought for our freedom in World War II and gave their lives for American freedom were denied burial in the cemeteries in Texas because of discrimination against Hispanic Americans. The G.I. Forum sprang up in response to that egregious discrimination.

Since that time, the G.I. Forum has played a crucial role in many parts of this country. I would like to note that in my own community in San Jose, California, the G.I. Forum engages in a variety of absolutely wonderful and admirable activities, including one of the broadest scholarhship programs and the most vigorous—one of the most vigorous veterans' groups. They are eager and active participants in the United Veterans' Council in my community, and really play leadership roles in veterans activities.

I am proud that although there has been a moratorium, we are able to make an exception in this case, because the discrimination that Hispanic soldiers and their families found subsequent to World War II unfortunately continued in the fifties and perhaps sixties, as the chairman has indicated. I think it is a proud day that this Congress can go back, acknowledge the errors of our past, and rectify them, and especially on this 50th anniversary of the G.I. Forum. I would urge my colleagues to support this bill.

Mr. ORTIZ. Mr. Speaker, I rise today to offer my unconditional support for the extension of a Federal Charter to the American GI Forum, an organization founded and maintained by Dr. Hector Garcia of Corpus Christi, who was my personal hero and one of the most important Americans of our time.

Dr. Garcia was a different breed of patriot and citizen. Long before the issue of civil rights was on anyone else's agenda, Dr. Hector Garcia recognized the need for equal rights for the citizens of the United States, particularly in our little corner of the world in South Texas. Rather than make the larger elements of society uncomfortable with a direct public assault on the status quo, Dr. Garcia began making quiet inroads into the system. He began his work by establishing the GI Forum, initially to help Hispanic war veterans get the veterans' benefits routinely denied to them.

Dr. Garcia encouraged all of us to become involved. He articulated clearly why it was necessary for Hispanics to show an interest in the workings of our city, our community and our country. He underscored the basic workings of democracy, preaching his message about the strength of numbers, the necessity of registering to vote, and the power of voting.

Today, Dr. Garcia's message is the political gospel to which we all adhere; and his pulpit was the GI Forum. While others fought the system, often unsuccessfully, Dr. Garcia worked within the system to open it up for everyone to participate. He amazed us all with his wisdom, foresight, and longevity.

Dr. Garcia began fighting for the cause of civil rights in 1948—long before others joined that cause. He fought for basic, fundamental civil, human and individual rights. The seeds he planted all those years ago have grown into ideas whose roots are firmly planted in South Texas. Those seeds have produced today's leaders and laid the foundation for tomorrow's pioneers.

As a veteran, I am particularly grateful to Dr. Garcia for his very special service, during conflict with the enemy, and within the bureaucracy. The American GI forum was originally intended to guide WWI and WWII veterans through the maze of bureaucracy to obtain their educational and medical benefits, and it grew into the highly acclaimed civil rights organization.

The seeds of Dr. Garcia's inspiration and leadership have sprouted, and they will continue to grow and succeed, just as he planned. Dr. Garcia was a tremendously decent man, and his legacy to us is to treat each other decently as human beings. He embodied the Golden Rule: "Do unto others as you would have them do unto you." There are a host of people in South Texas who received free medical care from him because they simply couldn't afford to pay him.

We all appreciate his simple decency, and I commend the Veterans' Affairs Committee for their wisdom in granting a Federal Charter to the American GI Forum. It is a fitting legacy for both the American GI Forum and for the man who founded it.

Mr. BONILLA. Mr. Speaker, I rise in strong support of S. 1759, legislation granting a federal charter to the American GI Forum (AGIF). This legislation is identical to H.R. 3843, a bill introduced by my colleague Mr. RODRIGUEZ and myself, and worthy of all our support. The Senate passed S. 1759 last week and it is up to us to pass it today so that it becomes law.

It is particularly fitting that we are approving this legislation this Congress, as this year the GI Forum is celebrating its 50th anniversary.

The American GI Forum was founded by the late Dr. Hector P. Garcia on March 26, 1948, in Corpus Christi. Today, the GI Forum has 500 chapters and over 100,000 members. The GI Forum is the largest national veterans service organization without a federal charter. It is only fitting that this patriotic family organization receive recognition with a federal charter. The GI Forum members have earned this special recognition through their sacrifices on behalf of America.

I commend the Senate for passing this legislation and urge all my colleagues to join me in voting for this important bill. The American GI Forum is an institution in Texas and the Hispanic community. This bipartisan bill provides a means for this Congress to recognize the service of more than 1,000,000 Hispanic veterans. Let's take this opportunity to provide GI Forum the recognition it deserves. Please join me in voting for S. 1759.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of granting a federal charter to the American GI Forum (AGIF), the nation's oldest and largest Hispanic veterans organization.

As the original sponsor of the House bill, HR 3843, I am especially gratified by the imminent passage of this bill. For too long, the American GI Forum has waited for this recognition. Now, on the eve of its 50th Annual Convention, to be held in its home state of Texas, we are in a position to present the AGIF membership what it rightfully deserves.

The American GI Forum was founded fifty years ago in Corpus Christi, Texas by the late Dr. Hector P. Garcia, a medical doctor and Army veteran of World War II. This year, the AGIF celebrates its 50th year of service to our Nation's veterans and their families. Today, the AGIF has over 100,000 members in 500 chapters across 32 states and Puerto Rico.

This is not the first time the AGIF has sought a federal charter. At least as early as the 1960's, in an era when Hispanic veterans were facing exclusion and discrimination, AGIF approached Congress for a federal charter. Several groups were almost routinely given charters, but the American GI Forum was left out. As the American GI Forum enters its 50th Year, it is fitting to secure passage of this important legislation.

Within the veteran community, a federal charter is deemed to be recognition of a national veteran organization's commitment and service to our nation's veterans. The Hispanic community is among the most patriotic in America, historically ready to answer the call to service. Having earned the highest number of medals of honor per capita, Hispanic Americans have a distinguished record of valor and patriotism. There are more than 1,000,000 Hispanic veterans alive today.

I urge you to join us in passing this legislation to grant a federal charter to this worthy organization. I would like to take this opportunity to thank the Chairman of the Judiciary Subcommittee on Immigration and Claims, Mr. SMITH of San Antonio, for his help and his staff's help in passing this bill. I would also like to thank the distinguished Chairman of the Senate Judiciary Committee and his staff for their work in expediting passage of this historic legislation.

Ms. LOFGREN. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 1759.

The question was taken; and (two-thirds having vote in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PRIVATE TRUSTEE REFORM ACT OF 1998

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2592) to amend title II of the United States Code to provide private trustees the right to seek judicial review of United States trustee actions related to trustee expenses and trustee removal, as amended.

The Clerk read as follows:

H.R. 2592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Trustee Reform Act of 1998".

SEC. 2. SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.

Section 586(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(d)", and

(2) by adding at the end the following:

"(2) A trustee whose appointment to the panel or as a standing trustee is terminated or who ceases to be assigned to cases filed under title 11 may obtain judicial review of the final agency decision by commencing an action in the United States district court for the district in which the panel member or standing trustee resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this section if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph.".

SEC. 3. EXPENSES OF STANDING TRUSTEES.

Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

"(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) of this section may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this paragraph by commencing an action in the United States district court in the district where the individual resides.

"(4) The Attorney General shall prescribe procedures to implement this subsection.".

SEC. 4. PROCEDURES FOR AND STANDARD OF REVIEW.

Section 157 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and

(2) by inserting after subsection (c) the following:

"(d)(1) In conducting judicial review under section 586(d)(2) or section 586(e)(3) of this title, the district court shall determine whether to retain the case or to refer the case to a bankruptcy judge in the district. Any bankruptcy judge to whom a case is referred shall submit a recommendation for disposition to the district court based solely on a review of the administrative record before the agency, and a final order or judgment shall be entered by the district court after considering the bankruptcy judge's recommendation, and after reviewing those matters to which any party has timely and specifically objected. The decision of the agency shall be affirmed unless it is unreasonable and without cause based upon the administrative record before the agency.

"(2)(A) The district courts of the United States shall have jurisdiction to review final agency decisions under subsection 586(d)(2) and final agency actions under subsection 586(e)(3).

"(B) Bankruptcy judges are authorized to submit to such courts recommendations in accordance with paragraph (1).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2592, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Today we consider a truly significant piece of legislation within the world of the courts, and particularly the bankruptcy courts. This bill, the one before us now, has been jointly cosponsored by the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Texas (Mr. SMITH), and the gentleman from Georgia (Mr. BARR).

It attempts, and does succeed, or else we would not be here at this moment, in striking a well-deserved balance between the respective rights of the private trustees, which play a gigantic role in the world of bankruptcy, and those of the U.S. Trustees' Office, which is charged with the responsibility of guidelining, as it were, the work and cases of the private trustees.

Where before we had conflict as to the assignment of cases and whether or not a private trustee could be removed from a case, or whether or not future cases would be withheld from a private trustee, all these issues were points of tremendous conflict. This bill goes a long way in resolving all of those particular problems that may have arisen and could arise in the future.

In addition to that, this bill seeks to provide certain methodologies of judicial review when a decision by a U.S. Trustee or otherwise is inimical in the minds of the private trustees to their interests.

This bill, after negotiation on a wide range of issues, also resolved that particular one, so now the question of who should review a decision made, those kinds of decisions that adversely, in their minds, affect the private trustees, that has been settled by the language of this bill.

Then this bill, with amendments, makes one additional substantive and three technical revisions to the version of the bill as we reported to the House out of the full committee.

In response to concerns raised by representatives of the Federal judiciary, the bill, as amended, deletes the provision that would have permitted a magistrate judge to make proposed recommendations to the district court for final disposition. As a result, the district court, under the now amended version of H.R. 2592, may dispose of the matters that are the subject of this bill, or allow, when appropriate, bankruptcy judges to make proposed recommendations. The other other amendments, are strictly technical.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation attempts to balance two very important public interests, giving the office of the United States Trustee the ability to oversee the administration of bankruptcy estates, and to ensure that private trustees perform their job honestly and efficiently.

For the most part, the private trustees do an outstanding job, and they deserve our respect. This legislation would provide due process rights for private trustees in those instances in which they disagree with the decision by the U.S. Trustee to stop assigning cases, or in a dispute over expense reimbursement.

It is a product of the hearings by the Subcommittee on Commercial and Administrative Law, as well as lengthy and careful negotiations between the Department of Justice, the sponsors, and interested parties, including the trustees and the bankruptcy judges. I would note that this is of interest, as well, to bankruptcy lawyers on all sides who value and strive for a system that is efficient and fair.

It is my understanding that the Department of Justice still has some concerns about this legislation, but it is my hope that in the spirit of cooperation which has moved this legislation to this point, that the sponsors and the Department of Justice will be able to resolve any remaining issues, and get this legislation to the President before the end of this Congress.

I am sure that whatever minor issues need resolving can indeed be resolved, and I would urge that my colleagues vote for this bill, that we move forward with this reform.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many times in the full Committee on the Judiciary we come to an impasse, borne out of questions raised right at the time we are in markup or in full consideration of a particular bill. Many times members on other side will request that the bill be put off until negotiations can occur on parcels of that bill could be negotiated, and a final bill represent the views of all of the members of the Committee on the Judiciary.

This bill was a perfect example of the willingness on the part of many to continue negotiations and talks on contentious issues until full resolution could be made of the problems.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I would note that, in agreement with the chairman, this is certainly one where we are not suggesting delay or defeat. Everyone has worked in good faith, and I think this deserves our support.

Mr. GOODLATTE. Mr. Speaker, I rise today in strong support of H.R. 2592, the Private Trustee Reform Act of 1998. This bill reflects several months of negotiations between the private trustees and the Executive Office of the U.S. Trustee, and while it was modified slightly from the compromise approved by the Judiciary Committee last month, the core principles agreed upon by both sides remain in the bill. The bill has recently gained the support of the National Association of Bankruptcy Judges as well.

Mr. Speaker, I introduced this legislation last year to restore fairness and equity to the relationship between the United States Trustee and private standing trustees. Specifically, this legislation amends title 28 of the U.S. Code to provide private trustees the right to seek judicial review in court, in certain cases following an administrative hearing on the record, of U.S. Trustee actions related to trustee expenses and trustee removal.

The bill provides for judicial review of decisions by the U.S. Trustee to terminate, suspend, or cease assigning cases to a panel or standing trustee including a decision not to reappoint the trustee to a panel. This section includes language giving the panel or standing trustees the option of an administrative hearing on the record and includes a maximum of a 90 day time frame for agency review should the panel or standing trustee not elect to have an administrative hearing on the record.

The bill also provides for judicial review of a decision by the U.S. Trustee to deny a claim of actual, necessary expenses by a standing trustee. It does not allow for an administrative hearing on the record, but would require the standing trustee to exhaust all available administrative remedies before seeking judicial review.

Finally, the bill provides (1) procedures for and (2) the standard of review for conducting judicial review. It allows the district court to retain the case or refer it to a bankruptcy judge in the same district for a recommendation. I strongly support the inclusion of this provision because I believe that bankruptcy courts are best situated to make informed judgments about these issues. Bankruptcy judges understand which expenses are justified and which are not, as well as the nature and purpose of those expenses. Additionally, bankruptcy judges understand the full ramifications of a decision to cease assigning cases to a private trustee.

If the case is referred, the district judge shall enter a final order or judgement after considering that recommendation and after reviewing those matters to which any party has timely and specifically objected.

The decision of the agency shall be affirmed unless it is unreasonable or without cause based upon the administrative record before the agency.

As I mentioned at the outset, H.R. 2592 is simply about fairness—fairness to those who dedicate themselves to their duties as private trustees. It is also about firmness in the review process, as the U.S. Trustee should be subject to the same checks and balances as other government agencies are required to bear.

Ms. JACKSON-LEE of Texas, Mr. Speaker, although this measure is still being negotiated by the parties involved, I believe that this legislation is an excellent initial effort to streamline the Federal bankruptcy system.

By establishing a procedure for private bankruptcy trustees to contest their removal from cases, this bill provides the foundation for a more efficient Federal bankruptcy system.

Under this measure, if the U.S. Trustee (part of the Justice Department) declines to reappoint a trustee or assign future cases to a trustee, the affected trustee may seek administrative review, judicial review, or both. Thus, this measure would create "on the record" administrative hearings for affected trustees.

This bill also provides jurisdiction to the U.S District Court over trustee challenges of administrative rulings from the Office of the U.S. Trustee.

I am pleased that we are working hard to protect the due process interests of the trustees. By providing adequate hearing and judicial review processes, we can fashion both an efficient and fair Federal bankruptcy structure.

Although the Justice Department and Bankruptcy judges still have some concerns that need addressing, I find our progress very heartening. I hope that the involved parties will continue to negotiate until a workable solution becomes reality.

Ms. LOFGREN. Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 2592, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend title 28 of the United States Code to provide trustees the right to seek administrative and judicial review of the refusal of a United States trustee to assign, and of certain actions of a United States trustee relating to expenses claimed relating to, cases under title 11 of the United States Code.

A motion to reconsider was laid on the table.

CONTROLLED SUBSTANCES TRAFFICKING PROHIBITION ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3633) to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States from Mexico, as amended.

The Clerk as read as follows:

H.R. 3633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Controlled Substances Trafficking Prohibition Act".

SEC. 2. LIMITATION.

(a) AMENDMENT.—Section 1006(a) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)) is amended—

(1) by striking "The Attorney General" and inserting "(1) Subject to paragraph (2), the Attorney General"; and

(2) by adding at the end the following:

"(2) Notwithstanding any exemption under paragraph (1), a United States resident who enters the United States through an international land border with a controlled substance (except a substance in schedule I) for which the individual does not possess a valid prescription issued by a practitioner (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in accordance with applicable Federal and State law (or documentation that verifies the issuance of such a prescription to that individual) may not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.".

(b) FEDERAL MINIMUM REQUIREMENT.—Section 1006(a)(2) of the Controlled Substances Import and Export Act, as added by this section, is a minimum Federal requirement and shall not be construed to limit a State from imposing any additional requirement.

(c) EXTENT.—The amendment made by subsection (a) shall not be construed to affect the jurisdiction of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3633, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD an exchange of letters between the gentleman from Illinois (Chairman HYDE) and the gentleman from Virginia (Chairman BLILEY).

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 16, 1998.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR TOM: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 3633, the Controlled Substance Trafficking Prohibition Act.

I acknowledge your interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I appreciate your cooperation and agree to work with you as this legislation moves forward. I further agree that your decision to forego further action on the bill will not prejudice the Commerce Committee with respect to its jurisdictional prerogatives on H.R. 3633, or similar legislation.

Thank you again for your cooperation.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 16, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR MR. CHAIRMAN: On May 20, 1998, the Judiciary Committee ordered reported H.R. 3633, the Controlled Substances Trafficking Prohibition Act, without amendment. The bill would amend the Controlled Substances Import and Export Act to place limitations on certain controlled substances brought into the United States from Mexico. As you know, this legislation was introduced on April 1, 1998, and referred to the Judiciary Committee and in addition to the Commerce Committee.

Given the importance of this legislation and your interest in moving the bill to the House Floor in an expeditious manner, I will agree not to exercise the Commerce Committee's jurisdiction over the bill. By agreeing not to exercise the Commerce Committee's jurisdiction, the Committee does not waive its jurisdictional interest in this bill or similar legislation. Further, the Committee would preserve its prerogative to seek to be represented in any House-Senate conference committee that may be convened on H.R. 3633.

I appreciate your consideration of our interest in this legislation and look forward to working with you on its passage. Further, I would appreciate an acknowledgment of this letter and would request that our exchange of letters be included in the record of debate on this bill.

Sincerely,

TOM BLILEY,
Chairman.

Mr. Speaker, the Controlled Substances Trafficking Prohibition Act was introduced by my friend, the gentleman from Ohio (Mr. CHABOT), and was the subject of a subcommittee hearing by the Subcommittee on Crime of the Committee on the Judiciary on March 26. It was reported favorably out of the Subcommittee on Crime on May 7.

The magnitude of illegal drugs moving through Mexico into the United States is dramatic and has been well documented in recent years. An estimated 60 to 70 percent of the nearly 500 metric tons of cocaine entering the United States each year enters through Mexico. An even greater amount of marijuana pours into the United States from Mexico annually.

The problem addressed by this legislation is a less visible side but a growing and serious side of the drug problem: the rising volume of controlled substances being purchased legally in Mexico and then brought across the border into the United States.

The ease with which large quantities of controlled substances can be purchased in Mexico and then legally transported into the United States has led to serious concerns among U.S. law enforcement agencies, including the Customs Service, the DEA, and the drug czars's office about the illegal diversion of these drugs.

H.R. 3633 is a carefully crafted response to the problems associated with the importation of drugs across the border with Mexico. The bill amends the Controlled Substances Import and Export Act so as to limit controlled substances brought across the border into the United States from Mexico.

The bill limits the "personal use exemption" in current law with respect to any individual entering the United States through a land border with Mexico with a controlled substance who enters without a prescription. Under H.R. 3633, such an individual may not bring in more than 50 dosage units of such a controlled substance, or in the case of an individual who does not lawfully reside in the United States, an amount may be brought in based on the approximate length of stay by that individual in the United States.

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I strongly support this bill as a reasonable and targeted solution to a growing problem, a problem, I might add, which has not been amenable to regulatory solutions.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I support this legislation limiting an individual's ability to bring into the U.S. from abroad a 90-day supply of prescription medicines that are allegedly for personal use. In reality this loophole in the law has allowed individuals to travel to other countries and return with amphetamines, tranquilizers and date rape drugs and sell them here in the United States.

This bill would reduce the limit on "personal use" imports of drugs in pill form to 50 pills, generally a two-week supply of most pharmaceuticals. The bill would also permit anyone with a prescription from a U.S. physician to bring in as many pills as were prescribed, allowing, therefore, individuals with legitimate prescriptions to purchase drugs in countries such as Mexico where they are often less expensive.

Because this bill limits the improper import of prescription drugs while still allowing import for legitimate reasons, I am pleased to support this measure. I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I just want to make a couple of additional points that are important and that may not have been evident from my initial remarks: that is, to reemphasize that this bill does not apply just to our border with Mexico but applies equally to the border with Canada as well. This clearly addresses the possibility of a problem with drug trafficking of controlled substances that come across our northern border as well as our southern border. I might say that this emphasis on both borders is supported, I understand, by the administration as well as by my colleagues on the other side of the aisle.

Finally, Mr. Speaker, I wanted to point out that it is my colleague, the gentleman from Ohio (Mr. CHABOT) who deserves the credit for recognizing the problem and then coming up with the solution that we are discussing today. It is with much appreciation to the gentleman from Ohio (Mr. CHABOT) for all his hard work on this legislation.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. I just wanted to note the lead and important role played by my colleague, the gentleman from North Carolina (Mr. WATT), in making sure that all countries abutting the United States are included in this bill, a measure that was readily accepted at the committee. I agree that this is an important issue.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me the time.

Mr. Speaker, I would like to thank my colleagues, particularly the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN), for their support of H.R. 3633, the Controlled Substances Trafficking Prohibition Act, legislation that I sponsored and that was adopted by the House earlier this afternoon.

This important initiative will close a loophole in Federal law that allows dangerous drugs, particularly drugs used in connection with date rape, to be legally imported into the United States.

Federal, State and local law enforcement agencies have raised serious concerns about the trafficking of controlled substances from Mexico. Right now uppers, downers, hallucinogens and date rape drugs similar to Rohypnol may be easily obtained from so-called health care providers or pharmacists in Mexico with no documentation of medical need whatsoever.

According to DEA, these drugs are frequently resold illegally in the United States. This situation is especially dangerous because these powerful drugs may be used in connection with date rapes. While Rohypnol, the most well-known date rape drug, has been banned in the U.S., it is still being used to rape young women, and many other dangerous controlled substances have taken its place. Jane Maxwell, director of the Texas Commission on Alcohol and Drug Abuse, says that this loophole continues to allow date rape drugs to cross the border.

For example, the drug Rivotril is everywhere, according to Maxwell, and is now being used by juveniles, just as Rohypnol has been used. A 1996 study documented the controlled substance drug trafficking problems along the U.S.-Mexico border. The study found that in just one year at the Laredo border crossing over 60,000 drug products were brought into the U.S. by more than 24,000 people. All of the top 15 drug products, which represented 94 percent of the total quantity of declared drugs, were controlled substances. These dangerous drugs, classified as prescription tranquilizers, stimulants and narcotic analgesics, are potentially addictive and subject to abuse. Specifically, Valium was declared by 70 percent of the people, with the average person bringing in 237 tablets. Rohypnol was brought in by 43 percent of those who declared their prescription medication. Over a full year that means that over 4 million doses of Valium and almost 1.5 million doses of Rohypnol were brought in at one single border crossing.

The median age for those who declared Valium and Rohypnol is 24 and 26 years old respectively. The large quantity of dangerous drugs passing through a single border crossing underscores the seriousness of the problem. The quantity and types of pills discovered also back up DEA's view that these drugs are being used for illegal purposes.

While this problem is most notable in communities along the U.S.-Mexico border, it impacts communities well outside the Southwest. The study in Laredo found that residents from 39 States crossed the border and returned to the United States with a variety of drug products.

Around the country, prescription drug abuse is a growing problem, especially among our youth. The purity and low price of prescription drug pills makes them an attractive alternative to traditional street drugs. At a recent Subcommittee on Crime hearing on date rape drugs, experts testified that GHB, Rohypnol and other date rape drugs are rapidly becoming the drug of choice in various communities and among the different types of users, particularly among teenagers.

Mr. Speaker, this legislation will help close the loophole which allows these dangerous drugs into our communities. I thank my colleagues for their support, and I particularly want to thank the gentleman from Texas (Mr. SMITH) for yielding me the time.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I just want to commend the gentleman for his outstanding efforts in trying to control illicit drug trafficking. This is an important area, and we commend the gentleman for his farsighted approach to this critical problem.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for his comments. As all of us who work in the House of Representatives know, the gentleman from New York (Mr. GILMAN) has for many years been one that has fought the scourge of drugs that we have had going on in our country for a long time. I just want to commend the gentleman from New York (Mr. GILMAN) for his leadership.

Mr. Speaker, this legislation will close a loophole in federal law that allows dangerous drugs—particularly drugs used in connection with date rape—to be legally imported into the United States.

Federal, state and local law enforcement agencies; drug abuse prevention organizations; independent studies; and media reports have raised serious concerns about the trafficking of controlled substances from Mexico. Right now, uppers, downers, hallucinogens, and date rape drugs similar to Rohypnol may be easily obtained from so-called "health-care providers" or "pharmacists" in Mexico with no documentation of medical need. According to DEA, these drugs are frequently resold illegally in the United States.

This situation is especially dangerous because these powerful drugs may be used in connection with date-rapes. While Rohypnol—the most well-known date-rape drug—has been banned in the U.S., it is still being used to rape young women, and many other dangerous controlled substances have taken its place. Jane Maxwell, director of the Texas Commission on Alcohol and Drug Abuse (TCADA) says that this loophole continues to allow date-rape drugs to cross the border. For example, the drug Rivotril is "everywhere" according to Maxwell, "and is now being used by juveniles . . . just as Rohypnol has been used."

A 1996 study documented the controlled substance drug trafficking problem along the U.S.-Mexico border. The study found that in just one year at the Laredo border crossing, over 60,000 drug products were brought in to the U.S. by more than 24,000 people. All of the top 15 drug products, which represented 94.1 percent of the total quantity of declared drugs, were controlled substances. These dangerous drugs, classified as prescription tranquilizers, stimulants, and narcotic analgesics, are potentially addictive and subject to abuse.

Specifically, Valium was declared by 70 percent of the people, with the average person bringing in 237 tablets. Rohypnol was brought in by 43 percent of those who declared their prescription medication. Over a full year, that means that over 4 million doses of Valium and almost 1.5 million doses of Rohypnol were brought in at a single border crossing. The median age for those who declared Valium and Rohypnol? It was 24 and 26 years old respectively.

The large quantity of dangerous drugs passing through a single border crossing underscores the seriousness of this problem. The quantity and types of pills discovered also backup DEA's view that these drugs are being used for illegal purposes.

While this problem is most noticeable in communities along the U.S.-Mexico border, it impacts communities well outside the southwest. The study in Laredo found that residents from 39 states crossed the border and returned to the United States with a variety of drug products.

Around the country, prescription drug abuse is a growing problem, especially among our youth. The purity and low price of prescription pills makes them an attractive alternative to traditional street drugs. At a recent Crime Subcommittee hearing on date-rape drugs, experts testified that GHB, Rohypnol and other date-rape drugs are rapidly becoming the so-called "drug of choice" in various communities and among different types of users, particularly teenagers.

Surprisingly, prescription painkillers, sedatives, stimulants, and tranquilizers account for 75 percent of the top 20 drugs mentioned in emergency room episodes in 1995.

While American children become addicts or overdose, Mexican drug dealers use this loophole to make a mockery out of our anti-drug efforts. Their brazen practices include providing detailed instructions to help people entering the U.S. avoid arrest or drug confiscation. These instructions read:

"Don't use marijuana or cocaine for 2 days before because dogs may smell."

"Don't open boxes in Mexico."

"Customs and Border Patrol don't care about medication."

"Medication must be used only in U.S.A. not in Mexico."

Ironically, while Mexican authorities don't mind supplying dangerous drugs to American citizens, they strictly prohibit their use in Mexico.

This gaping hole in U.S. drug policy exists because of a so-called "personal use" exemption to the Controlled Substances Act that allows American drug dealers to bring in up to a 90 day supply of such drugs without a legitimate prescription or medical purpose, as long as they are declared at the border. This lax exemption permits people to import multiple drugs and thousands of pills in a single day.

We have been working with Customs, DEA, and the Office of National Drug Control Policy to solve this problem. This legislation offers a targeted and straight-forward solution.

This legislation would limit the exemption for individuals who do not posses a prescription issued by a U.S. physician or documentation which verifies a legitimate prescription. An individual without this documentation would be limited to a maximum of 50 dosage units of a controlled substance. The 50 dose limit would provide those people who have a legitimate need for a controlled substance ample time to seek medical attention in the U.S. while virtually eliminating the abuses that are now prevalent.

I want to be very clear about what this legislation does and does not do:

The legislation is strictly limited to controlled substances. Controlled substances are drugs that the DEA has either banned or subjected to closely regulated status because of their danger, addictiveness and potential for abuse.

The legislation is strictly limited to those individuals that do not posses documentation that a U.S. prescription exists. The legislation does not impact the ability of people with a prescription issued by a U.S. doctor to import any medications, including controlled substances.

The legislation does not in any way change current U.S. law as it relates to the importation of prescription drugs that are not considered controlled substances. In other words, this legislation will not make it more difficult for people to obtain drugs to treat heart disease, cancer, AIDS or other serious illnesses, because these drugs are not controlled substances. In fact, none of the top 20 heart, cancer or AIDS drugs are controlled substances.

The manager's amendment makes an important change from the Judiciary Committee passed version.

Throughout the process of learning about this problem and researching possible solutions, I have worked closely with the Office of National Drug Control Policy, the Texas Department of Alcohol and Drug Abuse, the Drug Enforcement Agency, the U.S. Customs Service, Crime Subcommittee Chairman Bill McCollum, Senator DeWine, the sponsor of this legislation in the Senate, and Senator Grassley's Senate Caucus on International Narcotics to come to an agreement on this legislation.

The principal change in the final version is that the legislation includes all international land borders in its coverage. This is to guard against possible diversion from Mexico to Canada and to ensure that this problem does not expand to Canada.

This expansion is supported by the U.S. Customs Service, which prefers a uniform standard, as well as DEA and ONDCP, who support broader application of this legislation.

The other changes made from the Committee version to the final version are technical changes that don't change the force or effect of the legislation. They are changes that were suggested by the Justice Dept., DEA and Customs, as well as language tightening up the bill as drafted by Legislative Counsel in the Senate.

Mr. Speaker, this should not be a controversial proposal. DEA and Customs identified this as a critical problem over two years ago. General McCaffery has written to me and expressed his belief that there is general agreement among my office, ONDCP, DEA, and Customs regarding the scope of the problem and the proposed solution.

Mr. Speaker, I especially want to thank Mr. Joe Rubin of my staff for his outstanding work on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this legislation, which amends the Controlled Substances Import and Export Act, and tightens the rules regarding the importation of prescription medication into the United States.

I support this bill for several reasons, foremost amongst them because some medications used in other countries are imported into this country to be sold and used for illicit purposes. One of those medications has found a truly insidious use here in the United States. That drug is Rohypnol, otherwise known as the "Date Rape Drug".

I have spoken numerous times about the dangers of Rohypnol, and other drugs used to facilitate the rape of innocent women, but I feel compelled to do so again. The use of Rohypnol to commit rape has become a scourge in our society, and we must make sure that we minimize the dangers that it presents.

This drug and others like it, are slipped into the drinks of unsuspecting women at bars and clubs. As a result, many of them become ill, or black out. During their period of unconsciousness, these women are helpless against any assault on their bodily integrity. Even worse, is that after the fact, many of the victims cannot remember the events that have transpired. They are forced to deal with the consequences of the crime, without a clue as to who perpetrated it. Not only does this make it harder for a victim to recover from such an emotional incident, but it makes it near impossible for law enforcement to bring the full force of the criminal justice system upon the head of the perpetrator.

In the city of Houston in the past 6 months, there have been over 60 admissions to emergency rooms resulting from the ingestion of the various date-rape drugs. We must pursue all available and necessary avenues to ensure that this drug cannot be used for illegal purposes, and this bill presents one such opportunity to safeguard the daughters of this great Nation.

Although I mainly support this legislation for its effects on the importation of drugs, I also would like to note that this bill was carefully crafted to protect the interests of visitors from outside of the country who have legitimate medical needs. People coming into the country should rest assured that this bill will not compromise their health. Under the provisions in H.R. 3633, legitimate prescription medicine is approved for import, so long as the amount does not exceed 50 doses. If that amount is insufficient, then the visitor can have the cap increased to reflect a change in the approximate length of their visit.

I urge all of my colleagues to vote in favor of this bill, and to remain vigilant in their efforts to protect our children from all drugs.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3633, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.".

A motion to reconsider was laid on the table.

GEORGE H.W. BUSH CENTER FOR CENTRAL INTELLIGENCE

Mr. GOSS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3821) to designate the Headquarters Compound of the Central Intelligence Agency located in Langley, Virginia, as the George H.W. Bush Center for Central Intelligence.

The Clerk read as follows:

H.R. 3821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Headquarters Compound of the Central Intelligence Agency located in Langley, Virginia, shall be known and designated as the "George H.W. Bush Center for Central Intelligence".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Headquarters Compound referred to in section 1 shall be deemed to be a reference to the "George H.W. Bush Center for Central Intelligence".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from Missouri (Mr. SKELTON), each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3821.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to bring this legislation before the House today. H.R. 3821 will designate the Central Intelligence Agency's headquarters complex in Langley, Virginia as the George H.W. Bush Center for Central Intelligence. This is a fitting tribute to our 41st

President and former Director of Central Intelligence, the only person in our Nation's history to have occupied both offices.

The Permanent Select Committee on Intelligence has taken no formal action on this bill. However, I would note that all 16 of our members are cosponsors, among the 150-plus cosponsors we have for this legislation. There is strong bipartisan support for H.R. 3821 in the House as a whole, and the other body has passed a similar measure as part of its fiscal year 1999 Intelligence Authorization Act.

George Bush has dedicated much of his life to public service. I think we all know that. Beginning back in World War II where he flew for the Navy in the Pacific theater. We have heard many of those stories. In 1967, Bush was elected to the House of Representatives, and he would later serve as Ambassador to the United Nations and as chief of the U.S. Liaison Office to the People's Republic of China.

In January of 1976, Bush was appointed Director of Central Intelligence by President Ford, a position he held through the end of the Ford Administration. His tenure as DCI was relatively short, but it came at a time when the U.S. intelligence community was undergoing increasing public scrutiny and some criticism.

It was during this year that the first permanent congressional committee on house oversight devoted to intelligence matters was formed. Took place in the other body. Of course, the House followed suit.

Bush demonstrated leadership and trustworthiness at a time when both were desperately needed to help restore confidence in the Central Intelligence Agency and the other intelligence agencies that make up our intelligence community. Mr. Speaker, I urge the House to support to this bill. I congratulate its author and lead sponsor, my friend, the gentleman from Ohio (Mr. PORTMAN).

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3821, to designate the headquarters of the Central Intelligence Agency in Langley, Virginia as the "George Herbert Walker Bush Center for Central Intelligence."

George Bush served this country not only as President but also as Vice President, Member of Congress, United Nations Ambassador, chief of the U.S. Liaison Office to the People's Republic of China, Director of the Central Intelligence Agency and also, Mr. Speaker, as a naval aviator in World War II. As a matter of fact, he received the Navy Cross for his courageous action in the Pacific.

He is the only Director of Central Intelligence to have become President of the United States. The CIA headquarters does not now have a formal name, and there is no facility in the Washington, D.C. area named after President Bush. I thus believe this legislation represents a fitting tribute to honor President Bush's long and distinguished career in public service.

I have known President George Bush for a good many years. History has shown that he was an excellent Director of Central Intelligence, and I heartily endorse naming the CIA headquarters after him.

I am thus happy to join my colleagues on the Permanent Select Committee on Intelligence in cosponsoring this tribute to former President George Bush, and I urge its passage by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I thank my colleague and friend from Missouri, who participates in an extraordinarily helpful and valuable way on matters of national security, many of the things we cannot talk about. If people knew the contributions he made, they would indeed be gratified. I think that to have his support for this bill is a very meaningful statement, and we appreciate it very, very much.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. PORTMAN), author of the bill, and I ask unanimous consent that he be permitted to control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

While he is here, let me thank him for the critical role he has played in this concept from the outset in his role as Chairman of the Permanent Select Committee on Intelligence, but also in his role as a friend and supporter of George Bush. He has been absolutely essential to getting this legislation to this point.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding me the time. I also thank him for his leadership in advancing this important legislation.

I am privileged to serve on the Permanent Select Committee on Intelligence, and in that capacity I have come to appreciate even more than before the invaluable contributions of President Bush, former Director of the Central Intelligence Agency Bush, for all that he did so well for so long, but particularly in his capacity as Director of the Central Intelligence Agency.

He took over that agency at a time when it was somewhat troubled. Morale was low. He elevated it to a new high. For that, everyone in the intelligence community will be internally grateful.

But when I think of President Bush, I just think about him in today's terms. Every day when I get up and read the day's newspaper, we read yet another story about how good the economy is and how the Nation is moving forward, and I am reminded and all of us should be reminded that this longest period of sustained growth in our economy started under the leadership of President Bush, during his administration, and it has sustained itself. I think that is something that he can be proud of. It is one of the enduring legacies he has left to this Nation.

I also think of George Bush the human being, one of the finest, most decent, most caring, sharing individuals it has ever been my privilege to know. He is a wonderful inspiration for generations to come. He still is at it, providing leadership. He is still at it, providing valued friendship. He is very deserving of this honor for a whole bunch of the right reasons. And for that, I am proud to identify as one of the 16 members on a bipartisan basis of the Permanent Select Committee on Intelligence who have cosponsored this legislation.

Let me again thank my colleague for the leadership he has demonstrated.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his wonderful comments and for his support of the legislation.

I would like to make one point, to reiterate what the gentleman said, which is that all members of the Permanent Select Committee on Intelligence, Republican and Democrat, have now cosponsored this legislation, and that is the one committee of jurisdiction for the naming of the CIA center. So we are appreciative of the support of the gentleman from New York (Mr. BOEHLERT) and really the entire committee, Republican and Democrat.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank our colleague, the gentleman from Ohio (Mr. PORTMAN) for sponsoring this bill. It is with great honor I rise today in support of this legislation that would designate the CIA headquarters in Langley, Virginia as the George H.W. Bush Center for Central Intelligence.

Renaming the CIA headquarters would be a fitting tribute to our distinguished former President. The fact is, in the early 1980s this used to be in my congressional district. I was out there at the dedication of the addition to the new building. At that time former President Bush, who was then Vice President, was out there with then President Reagan and was so warmly and well thought of by everybody at the CIA at those times.

George Bush has an exceptional career in service to the American people. He triumphantly led our country to victory in the Gulf War crisis, and he paved the way for freedom and democracy in Eastern Europe as the Cold War ended and the communist empire broke up.

George Bush also served our Nation in many other capacities. He has the distinction of being the only former President to be Director of the Central Intelligence Agency. George Bush is still today held in highest regard by the CIA and its employees. In fact, many times I will talk with a CIA employee or former employee, they tell me they thought George Bush was one of the best directors they ever had.

When appointed Director to the CIA in 1976, he inherited a very difficult situation, but during his tenure he created strength and stability in the intelligence community, and he is widely credited for restoring morale at the CIA.

Mr. Speaker, America has a proud tradition of honoring our great presidents. What better way to honor George Bush than to place his name on the CIA headquarters in Langley. I urge my colleagues to join me in support of this. I thank the gentleman from Ohio (Mr. PORTMAN) for introducing the bill.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Virginia for that great statement. The folks at the CIA near his district certainly have a lot of continuing respect and really warm feelings toward their former Director and former President, George Bush.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), one of the original cosponsors of this legislation.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. In my early years here I used to visit agencies to get a better understanding of how the various departments functioned. One of those I visited was the CIA. This is where I first met President George Bush. I was tremendously impressed.

It was so great that, as the Director, he took a lot of time to explain to me the function of the CIA and all the various facets of this organization. I thought at the time when I first met him, this is a person I would like to support as President of the United States. Fortunately, I had that opportunity in subsequent years, and I have always been pleased that I could be one of the backers of President Bush for the highest office. I was proud to have been part of his team, with the integrity and the leadership he brought to this office.

A couple of things I would mention. One of the great diplomatic achievements, I think, was the transition in Russia during times of President Gorbachev, when there was a lot of turmoil in that country. As outlined in Ambassador Jack Matlock's book "Autopsy of an Empire," President Bush had to make some really tough decisions as to what the position of the United States would be in light of the events in Russia. I thought he handled it with great skill, and I believe that the success of the transition in that nation, from what was formerly the U.S.S.R. to what we have today, was due in no small part, or I should say due in large part to the sense of diplomacy, the sense of understanding that President Bush brought to his role of leadership in establishing the position of the United States.

Also, I think it is very appropriate to name this building after President Bush because it does have a connection to our international relationships. His leadership during Desert Storm was just remarkable. His ability and the confidence and respect for him throughout the world and particularly with the other leaders enabled him to reach out and get the support that was essential for a successful Desert Storm. I think it was a remarkable achievement that a President of the United States could pick up the phone and elicit the kind of support that we had in the venture known as Desert Storm and without question the success of the coalition of governments in prosecuting Desert Storm was due in large part to the leadership of President George Bush.

Mr. PORTMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time, and rise informally but very sincerely to commend our colleagues for bringing this legislation to the floor. I am pleased to be a cosponsor.

As a former member of the House Permanent Select Committee on Intelligence, I am aware, very much aware, of the extraordinary respect that the men and women of the CIA hold for their former Director, the honorable George Bush, our very distinguished former President. He brought innovation to the agency, he improved the morale dramatically of the Central Intelligence Agency, and his legacy continues on there today. So I think it is a very fitting tribute to name this facility after our former President and the former head of the Central Intelligence Agency, George Bush.

Mr. PORTMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARCHER), chairman of the House Committee on Ways and Means, who actually took George Bush's seat in the United States Congress and has continued to be a strong supporter and friend of President Bush's over the years, and was one of the original cosponsors and supporters of this effort.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I am excited and pleased to be able to speak in favor of naming the CIA headquarters at Langley, Virginia as the George H. W. Bush Center for Central Intelligence.

I am proud for many reasons. Yes, I do hold the seat that he held in the Congress of the United States back in the 1960s, and I would like to think that I can walk in his footsteps, but his feet were very, very big.

In the life of a Nation, it is crucial that some men and women take it upon themselves to preserve and foster the Nation's institutions; to preserve the blessings of the past and create new opportunities for the future. While most of us spend our lives pursuing personal gain, George Bush early on took up the long and wearying task of building and maintaining the Nation's institutions, guarding them for future generations.

His patriotism and courage were evident from the beginning of his adult life when, as the youngest Navy pilot flying torpedo bombers in World War II, he was shot down on a bombing run in the South Pacific and narrowly escaped death. He was truly a hero and was distinguished with the Flying Cross and three Air Medals.

Coming back from the war, he married his sweetheart, Barbara Pierce of Rye, New York, and later that year made his first civilian adult decision when he made the appropriate choice of moving to Texas, and lived the rest of his life in Texas, where he started his own company and was successful in one of the riskiest businesses in the world, the oil business.

After selling it, he became involved in politics, his love for the rest of his life, and he was elected to represent Texas's 7th Congressional District, the district that I now represent, and he served on the Committee on Ways and Means, where I now serve. I am privileged to represent him as my most famous constituent today, living with his wife, Barbara, in my district.

History already records what he went on to do. Ambassador to the United Nations; chairman of the Republican National Committee, when it was in dire straits during Watergate; and chief U.S. liaison official to China, the first one after China was recognized by the United Nations; and then, when the Central Intelligence Agency needed leadership because of its great struggles, again during the Watergate period, he was picked, and did an outstanding job heading that institution; and of course, later, became Vice President under Reagan until 1988, when he was elected President.

He is a man of unblemished integrity, and his life has been the model of selfless public service, honor and scrupulous commitment to the people's institutions. Men like George Bush have preserved the peace, freedom and prosperity that we all enjoy as Americans today, and it is our privilege, mine particularly, to honor him by naming the headquarters of the CIA after him.

I particularly compliment my friend, the gentleman from Ohio (Mr. ROB PORTMAN), for bringing forward this issue and giving us this opportunity.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume to again compliment the gentleman from Ohio (Mr. PORTMAN) on his efforts, which appear to be successful, in naming the CIA headquarters after former President George Bush. It is a very, very fitting tribute to this man who was the head of the CIA, and who later became President of our country.

I had the opportunity, Mr. Speaker, to work with President Bush rather closely in preparation for Desert Storm and Desert Shield, in which American interests were so vitally involved, and he not only marshaled support for the effort here in our country, he marshaled support among our allies, and he should long be remembered for that.

I compliment the gentleman and thank him for his work on putting this piece of legislation together. It certainly is a fitting tribute to Mr. Bush.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume, and thank my colleagues who have spoken about George Bush, the man, and about the appropriateness of this tribute.

The gentleman from Missouri (Mr. SKELTON) and I both have other speakers but because our time was changed a little bit, we do not have all of them here right now. Others may arrive in a moment, but I might just take a moment to talk about this legislation and talk about the people who helped so much to get us here.

The gentleman from Florida (Mr. GOSS) has already spoken. He was very critical in his role as chairman of the Permanent Select Committee on Intelligence, of course, in getting us to this point, but also in his support from the outset. The gentleman from Missouri, who we just heard from, was the original cosponsor of this legislation, along with the gentleman from Florida and the gentleman from Indiana (Mr. LEE HAMILTON), and myself.

I want to thank the gentleman from Missouri. He added a lot of credibility to this effort, frankly made it bipartisan from the start, and has a deep, as we just heard from the gentleman himself, personal relationship to Mr. Bush, which grows, among other things, out of his close working relationship with the President during the Persian Gulf conflict.

The gentleman from Indiana (Mr. LEE HAMILTON) is the other original cosponsor, as I said, the ranking member of the Committee on International Relations. I want to thank him again personally for his support of this effort from the start.

There are many others on both sides of the aisle who have been critical in getting us here today. Many were original cosponsors; others have come on since then, and we have heard from some today and we may hear from others in a moment.

The CIA complex at Langley, Virginia, as has been said today, is currently unnamed, and the effort we have before us here is to designate that center the George Bush Center. It is a particularly fitting tribute, I think, to the only President in our history who has served as Director, and his extraordinary leadership as Director, during a very difficult time for the agency, makes this a particularly appropriate way to remember President Bush.

That extraordinary leadership is pretty well documented. What is not as well documented, perhaps, is the personal importance George Bush places on his service there. I think it is fair to say he remembers that service as fondly as any to his Nation, and the other thing that has come up today in various speeches that we have heard is the degree to which the CIA employees, the career employees there, hold George Bush in high regard. Again, all of these make this a perfect fit.

He served his country for over 50 years. It was in 1942, on June 12th, as the gentleman from Texas (Mr. ARCHER) said earlier, the day he turned 18 years old, that George Bush joined the United States Navy. He was the youngest pilot in the Navy, and he proved himself time and time again with his older peers in the Navy. He was the youngest pilot, but also was one who, in the face of combat, showed himself to be one of the most effective.

He was shot down over the Pacific, as has been commented on earlier today. Of course, he completed his mission before he was shot down. He went on to win not only the distinguished Flying Cross but also three Air Medals for his courageous service to our country during World War II.

After the war, he moved to Texas and he was gradually drawn into politics. In 1966, he was elected to this House, sat in this Chamber for two terms, distinguished terms, as a member of the Committee on Ways and Means, at that time the most junior member ever appointed to the House Committee on Ways and Means. He served the 7th District of Texas, which is the Houston area.

In 1971, he was appointed U.S. Ambassador to the United Nations, and it is interesting, then as now, tensions were very high in the Middle East. It was Ambassador Bush, using his strong friendships with leaders around the Middle East, who was able to diffuse those tensions between Israel and the Arab nations.

In 1974, George Bush had his choice of any ambassadorship in the world, it is said. He took on the challenge of normalizing relations with the People's Republic of China and was appointed as the first U.S. liaison to China.

He was widely regarded at the time as the right man for the job because of the contacts he had made at the United Nations, but folks did not know the degree to which his people skills would be put to use in opening up the relationship between the United States and the largest country in the world. For over a year he worked hard at that effort and was very successful in breaking through the wall, which was really centuries thick, between the People's Republic of China and the United States.

When he returned from China, he became Director of the Central Intelligence Agency, again in a very tough time. This was in the aftermath of the Church hearings up here on Capitol Hill. I think it is fair to say that morale was quite low at the agency, maybe at an all time low. It was George Bush, who came into the CIA, who improved the morale, who improved the agency's standing not only here on Capitol Hill but among the American people.

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Again, he is remembered so fondly by the agency and its people for that effort and for his continuing support over the years after being Director of the CIA, in supporting the CIA's mission and in supporting the people at the Agency.

In 1980 he reentered elective politics, this time as the vice presidential candidate with Ronald Reagan. As Vice President, he was as involved as any Vice President in history, with all the major issues that the White House faced.

In particular, he focused on the administration's war against international terrorism and drugs. He also headed the task force on regulatory relief, which reduced the size of government and increased American industry's competitiveness around the world.

In 1988, he became the first incumbent Vice President since Martin Van Buren to be elected President of the United States. While in office, he led this country through some very historic times.

In 1989, for instance, he ushered in the end of the Cold War with the elimination of the Berlin Wall and the reunification of Germany.

Mr. SKELTON. Mr. Speaker, if I have the time, I would be pleased to yield additional time to the gentleman from Ohio (Mr. PORTMAN). My inquiry of the Chair is do I have the time?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Missouri (Mr. SKELTON) has 16½ minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding.

Again, he led this country through change as President in 1989, the end of the Cold War, reunification of Germany, the elimination of the Berlin Wall, leading the effort to spread democracy around Eastern Europe.

He signed the Start I and Start II treaties that established the game plan for the reduction of two-thirds of the existing nuclear warheads by 2003.

Of all the major events in which President Bush played a key role as Commander in Chief, the one that perhaps best showcases his ability was the one that the gentleman from Missouri (Mr. SKELTON) talked about earlier, which is his abilities as leader during the Persian Gulf War.

He put together an unprecedented coalition of 30 nations headed by the United States to stop the aggression of Saddam Hussein in the Middle East. I think it is particularly fitting that we consider this legislation, Mr. Speaker, honoring President Bush exactly 8 years and 1 day from the date that Kuwait was liberated.

Mr. Speaker, to me President Bush exemplified the highest values and principles of public life. As a staff member in the Bush White House, I was privileged to learn firsthand from President Bush that honor, integrity, and responsibility are the most important code of conduct for a public official.

I feel the Bush Center will not only provide the needed national recognition for as many years of distinguished service, but also on a personal note it is gratifying to me to see this legislation coming to the floor of the House today honoring someone who has given so much to his Nation.

I urge all my colleagues to support this fitting tribute to our former President. I want to thank the gentleman from Missouri (Mr. SKELTON) again for yielding time and for the leadership of the gentleman from Florida (Mr. GOSS) in this effort.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of this bill to designate the Headquarters Compound of the Central Intelligence Agency as the George H.W. Bush Center for Central Intelligence. This is a fitting tribute to the great contributions of George Bush to the CIA, our federal government and our nation.

Mr. Speaker, George Bush served our country not only as President, but also Vice President, U.N. Ambassador, Chief of the U.S. Liaison Office to the People's Republic of China, Member of Congress and Director of the Central Intelligence Agency. His life was truly one in the public service, and he served our nation ably and faithfully for more than 50 years.

He was appointed to serve as director of the CIA in 1976, and provided leadership to that agency at a time when the U.S. intelligence community was publically unpopular and roundly criticized as too secretive. George Bush is credited with many improvements at the CIA and restoring the morale of the employees. As the only president to have served as director of the CIA, he continues to be held in high regard by past and present CIA employees, and may members of the U.S. intelligence community.

Mr. Speaker, the CIA building is in my district. And although I am a Democrat and George Bush has been a loyal Republican all his life, it is highly appropriate to memorialize a man of George Bush's integrity, work ethic and dedication to public service by naming the headquarters of an indispensable part of the U.S. Government and an irreplaceable instrument of world peace in his honor.

George Bush loved the people, and respected the institution of the CIA as no other American President has. I urge all my colleagues to grant him this honor.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to add my enthusiastic support to H.R. 3821, which would name the Central Intelligence Agency (CIA) Headquarters in Langley, Virginia after our 41st President, George Herbert Walker Bush.

I can think of no one today who is more deserving of this honor than this man of courage, who has such a long and distinguished record of service to our nation and the cause of freedom. George Bush definitely represents the principles of dignity and character that we have always prized in our statesmen. From his service as a teenage pilot during World War II to his administration as President, he has always dedicated his life to God, family and country.

Among the roles he served in during his remarkable career, George Bush should be especially proud of his record as Director of the CIA from 1976 to 1977. This was a critical time for this key agency which he helped rebuild after a major Congressional investigation. His determined leadership helped restore the morale of the CIA at a crucial turning point in the Cold War. This spade work for our nation's defense helped pave the way for the triumph of freedom over communism during his service as Vice President under President Ronald Reagan and his service as President.

This is definitely a fitting tribute for the only President who served as Director of the CIA. The overwhelming bi-partisan support for this proposal definitely demonstrates the widespread respect which George Bush has from his fellow citizens for his legacy of service to our nation.

Mr. SKELTON. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GOSS) that the House suspend the rules and pass the bill, H.R. 3821.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING ASSISTANCE TO MEXICO TO COMBAT WILDFIRES

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 469) expressing the sense of the House of Representatives regarding assistance to Mexico to combat wildfires, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 469

Whereas the United States has a Cooperative Fire Suppression Agreement with Canada to address the issue of fires occurring along the border between the two countries;

Whereas in the past fires starting in Mexico have grown out of control and have spread into the United States; and

Whereas both the United States Forest Service and the Mexican Forest Service have expressed an interest in having a cooperative fire suppression agreement between the United States and Mexico: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States should initiate negotiations with Mexico at the earliest date possible in order to come to a mutually beneficial agreement as soon as possible addressing the concerns of both countries in suppressing fires occurring along the border between the two countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recently raging fires engulfed over 1 million acres of land in Mexico. Our border states, in particular Texas, were overwhelmed by a pile of smoke that created an acute pollution problem and raised serious health concerns. The administration deployed emergency assistance to help Mexico cope with fires.

I would like to thank my colleagues on the Committee on International Relations, particularly the gentleman from Texas (Mr. BRADY), for working with the honorable gentleman from Texas (Mr. HALL) to offer an answer, which was unanimously approved in committee updating this resolution.

In the aftermath of these terrible fires, it is important for the House to endorse this resolution's call for the negotiation with Mexico of a cooperative fire suppression agreement similar to the one that exists between the United States and Canada.

I ask my colleagues to join me in supporting H. Res. 469, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H. Res. 469.

The fires in Guatemala and in Mexico earlier this summer had wide-ranging impact. The smoke from the fires was noticeable as far north as the State of Wisconsin, and many people suffered serious health consequences along the U.S.-Mexico border.

We are right to seek to put into place a framework that will allow us to maximize cooperation in the case that we are faced with these problems along the border. It is worth noting that the United States made a significant contribution to controlling and extinguishing these fires. We provided in excess of $8 million to defeat fires in Guatemala and Mexico.

In so doing, we generated a lot of goodwill among the people of those two countries who suffered a great deal because of the fires. The greatest assistance the U.S. provided was the fire experts from the United States Forest Service. All of us, I am sure, want to commend their work. They braved some dangerous conditions and in the process provided a great service to our country and certainly to the people of Mexico and Guatemala.

I urge the adoption of this resolution.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation so that the United States and Mexico can be better prepared the next time we face a fire and public health emergency such as the one we faced earlier this year.

This spring, Texas and many other states were blanketed by thick, unhealthy smoke from more than 10,000 fires that burned, many of them out of control in Mexico and in other Central American countries.

While our two nations have worked well together to bring this threat under control, we did so largely on an ad hoc basis. We need a more permanent and proactive solution, and this resolution takes the right approach in calling for the negotiation of a cooperative fire suppression agreement with Mexico similar to that which we already have in place with Canada.

Such an agreement would be in the best interest of both the United States and Mexico so that we could respond more quickly and effectively to future fire emergencies.

This year's experience showed clearly that fire emergencies know no borders. These fires were a threat not only to the residents in the immediate vicinity but to the communities thousands of miles away.

For several days this spring, the entire State of Texas was under a public health alert that urged all Texans to stay indoors and limit outdoor activity in order to limit exposure to the smoky haze. Many outdoor activities were cancelled and delayed.

In particular in my district, all school children were ordered to stay inside and a number of school Little League and high school baseball games and baseball playoffs were cancelled as a result of the threat.

Additionally, senior citizens were urged to stay inside because of the threat. The Greater Houston area and the Gulf Coast area remained under this threat for several weeks.

At its peak, smoke from these fires affected at least six States, including Texas, Louisiana, Arkansas, Missouri, and Mississippi. We must work to prevent this type of public health threat from occurring.

I also want to take this opportunity to thank the firefighting personnel from both the United States and Mexico for their hard work in fighting the fires this spring. Despite the lack of a fire suppression agreement, our two nations worked well together to fight this threat.

After receiving a letter from the Texas Congressional Delegation which I had organized, our government worked quickly to provide the necessary assistance to Mexico. I greatly appreciate the prompt and effective assistance that was provided by the U.S. Agency for International Development, the U.S. Forest Service, the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration, as well as other agencies.

The assistance provided included firefighting equipment, heavy lift helicopters and C-130 tanker aircraft.

In addition, firefighting experts from the United States traveled to Mexico and helped provide technical assistance to Mexican firefighters on how to suppress these fires. However, this is only a starting point. This legislation would encourage these two nations to create a more comprehensive plan to reduce forest fires in the future and fight blazes once they have started.

I think it is important that we note that we share a very long border with Mexico, and while it directly affects those of us in Texas, again we saw that this could affect other States as well. This was not just an issue of helping out a neighbor who in fact deserved that help, but it was also a public health issue in the United States as well.

I think it underscores the need that the administration move quickly on trying to finish negotiations on a fire suppression agreement.

I also would like to point out the damage that was done in Mexico, in particular in the Chimalapas Jungles, which is one of the great natural areas in Mexico, which was not completely but very much of which was destroyed, and this is at great environmental cost not only to the people of Mexico but to the people of the Southern Hemisphere as well.

I congratulate my colleague, the gentleman from Texas (Mr. HALL), for authoring this legislation and the chairman and the ranking Democrat for bringing this to the floor.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY), a distinguished member of the committee.

Mr. BRADY of Texas. I thank the gentleman from Nebraska for yielding me this time.

Mr. Speaker, I am pleased to support House Resolution 469 and would like to thank the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Texas (Mr. HALL) for introducing this important resolution expressing the sense of Congress concerning what is known as a cooperative fire suppression agreement with Mexico.

This resolution seeks to give congressional support for the negotiation of an agreement with Mexico, addressing fire suppression along the border region of the United States and Mexico.

As you may know and have heard, smoke from the recent fires in Mexico and Central America drifted into the southern United States from the Gulf of Mexico, causing respiratory health problems for people all over the United States. These fires brought to light a missing piece in our international firefighting programs: The lack of a cooperative agreement with Mexico.

The United States has had a cooperative fire suppression agreement with Canada since 1982. This agreement allows our U.S. Forest Service firefighters to enter Canada to aid in fire suppression when fires occur along the 200-kilometer band on the border, and vice versa. This agreement permits both countries to help contain border fires that threaten their territory and permits either country to seek reimbursement for these services.

The agreement has been successfully implemented to address fires that occur along the borders with U.S. and Canadian firefighters working jointly to protect both countries from wildfires. Unfortunately, we do not have such an agreement with Mexico. In the past, small, easily manageable fires have grown into large, destructive wildfires that spread into the United States. This type of agreement is imperative for the protection of both U.S. citizens and their property.

At the recent Binational Commission between the United States and Mexico, our State Department, with the backing of over 40 Members of the House of Representatives, and with the backing of 6 Senators from our border States, presented the Mexican delegation with a draft text of the agreement. It is extremely important that the State Department continue to pursue these negotiations if we are to prevent future catastrophes from occurring along the border.

Currently, the potential for fire on the border region is tremendously high.

The wet winter in the Southwest gave growth to large amounts of grass and underbrush. The ensuing drought and massive heat wave have turned these grasses into the perfect tinder for fires on both sides of the border. The danger is real and as we have seen from the fires in southern Mexico, you do not have to live next to the fire to be affected by it.

I strongly urge my colleagues to support this resolution.

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Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his comments which are very relevant. As a Member from Texas, he is well aware of these problems.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I want to echo the sentiments expressed earlier by the gentleman from Nebraska and the gentleman from Indiana (Mr. HAMILTON), the ranking minority member of the Committee on International Relations concerning this resolution that I sincerely hope that our colleagues will support and endorse.

Mr. Speaker, the fires in southern Mexico had far reaching consequences in the United States. We are right to look for lessons from those very damaging fires. The best way to do that is to look for a way to work well with our Mexican neighbors for future problems. This resolution does that. Getting the Congress on record in support of a bilateral fire suppression agreement will send a strong message to the President and to the good leaders and people of Mexico that we are interested in avoiding damages from fires in the future.

I might also add, Mr. Speaker, my strongest commendation to the men and women of the U.S. Forest Service who worked hard and so bravely to suppress this spring's fires in southern Mexico. They helped numerous Mexican citizens and in so doing generated great good and good will between the people of the United States and the good people of Mexico. We owe a great debt of gratitude to these brave men and women.

I urge my colleagues, Mr. Speaker, to support House Resolution 469.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume. May I simply observe that I have been informed that the gentleman from Texas (Mr. HALL) who is the principal author of H. Res. 469 wanted very much to speak on the resolution but is on his way to the Chamber, he has been traveling, and he may not make it in time. I do want to commend him for his initiative on this very worthy resolution.

Mr. GILMAN. Mr. Speaker, recently, raging fires engulfed over 1 million acres of land in Mexico. Our border states, in particular Texas, were overwhelmed by a pall of smoke that created an acute pollution problem and raised serious health concerns. The Administration deployed emergency assistance to help Mexico cope with the fires.

I would like to thank my colleague on the International Relations Committee, Mr. BRADY, for working with the honorable gentleman from Texas, Mr. HALL, to offer an amendment—which was unanimously approved in Committee—updating this resolution.

In the aftermath of these terrible fires, it is important for the House to endorse this resolution's call for the negotiation with Mexico of a Cooperative Fire Suppression Agreement similar to the one that exists between the United States and Canada.

I ask my colleagues to join me in supporting H. Res. 469 as amended.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this resolution, which expresses the sense of Congress that the United States assist Mexico in its efforts to combat the forest fires which have plagued it this year.

It is rare in any neighborhood that neighbors will get along one hundred percent of the time, yet it is a good neighbor who always extends a helping hand to the other in the midst of a crisis. Mexico is currently dealing with a crisis of an alarming magnitude, and it is our time to step forward and offer our resources to help them through this difficult time.

The terrible forest fires that still rage in various parts of Mexico and Central America have shown no signs of slowing down. Just over the course of the last few weeks, over 1 million acres have been destroyed by flames, spurred on by months of dry conditions brought upon by drought.

Mexico and Central America's firefighters are overmatched, and desperately need assistance. With the adoption of this resolution, we can alleviate some of their burden and give them a fighting chance to outlast these blazes of misfortune. We are intimately familiar with the devastation that forest fires can wreck upon the environment, having just overcome similar fires in Florida just last month, and should make sure that wee minimize the danger to all of the families in harm's way, no matter their nationality.

I would also like to remind my colleagues that any efforts of ours in Mexico would also directly benefit our citizens here at home. Here in the United States, including my District in Houston, we have been subjected to the side effects of these huge fires, in the form of smoke which has blown up from South of the Rio Grande.

The "haze" as it has been called, has darkened the skies and worsened the health of our citizens. The State of Texas has been forced to issue special health warnings, advising people to stay indoors on certain days when the conditions are particularly bad.

These conditions are only exacerbated by the extended period of drought that the Southwestern portion of the United States has suffered in recent years. Although it is not within the power of Congress to change Mother Nature, we can help farmers financially, and try to fight the fires that are irritating our children's eyes, and filling their lungs with smoke.

I urge my fellow colleagues to vote for this declaration, and to reaffirm our partnership with the people and governments of Mexico and Central America.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 469, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing the sense of the House of Representatives regarding a cooperative fire suppression agreement with Mexico.".

A motion to reconsider was laid on the table.

SHACKLEFORD BANKS WILD HORSES PROTECTION ACT

Mr. JONES. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 765) to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

The Clerk read as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.

Section 5 of the Act entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes", approved March 10, 1966 (Public Law 89-366; 16 U.S.C. 459g-4), is amended by inserting "(a)" after "Sec. 5.", and by adding at the end the following new subsection:

"(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the 'Seashore'): *Provided*, That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

"(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackleford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

"(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and,

"(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

"(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

"(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

"(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

"(C) except in the case of an emergency, or to protect public health and safety.

"(4) The Seoretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

"(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

"(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first thank my colleagues and staff in the House, the Senate, and the White House for helping secure passage of this important legislation. The Shackleford Banks Wild Horse Protection Act requires the National Park Service to work in alliance with a nonprofit entity to maintain a herd of no less than 100 horses, a number consistent with the number of horses on the island when the Park Service assumed ownership. H.R. 765 is needed to preserve this historically rich herd of wild horses.

It was my intent and the Committee on Resources' intent to designate the Foundation for Shackleford Banks as the nonprofit agency to work with the Park Service. The Senate concurred by passing its version, also. Throughout the process, the foundation was listed in the legislation further indicating Congress' intent. I am confident that the foundation, as listed in the legislation, and the Park Service will develop a long-range management plan for the horses.

Again, I would like to thank my colleagues and ask for their support for H.R. 765.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 765 introduced by the gentleman from North Carolina (Mr. JONES), a member of the Committee on Resources, requires the National Park Service to maintain a herd of wild horses on Shackleford Banks at Cape Lookout National Seashore. On July 16, 1998, President Clinton signed Public Law 105-202, the Peace Garden Memorial extension. Included as part of that law was language that is identical to the gentleman's bill, which is H.R. 765.

Mr. Speaker, I do want to highly commend my good friend and colleague from North Carolina for his ingenuity in seeing that although this has already become law but I think for reassurances to make sure that the gentleman's horses on Shackleford are duly protected. I want to commend the gentleman for his persistence in making sure that this matter is going to be taken care of. I say to my colleagues that this matter has been addressed, although I think it is good that we need to give this reinforcement in the process. I thank my good friend from North Carolina for his persistence in this bill.

I urge my colleagues to support this legislation, H.R. 765.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 765.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate amendment to H.R. 765.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

NATIONAL PARK SYSTEM NEW AREA STUDIES ACT

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1728) to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park System New Area Studies Act".

SEC. 2. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of Public Law 91-383 (16 U.S.C. 1a-5; popularly known as the National Park System General Authorities Act) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the seventh sentences of subsection (a).

(3) By designating the last two sentences of subsection (a) as subsection (e) and inserting in the first of such sentences before the words "For the purposes of carrying" the following: "(e) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System.

"(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

"(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

"(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—(1) The Secretary of the Interior shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

"(2) In conducting the study, the Secretary shall consider whether the area under study—

"(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

"(B) is a suitable and feasible addition to the system.

"(3) Each study—

"(A) shall consider the following factors with regard to the area being studied—

"(i) the rarity and integrity of the resources;

"(ii) the threats to those resources;

"(iii) similar resources are already protected in the National Park System or in other public or private ownership;

"(iv) the public use potential;

"(v) the interpretive and educational potential;

"(vi) costs associated with acquisition, development and operation;

"(vii) the socioeconomic impacts of any designation;

"(viii) the level of local and general public support, and

"(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

"(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

"(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

"(D) may include any other information which the Secretary deems to be relevant.

"(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

"(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

"(d) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.".

(5) By adding at the end of subsection (e) (as designated by paragraph (3) of this section) the following: "For carrying out subsections (b) through (d) there are authorized to be appropriated $2,000,000.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1728 is a bill introduced by the gentleman from Colorado (Mr. HEFLEY). The gentleman from Colorado is to be commended for the hard work he has done to craft a bill that addresses needed changes in current law dealing with how new units are added to the National Park System.

H.R. 1728 provides for the development of a plan and a management review of the National Park System to reform the current process by which areas are considered for addition to the National Park System. The bill would assist the National Park Service in planning for the future of the National Park System and provide a structured process to ensure that the Congress considers only the most worthy nationally important sites for inclusion in any expansion of the National Park System.

Mr. Speaker, this is an important bill, and H.R. 1728 provides a better way to include worthy areas into the park system. I urge my colleagues to support H.R. 1728.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1728 establishes new procedures by which potential new additions to the National Park System are studied. The bill is identical to the language in title II of H.R. 260 from the 104th Congress.

The administration and other interested parties are in general support of putting in place new procedures for the study of potential additions to the National Park System. These new procedures make a lot of sense to me. They will improve the quality of information we have on potential additions to the National Park System, as well as help prioritize our consideration of such additions.

With the minor changes to the bill that were made by the Committee on Resources, I think the House should give the bill its unqualified support. I urge my colleagues to adopt this proposed bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 1728, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1728, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING EXPANSION OF FORT DAVIS NATIONAL HISTORIC SITE

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3047) to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres.

The Clerk read as follows:

H.R. 3047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.

The Act entitled "An Act Authorizing the establishment of a national historic site at Fort Davis, Jeff Davis County, Texas", approved September 8, 1961 (75 Stat. 488; 16 U.S.C. 461 note), is amended in the first section by striking "not to exceed four hundred and sixty acres" and inserting "not to exceed 476 acres".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3047 is a bill introduced by the gentleman from Texas (Mr. BONILLA). The gentleman from Texas has worked hard on this bill which addresses an important historical site in Texas.

H.R. 3047 would authorize the expansion of Fort Davis National Historic Site by 16 acres by increasing the "not to exceed" acreage clause in the current enabling legislation which prevents the historical site from expanding. The acreage to be acquired is needed to protect the site's historic setting and viewshed. Of particular note, no federally appropriated funds are requested for this land acquisition.

I strongly urge my colleagues to support passage of H.R. 3047.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this proposed legislation now before us was introduced by the gentleman from Texas (Mr. BONILLA). The bill, H.R. 3047, authorizes the addition of 16 acres to the Fort Davis National Historic Site in Texas.

This is a measure that the National Park Service testified in favor of at the hearing that was held before our Subcommittee on National Parks and Public Lands. I understand that the 16 acres in question is being acquired by a third party and will be donated to the park once the necessary authorization is received.

Mr. Speaker, I support the passage of this legislation and I urge my colleagues to do likewise.

Mr. BONILLA. Mr. Speaker, I rise in support of this legislation. I would like to thank Chairman YOUNG for his cooperation and assistance in moving this bill through his committee.

Fort Davis is located in the heart of West Texas, nestled in an area that is very scenic in its own rough and rugged way. I am very proud to represent this area, and I would invite my colleagues to visit the area to see the beauty for yourself.

The fort was a key post in the defense of West Texas and thus played a major role in this region's history. From 1854 to 1891, troops at the post guarded immigrants, freighters and stagecoaches on the San Antonio-El Paso road. Fort Davis is the best remaining example in the Southwest of the typical post-Civil War frontier fort. The post has extensive surviving structures and ruins.

My bill would permit a simple 16 acre expansion of the historical site. This legislation is necessary because the original legislation limited the historic site to 460 acres.

The particular parcel of land that would be added to the site is known as Sleeping Lion Mountain. This land overlooks the park's historic landmarks. The land is slated to be donated to the National Park Service by the Conservation Fund. The land has been purchased by the Conservation Fund. They secured the funds from several private foundations to purchase the land. The purchase of the land was completed in April and they are simply waiting for us to act.

The tract is adjacent to the fort's southern boundary and I believe that the inclusion of this tract of land into the site would ensure the visual and historic integrity for this state and national treasure.

This park expansion has the blessing of the local community and is also supported by the Texas Historical Commission. As you can see this is a simple piece of legislation to allow for a minor park expansion. This would allow us to preserve a very important piece of our heritage and history in West Texas.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. JONES. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 3047.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3047, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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LAND CONVEYANCE IN CARSON AND SANTA FE NATIONAL FORESTS, NEW MEXICO

Mr. JONES. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 434) to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. LAND CONVEYANCE, SANTA FE NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE OF PROPERTY.—Within 60 days of enactment of this Act, the Secretary of Agriculture (herein "the Secretary") shall convey to the town of Jemez Springs, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately one acre located in the Santa Fe National Forest in Sandoval County, New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the town of Jemez Springs.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and.

(B) an agreement between the Secretary and the town of Jemez Springs indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for the purposes of construction and operation of a fire substation. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 434, introduced by former Congressman Bill Richardson, the current Ambassador to the United Nations, would revise a land conveyance from the Forest Service to Jemez Springs, New Mexico. I support the desire of the gentleman from New Mexico (Mr. REDMOND) to see that Jemez Springs attains one acre of land within the town in order to construct a fire substation.

It is my understanding that in 1993 the Jemez National Recreation Area was carved out of the Santa Fe National Forest. This transformed Jemez Springs from an obscure little village located in the Santa Fe National Forest to a little community hosting over 1 million visitors annually. I applaud Jemez Springs for cooperating and assisting the Forest Service in answering the numerous fire calls throughout the area. Without much imagination my colleagues can see how such increased activities would cause significant problems for any community.

The Senate amended and passed H.R. 434 by unanimous consent. I urge my colleagues to support H.R. 434.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my personal commendation to the gentleman from North Carolina (Mr. JONES) for his leadership in managing these pieces of legislation now before the House.

Mr. Speaker, I will not object to the passage of this legislation, but I want to note for the record that the Forest Service has objections to language which has been included by the other body. Specifically, the Senate amendment would subject this land conveyance to the Recreation and Public Purposes Act process. H.R. 434, as reported by the committee and passed by the House, would have provided for an equal value exchange of lands pursuant to routine Forest Service law and procedures.

H.R. 434, as amended by the Senate, provides for a one-acre conveyance to the town of Jemez Springs, New Mexico, of land from the Santa Fe National Forest. The land is to be used for the public purpose of a fire station. The bill also contains a reverter clause providing that if the land is not used for a fire station it will revert to the United States.

Mr. Speaker, if this bill provided for a general application of the Recreation and Public Purposes Act to all national forest lands, I would strongly oppose it. But since H.R. 434 is limited to a one-acre parcel of land in one New Mexico community, I will not object to the Senate amendment. I view this, however, to be a limited and unique circumstance and not as a precedent for future conveyances of Forest Service lands.

I urge my colleagues to support this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. REDMOND).

Mr. REDMOND. Mr. Speaker, I stand in support of H.R. 434, as was introduced by former Congressman Bill Richardson, now Ambassador to the United Nations.

Mr. Speaker, the history of the Jemez Mountains Recreation Area dates back to the early 1990's when it was carved out by Congress as a special recreation area for the American people. As a result of declaring the Jemez Mountains a recreation area, we have an additional one million people that now travel through the tiny village of 350 to 450 people, a little village called Jemez Springs. This little village is the closest village that can respond to emergency and disaster, whether it be fire, whether it be first aid emergency for those million visitors that come through the Jemez Springs area. This is the village of first response in time of crisis.

I believe that the village is well within its limits by asking for merely one acre of land on which to build a modern fire station so that they can respond to the emergency needs of the American people as the American people visit the Jemez Recreation Area. The Federal Government owns over 28 million acres in the State of New Mexico, and I believe that yielding one acre to a village of 350 people who are the first individuals to respond in times of crisis to the visitors of the Jemez Recreation Area is well within reason.

I understand that there is objection to this. This objection on behalf of the Forest Service I believe is unreasonable. The Forest Service does not always have a good reputation of being a good neighbor in New Mexico. I would encourage them to wholeheartedly embrace the transfer of the one acre to Jemez Springs to begin to build bridges with the people of northern New Mexico.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to note for the RECORD that former Congressman Bill Richardson was a very distinguished member of our Committee on Resources, and I think, also to my good friend from New Mexico, that former Ambassador Bill Richardson to the United Nations is now the new Secretary of Energy. It was just confirmed last Friday by the other body.

I want to commend my good friend the gentleman from New Mexico (Mr. REDMOND) for following up this piece of legislation, and I just want to note that and commend him for allowing us to bring this piece of legislation now for consideration, and again I urge my colleagues to support this bill and thank my colleague again from North Carolina for his management of these pieces of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 434.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 434, the bill just debated.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPROVING A GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF LATVIA

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3460) to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH LATVIA.

Notwithstanding section 203 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of the Republic of Latvia, as contained in the message to Congress from the President of the United States dated February 3, 1998, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

SEC. 2. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

(a) REAUTHORIZATION.—Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking "for each of" and all that follows through the end of the sentence and inserting "for each fiscal year through fiscal year 2001.".

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—The Northwest Atlantic Fisheries Convention Act of 1995 is further amended—

(1) in section 207(e) (16 U.S.C. 5606(e)), by striking "sections" and inserting "section";

(2) in section 209(c) (16 U.S.C. 5608(c)), by striking "chapter 17" and inserting "chapter 171"; and

(3) in section 210(6) (16 U.S.C. 5609(6)), by striking "the Magnuson Fishery" and inserting "the Magnuson-Stevens Fishery".

(c) REPORT REQUIREMENT.—The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:

"SEC. 212. ANNUAL REPORT.

"The Secretary shall annually report to the Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 208.".

(d) NORTH ATLANTIC FISHERIES ORGANIZATION QUOTA ALLOCATION PRACTICE.—The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:

"SEC. 213. QUOTA ALLOCATION PRACTICE.

"(a) IN GENERAL.—The Secretary of Commerce, acting through the Secretary of State, shall promptly seek to establish a new practice for allocating quotas under the Convention that—

"(1) is predictable and transparent;

"(2) provides fishing opportunities for all members of the Organization; and

"(3) is consistent with the Straddling Fish Stocks Agreement.

"(b) REPORT.—The Secretary of Commerce shall include in annual reports under section 212—

"(1) a description of the results of negotiations held pursuant to subsection (a);

"(2) an identification of barriers to achieving such a new allocation practice; and

"(3) recommendations for any further legislation that is necessary to achieve such a new practice.

"(c) DEFINITION.—In this section the term 'Straddling Fish Stocks Agreement' means the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.".

SEC. 3. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975.

(a) REAUTHORIZATION.—Section 10(4) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h(4)) is amended by striking "For fiscal year 1998," and inserting "For each of fiscal years 1998, 1999, 2000, and 2001,".

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—(1) The Atlantic Tunas Convention Act of 1975 is further amended—

(A) in section 2 (16 U.S.C. 971), by redesignating the second paragraph (4) as paragraph (5);

(B) in section 5(b) (16 U.S.C. 971c(b)), by striking "fisheries zone" and inserting "exclusive economic zone";

(C) in section 6(c)(6) (16 U.S.C. 971d(c)(6))—

(i) by designating the last sentence as subparagraph (B), and by indenting the first line thereof; and

(ii) in subparagraph (A)(iii), by striking "subparagraph (A)" and inserting "clause (i)";

(D) by redesignating the first section 11 (16 U.S.C. 971 note) as section 13, and moving that section so as to appear after section 12 of that Act;

(E) by amending the style of the heading and designation for each of sections 11 and 12 so as to conform to the style of the headings and designations of the other sections of that Act; and

(F) by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

(2) Section 3(b)(3)(B) of the Act of September 4, 1980 (Public Law 96–339; 16 U.S.C. 971i(b)(3)(B)), is amended by inserting "of 1975" after "Act".

SEC. 4. AUTHORITY OF STATES OF WASHINGTON, OREGON, AND CALIFORNIA TO MANAGE DUNGENESS CRAB FISHERY.

(a) IN GENERAL.—Subject to the provisions of this section and notwithstanding section 306(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856(a)), each of the States of Washington, Oregon, and California may adopt and enforce State laws and regulations governing fishing and processing in the exclusive economic zone adjacent to that State in any

Dungeness crab (Cancer magister) fishery for which there is no fishery management plan in effect under that Act.

(b) REQUIREMENTS FOR STATE MANAGEMENT.—Any law or regulation adopted by a State under this section for a Dungeness crab fishery—

(1) except as provided in paragraph (2), shall apply equally to vessels engaged in the fishery in the exclusive economic zone and vessels engaged in the fishery in the waters of the State, and without regard to the State that issued the permit under which a vessel is operating;

(2) shall not apply to any fishing by a vessel in exercise of tribal treaty rights; and

(3) shall include any provisions necessary to implement tribal treaty rights pursuant to the decision in United States v. Washington, D.C. No. CV–70–09213.

(c) LIMITATION ON ENFORCEMENT OF STATE LIMITED ACCESS SYSTEMS.—Any law of the State of Washington, Oregon, or California that establishes or implements a limited access system for a Dungeness crab fishery may not be enforced against a vessel that is otherwise legally fishing in the exclusive economic zone adjacent to that State and that is not registered under the laws of that State, except a law regulating landings.

(d) STATE PERMIT OR TREATY RIGHT REQUIRED.—No vessel may harvest or process Dungeness crab in the exclusive economic zone adjacent to the State of Washington, Oregon, or California, except as authorized by a permit issued by any of those States or pursuant to any tribal treaty rights to Dungeness crab pursuant to the decision in United States v. Washington, D.C. No. CV–70–09213.

(e) STATE AUTHORITY OTHERWISE PRESERVED.—Except as expressly provided in this section, nothing in this section reduces the authority of any State under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to regulate fishing, fish processing, or landing of fish.

(f) TERMINATION OF AUTHORITY.—The authority of the States of Washington, Oregon, and California under this section with respect to a Dungeness crab fishery shall expire on the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

(g) REPEAL.—Section 112(d) of Public Law 104–297 (16 U.S.C. 1856 note) is repealed.

(h) DEFINITIONS.—The definitions set forth in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) shall apply to this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. FARR) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me say a word of thanks to the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON), who permitted us to take this bill out of order, and we will move through this quickly. It is noncontroversial, and we appreciate very much their consideration.

First, let me say to my friend the gentleman from California (Mr. FARR), the ranking member of the subcommittee, a strong "thank you" for helping on a bipartisan basis to bring this bill to the floor. We find that most of the good progressive, supportive, forward-looking things that we do out of our subcommittee are done because of the great relationship between the majority and the minority both on the Member and staff level.

Mr. Speaker, I rise in strong support of H.R. 3460 to approve a governing international fisheries agreement between the United States and the Republic of Latvia to reauthorize the Atlantic Tuna Convention Act of 1975, to extend the Northwest Atlantic Fisheries Conservation Act of 1995 and extend the current regulatory scheme for the Dungeness crab in the Pacific Ocean.

Governing International Fishery Agreements, GIFAs, are currently authorized under Title II of the Magnuson-Stevens Fishery Conservation and Management Act. Foreign fishing vessels may not operate in the U.S. Exclusive Economic Zone unless they are registered in the country, has agreed and has signed a GIFA with the United States.

The Northwestern Atlantic Fisheries Convention Act is the implementing legislation for the convention on the future multilateral cooperation in the Northwest Atlantic fisheries. The Northwest Atlantic Fisheries Organization, NAFO, was established in 1979 under the terms of the convention. While the U.S. has participated in fishery negotiations in the past, the U.S. did not agree to the convention until 1996. The implementing legislation delineates our involvement in the NAFO, which is responsible for managing and conserving fishery resources from North Carolina to Baffin Bay, Canada, and it establishes the procedures for the delegate selection and includes a reporting requirement.

The Atlantic Tunas Convention Act is the implementing legislation for the International Convention for the Conservation of Atlantic Tuna and for other species. This, bill also speaks strongly to that issue.

The final title of the bill extends the current regulatory scheme of the Dungeness crab fisheries in the Pacific Ocean. The Pacific Ocean fisheries for Dungeness crab is found in the State waters off California, Oregon, Washington and in the EEZ adjacent to those States.

In order to assure continued conservation of the Dungeness crab as well as accommodate tribal treaty rights, some regulatory authority is necessary in the EEZ. The Pacific Fisheries Management Council unanimously recommended that Congress make the in term State authority permanent. This bill would establish that purpose.

Mr. Speaker, for all of the appropriate reasons I strongly support this important bill and urge an aye vote on it, and I ask that my entire statement be placed in the RECORD.

The statement referred to is as follows:

Mr. Speaker, I rise in strong support for H.R. 3460, to approve a Governing International Fishery Agreement between the United States and the Republic of Latvia, to reauthorize the Atlantic Tunas Convention Act of 1975, to extend the Northwest Atlantic Fisheries Convention Act of 1995 and extend the current regulatory scheme for Dungeness crab in the Pacific Ocean.

Governing International Fishery Agreements (GIFAs) are currently authorized under Title II of the Magnuson-Stevens Fishery Conservation and Management Act. Foreign fishing vessels may not operate in the U.S. Exclusive Economic Zone (EEZ) unless they are registered in a country that has signed a GIFA with the United States. These agreements require the foreign nations and vessels to comply with all U.S. laws governing the conservation and management of living marine resources. In return, foreign fishermen may receive an allocation of any excess fish that our government determines is available in the fishery.

The Northwest Atlantic Fisheries Convention Act is the implementing legislation for the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. The Northwest Atlantic Fisheries Organization (NAFO) was established in 1979 under the terms of the Convention. While the U.S. has participated in fishery negotiations in the past, the U.S. did not agree to the Convention until 1996. The implementing legislation delineates our involvement in NAFO, which is responsible for managing and conserving fishery resources from North Carolina to Baffin Bay, Canada, and it establishes the procedures for delegate selection and includes a reporting requirement.

The Atlantic Tunas Convention Act (ATCA) is the implementing legislation for the International Convention for the Conservation of Atlantic Tunas (ICCAT), an international treaty for the conservation and management of highly migratory tuna and tuna-like species of the Atlantic Ocean, Gulf of Mexico, and Mediterranean. The Act delineates the involvement of the United States in ICCAT. It establishes such necessary procedures as the selection of the U.S. delegates to the ICCAT Commission, the U.S. Advisory Committee, and Species Working Groups.

The final title of the bill extends the current regulatory scheme for the Dungeness crab fishery in the Pacific Ocean. The Pacific Ocean fishery for Dungeness crab is found in the State waters of California, Oregon, and Washington and in the EEZ adjacent to those States. A related tribal fishery is conducted under the provisions of court order (*United States v. Washington*) in ocean areas designated by regulation as tribal "usual and accustomed" areas. Conservation and management regulations are implemented and enforced by the three States and the tribal governments.

In order to ensure continued conservation of Dungeness crab, as well as accommodate tribal treaty rights, some regulatory authority is necessary in the EEZ. The Pacific Fishery

Management Council (Council) unanimously recommended that Congress make the interim State authority permanent. This bill would accomplish that purpose. While the Council could develop a fishery management plan, such a step could impose a fiscal burden on taxpayers, an unnecessary regulatory burden on harvesters and processors, and it would detract from efforts to conserve other species under the Council's jurisdiction.

I strongly support this important bill and urge an AYE vote on it.

Mr. SAXTON. Mr. Speaker, I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker,, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3460.

I would also like to say before beginning the statement here, point out how much I have enjoyed working with the gentleman from New Jersey (Mr. SAXTON). I think that our committee is a committee that deals an awful lot with public domain and the oceans and the resources in the oceans, and we work in a wonderful bipartisan effort to make sure that those resources are protected for the citizens of this country and, frankly, the world, and this legislation in a small way plays a part in that.

What this legislation does, Mr. Speaker, is reauthorize several important fishery conventions, including the governing international fishery agreement between the United States and the Republic of Latvia. While the international agreement is unlikely to result in a foreign allocation of fish from U.S. waters, we have in several instances permitted foreign vessels to process fish caught by U.S. fishermen in the United States waters. As such, the GIFA, which is the Governing International Fisheries Agreement, renewal is an important building block in our long-term bilateral relationships with the Republic of Latvia and was requested by this administration to potentially allow both countries to expand their business opportunities.

Section 2 of the bill reauthorizes the Northwest Fisheries Atlantic Fisheries Convention Act of 1995. Unfortunately, this organization has not been successful in preventing overfishing in many of the fisheries managed by treaty nations, and as a result, many of these stocks have been severely depleted. As the U.S. joined the organization only recently, we did not participate in the overexploitation of these resources, and ironically we therefore do not have the catch history to justify a quota for U.S. fishermen. Improving both conservation efforts and equity within these organizations should be a primary goal of the United States as we continue to play a large role in the international fisheries conventions and agreements.

Section 3 of the bill delineates the U.S. role in the International Convention for the Conservation of Atlantic Tunas. As we know, many of the highly migratory species managed by the International Convention for the Conservation of Atlantic Tunas are overfished and desperately in need of strong conservation measures. The convention must work harder to protect these stocks not only from overfishing but also from nontreaty nations whose activities diminish the effectiveness of the ICCAT recommendations. This act delineates the involvement of the United States in this organization, and it authorizes the Secretary of Commerce to adopt the regulations which are necessary to manage these valuable stocks consistent with international conservation efforts.

Section 4 of the bill allows the States of California, Oregon and Washington to continue to cooperatively adopt and enforce State laws to manage the Dungeness crab fishery in the Exclusive Economic Zone along the West Coast of the United States. As my colleagues know, that Exclusive Economic Zone goes out to 200 miles.

□ 1430

In the Sustainable Fisheries Act of 1996, Congress granted these States interim authority to manage the Dungeness crab fishery in the exclusive economic zone while future options for the fishery were explored. The primary reason for this was to accommodate the rights of the Northwest Indian tribes to harvest a share of the crab resources off the Washington coast.

The Pacific Fisheries Management Council was then asked to report to Congress on progress towards the development of a Federal fishery management plan. The Council examined the management options for the fishery, and, after careful evaluation, voted unanimously to request Congress to allow the existing management structure to be extended.

This legislation does not override the Council's authority in any way. It is supported by all the States, the tribes, the processors and the fishermen. The legislation is limited solely to the fishery for Dungeness crab, and, more importantly, the authority granted to the States under this bill expires when the Secretary of Commerce approves a Council fishery management plan for crab.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased that we are considering H.R. 3460, a noncontroversial bill that will renew the Governing International Fishery Agreement with the Republic of Latvia, and reauthorize the Northwest Atlantic Fisheries Convention Act of 1995 and the Atlantic Tunas Convention Act of 1975 until September 30, 2001.

H.R. 3460 was introduced by JIM SAXTON, the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans on March 12, 1998.

The Northwest Atlantic Fisheries Convention Act delineates the involvement of the United States in NAFO, which is responsible for managing and conserving fishing resources from North Carolina to Baffin Bay, Canada. The Atlantic Tunas Convention Act is the implementing legislation for the International Convention for the Conservation of Atlantic Tunas, and international treaty for the conservation and management of highly migratory tuna and tuna-like species of the Atlantic Ocean, Gulf of Mexico, and Mediterranean.

In addition, language from H.R. 3498, the Dungeness Crab Conservation and Management Act, has been incorporated within this bill. The Dungeness crab language will allow the States of Washington, Oregon, and California to continue to jointly manage the Dungness crab fishery in the Exclusive Economic Zone adjacent to their States.

The Pacific Fishery Management Council has unanimously voted to urge Congress to extend the interim management authority that was granted to the States by the Sustainable Fisheries Act of 1996. This bill specifically states that if the Pacific Council, at any time, determines there is a need for and approves a Federal fishery management plan for this fishery, then the authority given to the States would be terminated.

This legislation is time-sensitive because the temporary authority given to the States will soon expire and Members should vote for this innovative conservation and management measure.

I urge an "aye" vote on H.R. 3460.

Mr. FARR of California. Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3460, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3460, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IRAN NUCLEAR PROLIFERATION PREVENTION ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3743) to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Nuclear Proliferation Prevention Act of 1998".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Iran remains the world's leading sponsor of international terrorism and is on the Department of State's list of countries that provide support for acts of international terrorism.

(2) Iran has repeatedly called for the destruction of Israel and Iran supports organizations, such as Hizballah, Hamas, and the Palestine Islamic Jihad, which are responsible for terrorist attacks against Israel.

(3) Iranian officials have stated their intent to complete at least 3 nuclear power plants by 2015 and are currently working to complete the Bushehr nuclear power plant located on the Persian Gulf coast.

(4) The United States has publicly opposed the completion of reactors at the Bushehr nuclear power plant because the transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program.

(5) In an April 1997 hearing before the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations of the Senate, the former Director of the Central Intelligence Agency, James Woolsey, stated that through the operation of the nuclear power reactor at the Bushehr nuclear power plant, Iran will develop substantial expertise relevant to the development of nuclear weapons.

(6) Construction of the Bushehr nuclear power plant was halted following the 1979 revolution in Iran because the former West Germany refused to assist in the completion the plant due to concerns that completion of the plant could provide Iran with expertise and technology which could advance Iran's nuclear weapons program.

(7) Iran is building up its offensive military capacity in other areas as evidenced by its recent testing of engines for ballistic missiles capable of carrying 2,200 pound warheads more than 800 miles, within range of strategic targets in Israel.

(8) In January 1995 Iran signed a $780,000,000 contract with the Russian Federation for Atomic Energy (MINATOM) to complete a VVER–1000 pressurized-light water reactor at the Bushehr nuclear power plant.

(9) In March of 1998, Russia confirmed its intention to complete work on the two reactors at the Bushehr nuclear power plant and agreed in principle to the construction of 2 more reactors at the Bushehr site.

(10) At least 1 reactor could be operational within a few years and it would subsequently provide Iran with substantial expertise to advance its nuclear weapons program.

(11) Iran ranks 10th among the 105 nations receiving assistance from the technical cooperation program of the International Atomic Energy Agency.

(12) Between 1995 and 1999, the International Atomic Energy Agency has provided and is expected to provide a total of $1,550,000 through its Technical Assistance and Cooperation Fund for the Iranian nuclear power program, including reactors at the Bushehr nuclear power plant.

(13) The United States provides annual contributions to the International Atomic Energy Agency which total more than 25 percent of the annual assessed budget of the Agency and the United States also provides annual voluntary contributions to the Technical Assistance and Cooperation Fund of the Agency which total approximately 32 percent ($16,000,000 in 1996) of the annual budget of the program.

(14) The United States should not voluntarily provide funding for the completion of nuclear power reactors which could provide Iran with substantial expertise to advance its nuclear weapons program and potentially pose a threat to the United States or its allies.

(15) Iran has no need for nuclear energy because of its immense oil and natural gas reserves which are equivalent to 9.3 percent of the world's reserves and Iran has 73,000,000,000 cubic feet of natural gas, an amount second only to the natural gas reserves of Russia.

SEC. 3. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR PROGRAMS AND PROJECTS IN IRAN.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following:

"(d) Notwithstanding subsection (c), the limitations of subsection (a) shall apply to programs and projects of the International Atomic Energy Agency in Iran.".

SEC. 4. ANNUAL REVIEW BY SECRETARY OF STATE OF PROGRAMS AND PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY; UNITED STATES OPPOSITION TO PROGRAMS AND PROJECTS OF THE AGENCY IN IRAN.

(a) ANNUAL REVIEW.—

(1) IN GENERAL.—The Secretary of State shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter for 5 years, the Secretary shall prepare and submit to the Congress a report containing the results of the review under paragraph (1).

(b) OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGENCY.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

(2)(A) Technical assistance programs or projects of the Agency designed to develop or complete the Bushehr nuclear power plant in Iran.

(B) Subparagraph (A) shall not apply with respect to programs or projects of the Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by Iran.

SEC. 5. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and on an annual basis thereafter for 5 years, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report that—

(1) describes the total amount of annual assistance to Iran from the International Atomic Energy Agency, a list of Iranian officials in leadership positions at the Agency, the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant, and a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year which could assist in the development of Iran's nuclear weapons program; and

(2) contains a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in these countries.

(b) ADDITIONAL REQUIREMENT.—The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

SEC. 6. SENSE OF THE CONGRESS.

It is the sense of the Congress that the United States Government should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3743.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from New Jersey (Mr. MENENDEZ) for introducing this measure and moving it through the committee, and I thank the ranking minority member, the gentleman from Indiana (Mr. HAMILTON) for his cooperation.

I am pleased to support the bill, which amends current law to ensure that the United States does not provide funding for the completion of nuclear power reactors in Iran. We all know that the Iranians have dedicated significant resources to completing at least three nuclear power plants by the year 2015, and are now at work, with Russian assistance, to complete the Bushehr nuclear power plant.

Our Nation is opposed to completion of the reactors of the Bushehr facility because the transfer of civilian nuclear technology and training would help to advance Iran's nuclear weapons program. Between 1995 and 1999 it is anticipated that the International Atomic Energy Agency, IAEA, will have provided over $1.5 million to the Iranian nuclear power program through its Technical Assistance and Cooperation Fund.

Our Nation provides annual voluntary contributions to that fund, totaling $16 million in 1996. This legislation does not halt our voluntary contributions to the IAEA, but it does require that none of our funds may be used to fund IAEA programs and projects in Iran.

That is exactly the right policy. Our Nation should not voluntarily provide any funding which would help Iran complete nuclear power reactors that could assist them in developing a nuclear weapons program which could pose a threat to our Nation or to our allies.

This measure also establishes two important reporting requirements. One would provide the Congress with a comprehensive report on IAEA assistance to Iran. The second requirement would direct the Secretary of State to review IAEA programs, and ensures that they are consistent with our United States nuclear nonproliferation and safety goals. Based on that review, the Secretary shall direct the U.S. representative to IAEA to oppose establishing any program that is not consistent with U.S. policy.

Accordingly, Mr. Speaker, I urge my colleagues to fully support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ), the chief deputy whip.

Mr. MENENDEZ. Mr. Speaker, I thank the ranking Democrat on the Committee on International Relations for yielding me time, even though I know he does not support my bill.

Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, for both calling the bill up for consideration as well as for his support here today.

First let me say that as the sponsor of the bill, I recognize the importance of the International Atomic Energy Agency and its role in ensuring the safety of nuclear sites around the world. In recent months we have witnessed their struggle to carry out inspections in Iraq.

This bill, however, will not affect the IAEA's safeguard program. The bill does not seek to withhold any funds to IAEA's safeguard programs in Iran or elsewhere. The only funds affected by this bill are voluntary, not assessed, contributions to the IAEA's Technical Assistance and Cooperation Fund for Iran.

Prior to 1994, U.S. law required the withholding of proportional IAEA voluntary funds to all countries on our list of terrorist states, and, despite the change in the law, the administration continued to withhold those funds for two more years, until 1996.

What this bill does is require the administration to reinstate proportional withholding of IAEA's voluntary funds for Iran. It also requires our Secretary of State to undertake a comprehensive review of all IAEA programs and projects in other states which sponsor international terrorism to determine if the IAEA is sponsoring any other projects which conflict with U.S. nuclear nonproliferation and safety goals.

As it is, since the IAEA's inception more than $52 million for the Technical Assistance and Cooperation Fund has gone to countries on the U.S. list of states which sponsor terrorism. The United States is the largest supporter of the IAEA. We provide them with more than 25 percent of their annual budget.

In the Technical Assistance and Cooperation Fund we contribute in addition 32 percent, or $16 million annually, in voluntary funds, and it is from those funds that the IAEA intends to provide $1.5 million to assist in the development of the Bushehr power plant between 1997 and 1999.

Now, the Clinton Administration has publicly stated its opposition to Iran's development of nuclear reactors and its concern about the development of the Bushehr nuclear power plant. In Senate testimony last year, Deputy Assistant Secretary Bob Einhorn explained,

> In our view, this is a large reactor project. It will involve hundreds of Russians being in Iran, hundreds of Iranians or more being in Moscow being trained, and this large scale kind of project can provide a kind of commercial cover for a number of activities that we would not like to see, perhaps much more sensitive activities than pursuing this power reactor project. It also will inevitably provide additional training and expertise in the nuclear field for Iranian technicians. In our view, given Iran's intention to acquire nuclear weapons, we do not want to see them move up the nuclear learning curve at all, and we believe this project would contribute to them moving up that curve.

In essence, this technical cooperation assistance is in fact helping them move up that learning curve that the Assistant Secretary spoke about. Given Iran's historic support for terrorism, coupled with the fact that Iran boasts immense oil and natural gas reserves, and the seismic activity near Bushehr which just recently took place, we must question Tehran's motives for constructing expensive nuclear reactors.

Moreover, the development of the nuclear reactors has been an economic nightmare for the Iranians. Clearly Iran does not need additional energy sources, nor is nuclear energy an economic choice for Iran.

So we need to ask a few basic questions. Given Iran's test last week of a medium range ballistic missile and reports that Iran is seeking technology for a long range missile, is it responsible to take Iran's word that it is also not developing nuclear weapons?

Despite the IAEA's presence in Iraq, we were surprised to learn of that country's extensive chemical and biological warfare programs. Why do we trust Iran?

Given the recent trial and imprisonment of the Mayor of Tehran, a political ally of President Khatami, do we really think President Khatami can control extremist elements in Iran?

And, lastly, does it make sense for the United States and U.S. taxpayers to provide any kind of support for the construction of a nuclear reactor which we clearly and justifiably oppose, or any type of technical assistance in the operation of such a plant that we do not want to see? The answer clearly must be no.

This bill seeks to protect the U.S. taxpayers from assisting countries like Iran who sponsor international terrorism, denounce the United States, and seek to develop weapons of mass destruction which may be used against us or our allies. It is ludicrous for the United States to support in any way a plant, even indirectly, which could pose a threat to the United States and to stability in the Middle East.

I urge my colleagues to support this legislation.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from Indiana for yielding me time.

Mr. Speaker, I thank our chairman, the gentleman from New York (Mr. GILMAN), and my very good friend, the sponsor of this bill, the gentleman from New Jersey (Mr. MENENDEZ).

Mr. Speaker, I rise today in support of H.R. 3743, the Iran Nuclear Proliferation Prevention Act of 1998. It is emblematic of the serious need to pass this bill that on July 22 of this year, the same day that the bill was considered and passed by the Committee on International Relations, Iran tested a missile capable of striking American troops throughout the Middle East. I do not think I have to explain to any of my colleagues here in the House, or to any American, for that matter, the implications of an Iranian nuclear missile.

H.R. 3743 rightfully seeks to prevent U.S. tax dollars from being used to help Iran develop nuclear technology, specifically nuclear power plants. Helping Iran develop its nuclear technology through U.S. taxpayer dollars, or in any other way, is like training a known assassin how to use an AK-47 assault rifle and expecting him to only use it for defensive purposes.

The only reason that Iran, one of the most oil-rich countries on the planet, is developing nuclear power technology is to advance its offensive missile technology program. To think that Iran is developing nuclear technology for civilian power needs is naive and dangerous, dangerous to the United States of America.

The Iranian Shahab-3 missile, which was successfully tested only two weeks ago, will reportedly have a range of between 1,300 and 1,500 kilometers and be capable of carrying a 750 to 1,000 kilogram warhead.

□ 1445

According to various intelligence reports, Russia is now helping Iran develop its technology that will put Shahab missiles within range of U.S. troops throughout the Middle East. If Iran combines their nuclear technology with these Shahab missiles, like the one fired just 2 weeks ago, the threat to our troops and the region will be unthinkable. The lives of American soldiers, sailors, U.S. allies, and ultimately, American citizens, would be in needless and mortal peril.

Let us send a message to the Iranians: The United States Congress still has its eye on the ball. We are not fooled by their President's statements of moderation, as welcome as those statements may be; statements made, however, at the same time they are trying to build weapons of mass destruction.

If they want to be friends with the United States of America they should behave as a friend, and they should let their actions speak louder than their words of moderation, which contradict their efforts to develop nuclear technology.

Mr. Speaker, I urge the passage of H.R. 3743.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 3743. I do so with some reluctance because of my admiration for the sponsor of this bill, the gentleman from New Jersey (Mr. MENENDEZ), his very strong contributions over a period of time to the work of the Committee on International Relations, and his leadership on a variety of issues before this body.

I recognize the strong popular support for this bill, but I rise in opposition, because I really am not able to point to anything very positive about the bill that it will accomplish.

Mr. Speaker, this bill is not going to stop, it is not going to slow Iran's civilian nuclear power reactor program. It will not make Iran's nuclear facilities any safer. It will not prevent the troublesome Bushehr facility from being developed, and it will not bring any greater international consensus on curbing Iranian actions on the weapons of mass destruction programs which trouble all of us.

I do see several down sides to this bill. It will, I think, politicize and polarize the IAEA at the very time that the United States has fought off attempts in the IAEA to politicize technical assistance to Israel. It will be seen in the IAEA as an effort to punish Iran, just at the time that Iran has agreed to new anytime, anywhere, IAEA safeguards and inspections.

The bill will make it more difficult for the United States to get information about Iran's nuclear program. It will make Iran's nuclear program less safe if the IAEA is forced to curtail its safety and regulatory assistance.

It will make it more difficult for the United States to convince other countries to contribute to the IAEA technical assistance and cooperation fund, and it will make it more difficult to convince other countries of the merits of IAEA safeguards when the United States is trying to block safety and regulatory assistance to a country that is party to the nonproliferation treaty.

I think the bill directly harms the U.S. role in the IAEA. We are the single most influential member of the IAEA. We must remain the most influential member. When we introduce political issues into the IAEA, we undercut our own efforts to keep this institution focused on its technical responsibilities.

The IAEA has a critical mission to promote international peace, security, and safety. We rely on the IAEA to promote and improve nuclear safeguards, to expand the number of countries and activities subject to safeguard controls and inspections, to halt illicit trafficking in nuclear materials, to support the negotiation of international treaties on nuclear power safety and radioactive waste management, to provide technical assistance to developing countries on nuclear safety and handling nuclear waste, and to address problems that know no boundaries, such as environmental pollution and eradication of insect pests that can affect U.S. agriculture. This international agency, then, serves very important U.S. interests.

In a few minutes we will complete consideration of a joint resolution on Iraq. The IAEA, as everyone here knows, plays a very key role in investigating Iraq's nuclear program. This is the wrong time to undermine the IAEA's authority or U.S. support for that agency. By reducing U.S. support for this agency and by undermining U.S. leadership in it, the bill will make the IAEA less effective in meeting its responsibilities for international safety and security.

The chief argument put forward by the proponents of the bill is that it sends a message to Iran. We have sent a message to Iran a thousand times, for the past 20 years. There is not any doubt about that message. Everyone in the world knows what we do not like about Iran's policies.

This is a feel-good bill. We think we are doing something about a problem when in fact we are not. This bill will have zero impact on whether Iran builds a civilian nuclear reactor. It will mean less information for us about Iran's nuclear programs, and the bill hurts the one international organization that works to stop the spread of nuclear weapons.

Another argument put forward by proponents of the bill is that the IAEA should give no assistance whatever to help Iran operate civilian nuclear power reactors. When Iran builds those reactors, it is in the interests of the United States and in the interests of the entire world that those civilian power reactors operate safely. I do not understand why we are better off if Iran learns nuclear safety from the same people who brought us Chernobyl.

Every Member of this body shares exactly the same goals on Iran: stop terrorism, stop weapons of mass destruction, and stop Iran's opposition to the Middle East peace process. The problem is that the U.S. policy is not working. Twenty years of isolation have not changed Iran's objectionable policies. We need a better policy to protect and promote the American national interest. We have to get beyond a policy of just saying no to Iran.

There are forces in Iran today debating that country's future. That debate is heated. We have a decided interest in the outcome of that debate and the direction Iran's leaders choose. We certainly cannot determine that outcome, but our actions, our rhetoric, and our legislation on Iran do matter.

Secretary Albright was exactly right in her speech 6 weeks ago: The United States should move, step-by-step, on a reciprocal basis, to seek an improvement in relations in Iran, and move toward an authoritative dialogue. It will not be an easy or quick journey to settle the many differences we have with Iran, but we should not ignore the largest and most important state in the Gulf region.

As part of that dialogue, I believe that we should communicate to Iran that we will not block Iran's purchase of nuclear power reactors for civilian purposes, so long, of course, as all nuclear facilities in Iran are under safeguards, and as long as Iran responds to all special inspections and requests for information about its nuclear activities.

We should, of course, continue to oppose any effort to strengthen Iran's nuclear weapons program. And if we adopt the policy I have indicated, we would then have the support of our friends and allies, and we would have an effective program to block Iran's nuclear weapons program. Today no one can claim that we have an effective policy or program.

The administration strongly opposes this bill. I quote from the letter from the Department of State:

"We oppose H.R. 3743. . . . The Department strongly objects to a bill requiring that the U.S. withhold the portion of our IAEA contribution used to fund International Atomic Energy Agency activities in Iran. Enactment of this legislation would harm our bipartisan effort to put a halt to any Iranian nuclear weapons program.

"Enactment of this legislation would be counterproductive to the Administration's efforts to cut off nuclear projects that might provide cover for an Iranian nuclear weapons program. The IAEA monitors commercial nuclear projects to help ensure that such projects do not benefit a covert nuclear weapons program. The IAEA has not, nor will it, provide support for construction of nuclear power plants in Iran or any other Nation. The IAEA has been careful to design its technical cooperation programs so that no assistance in potentially sensitive areas occurs. Recently Iran has agreed to new IAEA "anytime, anywhere" verification measures that will provide one of our only windows on Iran's commercial nuclear programs. This bill would therefore deny us this important nonproliferation tool."

Mr. Speaker, the bill before us provides no benefits to the United States. It does pose several risks. We will only succeed in stopping weapons programs in Iran with the close cooperation and support of our friends and allies. We will not succeed in stopping that program by acting unilaterally. We should not waste our time on punishing the IAEA and starting needless fights with the very same countries whose support we will need if we are going to have an effective policy to stop Iran's weapons program.

Mr. Speaker, I urge the bill's defeat, and I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding time to me.

First of all, I respectfully clearly disagree with my distinguished colleague, the gentleman from Indiana (Mr. HAMILTON), although I respect fully his thoughtful, as always, analysis of the issues from his perspective.

I do want to not let a few things go unbalanced. Number one is it has been said that the safeguards are at risk here. Our contributions, our mandatory contributions to the IAEA is about safeguards, and those go untouched, untouched by this bill. So whatever we are providing by way of safeguards we will continue to provide.

What we do not want to see, and I think even the administration would agree with my distinguished colleague, the gentleman from Indiana, in his analysis of maybe we should permit nuclear reactors for civilian use, we have the Deputy Assistant Secretary, Mr. Einhorn, saying that this is not a project that we want to see built. This is not a project that we want to see built. He talks about the learning curve.

In essence, this is more than about sending a message to Iran. This is about slowing down, in any possible way, that learning curve that gets them to the point to put this reactor project online.

Also, we cannot believe that when the United States provides over 25 percent of the IAEA's budget, and 32 percent in addition, of its funds, that $1.5 million is going to make a dramatic difference to the IAEA, and that the IAEA is going to collapse, or that the U.S. role in the IAEA is going to be significantly diminished. I do not believe that that is possible.

We cannot have it both ways. Either this assistance is of value to Iran, in which case we should be looking not to provide assistance that is of value, or it is of no value, in which case we should not be spending our money on it.

The fact of the matter is that President Hatemi may be the hope we have for an Iran that is democratic in the future. He may be the hope that we have for a democratic Iran in the future, but he does not have the power. Recent analysis, statements by the administration, in fact say that whether or not he continues in power, that the missiles that we talked about today and that were recently tested in Iran will be in fact consummated.

The question is, do we want those missiles, as dangerous as they already are, to carry a nuclear warhead, have the potential to carry a nuclear warhead? Do we in any way want to assist those countries that are on our list of terrorist states in helping them in that learning curve? I would suggest we clearly do not want to have U.S. taxpayer dollars for that purpose.

This is not about safety. Safety is part of our regular program. We will continue to provide safety.

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This is still continuing to have a major U.S. role in the IAEA, but it is an attempt to slow down the learning curve, not have any U.S. assistance, involuntary assistance to what the administration witnesses before the committee, when I questioned them, said, yes, we are providing assistance that in fact helps in an operational nature.

Why would we provide assistance in an operational nature to something that we do not want to see operate, to something that the administration has testified against? If this is unsafe, then why did the administration after 1994, when it was no longer the law, continue to withhold funds for 2 years? Clearly, during that period of time, if the argument is true, it could be said that it was unsafe to withhold funds.

This is not about safety. It is about having the United States not participate with its taxpayer dollars to assist a terrorist state that we may have hopes for that will be democratic in the future but that is not now, and having a learning curve that permits a nuclear reactor to be developed.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, Mr. MORAN.

Mr. MORAN of Virginia. Mr. Speaker, in 1953, the United States was already competing in an international arms race. Recognizing that the danger of a buildup of nuclear weapons posed considerable, risk to the United States, President Eisenhower proposed not merely eliminating the use of nuclear technology for military purposes, but a mechanism to remove nuclear technology from the hands of soldiers and place it in the hands of those who could adapt it to the art of peace. The entity formed to accomplish this task was the International Atomic Energy Agency.

Under the auspices of the IAEA, nuclear technology has made substantial contributions to sustainable development across many sectors, including energy, health, agriculture and hydrology. It has also provided a platform for nuclear states to verify and monitor each other's compliance with nonproliferation treaties. This is why I oppose H.R. 3743, the so-called Iran Nuclear Proliferation Prevention Act of 1998.

Cutting U.S. contributions to the IAEA will not advance any legitimate United States interest, but it will increase risk to the United States and to civilians living in the Middle East. Without IAEA supervision, Iran will certainly turn to the Russians for help in constructing nuclear reactors. Would we really prefer that Iran's reactors be constructed by those responsible for Chernobyl? No offense to the Russians, but that would not even be in their own security interests.

If the IAEA withdraws from assisting Iran, as the sponsors of this bill would have it do, there will be even fewer organizations interacting with Iran. I would suggest that this is precisely the wrong course of action. The past few months have brought tentative first steps toward a more engaging relationship with Iran. We should not now push them away. We should try to find whatever positive opportunities there exists. I know the difficulties, but we need to support the moderates in Iran and not to give support, unintentionally, but in reality, to the most extreme elements. This bill, in fact, will give ammunition to the most extreme elements just as these kinds of resolutions directed toward Cuba, only serve to strengthen Fidel Castro's hold.

Lastly, Mr. Speaker, we are undeniably subjecting the IAEA's actions to domestic politics. I suppose that we should not be surprised, because in the same way that U.N. dues are held hostage every year to family planning and abortion debates, IAEA funding is now fair game for those that may disagree with its programs in Iran or Cuba or other nations who are fair game to political sanctions.

This is an irresponsible and dangerous road to go down, Mr. Speaker. Nuclear safety is simply too important to be held hostage to the political whims of Congress. This Congress should vote against this resolution.

Mr. HAMILTON. Mr. Speaker, I yield myself the balance of my time.

Let me simply observe that the whole purpose of this bill is to cut the U.S. funding to the International Atomic Energy Agency by an amount equal to that agency's funding of safety projects. Of course it affects the safety of that project. It is quite clear, I think, by the terms of the legislation that it does.

Finally, may I say that all of the arguments the gentleman makes are premised on the basis that the United States is the only country in the world that can furnish this technology. There are dozens of countries that can furnish it. Nuclear technology today is not the province of the United States, no matter what we do in this country.

The project is going to go forward with the assistance of many other countries. What we have today is a policy that is not effective and has not been effective for 20 years in stopping the development of nuclear weapons programs in Iran. Let us rethink the problem.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from New Jersey (Mr. MENENDEZ) again for pointing out some of the pertinent aspects of this measure. I would like to remind the ranking minority member, the gentleman from Indiana (Mr. HAMILTON), that what we are doing is merely to restore the policy that we had prior to 1993 and up to 1993, to make certain that we withhold any funding based on any violation of the prior agreements.

I would also like to note for our colleagues that last year before the Subcommittee on Near Eastern and South Asian Affairs in the Senate Committee on Foreign Relations, the former Director of Central Intelligence, Mr. Woolsey, stated that through the operation of the nuclear power reactor at the Bushehr nuclear power Plant, Iran will develop substantial expertise relevant to the development of nuclear weapons.

I would also like to note that the construction of the Bushehr nuclear power plant had initially been halted back in 1979 because the former West Germany refused to assist in the completion of the plant, due to concerns that the completion of the plant would provide Iran with expertise and technology which could advance Iran's nuclear weapons program.

We are all aware of the recent testing by Iran of a long range missile, missiles that could reach more than 800 miles, an 800-mile range, and be able to hit strategic targets throughout the Middle East, particularly Israel, at a time when we are trying to bring peace to that region.

In closing my argument, I would just like to urge our colleagues to fully support the Menendez measure that is before us now, in the interest of peace throughout that part of the world and throughout the entire world, because they say that eventually long range missiles being developed by Iran could reach the entire European continent and possibly our own shoreline in the future.

I urge full support for this measure.

Mr. WELLER. Mr. Speaker, currently, with the assistance of funding from the International Atomic Energy Agency (IAEA), Iran is seeking to complete construction of two nuclear reactors at the Bushehr nuclear power plant. In addition to the two reactors currently under construction, just a few months ago, Russia agreed to assist in building two more reactors at the Bushehr site. The legislation that we are consistently today, H.R. 3743, would withhold U.S. proportional voluntary assistance to the IAEA for programs assisting Iran with this and other projects.

Undoubtedly, if we continue to fund the IAEA's plans to assist Iran in building these nuclear reactor, we threaten our own national security interests as well as those of Israel and much of Europe. The transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program. This is simply not acceptable. In fact, Iran suggests that it needs these reactor as a source of energy for its population. In reality, Iran has oil and gas reserves so large that it is second only to Russia in the depth of its energy supply.

The United States has an obligation to support our very loyal and only democratic ally in the Middle East Israel. We have a key responsibility to think long term—the long term security of Israel and the Middle East, as well as for our own national security here in the United States.

In fact, within just the past week, Iran successfully tested a missile with a range of about 800 miles.This range would allow a missile with nuclear warheads to hit any city in Israel or Saudi Arabia. Furthermore, this test makes it clear that Iran is interested in acquiring and show casing the ability to deliver nuclear weapons. We must not allow this to occur, and we most certainly should not aid them in advancing their knowledge of this technology. I have attached a CNN report about last week's Iranian missile test for the record.

It is imperative that we protect our allies by stopping the advance of Iran's nuclear program. I urge my colleagues to support H.R. 3743 so that we can protect ourselves, and our allies such as Israel, from the proliferation of Iranian nuclear weapons or mass destruction.

[From CNN Interactive, July 23, 1998]

REPORT: IRAN TESTED WEAPON THAT COULD REACH ISRAEL, SAUDI ARABIA

NEW YORK.—Iran this week successfully tested a missile with a range of about 800 miles, meaning it could hit Israel or Saudi Arabia, The New York Times reported Thursday.

The test comes a month after Secretary of State Madeleine Albright praised Iranian President Mohammad Khatami, a moderate who took office last summer and who has confronted considerable resistance from religious and other conservatives.

A U.S. spy satellite detected Wednesday morning's test of the medium-range missile the Iranians call Shahab-3, the Times reported, citing unidentified Clinton administration officials.

"This weapon would allow Iran to strike all of Israel, all of Saudi Arabia, most of Turkey and a tip of Russia," a senior administration official told the Times.

The officials, while sure of the test, could not provide immediate information on the location of the launch or landing, both inside Iran.

Intelligence experts investigating the launch believe Iran bought the missile from North Korea, which has said it would sell to any nation with hard currency.

Iran also has bought technology from Russia and China, and wants not to strike its enemies but to be seen as a political and military force in the Middle East, officials said.

Israel is the only nuclear power in the region, and its missiles are believed to be capable of striking any nation in the Middle East.

Iran is working on developing a nuclear warhead but is believed to be years away from building and testing a weapon, the Times said.

"This test shows Iran is bent on acquiring nuclear weapons, because no one builds an 800-mile missile to deliver conventional explosives," Gary Milhollin, an expert on the spread of weaponry, told the newspaper.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 3743, as amended.

The question was taken.

Mr. MENENDEZ. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

FINDING GOVERNMENT OF IRAQ IN BREACH OF INTERNATIONAL OBLIGATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 54) finding the Government of Iraq in unacceptable and material breach of its international obligations.

The Clerk read as follows:

S.J. RES. 54

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

Whereas in June 1991, Iraqi forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in UN Security Council Resolution 707 which found Iraq to be in "material breach" of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

Whereas in January and February of 1992, Iraq rejected plans to install long-term monitoring equipment and cameras called for in UN resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in "continuing material breach" of its obligations;

Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting the Security Council Presidential Statement of February 28, 1992, which reiterated that Iraq was in "continuing material breach" and noted a "further material breach" on account of Iraq's failure to allow destruction of ballistic missile equipment;

Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6, 1992, which declared that Iraq was in "material and unacceptable breach" of its obligations under UN resolutions;

Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface to air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying UN weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993, which declared that Iraq was in an "unacceptable and material breach" of its obligations under UN resolutions;

Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993, reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17 with an allied missile attack on Iraqi targets;

Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993, declaring Iraq's refusal to comply to be a "material and unacceptable breach";

Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on March 8, 11, 14, and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning "clear violations by Iraq of previous Resolutions 687, 707, and 715";

Whereas from June 11–15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the "clear violation on United Nations Security Council Resolutions 687, 707, and 715" and in response to Iraq's continued violations, issued a Presidential Statement detailing Iraq's "gross violation of obligations";

Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the UN oil for food plan;

Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile engines from Iraq for analysis, resulting in a Security Council presidential statement which "deplore[d]" Iraq's refusal to cooperate with UNSCOM;

Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of "specific consultation" with the Council;

Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a UN Security Council presidential statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

Whereas on September 13, 1997, during an inspection mission, an Iraqi official attacked UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997, adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for non-compliance with UN resolutions;

Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down U.S. U–2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997, which imposed the travel ban on Iraqi officials and threatened unspecified "further measures";

Whereas on November 13, 1997, Iraq expelled U.S. inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council presidential statement demanding Iraq revoke the expulsion;

Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption of a United Nations Security Council presidential statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

Whereas despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998, of United Nations Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the "severest consequences" for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the UN Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX; and

Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON), each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

S.J. Res. 54 is the Senate companion of H.J. Res. 125 which Speaker GINGRICH and I introduced on June 25, 1998.

We introduced our resolution in response to the mounting evidence that Iraq continues to defy the decisions of the United Nations Security Council with regard to its weapons of mass destruction.

The most recent example is the revelation in late June that Iraq has placed VX poison gas into missile warheads. That fact was established by lab testing in our Nation of missile warhead fragments which U.N. inspectors found in Iraq. This evidence proves that Iraq remains in violation of its obligations under U.N. Security Council Resolution 687 to disclose and eliminate its weapons of mass destruction programs and capabilities. It also demonstrates that Iraq continues even now to misrepresent to the United Nations and to the world about the history of its weapons of mass destruction programs.

There is nothing new about this, however. Iraq's record of continued evasion and obstruction of U.N. resolutions is spelled out in the 28 "whereas" clauses contained in our measure.

It quickly becomes apparent, from these 28-some clauses, that there has been a continuous and uninterrupted pattern of Iraqi noncompliance with Security Council resolutions going back as far as 1991. This problem emphatically has not been resolved by the agreement put together by U.N. Secretary General Kofi Annan just last February.

My colleagues will recall that earlier this year the Clinton Administration was on the verge of using military force to compel Saddam Hussein to comply with his international obligations. That threat was withdrawn after Kofi Annan went to Baghdad and came back with Saddam Hussein's promises of better behavior by Iraq for the future.

It now turns out that those promises were not even worth the paper they were printed on. The chief U.N. weapons inspector, Richard Butler, is in Iraq today, this very day, meeting with Iraqi officials about what they must do to comply with U.N. resolutions. It is apparent from news reports coming out of Iraq this morning that Saddam Hussein continues to resist international inspections and to reject his obligations under pertinent Security Council resolutions.

The purpose of S.J. Res. 54 is to draw attention to the fact that Saddam Hussein's behavior has not improved and that he remains in material and unacceptable breach of his international obligations. The international community cannot continue to look the other way.

S.J. Res. 54 is both timely and unassailable in its facts. It incorporates changes to the original text of H.J. Res. 125 that were negotiated among the interested members of the Committee on International Relations.

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And it is not opposed by the Clinton administration. Accordingly, I urge my colleagues to fully support S.J. Res. 54.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S.J. Res. 54. All of us in this Chamber recognize that we have a very serious problem with Iraq. It will likely become more serious in the months to come. Iraq is violating U.N. Security Council resolutions, it is engaging in unacceptable behavior, and it is certainly appropriate that Congress go on the record to express its strong objection to Iraq's conduct.

The administration, as I understand it, welcomes the support of Congress for actions that the President may have to take to get Iraq to comply with its international obligations. The administration, however, is concerned about the foreign policy implications of the President signing a joint resolution stating that Iraq is in material breach of its international obligations. Taking such a unilateral position strains U.S. relations with other U.N. Security Council members and jeopardizes a solid U.N. Security Council front against Iraq.

I do have three concerns with the resolve clause. First, I share the administration's concern over the statement that the government of Iraq is in material and unacceptable breach of its international obligations.

My problem with this formulation is that, as I understand it, most Security Council members take the position that only the Council can make a finding of material breach of Security Council resolutions. This is not a determination that the United States alone can or should make. There are implications to making such a statement.

For one thing, our U.N. Security Council colleagues will interpret this resolution as the United States getting ahead of the rest of the Council. If we make a unilateral determination of material breach, we make it more difficult to win international support for the use of force against Iraq.

For another, a finding of material breach is a clear signal that the Security Council is prepared to support the use of force to bring Iraq into compliance with Security Council resolutions.

In January 1993, President Bush carried out a series of successful military strikes against Iraq shortly after the U.N. Security Council formally found Iraq in material breach.

I think our message would be stronger if we used our own words, such as "grave violations," and not use the words "material breach," words that signal in the U.N. support for immediate military action.

Second, and building on my concerns with the first part of the resolve clause, the resolution broadly urges the President of the United States to take appropriate action.

My problem with this part of the resolve clause is the Congress identifies a serious problem, expresses its displeasure and then punts.

I appreciate the work of the gentleman from California (Mr. CAMPBELL) to find compromise language here. He, like I, was uncomfortable with the original language urging the President to act accordingly. He narrowed and, I think, somewhat improved the resolve clause. But it still falls short of Congress fulfilling its legitimate and important role in foreign policy because it provides no meaningful guidance to the executive.

The resolution would have been much improved if we called on the President to consult with Congress prior to using force rather than handing him a blank check and taking ourselves essentially out of the picture in case of future action in the Gulf.

Third, the process for considering this joint resolution does not measure up to the importance of the matter at hand. This resolution goes to the heart of the most important problem that government must address, the commitment of military forces abroad. Yet, we are debating it under a suspension of the rules, which we generally avoid when considering bills that merit serious and extensive debate.

No one here would dispute that Iraq has violated its international obligations. The recitation of Iraq's misconduct in this resolution is an important contribution. It is appropriate and worthwhile to spell out the record of Iraqi failure to comply with U.N. resolutions.

This resolution has merit in its expression of political support for Presidential action. The President should get support here for taking prudent and necessary action to protect U.S. interests in the Gulf. But this detailed condemnation of Iraq is followed by a policy statement that is simply astonishing in its vagueness.

This resolution is an absolutely classic example of how Congress deals with foreign policy. We complain, we point out the problem, we offer no solution, and we shift the entire burden to the President of the United States.

Congress is a coequal branch of government. We have an equal voice under the Constitution to set the direction of American foreign policy. But in this resolution we do not measure up to our constitutional responsibilities. In effect, we say, "Mr. President, this is a very big problem, you go figure it out."

This resolution endorses the use of force, but it states no objective for the use of force. We create trouble for ourselves when we are imprecise about policy and about the use of force and when we fail to articulate what we believe policy should be based on specific facts and specific objectives.

It would be better, I think, for the Congress to call on the President here to consult with Congress prior to using force. We would know at that time, and we do not know now, what circumstances require use of U.S. military forces in the Gulf. We would fulfill our role as a coequal branch of government if we leave authorization for such time. I understand this is not an authorization bill.

I am uncomfortable voting for this resolution, principally because I think it does not measure up to the way a responsible Congress should engage in foreign policy making. I am even less comfortable, however, voting against it.

I do not want to go on record against the use of force, first, because I think we are going to come up to this point again with Iraq in the months ahead; second, because of the egregious violations of the U.N. Security Council resolutions by Iraq and its pattern of avoidance and duplicity; and, third, because a vote against the resolution suggests that we are not prepared to use force against Iraq, and I think that would be unwise. Therefore, I will support the resolution with the reservations I have suggested.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself the balance of my time and, in closing, I just want to remind our colleagues to let us concentrate on the fact that the government of Iraq's actions are unacceptable and a material breach of their obligations and, accordingly, this measure before us with regard to Iraq's continuing programs of building up weapons of mass destruction threaten our own vital interests and we should be supporting the measure.

I urge a supporting vote for S.J. Res. 54.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 54.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EMERGENCY FARM FINANCIAL RELIEF ACT

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2344) to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

The Clerk read as follows:

S. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Farm Financial Relief Act".

SEC. 2. SPECIAL RULE FOR FISCAL YEAR 1999 PAYMENT UNDER PRODUCTION FLEXIBILITY CONTRACTS.

Section 112(d) of the Agricultural Market Transition Act (7 U.S.C. 7212(d)) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR FISCAL YEAR 1999.—Notwithstanding the requirements for making an annual contract payment specified in paragraphs (1) and (2), at the option of the owner or producer, the Secretary shall pay the full amount (or such portion as the owner or producer may specify) of the contract payment required to be paid for fiscal year 1999 at such time or times during that fiscal year as the owner or producer may specify.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. SMITH) and the gentleman from Minnesota (Mr. MINGE) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have problems in farm country. Prices have declined for farmers and ranchers. Many producers are wrestling with multiyear crop losses and others are suffering as a result of this year's severe adverse weather. Feed is expensive, livestock prices are down and, in some parts of the country, forage is virtually nonexistent. For this reason, I rise today in support of Senate 2344, the Emergency Farm Financial Relief Act. This legislation was originally introduced in the House, cosponsored by 50 farm state members.

Senate 2344 will allow farmers the option of receiving all of the Agricultural Market Transition Act payments for the year 1999 immediately after the beginning of the fiscal year. Annual payments are now made twice a year, in December or January, and again in September. This means a farmer may elect to receive all his 1998 and 1999 payments in October this year.

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The bill would make $5.5 billion available to farmers as much as 1 year early to help them cope with the cash shortage that they now are experiencing due to low prices. It will have the effect of the huge interest-free cash loan to producers for up to 1 year.

For example, the 1,000-acre wheat farm with a 30-bushel AMTA payment would have the option of getting the entire $19,000 payment in October 1999 rather than waiting 3 months to get half the payment of $9,500 and the full payment 12 months from now of the remaining $9,500.

The proposal leaves the option of early payments with the farmer, who can then make the decision on the basis of personal circumstances. If it helps, the farmer will ask for the advance payment. If it only creates tax or the other difficulties, the farmer will not choose to exercise the option.

Because all of the 1999 AMTA payments occur within the same fiscal year, there is no CBO-scored cost to this proposal. Congress has the opportunity to address the current cash shortage on the farm without incurring any budget cost and give the U.S. farmers the opportunity to solve cash shortage problems immediately.

We have taken previous action that responds to the current situation and we will continue to act. We have passed a sound agricultural research bill. We have found $500 million to save crop insurance. We reversed the Administration's decision to stop food exports to India and to Pakistan, and we took action on normal trading relations with China. Beyond that, we will act on IMF funding and Fast Track authority in the near future.

We are developing new ideas and exploring recent proposals to address the crisis in our agricultural community. No one believes that the action we are taking here today is the complete answer to the difficulties that our farmers are facing. But it is a sound step that we can take today that will reassure producers and their bankers that the farmer's entire assets can be available to address the current situation.

Secretary Glickman told our committee last week that the Department of Agriculture will complete a total assessment of crop loss and the extent of the disaster by August 12 this year. With that in hand, Members' personal assessments during the work periods, along with the committee, will work in September to formulate an additional action that the House might need to take.

In addition, we will be calling upon the Secretary to use his full range of authorities already in his discretion to provide relief to suffering farmers.

This is a very, very important tool, Mr. Speaker, for farmers to relieve short-term cash-flow problems. We need to act swiftly to allow farmers the advance knowledge of the possibility of using these AMTA payments early on this year.

Mr. Speaker, I reserve the balance of my time.

Mr. MINGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this afternoon in support of Senate 2344, the Emergency Farm Financial Relief Act, although I do so with reservations.

Many farmers and ranchers today are faced with disastrous conditions. In my area, one is more apt to see a bald eagle than to meet a beginning or new farmer. In some cases, these economic hardships are caused by low prices. In others, severe climatic conditions are causing major crop failures.

In my own State of Minnesota, farmers are facing falling wheat, corn, and soybean prices, with plantings of those crops the highest levels that they have seen since the 1980's, particularly the feed grains.

In the Red River Valley areas of North Dakota and Minnesota, the price loss is compounded by a multiple year loss of wheat and barley due to a disastrous disease known as scab.

Texas is currently facing one of the worst droughts in decades. Some areas have experienced more than 125 days without significant rainfall in combination with record-setting temperatures. This severe drought has also spread to other States, including Arkansas, Louisiana, Georgia, South Carolina, New Mexico and Oklahoma, with additional States being affected daily.

Today, with the passage of S. 2344, we are trying to address in a very modest way some of the economic hardships our farmers are experiencing. Under current law, producers who enter into an Agricultural Market Transition Act contract, or an AMTA contract, can elect to receive payment once or twice a year. Farmers can advance half of that total payment either to December 15 or January 15 and then receive the balance in September.

This bill would change the current timing and allow farmers the choice of receiving either one full payment at any time during the fiscal year, which starts October 1, 1998, or two payments of 50 percent at any time during the fiscal year at the producer's option.

Let me explain the precise benefit this legislation would provide in terms of an example. If a producer who receives a maximum allowable AMTA payment, which is $40,000, chooses to take his payment immediately, he would receive 3 months' additional interest on 50 percent of his payment and 12 months of additional interest on the other 50 percent of his payment. That is all of the clear calculable financial benefit, nothing more. If you put pencil to paper, with 8 percent interest, this comes out to roughly $2,000.

The legislation does not give producers $5½ billion in disaster assistance. That is not the case. These are payments that the producers are already entitled to. This payment merely allows producers to receive either 3 or 12 months earlier the money they were already expecting.

This legislation provides no assistance to producers facing hardship because of low prices. This needs to be addressed by increasing export demand or by reexamining the proposals to remove the caps on marketing loans.

Passing legislation as soon as possible to fund the International Monetary Fund will help raise the prices for our producers in the near future.

It is also important to note that this does not help producers if the payments are going to landowners as opposed to the producer himself. Advancing AMTA payments raises a question of why we are attempting to alleviate such severe conditions with a proposal which some have characterized as putting a Band-Aid on a bullet wound.

I support this legislation because it is a modest first step in the recognition of the major problems that are facing American farmers. This legislation does not in any way address fully the severity of those problems. It is more like offering chicken soup. If you are sick, it cannot hurt. It may make you feel better.

Senate 2344 will not solve the problems facing producers all across the country. We are going to have to provide real relief to our producers within the confines of the budget as soon as possible. I look forward for ways to work on a bipartisan basis to do this.

In the meantime, we are working today to seek to do whatever we can with respect to the AMTA payments that may provide some financial relief to producers.

Mr. Chairman, I have two matters I would like to raise in a colloquy. First, I understand that last week the Secretary of Agriculture voiced concerns about the Department's ability to implement S. 2344 as drafted. Because of technical limitations, the Department plans to offer producers the choice of receiving either one full payment at any time during the fiscal year or two payments of 50 percent at any time during the fiscal year at the producer's option.

Would my colleague agree that the Department would be in compliance with Congress' intent by offering these options?

Mr. SMITH of Oregon. Mr. Speaker, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Yes. Because producers would be able to get all their 1999 payments as early as October 1998, this form of implementation would provide the necessary financial assistance and flexibility, I believe, to producers. Recognizing the Department's inability to provide a greater range of options, implementation of Senate 2344 in the manner stated I believe would comply with intent of this legislation.

Mr. MINGE. Mr. Speaker, reclaiming my time, also I understand that this election to receive payments early is not intended by this body to change or create any tax liability with respect to payments that are not received in 1998 but are instead received in 1999.

Is this the understanding of my colleague?

Mr. SMITH of Oregon. If the gentleman would further yield, yes, it is. I believe this should not be intended to change any tax situation with respect to this legislation.

Mr. MINGE. Mr. Speaker, I would simply like to add in closing that speaking on behalf of many on the Committee on Agriculture, Nutrition, and Forestry, there is concern that the Farm Service Agency have adequate staff resources to effectively and efficiently comply with the legislation that we are currently considering. There certainly is continuing concern about the adequacy of staffing at the Farm Service Agency, and we urge the appropriators, as they consider the agricultural appropriations bill in conference committee, to take into consideration the legislation that we are acting on today.

Mr. Speaker, I include the following for the RECORD:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 3, 1998.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 2344—Emergency Farm Financial Relief Act

(Sen. COVERDELL (R) and 14 cosponsors.)

The Administration supports House passage of S. 2344 in order to accelerate the 1999 Agricultural Market Transition Act payments to producers.

The Administration regrets that the Senate did not include the provision of the Senate-passed FY 1999 Agricultural/Rural Development appropriations bill that would provide $500 million for new emergency funding for farmers and ranchers who face financial stress as a result of natural disasters and low prices. Nor does the House make in order such an amendment. The Administration urges the Congress to enact this provision as soon as possible. In the interim, the Department of Agriculture is continuing to assess the actual emergency needs of farmers and ranchers and will report to Congress in the near future.

PAY-AS-YOU-GO

S. 2344 would affect direct spending; therefore, it is subject to pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate is that the net budget cost of this bill is zero.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. COMBEST), a capable member of our committee.

Mr. COMBEST. Mr. Speaker, as has been stated, the current conditions and crisis in agriculture is very broad and very wide and very deep. No single action that we can take or that anyone can take alone is going to solve this problem. In fact, many single actions that we take will not even address concerns of some farmers or ranchers.

Tomorrow, it will be one month that the temperatures in Texas have been in excess of 100 degrees and most of that has been without any rain. In fact, I have some counties in my district that have had less than an inch and a quarter of rain since January 1.

Even in those areas in which crops are irrigated, it is virtually impossible to keep up with the needs of a crop due to the fact of the high temperatures, the drought and the excessive winds. When that even is possible, the irrigation expenses this year are going to be phenomenal.

Pastures are burned up, not all of them from the drought; some of them literally have burned up. Cattle prices are down. Ranchers are having to take their cattle prematurely to the market at a down market time, and this further complicates the problem.

I once again call on the Secretary to allow a 5 percent a month penalty on the annual payments that would be made through CRP to allow the grazing of CRP lands. It might mean that some people can keep from having to send those cattle to the market, hopefully being able to preserve them until winter wheat pasture is available.

There is a lot more that needs to be done. The Secretary, in fact, told our committee last week that it will be sometime later in August even before the Department has the loss figures. So it makes it very difficult for the Congress to act on anything further at this particular time when even the loss figures are not known.

This is a tool. This is something that is going to provide some benefits to farmers if they wish to take advantage of it. It provides $551 billion October 1, across this country. That would be an infusion into the cash flow of the farmer if in fact they need to take it at this time and prevent them from having to take a loan. In Texas alone this would amount to over $536 million that would be available at a much earlier date.

While again I recognize that there are other things that need to be done, this is, in fact, only one of the arrows in a quiver that we hope we can combat this crisis with. To those who would argue against this, for the fact that it does not go far enough, I would simply say that that is recognized. No one has contended that it does go far enough, but it is another of the steps that we think can provide some assistance at a much needed time to farmers who are facing a crisis.

□1545

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the opportunity to rise to the floor today to speak on behalf of S. 2344, the companion bill to the gentleman from Oregon's H.R. 4265, an effort to reach out and address some of the needs that we see in rural America in production agriculture.

In my very own western Oklahoma between the drought and the bugs and the supply problems, or should I say demand problems that have been brought on by the side effects of what some up here call the Asian flu, the Asian financial flu, I should say, we have some real problems that need to be addressed out in production agriculture. One of the efforts that I think provides a short-term band-aid that puts us in a position in a number of areas to be able to put another crop in the ground this fall is S. 2344. It makes available on or about the first day of October when you consider the option, the option, to take the entire 1999 market transition payment if a farmer who signed up under the 1996 farm bill chooses to do so, you take that money along with the funds that will come in the second half of the 1998 payment, it makes literally $8.3 billion cash available out in farm country for those farmers and ranchers to put into a crop. It does it in a way that my budgeteer friends sitting in the gallery right now who I have worked with, who are very dedicated to maintaining the financial integrity of this country, it does it in a way that does not impact the budget, because as the folks who have spoken before me pointed out clearly, it accelerates to the first day of fiscal year 1999 that farmer's option to take that money.

Bear in mind, Mr. Speaker, this is not a cure-all in itself but this provides us with a window of opportunity. It gives our farmers and ranchers a chance until we can do the things that are necessary to make agriculture as healthy as it could be and should be, things like using every cent in the export enhancement program fund. In the last 3 years, we have had about $1.5 billion that has not been spent. Perhaps that should have been used and should be used and could be used to defend our market share or grow our market share around the world.

I am a strong supporter of the CRP program, the conservation reserve program. We have got about 5 million authorized acres out there that are not being used, another 5 million come out in just a matter of weeks, 10 million acres that could be channeled in States like the Minnesotas and the Dakotas and the Texases and the Oklahomas where we do not need to use that soil right now, and because of mother nature, we are going to start losing it into the air and have been losing it into the air. Let us fully utilize CRP. And, yes, the ultimate thing that we have to do as a body in this Congress, and, that is, work to open those markets. We have been grain exporters in this country since the very founding of this Nation. We literally are the breadbasket for the world. But the world has to have access to our commodities and we have to make sure they have an opportunity to purchase those.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3½ minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I would like to speak to my colleagues and also to the American people today from the heart, to have an emotional concern, not a political concern.

There is an emergency on the family farm in America. Forty years ago I served as State FFA president, the Future Farmers of America, in Oklahoma. I stated at that time there are 16 percent of us in the production of agriculture. Four years later when I was selected the outstanding agriculture student at OSU, I talked about the fact that there were only 12.5 percent of us in the production of agriculture. Today as I stand on this floor of the United States Congress, I have to say there are only 1.2 percent of us in the production of agriculture. And, Mr. Speaker, I saw figures just less than two months ago where we are probably going to lose 25 percent more of our farmers and our cattle people this year if something doesn't happen to assist them through this crisis.

Why? Because we have seen markets close down. We see droughts. The gentleman from Oklahoma referred to Asia. Mr. Speaker, Asia normally buys 45 percent of our agriculture exports. But they have had a downturn in their economy and they cannot buy.

Second, the European Union is using 75 percent of their budget to subsidize the agriculture in Europe, to subsidize the internal production but also grabbing export markets around the world.

Third, because we see sanctions in countries that should be buying our agriculture products. Our country places those sanctions and we cannot sell the food and the beef and other products from the American family farms.

And, four, we have now in 1998, as my friend from Texas said, the worst drought in history, since the Dust Bowl in 1934. The land is parched. The grass is burned up. Cattle are having to go to market because we have no water and no feed and no grass.

What is the solution? This is not the total answer, but this is one step that we can move on today. That is, expediting the market transition, by budgeting $8 billion that is already in the budget, so that they can pay bills. Many of them are going to have working capital to have to survive and pay bills.

Second, we have to utilize an emergency feed and hay program if we are going to keep many of the cattle and not just flood the markets. Let me say in the drought of 1956, which I barely survived, I sold cows for 10 cents a pound. I know the hurt and I know the pain that is out there on the farm and what the cattle people are going through. We have got to correct it. We have got to take the actions my colleague from Oklahoma said on the enhancement export funds. We have got to use those funds.

Put off the long-term solution is international exports. We must pass fast track. It should be a bipartisan solution, not one that is partisan. We also must add the IMF funding in order to help Asia to purchase American agriculture products. We have got to also look at the sanctions, if medicine is a human need, food is also. We must do allow food to be exempt from sanctions.

We can solve the problem. The question we have to ask ourselves is do we have the will to solve the problem. Let me tell my colleagues what they said to me in Europe. When I asked them about all their subsidies, they basically stated, "We'll pay whatever the price to maintain the family farm in Europe." They are using 75 percent of their budget to do it.

What will do we have? Do we have the will that we want to keep a domestic food basket available for the American people? If we are concerned about the national security of this country, we had better maintain that food supply and the family farmer.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Speaker, I want to thank the gentleman for yielding me this time and I want to congratulate him for his efforts to bring this matter before the House and put it on the desk of the President before we begin the August work period. I am proud to have been a cosponsor of the House version of this measure.

Mr. Speaker, Montana producers will have available in October under this plan $105 million which is about twice of what they would have had available without this measure. This is going to provide important cash flow for them this fall. It will allow them to cope with what are broken down markets that have reduced prices to some of the lowest prices in modern times. It will also help Montana producers deal with adverse weather conditions which has also provided for low production.

I believe we need to do more. I am hopeful that we can work to try to increase the AMTA payments in the future. Perhaps we can make some revisions in the crop insurance program to help folks, particularly in the Northern Plains. We need to investigate the Canadian Wheat Board. We need to eliminate trade sanctions that involve food, that are eliminating markets.

Mr. Speaker, we are not just losing markets to American commodities. The important thing is that we are losing market share. The problem with losing market share is that that threatens low prices for our commodities over the long term, not just over the short term. I am hoping that Congress can work from this measure forward together so that we can secure additional markets, so we can fight and defend our market share.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I thank the gentleman for yielding me this time. This is a very important piece of legislation. I rise in strong support today.

I just returned from Texas a little over an hour ago, Mr. Speaker, where we have had in south Texas the 34th day of triple-digit temperatures which has broken another record. Farmers and ranchers all over Texas and throughout the Southwest are being hit hard by this drought which is part of a one-two punch, the other being the falling commodity prices. There is no area harder hit right now than south Texas, although they are feeling it all across the State.

This bill in the simplest of terms for those who are not in agriculture would be like when you were younger or you were struggling at some point in your life and you needed a little advance money on your paycheck and you asked the boss or the appropriate authorities, can I just have a little advance and I think it will get me through this tough time. It is not going to solve anyone's financial problems long-term nor is it going to make it rain, but it is going to provide that necessary capital to get through a very difficult time this fall.

The situation is very critical in Texas now. There are burned-up fields, no grass for livestock to graze on, aflatoxin has hit the corn crop very hard. We all understand that the only long-term solution to this is to have more rain. This is the most powerful city on earth, Mr. Speaker, but there is not a person in this city who can make it rain. We must, as we all know, appeal to a higher authority for that long term.

All of Texas has experienced less than 25 percent of normal rainfall for April through June and temperatures topped out above the century mark nearly the entire month of July across the State. Until the rain comes, these early payments are a first step in helping farmers get through this difficult time. I have committed to my colleagues on the Committee on Agriculture and the agriculture appropriations subcommittee to continue to work on this issue and develop a plan to provide assistance to our farmers and ranchers. As Americans we enjoy the world's cheapest, safest and most abundant food supply. I hope every farmer out there understands that there is not a day that goes by that Members on both sides of the aisle, both Democrats and Republicans, are thinking about our constituents out there and desperately trying to come up with more solutions to help them get through this very difficult time.

I certainly appreciate all the members of the Committee on Agriculture, the gentleman from Oregon (Mr. SMITH) our chairman and the gentleman from Texas (Mr. STENHOLM) the ranking member and all the committee members who are working side by side to help in this very, very critical situation.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate him for the manner in which he has brought this legislation to our attention so dramatically and so quickly.

Mr. Speaker, I do rise, of course, today in support of the bill. Even amid a booming economy nationally, there is a lot of concern out there in the Northern Plains and, of course, elsewhere where grain prices have soured, ag prices are down, and cattle prices are down. Regretfully, the continued rise of the stock market, which has benefited a lot of people, does not have a direct positive effect on our Nation's agricultural producers.

This is a bad year, especially for grain prices, although it was unrealistic to assume that the high commodity prices of the 1996 and 1997 marketing years would last forever, even under the best of conditions. As has been mentioned earlier, a large part of the decline in prices is due to the financial crisis that Asia is experiencing. The recovery of those economies will have a tremendous impact, of course, on U.S. agriculture.

I think another reason for depressed prices is the Administration's lack of a focused export policy. Many national agriculture organizations have expressed concern in regard to our trade policies.

I think Congress has been doing its part to help our beleaguered producers as evidenced by this bill. We passed antisanction legislation that would allow USDA to guarantee U.S. wheat sales to Pakistan and India. This legislation that we are considering today will ensure many producers will have much needed capital to continue their farming operations for another year. The farming business is a year-to-year enterprise and it would be unfair to deny strapped producers the capital necessary for next year's operation.

I have been a consistent supporter of the new farm bill, and I remain so today. Regretfully, I think, Mr. Speaker, there has been a lot of needless, false and harmful rhetoric from both houses of Congress about this legislation. Farm bills do not set market prices. The Administration, I think, needs to take some responsibility in this regard. We need a clear and consistent trade policy to bolster our U.S. ag exports. With one out of three acres that we plant in this year going to export, fast track negotiating authority is absolutely necessary.

I remain steadfast in my support. I strongly encourage my colleagues to support S. 2344. It will help our deserving producers.

□ 1600

Mr. MINGE. Mr. Speaker, I yield myself such time as I may consume.

Certainly this afternoon is an opportunity for bipartisan support of a measure that we all recognize is providing at least some relief. There certainly is room for debate about some aspects of trade policy. I am not sure that it would be productive this afternoon to try to fully ventilate that. Suffice it to say that folks in this body and on the Committee on Agriculture fully recognize the importance of immediate full funding for the International Monetary Fund that is not moving ahead. I notice it is not on the calendar for this week before we go home for recess. It is hard to understand why if that has been approved in the Senate and is being requested by the administration it cannot be completed by the House.

So I would hope that we in the Committee on Agriculture could get fully behind that and at least do some things that we see that we agree with the Senate on and do them promptly.

Mr. Speaker, for purposes of control, I yield 2 minutes to the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Oregon for yielding the time and the gentleman from Minnesota for yielding to him.

Mr. Speaker, I rise in strong support of S. 2344, the Emergency Farm Financial Relief Act. This important legislation would provide farmers the option, of course, of receiving all of their Agriculture Market Transition Act contract payments for fiscal year 1999 immediately after the beginning of the fiscal year. Currently it is an option at least. Currently producers receive two separate payments, one in December or January and one in September. This change would provide farmers with much needed infusion of cash at a time when they clearly need it. Since the payment would occur in the same fiscal year, there is no additional cost to the Federal government.

Mr. Speaker, I was pleased to be a cosponsor of the original House legislation, and I commend the chairman of the Committee on Agriculture for his initiative.

Mr. Speaker, it is clear that the agricultural sector is hurting. While this legislation is certainly helpful, it is also important to continue efforts to improve agricultural trade since about 40 percent of U.S. farm production is exported. Several of my colleagues on both sides of the aisle have already mentioned that.

One of the root causes of the current low commodity price is the current drop in exports, especially to Asia, as a result of the region's economic downturn and the relative value of the U.S. dollar versus the currencies of our export competitors. My State, for example, over 85 percent of all of our exports total go to Asia. To combat the drop in exports it is crucial that efforts continue to approve fast track trade authority, increase pressure on the European Union to reduce subsidies and anti-competitive trade practices and to approve legislation designed to block unilateral sanctions which we too often impose in this body and in the other body which do harm agriculture. Such actions are clearly long-term approaches to improving the economic outlook for the Nation's producers, however S. 2344 will provide immediate help for farmers, and, Mr. Speaker, therefore I urge my colleagues to support it.

The SPEAKER pro tempore (Mr. PEASE). The Chair advises that the gentleman from Oregon (Mr. SMITH) has no time remaining, although the gentleman from Oregon has the right to close. The gentleman from Minnesota (Mr. MINGE) has 8½ minutes remaining.

Mr. MINGE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman from Minnesota (Mr. MINGE) for the time, and, Mr. Speaker, I want to emphasize a point that the gentleman from Nebraska (Mr. BEREUTER) made, and he is well known as an international trade expert, and to reinforce the statement that the gentleman from Minnesota (Mr. MINGE) made, and that is simply that he has heard all of us emphasize the importance for this country to pay its full share of the International Monetary Fund, and I will continue to work towards that, that goal, and he knows that that will be before this Congress before we adjourn this session of the Congress.

In addition to that and equally as important, as the gentleman knows, we must pass what we call fast track legislation to give this President of the United States the opportunity to enter into agreements with other nations at a time when it is most important to us, at a time when we are going to review the whole Uruguay Round of the WTO, of the World Trading Organization, and we are going do that in 1999. Going into those negotiations without fast track would severely injure this Nation's opportunity to trade, to discuss, to enter into agreements which would open borders for us and give us the opportunity to entertain agreements with other countries.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oregon. I yield to the gentleman from Oklahoma.

Mr. WATKINS. First, Mr. Speaker, I would like to commend the gentleman from Oregon (Mr. SMITH) for his leadership and his foresight on the committee and my colleague from Oklahoma (Mr. LUCAS) in moving this a step forward. I think we all know that the drought is an additional thing that is coming in right on top of low prices and that we have got to have help for our cattlemen in getting emergency feed assistance, emergency hay assistance, especially in the Southwest, and I know my colleagues helped provide that leadership in helping us move forward in the agriculture appropriations committees, and I think the Senate under Senator CONRAD is adding $500 million, and we are probably going to need more to assist the drought stricken cattle country of the Southwest.

Will the gentleman be helping us in that area of feed and hay assistance?

Mr. SMITH of Oregon. Mr. Speaker, as the gentleman knows, we have entertained all of the issues, including the problems in Minnesota and North Dakota and South Dakota which are in crisis. Beyond that there are disasters all over the country, in Oklahoma and Texas. We are going to be looking at all those if we can identify finally with the Secretary's assistance, and we are going, within reason we are going to try to help everyone.

Mr. WATKINS. I was in Bennington, OK, my boyhood home area July 4, and they are feeding cattle cubes and hay. That is at least a month to six weeks earlier than when we ever fed before, and that is eating up the financial equity. Equity they do not have.

Mr. SMITH of Oregon. Mr. Speaker, I understand the gentleman. I have been in the cattle business for 35 years and broke twice, so I understand.

Mr. WATKINS. I thank the gentleman from Oregon for his leadership.

Mr. CHAMBLISS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oregon. I yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, I would just like to commend the chairman of the House Committee on Agriculture for moving this program forward. As my colleagues know, it sounds like a novel when we say times are tough in ag country, and it really is. It is certainly not fiction.

Times are particularly difficult in ag country in Georgia this year. We are coming off one of the worst disasters in 1997 we have ever seen. 1998 has not been any better. This will significantly help our farmers and ranchers, and we appreciate the House Committee on Agriculture chairman championing this proposal.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. SMITH) has expired.

Mr. MINGE. Mr. Speaker, I understand the gentleman from Oregon has two other speakers, and I will yield to them as well, but I have a speaker who has arrived that I would like to reserve some time for as well.

Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Minnesota first of all, and I rise in support of S. 2344.

I have heard a lot from home about the problems we have in farm country, the disasters we have. I just want to say that I think this will help a great deal to get us through an immediate crisis, but if we have a disaster, I want to state that the administration's policy has been, number one, to cut crop insurance when we have these disasters. Last year we had to fight to the mat to be able to save crop insurance. In the past 3 years they have had a billion and a half dollars available for market export programs. They finally used about $7 million of that. Today, as far as trade sanctions, the administration has put on 61 sanctions in the last 6 years compared in the last 80 years we had 120 sanctions. Forty percent of the world's population is under sanctions from this administration today which cuts off any possibility of selling agricultural products.

Lastly, we have got to pass this fall fast track legislation to help agriculture, and I would hope the administration would finally get on board and decide to push it. I have been reading all the articles now saying they are going to sit on the sidelines, encourage the Democrats to sit on the sidelines. We have got to have negotiation authority so that we can move our agricultural products. Long term that is the solution for agriculture, is to sell the production we can have in this miracle in the U.S. called agriculture.

Again I want to support this bill, I encourage everyone to do that, but we have got to change our policies if we are in effect going to save agriculture in the long term.

Mr. MINGE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 3½ minutes remaining.

Mr. MINGE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to support this bill and commend the chairman and the ranking member and others for bringing this forward. But I want to bring a little bit different perspective to the situation.

I fully understand that those areas of the country where they are now experiencing a disaster, whether it be drought or other things, this will be a big help because it will move up the cash flow situation and put them in a little better shape. However, in our part of the world, in northwestern Minnesota and North Dakota, we have had a disaster for 4 or 5 or 6 years, depending on the individual farmers, where this disease problem that we had, primarily scab, has caused us to lose crops 4 or 5 or 6 years in a row, and I am not so sure for those people that are in that situation whether this is going to make a whole lot of a difference to them just because of the situation that they are in.

So I am here today supporting this. This will help people that have gotten into this situation recently. It will help farmers that are experiencing the problem with low commodity prices and the resultant cash flow problems. But we need in our part of the world, and the chairman knows this, we need in addition some help with making crop insurance, making it whole for that period of time where it was not covering people, trying to get the CRP program changed so that those people that have experienced these losses for 4 or 5 years can potentially get that land into CRP.

One of the things that people need to understand, we have got this scab disease that lives in the soil and in the residue. One of the reasons we have got this problem, in my opinion, is because we have given up mould board plowing and we have been using no-tail which allows this stuff to live even longer and better, and if we could put this land into CRP, get it out of production, get it out of wheat production for a while, we might be able to do some good in this area.

Mr. MINGE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 1½ minutes.

Mr. MINGE. Mr. Speaker, we have had a fair amount of talk here in the last few minutes about the administration and trade, and I would just like to set the record straight.

There is no administration that I am aware of in recent history that has been as strong an advocate of trade, liberalization of trade policies, as the Clinton administration, and I think that all of us really ought to respect the record that they have established and not try to drag it down.

I have sat on the floor in this body on several occasions when my colleagues have considered trade sanctions or restrictions on trade, if this happens or that happens, and we tend to vote with almost a herd mentality. Well, the administration is asking for us to show restraint.

The administration has been a very vocal supporter of IMF, and I think all of us have acknowledged that. We all know the administration has been a very strong supporter of fast track. The administration has indicated it would like to have the fast track vote after the first of the year.

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It feels like it is going to be a highly politicized vote, and if we are going to promote international trade, this is not the context in which to do it and this authority is not needed before the end of the year. The Secretary of Agriculture told us this at a hearing last Thursday.

So even though the majority controls the floor and we will vote on what the majority brings up, it is tragic if we turn the Fast Track debate into simply a pre-election game. I would urge that we work on a bipartisan basis on this trade issue, just like we have worked on this matter that is under consideration this afternoon.

Mr. THORNBERRY. Mr. Speaker, television can take us many places, but it can't make us experience the pain and hardship people feel when they're going through difficult times.

Night after night for the past several weeks, the network news shows have been filled with images from my home state of Texas and stories of how people are dealing with the drought. By now, the stories are familiar.

Ground too dry for seed to take root in. Farmers having to plow under their crops. The livelihood of towns and communities literally blowing away in the wind. The drought is putting a real squeeze on farmers and ranchers trying to make a living. Economically, it's figuring to be even worse than the drought Texas went through in 1996.

The bill we're voting on today will clearly not solve all of the problems people are facing because of these severe weather conditions. But it is a start, and it will put money in people's pockets quicker than any other plan being discussed in Washington. Perhaps just as important, it's a sign that we're finally getting through in convincing people that something needs to be done to help farmers in our area deal with the drought.

Over the past few weeks, some people have been trying to play politics with this crisis. That is wrong. Congress and the Administration need to work together to do what's right for farmers. The government can't make it rain. But it can help farmers cope with a major national disaster. This plan is the first step in doing that, and will likely be the first of other agriculture-related proposals coming out of Congress in the coming weeks.

Mr. LAHOOD. Mr. Speaker, I rise to join you and Chairman SMITH in support of S. 2344 and ask for its unanimous consideration by the House. As a cosponsor of its House companions S. 2344 would allow farmers the option of receiving all the Agriculture Market Transition Act (AMTA) contract payments for fiscal year 1999 immediately after the beginning of the fiscal year. Mr. Speaker, the bill would make $5.5 billion available as much as one year early to help farmers cope with the cash shortage they are now experiencing due to low prices. For the State of Illinois, the changes will mean an extra $500 million into the hands of farmers who choose the advance payment schedule.

The bill also increases the flexibility we gave farmers with the 1996 farm bill. It will let them, not the government, decide if receiving payments early is the best thing for their farms.

Most importantly, Mr. Speaker, because the AMTA payments occur in the same fiscal year, there is no Congressional Budget Office (CBO) scored cost to this proposal. Congress has the opportunity to address the current cash shortage on the farm without incurring any budget cost and give U.S. farmers the opportunity to solve cash shortage problems immediately.

Finally, Mr. Speaker, S. 2344 does not lessen the urgency for Congress and the Administration to use important trade tools. The Administration promised farmers that it would use the Export Enhancement Program (EEP) to its maximum to secure foreign markets for U.S. Agricultural products. The 1996 Farm Bill made over $1.5 billion available for EEP in 1996–99. To date, the Administration's use of EEP has been anemic. Also, Congress needs to pass Fast Track and fully fund the International Monetary Fund (IMF). Without these tools, America, and American farmers will continue to lag behind in the international trade arena. Let's stop the erosion in farm exports. S. 2344 is a good start.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Oregon (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 2344, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2344, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

HEALTH PROFESSIONAL SHORTAGE AREA NURSING RELIEF ACT OF 1998

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2759) to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas, as amended.

The Clerk read as follows:

H.R. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Health Professional Shortage Area Nursing Relief Act of 1998”.

SEC. 2. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS DURING 4-YEAR PERIOD.

(a) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking “; or” at the end and inserting the following: “, or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or”.

(b) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

“(m)(1) The qualifications referred to in section 101(a)(15)(H)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

“(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education or has received nursing education in the United States;

“(B) has passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

“(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional nursing as a registered nurse immediately upon admission to the United States and is authorized under such laws to be employed by the facility.

“(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

“(i) The facility meets all the requirements of paragraph (6).

“(ii) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed.

“(iii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

“(iv) The facility has taken and is taking timely and significant steps designed to recruit and retain sufficient registered nurses who are United States citizens or immigrants who are authorized to perform nursing services, in order to remove as quickly as reasonably possible the dependence of the facility on nonimmigrant registered nurses.

“(v) There is not a strike or lockout in the course of a labor dispute, the facility has not laid off registered nurses within the previous year other than terminations for cause, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

“(vi) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to registered nurses employed at the facility through posting in conspicuous locations.

“(vii) The facility will not, at any time, employ a number of aliens issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) that exceeds 33 percent of the total number of registered nurses employed by the facility.

“(viii) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

“(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

“(II) transfer the place of employment of the alien from one worksite to another.

Nothing in clause (iv) shall be construed as requiring a facility to have taken significant steps described in such clause before the date of the enactment of the Health Professional Shortage Area Nursing Relief Act of 1998. A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

“(B) For purposes of subparagraph (A)(iv), each of the following shall be considered a significant step reasonably designed to recruit and retain registered nurses:

“(i) Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere.

“(ii) Providing career development programs and other methods of facilitating health care workers to become registered nurses.

“(iii) Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly employed in the geographic area.

“(iv) Providing adequate support services to free registered nurses from administrative and other non-nursing duties.

“(v) Providing reasonable opportunities for meaningful salary advancement by registered nurses.

The steps described in this subparagraph shall not be considered to be an exclusive list of the significant steps that may be taken to meet the conditions of subparagraph (A)(iv). Nothing in this subparagraph shall require a facility to take more than one step if the facility can demonstrate, and the Attorney General determines, that taking a second step is not reasonable.

“(C) Subject to subparagraph (E), an attestation under subparagraph (A)—

“(i) shall expire on the date that is the later of—

“(I) the end of the one-year period beginning on the date of its filing with the Secretary of Labor; or

“(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and “(ii) shall apply to petitions filed during the one-year period beginning on the date of its filing with the Secretary of Labor if the facility states in each such petition that it continues to comply with the conditions in the attestation.

“(D) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

“(E)(i) The Secretary of Labor shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) (and accompanying documentation) and each such petition filed by the facility.

“(ii) The Secretary of Labor shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary). The Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether an attestation is expired or unexpired at the time a complaint is filed.

“(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

“(iv) If the Secretary of Labor finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has failed to meet a condition attested to or that there was a misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

“(v) In addition to the sanctions provided for under clause (iv), if the Secretary of Labor finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(iii) (relating to payment of registered nurses at the prevailing wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

“(F)(i) The Secretary of Labor shall impose on a facility filing an attestation under subparagraph (A) a filing fee, in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding $250.

“(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

“(iii) The collected fees in the fund shall be available to the Secretary of Labor, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

“(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be 3 years.

“(4) The total number of nonimmigrant visas issued pursuant to petitions granted under section 101(a)(15)(H)(i)(c) in each fiscal year shall not exceed 500. The number of petitions granted under section 101(a)(15)(H)(i)(c) for each State in each fiscal year shall not exceed the following:

“(A) For States with populations of less than 10,000,000, based upon the 1990 decennial census of population, 25 petitions.

“(B) For States with populations of 10,000,000 or more, based upon the the 1990 decennial census of population, 50 petitions.

“(5) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

“(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility;

“(B) shall require the nonimmigrant to work hours commensurate with those of nurses similarly employed by the facility; and

“(C) shall not interfere with the right of the nonimmigrant to join or organize a union.

“(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term ‘facility’ means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) that meets the following requirements:

“(A) As of March 31, 1997, the hospital was located in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

“(B) Based on its settled cost report filed under title XVIII of the Social Security Act for its cost reporting period beginning during fiscal year 1994—

“(i) the hospital has not less than 190 licensed acute care beds;

“(ii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were entitled to benefits under part A of such title is not less than 35 percent of the total number of such hospital's acute care inpatient days for such period; and

“(iii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were eligible for medical assistance under a State plan approved under title XIX of the Social Security Act, is not less than 28 percent of the total number of such hospital's acute care inpatient days for such period.”.

(c) Repealer.—Clause (i) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking subclause (a).

(d) Implementation.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (b)).

(e) Limiting Application of Nonimmigrant Changes to 4-Year Period.—The amendments made by this section shall apply to classification petitions filed for nonimmigrant status only during the 4-year period beginning on the date that interim or final regulation are first promulgated under subsection (d).

SEC. 3. RECOMMENDATIONS FOR ALTERNATIVE REMEDY FOR NURSING SHORTAGE.

Not later than the last day of the 4-year period described in section 2(e), the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit to the Congress recommendations (including legislative specifications) with respect to the following:

(1) A program to eliminate the dependence of facilities described in section 212(m)(6) of the Immigration and Nationality Act (as amended by section 2(b)) on nonimmigrant registered nurses by providing for a permanent solution to the shortage of registered nurses who are United States citizens or aliens lawfully admitted for permanent residence.

(2) A method of enforcing the requirements imposed on facilities under sections 101(a)(15)(H)(i)(c) and 212(m) of the Immigration and Nationality Act (as amended by section 2) that would be more effective than the process described in section 212(m)(2)(E) of such Act (as so amended).

SEC. 4. CERTIFICATION FOR CERTAIN ALIEN NURSES.

(a) In General.—

(1) Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding after subsection (o) the following new subsection:

“(p) Subsection (a)(5)(C) shall not apply to an alien who seeks to enter the United States for the purpose of performing labor as a nurse who presents to the consular officer (or in the case of an adjustment of status, the Attorney General) a certified statement from the Commission on Graduates of Foreign Nursing Schools (or an equivalent independent credentialing organization approved for the certification of nurses under subsection (a)(5)(C) by the Attorney General in consultation with the Secretary of Health and Human Services) that—

“(1) the alien has a valid and unrestricted license as a nurse in a State where the alien intends to be employed and such State verifies that the foreign licenses of alien nurses are authentic and unencumbered;

“(2) the alien has passed the National Council Licensure Examination (NCLEX);

“(3) the alien is a graduate of a nursing program—

“(A) in which the language of instruction was English;

“(B) located in a country—

“(i) designated by such commission not later than 30 days after the date of the enactment of the Health Professional Shortage Area Nursing Relief Act of 1998, based on such commission's assessment that the quality of nursing education in that country, and the English language proficiency of those who complete such programs in that country, justify the country's designation; or

“(ii) designated on the basis of such an assessment by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection; and

"(C)(i) which was in operation on or before the date of the enactment of the Health Professional Shortage Area Nursing Relief Act of 1998; or

"(ii) has been approved by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection.".

(2) Section 212(a)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(C)) is amended by striking "Any alien who seeks" and inserting "Subject to subsection (p), any alien who seeks".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

(c) ISSUANCE OF CERTIFIED STATEMENTS.—The Commission on Graduates of Foreign Nursing Schools, or any approved equivalent independent credentialing organization, shall issue certified statements pursuant to the amendment under subsection (a) not more than 35 days after the receipt of a complete application for such a statement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I am very pleased to support H.R. 2759, legislation that is responsive to a crisis facing some large hospitals with high percentages of Medicare and Medicaid patients in health professional shortage areas. The viability of essential health care for large numbers of people is threatened when certain acute care facilities in medically underserved, impoverished communities cannot recruit sufficient numbers of registered nurses to meet their requirements.

H.R. 2759 provides such hospitals relief in compelling circumstances by facilitating the temporary administration of registered nurses in an H–1C nonimmigrant visa category, subject to a nationwide ceiling of 500 visas issued annually and limits of 50 or 25, depending on a State's population, on the numbers of nurses who can be approved each year for hospitals in any one State.

This narrowly focused program, which will sunset after a 4-year period, is designed to address urgent needs that cannot be met in any other way. St. Bernard's Hospital, located in the Englewood community in Chicago, brought its precarious situation to my attention. Because I knew the continued functioning of St. Bernard's Hospital would be so essential to the residents of the Englewood community, I decided to endorse an appropriately limited legislative remedy.

The bill that our colleague, the distinguished gentleman from Illinois (Mr. RUSH) introduced, clearly merited bipartisan Congressional support. It provided relief to particularly vulnerable hospitals and incorporated many safeguards designed to protect American jobs.

I commend the gentleman from Texas (Mr. SMITH), chairman of the Subcommittee on Immigration and Claims, and the gentleman from Michigan (Mr. CONYERS), ranking minority member of our full committee, for their important contributions to this carefully-crafted legislation. Of course I commend my colleague, the gentleman from Chicago, Illinois (Mr. RUSH), for his initiative. It is most helpful.

I certainly urge my colleagues to support this measure.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today to encourage my colleagues to vote in favor of my bill, H.R. 2759, the Health Professional Shortage Area Nursing Relief Act. My reason for encouraging passage of this legislation is simple: to assist the underserved communities of this Nation by providing adequate health care for their residents.

Today there are some areas across this country which experience a scarcity of health professionals, even though numbers indicate that no nursing shortage currently exists nationally. Such an area exists in my district, the First District of Illinois.

The Englewood community, as was mentioned earlier, is a poor urban community with a high incidence of crime, and it is served primarily by St. Bernard's Hospital. This small community hospital's emergency room business averages approximately 31,000 per year. Fifty percent of their patients are Medicare recipients and 35 percent receive Medicaid. Also their charity care continues to grow and to soar.

The Immigration Nursing Act of 1989 created the H–1A visa program in order to allow foreign-educated nurses to work in the United States. The rationale for the H–1A program, as acknowledged by the AFL–CIO, the American Nurses Association and others, was to address spot shortage areas in health care.

St. Bernard's Hospital utilized the H–1A program to maintain an adequate staffing of nurses. The H–1A program was vital to St. Bernard's continued existence. Prior to this program, St. Bernard's hired temporary nurses. As a result, the hospital's nursing expenditures increased by approximately $2 million in an effort to provide health care to its patients in 1992. This additional cost brought St. Bernard's very, very close to closing its doors.

The H–1A visa program expired on September 30, 1997. Currently, Mr. Speaker, as you know, no program exists that would assist hospitals such as St. Bernard's in their effort to retain qualified nurses. My legislation merely seeks to close the gap created by the expiration of the H–1A program.

H.R. 2759 prescribes that any hospitals which seek to hire foreign nurses under these provisions must meet the following criteria: One, shall be located in a health professional shortage area; two, have at least 190 acute care beds; three, have a Medicare population of 35 percent; and, four, have a Medicaid population of at least 28 percent.

As one who has always fought for the American worker, I can assure you and all those who express concern that this proposal does not have a detrimental effect on American nurses. My legislation sets a cap on new visas that may be issued each year. The legislation also provides processing requirements that require employers to attest that the hiring of foreign nurses would not adversely affect the wages and working conditions of registered nurses. The Secretary of Labor will oversee this process and provide penalties for noncompliance.

Mr. Speaker, health care is indeed a basic human right. The hallmarks of civilized nations are health care, education and democracy. The state of health care is of grave concern in my district. Hospitals have closed, city health clinics are closing, and payments for Medicare and Medicaid have been cut back. This legislation, the legislation that we must pass today, is aimed at helping hospitals like St. Bernard's keep their doors open to the communities that they serve.

Mr. Speaker, I also want to commend the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from Michigan (Mr. CONYERS), the subcommittee chairman, the gentleman from Texas (Mr. SMITH), and the ranking member, the gentleman from North Carolina (Mr. WATT). Their patience, their indulgence, their concern, their commitment is outstanding, and I certainly appreciate it, and the residents and citizens of the First Congressional District thank you for all your consideration and all your input.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, and I concur with the comments made by the gentleman from Illinois (Chairman HYDE) and the gentlewoman from California (Ms. LOFGREN).

Mr. Speaker. Because of a shortage of nurses in the late 1980's, Congress passed the Immigration Nursing Relief Act of 1989. That Act created for five years the H–1A temporary visa program for registered nurses. When the program sunseted, the House of Representatives decided against extending it.

There does not appear to be a national nursing shortage today—so, there is no need to revise the H–1A program. However, a number of hospitals with unique circumstances are still experiencing great difficulty in attracting American nurses. Hospitals serving mostly poor patients in inner city neighborhoods have special difficulties. So do certain hospitals in rural areas.

H.R. 2759, the "Health Professional Shortage Area Nursing Relief Act of 1998", introduced by our colleague BOBBY RUSH, has been drafted very narrowly to help precisely these kinds of hospitals. It would create a new temporary registered nurse visa program designated "H–1C" that would provide up to 500 visas a year and that would sunset in four years.

To be able to petition for an alien, an employer would have to meet four conditions. First, the employer would have to be located in a health professional shortage area as designated by the Department of Health and Human Services. Second, the employer would have to have at least 190 acute care beds. Third, a certain percentage of the employer's patients would have to be Medicare patients. Fourth, a certain percentage of patients would have to be Medicaid patients.

The H–1C program created by this bill would adopt those protections for American nurses contained in the expired H–1A program. For instance, for a hospital to be eligible for H–1C nurses, it would have to agree to take timely and significant steps to recruit American nurses. In addition, H–1C nurses would have to be paid the prevailing wage. Additional protections have also been added. For instance, an amendment by JOHN CONYERS was adopted at the Judiciary Committee providing that H–1C nurses can not comprise more than 33% of a hospital's workforce of registered nurses and that a hospital can not contract out H–1C nurses to work at another facility.

Our goal should be that set out by the Immigration Nursing Relief Advisory Committee, created by the Immigration Nursing Relief Act of 1989. We need to "balance both the continuing need for foreign nurses in certain specialties and localities for which their are not adequate domestic registered nurses and the need to continue to lessen employers' dependence on foreign registered nurses and protect the wages and working conditions of U.S. registered nurses."

I believe this bill successfully balances both these needs. Because it is so narrowly drafted, it is not opposed by the American Nurses Association.

The bill contains one modification from the version reported by the Judiciary Committee. The bill now provides a limited exemption from section 212(a)(5)(C) of the Immigration and Nationality Act. That section provides for a certification process for aliens seeking to enter the United States to work as non-physician health care workers. The section is designed to ensure that the credentials of alien health care workers are authentic and that they have sufficient training and English language ability to adequately perform their jobs.

The bill provides that section 212(a)(5)(C) shall not apply to an alien seeking to work as a nurse where the Commission on Graduates of Foreign Nursing Schools or another credentialing organization certifies that the alien (1) has a valid and unrestricted license in the state of intended employment and such state verifies the alien's license as authentic and unencumbered, (2) the alien has passed the National Council Licensure Examination, and (3) the alien is the graduate of a nursing program in which the language of instruction was English and it is determined that the quality of nursing education in that country, and the English language proficiency of those who complete the program, is of sufficient quality.

Nurses who meet all these requirements clearly are of the standard that section 212(a)(5)(C) is trying to ensure. Therefore, it is not necessary that the section apply to such nurses.

I urge my colleagues to support this bill.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the Subcommittee on Immigration addressed this issue, reservations were expressed by some. But I think the bill that is before us today reflects hard work, certainly by the chairman of our committee, and by the author of the bill, the gentleman from Illinois (Mr. RUSH) to narrow this measure to a point where it could be here today to be considered on the Suspension Calendar.

We know that there is actually not a shortage of nurses in America today. However, there have been spot shortages in hospitals such as the gentleman from Illinois (Mr. RUSH) and the chairman described. I am mindful that these hospitals could make use of the H–1B program to fulfill this need. However, that is not available at this pressing moment. I am mindful as well that the measure has been tailored and limited in such a way that it will meet the need addressed by the gentleman from Illinois (Chairman HYDE) and the author, the gentleman from Illinois (Mr. RUSH), but will not impact the Nation to the point where the American Nurses Association has communicated to the committee that they do not oppose the bill and remain neutral on the bill, which I think speaks volumes about the great effort undertaken by the gentleman from Illinois (Chairman HYDE) and the gentleman from Illinois (Mr. RUSH), as well as the committee.

So I certainly intend to vote for the bill, with some reservations, I guess, because I would have hoped we could have already resolved the broader issue, but we have not. I do understand the pressing health care needs, and, therefore, I will support this measure and urge my colleagues to do so.

Mr. CONYERS. Mr. Speaker, the Nursing Relief Act addresses the pressing need for nurses at low-income, inner-city hospitals and moves firmly in the direction of developing a new, more permanent solution to this problem that will utilize nurses from the American workforce instead of continuing to rely on foreign labor.

The Nursing Relief Act would allow up to 500 fully qualified foreign nurses to enter the United States each fiscal year to work for three-year periods. This, however, would not be an ongoing program. The act would sunset in four years.

H.R. 2759 also provides that the Attorney General determine whether hospitals are taking reasonable steps to recruit and retain nurses from within the American worforce. In addition, the Department of Labor and the Department of Health and Human Services would be required to conduct a study to establish ways for these hospitals to fulfill their staffing needs from within the American workforce. More specific information about the bill may be found in a summary attached to this statement.

The bill also includes a provision that would create an abbreviated certification process for nurses who meet specific qualifications standards. Without certification, nurses are denied admission to the United States as uncertified foreign health-care workers under section 212(a)(5)(C) of the Immigration and Nationality Act.

I urge the Members to join me in voting for this balanced, common sense bill.

HEALTH PROFESSIONAL SHORTAGE AREA NURSING RELIEF ACT OF 1998, H.R. 2759.

BILL SUMMARY

1. Purpose. To create a new nonimmigrant visa for qualified foreign nurses who are coming to the United States to work at a hospital in a health professional shortage area.

2. Eligibility requirements.

a. Must be coming temporarily to perform services as a registered nurse.

b. Must have either a U.S. nursing education or a license to practice professional nursing in the foreign country where the nurse obtained his or her nursing education.

c. Must have passed an appropriate examination or have a license to practice in the State of intended employment.

d. Must be qualified to practice nursing in the State of intended employment immediately upon admission to the U.S..

3. Hospitals seeking to employ such nurses must file an attestation which includes the following assurances:

a. 1. As of March 31, 1997, it was located in a health professional shortage area.

2. It has at least 190 acute care beds.

3. The number of inpatient days for its Social Security Act report period beginning during fiscal year 1994 was made up of patients not less than 35% of whom were entitled to SSA benefits under part A of the Act.

4. The number of inpatient days for such period was made up of patients not less than 28% of whom were eligible for medical assistance under a State plan approved by SSA.

b. The employment of the alien will not adversely affect the wages or working conditions of registered nurses similarly employed by the hospital.

c. The alien will be paid the wage rate for registered nurses similarly employed by the hospital.

d. The hospital has taken and is taking timely and significant steps to recruit and retain sufficient nurses from the American work force.

e. There is not a strike or lockout in the course of a labor dispute, nurses have not been laid off within the previous year, and the employment of aliens is not intended or designed to influence an election for a bargaining representative for the American nurses at the hospital.

f. The hospital will not use foreign nurses for more than 33% of its nursing staff.

4. The following are considered significant steps reasonably designed to recruit and retain registered nurses:

a. Operating a training program for nurses at the hospital or financing or participating in a training program for nurses elsewhere.

b. Providing career development programs to make it easier for health care workers to become nurses.

c. Paying nurses wages at a rate higher than currently being paid for nurses similarly employed in the geographic area.

d. Providing adequate support services to free nurses from non-nursing duties.

e. Providing reasonable opportunities for salary advancement by nurses.

The hospital only has to take one of these steps if it can establish that taking a second step is not reasonable.

5. Failure to meet the conditions of an attestation or misrepresentation of a material fact in an attestation.

a. If the Secretary of Labor determines that it is warranted, a hearing will be scheduled.

b. Fines of up to $1,000 per nurse per violation may be imposed, but the total penalty cannot exceed $10,000 per violation. Also, the Attorney General will not approve nurse petitions filed by the hospital for at least one year.

c. When wage rate violations occur, a hospital may be ordered to provide back pay.

6. An attestation filing fee of up to $250 may be imposed. These fees may be made available by an appropriations bill to cover the costs of this program.

7. The admission period for these nurses shall be 3 years.

8. Limited number of visas.

a. The total number of visas issued under this Act shall not exceed 500 in any fiscal year.

b. States with populations of less than 10,000,000, are limited to 25 petitions.

c. States with populations of 10,000,000 or more, are limited to 50 petitions.

9. Additional requirements for the hospitals.

a. Must provide foreign nurses with a wage rate and working conditions commensurate with those of nurses similarly employed by the hospital.

b. Must require the foreign nurses to work hours commensurate with those of nurses similarly employed by the hospital.

c. Must not interfere with the right of the foreign nurses to join or organize a union.

10. Implementing regulations must be promulgated not later than 90 days after the date of enactment of this Act.

11. Act sunsets in 4 years.

12. Alternative remedy for nursing shortage.

Secretary of Health and Human Services and Secretary of Labor shall jointly recommend to Congress (1) a program to eliminate the dependence of hospitals on foreign nurses by providing for a permanent solution to the shortage of nurses from the American work force, and (2) a more effective method of enforcing the requirements imposed on hospitals participating in these programs.

13. Certification for certain alien nurses.

a. The existing INA exclusion ground for uncertified health care workers will not apply to foreign nurses who are certified under this new provision.

b. The Commission on Graduates of Foreign Nursing Schools (“CGFNS”) has certified that a nurse admitted to the United States under this program has met the following requirements:

1. Nurse has a valid and unrestricted license in the State of intended employment and such State verified that he or she has a foreign license which is authentic and unencumbered.

2. Nurse has passed the National Council Licensure Examination (NCLEX).

3. Nurse is a graduate of a nursing program in which (i) the language of instruction was English; and (ii) the program was located in a country designated unanimously by CGFNS and any other authorized credentialing organizations based on a determination that the quality of nursing education in that country, and the English language proficiency of those who complete such programs in that country, justify the country's designation.

4. CGFNS will make the initial designations during the 30-day period following passage of the Act.

c. These provisions will take effect on the date of the enactment of the Act without regard to whether or not final regulations have been promulgated to carry them out.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to express support for H.R. 2759, the Health Professional Shortage Area Nursing Relief Act, introduced by my colleague the Honorable BOBBY RUSH. H.R. 2759 provides opportunities for institutions in medical manpower shortage areas to hire foreign trained nurses who have been granted special waivers to enter the country and work.

Initially, I had some concerns about this bill due to reservations expressed by some nursing groups, especially the Chicago Chapter of the Black Nurses Association. However, after reading the bill and having discussions with Congressman RUSH, I am convinced that there is little room for negative impact on opportunities for U.S. trained nurses who are available and ready to work in these special situations. This bill is well crafted, it has built in protections and should go a long way towards meeting concrete needs. Therefore, I commend the gentleman from Illinois, Mr. RUSH, for entertaining a specific problem and finding a solution which will benefit one of our great community hospitals, St. Bernards in Chicago and other institutions experiencing similar problems throughout the Nation. I am pleased to support this well crafted legislation and congratulate Congressman RUSH on his creativity and ingenuity.

Ms. LOFGREN. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2759, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2070) to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Correction Officers Health and Safety Act of 1998”.

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

“§ 4014. Testing for human immunodeficiency virus

“(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus not earlier than 3 nor later than 4 months after the commencement of that incarceration.

“(b) If the Attorney General has a well founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall, upon the request of the affected officer, employee, or other person, cause the person who may have transmitted the virus to be promptly tested for the presence of such virus and communicate the test results as soon as practicable to the person requesting that the test be performed and to the person tested, if person tested so requests.

“(c) If the results of the test indicate the presence of the virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and the person tested.

“(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

“(e) Not later than one year after the date of enactment of this section, the Attorney General shall make rules to implement this section. Such rules shall require that the results of any test are communicated only to a person requesting the test, to the person tested, and, if the results of the test indicate the presence of the virus, to the chief administrative officer of the correctional facility in which the person tested is imprisoned or detained. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18,

United States Code, is amended by adding at the end the following new item:

"4014. Testing for human immunodeficiency virus.".

(c) GUIDELINES FOR STATES.—Not later than one year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2070, introduced by the gentleman from New York (Mr. SOLOMON), is designed to give an added measure of protection to those Federal employees who work with or near prison inmates. This bill requires the testing of all inmates in the Federal prison system for the HIV virus upon their arrival in the system. It also requires the testing of any inmate in the Federal prison system when there is reason to believe that an inmate or a person ordered detained pending trial may have intentionally or unintentionally transmitted the HIV virus to any government employee or to any person lawfully present in a Federal correctional facility.

The bill allows Federal employees, should they be involved in the type of incident with an inmate or detained person in which the HIV virus could have been transmitted, to request that the inmate or detained person be tested for the virus. The bill then requires the government to test the person and report the test results to the employee requesting the test, the person tested and the warden of the facility in which the person is incarcerated or detained.

The need for this legislation is simple: Drugs have now been developed which can prevent the transmission of the HIV virus after exposure to someone who carries the virus. The drugs are effective in preventing transmission approximately 80 percent of the time. However, the drugs must be administered within 2 to 24 hours after exposure, and have extremely unpleasant side effects.

□ 1630

If a Bureau of Prisons or Marshalls Service employee were to come in contact with the blood of an inmate, knowing the HIV status of the inmate will enable the employee and his or her doctor to make a more informed decision as to whether to undergo this course of treatment. Unfortunately, some inmates refuse to be tested when Bureau of Prison officials request. This bill will require that they be tested.

Finally, the bill requires the Attorney General to develop model guidelines for States to follow to prevent, detect, and treat all types of infectious diseases that are commonly found in prison populations.

There seems to be general agreement that the Bureau of Prisons and the Public Health Service officers who work for the Bureau do an outstanding job of controlling infectious diseases in our Federal prisons. Professional associations representing State corrections and law enforcement officers have requested the committee to encourage the Bureau of Prisons to share those practices with the States. This provision requires the Attorney General to compile those practices in the form of voluntary guidelines that States could follow in their own correctional facilities.

I am pleased to state that the bill is supported by the American Federation of State, County, and Municipal Employees, the Federal Law Enforcement Officers Association, the Corrections and Criminal Justice Coalition, and the Fraternal Order of Police.

Mr. Speaker, the job of a law enforcement officer or corrections officer is a dangerous one. We owe it to these citizens to make the government take whatever steps it can to minimize the risks they encounter on the job. This bill will help identify the risk of HIV infection to those who serve in these jobs so that appropriate precautions can be taken to prevent its transmission.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this legislation, which gives the Attorney General the authority to test prison inmates for the human immunodeficiency virus in the event that there is reason to believe that an individual has come into contact with the bodily fluids of an inmate, thus preventing potential exposure to the virus.

This bill was introduced out of concern for the health and safety of Federal corrections officers who may be exposed to HIV. There is treatment available designed to prevent transmission of HIV after exposure, but as the chairman has pointed out, this treatment must be administered within 2 to 24 hours of exposure. This legislation is designed to provide for testing of inmates who may have transmitted the disease to persons working in or visiting Federal correctional facilities.

H.R. 2070 provides that if an inmate in a Federal correctional facility may have transmitted HIV to a correctional officer or visitor, the Attorney General should test that inmate for HIV on the request of the person who may have been exposed to the virus. The Attorney General is required to communicate the results of the test to the person who requested it and to the inmate, if he or she would like to know the results.

Moreover, if the person or inmate tests positive for HIV, the Attorney General must provide referrals for counseling, health care, and support services for both the inmate and the exposed person. H.R. 2070 also includes provisions for protecting the privacy of affected individuals.

This bill requires the Attorney General to make rules within 1 year of enactment of this legislation requiring that the test results are communicated only to the person requesting the test and to the inmate. The bill also prohibits the use of information obtained through these testing procedures to be used against an inmate in any civil or criminal proceeding.

Finally, the bill tells the Attorney General to notify the States of the regulations promulgated under H.R. 2070, and to make those guidelines available to the States.

Because this bill strikes a balance between the need of those potentially exposed to the HIV virus to know the extent of their exposure and then to be able to seek timely treatment and, hopefully, prevention of full-blown disease, as well as balancing the privacy needs of those to be tested, I support this legislation. It was approved by voice vote of the Committee on the Judiciary. All of the amendments suggested by the minority were incorporated and included in the draft.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. GERALD SOLOMON), the distinguished author of this fine legislation.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the time.

I certainly thank the gentleman from Illinois (Mr. HYDE) as well as the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, and the gentlewoman from California (Ms. LOFGREN). I am not going to bother repeating the details of the bill. Both the gentleman from Illinois (Mr. HYDE) and the gentlewoman from California (Ms. LOFGREN) have done that. I just want to thank the subcommittee and committee for acting on this legislation.

It is a shame we need this kind of legislation, but in many of the State correctional facilities and the Federal correctional facilities across this Nation, it seems to be an in thing now where some inmates are taking urine and throwing it in the faces of corrections officers.

First of all, it is not only demeaning, but in a number of cases it has turned out where many of them have been infected with the HIV virus. Of course, what this does, it means that now the correctional officers will be notified immediately after a test has been made on the inmates. It certainly is no reflection on the privacy of an inmate, because the only people that would be notified would be the correctional officer, the inmate, and of course, the warden of the affected correctional facility. I thank the gentleman very much for getting this vital piece of legislation moved.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would reiterate that all of the concerns expressed by the minority in terms of respecting privacy rights, use of information, and the like have been incorporated. I think it is because of that that the broad bipartisan support of this bill has come to fruition in this day on the Suspension Calendar.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this bill is a fair attempt to protect our correctional officers.

By requiring prisoners in Federal penitentiaries to be tested for the HIV virus three or four months after they are incarcerated, this measure strives to protect corrections officers from the risk of HIV infection.

The bill also allows any corrections officer who comes in contact with the bodily fluid of an inmate to request an additional HIV test on that inmate.

It seems that this legislation treats the inmates as fairly as the system would allow. Privacy is retained because test results are only given to the person requesting the test. If requested, the inmate can receive this results, too. Furthermore, the measure requires that guidelines must be developed to protect the privacy of the person requesting the test and the person tested.

It is important that we protect the rights and privacy of those living with HIV. In my home State of Texas, over 16,000 people are HIV positive. I have consistently fought against discriminating against people with HIV.

Prisoners with HIV deserve the right to their privacy because they could be subject to violence from other prisoners if their HIV status were exposed. Moreover, corrections officers might be hesitant to protect inmates with HIV during violent confrontations.

I also hope that we do not extend this testing too far. Some advocates of this bill contemplated broadening the bill's scope of power. For instance, some would apply this measure to pre-trial detainees or people who had merely been arrested. I believe that expanding the scope of this measure in such a manner would have far-reaching, detrimental impacts on the right to privacy, and I do not believe that a health risk, even one as great as HIV, warrants such intrusive measures.

Ms. LOFGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 2070, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 4 o'clock and 36 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1720

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MORELLA) at 5 o'clock and 20 minutes p.m.

REPORT ON H.R. 4380, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Report No. 105–670), on the bill (H.R. 4380), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXI, all points of order are reserved.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 469.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PROVIDING FOR ADDITIONAL DEBATE ON SHAYS AMENDMENT TO H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Madam Speaker, I ask unanimous consent that during the further consideration of the bill, H.R. 2183, in the Committee of the Whole, pursuant to House Resolution 442 and the order of the House of July 17, 1998, that the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts, (Mr. MEEHAN) be debatable for not to exceed 40 minutes to be equally divided and the time controlled by the gentleman from Connecticut (Mr. SHAYS) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON STEPS TAKEN TO END ARAB LEAGUE BOYCOTT OF ISRAEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–295)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Appropriations and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the request contained in section 540 of Public Law 105–118, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, I submit to you the attached report providing information on steps taken by the United States Government to bring about an end to the Arab league boycott of Israel and to expand the process of normalizing ties between Israel and the Arab league countries.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 30, 1998.*

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1724

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election

Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 31, 1998, the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH) to 'amendment No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) had been disposed of.

Pursuant to the order of the House of Friday, July 17, 1998, no other amendment to amendment No. 13 is in order.

Pursuant to the order of the House of today, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from California (Mr. THOMAS) each control an additional 20 minutes of debate on the amendment of the gentleman from Connecticut.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, I ask unanimous consent to yield 10 minutes to the gentleman from Massachusetts (Mr. MEEHAN) so that he would be allowed to control 10 minutes of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Madam Chairman, I yield myself 30 seconds to say to the Members of this Chamber and to all my colleagues that this is truly an historic opportunity to restore integrity to the political process and vote for the Meehan-Shays substitute, which will ban soft money, the unlimited sums, from individuals, corporations, labor unions, and other interest groups, recognize sham issue ads for truly what they are, campaign ads, improve FEC disclosure and enforcement and establish a commission to further study reforms to our campaign system.

Madam Chairman, I reserve the balance of my time.

Mr. THOMAS. Madam Chairman, I yield myself such time as I may consume.

I am pleased to say that the House, in an orderly fashion, has discussed a number of issues surrounding campaign reform and that we reach a point tonight in which a major decision will be made by the House, and we reach this point almost entirely with an open rule and mutually agreed upon unanimous consent, which indicates that even on an issue as difficult as this, if reasonable people of goodwill will sit down and resolve the issues that separate them, the House can in fact move forward.

This particular substitute, the Shays-Meehan bill, has gone through a number of permutations over the years. At one time, Political Action Committees were seen to be the primary enemy of the Republic, and the current version views the fundamental erosion of the American experiences tied to what is often called soft money.

Sometimes the terms that are used in political debate, although we have all grown accustomed to them, are sometimes confusing to people who do not make this their life's work.

The idea of hard money is simply money raised under the Federal Election Act associated directly with elections, would be hard money. Other money would be so-called soft money. What this bill attempts to do is to quote, unquote ban soft money from Federal elections.

One of the difficulties in attempting to do something like this is that we had better have a definition and a ban that works for all evenly and equally, and I think one of the fundamental flaws in the Shays-Meehan bill is that it simply does not do that. Although it purports to ban soft money, it bans soft money only in regard, for example, to political parties.

Political parties are unique institutions in the American political experience. They are the only institutions that program public policy, work for getting particular candidates elected, and what makes them unique is they nominate those individuals for political office.

There are a number of other groups who carry on similar activities but not in total. For example, labor unions are very interested in legislation and they attempt to influence the outcome of it. They program public policy in terms of what ought to be the appropriate presentations and they spend money to try to get candidates elected but they do not nominate candidates. That makes unions different than political parties.

□ 1730

But ever since the 1970s, political parties have been treated as though they are super political action committees or they are the only ones involved in the political process and that by controlling political parties, you can control the political process.

Nothing could be further from the truth. In fact, if you examine Shays-Meehan on the question of, quote-unquote, soft money and its control of soft money by political parties and how it deals with soft money vis-a-vis labor unions, you will see exactly the point that I am making. Although soft money is banned for political parties in registration and get out the vote, soft money is not banned for labor unions in voter registration and getting out the vote. It is interesting that where this legislation prohibits the party from spending money, it in fact allows labor unions to spend money, the same defined money in the same activities in which political parties are prohibited.

It just seems to me that if you are going to make an evenhanded, honest attempt to control what seems to be one of the primary evils in the system today, quote-unquote, according to this legislation, soft money, that you should create a structure which handles soft money in all its permutations, from whatever institution is utilizing it, so that you do not tilt the playing field in one direction or the other.

One of the fundamental flaws of the Shays-Meehan bill is that it in fact inhibits and prohibits political parties who want to influence candidates and legislation from using soft money but it in no way inhibits labor unions from influencing legislation and candidates with that same soft money. We will be looking at other areas, I believe, that are fundamental flaws as well as we move through this debate.

Madam Chairman, I reserve the balance of my time.

Mr. MEEHAN. Madam Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. LEVIN) who has played such a critical role particularly over the last year and a half in making sure that we got to this point in time.

Mr. LEVIN. Madam Chairman, this vote is a test of this institution, but even more it is a test of ourselves. We have heard it said the public does not care, but that misreads what the public is really saying in oft-quoted surveys, that they believe those in power do not care how the public feels or what they want done, reform of a system where money too often counts more than the public's vote or voice.

The opposition has invoked in this debate first amendment free speech protections, though on other occasions they have not hesitated to vote for proposals to amend that vital part of the Constitution. Shays-Meehan does not hinder free speech; indeed, it protects the voices of regular citizens by controlling large sums of unregulated, undisclosed money now drowning out their voices.

We in the political maelstrom know better than anyone else that the status quo in financing campaigns is not working. Money, once said the mother's milk of politics, is increasingly becoming its poison. Shays-Meehan is a serious effort to stem and to begin to reverse this flow. It requires our support.

Mr. SHAYS. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL), the professor from Stanford, really one of the most important leaders in this effort for campaign finance reform.

Mr. CAMPBELL. Madam Chairman, I appreciate the gentleman's kind words. This is a constitutional and appropriate piece of legislation. Shays-Meehan bans soft money, recognizes the phony issue ads for what they are, strengthens disclosure, and then creates a commission to study all of the remaining issues, and there are many that are left in this campaign finance problem. But I have been called upon today by my good friend and colleague to speak a word or two about the Constitution.

It is important for every Member of this body to make her or his own judgment as to constitutionality. But it is also important to bear in mind that this bill enhances the first amendment freedom of speech. It does not restrict it. And here is why. What it does is to allow the disclosure, so that we know who is speaking, so that that opportunity is not the opportunity to dissemble. It does nothing to restrict the content of what one wishes to say. But if one wishes to campaign and say things about a candidate 60 days before the election using that candidate's name, Shays-Meehan says, "Own up and tell us who you are." That, I suggest, enhances first amendment freedoms.

The Supreme Court has frequently ruled on the question of what the first amendment means in this context as in others. What it has said is that speech may be regulated where the overwhelming purpose is to enhance the communicative purpose. Here that is exactly what Shays-Meehan does. Under the Federal Election Commission law, people are allowed to spend only $1,000 to a candidate, but they have no limit on how much they give to a political party, and that political party then comes around and works its way to help exactly the same as the candidate. And so it says, "Speak, enhance the freedom of speech by disclosure and honesty."

Madam Chairman, the most important point in this debate is that we honor our commitment to uphold and defend the Constitution. This bill does that. I urge my colleagues to exercise their judgment, but not to vote "no" because of the concern for the Constitution. The bill is constitutional. I urge its support.

Mr. THOMAS. Madam Chairman, I yield myself such time as I may consume.

Did the gentleman mean to say that under the Federal Election Act, individuals have no limit whatsoever on the amount they can give to political parties?

Mr. CAMPBELL. Madam Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. CAMPBELL. No, there is still the aggregate overall limit.

Mr. THOMAS. The gentleman did say there was no limit, and I knew he did not intend to convey that there is no limit under the law.

Mr. CAMPBELL. Indeed, if the gentleman will yield further, the limit is $25,000; $1,000, however, is the limit for how much you can give to a candidate.

Mr. THOMAS. That is correct. There are clear limits in the law on what individuals can give to political parties.

Madam Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. HUTCHINSON) who has made enormous contributions to the House's ability to weigh options in the area of campaign finance reform, one of the principal authors of the underlying bill which Shays-Meehan hopes to substitute for and we hope it does not, the major sponsor of the freshman coalition bill.

Mr. HUTCHINSON. Madam Chairman, I thank the gentleman from California for yielding me this time and for his extraordinary leadership in structuring this very open debate on campaign finance reform.

The battle for reform has been a very long journey. Many people in this body have been fighting this battle certainly longer than I have. I congratulate the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their leadership and for the way they have fought the battle for their idea on reform and for their legislation that we will vote on today.

Now, they know that I have a different viewpoint. I have a different philosophy when it comes to campaign finance reform. We both believe that we should ban soft money to the national political parties. But we have disagreements on how far you can push the Constitution. But despite that disagreement, I have opposed out of deference to them many of the amendments that have been offered so that they can have a fair vote on their bill as it comes up on the House floor today. But today as we vote on the Shays-Meehan proposal, this is not the end of that journey that we began so long ago, but this is simply another fork in the road. Today we vote on the Shays-Meehan substitute. Tomorrow we very likely will vote on another substitute proposal. There are about eight other substitutes that remain outstanding. The base bill, the freshman bill, the Hutchinson-Allen reform bill, probably will be voted on on Thursday or Friday of this week.

Today as we vote on the Shays-Meehan proposal, if it receives more than a majority, then it will continue on that journey. But we will have an opportunity later in this week to join with other reformers and to show that the freshman bill offers the best chance for reform, offers the best ideas for reform.

The gentleman from Michigan indicated that this is a test for this body, and I agree that it is. But within that test, we can have different ideas as to what is the best proposal for reform, what can do the most for our country. I submit that the freshman bill, the Hutchinson-Allen bill, is the best proposal. Many of the things we do together, both the Shays-Meehan proposal and the Hutchinson-Allen bill ban soft money to the national political parties. Both bills increase disclosure and information to the American public. But there are still some differences. I believe the differences boil down to three points.

First of all, the bills are different as to how they treat the Constitution. I respect the gentleman from California, the professor, who talked about how this will pass constitutional muster. Well, clearly the Supreme Court case of Buckley v. Valeo indicates that it will not. But it is the hope of some reformers that, well, they will change their mind, they will go a different direction. We believe the best chance for reform is not to challenge the Supreme Court but to pass a bill that is totally constitutional, and that is different with the freshman bill as to how we treat the Constitution.

Secondly, they are different as to how they treat individuals. They both increase information for individuals and ban soft money, but what our bill does that is different is that we empower individuals by increasing their contribution limit to the rate of inflation. Since the last limitation of $1,000 was passed in the mid 1970s, there has not been any change, and therefore that contribution limit has been eroded by inflation and we empower individuals. We treat individuals differently.

The third difference is to how we treat the States. We treat the States different because we believe the States are entitled to make some decisions on their own without Federal mandates as to what their State parties can and cannot do. We ban the greatest problems to the national political parties and the problems that we experienced in the last election by banning soft money to the national parties, and prohibiting Federal officeholders from raising soft money, certainly they cannot do it for the Federal parties but in our bill they cannot do it for the States parties, either. And so there are some clear differences.

I would urge my colleagues as we take this next step on the journey to remember that there are some options out there, that it is your responsibility to pass this test of the American people by not saying we are going to pass reform, by saying we are going to pass the best reform, constitutional reform, reform that meets the obligation that we have to the States, reform that empowers the individual. I believe the best opportunity for that will come on Thursday or Friday of this week.

I urge my colleagues to take this step, but to ask the question, what is the reform that we can do the best for the American people? I believe in this body there is a majority vote for reform. And so probably today we will have a majority vote for the Shays-Meehan bill, but I believe there will be another majority vote down the road and we can distinguish these two bills and set an example for the American people that they will have more confidence in this body.

I urge my colleagues to vote for the best reform, to take the next step of the journey with the freshman bill, the Hutchinson-Allen bill.

Mr. MEEHAN. Madam Chairman, I yield 2 minutes to the gentleman from

Michigan (Mr. BONIOR), the distinguished minority whip. Let me say there are a lot of people responsible for the historic vote that we are about to have, but there is no one more responsible, who has worked harder on the Shays-Meehan bill than the gentleman from Michigan.

Mr. BONIOR. Madam Chairman, I thank my friend for his kind remarks and congratulate him on his outstanding effort in leading this effort and the gentleman from Connecticut (Mr. SHAYS) as well.

Madam Chairman, months of delay and poison pills and death by amendment. The opponents of reform have done everything they can to kill off campaign finance reform and keep the spigot of special interest money flowing. But special interest money is precisely the problem. The American people are tired of campaigns that cost millions of dollars. They are sick of seeing their TV sets turned into battle zones. And they are disgusted by outsiders with big wallets drowning out local candidates, local issues and the voices of local voters. On election day, too many Americans are tuning out instead of turning out.

Today we have a chance to vote on a bill to clean up America's elections and restore the faith of the American people. The Meehan-Shays bill takes a sensible, fair, bipartisan approach. It will outlaw the overwhelming torrent of soft money. It will help put an end to the sudden anonymous special interest attack ads in the last days of a campaign. And most important, it will give our beleaguered electoral system back to the people it really belongs to, the voters.

□ 1745

So I urge my colleagues to support real campaign reform, restore the integrity of our system, vote to restore the faith of the American people.

Vote for the Meehan-Shays bill.

Mr. SHAYS. Madam Chairman, I yield 2 minutes to the gentlewoman from Washington (Mrs. SMITH), who has been a campaign reform person going way back to her State days as well and has been really in the forefront.

Mrs. LINDA SMITH of Washington. Madam Chairman, I think first we need to go back to what the bill does. The most important thing is it stops the process of soft money.

In all of this it is hard to remember what soft money is, but it is a process of giving nearly unlimited amounts of money to the party organizations that often fund unlimited amounts of really nasty ads towards the end of the campaign. But at the bottom of them they do not say paid for by a tobacco company or whoever really paid for them, so that we really do not know who bought that ad, who is affecting the election.

I think it is important for everyone to remember that is the base of this: cleaning up the system so we can know who is paying for influencing the elections, not money washed through that we cannot track.

The other thing that this does is it deals with sham ads. It says if someone is using the face and the name of someone, it is an advertisement. It is not just informing the electorate, but it is advertising, and it does not say we cannot do it, it just says we have to come under the law and report it: who they are, what they are spending.

The other thing this bill does is something we all want. It increases the disclosure. It simply says we need to tell timely who is paying for what, and we need to inform the folks so they know again who is paying for elections and make sure that everyone knows that on a timely basis.

Then another thing it does that I think is real important is it establishes a commission to go on, to come back and tell us and give us recommendations, but it does not just fall to a commission as an excuse for doing nothing. This place is pretty great at coming up with commissions because we do not have the backbone to do what we need to do. We all know the American people are sick of the campaign system that is washing money through, and they see it nightly on their TV sets.

And finally, but not exclusively, this bill takes care of a lot of the problems that a lot of the groups had about the freedom of speech on their voter guides, and it cleans that section up and lets them have their voter guides without super management.

Madam Chairman, with that I encourage this as a positive vote.

Mr. MEEHAN. Madam Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, I rise in very strong support of the Shays-Meehan bill because it is both bipartisan and comprehensive.

Madam Chairman, I rise in strong support of the Shays-Meehan substitute.

I support the Shays-Meehan amendment because it is bipartisan, comprehensive, and it reforms the abuse of so-called "soft-money." More than any other proposal, the Shays-Meehan amendment has taken into account the concerns of both Democrats and Republicans. It has struck an important balance and will ensure that reform will not unduly burden one party or another.

I support the Shays-Meehan amendment because it is comprehensive. It reform issue-advocacy campaigns by adopting tight definitions and reporting requirements. It attacks multi-million dollar independent expenditures by ensuring that they are truly independent. And it codifies the Supreme Court's decision in Beck versus N.C.W.A. to ensure that union dues are not misspent.

Perhaps most importantly, I support the Shays-Meehan amendment because it reforms soft money. Both political parties are to blame for soliciting soft money. In 1996, Democrats and Republicans raised over $262 million in unregulated soft money—well over 200 percent more than they raised in 1992.

Our current campaign finance laws welcome unregulated corporate and union contributions. In the last election cycle, Philip Morris Companies, Seagram & Sons, RJR Nabisco, and Atlantic Richfield each gave millions of dollars in unregulated soft money. Is there any wonder why we haven't passed a tobacco bill this year?

The financing of Congressional campaigns prevents the political, but more importantly it can prevent the legislative process. And the exploitation of these loopholes will only continue unless the Shays-Meehan solution is enacted.

I strongly urge my colleagues to join me in supporting this important bill and returning the power of democracy to the average individual voters and remove that power from the wealthy "special" interests.

Mr. MEEHAN. Madam Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Chairman, I rise, too, in strong support of the Shays-Meehan substitute bill.

Madam Chairman, I rise today in strong support of the Shays-Meehan substitute and I ask unanimous consent to revise and extend my remarks.

Madam Chairman, I rise today to commend my colleagues Mr. MEEHAN and Mr. SHAYS and their staffs for their tireless work and tremendous efforts to clean up our beleaguered campaign finance system.

The Shays-Meehan coalition is truly impressive. It includes Democrats and Republicans, new Members and Hill veterans, liberals and conservatives, Members from around the country.

Just last week my Republican colleague Mr. PAXON, said that "disclosure is the key to real reform." I agree, and urge anyone who feels this way to vote for the Shays-Meehan proposal. This bill will effectively end the misuse of issue advertisements by requiring ads which clearly urge the support or defeat of a candidate in a federal election to be treated like other political ads.

The Shays-Meehan proposal also deals with the gripping problem of soft money, which is now the single biggest problem with our federal elections. Banning soft money would drastically reduce the role of special-interest money in elections.

Our debates have raged late into the night. This has been a marathon endurance test. But, in what has been the greatest example of bipartisan unity I have witnessed since I came to Congress, Members have closed ranks across party lines and killed 16 poison pill amendments that would have left campaign finance reform to languish unpassed yet again. We have an opportunity to do today what no one believed was possible just a few short months ago. Together, we can enact the first sweeping overhaul of our campaign finance system since Watergate.

Today we will decide whether to restore integrity to our campaign finance system, or ignore the corrupting influence of unlimited, unregulated money in federal elections.

The time for reform is now. The American people have spoken. And it is up to us, in this body—the People's House—to pass this bill and restore the public's trust in our political system.

Mr. SHAYS. Madam Chairman, I yield 30 seconds to the gentleman from Delaware (Mr. Castle), the former Governor.

Mr. CASTLE. Madam Chairman, I thank the gentleman for yielding this time to me, and I, too, rise in very strong support of the Shays-Meehan bill.

This is a bill which under the scrutiny of the light of day through debate has grown in its support and has grown in its value to American citizens. It does so much to change our election laws in a positive sense. It deals with the most significant problems of the campaign system: the explosion of soft money and sham issue ads. Passage of the Shays-Meehan bill will take away the power and influence of special interests and begin the process of returning the power of electing public officials back to the American people. It will stop interest groups from blanketing districts with unfair and anonymous advertising days before elections by redefining issue advocacy laws. We need to remember that we went through something like 586 amendments in this process, and indeed we now have one of the finest pieces of legislation which we can pass this year. I encourage everyone, all Republicans and all Democrats in a bipartisan way, to support the Shays-Meehan bill.

Mr. SHAYS. Madam Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. Greenwood), who speaks a little more slowly.

Mr. GREENWOOD. Madam Chairman, I thank the gentleman from Connecticut for yielding this time to me.

Throughout this debate the opponents of Shays-Meehan have tried to argue that our limitation on soft money is breaking new ground. It is not. I believe it was in 1912 that Congress decided to eliminate corporate and labor union money from going to congressional candidates because that is not government of the people and by the people and for the people. It was government by the special interests. We close that loophole that has allowed that special interest money to go right to the parties and thereby influence congressional elections at the local level.

This is a return of the power back to the communities and away from the special interests. Vote for Shays-Meehan.

Mr. THOMAS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I find it ironic that the gentleman mentioned that it was corporations and labor unions, and Shays-Meehan does nothing about labor unions and soft money. One would think at some point he would understand what he was referring to.

Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Fawell), a member of the Committee on Education and the Workforce.

Mr. FAWELL. Madam Chairman, I rise in some reluctant opposition here because I believe that the section 501 codification of the Beck decision in this bill is a poison pill. It simply does not do what it does state that it does. It states that it predicates a violation of the Beck decision as only involving workers who work under a union security agreement who are not members of a labor union. Thus, it basically states that the notice that has to be given to all of the workers in a union shop are only those who are not members of the union. Well, that means about 99 percent of the workers are not going to get notification of their rights under the Supreme Court decision in Beck, which basically tells workers that they need not have to pay union dues which are noncollective bargaining in nature, which can include political contributions, but which encompasses much more.

Section 501 also states that the right to object only pertains to the use of political activities unrelated to collective bargaining which is defined to be expenditures in connection with Federal, State or local elections in connection with efforts to influence legislation unrelated to collective bargaining. But Beck covered all expenditures by unions not directly related to collective bargaining, not just to political activities.

In addition, the above definition is pregnant with the implication that political activities can be related to collective bargaining, something the Beck decision never inferred.

This is not a codification, it is an evisceration, it is an obliteration of the Beck decision and makes a mockery of that U.S. Supreme Court decision. Workers, unions and non-union alike, who work under a Union Security Agreement are obligated to pay their union dues under threat of the loss of their job. For that very reason the Beck court gave these workers, union and non-union workers alike, the clear right to be apprised of the right not to pay any portion of union dues not directly required by collective bargaining. It was by no means limited to only "political contributions". The decision also implies that workers also have a reasonable means of implementing those rights, preferably before their paychecks are docked rather than after the fact. Section 501, under the banner of "codifying" Beck, alters and waters down these basic constitutional rights to next to nothing under the high sounding title of "codification". It is nothing of the sort. No serious student of the Beck decision sees it as anything more than a political price of organized labor to support the Shays-Meehan bill. I think the price is too high.

Mr. SHAYS. Madam Chairman, I yield myself 30 seconds to totally disagree with what we just heard.

The bottom line is the Beck decision was a decision by the courts that if someone paid an agency fee, were not a union member, they did not have to have any political money go to the union, that they did not have to have any of their agency fee go for political purposes.

I know this for a fact. My wife was a teacher. She quit the union. Her agency fee does not go for political purposes.

It is true there are other parts of the Beck decision that we did not codify because they did not relate to campaign finance law. We only codified what was Beck as it related to campaign finance law.

Mr. MEEHAN. Madam Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. Rivers), who has been a leader on this floor many, many late nights.

Ms. RIVERS. Madam Chairman, in 1913 Woodrow Wilson said:

> Publicity is one of the purifying elements of politics. Nothing checks all the bad practices of politics like public exposure.
>
> . . . An Irishman seen digging around the wall of a house was asked what he was doing. He answered, "Faith, I am letting the dark out of the cellar." Now, that's exactly what we want to do.

So said Woodrow Wilson in 1913, and it is true today. Shays-Meehan is about letting the dark out of the cellar. Shays-Meehan would ban soft money, ending an avalanche of unreported and unregulated dollars into the American political system. It would close loopholes in existing laws and would require all dollars spent on influencing elections to be open to public scrutiny. It would protect voter guides, legislative alerts, legitimate issue ads and independent expenditures, and it would operate with respect and within the First Amendment of the Constitution.

Both parties have built this system we have today, and both parties must work together to change it. We must clean up the foundation of our House, the people's House, to let the dark out of the cellar.

Vote for Shays-Meehan.

Mr. MEEHAN. Madam Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. Kind).

Mr. KIND. Madam Chairman, as a member of the Freshman Finance Reform Task Force, I rise in strong support of the Shays-Meehan bill.

Madam Chairman, today we are finally given an opportunity to vote on meaningful campaign finance reform legislation. This vote is long overdue. For almost two years we have heard about the abuses in the campaign finance system. We have heard from our constituents that they feel their voice has been drowned out by the big money special interests who push their own agenda. We have heard a lot of rhetoric from leaders in Washington who say they want to clean up our elections yet have failed to allow a vote on changing the system until now, when it is too late to effect this year's elections.

There are many members of this body who are committed to reform of our broken campaign finance system. I applaud the efforts of my friends Congressman SHAYS and MEEHAN for their courageous leadership on this issue. The Shays/Meehan substitute is a good bill and I will support it's passage. The Shays/Meehan substitute will take the biggest money out of the political process and finally bring some control to the independent expenditures that have come to dominate our elections. It is a good first step to fix a problem that has no simple solution.

I have been working over the past year and a half with a bipartisan coalition of freshman members of Congress to craft our own campaign finance reform bill. That bill, H.R. 2183, is the base bill being considered today. I will support that bill when it is considered later this year. Our bill was crafted because many members remain concerned that parts of the Shays/Meehan substitute may be ruled unconstitutional. The freshman bill is more narrow in focus, but it still gets at the most common abuses in the campaign system without a constitutional threat.

Both the Shays/Meehan substitute and the freshman base bill are honest, bipartisan attempts to fix our broken election process. I believe that this House works best when we work in a bipartisan manner, and that is how both these bills were created. For that reason, both bills will offer true reform to a system badly in need of reform.

Ultimately this debate boils down to the belief that there is too much money in campaigns. If you support that idea, as I do and most constituents I talk to in western Wisconsin do, then you support campaign finance reform. If you believe that we need more money in the system than you will oppose Shays/Meehan.

The majority of the public doesn't believe that Congress has the courage to actually change a system that appears to benefit our own interests. Tonight we have the opportunity to show the public that we can take the big money out of this system and put elections back into the hands of the people we are sworn to represent. I encourage my colleagues to support Shays/Meehan and begin the process of true reform of our political process.

Mr. MEEHAN. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), our minority leader, who has been so instrumental in putting us to where we are right now for this historic vote in favor of campaign finance reform.

Mr. GEPHARDT. Madam Chairman, I rise to speak in strong support of the Shays-Meehan campaign reform bill, and I would like to begin this evening by paying tribute to the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS). Without them we would not be here tonight, and without them and their belief in this issue we would not be on the threshold of being able to take this first very, very important step of campaign reform. They have shown us that campaign reform is an issue that can be delayed, but it will never be denied.

We are not here by accident. There is a national crisis of confidence in our system of campaign financing. It is a crisis of confidence that cuts across party lines and should disturb all of us as Democrats, as Republicans, as Americans.

The Republican mayor of New York during the New Deal years, Fiorello LaGuardia, once said:

"There's no Democratic or Republican way of cleaning the streets."

There is no Democratic or Republican way of cleaning up our campaigns. We have reached the point in our Nation's history when too many Americans believe that special interests, lobbyists, wealthy interests wield too much influence in our campaigns and our democracy.

□ 1800

That belief, right or wrong, has corroded many Americans' faith in their government and in their country.

This is an issue that should have every Member of the House in search of a bipartisan solution to reverse this trend of alienation that divides Americans from their government. This is an issue that challenges us all to rise above the politics of the moment in search of a lasting solution, and I believe with all my heart that Shays-Meehan is that solution. This is the first real step. It may be modest, but it is the first real step to begin the process of reform this year.

Friends of reform, the majority of our House Members, have banded together behind the bill, and, in a remarkable show of dedication we have voted down amendment after amendment, often amendments that we ourselves have proposed, in order to pass a bill that we can all accept and that will begin to get at the root of the problem, a democracy that is drowning in campaign money.

I am sorry the leaders of this House have fought to protect and preserve the current system. They have wasted the precious time of this House by making us run through an obstacle course designed to kill Shays-Meehan. But they made their choice. They stood for the power of big money and against real bipartisan change. They were never really interested in this debate. They were interested in stopping the debate and having deadlock.

But our efforts are an example of what we can do when we really work together in a bipartisan effort, putting aside party labels and party ideology and finding a practical answer to a very real problem. We were able to overcome all the obstacles.

There is only one more obstacle, and that is getting enough votes tonight to make sure that this bill is the bill that we finally vote on at the end of the process.

It can be done; it must be done. All of us are not just representatives of the People's House, we are temporary guardians of the jewel of democracy, and our role as guardians gives us the responsibility to make sure that the jewel is protected for this and for future generations.

I congratulate these two sponsors. I congratulate the Republican and Democratic Members who have stood with them in bringing this bill to this point. One more obstacle. It must be done. Vote for Shays-Meehan.

Mr. SHAYS. Madam Chairman, I yield myself 15 seconds to thank the minority leader, the gentleman from Missouri (Mr. GEPHARDT), to thank him because time and again the Democrat Conference has been there as straight-shooters, playing no games with those of us on this side of the aisle. They have been true to their pledge for this bill and campaign finance reform.

I want to thank both the gentleman from Michigan (Mr. BONIOR) and the gentleman from Missouri (Mr. GEPHARDT) for that, because they have been straight-shooters on this issue.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield one minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Madam Chairman, there is one real glowing error in my estimation in this legislation, and that is the codifying of the Beck decision. That is bad enough because that is a slap in every working man and woman's face. But, beyond that, they make it much worse, because then they say the notice of rights in the bill must only be given to nonmembers of the union. Then they make it worse by saying that they will limit what it is the worker can object to as far as paying is concerned. That makes the Beck decision worse.

Now, what is the Beck decision? It says that you do not have to pay any dues not used for collective bargaining in the union security agreement. A union security agreement is when you agree, employer and union, that you must join the union and you must pay dues.

Now, how do you handle this situation? The only thing you can do, according to this legislation, is to drop out of the union. If you do that, you must still pay your dues.

However, now you are going to appeal and you are trying to get part of your dues money back. Who do you think you appeal to? You appeal to the union. What chance does the poor soul have? I mean, it is rigged, folks. It is rigged.

You could have corrected this. All you had to do is take the Worker's Paycheck Fairness Act as reported out of our committee and you would have corrected this issue once and for all.

Mr. MEEHAN. Madam Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Chairman, I rise in strong support of the Shays-Meehan amendment. I commend the gentlemen for their leadership in bringing hope to the House that we can finally drain the swamp that is the political process we are in.

Madam Chairman, when Washington first became the capital of our country, it was built on a swamp. It is still a swamp, a swamp putrid from the huge amounts of money that pours in here, special interest money stacking the deck against the average American seeking a legitimate role in the political process.

I rise in support of real campaign finance reform. The Meehan-Shays Bipartisan Campaign Reform Act is the best chance the American people have at realizing there long-standing demand that we end the corrupting influence of big money and level the playing field so that all Americans can participate and be heard.

Meehan-Shays includes a ban on soft money at the Federal and State level; a ban on foreign money entering the system; voluntary spending limits; new limits on Political Action Committees; tougher political advertising disclosure requirements; and campaign enforcement and disclosure requirements, such as mandatory electronic filing of Federal Election Commission reports.

President Bill Clinton has endorsed the Bipartisan Campaign Reform Act, and has challenged the Congress to send him campaign finance reform legislation that is meaningful, substantive and representative of real change.

I do not think there is any issue more important than this one because it is about nothing less than our oath of office. Every single person who comes to this body to serve takes an oath of office to protect and defend the Constitution against all enemies, foreign and domestic. The greatest enemy to our democracy is foreign and domestic money poisoning our system.

Vote "yes" on Meehan-Shays and give the political process back to the American people where it began and where it belongs.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield 5 minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the House.

Mr. DELAY. Madam Chairman, as everyone knows, I am opposed to this Shays-Meehan fiasco. It is not reform. This is just another example of big government picking winners and losers, and in my opinion the winners are the Democrats and the losers are the Republicans. It is amazing to me that Republicans would support this disarmament bill. It just violates our most precious freedom, the freedom of speech. It tilts the campaign playing field in favor of incumbents, and it creates a shield between voters and the Congress that is supposed to represent them.

Many of my colleagues have taken the House floor to denounce what they say is too much money in American political campaigns. Well, such cries are rhetorically effective but factually deficient.

Congressional candidates in 1996 spent less than $1.25 per citizen during the course of the campaign. Is that too much money to spend on democracy? Americans spend twice as much per year on yogurt than they spend on political campaigns.

But do we have the will in this Congress to actually change the Constitution and limit freedom of speech in order to reform our campaign laws? Most of the Members of this Congress said "no" in voting against a constitutional amendment that would actually limit it.

What you are talking about is limiting the speech of our constituents and hiding behind the name "reform." Any casual observer of this debate will have noticed the true reason why many Members support this bill. It is an incumbent protection bill. The bill itself bans photoguides and score cards, and it bans these so-called sham ads that Members hate to see run against them because it makes them uncomfortable when their voting report is brought before the American people. The American people have a right to know where their elected officials stand on the issues of the day, and this bill turns that principle on its head.

When we debated the right to third party groups to send out issue alerts, to rally their supporters, the supporters of Shays-Meehan called those ads a sham. One Member even said an ad that says "Congressman Smith voted against a tax cut" should be banned and that we should manage free speech.

Of course, we have the views that we just heard from the distinguished House minority leader, who happens to have over $3 million in his campaign account and wrote the laws that we are living under today. He said, "What we have here is two important values in direct conflict: freedom of speech and our desire for healthy campaigns and a healthy democracy. You can't have both."

That is the minority leader of the House saying that you cannot have freedom of speech and healthy campaigns.

Madam Chairman, we must have both. Whether they want to admit it or not, the supporters of this bill believe there is such a thing as too much information about our government and that Americans are too stupid to sort out what is true and what is false. These free speech prohibitionists want to restrict Americans' political dialogue and debate. To me, I cannot think of anything more self-righteous.

My friends, we are talking about core political speech that is protected by the First Amendment of the Constitution. The First Amendment is at the very core of what our Republic stands for. It allows any of us to criticize the politician who governs us, to voice unpopular ideas and to engage in debate.

This bill does the opposite. It shields Members of Congress from public criticism by the very people who elect us. I do not think Americans need Washington restricting and censoring the information that we have access to. Why should Washington be able to judge what speech is good and what speech is bad? But that is what this bill does. It does just that.

I have been told privately by a number of our Members that they know that the bill is unconstitutional but they want to take a free vote. They have told me they know that the bill gags citizen groups and voters. They have said they want to vote "no," but their local editorial board supports the bill, and because the Senate will never take up the bill, they can safely vote "yes".

Well, Madam Chairman, to those Members, I plead with you, do the right thing; uphold your oath of office; do not violate the First Amendment of the Constitution.

My friends, this is not a free vote. There are over 100 citizen groups that have written you to urge you to oppose this bill. Many of those groups will score your vote tonight.

To my Republican colleagues, let me just simply say that this is not reform. This is not good government. This is political disarmament. It does nothing to protect union members from forced union dues, while putting a shackle on our traditional supporters who use voter guides and score cards and independent expenditures to keep the American people informed of what goes on in this House.

You do not have a free pass to violate our Constitution. Support free speech and vote down Shays-Meehan.

Mr. SHAYS. Madam Chairman, I yield myself 45 seconds to respond to the comments just heard from the majority whip.

Madam Chairman, first off, this is not disarmament, and it would be an absurd thing to suggest unilateral disarmament. How could it be unilateral disarmament to ban soft money to both political parties? Is the inference that Republicans benefit more from soft money than Democrats?

Why would it be unilateral disarmament when we call sham issue ads what they truly are, campaign ads? It is not a freedom of speech issue. We do not say you cannot advertise. We do not say people cannot say whatever they want. They are just campaign ads, and you call them campaign ads.

When you call them campaign ads, two interesting things happen; you cannot use corporate money and you cannot use union dues. How could it be unilateral disarmament to improve the FEC disclosure and enforcement? How could it be unilateral disarmament to allow the commission to deal with other issues that we have not yet dealt with?

The bottom line to this bill, it is about restoring integrity to the political system. Both parties, individuals, corporations, labor unions, everybody has to play it by the same rules.

Mr. MEEHAN. Madam Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR), who has been such a leader in campaign finance reform.

Mr. FARR of California. Madam Chairman, I thank the gentleman for yielding, and congratulations to the authors.

Shame, shame, shame on those that will try to tell you that this bill does all kinds of things that it does not do. It does four things, very simple things. It brings control back to people who run for the House of Representatives. It takes soft money out. That is outside the system. That is not candidates' money. It bans soft money.

It bans sham ads. Since when are sham ads in the interests of candidates? Those are done by third-party organizations that do not have anything to do with the campaign. You or the candidate should be able to speak your own words, not have outside interests speak for you.

It has more power for the FEC to look into disclosures and to enforce them. We certainly need that if you are going to enforce the law.

Lastly, it sets up a commission to study it. That is all it does. How can one not vote for this?

Mr. MEEHAN. Madam Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY) who was so instrumental in forging this coalition that we have, in merging this coalition that we have through merging the commission bill.

Mrs. MALONEY of New York. Madam Chairman, I rise in support of this bill. We have the power to make history tonight and to succeed where past Congresses have failed by passing true campaign finance reform, and we owe it to the American people. I rise in support of the Meehan-Shays bill.

I rise in strong support of the Shays-Meehan substitute.

Not because I think it's the "cat's meow"—it has its imperfections. But it certainly has nine lives.

It's dodged a number of death threats and I'm proud to say that reformers have done a great job of keeping it alive.

The bill before us today—is our last best hope.

It bans soft money, increases disclosure, and strengthens the means of disclosure.

It also provides an on-going process in the form of a commission to come back and do more to repair our broken down elections process.

This bill brings the American people back into the elections process.

I applaud Mr. SHAYS and Mr. MEEHAN for their dedication . . . and success so far.

And I urge my colleagues to join me in voting for the Shays-Meehan substitute.

□ 1815

Mr. SHAYS. Madam Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. ROUKEMA).

Mrs. ROUKEMA. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I say that we know what the issue is. We have seen it on all these amendment votes. We should not be trying to face our constituents in November unless we have been able to vote for this historic measure to stop the corruption and restore honor to our election system.

Madam Chairman, I rise in strong support of the Shays-Meehan substitute and urge my colleagues to pass this landmark legislation.

Madam Chairman, after years of newspaper headlines, months of testimony before this congressional committee or that congressional committee, special investigations by the Justice Department, one thing is crystal clear: Our campaign finance system is out of control. Costs are skyrocketing. Candidates of all kinds are finding themselves devoting more time and energy to fundraising—at the expense of their public service duties. Our airwaves are jammed with attack ad piled upon attack ad.

Madam Chairman, our campaign system has become twisted and abused to the point where it is the biggest threat our democracy faces today. It fuels the cynicism of an already cynical American electorate. It promotes voter apathy among an electorate that has become convinced that elections are bought and sold by the interest group with the fattest wallet.

My colleagues let's be honest if we defeat this legislation it will be on our backs to explain to the voters why we voted to protect this corruption, and against restoring power back to the ordinary citizen.

With the Shays-Meehan bill, we have a historic opportunity to correct many of the problems that beset our campaign system. And yes, this legislation is by no means perfect. But we can not let the perfect be the enemy of the good. And this bill represents the good.

Among other important reforms:

Shays-Meehan bans fundraising on Federal property (and many of the amendments we've added to this bill relating to the White House and Air Force One strengthen this substitute amendment).

Shays-Meehan expands the ban on franked mail to 6 months before any election.

Shays-Meehan contains new prohibitions and new penalties for foreign contributions.

Shays-Meehan takes aim at those sham campaign ads and protects voter guides and the ability of citizen groups to lobby their elected officials.

But most importantly, Shays-Meehan bans soft-money—perhaps the most corrosive development in campaigns today.

In the last election cycle, unions, corporations, and wealthy individuals pumped over $260 million of soft money into the political environment! That's triple the amount that was raised in the 1992 cycle.

These funds are raised and spent outside the reach of Federal election law and are directly connected to many of the scandalous practices now the focus of numerous congressional investigations: the Lincoln bedroom, mysterious foreign contributors, White House "coffees," and the like.

The Shays-Meehan bill is the only substitute amendment that contains a hard ban on soft money. It doesn't have the loopholes that some of the other reform proposals have and will not allow the parties to launder their money through the State parties.

That alone is reason enough to pass this important amendment.

Now, over the past several weeks, this House has voted on many amendments. Frankly, in a different context, I would have voted for several of them. But I recognize that the only way for us to begin the real process of real reform, is to pass Shays-Meehan and its hard ban on soft money as is.

Let's get on with. Pass Shays-Meehan today. Reject the other substitutes and move to final passage of.

Let's give the United States Senate a "going away present." After years of resistence, let's present them with the opportunity to redeem themselves by joining us as reformers.

Support Shays-Meehan.

Mr. MEEHAN. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for 2½ minutes.

Mr. MEEHAN. Madam Chairman, there comes a time in a legislator's life when he or she has to be held accountable for his or her vote. That day has arrived for the Members of the 105th Congress. Once in a generation Members of Congress take it upon themselves to change our campaign finance laws, once in a generation. Madam Chairman, that day has arrived for the Members of the 105th Congress.

Madam Chairman, there are Members of this House on both sides of the aisle who have worked diligently over a period of years. On the Democratic side, there is the gentleman from Michigan (Mr. SANDY LEVIN), who has been working so hard; the gentlewoman from New York (Mrs. CAROLYN MALONEY), who I mentioned earlier; the gentleman from Maine (Mr. TOM ALLEN), who came to this body as a freshman, working diligently; the minority leader, the gentleman from Missouri (Mr. GEPHARDT), and the gentleman from Michigan (Mr. BONIOR), who have played such a critical role in getting us to the point where we are now, on the verge of this historic vote.

And yes, Madam Chairman, on the other side of the aisle there is the gentleman from Tennessee (Mr. ZACH

WAMP), the gentlewoman from Washington (Mrs. LINDA SMITH), the gentleman from California (Mr. STEVE HORN), and the coauthor of this legislation, the gentleman from Connecticut (Mr. CHRIS SHAYS), who has stood up, at times in very difficult circumstances, to the leadership of his own party and taken that leadership on so we could get to where we are right now, on the eve of a very, very historic vote.

We have a piece of legislation that abolishes soft money. After all we have heard and witnessed, is it not about time that we abolish soft money? I did not hear any Members of this House, with over 60 amendments offered to try to defeat this bill, I did not hear anybody trying to defend the corrupt soft money practice that we have seen abused in the last election cycle. I did not hear anybody. I heard excuses, I saw amendments, but nobody stood up to defend the soft money corrupt system that we have spent so much money holding hearings over the period of the last year and a half.

Madam Chairman, my colleagues on both sides of the aisle, this is, indeed, an historic opportunity that only comes once in a generation, because it is not usual when Members of the House have a bill with bipartisan support, a bicameral bill, so when we send this bill to the other body, they have already spent time with the majority Members supporting.

This is an historic opportunity, because even though we end for summer recess, the other body is ready to pick up this legislation. Let us rise to the challenge tonight and meet our responsibilities, Members of this House of Representatives, and pass the Shays-Meehan legislation by a wide majority and get it over to the other body.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) is recognized for 1 minute.

Mr. THOMAS. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I am tempted to rise for a unanimous consent request, speak for 2 minutes, and then yield myself the 1 minute, but I will accept the 1 minute the Chair gives me.

Madam Chairman, no amount of volume, no amount of vehemence, covers up the fundamental flaws in this bill. It took my breath away when the gentleman from California said that he could tell us exactly what the Supreme Court would do on the express advocacy section. The fact of the matter is in all probability the court will hold it unconstitutional.

Therein lies the rub, because there is a severability clause in Shays-Meehan. It means the courts will continue to write what the law actually is. The only bill left that has merit is the Hutchison-Allen freshman bill, because it does not have a severability clause. If in fact a section is declared unconstitutional, it will come back here. We will write the law.

The fundamental flaw in Shays-Meehan is its severability. It has unconstitutional provisions. The court will continue to write the law. Vote no on Shays-Meehan if Members want to continue to write the law and not let the Supreme Court do it.

Mr. SHAYS. Madam Chairman, to close debate, I yield 2½ minutes to the gentleman from Tennessee (Mr. ZACH WAMP), really a hero on campaign finance reform.

Mr. WAMP. Madam Chairman, what an honor to close the debate on this most important issue that affects every single Member of this House and the political parties, and most importantly, the American people.

I say to my colleagues that tonight really is the moment of truth. The truth is that for a generation, the majority in the Congress opposes reforming the current system and the minority supports reform. Before we took a majority 4 years ago, the very same people who opposed reform tonight supported the same kind of reforms, because they were in the minority. That is the truth. It is inherent, supposedly, upon the majority to support the current system.

However, I come from the majority. I come from the freshman class of the 104th Congress. We have reformed a lot of things. We have changed this place in many respects, but we are pulling up short if we do not reform our own campaign system.

It is important that we face the truth. The truth is that banning soft money cuts across the spectrum. Everybody gets treated the same. If we find it offensive that tobacco can give a half a million dollars on a single night at a fund-raiser when tobacco legislation is pending before the Congress, vote for this bill. It does away with that.

If Members find these ads run by these outside groups offensive in the final 60 days of a campaign, where they do not have to tell the truth and they come in unlimited and unregulated, all we are saying is they have to abide by the same rules that I do as a candidate or a political action committee does. We are not restricting their right to speak; we are saying, you have to play by the same rules as everybody else from now on.

If Members want candidates to have better reporting, better disclosure, more accountability, vote yes on this bill. It is the moment of truth. If Members think that a commission can report back recommendations for the rest of the details of campaign finance reform, vote yes on this bill. All four of these things are a step in the right direction.

The truth is, this bill is as fair to Republicans as it is to Democrats. The truth is that it affects any outside groups. It is the same for Wall Street or the labor unions, the same for the Christian Coalition or the ACLU. Everybody gets treated the same. Is that not fair? Is that not reasonable?

I say to my colleagues in the majority, this is the moment of truth. I ask Members, will they please put the public interest above their personal interest? Will they please put good government above their political party? Will Members please do the right thing for the American people, and send the signal that we have gone the distance on reform? Vote yes on Shays-Meehan.

Mr. EVANS. Madam Chairman, we are about to take a significant step forward in our efforts to restore public confidence in the American political system by passing the much needed reforms contained in the Shays-Meehan substitute.

Under the current system, many average, hard-working Americans feel their voices can't be heard above the call of special interests.

And who can blame them?

The roar of unaccountable advertising campaigns financed by unlimited soft money donations dominates our elections. Where the voters seek an informed discussion of the issues, they find only slogans and rhetoric.

Long after the need for reform became clear to the voters, its opponents resisted. Opponents of reform would have the American people believe that the only change necessary is increased disclosure, that unlimited sums of soft money pose no threat to the foundation of our democracy, the principle of one person, one vote.

Against the will of the voters, opponents of reform sought to deny consideration of Shays-Meehan. Having failed in their delaying action, opponents of reform then waged a war of attrition, attempting to amend Shays-Meehan to death. Once again, supporters of reform stood tall and these efforts were defeated.

Today, I am proud to join my colleagues, Democrat and Republican, to vote for the Shays-Meehan substitute, to pass meaningful campaign finance reform legislation, and to fulfill the commitment we have to the American people to ensure that their voices will be heard.

Mr. BAESLER. Madam Chairman, this has been a great debate over Shays-Meehan, and I am proud to have played a role in advancing the issue to this critical point. I only wish I weren't the only Kentucky Member who fought for this bill.

As we prepare to vote on Shays-Meehan/McCain-Feingold, it's important to remember Senator THOMPSON's investigation and report. The Thompson report identified the exact problems we're trying to reform here and the Shays-Meehan bill was offered up to solve these problems:

Shays-Meehan outlaws foreign money once and for all!

It outlaws Soft money—a loophole exploited by BOTH parties!

It outlaws fundraising on government property!

It reforms our campaign issue ad laws by reigning in sham issue ads!

In fact, it is the only bill that addresses all these problems which were documented after the 1996 election.

Now, although I'm the only Kentucky reformer in the House, maybe there have been some converts. The people of Kentucky care about this issue. I spoke at a campaign finance reform town meeting in Louisville about a month ago. Over 150 people packed a church on a Monday night, and stayed way beyond the scheduled time to express how badly they wanted to reform our out-of-control campaign finance system.

It would be an outrage to have spent $8 million of Kentuckians and other Americans' tax money on these investigations and then not do anything to solve the problem. The problems of too much money in the political system are documented. We know what we need to do. The question now is whether we have the WILL to do it.

So I urge my Kentucky colleagues, I urge all my colleagues, to vote for Shays-Meehan.

Mrs. KENNELLY of Connecticut. Madam Chairman, I rise in enthusiastic support of campaign finance reform legislation offered by my colleagues CHRIS SHAYS from my home state of Connecticut and MARTY MEEHAN from our neighboring state of Massachusetts. Further, I strongly commend Mr. SHAYS and Mr. MEEHAN for their bi-partisan effort to bring before the House the most sweeping changes to the way we finance political campaigns in over two decades.

For the past month, amendments have been offered to weaken the reform provisions in the Shays-Meehan legislation. Conscientious members from both sides of the aisle have joined repeatedly to vote down these destructive amendments.

This is a critical vote for the 105th Congress. Passage today of the Shays-Meehan campaign finance reform bill will begin to correct the abuses of our current system of financing political campaigns. But even more important, it will begin to restore the integrity of our election system and the confidence of the American people in their elected officials.

Four comprehensive campaign finance reform bills were passed by this House when the Democrats were in the majority, but never were enacted into law.

Let's finish the job that began a decade ago and vote for historic campaign finance reform. Vote yes on the Shays-Meehan bill.

Mr. FAZIO of California. Madam Chairman, I rise today in support of Shays-Meehan.

The bipartisan bill will:

Eliminate soft money contributions to political parties from individuals and organizations:

Require disclosure of contributions for issue ads that target specific candidates within 60 days of an election; and

Prohibit state parties from spending any soft money on activities that affect a federal race.

Most importantly, it would return the electoral system to the American people by limiting the amount of unregulated, unreported money in local politics.

Madam Chairman, every Member of this body has heard from constituents who have lost their faith in the system.

The American people no longer see an opportunity to participate in the system.

Each campaign cycle, we see an increase in the amount of money funneled into local races by outside special interest groups that have no ties to the community.

In 1996, the top two dozen outside groups spent $150 million dollars on independent negative ads.

Such free, uncontrolled spending has perverted a fair, democratic system into a bidding war by unknown entities.

The American people are tired of unregulated negative attack ads and the Shays-Meehan substitute takes a major step forward in regulating undisclosed funds to launch negative attack ads.

The time has come to pass meaningful campaign finance reform.

The American people want it, editorial boards across the country have endorsed it; and in vote after vote last week it became clear that the majority of this House supports a clean, bipartisan bill that achieves real reform.

The CHAIRMAN. All time has expired.

Mr. THOMAS. Madam Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3743, by the yeas and nays; and Senate Joint Resolution 54, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

IRAN NUCLEAR PROLIFERATION PREVENTION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3743, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 3743, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 13, not voting 16, as follows:

[Roll No. 377]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pallone
Pappas

Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon

Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu

Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—13

Dooley
Furse
Gejdenson
Hamilton
Klink

LaFalce
McDermott
Moran (VA)
Obey
Rahall

Sawyer
Skaggs
Torres

NOT VOTING—16

Christensen
Clayton
Conyers
Gonzalez
Hilliard
Istook

Kilpatrick
Martinez
McDade
Oberstar
Olver
Ortiz

Pomeroy
Poshard
Stokes
Towns

☐ 1845

Mr. LEWIS of California, Ms. LOFGREN, Mr. DELAHUNT and Mr. MINGE changed their vote from "nay" to "yea."

Ms. FURSE changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

FINDING GOVERNMENT OF IRAQ IN BREACH OF INTERNATIONAL OBLIGATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate joint resolution, Senate Joint Resolution 54.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 54, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 6, not voting 21, as follows:

[Roll No. 378]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton

Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)

Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly

Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick

Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays

Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—6

Bonior
Jackson (IL)

Lee
McKinney

Paul
Waters

NOT VOTING—21

Christensen
Conyers
Gonzalez
Gutierrez
Hilliard
Hutchinson
Istook

Kilpatrick
Martinez
McCarthy (NY)
McDade
Moran (VA)
Northup
Oberstar

Olver
Ortiz
Pomeroy
Poshard
Rogers
Towns
Wamp

☐ 1853

So (two-thirds of those having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1854

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaign for elections for Federal office, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, all time for debate on amendment No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) had expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS), as amended.

The question was taken.

RECORDED VOTE

Mr. SHAYS. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 186, not voting 12, as follows:

[Roll No. 379]

AYES—237

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—186

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fossella
Fowler
Gekas
Gibbons
Gingrich
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Christensen
Conyers
Gonzalez
Hilliard
Istook
Kilpatrick
Martinez
Oberstar
Ortiz
Pomeroy
Poshard
Towns

□ 1916

So the amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CHRISTENSEN. Madam Chairman, on August 3, 1998, I was unavoidably detained and missed roll call vote 379. If present I would have voted 'no' on the Shays-Meehan substitute. When it comes to restricting political participation, the courts have consistently ruled on the side of free speech. So-called good government proposals banning certain contributions, clamping down on issue advocacy, or otherwise restricting participation in the political process are unconstitutional in my opinion and infringe on free speech. It is important for voters to be accurately informed of a candidate's position, but in no way do I want to limit voter knowledge. Shays-Meehan would limit voter knowledge about issues and candidates and keep voters from being accurately informed of candidates' positions. I am absolutely opposed to any unconstitutional infringement of free speech, and would have voted 'no' on the Shays-Meehan substitute if present.

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Chairman, due to official business in the 15th Congressional District of Michigan, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on H.R. 3743, the Iran Nuclear Proliferation Prevention Act of 1998; "aye" on S.J. Res. 54, a Joint Resolution Condemning Iraq; and "aye" on passage of the Shays-Meehan amendment to H.R. 2183, the Campaign Finance Reform Bill.

Mr. BOEHNER. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mrs. Emerson, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

RESIGNATION AS MEMBER OF COMMITTEE ON COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Commerce:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1998.
Hon. NEWT GINGRICH,
The Speaker's Rooms, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I want to thank you for your kind letter this week celebrating our successes on privatization, and also to respond to your suggestions that we map out a blueprint for further achievements in the next session of Congress.

In fact, my staff and I discussed the same idea some weeks back, and we're excited about your request. As you and I discussed, we will focus on options for privatizing Amtrak, Social Security, the power marketing resources including TVA, and the United States Post Office. You can expect the report shortly after Thanksgiving.

We will lay out for you legislative options and document how other countries built political consensus to make tough decisions. I am convinced we can net the Treasury hundreds of billions of dollars, and at the same time provide better services to U.S. taxpayers.

Unfortunately, because of the time commitment to this project and future business plans in Wisconsin, I will have to make a difficult choice.

Today I am tendering my resignation from the Commerce Committee.

I'm proud of what the Committee accomplished during my tenure. With Chairman Tom Bliley's leadership, we speeded up the FDA's approval of new drugs saving thousands of lives. We deregulated the exploding telecommunications industry. Perhaps most important of all, our bold plan saved Medicare for our children.

I deeply appreciate your leadership and friendship. I look forward to finishing one last assignment for you.

Sincerely yours,

SCOTT KLUG.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON COMMERCE

Mr. BOEHNER. Mr. Speaker, I offer a resolution (H.Res. 515) and I ask unanimous consent for its immediate consideration and adoption.

The Clerk read the resolution, as follows:

H. RES. 515

Resolved, That the following named Member be, and she is hereby, elected to the following standing committee of the House of Representatives:

Committee on Commerce: Mrs. Wilson.

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4276 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4276.

☐ 1920

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN) will each control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this will be of interest to the Members on the schedule for the rest of the evening so that Members may be guided about the rest of the evening's activities.

It is the intent of the majority to proceed to the consideration of the Commerce, Justice, State appropriations bill and to do general debate and to take up the Legal Services Corporation amendment but to roll any votes that might be ordered until tomorrow, so that there would be no further votes this evening, in which case, then, the Committee would rise after the consideration of that amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, it was my understanding, also, that we would not proceed in title I beyond Legal Services; is that correct?

Mr. ROGERS. As I said, we would take up general debate and the Legal Services amendment only. I would have hoped that the gentleman would have agreed that we could do all of title I, and I would be happy to proceed with that if the other side would so agree.

Mr. OBEY. But the gentleman understands that the agreement that was just reached at this desk with his leadership was that we would go only as far as the amendment on Legal Services and no further tonight in title I.

Mr. ROGERS. I understand that is what the gentleman wants and I will abide by that. I would hope, would like, to proceed through title I and roll all the votes until tomorrow. And I see no reason why we should not do that, but I will abide by the agreement that the gentleman mentioned.

Mr. OBEY. I just think it is important for Members to understand that there will be no votes tonight because of the understanding that we will not proceed beyond the Legal Services amendment.

Mr. ROGERS. I would hope that the gentleman would agree to proceed with title I.

Mr. OBEY. Well, then there is no agreement. We might as well have motions to adjourn all evening. If the agreements are not going to be stuck to for more than 5 minutes, then there is no reason to agree.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) will suspend. The gentleman from Kentucky (Mr. ROGERS) controls the time.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. OBEY. Mr. Chairman, I move that the House do now adjourn.

The CHAIRMAN. The motion is not in order.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, H.R. 4276, the Commerce, Justice, State and Related Agencies appropriations bill for fiscal year 1999 provides the funding for a multitude of programs that directly benefit the people that all of us represent and that we are sworn to uphold, programs that fight crime and drugs, secure our borders, protect against terrorism, and administer justice; programs that affect our daily lives and livelihood, like the National Weather Service; programs that support our Nation's diplomacy throughout the world; and programs that put people back on their feet after a natural disaster strikes and that aid our Nation's small businesses.

But if this bill sets one priority, it is to provide increased funding to fight crime and empower Federal, State and local law enforcement with the resources they need to enforce our laws and prevent crime.

Mr. Chairman, the determination of this Nation and this Congress to reduce crime is showing results. In 1997, serious crime fell in the United States for the sixth year in a row by 5 percent. Due to the decisions of this Congress which over the last 3 years has increased funding for justice programs by

$5.5 billion, a 45 percent increase, our citizens are a little less at peril than they were before. But as the shooting of our two brave and heroic Capitol Police officers a week ago Friday demonstrates so devastatingly, we do have yet a long, long way to go.

With no warning, crime can occur anywhere, any day, any minute, and our law enforcement officers and our citizens are at risk. We cannot let down our guard. This bill puts the lion's share of the resources available to us into law enforcement and crime prevention, and that is a priority that I believe every member of this House shares.

Overall, this bill provides $33.5 billion, $1.4 billion over the current year, and $1 billion less than the request. Of the total, $18.3 billion is for the Department of Justice, an increase of $524 million over current spending, to fight crime and drugs, strengthen our borders and protect against terrorism.

We provide $4.9 billion for State and local law enforcement. These are your policemen, the sheriffs and State police and local law enforcement agencies through your cities, $400 million more than we were requested and $47 million more than current year spending.

We restore the local law enforcement block grant which the President tried to eliminate. We put that back in at $523 million. And, Mr. Chairman, we included a quarter of a billion dollars for the juvenile crime block grant program for your localities.

We provide $283 million for juvenile crime prevention, a $44 million increase. We provide $1.4 billion for the COPS program. We direct $170 million of unobligated balances to be used for initiatives that include a new $25 million program for bulletproof vests for police officers all across the country. For the first time we are providing for this new program. And $20 million to help communities stop violence in our schools.

We also provide $279 million for the Violence Against Women Act, an increase of $9 million over current spending and over the Administration's request. We provide $104 million in new funding to help States and localities be prepared against chemical and biological terrorism, which is new money, for a new program.

We provide more than $8.4 billion for the War on Drugs, including a $95 million increase for the Drug Enforcement Administration, $31 million more than was asked of us. We increase the Drug Courts funding by $10 million. And we give $10 million for a new program to help small businesses create drug-free workplaces.

We provide a $216 million increase for controlling illegal immigration, including 1,000 new Border Patrol agents. We include a $47 million interior enforcement initiative to fund 50 quick response teams, one in each State, to force the INS to respond to your State and local police in every State when they find suspected illegal aliens. As it is right now, your State police, your local police, arrest a vanload of illegal aliens, they call the INS for help in removing them to the Federal jurisdiction, there is not even an answer on the telephone. INS does not even answer the phone.

□ 1930

We in this bill create 50 new quick response teams to respond to our local officials and take the illegals off our hands and deal with them on the Federal level, as we are supposed to do. We also include $62 million in offsetting collections from fees to fund backlog reduction action teams to mobilize in those districts with the longest naturalization backlogs, since the INS cannot seem to manage this on their own.

For the Department of Commerce, Mr. Chairman, we provide $4.8 billion which, setting aside the increases for the Census, is at the 1998 level.

For the 2000 decennial census we provide $956 million. That is an increase of $566 million as part of the ramp-up for the preparation for the Census in 2000. That is $107 million more than the administration asked us to appropriate, but we do that so that the Census can be conducted as the courts may or may not declare later on under any scenario, hopefully including an actual enumeration.

The Congress and the administration must come to an agreement on how the 2000 Census will be conducted. Based on high-level discussions last fall, higher than any of us in this room, the agreement was reached to make the decision next spring. Consequently this bill includes language to ensure that the decision is made at that time by reserving the last 6 months of funding until the President submits to the Congress a request by March 31 to provide the funding and we agree to vote by that time.

For the State Department and international organizations, United Nations arrearages aside, we provide $5 billion, $84 million below the current year, in part due to savings from the new overseas support system the Congress enacted last year called ICASS. For U.N. arrearages we provide $475 million, the amount included in the State Department's authorization conference report but subject to authorization. This ensures that U.N. reforms will have to be agreed to before this money can be released.

For the Legal Services Corporation we provide $141 million. We continue the restrictions that have been enacted previously by the Congress.

For the Small Business Administration the bill rejects the administration proposal to fund disaster loans out of the hides of disaster victims. The administration proposed zero funding for disaster loans. They propose zero funding for disaster loans and instead propose to raise by 50 percent the interest rates on loans to the very people who have been devastated by a hurricane or by flooding or by other disaster, people who by definition cannot borrow money on a commercial basis. We disallow that. Instead we provide $100 million to help those that are in need, and we are directing the administration to proceed accordingly.

Mr. Chairman, before I close I want to thank the gentleman from West Virginia (Mr. MOLLOHAN), my very able ranking member, for his help and support in drafting this bill and bringing it to this point. I also want to thank all the members of the subcommittee: The gentleman from Arizona (Mr. KOLBE) the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Ohio (Mr. REGULA), the gentleman from New York (Mr. FORBES), the gentleman from Iowa (Mr. LATHAM), the gentleman from Colorado (Mr. SKAGGS), the gentleman from California (Mr. DIXON), and to pay tribute to the gentleman from Colorado (Mr. SKAGGS), who is making his last go-round on this bill. He has been a valued member of this subcommittee. He has chosen to leave this body after this term; he will be missed on this subcommittee especially.

Finally, I would just like to say that as we wind our way through the issues on this bill, and there are many, when it is all said and done, the funding in this bill, particularly the funding for law enforcement and prevention programs, are targeted to make the neighborhoods and cities and towns across the country safer, more secure places for the people we are elected to represent. It is a life and death issue, Mr. Chairman, and that is something everyone of us are now so painfully aware of.

I urge the Members of this body to support this bill.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	76,199,000	89,488,000	79,488,000	+3,289,000	-10,000,000
Narrowband communications (crime trust fund)		85,894,000			-85,894,000
Counterterrorism fund	52,700,000	61,703,000	129,200,000	+76,500,000	+67,497,000
Telecommunications carrier compliance fund		50,000,000			-50,000,000
Defense function		50,000,000			-50,000,000
Administrative review and appeals:					
Direct appropriation	70,007,000	79,685,000	75,312,000	+5,305,000	-4,373,000
Crime trust fund	59,251,000	65,178,000	59,251,000		-5,927,000
Total, Administrative review and appeals	129,258,000	144,863,000	134,563,000	+5,305,000	-10,300,000
Office of Inspector General	33,211,000	34,610,000	36,610,000	+3,399,000	+2,000,000
Total, General administration	291,368,000	516,558,000	379,861,000	+88,493,000	-136,697,000
Appropriations	(232,117,000)	(365,486,000)	(320,610,000)	(+88,493,000)	(-44,876,000)
Crime trust fund	(59,251,000)	(151,072,000)	(59,251,000)		(-91,821,000)
United States Parole Commission					
Salaries and expenses	5,009,000	7,621,000	7,400,000	+2,391,000	-221,000
Legal Activities					
General legal activities:					
Direct appropriation	444,200,000	477,328,000	462,265,000	+18,065,000	-15,063,000
Crime trust fund	7,969,000	8,183,000	8,160,000	+191,000	-23,000
Total, General legal activities	452,169,000	485,511,000	470,425,000	+18,256,000	-15,086,000
Vaccine injury compensation trust fund (permanent)	4,028,000	4,028,000	4,028,000		
Independent counsel (permanent, indefinite)	9,500,000	9,500,000	9,500,000		
Antitrust Division	93,495,000	97,588,000	98,275,000	+4,780,000	+687,000
Offsetting fee collections - carryover	-18,000,000	-11,000,000	-30,000,000	-12,000,000	-19,000,000
Offsetting fee collections - current year	-70,000,000		-68,275,000	+1,725,000	-68,275,000
Direct appropriation	5,495,000	86,588,000		-5,495,000	-86,588,000
United States Attorneys:					
Direct appropriation	972,460,000	1,052,993,000	1,037,471,000	+65,011,000	-15,522,000
Crime trust fund	62,828,000	54,000,000	54,231,000	-8,597,000	+231,000
Total, United States Attorneys	1,035,288,000	1,106,993,000	1,091,702,000	+56,414,000	-15,291,000
United States trustee system fund	114,248,000	130,437,000	114,248,000		-16,189,000
Offsetting fee collections	-114,248,000		-114,248,000		-114,248,000
Direct appropriation		130,437,000			-130,437,000
Foreign Claims Settlement Commission	1,226,000	1,335,000	1,335,000	+109,000	
United States Marshals Service:					
Direct appropriation	467,833,000	486,436,000	477,611,000	+9,778,000	-8,825,000
Crime trust fund	25,553,000	26,407,000	25,553,000		-854,000
Construction 1/		6,300,000			-6,300,000
Justice prisoner and alien transportation system fund		10,000,000			-10,000,000
Total, United States Marshals Service	493,386,000	529,143,000	503,164,000	+9,778,000	-25,979,000
Federal Prisoner Detention	405,262,000	450,848,000	425,000,000	+19,738,000	-25,848,000
Fees and expenses of witnesses	75,000,000	95,000,000	95,000,000	+20,000,000	
Community Relations Service	5,319,000	8,899,000	6,699,000	+1,380,000	-2,200,000
Assets forfeiture fund	23,000,000	23,000,000	23,000,000		
Total, Legal activities	2,509,673,000	2,931,282,000	2,629,853,000	+120,180,000	-301,429,000
Appropriations	(2,413,323,000)	(2,842,692,000)	(2,541,909,000)	(+128,586,000)	(-300,783,000)
Crime trust fund	(96,350,000)	(88,590,000)	(87,944,000)	(-8,406,000)	(-646,000)
Radiation Exposure Compensation					
Administrative expenses	2,000,000	2,000,000	2,000,000		
Payment to radiation exposure compensation trust fund	4,381,000	11,717,000		-4,381,000	-11,717,000
Total, Radiation Exposure Compensation	6,381,000	13,717,000	2,000,000	-4,381,000	-11,717,000
Interagency Law Enforcement					
Interagency crime and drug enforcement	294,967,000	304,014,000	304,014,000	+9,047,000	
Federal Bureau of Investigation					
Salaries and expenses	2,445,471,000	2,584,885,000	2,420,342,000	-25,129,000	-164,543,000
Counterintelligence and national security	221,050,000	170,283,000	282,473,000	+61,423,000	+112,190,000
FBI Fingerprint identification	84,400,000	47,800,000	47,800,000	-36,600,000	
Subtotal	2,750,921,000	2,802,968,000	2,750,615,000	-306,000	-52,353,000
Crime trust fund	179,121,000	215,356,000	215,356,000	+36,235,000	
Construction	44,506,000	14,146,000	11,287,000	-33,219,000	-2,859,000
Total, Federal Bureau of Investigation	2,974,548,000	3,032,470,000	2,977,258,000	+2,710,000	-55,212,000
Appropriations	(2,795,427,000)	(2,817,114,000)	(2,761,902,000)	(-33,525,000)	(-55,212,000)
Crime trust fund	(179,121,000)	(215,356,000)	(215,356,000)	(+36,235,000)	

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Drug Enforcement Administration					
Salaries and expenses	782,109,000	841,970,000	873,000,000	+90,891,000	+31,030,000
Diversion control fund	-58,268,000	-76,710,000	-76,710,000	-18,442,000	
Direct appropriation	723,841,000	765,260,000	796,290,000	+72,449,000	+31,030,000
Crime trust fund	403,537,000	405,000,000	405,000,000	+1,463,000	
Construction	8,000,000	8,000,000	8,000,000		
Total, Drug Enforcement Administration	1,135,378,000	1,178,260,000	1,209,290,000	+73,912,000	+31,030,000
Appropriations	(731,841,000)	(773,260,000)	(804,290,000)	(+72,449,000)	(+31,030,000)
Crime trust fund	(403,537,000)	(405,000,000)	(405,000,000)	(+1,463,000)	
Immigration and Naturalization Service					
Salaries and expenses	1,657,886,000	1,867,353,000	1,619,514,000	-38,372,000	-247,839,000
Enforcement and border affairs			(1,096,431,000)	(+1,096,431,000)	(+1,096,431,000)
Citizenship and benefits, immigration support and program direction			(523,083,000)	(+523,083,000)	(+523,083,000)
Crime trust fund	608,206,000	738,000,000	866,490,000	+258,284,000	+128,490,000
Subtotal, Direct and crime trust fund	2,266,092,000	2,605,353,000	2,486,004,000	+219,912,000	-119,349,000
Fee accounts:					
Immigration legalization fund	(1,259,000)	(998,000)	(998,000)	(-261,000)	
Immigration user fee	(426,622,000)	(486,071,000)	(486,071,000)	(+59,449,000)	
Land border inspection fund	(3,043,000)	(3,275,000)	(3,275,000)	(+232,000)	
Immigration examinations fund	(785,342,000)	(826,402,000)	(906,000,000)	(+120,658,000)	(+79,598,000)
Breached bond fund	(235,272,000)	(144,870,000)	(169,870,000)	(-65,402,000)	(+25,000,000)
Immigration enforcement fines	(3,800,000)	(3,800,000)	(3,800,000)		
Subtotal, Fee accounts	(1,455,338,000)	(1,465,416,000)	(1,570,014,000)	(+114,676,000)	(+104,598,000)
Construction	75,959,000	118,170,000	81,570,000	+5,611,000	-36,600,000
Total, Immigration and Naturalization Service	(3,797,389,000)	(4,188,939,000)	(4,137,588,000)	(+340,199,000)	(-51,351,000)
Appropriations	(1,733,845,000)	(1,985,523,000)	(1,701,084,000)	(-32,761,000)	(-284,439,000)
Crime trust fund	(608,206,000)	(738,000,000)	(866,490,000)	(+258,284,000)	(+128,490,000)
(Fee accounts)	(1,455,338,000)	(1,465,416,000)	(1,570,014,000)	(+114,676,000)	(+104,598,000)
Federal Prison System					
Salaries and expenses	2,911,642,000	3,006,494,000	3,012,354,000	+100,712,000	+5,860,000
Prior year carryover	-90,000,000	-90,000,000	-90,000,000		
Direct appropriation	2,821,642,000	2,916,494,000	2,922,354,000	+100,712,000	+5,860,000
Crime trust fund	26,135,000	26,559,000	26,499,000	+364,000	-60,000
Subtotal, Salaries and expenses	2,847,777,000	2,943,053,000	2,948,853,000	+101,076,000	+5,800,000
Buildings and facilities	255,133,000	413,997,000	413,997,000	+158,864,000	
Transfer from D.C. bill (P.L. 105-100)	302,000,000			-302,000,000	
Subtotal, Buildings and facilities	557,133,000	413,997,000	413,997,000	-143,136,000	
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)		
Total, Federal Prison System	3,404,910,000	3,357,050,000	3,362,850,000	-42,060,000	+5,800,000
Office of Justice Programs					
Justice assistance	173,600,000	307,711,000	155,000,000	-18,600,000	-152,711,000
State and local law enforcement assistance:					
Direct appropriations:					
Byrne grants (discretionary)	46,500,000		47,750,000	+1,250,000	+47,750,000
Byrne grants (formula)	462,500,000		505,000,000	+42,500,000	+505,000,000
Subtotal, Direct appropriations	509,000,000		552,750,000	+43,750,000	+552,750,000
Crime trust fund:					
Byrne grants (discretionary)		47,750,000			-47,750,000
Byrne grants (formula)	42,500,000	505,000,000		-42,500,000	-505,000,000
Local law enforcement block grant	523,000,000		523,000,000		+523,000,000
Boys and Girls clubs (earmark)	(20,000,000)		(20,000,000)		(+20,000,000)
Juvenile crime block grant	250,000,000		250,000,000		+250,000,000
Youth violence courts		50,000,000			-50,000,000
Juvenile prosecutor program		100,000,000			-100,000,000
Community prosecutors program		50,000,000			-50,000,000
Drug intervention treatment program		85,000,000			-85,000,000
Indian tribal courts program		10,000,000			-10,000,000
Juvenile drug prevention program 2/		5,000,000			-5,000,000
Drug courts	30,000,000	30,000,000	40,000,000	+10,000,000	+10,000,000
Upgrade criminal history records	45,000,000	45,000,000	45,000,000		
State prison grants	720,500,000	711,000,000	730,500,000	+10,000,000	+19,500,000
State criminal alien assistance program	420,000,000	350,000,000	420,000,000		+70,000,000
Violence Against Women grants	270,750,000	270,750,000	279,750,000	+9,000,000	+9,000,000
State prison drug treatment	63,000,000	72,000,000	63,000,000		-9,000,000
DNA identification grants	12,500,000	15,000,000	15,000,000	+2,500,000	
Counterterrorism technologies 3/		10,000,000			-10,000,000
Grants to firefighters 3/		5,000,000			-5,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Other crime control programs	5,150,000	7,900,000	5,150,000	....	-2,750,000
Subtotal, Crime trust fund	2,382,400,000	2,369,400,000	2,371,400,000	-11,000,000	+2,000,000
Total, State and local law enforcement	2,891,400,000	2,369,400,000	2,924,150,000	+32,750,000	+554,750,000
Weed and seed program fund	33,500,000	....	33,500,000	....	+33,500,000
Crime trust fund	....	40,000,000	....	....	-40,000,000
Community oriented policing services (crime trust fund)	1,400,000,000	1,400,000,000	1,400,000,000	....	....
Police corps (crime trust fund)	30,000,000	20,000,000	20,000,000	-10,000,000	....
Total, Community oriented policing services	1,430,000,000	1,420,000,000	1,420,000,000	-10,000,000	....
Juvenile justice programs	238,672,000	277,950,000	282,950,000	+44,278,000	+5,000,000
Public safety officers benefits program:					
Death benefits	31,003,000	32,059,000	32,059,000	+1,056,000	....
Federal law enforcement dependents assistance	2,000,000	250,000	250,000	-1,750,000	....
Total, Public safety officers benefits program	33,003,000	32,309,000	32,309,000	-694,000	....
Total, Office of Justice Programs	4,800,175,000	4,447,370,000	4,847,909,000	+47,734,000	+400,539,000
Appropriations	(987,775,000)	(617,970,000)	(1,056,509,000)	(+68,734,000)	(+438,539,000)
Crime trust fund	(3,812,400,000)	(3,829,400,000)	(3,791,400,000)	(-21,000,000)	(-38,000,000)
Total, title I, Department of Justice	17,764,460,000	18,511,865,000	18,288,009,000	+523,549,000	-223,856,000
Appropriations	(12,579,460,000)	(13,057,888,000)	(12,836,069,000)	(+256,609,000)	(-221,819,000)
Crime trust fund	(5,185,000,000)	(5,453,977,000)	(5,451,940,000)	(+266,940,000)	(-2,037,000)
(Limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)	....	....
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	23,450,000	24,836,000	24,000,000	+550,000	-836,000
International Trade Commission					
Salaries and expenses	41,200,000	45,500,000	44,200,000	+3,000,000	-1,300,000
Total, Related agencies	64,650,000	70,336,000	68,200,000	+3,550,000	-2,136,000
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	283,066,000	292,452,000	284,123,000	+1,057,000	-8,329,000
Offsetting fee collections	....	-6,000,000	-1,600,000	-1,600,000	+4,400,000
Direct appropriation	283,066,000	286,452,000	282,523,000	-543,000	-3,929,000
Export Administration					
Operations and administration	42,000,000	48,356,000	43,900,000	+1,900,000	-4,456,000
CWC enforcement	1,900,000	3,877,000	3,877,000	+1,977,000	....
Total, Export Administration	43,900,000	52,233,000	47,777,000	+3,877,000	-4,456,000
Economic Development Administration					
Economic development assistance programs	340,000,000	368,379,000	368,379,000	+28,379,000	....
Salaries and expenses	21,028,000	29,590,000	25,000,000	+3,972,000	-4,590,000
Total, Economic Development Administration	361,028,000	397,969,000	393,379,000	+32,351,000	-4,590,000
Minority Business Development Agency					
Minority business development	25,000,000	28,087,000	25,276,000	+276,000	-2,811,000
Total, Trade and Infrastructure Development	777,644,000	835,077,000	817,155,000	+39,511,000	-17,922,000
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	47,499,000	53,701,000	48,000,000	+501,000	-5,701,000
Bureau of the Census					
Salaries and expenses	137,278,000	160,102,000	140,147,000	+2,869,000	-19,955,000
Periodic censuses and programs	555,813,000	1,027,784,000	1,111,887,000	+556,074,000	+84,103,000
Total, Bureau of the Census	693,091,000	1,187,886,000	1,252,034,000	+558,943,000	+64,148,000
National Telecommunications and Information Administration					
Salaries and expenses	16,550,000	10,940,000	10,940,000	-5,610,000	....
Public telecommunications facilities, planning and construction	21,000,000	15,000,000	21,000,000	....	+6,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Information infrastructure grants	20,000,000	22,000,000	16,000,000	-4,000,000	-6,000,000
Total, National Telecommunications and Information Administration	57,550,000	47,940,000	47,940,000	-9,610,000	
Patent and Trademark Office					
Salaries and expenses	27,000,000			-27,000,000	
(Fees collected - current year)	(684,000,000)			(-684,000,000)	
Current year fee funding		653,526,000	653,526,000	+653,526,000	
Prior year fee funding		65,868,000	71,000,000	+71,000,000	+5,132,000
(Prior year carryover)	(25,000,000)			(-25,000,000)	
Rescission		-116,342,000	-41,000,000	-41,000,000	+75,342,000
Subtotal	(716,000,000)	(603,052,000)	(683,526,000)	(-32,474,000)	(+80,474,000)
Legislative proposal fees		182,000,000	102,000,000	+102,000,000	-80,000,000
Total, Patent and Trademark Office	(716,000,000)	(785,052,000)	(785,526,000)	(+69,526,000)	(+474,000)
Offsetting fee collections		-653,526,000	-653,526,000	-653,526,000	
Offsetting fee collections - legis. proposal		-182,000,000	-102,000,000	-102,000,000	+80,000,000
Total, PTO offsetting fee collections		-835,526,000	-755,526,000	-755,526,000	+80,000,000
Total, Economic and Information Infrastructure	825,140,000	1,239,053,000	1,377,974,000	+552,834,000	+138,921,000
SCIENCE AND TECHNOLOGY					
Technology Administration					
Under Secretary for Technology/ Office of Technology Policy					
Salaries and expenses	8,500,000	9,993,000	9,000,000	+500,000	-993,000
National Institute of Standards and Technology					
Scientific and technical research and services	276,852,000	291,636,000	280,470,000	+3,618,000	-11,166,000
Industrial technology services	306,000,000	366,691,000	287,000,000	-19,000,000	-79,691,000
Construction of research facilities	95,000,000	56,714,000	56,714,000	-38,286,000	
Advance appropriations, FY 2000 - 2002		115,000,000			-115,000,000
Total, National Institute of Standards and Technology	677,852,000	830,041,000	624,184,000	-53,668,000	-205,857,000
Appropriations	(677,852,000)	(715,041,000)	(624,184,000)	(-53,668,000)	(-90,857,000)
Advance appropriations		(115,000,000)			(-115,000,000)
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	1,512,050,000	1,508,762,000	1,470,042,000	-42,008,000	-38,720,000
New offsetting collections - fisheries fees		-19,781,000			+19,781,000
New offsetting collections - navigation fees		-2,500,000			+2,500,000
Offsetting collections - fees	-3,000,000			+3,000,000	
Limited access system administrative fund		-3,000,000			+3,000,000
IFQ/CDQ offsetting receipts		4,000,000			-4,000,000
Direct appropriation	1,509,050,000	1,487,481,000	1,470,042,000	-39,008,000	-17,439,000
(By transfer from Promote and Develop Fund)	(62,381,000)	(62,381,000)	(62,381,000)		
(By transfer from Damage assessment and restoration revolving fund, permanent)	5,000,000	5,000,000	5,000,000		
(Damage assessment and restoration revolving fund)	-5,000,000	-5,000,000	-5,000,000		
Total, Operations, research and facilities	1,509,050,000	1,487,481,000	1,470,042,000	-39,008,000	-17,439,000
Procurement, acquisition and construction	491,609,000	621,595,000	538,439,000	+46,830,000	-83,156,000
Advance appropriations, FY 2000 - 2011		2,797,815,000			-2,797,815,000
Coastal zone management fund	7,800,000	4,000,000	7,800,000		+3,800,000
Mandatory offset	-7,800,000	-4,000,000	-7,800,000		-3,800,000
Fishermen's contingency fund	953,000	953,000	953,000		
Foreign fishing observer fund	189,000	189,000	189,000		
Fisheries finance program account	338,000	238,000	238,000	-100,000	
Total, National Oceanic and Atmospheric Administration	2,002,139,000	4,906,271,000	2,009,861,000	+7,722,000	-2,896,410,000
Appropriations	(2,002,139,000)	(2,110,456,000)	(2,009,861,000)	(+7,722,000)	(-100,595,000)
Advance appropriations		(2,797,815,000)			(-2,797,815,000)
Total, Science and Technology	2,688,491,000	5,746,305,000	2,643,045,000	-45,446,000	-3,103,260,000
General Administration					
Salaries and expenses	27,490,000	32,187,000	28,900,000	+1,410,000	-3,287,000
Office of Inspector General	20,140,000	21,662,000	21,400,000	+1,260,000	-262,000
Total, General administration	47,630,000	53,849,000	50,300,000	+2,670,000	-3,549,000
National Oceanic and Atmospheric Administration					
Operations, research and facilities (rescission)	-20,500,000			+20,500,000	
Procurement, acquisition and construction (rescission)			-5,000,000	-5,000,000	-5,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
United States Travel and Tourism Administration					
Salaries and expenses (rescission)	-3,000,000			+3,000,000	
Total, Department of Commerce	4,250,755,000	7,805,948,000	4,815,274,000	+564,519,000	-2,990,674,000
Total, title II, Department of Commerce and related agencies	4,315,405,000	7,876,284,000	4,883,474,000	+568,069,000	-2,992,810,000
Appropriations	(4,338,905,000)	(5,079,811,000)	(4,929,474,000)	(+590,569,000)	(-150,337,000)
Rescissions	(-23,500,000)	(-116,342,000)	(-46,000,000)	(-22,500,000)	(+70,342,000)
Advance appropriations		(2,912,815,000)			(-2,912,815,000)
(By transfer)	(62,381,000)	(62,381,000)	(62,381,000)		
TITLE III - THE JUDICIARY					
Supreme Court of the United States[1]					
Salaries and expenses:					
Salaries of justices	1,654,000	1,690,000	1,690,000	+36,000	
Other salaries and expenses	27,591,000	29,405,000	29,405,000	+1,814,000	
Total, Salaries and expenses	29,245,000	31,095,000	31,095,000	+1,850,000	
Care of the building and grounds	3,400,000	5,871,000	5,400,000	+2,000,000	-471,000
Total, Supreme Court of the United States	32,645,000	36,966,000	36,495,000	+3,850,000	-471,000
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	1,887,000	1,943,000	1,943,000	+56,000	
Other salaries and expenses	13,688,000	14,885,000	14,200,000	+512,000	-685,000
Total, Salaries and expenses	15,575,000	16,828,000	16,143,000	+568,000	-685,000
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,483,000	1,506,000	1,506,000	+23,000	
Other salaries and expenses	9,966,000	10,316,000	10,316,000	+350,000	
Total, Salaries and expenses	11,449,000	11,822,000	11,822,000	+373,000	
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	227,674,000	238,329,000	238,329,000	+10,655,000	
Other salaries and expenses	2,454,726,000	2,710,394,000	2,610,000,000	+155,274,000	-100,394,000
Direct appropriation	2,682,400,000	2,948,723,000	2,848,329,000	+165,929,000	-100,394,000
Crime trust fund	40,000,000	60,000,000	60,000,000	+20,000,000	
Total, Salaries and expenses	2,722,400,000	3,008,723,000	2,908,329,000	+185,929,000	-100,394,000
Vaccine Injury Compensation Trust Fund	2,450,000	2,515,000	2,515,000	+65,000	
Defender services	329,529,000	360,952,000	360,952,000	+31,423,000	
Fees of jurors and commissioners	64,438,000	68,173,000	67,000,000	+2,562,000	-1,173,000
Court security	167,214,000	179,055,000	174,100,000	+6,886,000	-4,955,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,286,031,000	3,619,418,000	3,512,896,000	+226,865,000	-106,522,000
Administrative Office of the United States Courts					
Salaries and expenses	52,000,000	56,158,000	54,500,000	+2,500,000	-1,658,000
Federal Judicial Center					
Salaries and expenses	17,495,000	18,470,000	18,000,000	+505,000	-470,000
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	34,200,000	37,300,000	37,300,000	+3,100,000	
United States Sentencing Commission					
Salaries and expenses	9,240,000	9,900,000	9,600,000	+360,000	-300,000
General Provisions					
Judges' pay raise	5,000,000			-5,000,000	
Total, title III, the Judiciary	3,463,635,000	3,806,860,000	3,696,756,000	+233,121,000	-110,104,000
Appropriations	(3,423,635,000)	(3,746,860,000)	(3,636,756,000)	(+213,121,000)	(-110,104,000)
Crime trust fund	(40,000,000)	(60,000,000)	(60,000,000)	(+20,000,000)	
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	1,705,600,000	1,664,882,000	1,641,490,000	-64,110,000	-23,392,000
Registration fees	700,000	700,000	700,000		
Security	23,700,000	25,700,000	25,700,000	+2,000,000	
Total, Diplomatic and consular programs	1,730,000,000	1,691,282,000	1,667,890,000	-62,110,000	-23,392,000
Salaries and expenses	363,513,000	367,778,000	365,235,000	+1,722,000	-2,543,000
Capital investment fund	86,000,000	118,340,000	80,000,000	-6,000,000	-38,340,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Office of Inspector General	27,495,000	28,717,000	28,000,000	+505,000	-717,000
Representation allowances	4,200,000	4,300,000	4,200,000		-100,000
Protection of foreign missions and officials	7,900,000	8,100,000	8,100,000	+200,000	
Security and maintenance of United States missions	404,000,000	640,800,000	396,000,000	-8,000,000	-244,800,000
Emergencies in the diplomatic and consular service	5,500,000	5,500,000	5,500,000		
(By transfer)			(4,000,000)	(+4,000,000)	(+4,000,000)
Commission on Holocaust Assets in U.S. (by transfer)			(2,000,000)	(+2,000,000)	(+2,000,000)
Repatriation Loans Program Account:					
Direct loans subsidy	593,000	593,000	593,000		
Administrative expenses	607,000	607,000	607,000		
(By transfer)			(1,000,000)	(+1,000,000)	(+1,000,000)
Total, Repatriation loans program account	1,200,000	1,200,000	1,200,000		
Payment to the American Institute in Taiwan	14,000,000	16,426,000	15,000,000	+1,000,000	-1,426,000
Payment to the Foreign Service Retirement and Disability Fund	129,935,000	132,500,000	132,500,000	+2,565,000	
Total, Administration of Foreign Affairs	2,773,743,000	3,014,943,000	2,703,625,000	-70,118,000	-311,318,000
International Organizations and Conferences					
Contributions to international organizations, current year assessment	901,515,000	930,773,000	915,000,000	+13,485,000	-15,773,000
Prior year assessment	54,000,000			-54,000,000	
Subtotal	955,515,000	930,773,000	915,000,000	-40,515,000	-15,773,000
Contributions for international peacekeeping activities, current year	210,000,000	231,000,000	220,000,000	+10,000,000	-11,000,000
Prior year assessment	46,000,000			-46,000,000	
Subtotal	256,000,000	231,000,000	220,000,000	-36,000,000	-11,000,000
Arrearage payments		475,000,000	475,000,000	+475,000,000	
International conferences and contingencies		1,223,000			-1,223,000
(By transfer)			(15,000,000)	(+15,000,000)	(+15,000,000)
Total, International Organizations and Conferences	1,211,515,000	1,637,996,000	1,610,000,000	+398,485,000	-27,996,000
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	17,490,000	19,179,000	18,490,000	+1,000,000	-689,000
Construction	6,463,000	7,125,000	7,000,000	+537,000	-125,000
American sections, international commissions	5,490,000	5,867,000	5,490,000		-377,000
International fisheries commissions	14,549,000	14,549,000	14,490,000	-59,000	-59,000
Total, International commissions	43,992,000	46,720,000	45,470,000	+1,478,000	-1,250,000
Other					
Payment to the Asia Foundation	8,000,000	15,000,000	8,250,000	+250,000	-6,750,000
Total, Department of State	4,037,250,000	4,714,659,000	4,367,345,000	+330,095,000	-347,314,000
RELATED AGENCIES					
Arms Control and Disarmament Agency					
Arms control and disarmament activities	41,500,000	43,400,000	41,500,000		-1,900,000
United States Information Agency					
International information programs	427,097,000	461,728,000	457,146,000	+30,049,000	-4,582,000
Technology fund	5,050,000	5,050,000		-5,050,000	-5,050,000
Educational and cultural exchange programs	197,731,000	199,024,000	200,000,000	+2,269,000	+976,000
Eisenhower Exchange Fellowship Program, trust fund	570,000	600,000	600,000	+30,000	
Israeli Arab scholarship program	400,000	400,000	400,000		
International Broadcasting Operations	364,415,000	388,690,000	383,957,000	+19,542,000	-4,733,000
Emergency appropriations (P.L. 105-174)	5,000,000			-5,000,000	
Broadcasting to Cuba (direct)	22,095,000			-22,095,000	
Radio construction	40,000,000	25,308,000	25,308,000	-14,692,000	
East-West Center	12,000,000	5,000,000		-12,000,000	-5,000,000
North/South Center	1,500,000	2,500,000		-1,500,000	-2,500,000
National Endowment for Democracy	30,000,000	31,000,000	31,000,000	+1,000,000	
Total, United States Information Agency	1,105,858,000	1,119,300,000	1,098,411,000	-7,447,000	-20,889,000
Arms Control and Disarmament Agency					
Arms control and disarmament activities (rescission)	-700,000			+700,000	
Total, related agencies	1,146,658,000	1,162,700,000	1,139,911,000	-6,747,000	-22,789,000
Total, title IV, Department of State	5,183,908,000	5,877,359,000	5,507,256,000	+323,348,000	-370,103,000
Appropriations	(5,179,608,000)	(5,877,359,000)	(5,507,256,000)	(+327,648,000)	(-370,103,000)
Emergency appropriations	(5,000,000)			(-5,000,000)	
Rescissions	(-700,000)			(+700,000)	
(By transfer)			(22,000,000)	(+22,000,000)	(+22,000,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Operating-differential subsidies (liquidation of contract authority)	(51,030,000)			(-51,030,000)	
Maritime Security Program	35,500,000	97,650,000	97,650,000	+62,150,000	
Operations and training	67,600,000	70,553,000	67,600,000		-2,953,000
Maritime Guaranteed Loan (Title XI) Program Account:					
Guaranteed loans subsidy	32,000,000	6,000,000	16,000,000	-16,000,000	+10,000,000
Administrative expenses	3,725,000	4,000,000	3,725,000		-275,000
Total, Maritime guaranteed loan program account	35,725,000	10,000,000	19,725,000	-16,000,000	+9,725,000
Total, Maritime Administration	138,825,000	178,203,000	184,975,000	+46,150,000	+6,772,000
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	250,000	250,000	280,000	+30,000	+30,000
Commission on Civil Rights					
Salaries and expenses	8,740,000	11,000,000	8,740,000		-2,260,000
Commission on Immigration Reform					
Salaries and expenses	459,000			-459,000	
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,090,000	1,090,000	1,170,000	+80,000	+80,000
Equal Employment Opportunity Commission					
Salaries and expenses	242,000,000	279,000,000	260,500,000	+18,500,000	-18,500,000
Federal Communications Commission					
Salaries and expenses	186,514,000	212,977,000	181,514,000	-5,000,000	-31,463,000
Offsetting fee collections - current year	-162,523,000		-172,523,000	-10,000,000	-172,523,000
Direct appropriation	23,991,000	212,977,000	8,991,000	-15,000,000	-203,986,000
Offsetting fee collections		-172,523,000			+172,523,000
Federal Maritime Commission					
Salaries and expenses	14,000,000	14,500,000	14,000,000		-500,000
Federal Trade Commission					
Salaries and expenses	106,500,000	112,867,000	110,490,000	+3,990,000	-2,377,000
Offsetting fee collections - carryover	-18,000,000	-11,700,000	-30,000,000	-12,000,000	-18,300,000
Offsetting fee collections - current year	-70,000,000		-76,500,000	-6,500,000	-76,500,000
Direct appropriation	18,500,000	101,167,000	3,990,000	-14,510,000	-97,177,000
Gambling Impact Study Commission					
Salaries and expenses	1,000,000			-1,000,000	
Legal Services Corporation					
Payment to the Legal Services Corporation	283,000,000	340,000,000	141,000,000	-142,000,000	-199,000,000
Marine Mammal Commission					
Salaries and expenses	1,185,000	1,240,000	1,240,000	+55,000	
Securities and Exchange Commission					
Salaries and expenses	315,000,000	118,098,000	23,000,000	-292,000,000	-95,098,000
Current year fees		205,000,000	214,000,000	+214,000,000	+9,000,000
1998 fees		18,000,000	87,000,000	+87,000,000	+69,000,000
Subtotal	315,000,000	341,098,000	324,000,000	+9,000,000	-17,098,000
Offsetting fee collections	-249,523,000			+249,523,000	
Offsetting fee collections - carryover	-32,000,000			+32,000,000	
Direct appropriation	33,477,000	341,098,000	324,000,000	+290,523,000	-17,098,000
Small Business Administration					
Salaries and expenses	254,200,000	281,100,000	246,750,000	-7,450,000	-34,350,000
Office of Inspector General	10,000,000	11,300,000	11,300,000	+1,300,000	
Business Loans Program Account:					
Direct loans subsidy		5,724,000	2,000,000	+2,000,000	-3,724,000
Guaranteed loans subsidy	181,232,000	163,000,000	132,540,000	-48,692,000	-30,460,000
Administrative expenses	94,000,000	94,000,000	94,000,000		
Total, Business loans program account	275,232,000	262,724,000	228,540,000	-46,692,000	-34,184,000
Disaster Loans Program Account:					
Direct loans subsidy	23,200,000		100,000,000	+76,800,000	+100,000,000
Administrative expenses	150,000,000	166,000,000	116,000,000	-34,000,000	-50,000,000
Total, Disaster loans program account	173,200,000	166,000,000	216,000,000	+42,800,000	+50,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Surety bond guarantees revolving fund	3,500,000	3,300,000	3,300,000	-200,000	
Total, Small Business Administration	716,132,000	724,424,000	705,890,000	-10,242,000	-18,534,000
State Justice Institute					
Salaries and expenses 4/	6,850,000	12,000,000	6,850,000		-5,150,000
Total, title V, Related agencies	1,489,499,000	2,044,426,000	1,661,626,000	+172,127,000	-382,800,000
Appropriations	(1,489,499,000)	(2,044,426,000)	(1,661,626,000)	(+172,127,000)	(-382,800,000)
(Liquidation of contract authority)	(51,030,000)			(-51,030,000)	
TITLE VI - GENERAL PROVISIONS					
GOVERNMENT-WIDE					
Defense function (by transfer)	(33,169,000)			(-33,169,000)	
International function (by transfer)	(45,432,000)			(-45,432,000)	
Domestic function (by transfer)	(31,061,000)			(-31,061,000)	
Total, title VI, general provisions					
(By transfer)	(109,662,000)			(-109,662,000)	
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working capital fund (rescission)	-100,000,000	-45,326,000	-45,326,000	+54,674,000	
Legal Activities					
United States trustee system fund (rescission)			-17,000,000	-17,000,000	-17,000,000
TITLE VIII - EMERGENCY SUPPLEMENTAL APPROPRIATIONS					
National Oceanic and Atmospheric Administration					
Operations, research and facilities	7,000,000			-7,000,000	
Grand total:					
New budget (obligational) authority	32,123,907,000	38,071,468,000	33,974,795,000	+1,850,888,000	-4,096,673,000
Appropriations	(27,018,107,000)	(29,806,344,000)	(28,571,181,000)	(+1,553,074,000)	(-1,235,163,000)
Emergency appropriations	(5,000,000)			(-5,000,000)	
Advance appropriations		(2,912,815,000)			(-2,912,815,000)
Rescissions	(-124,200,000)	(-161,668,000)	(-108,326,000)	(+15,874,000)	(+53,342,000)
Crime trust fund	(5,225,000,000)	(5,513,977,000)	(5,511,940,000)	(+286,940,000)	(-2,037,000)
(By transfer)	(172,043,000)	(62,381,000)	(84,381,000)	(-87,662,000)	(+22,000,000)
(Limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)		
(Liquidation of contract authority)	(51,030,000)			(-51,030,000)	

1/ Funded under Federal Prison System.

2/ Funded under Juvenile Justice.

3/ Funded under Counterterrorism Fund.

4/ President's budget proposed $6,000,000 for State Justice Institute.

Mr. ROGERS. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take this opportunity first at the beginning of this general debate to compliment the gentleman from Kentucky (Mr. ROGERS), our chairman, on the fine job he has done in putting together this bill. How I appreciate his willingness to consider my views and minority views on the issues as we have processed this legislation, and I want to take also an opportunity to commend our staff: Jim Kulikowski, Jennifer Miller, Mike Ringler, Cordia Strom and Janet Stormes with the Committee on Appropriations' majority, and Mark Murray, David Reich and Pat Schlueter with the minority, and Sally Gaines and Elizabeth Hall with my personal staff. They all have done an excellent job, worked tremendously hard on this bill and are indispensable to its success.

Before discussing the bill I would like to take a moment to recognize the fine contributions of a very distinguished member of our subcommittee, the gentleman from Colorado (Mr. SKAGGS), Mr. Chairman. The gentleman from Colorado (Mr. SKAGGS) is one of our subcommittee's most active, involved members, focusing in particular on NOAA and on the international accounts, and in our subcommittee, as the entire Congress, he works in a true bipartisan fashion. He always strives to elevate the debate. The gentleman from Colorado (Mr. SKAGGS) also acts very much according to his conscience, at times even pursuing issues beyond this body and into the courts. I have a great deal of respect for him, a sentiment that I know is shared by colleagues on both sides of the aisle, and just as the people of Colorado appreciate his hard work in regard to education, to the environment, to parks and to wilderness protection, we appreciate his service to this institution and his contributions to policy debate.

So, Mr. Chairman, it is with real regret and fondest best wishes as we look to his retirement, we wish him and his family all the best in the years ahead and again appreciate his fine service and friendship to this institution.

Mr. Chairman, there are a lot of things to like about this bill in addition to the contributions of the gentleman from Colorado (Mr. SKAGGS) to it. Few will find fault with the robust sums provided for the Department of Justice and law enforcement. I am particularly pleased with the funding level provided for community policing.

The COPS program has been extraordinarily successful. It has thus far put 76,771 policemen on the beat. The President is to be applauded for his leadership in proposing the COPS program. His vision has paid dividends. Proof positive of this program's success lies in the fact that violent crime across this country is down.

Some were initially skeptical of the ability of a program run from Washington to significantly impact local crime in a positive way. Some thought a better way was to send the money back to the States to let them decide how it would be best spent. Our subcommittee took these views into consideration and responded by providing, in addition to the COPS program, a block grant to the States to permit local planning and local decision-making. The local law enforcement block grant program is again funded in this bill, and I believe that the combination of these two programs coming from both sides of the aisle is an approach the Federal Government can be proud of in terms of helping States and localities fight crime.

A number of Members have expressed interest in assuring that adequate funds are provided for juvenile delinquency and other prevention programs. As my colleagues are all well aware, last year we followed the course outlined in the bipartisan House-passed H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. We have once again tried to follow this path by providing 125 million for the juvenile delinquency prevention block grant.

Moving on to the Commerce Department, Mr. Chairman, I feel this bill in most instances deals fairly with commerce. The gentleman from Kentucky (Mr. ROGERS) has continued his support for such important initiatives as the Public Works Grant Program, the Manufacturing Extension Partnership and the scientific research conducted by the National Institutes of Standards and Technology. Additionally, this bill provides needed funding increases for the critical activities of the National Weather Service. Also in NOAA this bill provides an increase for coastal zone management grants and robust funding for such popular initiatives as navigation safety programs, marine sanctuaries and Sea Grant.

However, there are several areas in the Commerce title of the bill that need to be improved. For example, this bill provides only 180 million for the ATP program, significantly less than the amount requested by the administration. Additionally, I regret that the mark of the gentleman from Kentucky (Mr. ROGERS) only provides 43 million for new awards. I am hopeful that we can improve these numbers as this bill continues through the process. Additionally, only 21 million is provided for the public telecommunications facilities program, much less than is needed to help public radio and television stations convert to digital systems.

And finally with respect to Commerce I would like to express my opposition to the language included in this bill with regard to the decennial census. I intend to offer an amendment later during consideration of this bill to address this issue, however I think it is important to note at this time that the President has indicated he would veto this bill over the census language. As well he should, Mr. Chairman. This language is dangerously flawed and runs the risk of sabotaging the decennial census. As we move forward, I sincerely hope we can avoid this issue being a major stumbling block to getting this bill signed. I believe the amendment I will offer represents a compromise that should be agreeable to all parties.

With respect to United Nations, funds are provided for payment of arrearages to the United Nations subject to authorization. The subcommittee, under the leadership of the gentleman from Kentucky (Mr. ROGERS), has been on the forefront of demanding reform at the United Nations. We have made some progress in that regard.

With regard to funding for regulated agencies under our jurisdiction, I just want to mention two where I have strong views. First, I am very concerned with the large cuts the gentleman from Kentucky (Mr. ROGERS) has proposed for the salaries and expenses accounts of the Small Business Administration. I should say at the same time, however, that I understand his frustration over the gimmicks employed by OMB and budget crafting process, and I hope that this message does not fall on deaf ears.

Second, I must express sincere reservations in the strongest terms about the woefully inadequate funding provided for the Legal Services Corporation in this bill. One hundred forty-one million is not even close to what is needed to provide legal, civil-legal assistance for our most vulnerable citizens. I intend to offer an amendment later in the debate to address this deficiency in our bill, and as mentioned earlier during debate on the rule, my amendment will increase funding for Legal Services from 141 million to 250 million.

Mr. Chairman, I want to take this occasion to further inform my colleagues that even my amendment will not provide sufficient funding for this vital program, and I intend to work with other Members hard in conference to improve this funding level even further, perhaps approaching the $300 million mark that is in the Senate bill, and that is closer to the mark that we ought to have.

This list is not exhaustive, Mr. Chairman, but merely serves to highlight a few key areas of the bill, some areas of the bill where the bill is strong and some where we have a lot of work to do.

Again I want to thank the gentleman from Kentucky (Mr. ROGERS) for his cooperation and his consideration of minority views throughout the process.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. REGULA), one of the very able members of our subcommittee who also serves as chairman of Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding this time to me, and I want to say he did a great job of balancing the many very difficult issues in the subcommittee. It was tough to balance out the multitude of requests.

One of the highlights of this bill is the initiative to combat juvenile delinquency. It is disturbing to note that since 1989 arrests of juveniles in Ohio for violent crimes have risen 44 percent and 20 percent of all violent crimes nationally are committed by youths under the age of 18.

☐ 1945

There are many solutions being sought, and this bill contains a $42.2 million increase for funding for juvenile justice programs, to fund the same. The increased funding is directed not only toward law enforcement initiatives to punish violent juvenile offenders, but, perhaps more importantly, it is also directed to quality intervention and prevention programs to help our youth from falling into the delinquency trap.

There is a lot of truth that an ounce of prevention is worth a pound of cure. The juvenile justice programs provide funding for the Ohio Attorney General's juvenile crime initiative called OASIS, Ohio's Accelerated School-Based Intervention Solution. This program is aimed at providing teens with in-depth support during the middle school years so they can avoid moving into a life of delinquency and incarceration.

Project OASIS represents an effective solution crafted by a Federal, State and local partnership. I strongly support this, because it really is a partnership among all levels of government.

I would also like to thank the chairman for once again recognizing the importance of engaging students in continued research and outreach on coastal and ocean environments under the JASON project. The bill includes $2 million for the second year funding for the JASON project to build on the successful partnership that it has developed with the Department of Commerce.

The JASON project serves over 2.5 million students across the United States, including students in Wooster, Ohio, by providing an exciting interactive program of education that makes science more accessible and real to students. It is real time. Students can interact.

I know in one instance in the JASON project they were on the bottom of the Monterey Bay, interacting with students in schools in Ohio that were equipped, as well as across the Nation. This additional funding will allow the JASON project to develop further curricula and to expand the number of students participating.

Another important aspect funded in this bill is the $4.1 million increase above the amount requested for the Commerce Department's International Trade Administration. I support this increase because expanding exports as well as protecting domestic companies against unfair foreign trade practices are both crucial to the creating and maintaining of high wage jobs in the United States.

The Commerce Department is performing important work by promoting U.S. exports abroad and enforcing U.S. trade laws at home to ensure that the United States companies have a level playing field in the global marketplace.

I strongly urge my colleagues to support this bill, and I look forward to working with the chairman when the bill reaches conference.

Mr. MOLLOHAN. Mr. Chairman, I am delighted to yield 4 minutes to the distinguished gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Chairman, I thank my friend for yielding me time.

I want to first express my thanks to the chairman, the gentleman from Kentucky (Mr. ROGERS), and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and especially the fine staffs for the typically excellent work they have done in putting this bill together.

The Commerce-Justice-State appropriations bill funds an extraordinarily wide array of programs that this government undertakes on behalf of its people. To name just a few, our country's entire law enforcement corps, the criminal and civil justice systems, regulation of commerce, ensuring that securities and communications laws are enforced, research in the planet's atmosphere and oceans, our diplomatic corps, and on and on and on. I am glad to have worked with the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN) on this bill, and especially appreciate the help they have given me personally on it.

Among the many areas where I believe we have produced positive results are in the funding of the National Oceanic and Atmospheric Administration effort to maintain a much more comprehensive weather database, information crucial to predicting long and short term weather disasters; funding for NIST and the NOAA Space Environment Center; improvement in our trade statistics, which will enable future debates about trade policy to be held on a much more informed basis; and many other requests which I am grateful to the chairman and ranking member for assistance.

As both gentlemen know, I have some problems with some areas of the bill, particularly Legal Services, the census, and an amendment I will be offering on TV Marti, but I did want to engage the distinguished chairman briefly on one point having to do with funding for NOAA. I appreciate all the work that he has done to accommodate my requests in this area.

One pending item in the bill that is important to U.S. weather forecasting and supercomputing capabilities is the High Performance Computing and Communication program. This offers several benefits to the country, including the acceleration of very site-specific weather forecasting warnings by 6 to 12 hours. In addition, this program has the potential to provide a real shot in the arm for the U.S. supercomputer industry. Finally, its parallel computing system can save us a lot of money by automatically converting millions of lines of computer code that will otherwise have to be done at much greater expense.

I know the chairman is aware of these benefits, and I appreciate his inclusion of the funding and report language on the HPPC in this bill. So I hope the chairman will make every effort to provide full funding for the HPPC as we move to conference with the Senate.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding. Let me just say that I appreciate the gentleman's concerns. The gentleman is a very valued member of this subcommittee, as we have mentioned, but one of the most valuable contributions that the gentleman makes and has made has been the intellectual firepower that he brings to very technical subjects like this, which this subcommittee desperately needs.

But the gentleman has been a very tireless and effective advocate for these types of programs over the years, and we are going to miss his counsel on this and many other subjects on the subcommittee, not to mention his friendship. Of course, we could go on and on about the gentleman, because after all, his ancestry is from that great Commonwealth of Kentucky, if I am not mistaken.

Mr. SKAGGS. Grayson County, in particular.

Mr. ROGERS. We will do what we can to accommodate the gentleman's concerns as we work in conference with the Senate.

Mr. SKAGGS. I thank the gentleman very much.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa

(Mr. LATHAM), one of the very able members of our subcommittee.

Mr. LATHAM. Mr. Chairman, I rise today in strong support of the bill. As a member of the subcommittee, I know this is a difficult bill to work on as it funds some of the most important and diverse functions of the Federal Government. The gentleman from Kentucky (Mr. ROGERS), who chairs this subcommittee, has worked with both sides of the aisle to craft a bill that properly reflects Congress' priorities, particularly in the area of law enforcement.

Each year there are new and greater challenges confronting law enforcement officials throughout the Nation. In order to be successful, Federal, State and local officials need to work together in a coordinated effort to combat criminals that are increasingly better organized, more lethal, and more technologically advanced.

My home State of Iowa, like many States throughout the Midwest and the West, has become inundated with methamphetamine production and trafficking. In fact, the tri-State Siouxland region of Iowa, Nebraska and South Dakota has become the meth distribution capital of the country, where the drug costs up to $30,000 a kilo.

According to DEA officials, more than 20 Mexican organizations run operations in this region and supply 90 percent of Iowa's meth. However, domestic producers are also a significant problem. In 1994 Iowa law enforcement officials seized only one clandestine meth lab, and 10 in 1996. Despite increased law enforcement efforts, that number has jumped to 111 through only half of this year.

Our bill provides greater resources for the DEA to focus on the methamphetamine epidemic in America's heartland. DEA is funded at more than $1.2 billion, which includes a $24.5 million increase targeted at meth production and trafficking, and more than $4 million in increased funding provided to assist small communities in my district and throughout rural America with the expensive and technically challenging removal of hazardous wastes generated at clandestine meth lab sites.

The bill directs an additional $50 million in resources to local law enforcement in the war on meth through the COPS Methamphetamine Drug Hot Spots Program. Included in this is funding to continue the innovative Tri-State Methamphetamine Training Center in Sioux City, Iowa, which provides police officers in rural areas with training in comprehensive counterdrug operations that their communities would normally not be able to afford or have access to.

Continuing our efforts to stem the flow of illegal aliens, this year's bill again provides funding for 1,000 new Border Patrol agents. However, there are also a number of important INS-related provisions in our bill.

The INS has been slow to implement a provision I included in the immigration reform legislation enacted in 1996 that charged INS to establish a program to deputize State and local law enforcement agents, thus enabling them to assist with identifying criminal aliens.

However, our bill provides $21.8 million to set up 50 innovative INS Quick Response Teams to aid local law enforcement with identifying and removing illegal aliens. This is critical to areas throughout rural America where the INS has simply failed to respond to calls from local authorities to identify criminal aliens and take them into custody.

Also included in the bill is language under the COPS Technology Program permitting technology such as video teleconferencing equipment to be purchased under this grant program. This equipment will enable local police to identify criminal aliens by conferencing directly with INS officials at regional offices. The INS is currently testing this innovative pilot program in San Diego County, which, again, is a result of my provision in the 1996 reform act.

I would like to take the remainder of my time to thank the chairman for responding to the needs of Iowa. The chairman recognizes the unique needs of rural America and has provided law enforcement officials at all levels with the resources necessary to meet head-on the challenges they face and they will face in the coming years.

Again, I urge my colleagues to support this great bill.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. DIXON), a very able member of our subcommittee.

Mr. DIXON. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I reluctantly rise to support this bill, for in my opinion it is defective in basically three areas. One deals with the census. We have provided full funding for the census but basically say that they can only spend half of that money until March 31, 1999, when supposedly we will be able to reconcile our differences.

The problem with that is that, unfortunately, the Census Bureau testimony is that they do not spend money in half year increments. So to fully fund but only allow them to spend half the money is to impact their ability to use either system to count the census in the year 2000.

The second is the Legal Services Corporation. If we really believe that people of short means, of small means, are to be represented in the civil courts of our country, we recognize that $141 million is not enough money.

So in these two issues I think the bill is totally deficient, and I urge Members to support the ranking member's amendments at the appropriate time.

The third issue is EEOC. There was a request, based on the backlog of those people who have complaints and that they should be adjudicated, to increase it by $37 million. We have only increased it by half that amount, and I hope that as we move this bill along, that we will increase it further.

There are many good things. As the chairman and the ranking member have pointed out, the Juvenile Crime Prevention Program is funded at $295 million and the community COPS Program is fully funded. As several Members have pointed out, the methamphetamine problem in our country is growing, and we have dedicated $30 million to fight that battle. We have also provided a new program and incentive to decrease the backlog in the naturalization process in our country.

□ 2000

Most important for California, we have provided $585 million in funding for the State Criminal Alien Assistance Program, the same level as last year, but $85 million above the budget request.

These are good programs, but when we look at the bill and we see that we are going to continue to have a deficit in the way we fund the Census Bureau, when we look at Legal Services and EEOC, as we move along, I hope that we will much improve those areas. I encourage all Members to support the amendments of the ranking member in those two areas.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), the able chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Kentucky for yielding time to me.

I rise in support of H.R. 4276. This bill, Mr. Chairman, takes important steps to deal with illegal immigration and related crimes, such as alien smuggling and drug smuggling. As in previous years, the bill provides for 1,000 new border patrol agents and 140 support personnel for those agents. These new agents can help the United States regain control of its borders.

H.R. 4276 also addresses the INS's longstanding unresponsiveness to the problems imposed on communities by criminal illegal aliens. Too often the INS has failed to deport criminal aliens arrested by State and local police officers. The bill directs the INS to set up an around-the-clock 800 number that State and local officers can call to arrange for apprehension and removal of criminal aliens.

The bill also directs the INS to deputize State law enforcement officials when requested, as authorized by the

1996 immigration reform law, so they can assist the INS in removing criminal aliens from the United States. Too often the INS has released criminal aliens into American communities because of inefficient use of limited detention space. H.R. 4276 provides substantial resources for a major increase in detention spaces available to the INS.

Finally, Mr. Chairman, the bill directs the INS to maintain the integrity of immigration benefits by investigating and rejecting fraudulent applications. Equally as important, it also mandates improved speed and efficiency for serving immigration applicants, and provides important funding for that purpose, funding which was not requested by the administration.

I urge my colleagues to support and vote for H.R. 4276, the Commerce, Justice, State, and the Judiciary appropriations bill.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI), who is an outstanding Member of our full committee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, as a former member of this subcommittee, I have an appreciation for the breadth of jurisdiction that the distinguished chairman and ranking member have to deal with, and I commend them for their great leadership in bringing this legislation to the floor. I do hope, as the process moves on, that I will be able to support the bill, because dealing with all of the issues that we have to deal with, as has been mentioned, there are some controversial ones.

One of them deals with the children of America. I do not know if Members have seen, but a couple of weeks ago Columbia University released a study that said that one in four children under the age of six in America lives in poverty.

How could this be, in a country this great? Maybe one of the reasons is that we do not have an accurate count of our children. Fifty-two percent of the undercount in the 1990 Census were children. They represent 25 percent of those counted but 52 percent were part of the undercount, a gross undercounting of the children.

That is why I support the Mollohan amendment, because I think it addresses the controversy of the Census in a very, very smart way. It accomplishes three important goals: It prevents any interruption in the funding of the 2000 Census; it takes into account possible action by the Supreme Court to review the sampling question; and it provides for third-party review of the Census Bureau's plan for counting the 2000 Census.

The 1990 Census was seriously deficient, particularly as it failed our minority communities, and as I have said, the children of America. We cannot meet the needs, minister to the needs of America's children, if we do not have an accurate count of those children. In the minority community, almost 9 million people were not counted in the process, including one in 10 African American males, one in 20 Hispanics, and one in 10 young Asian males.

On top of this, there were 26 million errors in the last Census, 1.6 percent of the population was undercounted, 4.5 million people were counted twice, and the concerns go on, which I will submit for the RECORD.

Mr. Chairman, in conclusion, I say that the Constitution requires that we have a Census. Every American counts. I urge my colleagues to vote for the Mollohan amendment when it comes up, to bring about a fair and accurate Census for America's children.

Mr. Chairman, I rise in strong support of the Mollohan amendment. The Mollohan amendment accomplishes three important goals—it prevents any interruption in funding of the 2000 census; it takes into account possible action by the Supreme Court to review the sampling question; and it provides for third party review of the Census Bureau's plans for counting the 2000 census.

The 1990 census count was seriously deficient, particularly as it failed our minority communities. Almost 9 million people were not counted in the process, including one in ten African-American males, one in twenty Hispanics and one in ten young Asian males. On top of this, there were 26 million errors in the last census, 1.6% of the population was undercounted, 4.5 million people were counted twice and another 13 million people were counted in the wrong place. In fact, the 1990 census was the first census since 1790 to be less accurate than the census preceding it.

We can do better than this and we owe it to all segments of our communities to make the strong effort to approve the Mollohan amendment to keep the census fair, accurate and representative of our diverse population.

Full funding is necessary. Full funding of the census is necessary to prevent any delays in the preparation by the Census Bureau to proceed with its improved plans for 2000. The Mollohan amendment still leaves room for the Supreme Court to act on the census question without any interruption of plans by the Bureau to modernize, organize personnel and facilities and engage in contracting now. The Bureau has a plan; give them the money they need to implement the plan so that a severely deficient process can be improved.

Secretary Daley has stated: "This kind of living with a sword over the Census Bureau's head does not lend well to long-term planning. . . If Congress is going to have a fight and vote over what method ought to be used. . . . they should not hold hostage the census."

The Bureau plan uses good science. The Census Bureau plan includes augmenting the traditional count with statistical sampling. Traditional methods by direct enumeration would be used to count most Americans through the use of mail surveys and interviews, with the remaining 10 percent hard-to-reach households estimated based on the characteristics of the 90% reporting from within the census tract.

This plan is supported by the National Academy of Sciences, the General Accounting Office and the Commerce Department's Inspector General. The General Accounting Office reports: "Sampling households that fail to respond to questionnaires produces substantial cost savings and should improve final data quality."

A report of the blue Ribbon Panel on the Census of the American Statistical Association states: "Because sampling potentially can increase the accuracy of the count while reducing costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. . .We endorse the use of sampling for these purposes; it is consistent with the best statistical practice."

On the Constitutional Question about "actual enumeration," Stuart M. Gerson, Assistant Attorney General during the Bush Administration, stated in a 1991 memo to the Commerce Department's General Counsel that the origin of the term 'enumeration' in the Constitution "is more likely found in the accuracy of census taking rather than in the selection of any particular method. . .Nothing. . .indicates any additional intent on the part of the Framers to restrict for all time. . .the manner in which the census is conducted." Gerson went further to state that a headcount "might be subject to political manipulation in the form of a congressional refusal to appropriate sufficient funds. . .or by overly restrictive local review procedure. On the other hand, Census Bureau statisticians might perform a statistical adjustment in a manner yielding highly accurate results."

"Actual enumeration" under the Constitution, translated into an actual headcount, makes no more sense today than the notion of the constitutional framers to count only 3/5 of all Black male slaves in the census. Actually, times have not changed in that respect if you look at the 1990 census which was effective in counting only 9/10 of our nation's Black males. We can do better than this and we have an obligation to utilize the best possible methods available to us.

According to many analyses of Constitutional interpretation, the founding fathers were more concerned about accuracy of the census rather than the specific methods employed to obtain the count. The Carter Bush and Clinton Administrations all concluded that the Constitution permits the use of sampling and other modern statistical methods as part of the census. All of the courts which have considered the question have concluded that the Census Bureau may use sampling and other statistical methods to improve the accuracy of a good-faith direct counting effort. The Census Bureau should have the discretion to determine the best possible science and modern technology for conducting a fair and accurate census count.

The Census Bureau has a plan—recommended by the National Academy of Sciences—for improving the 1990 census and we should put it to work. Accuracy is important to all communities in America—for their representation in Congress and for the return investment by the federal government. They depend on the federal dollars for roads, schools, senior centers, Medicaid and other vital support systems that are determined by the count and that improve the quality of life in their communities.

Make the census accurate and let the Bureau do its work NOW. We cannot be happy with the fact that millions of people, and particularly minorities, are left out of the count. Every American counts. Vote YES on the Mollohan amendment to bring about a fair and accurate census for the year 2000.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the very able chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I rise today to urge my colleagues to support H.R. 4276, the Commerce, Justice, State appropriations bill for the fiscal year 1999. I want to thank my colleagues at the committee for working closely with the Committee on the Judiciary in deciding what amendments to the substantive law should be included in this spending bill, and I deeply appreciate the cooperative spirit.

The CJS bill comes to the floor on the heels of H.R. 3303, the Department of Justice appropriation authorization act for fiscal years 1999 through 2000, the first reauthorization of the Department passed by the House in years.

With respect to the Justice Department, I want to commend the Committee on Appropriations for producing a strong, balanced spending bill. Working within tight budget controls, Commerce, Justice, State reflects the Congress' continuing commitment to provide resources for America's top domestic priority, fighting crime.

Over the past 3 years we witnessed a dramatic drop in most categories of crime across America. This decline has been breathtaking. Many factors have converged to bring it up. Some, like demographic changes, were purely fortuitous, but we do know that specific crime-fighting measures have made a difference, and Congress has played an important role in funding some of these measures.

For example, tens of thousands of police officers and crime-fighting equipment have been put on the streets through local law enforcement block grants and the COPS grant program. While I believe that Congress should not necessarily fund these programs in perpetuity, now is not the time to let up on the criminals. We must continue to fight to make our communities safe again. This bill will provide $4.9 billion for State and local law enforcement, $400 million more than the President's budget request.

Mr. Chairman, the bill will also provide substantial funding for counterterrorism, protection against biological and chemical weapons, and the continuing fight against drugs.

Mr. Chairman, H.R. 4276 is a strong, balanced bill that will, with respect to the Justice Department, give it the resources it needs to carry out its many diverse missions. I again congratulate the gentleman from Kentucky (Mr. ROGERS) and his committee for their intelligent cooperation with the Committee on the Judiciary, and I urge my colleagues to support passage of this important legislation.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1¾ minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY), a member of our full committee.

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding me the time. I want to take my time to profoundly thank the gentleman from Kentucky (Mr. ROGERS), the chairman, and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), as well as the staffs on both the majority and minority side, for their courtesy and consideration in ensuring that the COPS bulletproof Vest initiative was fully funded at the figure of $25 million.

This initiative, which was enacted into law in June of this year, was originally sponsored by the gentleman from New Jersey (Mr. LOBIONDO) and myself. It received the bipartisan cosponsorship of 306 individuals in this body, and was passed overwhelmingly by both Houses of Congress.

Essentially, it provides grants for police departments throughout this country to buy bulletproof vests to protect their officers. Prior to the tragedy of 10 days ago in the Capitol, the gentleman from Kentucky (Mr. ROGERS), as chairman, and the gentleman from West Virginia (Mr. MOLLOHAN), as ranking member, saw the dire need for this legislation, given the fact that before the end of today in America two police officers will be shot, and one out of every four police officers in America today does not have a bulletproof vest.

So I do want to thank both gentlemen, the members of the committee and their staffs, for doing the right thing and for saving innumerable lives of police officers throughout the United States of America.

Mr. Chairman, I rise to express my sincere appreciation to Chairman ROGERS and Ranking Member MOLLOHAN for including funding for a new program, the COPS Bulletproof Vests Initiative. The bill before us directs $25 million for the creation of a new grant program to help provide state and local law enforcement officers throughout the country with bulletproof vests.

Funding for this program was authorized in Public Law 105–181, which is based on legislation that I, together with our colleague from New Jersey, Mr. LOBIONDO, first introduced in the House last November. The measure received strong bipartisan support in the House, attracting 306 co-sponsors before it was voted on and signed into law.

Bulletproof vests and body armor have saved the lives of more than 2,000 police officers. Unfortunately, figures indicate that approximately 25 percent of the nation's 600,000 law enforcement officers don't currently have access to a vest. The Fraternal Order of Police, the National Sheriff's Association, the International Union of Police Associations, and the Police Executive Research Forum have all endorsed the bulletproof vest program that is funded by this bill.

Once again, I wish to thank Chairman ROGERS and Ranking Member MOLLOHAN, as well as all of my other colleagues who helped bring this important program to fruition.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just wanted to compliment the distinguished gentleman from Indiana for his work on this issue, which is poignantly important, as we saw so tragically here right close to home in the Capitol last week. Police officers are at risk, and his work is certainly appreciated by all of them across the country and all of us. I want to compliment him.

Mr. ROGERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there have been a number of calls into the cloakrooms from Members inquiring about whether or not there will be further votes this evening.

For the convenience of the Members, especially, I would like to state that there will be no further votes tonight. We will conclude general debate on the bill, and consider the legal services amendment, debate only. The vote will be postponed until tomorrow, and after that debate, the committee would then rise, so Members can know there will be no further votes this evening.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to thank the gentleman from Kentucky (Chairman ROGERS) for the assistance that he has given me, but right now I rise against Republican Census politics. It does not make much sense, by the way, either. If Republicans have their way, it will return us to the days where poor people and people of color either do not count, or, at best, count as three-fifths of a person.

During the last Census in Georgia, counters came from rural Alabama to count people in Atlanta public housing. This was not just a funny story about the country mouse visiting his city slicker cousin, it was Dixie politics. Do Members think it was an accident that the residents in Atlanta public housing did not get counted? Let me assure every Member in this House that that was no mistake.

Nationally, this same Census missed one in ten African American males, one in 20 Hispanics, and one in 10 young

Asian males. That is why every major civil rights group has endorsed the plan created by the nonpartisan National Academy of Sciences to correct the undercount, using the most modern statistical methods available.

But the Republicans, for purely partisan political reasons, would like to hold the funding for the Census Bureau hostage so they can force the Bureau to use outdated techniques that are guaranteed to lead to an inaccurate count.

Mr. Chairman, the Census is America's family portrait. I recently took a portrait of my Washington, D.C. staff, which looks very much like America. If the Republicans have their way some of my staff will disappear, because the Republicans do not want a fair and accurate Census.

This is my staff, which looks very much like America. I call it my rainbow staff, and some of them are in the gallery now. Unfortunately, Mr. Chairman, this is my staff after a Republican Census. If I am not careful, I would not even be counted in the Republican Census.

It appears that Republicans are absolutely satisfied with certain people not being counted because it preserves their political power. The only way we are going to make sure that every man, woman, and child is included in America's family portrait is by putting Republican racial fear-mongering aside and let the Census Bureau do its job. America needs a fair and accurate Census.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. McCOLLUM), the very able chairman of the Subcommittee on Crime.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding me the time. I rise tonight to strongly support H.R. 4276, the Commerce, Justice, State appropriations bill. It contains numerous provisions that I think very much adequately fund key crime-fighting provisions that the Justice Department and the Committee on the Judiciary want in all respects.

First of all, there is a tremendous increase in funding in here for the Drug Enforcement Administration. Part of what we need to take cognizance of is the fact that we have now seen more drugs, particularly cocaine and heroin, fill our streets than at any time in history, at lower prices. We see double the teenage use in the United States since 1993, and this increase is one small but significant step in the right direction to turn that around.

□ 2015

Secondly, we have $250 million in juvenile accountability block grants in this bill to support what this House passed. The Senate has yet to pass an authorization; we passed it last year in H.R. 3. It will go to those States that will assure the Attorney General that young people will be held accountable for the very first misdemeanor crime, because experts tell us that if that does not happen, they are going on to much more likely difficult times of greater violence later on. There are many other features of that bill that this provision supports.

Third, there is $525.5 million for truth in sentencing prison construction grants going to those States that adopt truth in sentencing provisions; that is, that require those who commit violent crimes to serve at least 85 percent of their sentences. About half of the States have already made that commitment; we need to get the other half of the States to do the same.

Last but not least, there is $523 million to continue the local government law enforcement block grants that allow every city and county in this country to fight crime as they see fit with these grants, based upon their population and their crime statistics.

These are enormously important funding provisions in order for us to reduce the amount of violent crime in this country. We still have far too much. The amount of crime at the violent level is still four times greater in this country per capita than it was in 1960, but the funding in this bill will go a long way in these particular provisions to help reduce that and to fight it. I urge a "yes" vote on this bill.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my friend for yielding the time to me.

Let me just say that I think all Americans want the most accurate census possible. I do not think Americans want politics to be played. I do not think Americans like this kind of thing. The whole purpose of the census every 10 years is to get an accurate description of what America is all about, an accurate count.

If we look at the chart over here, it shows the estimated number of people who will be missed using the 2000 census plan as proposed by using statistical sampling. And how many people will be missed if we use the old 1990 method? Five million people missed, 5 million Americans not counted in the census if we use the 1990 method. And if we use the 2000 method that we are proposing, statistical sampling, very few people will be missed.

That should be the bottom line for anybody. Politics should not be played. We should not have to do this time and time again. Everybody knows that the only way to get an accurate sampling, accurate statistics, is by using statistical sampling. The 1990 census was a disaster. Everybody knows that at least 4 million people were not counted.

The Bush Administration census director at the time said enumeration cannot count everybody. So unless the census is allowed the option of employing statistical sampling to improve its accuracy of the count, the next census will miss even more people.

So the bottom line, again, for us and for the American people should be, which will give us more accurately what the American population is? It certainly is using statistical sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness, and I thank the chairman of the committee for working collaboratively on some of the very important issues that we have surrounding Commerce, Justice.

Let me acknowledge the importance of the Police on the Beat program that has been so effectively utilized in my community in Houston. I also want to comment on the need for juvenile justice prevention programs and would like to thank the committee for its prevention dollars, but also would like to say we need more of those, because I believe the prevention angle for juveniles is much more effective than incarceration.

I am disappointed in the funding of Legal Services Corporation; $141 million does not equate to justice for our poor and underserved.

But I would like to speak most extensively on the need for an accurate and forthright count of those of us who live in this great Nation. To point to this particular board that shows who the victims of this undercount will be, I use the term "undercount" because no one likes that term. One feels badly that they are left out. Only 26 percent of our population are children. Yet if we do not have sampling, 52 percent of them will be undercounted. What does that mean? No education, no housing, and no health care.

The 1990 census was the first in history to be less accurate than its predecessor. The Census Bureau has a plan that will count everyone, and that is sampling. It is not polling, it is statistical sampling, approved by the National Academy of Sciences, the American Statistical Association and the Population Association of America. This is not voodoo tricks. This happens to be real science.

This is real science, Mr. Chairman. For all of those who have debated on the floor of the House to say we are simply doing polling, no, we are not. Sampling follows the constitutional analysis of enumerating and counting everyone, because how would we like to see a circumstance where someone attempts to count everyone on a block, they go at 4:00 in the afternoon and 50 percent of those who live on that block are not there. Their numbers will say there are only half of who actually lives on the block. Statistical sampling will say on this block there are this many numbers of people by our statistical analysis, and we will get the correct number of people who live on that block and not have to miss them because we came at 4:00 in the afternoon.

I support the Mollohan amendment that is a fair response to this controversy. It says, let us get ready to take the census in the year 2000. Let us not wait because we are in debate about whether sampling is constitutional. It provides for an opportunity to do both. I do not want 52 percent of our children to be undercounted. I want education, housing and health care to be fair for all Americans.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), chairman of the Subcommittee on Technology of the House Committee on Science.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding the time to me. I would like to engage the gentleman in a colloquy on an issue of critical importance to our U.S. competitiveness.

On June 4 of this year the Subcommittee on Technology, which I chair, held a hearing addressing the upcoming U.S. submission to the International Telecommunications Union of proposed standards for the third generation wireless telecommunications standard, commonly known as 3G. One issue which seemed to generate a significant degree of consensus was the need to ensure that any future global standard not strand technologies which are currently in use. One method to ensure U.S. technologies are not stranded is to require backwards compatibility.

The Federal Communications Commission, the National Telecommunications and Information Administration and the Department of State all share responsibility for protecting U.S. interests during the ITU standard-setting process. With the significant investment made by U.S. developers, manufacturers and service providers of wireless telecommunication technologies, I believe the FCC, NTIA and the Department of State should work diligently to ensure that these investments are not rendered worthless through the international standard-setting process.

Since the FCC, NTIA and the Department of State all fall within Commerce, Justice, State appropriations, I would ask the chairman to work with these agencies to ensure that no U.S. technologies are stranded as a result of the ITU standard-setting process.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman for bringing this issue to our attention. I look forward to working with her and all of the involved Federal agencies on the issue.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman. I know it sounds complicated. It is so important. I thank the gentleman very much.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York (Mrs. Maloney).

Mrs. MALONEY of New York. I thank the gentleman for yielding me the time.

Mr. Chairman, every American deserves to be counted in the census, and we must have the most accurate census possible.

The 1990 census was the first in history to be less accurate than its predecessor. It missed millions of Americans, predominantly children and minorities. The Census Bureau has a plan that will count everyone. For political reasons, our opponents' plan will not do that, and we must not let that happen. They will not fund the plan that is needed for the entire year.

Virtually every expert agrees that the way to get the most accurate count possible is by using modern scientific methods to supplement the traditional head count. Here we have a list of many of the people who already support the plan that the Census Bureau has put forward, that the Mollohan amendment supports.

Funding the Census Bureau for only six months, as the opposition suggests, will cripple its ability to adequately plan and prepare for the largest peacetime mobilization undertaken by the United States Government, that of counting all of our people.

I stand in support of the Census Bureau's plan and the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just noticed from the chart that the gentlewoman is emphasizing the National Academy of Sciences in her presentation, which makes the point that after the failed 1990 census, this Congress asked the National Academy of Sciences, the most respected body that we call on time and time again to give us nonpartisan advice, we called upon them and asked them, how do we do the 2000 decennial census in a way that takes care of the problems that resulted in the 1990 census being a failure?

The National Academy of Sciences came up with scientific sampling as the way to make sure that we counted everybody in this country. I just want to compliment the gentlewoman for her excellent work on this issue and think that this is the right starting point to emphasize that organization, which has such credibility in this country.

Mrs. MALONEY of New York. Mr. Chairman, it is not only the National Academy of Sciences, it is every statistical association. We have many editorials that I would like to put in the RECORD from clear across the country supporting modern scientific methods. Also it was approved by the Bush Administration, and Dr. Barbara Bryant put the plan in place under the Bush Administration. We were moving forward with a plan to count everyone.

The only person that I know who objects to it is the Republican National Committee that has raised many objections to getting an accurate count of all Americans.

Mr. Chairman, I include for the RECORD the following editorials:

EDITORIALS Y2K II

There'll certainly be hell to pay if the nation's banking, power and communication systems shut down because computers confuse the year 2000 with the year 1900. Government will get blamed for not doing enough in advance to handle the problem. But at least public officials will be able to say that the disaster was not originally of their making. That's not the case with the second Y2K meltdown that's impending: a failed 2000 Census, which took another step toward reality yesterday in the House Appropriations Committee.

On a party-line vote the committee's Republicans moved to give the Census Bureau only half of its funding for next year and to release the rest next March—if and when Congress has voted on how the census should be conducted. This was a blatant and dangerous move to keep the bureau from even planning to implement statistical sampling as a counting method.

It's important that the Census Bureau be fully funded from the get-go in fiscal 1999 because much of the agency's vital preparatory work for 2000 needs to be done early in the year—regardless of how the sampling issue finally gets decided. Offices must be leased, employees hired, questionnaires printed and computers bought—which can't happen efficiently without full funding. Moreover, if there are delays approving a second trance of funding in March, offices will have to be closed and employees let go, making a botched census even more likely—again, regardless of how the sampling issue is resolved.

The responsible way to handle the sampling issue is to let the Supreme Court decide whether or not use of modern statistical methods violates the constitutional mandate of an "actual enumeration" of the population each decade. We do not see how the Court can possibly decide that it does in view of the changes that have previously been made in the census. Until 1970, census-takers actually went around counting the number of persons in households. Since the, written questionnaires have been the main counting method, supplemented by personal visits. It's been conclusively determined that both methods systematically undercount the population, especially in minority and poor communities. So the Census Bureau wants to supplement visits and mailers with sampling to achieve a more accurate count.

We'd bet that the Court will find that what the Framers meant by "actual enumeration" was "a realcount" of the population—as opposed to guesswork or political logrolling—to determine distribution of Congressional seats and government benefits. But we could be wrong. If so, there won't be sampling in 2000. If the court decides that sampling is

OK, though. Republicans will have no legitimate reason to oppose the practice. To block it, they'd have to say they want minorities to be undercounted—a disgraceful proposition that's unsustainable politically or morally. The GOP has every right to want sampling to be conducted in an honest, professional manner. But it's covered this problem by creating a bipartisan census oversight board.

So, we urge the full House—or the Senate—to assure full funding for census preparations. One Y2K problem is plenty.

[From the Washington Post, July 15, 1998]

GAMES WITH THE CENSUS

The House Appropriations Committee is scheduled today to take up the bill that contains funds for the year 2000 census. It ought to provide full funding for the kind of census the administration has proposed—first a normal count, then the use of sampling and other statistical techniques to determine how many people were missed and adjust the final figures accordingly. That's the only way to combat the increasing undercount of lower-income people and minority groups especially that has skewed the census in recent years.

But the Republican leadership doesn't want to do it. They argue that sampling is illegal, in that the Constitution requires an "actual enumeration," and that even if not illegal it is suspect and susceptible to manipulation. They also worry that a census adjusted to eliminate the undercount could cost them seats and, conceivably, even control of the House in the next redistricting. On the other hand, they don't want to be put in the position of seeming in an election year to advocate less than full rights for minority groups and the poor.

To avoid that, they worked out a deal last year with the administration. This year's appropriations bill would be for six months only. They would thus be ensured of another chance to vote on the issue after the election; meanwhile they would have more time to seek a ruling from the courts. At the same time, preparations for a census including sampling could go forward, and when the big vote finally came, the administration would have a hostage—both sides would, in a sense—in that the census issue, because of the appropriations' placement in a bill funding three departments, would be intertwined with those three departments (State, Justice, Commerce), and thus the conduct of foreign affairs and most federal law enforcement. A veto over the census issue would involve a broader government shutdown for which neither party would want to be responsible.

That was the deal. The Republicans now propose to get out from under it by putting just the funding for the decennial census on a six-month basis. Nor would they provide even all the funding needed for the six months. Next spring they'd be able to hand the president a take-it-or-leave-it proposition—fund the census on their terms or not at all—with no cost to themselves in terms of shutting down other functions of government. In the meantime, they would foul up, for lack of sufficient funding, the normal preparations for the census. This would be to avoid the awful prospect of an accurate count two years from now. Administration officials say the president will veto the current bill if it deviates from last year's understanding. So he should.

[From the Scranton Times, June 27]

KEEP OF POLITICS OUT OF CENSUS

Samuel J. Tilden surely wished there had been an accurate census way back in 1870. If there had, you see, he would have been elected president of the United States in 1876.

Mr. Tilden, who had broken up the Tweed Ring in New York City, went on to become governor of New York (and later, the chief benefactor of the New York Public Library). And, in the presidential election of 1876, he actually received more popular votes than his Republican opponent, Rutherford B. Hayes.

In the Electoral College, however, Mr. Hayes received one more vote than Mr. Tilden, and became president. Only later did scholars discover that, because of an error in the 1870 census, the Electoral College votes had not been properly distributed, and that Mr. Tilden should have been elected.

That is a dramatic example of the impact of the census, even 122 years ago. Today, the census retains the potential for those kinds of problems but it is even more important, affecting the life of virtually every American. Census data are used for everything from establishing congressional districts, to distributing federal funds, to controlling the test-marketing of new products.

GOP WORRIED ABOUT CONGRESSIONAL SEATS

Unfortunately, as the 2000 Census draws near, the only issue that matters in Congress is the determination of congressional districts. Republicans who now control Congress actually are arguing against accuracy in the 2000 count, with largely spurious claims.

It is now known that the 1990 Census was the first one since 1940 to be less accurate than the one before it. In 1980, the census missed about 1.2 percent of the population. In 1990, it missed 1.8 percent. That would not be particularly alarming but for the fact that the count consistently missed certain groups more than others. It under counted blacks by a whopping 4.4 percent, for example. Republicans in Congress worry that actually counting those folks next time would result in some congressional districts more likely to vote Democratic.

CONSTITUTION PROVIDES FOR INNOVATION

The National Science Foundation and a host of experts on the census have recommended the use of sophisticated statistical sampling methods to complement actual enumeration in order to achieve a more accurate count, and the administration plans to do that.

Republicans have raised the spurious claim that the Constitution requires actual enumeration. The Constitution mandated actual enumeration only in the first census, however. It states: "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct." The manner that Congress by law should direct should be enumeration plus statistical sampling, using every proven statistical technique at the government's disposal.

[From the Buffalo News, Mon, June 15, 1998]

MAKE THE CENSUS AN ACCURATE COUNT

Why are Republicans afraid of a more accurate census?

It's the question that remains after the courtroom wrangling the other day between lawyers for House Speaker Newt Gingrich and those representing cities like Buffalo that have significant numbers of minorities and poor people.

Gingrich was in federal court trying to block the Census Bureau's plans to use statistical sampling methods that almost all experts agree would make the 2000 headcount far more accurate than the 1990 attempt.

For reasons having to do with everything from distrust of government to the transiency rates of the poor, the traditional door-to-door effort to count people every 10 year misses lot of minority and poor Americans. Most of them live in urban cities like Buffalo and New York. With a variety of federal and state aid programs pegged to population figures, cities and states that are the victims of census undercounts miss out on money they need and deserve.

Equally important, the census counts also affect the drawing of congressional districts. That, in turn, impacts on elections and helps determine, which party controls the House and state legislatures.

The technical dispute is over the "enumeration" called for in the U.S. Constitution. Republicans insist that the term means there must be an actual head count and no sampling.

The Census Bureau, cities and minority groups, arguing the other side point to accompanying language saying the census shall be conducted "in such manner" as Congress directs. Logic dictates that the framers would never have included that language if they were mandating only one way to conduct the census and meant to leave no room for improvements, such as through sampling.

But the argument really is more about political power than logic. Republicans privately fear that a census that reveals more minorities and poor people could lead to a redrawing of legislative districts in ways that threaten GOP office holders. That could shift the balance of power in the House or in some state legislatures.

Of course, such a fear seems to assume that Republicans feel they have nothing to say to minorities or poor people. Is that what GOP leaders mean to concede? Any party that feels it has ideas that can compete for the minds of voters shouldn't worry about the prospect of having more Americans counted, no matter where they live.

The bottom line is that the census should be as accurate as possible. Instead of fighting to cheat cities like Buffalo by perpetuating undercounts of certain populations, the GOP should be fighting with ideas that can attract those newly-counted Americans.

[From the Pittsburgh Post-Gazette, Sun. June 14, 1998]

CENSUS SENSE—THE USE OF "SAMPLING" IS SCIENTIFIC AND CONSTITUTIONAL

Since 1790, the United States has conducted a census every 10 years as required by the Constitution. As difficult and error-prone as this process always has been—George Washington and Thomas Jefferson thought the first count was too low—the task has become more difficult as the nation has become bigger and more mobile. Unless an adjustment is made, the 2000 census threatens to be the most inaccurate yet.

The record for error was set in 1990—the first census in recent history to be less accurate than the one before. The Census Bureau estimates that 10 million people were missed in the 1990 census and 6 million were double counted. Thus the census undercounted approximately 4 million people. The Bush administration rejected requests to adjust the figures.

Republicans are again resisting adjustments, this time in the method to be used for the 2000 census. They oppose using sampling, which the Census Bureau, the National Academy of Sciences and the Clinton administration say will make the count more accurate—and cheaper.

The issue may seem arcane but the stakes are high. Of the $125 billion that went to state and local governments in 1990, about half involved calculations based on census data. And, or course, the census is used to determine the apportionment of U.S. House seats, a fact that worries the GOP because the census disproportionately undercounts pro-Democratic minorities.

Naked self-interest, however, is dressed up in respectable arguments. Two lawsuits have been filed to prevent census sampling, one of them brought by House Speaker Newt Gingrich. The main contention is that sampling is unconstitutional, because Article 1, Section 2, of the Constitution requires that an "actual enumeration" be made.

To read this section as saying that sampling is banned as a supplement to actual counting is absurd. As the Census Bureau itself notes, the Justice Department has given an opinion on sampling on three occasions—during the Carter, Bush and Clinton administrations—each time concluding that sampling is constitutional.

Because the opposition has been so overstated, the average American could be forgiven for assuming that the Census Bureau intends to go out and use a few strategic samples in lieu of a count, much like public opinion or TV rating pollsters. That is far from truth.

Census forms will still be mailed out—short forms to five out of six households and a long form for the sixth. Just as in 1990, when only 65 percent of the forms were returned, census workers will go out and try and reach those who did not respond.

But because experience shows that it is impossible to contact everyone (and expensive to try), the census workers will aim to reach a minimum of 90 percent of the households in each census tract. The difference will be imputed on the basis of the data of those who were reached in follow-up visits. In addition, a sample of 750,000 households nationwide will be made as a safety check on the calculations.

Sampling is not weird science; many experts in the field favor the method. It also has ample precedent. As it is, the Census Bureau takes 200 sample surveys each year. Some sampling in a major census was done as long ago as 1940.

As a panel from the National Research Council observed, "It is fruitless to continue trying to count every last person with traditional census methods of physical enumeration." Census day 2000 is April 1. The nation will be ill-served if partisan politics obstructs the use of the best way to get the most accurate count.

[From the Chicago Tribune, June 6, 1998]

THE WISDOM OF CENSUS SAMPLING

Trying to count every one of the 260 million-plus people who reside in the United States is a literally impossible task. No matter how much time, money and effort the Census Bureau expends, it can never hope to get a perfectly accurate count. In the 1990 effort, the bureau concluded, it missed some 8.4 million people and counted 4.4 million people not once but twice. And relying on old techniques, the count is getting steadily less accurate.

That's of some importance, since congressional seats and federal money are divided up by population. but it is a deeply divisive issue in Washington.

The Clinton administration and its allies in Congress, along with the National Academy of Sciences and the great majority of experts in the field, favor a census Bureau plan to use a statistical method known as "sampling" to estimate the millions of people who escape the old-fashioned head count. Republicans, fearful that most of these people are the sort who tend to vote Democratic, are resisting that suggestion. They have filed a lawsuit challenging the method on constitutional grounds and, if they lost in court, they hope to block it with legislation.

The president raised the volume on the issue last week with a speech in Houston—where, he said, the last census missed some 67,000 people. By this estimate, sampling would cut the number of people which are missed by the census to just 300,000. It would also save money.

Republicans claim the use of this method would violate the Constitution, which calls for "actual enumeration" of the population. But the full provision says, "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct"—which suggests that legislators have considerable latitude.

Nor is it obvious that "actual enumeration" means individually counting every person, particularly when that is known to be a seriously inadequate measure. George Bush's Justice Department issued an opinion that sampling is constitutional. A federal court is expected to issue a decision on these questions next month.

But Republicans have not made the case that a ban on sampling would make for the most accurate count possible. However inconvenient its political consequences for some, that goal has to take priority over everything else.

[From the Christian Science Monitor, Apr. 28, 1998]

DOWN FOR THE COUNT?

Every census of a vast country like the United States is an estimate. Millions don't respond to the mailed census forms, and every front door can't be visited by follow-up head counters, particularly in tightly packed urban areas.

The count came up so short in 1990 (at least 10 million) that the Census Bureau devised a plan for using sampling methods to arrive at a more accurate estimate next time around, in 2000. Sampling is an almost universally accepted statistical tool. But Republicans in Congress have dug their heels in—no sampling!

Why? Sampling's critics may say it's because the Constitution specifies an "actual enumeration." But the Constitution also says that the counting shall be done "in such manner" as Congress directs. There's nothing barring techniques like sampling. The real issue here is political, not constitutional. Some in the GOP don't really want a more accurate count of the hardest-to-find Americans, the poor and new immigrants who typically vote Democratic. Larger numbers in those categories could affect the political character of congressional districts allotted to states after 2000, when the new census becomes the basis for reapportionment. Specifically, it might become harder to create "safe" Republican House seats.

But the effects of an undercount go beyond representation. They can slow the distribution of a range of federal assistance programs, since localities partake according to their populations. Beyond governmental concerns, businesses assessing markets and researchers analyzing society rely on census numbers.

After 1990, the calls for improvement were loud. The sampling procedures drawn up by the Census Bureau are a far cry from "guessing," as some charge. The counting process would begin with the traditional mailed census questionnaire, sent to every dwelling on a master address list for the country. In 1990, about 65 percent of households responded. Follow-up interviewers will contact a large number of those who don't respond, with an emphasis on areas with high rates of non-response. The bureau hopes this will boost the total contacted to 90 percent.

But that leaves 10 percent uncounted, and now the going gets tougher. This is where sampling would have its biggest impact. A sampling of 25,000 census "blocks" would be chosen for a second close, physical canvassing of every residence—a step that wouldn't be practical for the whole country. The results of this canvass would be compared to the earlier head count. "Estimation factors" would emerge that could be used to correct counts in all blocks, with a close eye to corresponding demographic features like homeownership, race, and age of residents.

This spring, the bureau will conduct some dress rehearsals of this system in geographically varied parts of the country. Congress allowed for that much. But a full-scale gearing up for 2000 remains problematic.

Preparations for the dress rehearsals have underscored another problem facing the census: It's difficult to find workers to conduct the count. With today's very low unemployment, few jump at the short-term, no-benefits census jobs. This problem will be exacerbated if Congress orders a labor-intensive, no-sampling national head count.

Meanwhile, the Census Bureau is having to split its management—one part moving ahead with the sampling plan, another working on contingency plans in case Congress flatly rules out sampling. Congress's own General Accounting Office just issued a report warning that continuing indecision over census methods could imperil the 2000 count.

One other note: If the GOP leadership in Congress has it way and demands an "actual" count, the price could be at least $1 billion higher than the sampling approach.

For a more sensible, and accurate census, Washington's politicians should back off and let the experts in the Census Bureau apply their apolitical expertise.

[From the New York Times, Jan. 17, 1998]

TAKING LEAVE OF THE CENSUS

The resignation of the Census Bureau's Director, Martha Farnsworth Riche, does not bode well for hopes that the 2000 Census will be more accurate than the flawed effort in 1990. Ms. Riche, a respected professional demographer, says she has accomplished her goal of redesigning the census process, but regrettably she will not see the difficult task to completion. Her departure robs the agency of the leadership needed to resist political efforts to hijack the census.

Ms. Riche has had to battle fierce political opposition from Republicans on the use of statistical sampling to supplement the traditional head count in the upcoming census. The 1990 Census, which did not use sampling, was the most costly in history and yet missed 10 million Americans and counted 6 million twice or in the wrong place, according to analyses by the National Academy of Sciences. That is because census counts depend entirely on locating people at specific addresses. New immigrants, those in shared housing, migrant workers, the homeless, the poor and young people tend to be undercounted. As these populations grow, particularly in larger cities, the traditional counting approach has become less and less accurate.

Professional statisticians and economists, including experts convened by the National Academy, have said that taking a sampling of those who do not return their census forms by mail and using that sample to estimate the uncounted population would be far more accurate than sending field workers out to make fruitless door-to-door counts. Ms. Riche has been a sensible proponent of this plan.

But Republicans have fought sampling because they believe that the missing millions could turn out to be minorities living in areas that vote Democratic, possibly giving Democrats an advantage since census figures are used to draw state and Federal legislative districts. In a compromise deal hammered out between the White House and Republican leaders last November, the Census Bureau was allowed to go forward with a small dress rehearsal using both sampling and traditional counting techniques this year. In exchange, House Speaker Newt Gingrich will be allowed to use government money to bring a lawsuit to stop the use of sampling in the actual census in 2000.

Ms. Riche's departure could leave the Census Bureau without a guiding force when the sampling battle resumes in Congress after this testing period. It appears unlikely that the Republicans will approve a nominee to the post who supports sampling. Yet Ms. Riche bluntly says there is probably no one in the professional community who thinks an accurate census can be taken without sampling. The Administration may decide to shy away from a confirmation battle by naming an acting director to the agency instead. The politics that drives this debate now threatens to undermine what should be a politically neutral government task.

[From the Los Angeles Times, Oct. 2, 1997]

If the Census Is Faulty, The Cities Will Pay Dearly—GOP Opposition To Sampling Could Hit California Hard

When a congressional conference committee takes up the debate in coming days over how to conduct the 2000 census, the Senate version of the bill should prevail. That version would sensibly permit the Census Bureau to use scientifically sound sampling methods to augment the direct count, thus avoiding an undercount like the 1990 fiasco that probably cost California a couple of seats in the House of Representatives and up to $1 billion in federal population-based funding.

If conference action fails to eliminate the House ban on funding for statistical sampling, President Clinton needs to make good on his threat to veto the appropriations bill that funds the Commerce, State and Justice departments, a measure to which the House attached its sampling ban. House Republicans let the government shut down in a similar standoff last year. Are they prepared to do that again?

The Constitution requires a decennial census. This head count, which is nearly as old as this nation, is becoming increasingly inaccurate because of the changing face of America. The growth of hard-to-count populations such as immigrants, the urban poor and, in some areas, the rural poor frustrates an accurate tally where individuals are physically counted. The 1990 census missed 834,000 residents of California, according to a census study completed after the official count. That costly failure also denied many Californians the fundamental right to equal representation in Congress. That's unjust.

The House GOP leadership opposes sampling, which is commonly used in public opinion polling, on the grounds that it falls short in terms of accuracy, constitutionality and safeguarding against political manipulation. In taking that position, the GOP disregards the scholarly assessment of the National Academy of Sciences.

Republicans call for a physical head count, which tends to favor affluent, married suburbanites—the traditional Republican voter base—over the poor, minorities, single people and transients who dominate many cities. Although the Justice Department in the last three administrations has interpreted the Constitution as allowing sampling, GOP leaders insist that the document specifies an actual enumeration and they refuse to proceed without a constitutional test in the Supreme Court.

On this issue, the Republicans aren't constitutional purists, they're partisans. The only heads they are counting are those in the GOP column. Ultimately this debate is not about population figures, it's about politics. If all Americans are counted, according to some projections, additional congressional districts will be required in areas dominated by minorities and the poor, who traditionally vote Democratic. Changes in political boundaries could cost the GOP up to a dozen seats—and perhaps its majority in the House—some analysts say. Those are the numbers that fuel this partisan controversy.

If the Republican majority succeeds in forcing the Census Bureau to rely on outdated methods, the GOP will probably save several seats. But that victory would be achieved at the expense of a level playing field, especially in California. The California congressional delegation, Democrats and Republicans alike, should support the census takers in the effort to gain a complete count. Democracy is not served if the numbers don't add up.

[From the Los Angeles Times Editorials, Sept. 4, 1997]

The Next Census Has to Seek Accuracy, Not Political Gain—Modern Techniques Can Ensure Fairness for California

California lost, big time, in the 1990 census. The Census Bureau believes that a severe undercount missed 834,000 resident, costing the state a House seat and billions of federal dollars.

To prevent another huge undercount in 2000 and to take a more accurate measurement, the Census Bureau wants to use scientific, statistical, computer sampling techniques to augment the traditional head count. The National Academy of Sciences supports this approach. So does the Clinton administration. But House Republicans plan to block the reform when the census spending bill comes up for a vote later this month. At stake is the potential loss of up to 24 Republican seats in the House, some political analysts say. But the fundamental right to equal representation should not rise or fall on such political stakes.

If all California residents are counted in the next census, the state could gain one or two congressional seats and a larger, fairer share of the billions in federal funds that are parceled out on the basis of population.

Undercounts tend to miss immigrants and ethnic and racial minorities, poor people and children. Transiency is a problem. To count more of the hard-to-reach population, the Census Bureau plans to send out thousands of human counters and four mailings, including forms and reminders. Forms will also be available at post offices, churches, conveniences stores, homeless shelters and other public places and through community groups. A toll-free telephone line will serve people who prefer to call in. Census officials claim sophisticated computer software should eliminate double counting caused by duplicate forms. This new community-oriented approach would work even better in tandem with computer sampling.

The House Republican leadership opposes the proposed methodology, which is commonly used in public opinion polling, on the grounds of accuracy, constitutionality and potential for political manipulation. They prefer a physical head count only, which tends to favor married homeowners who live in suburbs—the traditional Republican voter vase—over single, transient, minority renters who live in cities. The critics insist that the Constitution specifies an actual enumeration, although the Justice Department in the three past administrations has interpreted that language to allow sampling and the National Academy of Sciences offers scholarly approval.

The purely political stakes are high for both critics and supporters of sampling. The heads the Democrats and Republicans want counted are those represented on their side of the aisle. Still, accuracy, not politics, should be the key test for the 2000 census. Sampling is part of a sound strategy for gaining an accurate count.

[From The Atlanta Constitution, Aug. 1997]

Power Struggle Behind Census Debate

A long-simmering fight on Capitol Hill over how the United States counts its citizens in 2000 may strike many Americans as arcane. What difference does it make, they may wonder, whether the Census Bureau tries to count every nose or instead uses statistical sampling techniques to fill in the gaps in its tallies?

It could make a big difference. The census of 1990 undercounted U.S. population by an estimated 4.7 million people, the majority of whom are poor people in urban or rural areas and often are hard to detect through traditional means of census-taking. A more accurate census would have required federal programs to redistribute funds in proportion to the population findings.

More to the point, an exact count would have meant changing the political map of U.S. House districts—probably to the advantage of Democratic candidates because the undercounted Americans—the poor and minorities—are typically Democratic constituencies.

And that is the crux of the dispute over the methods of the next census. Some Republicans on Capitol Hill are dead-set against procedural changes they think could cost them control of the U.S. House.

The arguments against changing the current system are flimsy. They contend the U.S. Constitution's mandate of an "enumeration" of Americans every 10 years implies "counting one by one." U.S. courts have ruled otherwise, maintaining that enumeration means making the most accurate count possible, period.

Some Republicans also suggest that statistical sampling could be subject to manipulation by the Clinton administration in 2000. That is irresponsible fearmongering. The Census Bureau has a proud history of statistical professionalism and independence from politics, and should be relied on to resist any attempt to undermine its accuracy.

The limited use of statistical sampling planned by the Census Bureau has the enthusiastic backing of the National Academy of Sciences, the community of statistics and demographers and even President George Bush's director of the census in 1990, Barbara Bryant, a respected Republican pollster. Undoubtedly, Republicans who oppose the technique for the 2000 census use it themselves to get the most precise political data they can lay their hands on.

When Congress reconvenes next month, these naysayers will do their darnedest to deny this tool to the Census Bureau. Fair-minded Republican and Democrats must resist them. Statistical sampling is a proven and efficient way to assure the most accurate and honest count of Americans humanly possible.

[From Newsday, June 16, 1997]

THE NEXT CENSUS OUGHT TO COUNT ALL AMERICANS

The political truce that has finally allowed the flood-relief measure to move through Congress despite Republican objections over statistical methods to be used in the 2000 Census was only temporary. The census fight won't go away because it isn't really about statistics. It's about politics, of the worst kind.

For years, census officials and other statistical experts have agreed the census has undercounted minorities, immigrants and poor people in the nation's inner cities and rural areas. But Republicans have long opposed techniques to get a more accurate measure: They believe the people who would be counted would likely be Democrats, or at the least would enhance cities' political strength relative to more Republican-oriented suburbs.

That's why, before the 1990 Census, then-Commerce Secretary Robert Mosbacher overruled the census director and ordered that there be no adjustment for the undercount. The result: The 1990 Census was the least accurate ever, with upwards of 200,000 uncounted in New York City alone and the loss of billions of dollars in federal aid to some states, localities and school districts.

Now the bureau is preparing for the next census, and intends to use some statistical sampling techniques to take a better measure. The approach has been endorsed by three separate panels of the National Academy of Sciences and several groups of professional statisticians.

The Clinton administration is backing the numbers crunchers, and it is right. Republicans, panicked they might lose congressional seats with a more accurate inner-city count, intend to fight again. They are acting out of self-interest, not the national interest.

[From the Bangor Daily News, July 27, 1997]

2000 AND COUNTING

To many Americans, one of the most puzzling things about the Beltway brawl last month over disaster relief was the insistence by Republican leadership that help for flooded North Dakotans be tied to Census 2000.

The census? That boring decennial national head count? That mundane, constitutionally mandated enumeration of every man, woman and child? What's the big deal and what's the problem?

Well, the big deal is the census is a very big deal, if for no other reason than that it determines how many members of Congress, and thus how much clout, each state gets. The problem is that the 1990 census, while respectably accurate overall, revealed a continuing and unacceptable trend: certain groups, rural Americans and blacks especially, are habitually undercounted and the gap is growing.

And, the census is getting extraordinary expensive. The last one cost $2.6 billion, with much of that going to conduct house-to-house follow-ups on the 35 percent of Americans who did not mail back their initial forms. The Census Bureau estimates Census 2000, if done with 1990 techniques and if it attempts to correct the chronic undercount, could run as high as $4.8 billion.

Congressional leadership has made it clear there is no way they'll spend that much, yet, paradoxically, leadership also is staunchly opposed to a proposal the Census Bureau has to save as much as $1 billion by augmenting the follow-up with sampling and statistical analysis.

With overblown rhetoric that would cause most folks to blush, opponents call the plan, which has the endorsement of the esteemed National Academy of Sciences, a "risky scheme of statistical guessing." This from the same politicians who use sampling and statistical analysis to gauge the public's mood before every election, who use these proven and finely boned techniques to declare victory five minutes after the polls close.

Unconstitutional, they say. That sacred document requires an actual enumeration. Yes, it does, but if the Constitution were followed to the letter, felons could buy machine guns off the shelf and any Mormon male with enough hair on his chest could have 16 wives. Were they to speak today, the Founders might say "Golly, we had no idea the country would get so big, the population so mobile and so suspicious of government. Just get most accurate tally possible."

The most undercounted segment of the population is black America and, as the recent revisitation of the abominable Tuskegee Syphilis Study reminded us, blacks have just cause to be wary when someone from the government comes knocking on the door to ask a lot of personal questions. Reluctance to count them better raises a spectre of racism the GOP doesn't need and the nation can't abide.

GOP leadership says the main reasons they're against sampling is that the census is used to determine everything from congressional districts and the distribution of federal money to the makeup of state legislatures and local school boards, so the Clinton administration will find a way to manipulate the numbers to its advantage.

Certainly, this administration is no stranger to the concept of manipulation, but the charge is a little hard to take from the Party of Watergate, the mother of all manipulations. A bipartisan approach to funding the census and a nonpartisan approach to overseeing it is the logical solution.

But logic is exactly what's missing here. Rep. Christopher Shays of Connecticut is one Republican who's appalled at his leadership's stubbornness and shortsightedness.

"It's embarrassing to have my party opposed, supposedly on scientific grounds, to something scientists support," Shays said the other day. "Politically, it's a mistake. The big gainers from a better 1990 census would have been the West and the South—defintely not Democratic strongholds. Leadership is dead wrong on this."

Dead wrong, but there's time to get right. The Census Bureau will stage a dress rehearsal of the new techniques in a few selected regions next year. Congress should give the trial run a fair hearing and then decide either to go with a head count that is accurate and affordable or to stick with the exorbitant and flawed. As it stands, Census 2000 is a disaster waiting to happen.

[From the St. Louis Post-Dispatch, July 19, 1997]

GOP PLAYS GAMES WITH THE CENSUS

The battle over the 2000 census is heating up again in Congress. Republicans insist on an actual count of each and every American—something that has long proved to be impossible. The Census Bureau wants to use statistical sampling to account for the last 10 percent of the population that's hard to find and routinely missed. The bureau is right.

But this week, the House Government Reform and Oversight Committee issued a statement attacking statistical sampling, while a House Appropriations subcommittee in funding the bureau's normal operations for next year prohibited any of the money being used for statistical sampling.

This is just plain bad faith. Earlier this year, Republicans tried to force President Bill Clinton to accept a ban on statistical sampling by including it in a disaster relief bill. Mr. Clinton parried and forced them to drop it. In return, the Census Bureau promised to report in 30 days the details of just how statistical sampling would work. That deadline hasn't yet arrived, but Republicans are going ahead with their prohibition anyway, making the matter a clearly partisan issue, which it is, of course, since Democrats might benefit by statistical sampling while Republicans won't.

So Republicans don't care about the facts. But they do care about losing congressional seats if those people who are routinely missed—mainly minorities and children—are fully counted. There's no question that an actual body count will miss some of them, as it did in 1990, when 4.7 million people or 1.8 percent of the population wasn't counted, including 67,000 Missourians and 162,000 Illinoisans. Some 5 percent each were Hispanics, African-Americans and Indians.

Statistical sampling, widely used by pollsters, marketers and sociologists, can overcome this problem. Several committees of the National Academy of Science have endorsed it, and the bureau is eager to use it. It may be reasonable for Congress to wait for a detailed explanation of how statistical sampling will be applied. It is unreasonable to rush to judgment now. An accurate count is too important to be jeopardized by partisan politics.

[From The Commercial Appeal, July 19, 1997]

NATIONAL HEAD COUNT

To insist that the nation's census in 2000 be done by tapping every American on the head, so to speak, is to ensure a deliberate undercount.

Yet that's the position of some conservative Republicans—for a not very honorable reason. They fear a more accurate count would favor the Democrats.

Counting every American is physically and financially impossible. The census is conducted largely by mail backed by enumerators pounding the streets. Even so, many are still missed, largely among city dwellers, the poor and minorities, who are presumed to be Democrats.

No one really knows. Some Republicans believe a more accurate count would actually favor the GOP by catching up with the explosive growth of the Sun Belt.

The count is critical because the decennial census determines who gets how many House seats and who gets what percentage of federal aid.

To ensure a more accurate count, the Census Bureau plans to use statistical samples, revisiting some of the households that fail to answer mail questionnaires and revisiting certain neighborhoods. The bureau says the extrapolations will produce a count that misses only 0.1 percent of the population.

Statistical sampling is a tested technique, refined to a level of great accuracy, and its use in other surveys, both private and government, goes unremarked.

However, a group of congressional Republicans is determined to block any use of statistical sampling. In this, they are wrong—"dead wrong," says Rep. Christopher Shays (R–Conn.), co-chairman of the census caucus.

In one other respect, they are right: Statistical sampling can be prone to political manipulation, and certainly the stakes are high enough to make it worthwhile for someone to try.

Better their efforts be directed to ensure that the statistical sampling is subject to stern, independent, outside scientific scrutiny and audit. The census must not only be accurate but must be seen to be fair and accurate.

[From the Houston Chronicle, June 23, 1997]

ACCURACY A MUST—MUCH RIDING ON CORRECT CENSUS COUNT FOR HOUSTON

In Congress, even the method for counting the American people is regrettably politicized. With the 2000 Census approaching, Republicans and Democrats are at odds, imagine that, over what method the Census Bureau should use to count the nation's population.

Republicans want to physically count each and every one, while the Democrats favor using statistical sampling, a method never before used but one Census officials believe will yield a more accurate count.

For years, the Census Bureau has infamously undercounted the population, particularly in Texas. In the 1990 count, more than 4 million people in the country—an estimated 500,000 in Texas—were missed.

Undercounting the population is not inconsequential. Texas and other states where undercounts were greatest lost out on additional House seats and, more important, billions of federal dollars ranging from Medicaid to highway construction funds. State officials believe missed heads in the 1980 Census cost Texas roughly $600 million in federal money. That is funding that, in fairness, the state of Texas cannot afford to concede again.

The Census has been particularly inept at counting inner-city minorities and the poor. An estimated 5 percent of all Hispanics and blacks were not counted in 1990. In Houston, where Hispanics and blacks account for more than half of the population, that's a major problem.

Republicans argue that the Constitution mandates that every American be physically counted. However, doing so is a practical impossibility. As well, maintaining the status quo with the traditional count contradicts the GOP's movement to make government more accountable.

Understandably, House Republicans are being dutifully protectionist about their slight seat margin, one that they feel will be threatened by more minorities being counted.

But Texas Republicans should know better than most the stakes riding on an accurate count. Houston has a great deal at stake with the accuracy of the next Census, and political party interests shouldn't take a front seat over the greater interests of the community as a whole.

[From the Houston Chronicle]

COUNTING HEADS—NO REASON TO KEEP U.S. CENSUS INACCURATE

The purpose of the U.S. census is to get the most accurate count possible. If using modern statistical sampling to augment the actual head count makes the census more accurate, who could reasonably object?

No one, but then politicians afraid of losing power do not always act reasonably.

Since Thomas Jefferson conducted the first U.S. census in 1790, census takers have known that there are discrepancies between the actual number of residents and the number counted in the census. Some people are not counted; some are counted twice.

Statistical sampling is nothing more than counting some neighborhoods twice to measure accuracy. It's not a guesstimate that can be manipulated for partisan advantage. It serves the same useful purpose as an audit of financial records to make sure the numbers are correct.

In his visit to Houston Tuesday, President Clinton was right to say that the issue transcends partisan politics: "We should all want the most accurate method."

However, some Republicans believe, without much evidence or logic, that a more accurate count would significantly favor Democrats by counting urban residents that have been missed in the past. Congressional Republicans therefore oppose using statistical sampling to make the count more accurate.

They have little to fear from census accuracy. Only a couple of states might lose one congressional seat each, and the number of residents who show up at the polls and vote Democratic will not increase no matter how many residents are counted.

An accurate census serves all Americans and harms no political party. True, state and federal funding formulas would be significantly affected, but wouldn't the nation be better off if government spending were based upon accurate rather than grossly inaccurate population numbers?

Politicians who argue for keeping the census inaccurate place themselves in an untenable position. In another context they would insist the sailors compute their approximate position with a sextant and reject satellite technology accurate to a few yards.

[From the Dallas Morning News, May 29, 1997]

CENSUS—CONGRESS NEEDS TO FUND NEW APPROACHES

Ah, spring, and a census taker's fancy turns to . . . statistical sampling methodologies conducive to enhanced accuracy in the decennial enumeration. How exciting.

But hold on there. Knowing the actual population of the United States is very important indeed. Census figures serve as a basis for the allocation of congressional seats and the lines for congressional and state legislative districts. In a democratic republic, how much more important can things get? Not much.

Yet civil service professionals at the Census Bureau are warning that unless Congress extends the necessary funding to upgrade the government's demographic techniques, the 2000 census could be the least accurate to date. Inner cities and rural areas will be particularly susceptible to a worsening undercount.

Capitol Hill Republicans aren't fazed. They fear that changing the status quo could undermine them and help the Democrats—which is why the disaster relief funding bill, the larger piece of legislation in which the sampling proposal is hidden, did not come up for a vote before Congress adjourned for the Memorial Day recess.

To be sure, The Dallas Morning News has in the past registered its concern over "census adjustments." Still, concerns such as the following have been answered one by one:

Accuracy. The 1990 census was the first to be less accurate than its predecessor. Now, even the Bush administration appointee who oversaw the 1990 census has endorsed sampling as promoting accuracy.

Constitutionality. The Constitution says that all people shall be counted. But numerous legal experts believe that sampling is a reasonable option that would pass muster with the Supreme Court.

Politicization. Could sampling be susceptible to political manipulation by one party or the other? That's a risk anywhere in government. Trust has to be placed in the professionalism and integrity of civil service professionals at the Census Bureau.

The most important issue in this debate over how to conduct the census should be achieving the most accurate census possible. That will promote fairness and confidence in our political system. Toward this end—whether on the basis of scientific accuracy or cost—objections to sampling are falling by the wayside, and rightly so.

[From the Bakersfield Californian, May 28, 1998]

NEW CENSUS SUPPLEMENT GOOD

The plan by the federal Bureau of the Census to supplement the actual national population count in the year 2000 with statistical projections is a good one. The purpose is to make up for people who are missed.

The problem of under-representation of significant numbers of people has been consistent and growing in recent census counts.

The primary purpose of the decennial census that is mandated by the U.S. Constitution is to apportion the 450 seats in the House of Representatives among the states proportionally by population. An undercount concentrated in a few areas could result in a change in congressional representation.

But the data from the census also is used as the basis on which federal funds for a wide variety of programs worth an estimated $100 billion are distributed to states and localities. Areas will large, traditionally undercounted populations—often moniorities and immigrants—such as California and Kern County could lose millions of dollars of federal program funds to which they are entitled.

States also use the information for how they distribute funds locally, and the private sector uses the information extensively for marketing research.

It is estimated that the error rate in the 1990 census averaged 1.6 percent nationally, but was higher on average in California at 2.7 percent. It was higher than that in some areas of the state.

Although the undercount among whites nationally was less than 1 percent, for minorities it ranged between 2.5 percent and 5 percent (for Latinos). Thus, for areas with readily growing minority and immigrant populations like Kern County, the error can be costly.

The problem is compounded because of a decreasing rate of voluntary compliance with the census. Following the main head count in the year 2000, special census takers will go into selected census tracts to determine how many people were missed. Then the Census Bureau will make adjustments.

Already the decision is being swamped in phony constitutional and mathematical arguments, mostly made by congressional Republicans.

Contrary to their claim, the Constitution does not bar use of techniques to supplement means normally used to take the census. Thus the year 2000 census should be no different legally than past ones.

Mathematically, the science of statistics can be extraordinarily accurate. Much of science, medicine and commerce depend on it.

The fact that much of the objection is partisan is telling. It is based on the assumption that the majority of the undercounted populations are among minorities who are presumptively Democrats. If so, a few congressional seats might shift to democrats.

Whether that is true or not, we would rather have an accurate national profile than a count that is incorrect by errors of omission for the sake of partisanship.

[From the Ft. Worth Star Telegram, May 14, 1997]

Census Politics

In case you don't understand why there should be a flap about how to conduct the national census in 2000, it's because of two factors:

1. The nation's nose-counters apparently have never been able to count everyone—not even in 1790, when America's population was less than 4 million. Oddly enough, the best guess is that the 1990 Census failed to find approximately 4 million residents. The problem is that census-takers seem to be undercounting more each decade.

2. Politics, plain and simple. More than 10 years ago it became evident to professional politicians that the people the census was missing were mostly urban minorities who might be counted upon to vote Democratic. As a result, Democrats generally favor using scientific techniques ("statistical sampling") to make up for the undercount. Republicans generally oppose it, insisting upon an "accurate" head count that the National Academy of Science says is impossible.

According to one political newsletter, Republicans fear they might lose as many as 24 House seats to redistricting if statistical sampling is used.

The Constitution requires an "enumeration," period.

So the question seems to be: Do we use scientific sampling in an effort to come closer to the actual number of Americans, or do we count heads and settle for knowing that the census is as much as 2 percent off?

It is well to remember that the politicians who decry using a scientific sampling based on 10 percent of the uncounted homes are happy to stake their political futures on polls that are based on much smaller samplings. As we said, this is now mostly about partisan politics rather than "enumerating" the population.

[From the Boston Globe, May 13, 1997]

Editorial

For the first time in history, the 1990 Census was less accurate than its predecessor, failing to find about 4 million Americans—roughly a million more than were undercounted in 1980.

The Census Bureau's plans to rectify this problem have suddenly become a hot issue in Washington, not because of the proposed sampling technique—professionals say it is sensible and conservative—but because of politics.

Most of those missed by the Census are poor, both urban and rural; many are minorities. They are not fictitious people whom bureaucrats theorize must exist; they are real people who live in real dwellings that the bureau knows to be occupied, but they have failed to return mailed Census forms or answer the knock of enumerators.

Although many of them are not registered to vote, they are individuals who deserve to be counted, to be recognized, and to be represented in public life. It is this last consideration that has caused a flap in Washington. If a significant portion of the undercount is restored, a number of congressional districts—perhaps as many as two dozen—may be drawn in a way that is likely to benefit Democrats.

Republicans, led by Senate majority leader Trent Lott and House Speaker Newt Gingrich, have asked Census director Martha Farnsworth Riche to abandon the proposed sampling, but she has responded that it is the best hope for an accurate count. Congress will not and should not pay for a massive personal enumeration that would track down every last individual.

House Republicans may move this week to attach a prohibition against this technique to a supplementary appropriation for disaster relief. The Senate backed off a similar attachment, and the House should do the same.

The goal should be clear: the most accurate account possible, without excessive made-up estimates that would help Democrats and without an acknowledged undercount that helps Republicans. The country needs an accurate count of its residents regardless of political considerations.

The CHAIRMAN. The Chair would advise Members that the gentleman from Kentucky (Mr. ROGERS) has 2½ minutes remaining and the right to close, and the gentleman from West Virginia (Mr. MOLLOHAN) has 2 minutes remaining.

Mr. ROGERS. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. Miller), chairman of the House Subcommittee on the Census.

Mr. MILLER of Florida. Mr. Chairman, it is too bad that politics has been brought into play on this issue of the census, because the census should not be a partisan issue. There should not be a Republican census. There should not be a Democratic census.

Unfortunately, President Clinton has decided it is going to be his way or no way, and he designed unilaterally this polling technique to use on the census.

I know the President has written about all the times he cannot make a decision without reading a poll. They do polling every day at the White House to make decisions.

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And he says, well, it works for me in politics, I will use polling for the census.

Now, everyone says on the other side that we want to count everyone. Well, let me tell my colleagues so everyone knows what the plan is. The plan deletes and does not count 27 million people. Let me repeat that. There are 27 million people, approximately, that are not going to be counted under the Clinton plan because the Clinton plan only wants to count 90 percent of the people to start with.

Of course, they want to talk 90 percent of 100 percent, and we do not know what 100 percent is to start with, so they will have to explain that one. But the fact is they are not going to count 27 million people. So how can we count everyone with a plan that does not count those 27 million?

He has proposed a plan that is moving towards failure. The General Accounting Office and Inspector General says this is a high risk plan, and the risk of failure keeps increasing. What they are going to do with those 27 million that they refuse to count is they are going to create virtual people. They are going to clone people and then say these are the 27 million people.

That is not the way the plan should be put together. We need to work together. We need to make a decision, Republicans and Democrats, and the decision is appropriately to be made next March. That is when we will have the results of the dress rehearsal. That is when we will hear more about the court cases, and that is when the monitoring board will issue their report.

So let us put off the decision, as we all agree can be done, until next March, and we will work together. That is the only way we can have a census that is trusted by the American people. If we have a Clinton census that automatically refuses to count 27 million people, it will not be trusted by the American people.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS. I ask the gentleman, was it not the agreement of the President and the Speaker of the House that the decision on how to proceed on the census would be postponed for the first 6 months.

Mr. MILLER of Florida. Right.

Mr. ROGERS. And that the decision would be made in February of 1999.

Mr. MILLER of Florida. In the Clinton budget submitted this past February the President talked about a March 1 date when the decision will be made. That is when we should make the decision.

Mr. ROGERS. And does the gentleman agree with that?

Mr. MILLER of Florida. Absolutely.

Mr. ROGERS. And is that what is in this bill?

Mr. MILLER of Florida. That is what is in this bill, and the Mollohan amendment just wants to put off the decision and say only the President can make the decision and Congress is irrelevant. That is not the Democratic way.

Mr. LANTOS. Mr. Chairman, the appropriations bill covering the Departments of Commerce, Justice, and State includes funding for Radio Free Europe/Radio Liberty. I want to express my strong support for this appropriation.

In the euphoria following the fall of the Berlin Wall and the collapse of the Soviet Union, many people initially thought that Radio Free Europe/Radio Liberty was now part of the past and could be downsized or even closed. It was assumed that the surrogate radios had fulfilled their mission of serving as a substitute for free radio broadcasting that did not exist in these countries.

But the events of the decade since the fall of the Berlin Wall have demonstrated that many of the Newly Independent States and the countries of Central and Eastern Europe have serious political and economic problems. Authoritarian rule—some have suggested dictatorial rule—threatens the future of Belarus and Slovakia. Unresolved military conflicts have prevented progress in Tajikistan, Armenia, Azerbaijan, and Georgia. In still other countries—including Russia, Ukraine, and Romania—political and economic reforms are far from complete. Throughout this area, government structures remain little reformed from Soviet times; on the contrary, they are extraordinarily more corrupt.

Mr. Chairman, up to the collapse of the Soviet Union in 1991, RFE/RL in general played a key role in bringing critical information to people who were systematically denied access to any other source of news. The demise of Soviet power happened precisely because more and more people in the USSR and the communist countries of Central and Eastern Europe learned the truth about the Soviet system and demanded changes.

At present, Mr. Chairman, RFE/RL presently broadcasts in 23 languages of Central and Eastern Europe and the Newly Independent States. In many of these states, RFE/RL remains a lifeline for people who want to see democracy flourish in their own countries, functioning much as it did for the last 48 years. As a surrogate radio, RFE/RL does not broadcast U.S. government propaganda. Indeed, it has never carried any editorials by U.S. government officials. Despite some press reporting to the contrary, RFE/RL was never simply an anti-communist enterprise. Even though the radio operated on the basis of funds appropriated by the Congress, it has been an independent radio network—with its fundamental commitment to accurate, factual, and timely reporting. That principle underlies all truly free and democratic societies.

In the former communist countries which are making steady progress toward democracy and free market economies, RFE/FL has been able to expand its role of surrogate broadcasting into genuine partnership. In many of the countries to which it broadcasts, RFE/RL has opened bureaus, maintains extensive stringer operations, and has entered into contracts with local broadcasters and other media outlets. From the polling that is done, it is apparent that audiences want something from the radio as well. They demand not only news and information, but they also want guidance about how to make the transition from communism to democracy and a free market. They listen to RFE/RL programming as a check against what they are hearing from their own media—a check that helps assure the honesty of the local media, which is still dominated by people trained in the communist past.

Mr. Chairman, many of the democratic leaders of Central and Eastern Europe and the Newly Independent States rely on RFE/RL to support the development of political pluralism, the reform of their economics, and the independence of their media. As Czech President Vaclav Havel said: "These radio stations are significant even after the end of the Cold War. . . not only because human rights are not fully respected [and] democracy has not yet fully matured, but also because they set a goal for the new independent media, creating a healthy competitive environment."

While taking on these new responsibilities, RFE/RL has successfully relocated, downsized, and incorporated new technologies. It has gone from some 1,600 full-time employees to just 432, and its budget has been reduced from $220 million per year to just $75 million. Such draconian cuts would have destroyed most organizations—but RFE/RL continues to flourish. There is a role—albeit a transformed role—for the radio in the post-Cold War World.

Mr. Chairman, there are three important reasons for this. First, in recognition of what the radio has done and continues to do for the people of Central and Eastern Europe and the countries of the former Soviet Union, Czech President Havel offered FRE/RL a home in Prague at virtually no cost—$12 per year. Second, employees of the radio have shown their commitment to the ideals of RFE/RL by doing more for less—producing the same number of hours of programming with only one quarter of the staff and one third of the budget. And third, many of us now realize that overcoming the communist past of these countries is a far more difficult task than many of us first assumed.

RFE/RL has also been creative in applying new technologies to its tasks. For example, it is now providing news and analysis via the Internet. People can hear and see what is being broadcast by using RFE/RL's website and RealAudio. More than 2.5 million people visit the website every month—a number that has grown dramatically over the last 2 years. Increasingly, these are visits by citizens of the countries to which the radio broadcasts.

Earlier this year, Mr. Chairman, the Congress passed and President Clinton signed into law legislation that directed RFE/RL to begin to broadcast to Iran and Iraq, two countries whose media is anything but free and whose governments have been less than friendly to the United States. We have entrusted to RFE/RL the operation of these Farsi and Arabic language broadcasts in recognition of its past and present role in promoting a free and independent media as a means to promote democracy and international cooperation. These two broadcast services will be on the air in the early fall.

Mr. Chairman, it is my hope that RFE/RL will continue to broadcast well into the twenty-first century. The radio has made and continues to make a dramatic difference in one of the most historic and sweeping revolutions of our time. With its expanded mission, RFE/RL can play an important role in providing a model of what responsible journalism truly is and in prodding the people of these nations toward the development of truly democratic and pluralistic societies. For all of these critical reasons, Mr. Chairman, I urge my colleagues to support the RFE/RL.

Mr. DELAY. Mr. Chairman, I rise to discuss an important issue in the Commerce, Justice, State Appropriations bill. Since 1996, under Chairman ROGERS' leadership, the Appropriations Committee has had before it various proposals, including implementation plans, reports and the like, to attempt to come to grips with the delays in the implementation of the Communications Assistance for Law Enforcement Act of 1994 of CALEA that have prevented both the telecommunications industry and law enforcement from complying with its provisions. Nothing, to date, has resolved the issue which affects all of the telecommunications industry, including long distance and local telephone companies, cellular carriers, PCS providers and equipment manufacturers, and the FBI. On October 25 of this year, if the industry is not in compliance with CALEA, fines and penalties of upwards of $10,000 per day may well be levied against all carriers big, as well as, small. Through no fault of their own, the technology and standards are still not set for implementation purposes nearly four years after enactment of the law.

Mr. Chairman, I hope this issue can be dealt with this year by the authorizers. I note that on June 22, Judiciary Committee Chairman HYDE brought to the floor and passed by voice vote H.R. 3303, the DOJ Authorization bill, which included provisions to delay both the compliance date and reimbursement "grandfather" date in CALEA. Furthermore, last week Chairman Hyde wrote a letter to Senate Judiciary Committee Chairman HATCH to strongly encourage him to pass the bill in the Senate, a copy of which I am including in the RECORD. If the authorizers are not successful, though, we may need to again and finally resolve this festering problem later this year. Certainty, CALEA's implementation, is critical to both the FBI and the telecommunications industry.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 1998.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear ORRIN: as you know, on June 22, the House of Representatives passed the "Department of Justice Appropriation Authorization Act" for fiscal years 1999, 2000, and 2001 (H.R. 3303). That bill is now pending before the Senate Judiciary Committee. This important bipartisan legislation is a comprehensive three-year reauthorization of the Justice Department's activities and programs.

Authorization is the process by which Congress creates, amends, and extends programs in response to national needs. It is perhaps the most important oversight tool that Congress can employ. With respect to the Department of Justice, the law requires that all money appropriated must first be authorized by an act of Congress. Notwithstanding this obligation to authorize, Congress has not properly reauthorized the Department's activities as whole since 1979. Since that time, several attempts have failed either because of bad timing or because the reauthorization bills were loaded with controversial amendments.

This 19-year failure to properly reauthorize the Department has diminished the role that the two judiciary committees have traditionally played in overseeing the structure and funding of the Department's activities and programs. The inability of our two committees to regularly reauthorize the Department deprives the Congress of the institutional knowledge and collective wisdom that we have gained through regular oversight. H.R. 3303 is an attempt to improve the efficiency of the Department and an opportunity to reaffirm the authority and responsibility of the authorizing committees.

Let me now briefly summarize H.R. 3303. The bill contains four titles. Title I authorizes appropriations to carry out the work of the various components of the Department for three fiscal years. Title I largely adheres to the Department's budget request for fiscal year 1999 by providing nearly $15.5 billion, and it would authorize a 5% increase for fiscal years 2000 and 2001. Title II reauthorizes for two additional years a number of successful programs whose authorizations will expire at the end of fiscal year 1998. Title III would grant permanent authorization for certain inherent and noncontroversial functions of the Department. The Department has requested permanent authorizing authority in the past, and proposed authority has appeared in several reauthorization bills since the last reauthorization in 1989. Title IV would, among other things, repeal the permanent open-ended authorization of the United States Marshals Service.

Included as part of the authorization legislation was language amending the Communications Assistance for Law Enforcement Act ("CALEA")—amendments which I fully support. Specifically, section 204 of H.R. 3303 extends the time frame for CALEA compliance and clarifies the "grandfather" status of existing telecommunications network equipment facilities and services. These amendments are necessary because of the unfortunate delays that have prevented both law enforcement and the telecommunications industry from fully implementing the provisions of CALEA.

Because of these delays, I decided to add section 204 to the Department of Justice Authorization bill. It should be emphasized that section 204 does not alter the underlying substance of CALEA. I have been a supporter of the CALEA statute from its inception and continue to support its full implementation. Nevertheless, with the statutory deadlines only a short time away and recognizing the reality that further work needs to be done before the CALEA requirements go into effect, I went forward with section 204.

This is to urge you to give H.R. 3303, including the amendments to CALEA, your active and timely consideration. If you have any questions regarding the Department of Justice Authorization legislation in general, or section 204 in particular, please do not hesitate to contact me or the House Judiciary Committee's Chief of Staff, Tom Mooney. I look forward to working with you and your staff on this important matter.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. SMITH of New Jersey. Mr. Chairman, I want to congratulate Chairman ROGERS, as well as my good friend Mr. MOLLOHAN, the distinguished ranking minority member, and other members of the subcommittee for reporting a bill that protects the American taxpayer while allowing the State Department and our other foreign policy institutions to conduct a foreign policy that promotes American interests and American values around the world.

As chairman of the Subcommittee on International Operations and Human Rights, the principal authorizing subcommittee for the Department of State and our other foreign policy agencies, I am particularly pleased that the appropriation for resolution of the dispute over United Nations arrearages is made expressly conditional on enactment of an authorization bill. This ensures that we will not write a blank check to the United Nations without insisting on the reform conditions contained in H.R. 1757, the Foreign Affairs Reform and Restructuring Act—reforms which will save the American taxpayer many millions of dollars in the long run.

The bill also provides adequate funding for our public diplomacy programs—the National Endowment for Democracy, as well as the international information programs, exchanges, and freedom broadcasting services conducted by the United States Information Agency. I am pleased that the Committee report expressly supports the Tibet Scholarships, the East Timor Scholarships, and the South Pacific Scholarships. This list should certainly not be read to exclude the scholarship and fellowship programs for students and academics from Burma who have been forced into exile by the military dictatorship in that country. These are all small programs targeted at people who particularly need them. They not only promote American values, but do so efficiently, at far less cost per participant than larger programs.

The funding provided in the bill for international broadcasting is unfortunately somewhat lower than the amount authorized in H.R. 1757. Each of our broadcasting services—the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, and Radio/TV Marti, and WorldNet—works in its own way to promote freedom and democracy. I want to call particular attention to our "surrogate" services—those which supply people who do not enjoy freedom of expression with the kinds of broadcasting they themselves would conduct if their governments would only allow it.

The surrogate broadcasting service with the longest and most glorious history is Radio Free Europe/Radio Liberty (RFE/RL). It is now generally acknowledged that FRE/RL was an important part of the reason the free world won the Cold War. By providing the peoples of the Soviet Union and occupied eastern and central Europe with information and ideas to which their governments tried to deny them access, we kept hope alive. The end of the Cold War in Europe, however, did not make these services obsolete. On the contrary, they are still desperately needed in countries such as Serbia and Byelorussia, whose governments still deny fundamental freedoms. Even in countries whose press has become free during the last decade, RFE/RL continues to set the standard for professional journalism. And RFE/RL is uniquely suited to fill the needs of the people of Iraq and Iran for freedom broadcasting. As both Houses of Congress have acknowledged by passing the conference report to H.R. 1757, the world still needs RFE/RL, and there is no particular reason to believe that this need will suddenly disappear in the year 2000. Radio Free Europe/Radio Liberty is not a relic but a treasure.

Radio Free Asia and Radio/TV Marti also provide the message of freedom to people whose governments deny freedom of expression. The bill provides $22 million for Radio Free Asia (RFA), the amount we provided in H.R. 1757. This should be sufficient not only to provide 24-hour broadcasting to China in Mandarin, Cantonese, and Wu, but also to initiate the important Uighur service as recommended in the Committee report. I also urge RFA to find a solution—more powerful transmitters, new transmission sites, whatever it takes—to the systematic jamming undertaken by the government of Viet Nam. And it is terribly important that we take similar action in order to bring TV Marti to a wider audience, rather than concede defeat to the Castro regime as some would suggest.

Finally, I want to express my disappointment that the bill does not fund the East-West Center or the North-South Center. Each of these institutions promotes understanding with an area of the world to which other U.S. institutions give inadequate attention, and both the East-West Center and the North-South Center operate at very lost cost compared to these other institutions. I particularly want to commend the East-West Center for its efforts to keep the line of communication and understanding open between policy makers in the United States and the Pacific Island nations. Too many "Asia-Pacific" institutions and programs seem to regard the Pacific as a place you have to fly over in order to get to Asia. The East-West Center is a happy exception to this rule. The nations of the Pacific, like those of Latin America, are our historic allies. They share our values. They need us, and we need them. I urge the funding for the East-West Center and the North-South Center to restored in conference.

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to the bill, and to the misguided census process that this bill attempts to establish.

The 1990 Census left out millions of people, resulting in the most inaccurate census in history. One out of every twenty Hispanics was not counted—meaning that a total of 1.1 million Latinos were completely excluded from our national census.

To correct this problem, and to ensure an accurate Census 2000, many of us in Congress support the use "sampling", a statistical technique that will ensure we get the best count possible.

And my California Republican colleagues agreed with me when we sent a delegation letter to the Census director in 1992, criticizing the 1990 census. In a bipartisan California delegation letter, Republicans and Democrats wrote, and I quote:

> It has been widely accepted that the 1990 census missed as many as 10 million people and was demonstrably flawed. . . We cannot simply ignore the inaccuracies of the current data. We are not professional statisticians and leave to those experts at the Bureau and the others in the scientific community.

The letter went on to say, and again I quote:

The decision on whether or not to adjust should not be a decision based on the politics of one region losing population while another gains population. Rather, there can only be winners if there is a process adopted to more accurately reflect the population of the United States.

Well, I have news for my colleagues. We have a process to more accurately reflect the population of the United States, and it's called statistical sampling. Unfortunately, now, in spite of the empirical evidence indicating that statistical sampling is the best way to get an objective, accurate census, our Republican colleagues are doing everything in their power to block the implementation of a fair and accurate census.

Making the census more accurate shouldn't be about politics and partisanship. It should be about making sure that every Amercian—regardless of ethnicity or geography.

I urge my colleagues to support the Mollohan Amendment, which would move us closer to a fair and accurate census.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendments printed in House Report 105–641 may be offered only by a member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote of any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $79,448,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1998: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $129,200,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

(1) providing bomb training and response capabilities to State and local law enforcement agencies;

(2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local agencies; and

(3) providing grants, contracts, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOLLOHAN:

On page 2, line 25, after the dollar amount, insert the following: "(reduced by $40,000,000)".

On page 21, line 18, after the dollar amount, insert the following: "(reduced by $60,000,000)".

On page 25, line 14, after the dollar amount, insert the following: "(increased by $40,000,000)".

On page 64, line 23, after the dollar amount, insert the following: "(reduced by $20,000,000)".

On page 70, line 20, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 85, line 19, after the dollar amount, insert the following: "(reduced by $9,000,000)".

On page 92, line 25, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 99, line 8, after the dollar amount, insert the following: "(increased by $109,000,000)".

On page 99, line 9, after the dollar amount, insert the following: "(increased by $109,000,000)".

Mr. MOLLOHAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I rise today to join my colleague, the gentleman from Pennsylvania (Mr. FOX), in offering an amendment to increase funding for the Legal Services Corporation. Simply stated, the Mollohan-Fox amendment increases funding for the Legal Services Corporation from $141 million to $250 million.

As my colleagues may know, the Legal Services Corporation, LSC, has provided legal assistance to many of the neediest, most vulnerable of our citizens for 24 years. These are people who have little means and, therefore, no place to go for legal help. Some are in life-threatening situations, such as domestic abuse, many.

The largest percentage of cases closed by LSC attorneys in 1997 was in the area of family law, comprising about 36 percent of the 1.5 million cases closed in 1997.

There are many success stories associated with the work of Legal Services Corporation. In my own State of West Virginia, for example, the Legal Aid Society of Charleston was contacted by a woman after her husband had forced her and her 2-week-old baby out of their house. With the help of Legal Aid she was able to obtain a permanent restraining order against her husband, sole custody of her child, child support, and basic health benefits for the child.

Then there was a 47-year-old woman in Wheeling, West Virginia, in my district, whose only income was from Social Security disability. She had total renal shutdown and was on dialysis and medication. These expenses were being covered under a Medicaid waiver. The woman was told her waiver would be revoked. She did not have the funds to pay for this treatment. So, in effect, revocation of the waiver was a death warrant. The Legal Aid office got her waiver reinstated.

Many of my colleagues will recall that in fiscal year 1996, our subcommittee, under the leadership of the gentleman from Kentucky (Mr. ROGERS), put in place a number of restrictions to increase accountability at the Legal Services Corporation. A competitive bidding system has been adopted for all grants and contracts, and all grantees are now required to provide audited financial statements.

A number of prohibitions on Legal Services' grantees are in place. Any Legal Services Corporation grantee is prohibited from participating in redistricting litigation, class action suits, welfare reform advocacy, prisoner representation, lobbying, abortion litigation, illegal alien representation, and collecting attorneys' fees. Last year the Congress provided for debarment of grantee organizations that violated these restrictions.

All this is by way of saying that the Legal Services Corporation has gone a long way to address the concerns many had raised with some of its past practices. The fact is the Legal Services Corporation has, in good faith, implemented these reforms.

I would like to point out to my colleagues that the Mollohan-Fox amendment does not seek to change a single one of these restrictions. This amendment simply increases funding for grants to basic field programs by $109 million. Offsets for the amendment are as follows:

Bureau of Prisons, $60 million; the Judiciary $20 million, State Department Diplomatic and Consular Affairs, $10 million; USIA Radio Construction, $9 million; Maritime Administration, title XI loan guarantees, $10 million; a shift of $40 million from the counterterrorism fund to the Office of Justice Programs to gain needed outlays. This does not in any way affect the amount of funds available or their use.

I filed a more detailed description of these offsets in the record so that my intentions on all of them are clear.

To give my colleagues some idea of how dramatically we have decreased Legal Services' funding, Mr. Chairman, in fiscal 1995, we appropriated $415 million for this purpose; 323 grantees provided services to almost 1.7 million clients from 1,100 locations across the Nation.

If the Legal Services Corporation funding level falls to $141 million, as proposed in this bill, the number of clients would fall from 1.7 million in 1995 to less than a million. Neighborhood offices will decrease from 1,100 in fiscal year 1995 to about 550. Half. No aid will be available in thousands of counties throughout this country.

As many of my colleagues know by now, the Senate, in its appropriation bill, already has provided $300 million for the Legal Services Corporation. Frankly, as we move through the appropriations process, I intend to work hard to get as near to the Senate level as possible. The need is there, and especially so since the recent Supreme Court ruling that interest on lawyer trust accounts, IOLTA funds, are the private property of clients.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I rise today to offer with my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), this important amendment in support of funding for low-income legal aid assistance. I commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia and his staff for their work on this very challenging appropriation bill. I am pleased to join my good friend from West Virginia and my good friend, the gentleman from Minnesota (Mr. Ramstad), in offering this extremely important amendment.

Last year we came to this floor and offered a similar amendment to restore the same funding as last year to this important program. We spoke of the reforms we had just recently enacted and asked Members to support a level of $250 million in funding. In that vote, 246 Members, Mr. Chairman, supported our efforts, including 45 of my Republican colleagues. This year we ask our colleagues to do so again to help assist those in each of their districts.

I am convinced under the leadership of the new President, John McKay, and Chairman Douglas Eakley, the Legal Services Corporation will be extremely vigilant in the defense of the new reform standards this Congress set for Legal Services agencies. Among these reforms are prohibitions on class action lawsuits, redistricting and political advocacy as well as additional prohibitions on abortion, prisoner litigation and legal assistance to illegal aliens.

Opponents of Legal Services continue to try and cite a litany of abuses which do not exist. While questionable activities should be carefully investigated by both Legal Services and Congress, the truth is, Mr. Chairman, that the majority of grantees are working to be honorable participants in the reformed system which Congress developed only 2 years ago. We have debated this point time and again, however, today I wish to focus on the good work being performed by some of these important local agencies.

For instance, in my own area of Montgomery County, Pennsylvania, a staff attorney assisted an 83-year-old woman, whose 85-year-old husband is now in a nursing home with Alzheimer's and Parkinson's disease, in negotiating a favorable payment arrangement with her energy company on a delinquent electric and gas bill. The company was threatening to turn off service and threatening a lawsuit as well, Mr. Chairman. The attorney was able to work out a payment schedule which allowed the woman to pay her regular bill and a small additional amount each month on the arrears without a termination of service or a judgment against her.

The same is found true with domestic violence cases, where the legal aid office represented this 35-year-old female victim of domestic violence. As a result of their representation, and her protection from abuse case, she was granted exclusive possession of the marital residence, legal and physical custody of her children, and her husband was directed to attend substance abuse and gambling counseling. Several months after the hearing, the client related that her husband's counseling was proceeding well and his relationship with the children, as well as with the wife, was much better than it had been in years.

So we see success is coming forward in this program. I appeal to those who have questions and concerns about the program to take some time to reflect on the good work of their local programs in their districts. We are never going to agree with every case, but this is an issue of whether we agree with the concept of helping those with low-income funding so that they have equal access to the courts and equal representation in those courts.

So, in closing, I want to repeat that the Legal Services Corporation is working hard to be a working partner with Congress, Mr. Chairman, to uphold the reforms and to stop grantees that are overstepping their bounds. In offering this amendment, we are simply trying to ensure that low-income individuals and families have equal access to our justice system.

Please support the Mollohan-Fox-Ramstad amendment to restore funding to current levels for Legal Services and to ensure equal justice under the law.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the ranking member of the authorizing subcommittee on the Legal Services Corporation, I rise today in strong support of the Mollohan amendment to restore or to increase funding to this crucial program.

The LSC was authorized by the Nixon administration in 1974 to ensure at least a minimum level of access to the system of civil justice for those who could not otherwise afford it. In most areas, little or no legal services were available for the poor before Federal support for this crucial program was initiated. Today, there is little chance that most States and municipalities, already hard-pressed to meet budgetary demands, will take on the additional obligation of providing legal services if the Federal funding is substantially reduced, as proposed in this bill. This is especially true, of course, in light of the Supreme Court's recent ruling on the IOLTA question, which will remove a major funding of the legal services.

A study released by the American Bar Association 2 years ago concluded that approximately 80 percent of poor Americans do not have the advantage of an attorney when they are in serious situations in which a lawyer's advice and assistance in their civil law matters would make a crucial difference. Even before the 1996 cutback in Legal Services funding, local legal services programs were able to meet only a small fraction of the demands for their services. A study in 1993, revealed that nearly half the people who actually applied for assistance were turned away because of lack of program resources, and that was before the funding cuts.

□ 2045

With legal services funding considerably depleted and with the IOLTA decision, it is certain that even more people are being denied legal services because they cannot afford it and their Government will not help them get it.

Cutbacks in legal services were implemented under the assumption that many attorneys were using Legal Service funds to focus on political agendas and class action lawsuits rather than helping poor Americans solve their legal problems.

The political agenda's allegation I do not believe was ever true. But, in any event, Congress subsequently passed laws to address these concerns and they should not be before us today.

The Legal Services Corporation helps those who cannot otherwise help themselves. One out of every four children under 6 and one in every five children under 18 lives in poverty. Seventy percent of all legal services cases deal with children. More than 2 million children received assistance from Legal Services grantees in 1996 alone.

The great reduction of Federal funding incorporated in this bill will deny these children legal assistance for obtaining financial support from an absent parent, a decent home to live in, adequate nutrition and health care, relief from a violent living situation, or access to education and vocational skills. Legal Services also represents many senior citizens who could not otherwise afford representation.

It must be acknowledged, finally, that contrary to the arguments of those opposing Legal Services funding, pro bono work alone cannot possibly provide the same caliber and quantity of legal services that the Legal Services Corporation does. Pro bono services are now at an all-time high. But even if this level of services were doubled or tripled, it would fall short of what would be necessary to replace services now being provided by Legal Services attorneys.

Moreover, the great reduction in legal services contemplated in this bill for all practical purposes eliminate much of the legal services that we have now, would destroy the referral structure and training through which pro bono services are provided.

Mr. Chairman, this Nation rests on a foundation of access to and fair treatment by our legal institutions. The Legal Services Corporation was created under President Nixon with bipartisan support in order to ensure that at least a minimum level of access to our legal institutions would be available everywhere in the United States.

The current trend of reductions in the budget could lead an outside observer to believe that Congress has changed its mind and is no longer interested in the legal rights of those that do not have the monetary resources to go fight for them. I sincerely hope that is not true.

Mr. Chairman, I urge my colleagues to support this amendment to maintain at least a minimal level of funding to support this program and by so doing to support the rights of those who need their help the most in order to be heard.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, thanks to my chairman the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member.

I strongly support the Mollohan-Fox amendment to increase funding for the Legal Services Corporation. The people I represent direly need access to the legal system. The bill, as reported by the committee, cuts next year's funding for the Legal Services Corporation by 50 percent. That is a very big cut, from this year's level of $238 million to $141 million. That is a very big cut.

This cut is a continuation of the House Republicans' efforts to tear down a legal system that President Nixon and the Congress jointly created in 1974. Last year, the committee also recommended a level of $141 million. There is no budgetary need, Mr. Chairman, to cut Legal Services by 50 percent. There is no budgetary need for that.

The other body, the Senate version of this bill increases Legal Services funding by $17 million, even though the total size of the Senate bill is more than $700 million smaller than the bill we are considering. There is no budgetary need to cut Legal Services Corporation.

Do my colleagues know who the majority party seems to be attacking? They seem to be attacking the poor, particularly women and children. I have asked the head of the Legal Services of Greater Miami to tell me about the type of cases they serve every day. Many of these cases are so pitiful that it hurts to even hear them recount it.

There is a case that involved a woman who wanted her 6-year-old daughter who is mentally retarded because of Downs Syndrome to attend a regular kindergarten in her neighborhood school. Legal Services got the school district to agree to mediation. As a result of this mediation process, the school district agreed to train the regular teacher to handle this child and she is now a full participant in a regular first grade class. This could not have happened if it were not for the intervention by Legal Services.

Mr. Chairman, if these had been wealthy people, they would have hired private lawyers because their cause is just. But they are not wealthy, and so they go to Legal Services for help in getting justice. This is not the time, Mr. Chairman, to be cutting legal services.

I call to the attention of my colleagues another one of the cases in my district. Mrs. Dee and her three young children had rented an apartment from the Dade County Housing Authority. For many years, there was a backup of sewage, garbage, and human waste from the entire building flowing through her apartment out of her toilets, faucets, and tub.

As a result, Mrs. Dee's possessions were contaminated and they were water logged. Her apartment became mildewed, which exacerbated her children's asthma and heart conditions. These are signs of poverty.

Despite the extreme seriousness of the situation, Mrs. Dee was unable to convince the Housing Authority to either repair the building plumbing or transfer her to another apartment. Therefore, she sought the services of Legal Services of Greater Miami.

Legal Services sought an immediate transfer of this family and compensation for the loss of Mrs. Dee and her family's possessions. After heated negotiations, Legal Services recovered enough money for the lost possessions and a transfer to another apartment.

I repeat that this is not the time to cut the Legal Services Corporation in that they are providing a function, particularly for the poor, particularly for children.

I urge my colleagues to support the Mollohan-Fox amendment.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

I strongly urge my colleagues to favorably support the amendment being offered by the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and also my colleague the gentleman from Pennsylvania (Mr. FOX).

In our Nation, where we guarantee those who have been alleged to have committed the most atrocious criminal acts the right to counsel, for this Congress to do anything less than our absolute best to provide legal services to Americans who cannot afford it I think would be shrinking from our responsibilities.

So I rise in support of this amendment. I would ask that my colleagues look at the fine tradition of Legal Services, understand how it has made a positive impact on the life chances of literally millions of Americans in terms of their pursuit of all of those things that we hold dear as a society.

I hope that this House would find it within their collective resolve to overwhelmingly support this amendment.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment to restore $109 million funding for the Legal Services Corporation. We must bring up the House appropriation level for this worthy program. Even $250 million is not enough, but it is a step in the right direction.

The Supreme Court recently restricted certain legal service programs. Now is the time to increase the current level of $283 million rather than to cut the budget in half. Legal Services programs have been unfairly targeted by those who wrongfully believe that they are political. These accusations are merely a smoke screen for denying funding for the programs that help those who need it the most.

Legal Services programs are the livelihood for the poor, and those are the rights that they are entitled to. One of the key things that we must recognize is that these individuals have rights. Many of our legal protections today came from the cases made possible by the Legal Services work. Protections such as due process, voting rights, property rights, women's rights, and many other areas came from the Legal Services Corporation programs.

In today's society, we need lawyers, as my colleagues well know, and any person's rights that are violated, everyone else is in danger, rights such as voting rights violations, other violations about not getting the minimum wage, other violations that involve withholding of wages for outrageous reasons. Other violations includes paying women less for the same type of work that men are doing. Other violations include youngsters not having access to textbooks because of various other reasons.

I urge my colleagues to raise the level and to vote on this particular key amendment. I ask my colleagues to vote in assuring that these individuals have certain rights.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. RODRIGUEZ. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my good friend, the gentleman from Texas, for his kindness. I join the gentleman in supporting the Legal Services Corporation and the Mollohan amendment. I rise to support it.

The gentleman is right, there is a great need for this service all over the Nation and particularly in Texas. I have seen the Gulf Coast Legal Foundation in my community work very hard in helping victims of domestic violence, helping with divorce cases, helping children in poverty, assisting the elderly and representing migrant farm workers.

We are told with these terrible cuts we will see neighborhood offices fall from 1,100 to 550. We will see lawyers fall from 4,800 Legal Services attorneys to 2,150 and there will be only one Legal Service Corporation attorney for 23,600 poor Americans. That is injustice. That is not justice.

Just as an example, helping Michelle Blue and her son Cody, who had been beaten and threatened with a knife by Michelle's husband, although Michelle wanted a divorce she could not afford an attorney so the abuse continued. It took a lawyer from the Legal Services Corporation to help Michelle in order to avoid the beating and the stalking and to get her a restraining order.

They also help homeless children who have been evicted from their homes and have problems with getting back into the schools. They go and help those who are most in need.

This terrible cut, putting them down to $141 million, cutting them 50 percent, is going to make our country not the country of laws and justice but one of unequal justice.

I believe that the Mollohan amendment answers the great concern of ensuring that this Nation does not discriminate, whether you are poor or not poor; that you have the same kind of justice, the same kind of freedom and the same kind of rights.

I hope that our colleagues will join us on behalf of all of those across this Nation, and particularly those who reside in my district in the State of Texas, as the gentleman has so ably represented. There is a great need for all Americans to have the right kind of justice.

Mr. RODRIGUEZ. Mr. Chairman, reclaiming my time, I agree with the gentlewoman totally, and I recognize that anyone's rights that are violated, we run the risk of losing our own rights. It is important for us to understand that and recognize that. I urge my colleagues to raise the level of the spending by $109 million and to vote for the amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment to increase Legal Services Corporation funding by $109 million to $250 million.

Mr. Chairman, the Legal Services Corporation is important to assisting vulnerable people in our society. Women and children are among the most vulnerable, who without assistance often find themselves in abusive situations that they cannot control.

The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance and health care.

To give one example from my own district, as a result of domestic violence and in fear for her safety and that of her five children, a woman left her husband of 15 years. He had been the primary support for the family. She was able to on her own obtain housing, although it was still neither decent nor safe.

Still, because of her financial situation, she was threatened with eviction. Legal Services helped her to get section 8 housing and the family was able to relocate to decent housing with adequate space. This stabilized the family during a very disruptive and unsettling time, to say the least.

Millions of children are the victims of abuse from their parents and others who are responsible for their care. This abuse goes on somewhere in the country every minute of the day. Legal Services in Maryland represents children who are neglected or abused. Such neglect or abuse ranges from a child being left alone by a parent or not being provided a nutritional meal, to physical or sexual abuse that results in severe injury and all too often death.

Legal Services has helped the infant that has been abandoned at birth, the child who is left unattended, the child who is beaten, burned by cigarette butts because he would not stop crying, or scalded by hot water to teach him a lesson.

These children are vulnerable, and without the protection of the law they would be endangered and lost. Legal Services advocacy, on behalf of children, assures that they will not be the subject of abuse. It helps to secure services for children such as housing support, health care, food, educational programs and necessary counseling.

The work of Legal Services on behalf of families and children touches at the heart of what we value in this country: Decent housing, adequate health care, food and a safe environment.

Because of the importance of safety in our society, Legal Services programs have supported legislation to prevent abuse and to protect the abused. In general, the States are not allocating funds for civil legal services for poor citizens, and without this federally funded program the most vulnerable members of our society will not have the ability to get inside the courtroom door to seek judicial protection of their rights.

I urge support for the amendment.

□ 2100

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment. For over a decade now, the gentleman from Florida (Mr. McCOLLUM) and I have worked to reform the Legal Services Corporation. The gentleman from Kentucky (Mr. ROGERS) has offered considerable help to this effort as well. But tonight we are not debating whether or not to reform the LSC or change the delivery system for legal services altogether. We are simply setting a funding level where the Legal Services Corporation can continue to function and provide civil legal care for those in our country who cannot otherwise afford it.

I fully understand the arguments for taking a hard look at changing our current delivery system for providing legal services to the poor. I intend to continue a careful examination of how we provide daily legal support for low-income individuals, and I hope to work with the authorizing committee to see if we can address this matter in the appropriate context. But until that happens, I support continuing to fund the Legal Services Corporation at $250 million for fiscal year 1999. This is exactly the funding level which the gentleman from Florida (Mr. McCOLLUM) and I proposed in our LSC reauthorization bill of the 104th Congress.

All of the arguments we might hear tonight come down to one fundamental question, whether we believe that the Federal Government has a role to play in ensuring that the poor have access to the courts. I believe that they do. I will be the first one to tell my colleagues that the LSC has had its share of problems over the years and I am sure we will hear about some of them tonight. And while I am not convinced that the current structure is the best way to deliver these services, I am not willing to demolish the LSC absent any other well-developed approach to caring for the people that depend on legal assistance in their daily lives. But that is precisely what we will do if we cut their funding to $141 million.

As a lifelong supporter of a balanced budget, I understand budget realities and know we cannot fund every program at the level we want. That is why I commend the sponsors of this amendment who have worked extremely hard to find the offsets to pay for this amendment in a fair and reasonable manner.

Finally, it is important to remember that we continue all of the restrictions agreed to on the Legal Services Corporation in the effort to make sure that this program works for its original purpose. And while LSC may not have been perfect over the past year, I do believe they have made sincere efforts to abide by these restrictions. In my State of Texas, it is very noticeable.

I urge my colleagues to support the Mollohan-Fox amendment.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I walked over here a minute ago from my office. It is a beautiful night here in the Nation's capital. The sun is setting, the temperature is pleasant, one of our fine military bands is performing on the Capitol steps. It is easy to feel pretty good about things. At a time of economic prosperity, thank goodness, we all generally do feel pretty good about things, but we should bear in mind that there is an enormous underclass in this society that is hurting. And to the extent that we deny them redress of their legal grievances by so shamefully underfunding the Legal Services Corporation, we issue an invitation to their abuse, by landlords, by employers, by estranged partners who are tempted to domestic violence because they know that without the funds being raised to some decent level in this bill, the chance that there will be a lawyer able to handle the case, to right the wrongs that these people are enduring, is minimal. And so it is an invitation to further wrong in this society.

That band that is playing out there on the Capitol steps and its sister organizations throughout the United States military is funded at a level now that exceeds what this bill proposes for the Legal Services Corporation. And so the amendment that the gentleman from West Virginia (Mr. MOLLOHAN) is proposing and which I rise to support is absolutely essential to get us up into some more decent range. But make no mistake, we will have barely scratched the surface. Far more people out there that will need legal representation because they cannot afford to hire a private lawyer will go unserved than will go served, even with this increase.

This program was created by that noted social engineer back in the late 1960s, Richard Nixon. For all of the problems that we associate with President Nixon, he understood that this Nation, if it is to be a proud Nation, if it is a Nation that is going to live up to its stated principles of equal justice for all, has got to do something about this problem. That is what the Legal Services Corporation is all about. There are tens of thousands of private lawyers out there that work on a pro bono basis, but even with that free help to go along with the daunting efforts made by the underpaid legal services programs lawyers, we are barely scratching the surface.

We should be proud of this program, Mr. Chairman. This is something that lives up to the fundamental ideals that we hold as a people. And rather than having been cowed and intimidated and compromised into being grateful for a few crumbs, this Congress ought to stand up and be proud that we recognize our responsibility to the least among us, to be true to our principles to fund this program at a decent level. I trust we will adopt this amendment, but in doing so, let us not delude ourselves that we have solved the problem.

I rise in support of this amendment to restore some of the basic funding for the Legal Services Corporation (LSC).

It is fitting we are considering this amendment during the portion of the bill containing funding for the Department of Justice because this amendment is fundamentally about justice. Our constitutional guarantee of equal justice under law is a hollow promise without equal access to the courts. For the nation's poor, not having a lawyer effectively means not getting to court or even to an administrative hearing. LSC provides representation to those who would otherwise go without it. We owe it not only to the poor, but to that first principle of equal justice for all, to fund legal services sufficiently for the poor to have real access to the civil justice system.

While I certainly support this amendment, it is only a start. We need to do more—much more than is in this amendment, and much more than we have been doing in recent years. The combination of budget cuts and unwarranted restrictions on the ability of LSC to effectively represent clients is slowly strangling legal services programs and gutting the principles upon which it was founded.

We must take this modest first step toward bringing LSC funding back to a decent level.

LSC provides legal representation to this nation's poorest citizens. When it was founded by President Richard Nixon in 1974, LSC was designed to become a permanent, vital part of the American justice system.

Cases involving families and children, housing, income, and consumer protection account for over 80% of LSC's work. Without the Mollohan amendment, this bill would cut LSC by almost 50%. It's not hard to figure who will pay the price for any further funding reductions—women, children, and low-income older Americans, farmers and veterans.

Mr. Chairman, LSC's work is carried on by staff lawyers who are willing to work for reduced pay. Last year, over 150,000 private attorneys participated as volunteers providing pro bono representation for Legal Service Corporation clients. As a former volunteer attorney for LSC, I can attest that the lawyers I worked with were far too busy trying to meet the basic legal needs of their clients to engage in some of the activities that detractors assert.

Mr. Chairman, if we are going to ensure that justice is not available only to the highest bidder, the work of LSC must continue. This amendment is the right thing to do; it is the least we can do.

I strongly urge a yes vote.

Mrs. THURMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all before the gentleman from Colorado (Mr. SKAGGS) leaves, I have heard some of the debate here tonight. We will deeply miss him for his heartfeltness for all Americans in this country. It has been an honor and privilege for me to have the opportunity to serve with him. He will be missed.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment tonight. I also do appreciate the gentleman from Texas (Mr. STENHOLM) and the gentleman from Florida (Mr. McCOLLUM) for their work on the reforms that they have done. I find it interesting that every year for the last 6 years that I have been here that this particular amendment comes back every year, year after year after year. I go home and I talk to my legal service providers, and I talk to them about what this budget in particular means to them. It is providing about 50 percent of their budget. They already are turning back half of those applying for legal services because of lack of resources. With more than 2 million individuals living below the poverty line in Florida, I fear that drastic reductions in funding for these services will deeply impact the ability to meet the needs of the people who truly cannot afford the high cost of legal services.

Mr. Chairman, people's rights as citizens of this country have little use if they are not protected. Programs funded by Legal Services Corporation are needed to ensure that everyone, regardless of their income, operates on a level playing field in our judicial system. Otherwise, America's poor have few ways of pursuing their right to equal treatment under the law. In my home State of Florida, Legal Services Corporation provides more than 43 percent of legal aid funding for legal counsel for about 1.6 million people below the poverty line. This program, and I need to emphasize this, is a partnership between public funding and private pro bono work. Contrary to what Members might hear, this program does not go to fund left-wing litigation but is instead used to help real people with real, everyday problems. These are ordinary Americans facing difficulties that may not be resolved if they have not received legal help.

Here are a few examples from my own district of what the Legal Services Corporation is really used for, and these are but just a sample. When a 13-year-old child in need of emergency surgery for an intestinal hernia found herself caught in bureaucratic red tape, the local Legal Services Corporation helped her grandmother prepare the required legal paperwork and get the needed hearing so that she could get the operation done in the next day. When a woman was beaten, locked out of her house and custody of her children was given to her abusive husband, Legal Services was able to help her get that custody and receive child support. Both went into counseling, and this is important because we hear a lot of stories about how they just want to break up marriages, and eight months later the two agreed to a trial period of living together. The divorce was dropped, and they have been doing well ever since. When SSI turned down benefits to a 14-year-old child who had suffered a serious skeletal disability since birth, Legal Services stepped in and helped him schedule a hearing with a judge. Today he now receives the benefits that allow him to obtain the necessary treatments and enjoy a better quality of life.

Mr. Chairman, the current low funding level for Legal Services Corporation would hurt real people like the ones I just described. Over half of all the cases deal directly with family and housing issues. All people, regardless of their income, have a right to be represented in court. If Legal Services is not funded adequately, what rights will be taken away? In order to preserve the principle of equal justice for all, we must continue to maintain this needed program.

I urge my colleagues to support this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment to restore funding for the Legal Services Corporation. The Legal Services Corporation plays a vital and indispensable role in providing access to our civil justice system for the poor and destitute in our Nation who would otherwise be financially incapable of seeking justice in our courts of law.

Today many critics of our justice system believe that justice belongs solely to those who can afford it. With the ever increasing cost of litigation, the legal landscape in this country lends some credence to this perspective. The Legal Services Corporation serves as a safety net for the poor in that it gives them the ability to pursue their rights as American citizens, irregardless of economic status. Without such a safety net, these Americans would not be able to petition the courts for a remedy for their wrongs they may have suffered. For these Americans, their rights would be no rights at all. For where there is no remedy, there is no right. Unfortunately, this bill cuts funding for the Legal Services Corporation in half compared with the funding level for this year. I urge my colleagues to oppose the bill and restore funding for this program to restore the rights of our fellow Americans.

In my own congressional district, thousands of residents are in need of these services on a daily basis. I also take my hat off and commend and congratulate all of those Legal Services attorneys, paralegals and other personnel who make use of their talents and skills each and every day to try and make sure that the poorest members of our society have access to our judicial system. Especially do I commend that group of attorneys and paralegals whose offices are down the hall from mine in my district office, where I see countless people coming in and out every day who would not be able to have any redress except for the fact that they are there.

Again, I commend the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Pennsylvania (Mr. FOX) for this amendment and would urge that we make America one America when it comes to justice and the pursuit of it by providing legal services for all of our citizens.

□ 2115

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I want to speak in support of the Mollohan-Fox-Ramstad amendment to restore funding to the Legal Services Corporation. If this amendment is not accepted, the Legal Services Corporation will suffer another devastating blow. As currently written, this bill provides only $141 million for the Legal Services Corporation. This is a 50 percent reduction, or a cut, of 142 million from Legal Services funding year 1998 budget.

Mr. Chairman, such a reduction would crush an already vulnerable Legal Services, thereby rendering it even more difficult to provide legal services for the poor.

Let us be clear. Legal Services has already been cut to the bone. This worthy program cannot survive another massive reduction in funds. We have cut legal services from a budget of 415 million in fiscal year 1955 to 283 million in fiscal year 1998. The effects of these cuts are already being felt by those low-income clients that depend on legal services organizations.

Mr. Chairman, in my own State of California the Legal Services Corporation provided legal services to 217,015 clients in 1997. Those represented included our most vulnerable citizens, including the elderly, battered women and families who are barely surviving poverty. Moreover, if the Mollohan-Fox-Ramstad amendment is not accepted, we, as legislators, would effectively be abandoning the longstanding commitment to legal services for the poor.

To make matters worse, in the State of California many of the poor are already without service because of Governor Pete Wilson's veto of the State bar fee authorization last year. The poor in California have been failed by their Governor, and this amendment is really their last hope.

Moreover, the deep cuts in legal services will mean that whole sectors of our society will be left without access to the Legal Services Corporation. In many poor and rural regions of the country there will be no publicly-funded legal assistance available to the poor.

We must not forget that 40 percent of the 23 million people over 18 who live in poverty in this country are the working poor. They also depend on legal services organizations for legal assistance. One Legal Services Corporation for every 23,600 poor Americans is simply not enough. In fact, the number of Legal Services lawyers servicing the poor will fall from 4,871 in funding year 1995 to a mere 2,115 in the next fiscal year. This means that thousands of poor people in the South, Southwest and large parts of the Midwest will have virtually no legal services representation.

The American public supports federally-funded legal services for those individuals who would not otherwise be able to afford an attorney's service in certain civil matters. The provision of adequate Federal funding for legal services cannot be provided elsewhere. Pro bono services will never be able to replace federally-funded legal services. In fact, most pro bono services are provided through legal services organizations. Private attorneys are recruited by and use the system of legal services organizations to volunteer their time.

I have worked alongside Legal Services attorneys throughout my life in public office, and I have seen firsthand the work they do. It is tremendous. Many of my constituents and many of my colleagues' would have no other legal representation without the existence of Legal Services Corporation.

It is for these reasons that I call on my colleagues to support the Mollohan-Fox-Ramstad amendment.

Mr. Chairman, I alluded to senior citizens, and this particular group in our society must have some support and some services from their government. Many of them are being caught up in schemes where they are losing their homes. There are many unscrupulous individuals out there who misrepresent who they are, and it is spreading across this Nation. We are going to find that these particular problems will be dropped in the laps of Congress because the States are not protecting our seniors from those who put their sights on their homes and come up with all kind of sophisticated schemes by which they take these people's homes. Mr. Chairman, the only defense they have are the Legal Services Corporations. If we reduce the amount of money that we are going to put to support Legal Services Corporation, that means more seniors are going to lose their homes to these unscrupulous schemes.

I ask my colleagues to please support this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment, and I ask my colleagues to support it.

Mr. Chairman, imagine what our country would be like if there were no court system, if there were no access to a means to resolve disputes in our country, and then you can see what it is like for poor people who do not have access to the courts.

It used to be that we had in our country a system of resolving these disputes by simply going out into the middle of the street and pulling out a sword and dueling. That is not a very satisfactory way to resolve a dispute. What we have when you do not have access to the courts is the most sinister people, the most powerful people having the ability to take advantage of the most vulnerable people in our society.

So, when people have access to the courts, who does it benefit? It not only benefits poor people, because they can resolve their differences through an orderly process, it benefits rich people because they do not have to pay for the results of not having the ability of people to resolve their disputes in an orderly way. It makes for an orderly society, which is really what our whole system of justice and our system of courts is designed to do.

This amendment is especially important this year because the Supreme Court recently held that interest that is paid on lawyers' trust accounts can no longer be converted to legal services for the poor.

When I was the president of the Mecklenburg County Bar in Charlotte, North Carolina, we were wrestling with this problem of how to provide legal services for the poor, as most States were wrestling with that problem, and over time people came up with this idea that since lawyers put money from real estate closings and other transactions into their trust accounts and interest cannot be distributed or paid on those trust accounts, that perhaps we could take the interest from those trust accounts and pay for legal services for the poor, and that became a multi-million-dollar source of revenues for the payment of legal services for the poor.

But recently the Supreme Court of the United States said that cannot be done because those trust funds that go into those lawyer trust accounts, if they are to draw interest, that interest belongs to the people who own the money that went into the trust account in the first place. So that money has to be distributed to the individuals who own the trust funds. That is not poor people.

So the major source of legal services for the poor went out the window several months ago, a source of funds that actually was providing more legal services to poor people in this country than the appropriations that are provided in this appropriations bill or in last year's appropriations bill.

So, this year this amendment is doubly, triply important if poor people are going to have legal services and access to the courts.

What is this about? It is about an orderly means of resolving differences between people. Rich people are not the only ones that have disputes; poor people have them too. They should have access to the courts.

Mr. Chairman, I encourage my colleagues to support this amendment.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox-Ramstad amendment.

From 1980 to 1986 I served with the Native American Program of Oregon Legal Services, and as someone who grew up in South Africa, a country which at that time had no regard for civil rights, I really know how important it is to protect and enhance, and I stress "enhance," citizens' access to legal services.

Legal Services Corporation provides something that is very special. It provides special expertise that is not available if someone just goes out and seeks a random pool of pro bono lawyers. The Legal Services Corporation provides dependable quality legal services for those who cannot afford it, and this program needs full funding. What that full funding will mean is it will prove that Congress has commitment to the poor.

But I want to talk about a very special group. We have heard a lot about children and women who are affected, but I want to talk about a very special group of people who will be very affected by the Mollohan-Fox amendment. Those are the group who are tribal governments, poor tribal governments who rely in many cases on the Legal Services Corporation to provide a special expertise in a body of law that not many people understand, which is the body of Indian law. Indian law protects a very special treaty and natural resources rights of Indian tribes.

The Indian tribes come to the eight States that have Native American programs. There are already eight States attached to the ordinary Legal Services Program, and these States provide that very special expertise and, even more important, dependability. Because if we look into Indian cases, cases of treaty rights or natural resource rights, we will see that those cases last sometimes two decades. Well, a pro bono lawyer cannot be expected to cover that case for that amount of time, but in order to protect those treaty rights and those special natural resources rights it is absolutely essential to have that dependability, and above all, to have that expertise, and that is what the Legal Services Corporation provides.

So although there are many, many good attorneys providing legal services across the country on a pro bono basis, they cannot provide the long-term service, and in the case of Native American tribes it is very hard for them to provide the expertise.

□ 2130

So I am very pleased that the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Pennsylvania (Mr. FOX) and the gentleman from Minnesota (Mr. RAMSTAD) have put this amendment in to restore the funding for the Legal Services Corporation.

This is not just ordinary law. This is law that is provided on a very special basis and without it, without it we would see a great diminishment of the civil rights not only of poor people, but also of those tribes that we have in this Congress a very special responsibility, a trust responsibility.

So I urge my colleagues to vote for the Mollohan-Fox-Ramstad amendment to restore the funding for the Legal Services Corporation.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Mollohan-Fox amendment to increase funding for the Legal Services Corporation by $109 million. I particularly want to congratulate the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Pennsylvania (Mr. FOX) for bringing forward this amendment, again, because it is a very valuable effort.

The Legal Services Corporation was established by Congress in 1974 to ensure that all Americans, Americans of every stripe, have equal access to the justice system. We should not go back on that commitment, and we cannot expect that some process or program of solely voluntary donations, which has been suggested, by wealthy Americans, will provide poor Americans who cannot afford to pay for access to the justice system, that they would be provided that equal access.

But the bill before us would cut Legal Services funding by 50 percent from last year, and that would have an immediate effect on Legal Services clients. Thousands of low income people would be denied their chance of equal justice in my district alone, and that can be multiplied all over the country.

Funding over the last four years has gone from $400 million in fiscal year 1995, to $278 million in fiscal year 1996, to $283 million in fiscal year 1997 and again $283 million in fiscal year 1998, all of those years when we have been trying to get control of the enormous deficits that built up year after year during the Reagan and Bush administrations.

It is truly mind-boggling to me that in fiscal year 1999, a year when we are expecting a multi-billion dollar surplus, that this Republican Congress would propose cutting Legal Services funding by 50 percent, to a number lower than the funding for Legal Services has been at any time since 1980 under Republican and Democratic Presidents.

Now, Mr. Chairman, I could cite dozens of legitimate cases of legal services being provided in my district compared with those that have been suggested as illegitimate cases by various people, as abusive cases of the program, but I just want to cite one that shows the vital role that Legal Services plays in the lives of ordinary people.

A woman from my district separated from her husband because of physical abuse, and she had custody of their children. While she was hospitalized recovering from that very physical abuse, her abusive husband obtained a custody order that she was in no position to contest, being that she was in the hospital, and placed the children with his parents.

With Legal Services' assistance, this mother was able to regain custody of her children, she was able to end that abusive relationship, obtain housing, and then go on to obtain a Bachelor's Degree, so she can now support herself and her children on her education. We need to ensure that every citizen has access to equal justice.

Last year, in similar circumstances, this House voted for the same Mollohan-Fox amendment by a vote of 246 to 176 in a recorded vote. I urge my colleagues to pass the Mollohan-Fox amendment this year by an even larger margin than it was voted by last year, and send an obviously correct message.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment to restore some of the cuts in legal assistance for the poor. As a former Legal Services program board chairman who helped to establish a Legal Services program over 20 years ago, I can attest firsthand to the importance of Legal Services to individuals in my district who cannot afford a lawyer.

As a result of legal aid, many of the unscrupulous businesses who once operated with relative impunity are now held in check. I am concerned that if we further reduce the Federal support for these programs, we will give license to the resurgence of such operators to prey on those who are vulnerable and unable to respond because of the cuts in Legal Services.

Mr. Chairman, despite the existence of Legal Services programs for the poor, there have never been sufficient funds to reach anywhere near the number of people who need assistance. For example, the American Bar Association in 1995 did a study that revealed that 43 percent of those asking for services had to be turned away because of lack of funding to provide for services.

The 1995 funding level was $415 million. Last year the Legal Services Corporation received only $283 million, and even with this amendment, the funding will only be $250 million.

So, Mr. Chairman, we have already drastically cut the funding for Legal Services. At this point there is no justification for so drastically reducing the Legal Services Corporation as the current bill requires. I hope that we will assure at least the minimum Federal support that this amendment calls for, so that some of those who are defenseless and helpless against the unscrupulous in our society will have some recourse.

I implore my colleagues to support the modest funding for Legal Services for the poor by supporting the Mollohan-Fox amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support the Mollohan-Fox amendment. Cutting the funding of the Legal Services Corporation to $141 million would be a disaster for families living in poverty across this Nation.

Legal Services attorneys deserve our thanks and our appreciation. They help our poorest and most vulnerable citizens navigate the complicated bureaucracy of our court system in search of justice and fairness.

Many of my colleagues may not think of Legal Services as a women's issue, but it is. More than two-thirds of the clients served by Legal Services are women. The funding cuts in this bill will force Legal Services to abandon many of the critical legal services that it provides to poor women, particularly victims of domestic violence.

In 1997, Legal Services programs handled over 58,000 cases in which clients sought legal protection from abusive spouses. In fact, family law, which includes domestic violence cases, makes up over one-third of the cases handled by Legal Services programs each year.

In addition to helping domestic violence victims, the lawyers at the Legal Services Corporation help poor women to enforce child support orders against deadbeat dads. They also help women with employment discrimination cases. Slashing funding for Legal Services means barring the door of the courthouse for tens of thousands of women who have nowhere else to turn for help. How can we at this time abandon these women to violence and abuse and greater poverty?

Please support Legal Services. Let us protect poor families who need this help desperately. Let us vote for this amendment.

Mr. McHALE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I speak not from a prepared text, but from experience. In 1977 I graduated from Georgetown Law School. I returned home to the Lehigh Valley of Pennsylvania, where I served for approximately 5 years as a volunteer lawyer with Lehigh Valley Legal Services.

Mr. Chairman, during that period of time I became aware of how extraordinarily important this program is for equal justice under the law. In 1981 the Legal Services program in which I participated had 13 attorneys; today, we have six. Offices have been closed; representation, because of inadequate funding, has been denied.

Mr. Chairman, when I was a student at Georgetown, I used to walk between this building and the Supreme Court of the United States. When I did so, on hundreds of occasions, I would look up to those words carved over the entryway to the Supreme Court and I, for one, would be inspired: "Equal Justice Under Law." If we fail to pass the Mollohan amendment, we establish, as a matter of policy, our lack of faith in that commitment.

At home today in the Lehigh Valley, a citizen will obtain competent representation in cases that involve an immediate and essential hearing, typically on matters of housing, domestic relations and custody. The cases in my hometown where this representation is provided rarely, if ever, involve politically oriented issues or ideologically explosive issues. This is about equal justice to ordinary citizens who happen to be poor.

What confronts this Chamber tonight is whether or not we will provide to those citizens, in matters of basic civil justice, the kind of representation that is available to other citizens who are financially better qualified.

I am leaving the Congress of the United States at the end of this term, and I am going to close a loop. One of the first things I am going to do as a private practitioner when I return to the Lehigh Valley is to volunteer my time and energy representing those people. But we who are volunteers cannot possibly carry the burden alone.

Legal Services, federally funded in the case of my hometown to the extent of almost 50 percent of the annual budget, must be provided if we are going to stand true to what I read so many years ago carved over that doorway to the Supreme Court of the United States. Tonight, when we vote, we will decide whether or not we truly believe in equal justice under law. To carry forward that principle, I strongly urge an affirmative vote for the Mollohan-Fox amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak in support of the Mollohan amendment which will govern how we proceed on H.R. 4276, the Commerce Justice, State Appropriations bill. I am grateful to the Rules Committee for allowing the Mollohan amendment to be considered which would restore full funding for the Legal Services Corporation in FY 1999 at $415 million. This cut will result in the virtual abandonment of the long-standing federal commitment to the legal protection of working poor Americans, including victims of spouse and child abusers, dead-beat parents, and consumer fraud.

The programs funded by LSC have provided effective and meaningful access for the poor to our courts. In 1997, LSC-funded programs provided services to almost 2 million clients, benefitting approximately 4 million individuals, the majority of them children living in poverty. The vast majority of cases handled by programs are noncontroversial, individual cases arising out of the everyday problems of the poor.

Cutting this funding will mean that the number of clients will fall from 1.7 million in FY 95 to less than a million; the number of neighborhood offices will fall from 1,100 in FY 95 to approximately 550, the number of LSC attorneys serving the poor will fall from 4,871 in FY 95 to 2,150; there will be only one LSC lawyer for every 23,600 poor Americans; no legal assistance to clients in thousands of counties throughout the country; and legal services programs will be forced to severely limit their services, resulting in the substitution of brief advice and referral for complete legal representation in most cases.

While domestic violence occurs at all income levels, low-income women are significantly more likely to experience violent victimization that other women, according to the U.S. Bureau of Justice Statistics. Medical researchers assert that 61 percent of women who head poor families have experienced severe physical violence as adults at the hands of male partners. The Legal Aid Society of Charleston, West Virginia was contacted by a woman after her boyfriend put her and her 2-week baby out of the home at gunpoint. She obtained a 90-day domestic violence petition against him in magistrate court. She needed the assistance of the Legal Aid lawyers in getting a permanent restraining order and custody. The Legal Aid lawyers obtained a final court order awarding the woman custody of the child.

A woman in Oklahoma was hospitalized for several months as a result of suffering years of physical and psychological abuse at the hands of her husband. In the subsequent divorce and child custory battle the husband used her hospitalization against her. With the help of the Legal Aid laywer, the woman was granted a divorce, custody of their child, and a permanent restraining order against her ex-husband. We must restore the money to the Legal Services Corporation.

In 1997, LSC-funded programs closed some 146,000 cases in which the client was 60 or older. This represents approximately 10 percent of all LCS cases. Some LSC-funded programs have special elderly law units, but all programs provide services to the elderly.

One out of every four children under six and one in every five under eighteen live in poverty. Elimination of federal funding of legal services will deny them legal assistance on obtaining financial support from an absent parent, a decent home to live in, adequate nutrition and health care, relief from a violent living situation, access to education and vocational skills. The working poor represent 40 percent of the 23 million people over eighteen living in poverty in the United States. Access to legal services can preserve employment that makes the difference between remaining productive and independent or joining the ranks of the dependent poor. We need to restore, the funding of the Legal Services Corporation for our poor, our elderly, women who are victims of domestic violence, and migrant workers. Please support the Mollohan-Fox amendment.

Mrs. MORELLA. Mr. Chairman, I would like to thank Chairman ROGERS for his work to fund the programs of the National Institute of Standards and Technology (NIST).

NIST is the nation's oldest Federal laboratory. It was established by Congress in 1901, as the National Bureau of Standards (NBS) and subsequently renamed NIST.

As part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurement, and standards. As the nation's arbiter of standards, NIST enables our nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasing complex technologies require NIST laboratories to maintain the most sophisticated equipment and most talented scientists in the world. NIST's infrastructure, however, is failing and in need of repair and replacement.

NIST currently has a maintenance backlog of almost $300 million. In addition, NIST requires new laboratory space that includes a higher level of environmental control (control of both vibration and air quality) than can be achieved through the retrofitting of any of its existing facilities. In order to meet this pressing need, NIST must construct an Advanced Measurement Laboratory (AML).

As part of the sums appropriated for NIST, H.R. 4276 includes $56.7 million for construction, renovation and maintenance of NIST's laboratories. This funding level is below the $67 million authorized by the House when it passed H.R. 1274, the NIST Authorization Act of 1997, but matches the President's request.

While a considerable amount of money still needs to be appropriated before the AML's construction is fully funded, this year's appropriation, when is combined with the $95 million appropriated last year for construction and maintenance, is a significant down-payment on the laboratory. I am hopeful that with Chairman ROGERS' continued support, we can find the money next year to complete funding and begin construction of the AML.

I would like to again thank Chairman ROGERS for his support of NIST and its facility needs.

Mr. DOOLITTLE. Mr. Chairman, the Legal Services Corporation often strays from its primary mission of providing legal counsel in cases to people who cannot afford it. It is clear that the LSC often pursues an activist and ideological agenda that hardly benefits its poor clients.

It is ridiculous that we continue to fund a program so irresponsible that the Congress would actually have to take the kind of action we took in fiscal year 1996 and spell out what ought to be clear ahead of time for an organization funded with federal taxpayer dollars. Congress actually had to make explicit that the LSC may not get involved in redistricting, they may not get involved in abortion litigation, or prison litigation, or welfare litigation, or pro-union advocacy, or union organizing, or fee-generating cases, or representation of public housing tenants charged with possession of illegal drugs or against whom eviction proceedings have begun as a result of illegal drug activity, and a prohibition on representing illegal aliens. That is an indictment right there on the inclinations of the individuals in this irresponsible agency.

I believe as much as anyone in protecting the rights of poor people, but I do not believe we have to build a bigger and bigger welfare state, of which this is a part, in order to accomplish those objectives.

If legal representation of the poor at public expense is so important, let the attorneys donate their time, let the States handle the matter, where they are a little closer to the people and where these kinds of abuses cannot continue to occur. And yes, they do continue to occur.

For example, when it comes to protecting children, the LSC has actually been often counterproductive to that goal. In 1997 Northwest Louisiana Legal Services argued for preserving a woman's parental rights to her children, despite clear evidence she had physically abused them. The case began in 1991. The State investigated it. They assumed temporary custody. Legal Services still got involved, claiming that terminating parental rights was improper. These children had been severely beaten and burned, and yet our taxpayer dollars went through Legal Services to defend this type of individual.

Providing free legal services to the poor is perfectly appropriate for local and State entities to carry out. I think we will not end the abuses as long as the remote Federal Government continues to fund a program of this sort.

Obviously these organizations have no interest in respecting the intent of Congress, when we have cited repeated violations of the very restrictions that were already in the law that continue to happen. This is not the job of the United States government. It is the job of the State governments or of local bar societies.

Mr. RAMSTAD. Mr. Chairman, I join my colleagues from Pennsylvania and West Virginia in sponsoring this amendment to prevent the drastic 50% cut in Legal Service Corporation funding.

Without adequate funding for Legal Services, our poorest, most vulnerable citizens will be unable to have legal representation in civil matters.

"Equal Justice Under Law," which Americans read every day across the street on the Supreme Court building, will be empty words.

This proposed 50% cut, to $141 million, follows a 33% reduction in FY 1996, and no increases in FY 1997 or FY 1998. This amendment would be a great improvement from the current level in the bill, but it still represents a $33 million cut from last year's appropriation.

In my home state, severe cuts in LSC funds have ready meant that tens of thousands of Minnesotans who needed legal help had to be turned away. Because of reduced funding, Legal Services in Minnesota closes 4,000 fewer cases each year.

Legal services in my state is struggling in spite of generous support from state and private sources. In Minnesota, over 3,000 attorneys already donated over 30,000 hours of legal services—worth over $3.5 million—each year. Minnesota lawyers pay an extra $50 in their annual licensing fee to support legal services. Individual lawyers and firms currently contribute over $500,000 each year.

Even greater numbers of poor people have been shut out of the civil justice system in other states, where private support is not as strong: LSC programs across the nation are already serving 300,000 fewer low-income Americans because of decreased resources. If limited to this bill's drastic level they will have to turn away an additional 400,000 vulnerable Americans.

On top of this, a recent Supreme Court decision is further threatening resources for legal aid to the poor. In 1997 Interest on Lawyer Trust Accounts (IOLTA) programs accounted for 11% of funding for LSC programs, But, now, the availability of IOLTA funding for legal aid programs has been called into question by the courts.

Some claim that private bar can step in and meet the legal needs of the poor if funding for the LSC is cut by this magnitude. But throughout the country the private bar and individual lawyers are already working hard to provide legal services for indigent people.

However, they cannot meet these critical needs alone, any more than doctors can treat all the medical needs of the poor or grocers can feed all the hungry without pay.

We cannot effectively provide legal services to the poor without a public-private partnership. LSC funds are critical in matching private lawyers with needy clients, and LSC-funded staff is needed to handle intake, screening, referral, training and support for private lawyers.

Although government entities are not often known for efficiency, ninety-seven cents of every LSC dollar go directly to delivery of legal assistance. And federal oversight and accountability over those dollars are ensured.

Tight restrictions required by Congress are being enforced by LSC under the strong leadership of President John McKay: no class action suits; no lobbying; no legal assistance to illegal aliens; no political activities; no prisoner litigation; no redistricting representation; and no representation of people evicted from public housing due to drugs.

Some of my colleagues point to a few, well-publicized cases that appear to be abusive. There is almost always more to the story, and in many cases no LSC-funded program was involved or the LSC is enforcing sanctions against the abuses. But even if all of the alleged abuses were true, these would represent a mere handful of aberrations in a program that last year served 2 million clients, benefiting 4 million Americans, most of whom were low-income seniors, women and children. I wish all federal programs could have such a remarkable record.

Legal Services actually saves taxpayers money by establishing child support orders and maintaining private health insurance for children. Legal Services protects the victims of domestic violence and child abuse. Legal Services combats consumer fraud and unlawful discrimination.

If our justice system is only accessible to the wealthy—to those with means—then it cannot truly be just. I urge my colleagues to support basic fairness and equality under the law by restoring Legal Services funding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN) will be postponed.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

□ 2145

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXPRESSING APPRECIATION FOR SUPPORT ON SHAYS-MEEHAN LEGISLATION, AND URGING MEMBERS TO VOTE TO RESTORE FUNDING FOR LEGAL SERVICES FOR THE POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight first to thank the House for their support for the important Shays-Meehan legislation. This legislation is a landmark in that it will provide for the first time in many, many years an opportunity for the House to have meaningful campaign finance reform.

The bill makes four major changes to our campaign finance system.

One, it completely eliminates Federal soft money as well as State soft money that influences the Federal elections.

Two, it strengthens the definition of "express advocacy" to include those radio and TV advertisements that clearly identify a Federal candidate which are run within 60 days of an election, or include unambiguous support for or opposition to a clearly identified Federal candidate run at any time.

Number three, Mr. Speaker, it improves the Federal Election Commission disclosure and enforcement. It requires the Federal Election Commission reports to be filed electronically. It provides for Internet posting of this and other disclosure data.

Number four, it establishes a commission to study further reforms to our campaign finance system.

In addition, the bill makes other important reforms, including foreign money and fund-raising on government property being prohibited. It expands the ban on unsolicited franked mass mailings. It also makes other reforms which, in the opinion of those who have been observing the House for many years, go to the important end game of making sure that, from the public's point of view, there is more accountability.

I also rise to request that my House colleagues tomorrow, in the voice vote and the recorded vote on legal services for the poor, that we again do as we have in the past 2 years, restore the $109 million in this House so those who are truly in need and need legal representation in their local counties and across their States for cases involving 101 assistance for the poor, that they support the amendment tomorrow, the Mollohan-Fox-Ramstad amendment, because it is so important to many of those who could not be represented otherwise, and who may be just one court case away from losing their family, losing their job, or losing an important matter which goes to their financial or family security.

I thank those who will look carefully upon our debate tonight and hopefully support our amendment.

THE DIFFERENCES BETWEEN THE DEMOCRATS' PATIENTS' BILL OF RIGHTS AND THE REPUBLICAN HMO PROPOSAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to spend some time talking about the issue of managed care reform, or HMO reform. I wanted to start out by pointing out that the House Republican leaders brought a bill to the floor about 2 weeks ago which they are trying to use to essentially dupe Americans into believing that they are protected against HMOs, when in fact, if anything, the Republican bill makes people's situation with HMOs even worse off, in my opinion.

There were no hearings on this Republican bill. It never went through any congressional committee, and it was literally changing up until the very last minute, when it came to the floor of the House of Representatives.

For months Republicans have been working hand-in-hand with insurance companies to fight the Democratic alternative, the Patients' Bill of Rights, which is a real patient protection bill, which enjoys the strong support of doctors, nurses, and consumer advocates.

Now all of a sudden the Republicans have rushed their bill, which they call a patient protection bill, to the floor in an effort to solve the political problem that their opposition to managed care reform has essentially become. Mr. Speaker, make no mistake, the differences between the Democratic Patients' Bill of Rights and the Republican HMO proposal are significant.

The Republican bill excludes key provisions that are essential for consumer protection, and includes provisions that would reduce current consumer protections. The Republican HMO plan seeks to give the appearance of reform without the reality.

Just to mention, among other things, some of the most serious problems with the Republican HMO plan, it leaves medical decisions in the hands of insurance company accountants instead of doctors. It does not limit HMOs and insurance companies' use of improper financial incentives to limit needed care. It allows drive-through mastectomies, and fails to contain a requirement of coverage for reconstructive surgery after mastectomies.

It does not give access to specialty care when needed. It also does not guarantee patients access to needed drugs or clinical trials. Most important, it provides no effective mechanism to hold plans accountable when plans abuse, kill, or injure someone.

Democrats have been insisting and will continue to insist on a bill that contains guarantees that are a significant gain for health plan consumers. The Republican plan, by contrast to the Democratic plan, is essentially a sham in providing patient protections.

Mr. Speaker, I wanted to talk for a few minutes, if I could, about some of the specific problems that I see with the Republican HMO plan, and give some examples of how they essentially would not help.

For example, one of the most important provisions in the Republican bill that contrasts it from the Democratic Patients' Bill of Rights is that the Democrats' Patients' Bill of Rights insures access to specialists, whereas the Republican plan does not.

For example, under the Democratic bill, if you had cancer, you could go directly to an oncologist. If your child had a specific problem, you could bring your child to whatever type of specialist your child might need. Under the Republican plan, you would still have to go see your primary care physician for a referral, and there is no guarantee that you would get to see a specialist if you needed one.

The differences between the two bills are even more pronounced when it comes to seeing specialists outside your HMO, outside your network. The Democrats' Patients' Bill of Rights ensures you will be able to go outside your network at no cost to you if you need to see a specialist that your HMO does not have within the network. But under the Republican bill, if you need to see a specialist outside of your network, you are out of luck. You do not get to see him.

Another difference between the access each bill would provide is what we call "standing referrals." If you were fortunate enough to be in an HMO that has the type of specialists you need when you get sick under the Republican plan, you still have to jump through hoops. The Republican plan does not allow patients who need care over a long period of time by a specialist to have standing referrals. The Democratic bill, the Patients' Bill of Rights, does not require patients to go back time and again to renew referrals. If you need to see a specialist over a long period of time, you are guaranteed the right to that doctor.

The Democrats' Patients' Bill of Rights will also let you designate the specialist as your primary care physician. If you are a woman, you can choose your OB-GYN as your primary care physician. The Republican bill, by contrast, neither allows you to designate your specialist as your primary care physician nor your OB-GYN.

Another major difference, and I think it is important, refers to access to physicians, again. That is, what the two bills do to protect the continuity of care.

The Democrats' bill ensures that if you were in the middle of treatment and your plan drops the doctor that you were seeing or your employer switches insurance companies, that you will still be able to see that doctor at no cost to you. But under the Republican bill, if you are a woman in your last trimester of pregnancy, for example, you could be forced to see another doctor once that doctor is dropped from the plan. The same goes for any patient in similar circumstances.

The differences in ensuring access between the two bills is not limited to just physicians. Under the Democrats' Patients' Bill of Rights, health plans are required to have a process for allowing certain patients to participate in a defined set of approved clinical trials.

For many patients, clinical trials represent the last and only hope they have of surviving. But the Republican plan provides no access to clinical trials at all. If you are in an advanced stage of breast cancer, for example, the Democratic bill would give you not only the opportunity but the resources to fight that horrible disease. I do not see how the Republican bill does anything of the sort.

One last difference I would like to point out in terms of access is access to needed drugs. The Republican plan does not guarantee that your HMO will pay for the drugs your doctor prescribes. If your doctor prescribes you a drug that is not on your HMO's approved list of drugs under the Republican plan, you will have to pay for it yourself. If it is too expensive for you, that is too bad. Even though you have health care, you find the prescribed remedy out of reach because the health plan you pay for refuses to cover it.

The Democrats' Patients' Bill of Rights, on the other hand, guarantees access to whatever medication your doctor determines that you need. The Democrats' bill requires plans that have a limited set of drugs available to provide patients with access to drugs that are medically necessary.

As I said, Mr. Speaker, really, the facts tell the story. When we compare these two bills, we find there is no comparison at all. Basically, the Republican bill does little to expand access and a lot to protect the insurance industry. Really, I think we should be helping patients get the care they need without the red tape and without the added trauma of wondering just how much sicker they are going to get, and have to wait for some bureaucrat somewhere to tell them they can see a doctor or have the medicine they need. If we want to address those problems, then we have to pass the Democrats' Patients' Bill of Rights.

I wanted to mention another area that I consider a very important difference between the two bills. Then I will try to wrap up what I have to say tonight. That is, in my opinion, one of the most important aspects. That is the issue of enforcement.

The point is clear that under the Democratic proposal, the Patients' Bill of Rights, we are getting certain patient protections. Under the Republican bill, we are getting very few patient protections. Even if there were some patient protections that were important under the Republican bill, it does not mean anything if we cannot enforce those patient protections and make sure we get them. Any legislation that fails to give patients the right of enforcement essentially renders the protections within the bill absolutely meaningless.

The Democratic bill, most importantly, repeals the ERISA exemption. This is the 1974 law that shields HMOs from being sued if they deny people needed care. A lot of people do not realize that if your employer has a self-insured plan, which many people have, and they fall under ERISA, which is a Federal law, that basically says that the HMO cannot be sued if it denies people care.

We repealed that, essentially, effectively, in the Democratic bill. The Republican bill, however, does nothing to hold HMOs accountable for their actions. It not only leaves ERISA essentially intact and still has the prohibition on suit, it actually exacerbates the problem, because its external appeals process, in other words, the ability to appeal the denial of care, only applies to people whose insurance comes under ERISA.

Individuals in the private insurance market are left without any external recourse when they are denied care, and what is even worse is that those who were fortunate enough to be covered by ERISA are subject to the HMOs' definition of "medical necessity."

I just wanted to talk a little about that, because it goes to the whole issue of enforcement. What the Republican bill does, it allows the HMOs, and not the doctors and patients, to define "medical necessity." Of course, this provision flies in the face of the whole idea of the managed care reform debate, that "medical necessity" should be the determinant of whether or not a patient needs care, and not cost considerations.

So if we are really going to make reforms in HMOs and managed care, we have to make sure that doctors and patients decide what type of care is necessary, whether you have to stay a few extra days in the hospital, whether or not you need a certain procedure. But if the insurance company bureaucrats continue to make those medical decisions, people will continue to be denied care. That is what is going to happen with the Republican bill, because it lets the HMOs and not the doctors and patients define what is a "medical necessity."

I also want to dispel a myth that my Republican colleagues have been working overtime to spread. That is that the Democrats' Patients' Bill of Rights does not create any new Federal litigation.

□ 2200

In other words, if you repeal ERISA, as we do, all that allows is for individuals to go back to the States and bring the kinds of suit they would normally be able to bring. So we are not really creating a new Federal remedy by repealing ERISA and allowing people to sue. We are just allowing people to exercise the rights that they would normally have if the Federal Government had not prohibited them from bringing suit under ERISA.

Some of the other points that could be made with regard to enforcement of the Republican bill I do not think I need to go into tonight. I just want to stress again that if you have patient protections and you cannot enforce them, either through some external review process or through the ability to go to court and bring suit, then for all practical purposes, whatever patient protections you have under the Republican bill really are meaningless.

If I could, Mr. Speaker, the last thing that I wanted to bring up tonight is the whole issue of cost, because I know that my colleagues on the other side of the aisle continue to talk about how if we put in place the Democrats' Patients Bill of Rights, which is a comprehensive patient protection act, that somehow it is going to cost more and it is going to drive the cost of HMOs up. Nothing really could be further from the truth.

We had the Congressional Budget Office do an analysis, if you will, of the Democrats' Patients Bill of Rights. What they basically said is that the legislation would have a very minimal effect on premiums with most individuals paying only about $2 more per month. Keep in mind that for an extra $2, and it probably would not even be that much, you are going to get the return of medical decisionmaking to patients and health care professionals and not insurance company bureaucrats. You are going to get access to specialists, including access to pediatric specialists for children. You are going to get coverage for emergency room care. You are going to get the right to talk freely with doctors and nurses about every medical option. You have an appeals process and real legal accountability for insurance company decisions, and you have an end to financial incentives for doctors and nurses to limit the care that they can provide.

These are the kinds of patient protections that we are providing with the Democratic bill. I know that when I talk to most Americans, and certainly, or most of my constituents, and certainly the polls have shown both Democratic and Republican polls, that when you talk to most Americans, they would rather have those protections. They would like to be able to go to the emergency room nearby and not have to worry that they are not going to be approved because they did not get a referral or that they have to go to an emergency room 50 miles away. They do not want the doctor to be gagged as some doctors are now with HMOs and told they cannot even tell you about certain medical options.

They do not want doctors and nurses to be under a regime where if they do not meet assert quota, if they do not deny a certain number of cases or a certain number of procedures, that they will not get paid enough for their work. We know that the average American would not mind paying an extra dollar or two per month to have the kind of protections that we are talking about here tonight.

Mr. Speaker, I would just say, in conclusion, that, of course, the Republican bill passed the House of Representatives a couple weeks ago but very narrowly. The Democratic proposal, the difference between the two was only about 5 votes. I think that shows very strong support in this body for strong patient protections that are enforceable. I only hope that when the legislation goes over to the Senate and that when the Senate reconvenes in September, the Senate will take up the stronger Democratic bill and that we will see a strong bill pass this Congress, pass both houses of this Congress, because President Clinton has said over and over again that if he gets the Republican version on his desk, he will veto it because it essentially does not provide the type of patient protections that we need to really have some significant managed care reform.

If it is necessary for the legislation to come back to the House or back to the Senate after the President's veto, we know that we are going to have the support here to pass a strong bill because of the vote that took place on the floor of the House of Representatives two weeks ago.

I see one of my colleagues is here who has been a strong supporter of the Democrats' Patients Bill of Rights, who is a member of the Committee on Commerce, the gentleman from Texas (Mr. GREEN), where they have on the State level passed very strong patient protections, but one of the things that we know, because New Jersey, my State, is another State that has passed State legislation that provides strong patient protections, but unfortunately many people are not covered by State law because, again, of the ERISA statute that I mentioned previously. ERISA, which applies to all employers that essentially self-insure, that is a big group in this country, ERISA essentially preempts State law. So that is the reason why, one of the reasons why we have to pass Federal legislation for even those States that do have strong patient protections to make sure that everybody is covered. Of course, also to take care of the States that have not passed strong patient protection legislation. That is why we need comprehensive Federal legislation.

I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. I thank my colleague from New Jersey for allowing for this special order this evening and asking for the time, and I thank the gentleman for yielding to me.

I want to make a few points, because I think the gentleman led into the concerns I had with the bill that we passed, literally, on the Friday of the tragedy that occurred here in the Capitol, make a few points about the Republican majority bill, a bill that we talked about, the Democratic plan actually had bipartisan support. The Republican bill would do to state passed, State protections like Texas has done, and share with you some of the concerns that have been raised by officials in my home State.

Very simply, it would destroy some of the local initiatives that we have seen in the State of Texas. I do not know if that is true in New Jersey or other parts of the country, but the Republicans so-called Patient Protection Act would really be called the Patient Protection Elimination Act.

First, let me refer to a letter from our State comptroller, John Sharp. He writes, literally on July 29, after the bill was passed, The following question should be asked of anyone considering supporting this bill, the HMO reform conference committee report. Will the Federal legislation preempt Texas's current managed care protection laws? Will Federal legislation preempt Texas' HMO Legal Accountability Act? Is there a Federal floor that States may improve upon, or will new Federal legislation create a ceiling and preempt Texas from enacting tougher patient protection laws?

For example, would the Federal legislation erase the Texas gag clause legislation as well as the gag clause legislation in other States and provide a weaker substitute nationwide? Does the Federal legislation preempt Texas OB/GYN direct access bill and substitute weaker language that permits direct access for routine care? Will the Federal legislation be the final word on managed care accountability, or will Texas and other States experiment with different kinds of approaches such as their own external review process?

Because, again, this is quoting from John Sharp, Comptroller of Public Accounts, I will put it into the RECORD. I am reading from the verbiage because the Gingrich supported HMO reform legislation is silent on many more kinds of patient protections enacted into Texas. Are those protections also preempted or nullified by this legislation?

Will this proposed bill erase Texas laws protecting patients and doctors from retaliation by a plan or due process provisions for health care providers or continuity of care that guarantees after a provider has been deselected?

These are just a few of the questions that Comptroller John Sharp raised. We just received this letter today. It was dated at the end of last week and, again, because of the tragedies that we saw here happen that Friday afternoon, I do not think a lot of Members have thought about what Congress did pass that day.

Let me talk about a letter from a person who I served with when I was a State representative and a State Senator. John Smithee is a Republican State representative from North Texas, Armstrong, Deaf Smith, Oldham and Randall Counties which is very far north in Texas.

He writes, again on the 22nd of July, We are writing to respectfully urge, and he is writing not only himself but also David Sibley, chairman of the Senate Committee on Economic Development for the State of Texas, and John Smithee is the chairman of the House Insurance Committee and, by the way, both these members in the legislature in Texas are Republican members.

And they write, we are writing to respectfully urge that in the course of your deliberations on managed care and patients rights, you do not disturb the substantial progress already achieved in Texas. As chairman of the committees of jurisdiction over insurance and managed care in Texas, we have presided over hundreds of hours of public hearings on every conceivable aspect of managed care. I doubt there is an argument or threat that we have not heard in the course of the legislative lobbying, advertising or debate. The 75th legislature, the one this 1997, both Representative Smithee and Senator Sibley cosponsored the legislation and, along with many other colleagues in their House and Senate, some of the most comprehensive and sweeping managed care reforms in the country. They have not had the opportunity to review fully the Federal managed care legislation that was selected, scheduled for debate in the House, but judging from the news reports and their own preliminary analysis it appears that the deliberations are following an identical pattern as the debate in Texas, especially regarding medical liability.

While we intend to provide a more detailed analysis of the impact as it proceeds to conference, we respectfully submit the following observations.

HMO accountability. The Texas legislature, in 1997, in a strong bipartisan display established a legal duty on the part of managed care organizations to exercise ordinary care when determining medical necessity. Aetna Insurance filed suit against the State of Texas claiming that the Senate bill was preempted by Federal ERISA. Ideally, Federal legislation should clarify ERISA does not preempt a State's right to determine health plan accountability and quality.

If such clarification is not achievable, we suggest that the Texas congressional delegation push for Texas as a designated national pilot project for 3 years so the experiences can be measured and evaluated by future Congresses. We know what happened on that Friday and we know that there are cases where the experiments and the innovative techniques that a lot of our States are using, particularly Texas, will not stand the muster of the bill that passed this House.

Also they ask for an independent review in item 2. It is our understanding that H.R. 4250, the House GOP bill, would weaken Texas independent review provisions. Again, these are a Republican State Senator and a Republican member of the State legislature, State House. Apparently H.R. 4250's independent review is not binding compared to Texas law that requires managed care organizations to provide the care deemed appropriate by the independent review organization. Once again, the Texas legislature's preference in this regard was overwhelmingly stated in 1997.

Number 3, this is the last one of Representative Smithee and Senator Sibley's letter. We are also concerned that H.R. 4250 weakens current Texas law regarding emergency care and gag clauses. As we understand it, the bill waters down Texas prudent layperson by allowing a health plan to override the treatment decision by the emergency department physician. The gag clause provision does not protect health care providers from retaliation when they act as advocates for their patients.

They end it by saying, we know you are hearing from many points of view on managed care. Thank you for considering our comments on Texas law. And that copy was sent to Governor Bush and also to the whole Texas delegation.

My concern and a lot of Members' concern is what the House passed as HMO is a sham. What it is actually doing is taking a step backwards from States who have made efforts to try and control it in their own States, like Texas has and I think New Jersey has and other States. So what we are doing is taking away States' rights. It is ironic that as a Democratic member that I am concerned about Congress taking away States' rights, but that is what happened, I think, in H.R. 4250. And I am really surprised that some of my Republican colleagues would allow that to happen here on the floor when so often we talk about the importance of states being the experimental, the embryo, the way to say, okay, we have a problem with HMOs, we have a problem with education. Let us see what the States are doing.

We have 50 laboratories out there. Yet in Congress, in H.R. 4250, we are deciding what is best for the State of Texas and New Jersey, even though those legislators made some tough decisions, as Representative Smithee pointed out and Senator Sibley pointed out. They made some tough decisions and went forward with it.

While many Republicans here in Washington keep saying real reform is too expensive and would be too great a burden on insurance companies, it is important to note that similar provisions in Texas raised premiums only 34 cents per month per member. I would not mind going to any constituent in my district and saying, for 34 cents, would you like to have your doctor have the ability to talk to you about your health care needs, even though your HMO may not cover it so we can eliminate the gag clause? Would you really like to have a swift and sure external and internal appeals process for 34 cents a month, 34 cents a month? Would you really rather not have the decision made by you if you go to an emergency room?

□ 2215

If someone has chest pains and they go to that emergency room and the doctor says, well, I am sorry, those chest pains were really gas. And the doctor asks what they had for dinner, and they probably had some good Mexican food that we have in Texas, and that probably caused them to have gas. But that person could have been having a heart attack. But for 34 cents people would be willing to pay to make that determination themselves with that doctor in that emergency room.

That is why I think we need to continue to call the American people's attention to what happened on that Friday here on the floor of this House. The tragedy that happened outside these doors we all pray about and we support those families, but I am concerned that what happened on the floor of this House that Friday, with the passage of that bill, will not only not help Americans but it will set back the States who have made progressive efforts to try and provide that ability to their patients and to their providers and their physicians: The right to sue an HMO if they are inappropriately denied care; to have access to a binding independent review; to communicate freely with the provider without fear of retaliation against the doctor; and utilize emergency room services if an individual experience symptoms that a prudent layperson would consider an emergency.

And again, what does it cost? Thirty-four cents per patient per month. We hear all sorts of huge costs. In fact, I heard from this mike that day people saying how our bill does not cost anything. I heard it time and time again. It doesn't cost anything because it takes away rights. No wonder it does not cost anything. It takes away rights. We do not get something for nothing, but for 34 cents under Texas law they are providing those protections.

And I would hope that we would see our way clear that when this bill goes to the Senate they would reform H.R. 4250, and maybe the conference could even make some changes with the encouragement and working with the administration. But I would hope when we get another vote on that bill in a conference committee report that it will be a much better product for our constituents than what we sent out here that Friday that all of us regret the tragedy that happened that day.

And, again, I want to thank my colleague from New Jersey. I cannot say it enough; that for the small cost that we are seeing in Texas for these rights, why we cannot on this floor of the House do as well as the State legislature in the State of Texas, why we cannot do as well as the legislature in New Jersey and as well as many of the State legislatures all over this country, because, as my colleague pointed out, they only affect insurance companies that are licensed by the State of Texas. They do not affect employers in my district who are multi-State employers who have to come under Federal law because there is a plan in Houston and a plan in New Jersey. They do not want to have to comply with two laws.

So we need to provide those protections, and I again thank the gentleman for allowing me to be here tonight and to speak.

Mr. Speaker, I provide for the RECORD the letters from both John Sharp and John Smithee and David Sibley. I read most of them into the RECORD, anyway.

THE STATE OF TEXAS,
HOUSE OF REPRESENTATIVES,
Austin, TX, July 22, 1998.

Hon. GENE GREEN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GREEN: We are writing to respectfully urge that, in the course of your deliberations on managed care and patients' rights, you not disturb the substantial progress already achieved in Texas.

As chairmen of the committees that have jurisdiction over insurance and managed care in Texas, we have presided over hundreds of hours of public hearings on every conceivable aspect of managed care. I doubt there is an argument or threat we haven't heard in the course of legislative lobbying, advertising, or debate. In the 75th Legislature, we authored, along with many of our colleagues, some of the most comprehensive and sweeping managed care reforms in the country.

We have not had an opportunity to fully review the federal managed care legislation that is scheduled for debate in both chambers of Congress this week. But judging from news accounts and our own preliminary analysis, it appears that the deliberations are following an identical pattern as the debate in Texas, especially regarding managed care liability. While we intend to provide a more detailed analysis of the impact of the congressional legislation as the bills proceed to a conference committee, we respectfully submit the following observations at this time.

1. HMO ACCOUNTABILITY

As you know, the 1997 Texas Legislature, in a strong bipartisan display, enacted S.B. 386, which establishes a legal duty on the part of a managed care organization to exercise ordinary care when determining medical necessity. Aetna has filed suit against the State of Texas claiming that S.B. 386 is preempted by federal ERISA. Ideally, federal legislation should clarify that ERISA does not preempt a states right to determine health plan accountability and quality. If such clarification is not achievable, we suggest that the Texas Congressional Delegation push for Texas to be designated as a national "pilot project" for three years so that the experience can be measured and evaluated by a future Congress. We would respectfully urge you to oppose any language that would jeopardize, weaken, or preempt Texas' S.B. 386.

The extravagant claims about increased litigation and costs are simply not true. In 1995 managed care reform opponents called the patient protection act a billion-dollar health care tax, and 1997 they claimed health care costs would skyrocket upwards of 30 percent. However, multiple independent studies, including an actuarial analysis by Milliman and Robertson, of Scott and White's HMO, show costs have increased by about 34 cents per member per month.

2. INDEPENDENT REVIEW

It is our understanding that HR 4250, the House GOP bill, would weaken Texas' independent review provisions. Apparently, HR 4250's independent review is not binding compared to the Texas law that requires managed care organizations to provide the care deemed appropriate by the independent review organization. Once again, the Texas Legislature's preference in this regard was overwhelmingly stated in 1997.

3. EMERGENCY CARE/GAG CLAUSES

We also are concerned that HR 4250 weakens current Texas law regarding emergency care and gag clauses. As we understand it, the bill waters down Texas' prudent lay person by allowing a health plan to override the treatment decision by the emergency department physician. The gag clause provision does not protect health care providers from retaliation when they act as advocates for their patients.

We know that you are hearing many points of view on managed care reform. Thank you for considering our comments on the potential impact of federal legislation on Texas law. As the legislation proceeds to conference committee, we will share additional comments with you. In the meantime, please call on us if we can be of assistance.

Sincerely,

DAVID SIBLEY,
Chairman, Senate Committee on Economic Development.
JOHN SMITHEE,
Chairman, House Committee on Insurance.

OFFICE OF THE COMPTROLLER,
Austin, TX, July 29, 1998.

Hon. GENE GREEN,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR GENE: As State Comptroller, I am disturbed by the special interests in Washington and their attempts to preempt and weaken Texas' HMO patient protection laws.

You will recall that last year a bi-partisan effort in the Texas Legislature succeeded in passing the nation's toughest patient protection laws, including a new statute holding HMOs legally accountable for wrongfully delaying or denying necessary medical are.

Now it appears that House Speaker Newt Gingrich is trying to help special interest groups in Washington preempt Texas law and dilute our new patient protection laws.

As this issue moves into conference committee, I urge you to support quality patient care in Texas rather than federal legislation that preempts Texas laws protecting HMO patient care.

I also urge you to guard against falling prey to the false arguments against holding HMOs legally accountable for the wrongful denial of necessary medical care. As State Senator David Sibley emphasized in a recent opinion column (Dallas Morning News, 7/25/98), Texas' new HMO liability law has not flooded the courthouse with new lawsuits, but instead has "actually diverted lawsuits and saved patients' legal costs" (see enclosure). As the state's chief financial officer, I affirm Senator Sibley's observation.

The following questions should be asked by anyone considering support for the HMO reform conference committee report:

1. Will federal legislation preempt Texas' current managed care patient protection laws?

2. Will federal legislation preempts Texas' HMO legal accountability law?

3. Is there a federal floor that states may improve upon, or will new federal legislation create a ceiling and preempt Texas' tougher patient protection laws?

For example, will the federal legislation erase Texas' gag clause legislation, as well as gag clause legislation in many other states, and substitute weaker provisions?

4. Does the federal legislation preempt Texas' Ob/Gyn Direct-Access Bill and substitute weaker language that only permits direct access for "routine" care?

5. Will the federal legislation be the final word on managed care accountability, or will Texas and other states experiment with different kinds of approaches such as their own external review process?

6. Because the Gingrich-supported HMO reform legislation is silent on many more kinds of patient protections enacted in Texas, are those projections also preempted or nullified by this legislation? Will this proposal bill erase Texas laws protecting patients and doctors from retaliation by a plan, or due process provisions for health care providers, or continuity-of-care guarantees after a provider has been deselected?

These only raise further questions about this proposed federal legislation. I encourage you in the strongest possible terms to defeat this bill on the grounds that it seeks to take away Texas' HMO patient protection. As always, if I can provide further information and help in any way, please do not hesitate to let me know.

Sincerely,

JOHN SHARP,
Comptroller of Public Accounts.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas because he brought out a number of very important points, and when he mentioned the minimal cost, the 34 cents per month, I am always happy to mention the CBO saying that our Democratic plan would only be maybe as much as $2 a month.

But I agree with the gentleman, I think it would even be less than that. And the reason there would be no additional cost is, essentially, these patient protections are things that make sense. They are common sense proposals. And if an insurance company knows, if an HMO knows that they have to provide these protections, they get involved in prevention and they do not let terrible things happen. They do not deny care that should be provided. So that avoids the extra cost that might come from a lawsuit or damages or whatever because an HMO is not doing what they are supposed to do.

So I think what we are really talking about are basic common sense ideas and principles that can be easily provided for if the HMO is told that they have to do it, and that is why it really does not cost any more.

The other thing I wanted to mention that the gentleman brought out was with regard to the preemption, which I think is so important. And, yes, the same thing would be true in my home State of New Jersey. We have very strong patient protections now on the books, similar to what the Democrats have proposed with our Patients' Bill of Rights. And it is quite clear when we look at the Republican bill that it would preempt many of those very strong provisions in New Jersey, just as in the State of Texas.

The reason for all this is that, as we talked before, this bill was essentially drafted and put together by the Republican leadership in 1 week because they wanted to have a response to the fact that so many people around the country are clamoring for managed care reform. There are so many loopholes, so many problems, so many exceptions in this bill. Whether because of poor drafting or intentionally because it is basically the insurance companies that are writing it, essentially we are taking a step backward. The Republican leadership would take us a step backward with this legislation.

I know the gentleman mentioned a couple of things, and I wanted to use them as examples, the kinds of loopholes that we have. The gentleman talked about the gag rule, where doctors are told by an HMO that they cannot talk about procedures or other means of doing things that the HMO will not cover. That is the gag rule, as we talk about it.

Well, because of the complaints that the Democrats made, there were some changes made in the Republican bill so that there were some gag rule protections or some prohibitions on the gag rule. But when we looked at the fine print, we found that it only applied to doctors who were directly contracting with the HMO. But many physicians operate through group practices and they are not covered by it, so they still can impose a gag rule on those physicians.

The gentleman mentioned the emergency room care. Well, again, that prudent layperson standard that we have in the Democratic bill says if I get severe chest pains and there is a hospital a mile away, I go to that hospital. I do not call for approval, and I do not go to the hospital 50 miles away that the HMO may say I am supposed to go to. Because the average person, prudent layperson, would not go 50 miles and call to get approval to go to a hospital when they have chest pains.

Well, the Republican bill says the HMO can define medical necessity. So they could basically define a prudent layperson any way they want. And one of the things in the Democratic bill is that that includes severe pain. So if I have severe pain, I go to the local emergency room. But the Republicans do not provide for that, so they can define emergency care as not allowing for severe pain. Just an example.

I do not want to keep mentioning all these examples, but it is just riddled with all these loopholes. And it is not really funny, I should not be laughing, but it is pretty sad because, in many cases, what it does is to preempt many good State laws and substitute very vague language that really does not provide any protection.

I am glad that the gentleman brought that out this evening because I think it is very important. I appreciate it.

Mr. GREEN. Again, I would like to thank the gentleman for this special order, and I do not think it is too strong a language to say that this bill that we passed, H.R. 4250, will not only not provide improvements, but it will set us back in patient responsibility, patient ability to be able to control their own destiny, physicians and providers being able to treat their patients, and that is what is so bad. I would hope that the American people will see what is happening, and I think they will after not only special orders like these, but also when we are back in our own districts.

I have townhall meetings in August and I expect to explain to my constituents on how it works and what happened and how it is such a travesty that the State of Texas passed a law in 1997, it was actually passed in 1995, but it was vetoed by the governor then, and in 1997 it became law without his signature, and yet we are taking away that local legislature's ability to solve their problems locally.

Again, 34 cents. Let me talk about the GAO report that talked about $2. I know that was an amount I used in the example for the price of a Big Mac, maybe a Supersized Big Mac now, that we could get these protections. Yet in Texas it is 34 cents. Thirty-four cents a month. So we are going to see cost estimates all over the board because it is hard to decide it. But, actually, in the State of Texas, the protections have been in effect and it costs 34 cents.

Mr. PALLONE. The amazing thing that my colleague brings out about the preemption is usually, for most protections or legislation that is of a protective nature for health or safety on a Federal level, the Federal law reads that if the State wants to be more protective of the health or the safety or the environment, or whatever it happens to be, that they can do so. It is amazing that this bill does the opposite.

This Republican bill says that if we are more protective of the patient's health, then we are going to preempt that and the Federal law is going to hold. Usually we do the opposite, as the gentleman knows. So, again, there is clearly an effort here to do what the insurance companies want rather than do what not only is right, the right thing for the average person, but also what the norm is here when we deal with health and safety and environmental and other protections of that nature. So we know there is sort of a cynical side to this Republican bill in terms of what they are trying do.

The gentleman mentioned another thing that I think is important, and I have talked all evening about the Patients' Bill of Rights being a Democratic bill. But the fact of the matter is there are Republicans who not only cosponsored the bill but voted for the bill on the floor of the House and voted against the Republican bill. What the Republican bill is is a Republican leadership bill. There are Republicans who would join us in a bipartisan fashion, which is another indication of why the Patients' Bill of Rights really is a good bill. It is bipartisan. But, unfortunately, the Republican leadership is opposed to it.

I want to thank the gentleman again.

24TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise today to acknowledge the 24th anniversary of Turkey's brutal invasion and illegal occupation of the Island of Cyprus. Five Americans lost their lives in the invasion and the illegal occupation continues today.

Turkey continues to illegally occupy more than one-third of Cyprus with 40,000 troops. The current status quo is unacceptable. It is also unacceptable that the United States and the international community, while publicly denouncing the invasion and occupation, allow it to continue. The resulting instability between Greece and Turkey threatens the strength of NATO and could ignite into military conflict. It is time to demand, I repeat, demand a solution in Cyprus.

I am hopeful that a solution to the division of a Cyprus is within reach. However, my optimism is tempered by the fact that I held my first Cyprus special order on the ninth anniversary of the invasion in 1983. Although much has changed since then, many issues remain the same.

In July 1974, Turkish forces, consisting of 6,000 troops and 40 tanks, landed on Cyprus's northern coast and captured almost 40 percent of the island nation.

I might add parenthetically that those 40 tanks were either American made tanks or certainly American made parts which went into them.

Cyprus, which is roughly the size of Connecticut, has not been whole since the invasion. Churches have been plundered and ransacked, beautiful frescoes have been stripped off the walls of religious institutions. Some churches have been converted into mosques, while still others were turned into cinemas and recreation centers. The Cypriots have witnessed the intentional destruction of their cultural heritage over the past 24 years.

Cyprus is an island divided by the green line, a 113-mile physical barrier which separates Greek Cypriots from the towns and communities where their families lived for generations. The division of Cyprus is most obvious in its divided capital city of Nicosia. It is the last truly divided city in the world. Armed guards stare at each other at check points around the city. In the center of the city bullet holes scar buildings and serve as a powerful reminder of the 1974 events.

More than 200,000 men, women, and children were forcibly expelled from the northern portion of Cyprus during the invasion and occupation. They remain refugees today. A people without a home. There are still 1,614 people missing from the invasion.

Mr. Speaker, I would yield to the gentleman from New Jersey (Mr. PAPPAS) at this point.

□ 2230

Mr. PAPPAS. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding and for his leadership, not just tonight but for so many years, and not just in special orders marking the very unfortunate moment in human history but for his leadership day in and day out on this issue and so many others.

Mr. Speaker, I rise today along with my friend, the gentleman from Florida (Mr. BILIRAKIS) to call attention to an injustice that is 24 years too old. On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus, capturing nearly 40 percent of the island. Overnight, nearly 200,000 Greek Cypriotes became refugees, refugees in their own country.

Today, in defiance of United Nations resolutions, nearly 35,000 Turkish troops occupy the northern part of this island nation. The refugees that fled 24 years ago still cannot return to their homes. Sadly, over 1,600 people are still missing, including several Americans. A barbed wire fence known as the Green Line, which many of us have seen, cuts across the island separating communities and people that lived for generations together in peace.

Aside from all of this, numerous human rights abuses are still taking place. Every year, Congress addresses this problem, denouncing the unlawful and tyrannical rule that Turkey has imposed on Cyprus. It is important that we continue to acknowledge the injustice of Turkey's actions.

While this issue lacks the glamour that attracts mainstream media coverage, it does not make this issue any less important.

Problems from this conflict reach beyond the island. Mistrust and animosity have grown between our NATO partners Greece and Turkey. Now more than ever action must be taken. The United States, the European Union, NATO and the United Nations must do more now.

I remind my colleagues, though, that this problem began with a violent invasion, yes, a violent invasion, of Cyprus by Turkey, and that lasting peace and justice can only be restored when Turkish troops are fully removed.

I hope and I pray, as I know many of us do here in this country, that the vision of a peaceful resolution on Cyprus is not lost. I urge this administration to be more active in seeking the peaceful resolution that is so desperately needed. A continuance of U.N. sponsored confidence-building measures can also help bring about peace.

What will not bring peace, however, is complacency. Let us not stand by for another year, let us not allow ourselves to overlook this issue any longer. As long as the conflict continues, so will pain and human suffering.

Next year, Congress will commemorate the 25th anniversary of these sad circumstances. I pray that we stand here and tell of progress rather than oppression and resolution rather than conflict.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from New Jersey for his contribution to this special order and his work. In the short period of time he has been here, he has become a true leader on this subject.

In 1992, Mr. Speaker, I chaired hearings of the Congressional Human Rights Caucus and heard heart-wrenching stories of people who had relatives abducted during and after the invasion. As a result of legislation that I cosponsored, our government recently discovered the remains of one of the missing, a young American named Andrew Kasapis.

Andrew disappeared when he was 17. His remains were recently found in a field in Cyprus. The administration's report to Congress on the whereabouts of the U.S. Citizens missing from Cyprus since the invasion concluded that the other four Americans are presumed dead. However, it is imperative that the administration maintain efforts to find the truth and account for these four Americans who along with 1,614 others have still not been found.

I would yield at this point to the other gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I just wanted to thank the gentleman from Florida (Mr. BILIRAKIS), who is the cochair of our congressional caucus on Hellenic issues, for organizing this special order and for all that he does on a daily basis to try to resolve the situation in Cyprus.

It has now been, as we know, 24 years since Turkey brutally invaded Cyprus and divided the island, and the facts surrounding that occurrence are well-known. Since the time of that invasion, not a single nation in the world, not one nation, has recognized this self-proclaimed Turkish republic of northern Cyprus, with the exception of the regime in Ankara. The international community, rather, has unmistakably and unequivocally called for a negotiated peaceful settlement through a number of U.N. resolutions.

I just wanted to say, if I could, to the gentleman from Florida (Mr. BILIRAKIS) that sadly, after nearly a quarter of a century's worth of attempts to resolve this conflict, the situation appears as far away from being resolved as it ever has been.

Turkey continues to reject the Cypriot government's proposal for demilitarization of the island, a proposal that is supported by both Congress and the Clinton administration.

On May 3, Mr. Speaker, a newly-attempted American effort to resuscitate the peace talks in Cyprus, headed by Ambassador Holbrooke, collapsed when the Turkish side change its position and began insisting that three new preconditions be met for reunification.

These unfounded demands brought a public rebuke from Ambassador Holbrooke, who to his credit pointedly assailed the Turks for not being truly interested in resolving this dispute and blamed them for the collapse of the talks.

The gentleman from Florida (Mr. BILIRAKIS) and my colleague, the gentleman from New Jersey (Mr. PAPPAS) and others have pointed out how ridiculous these new Turkish demands are.

Turkey's new demands represent a clear step backward and must be met with equal resolve by those who support an independent and sovereign state of Cyprus.

I just wanted to say, if I could very quickly, that following the collapse of the May talks I sent a letter to the President which outlines the steps that I believe the U.S. should take in dealing with Turkey and I just wanted to read an excerpt from that, if I could, because I believe it describes what the true obstacle to peace in Cyprus is and what the United States needs to do.

I wrote:

> Mr. President, I believe that the administration privately shares my views that the key to progress lies in Ankara and it is time to stop focusing public and private efforts on the Turkish Cypriots and intensify American efforts to move the peace process forward on the Turkish military, which has a real and substantial influence on decision-making in the Turkish government. To that end, I urge you to convey in forceful and unequivocal terms that there will be direct consequences in U.S.-Turkish relations if Ankara does not prevail upon the Turkish Cypriot leader to abandon these new conditions and return to the negotiating process set out in the U.N. resolutions. It is also essential that the Turkish government not be allowed to interfere in the accession negotiations between Cyprus and the European Union. These negotiations are already started and Turkey must not be allowed to hold Cyprus hostage for its own political purposes.

Now, the latter part of what I just read is in response to the Turkish demand that the Cyprus government withdraw its application for membership in the European Union, and this was one of the preconditions that led to the collapse of the peace talks in May.

If I could just say that I think that this special order is a small but important part of our overall efforts, and we just need to send a very clear signal to the administration that members of this body are steadfast in their determination to monitor this situation, are increasingly frustrated with the lack of progress and that we just are not going to stand for the Turkish government's intransigence anymore.

I again want to thank the gentleman from Florida, who cochairs our caucus, for being so resolute in making it possible for us to continue to bring this point up.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman. God knows, as the gentleman has already indicated, the Congress, the United States Government as a whole really, has to be more resolute. Otherwise a solution will never be found.

As the gentleman has already said, no government on earth recognizes the illegal occupation of northern Cyprus, except Turkey. Turkey has stationed 40,000 troops on Cyprus and has transplanted 80,000 settlers there and it is likely that the Turkish settlers and troops will soon out number the indigenous Turkish population on the island.

The Greek Cypriots have repeatedly attempted to find a just and lasting solution to this more than two decades old problem. In December of 1993, Cyprus President Glafcos Clerides submitted a reasonable and innovative proposal to the United Nations calling for the demilitarization of the island. In exchange for the withdrawal of Turkish troops, Cyprus would disband its national guard and transfer its military equipment to the U.N. peacekeeping force there. Cyprus would also fund an enlargement of the U.N. peacekeeping force. The money saved from defense spending would be used for development projects that would benefit both Greek and Turkish Cypriot communities.

Unfortunately, the Turkish side rejected this effort to end the tragic division. We have to ask ourselves who is really seeking a true peaceful solution to the problem of Cyprus?

I think it is obvious. In June, President Clerides renewed his call for the demilitarization of the island in a letter to U.N. Secretary General Kofi Annan. He asked the Secretary General to undertake a personal initiative to promote efforts to achieve progress in reducing military tensions.

And this must be New Jersey evening because the gentleman from New Jersey (Mr. ANDREWS) is here to take part in this special order and I hereby yield to him.

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding.

Mr. Speaker, I want to congratulate and thank the gentleman from Florida (Mr. BILIRAKIS) for his persistent and consistent guidance and leadership on this issue. I thank him for inviting me to speak tonight.

Mr. Speaker, I had the opportunity to be in Cyprus with my wife and many of my friends about a year ago, and I was reminded, as I traveled there with many of my friends from New Jersey whose roots are in Cyprus, of the very real deprivation that they have felt as mothers and fathers and as grandparents.

One of the things that we find the most enjoyment from and the most richness from is showing our children the places where we were as children, the schools we attended, the parks we played in, the homes that we lived in, and also it is important to show them the graves of their ancestors, of their grandmothers and grandfathers.

I saw, Mr. Speaker, during that trip to Cyprus the very real heartache and very real pain of my friends who could not show their children those places where they had grown up, those places where they had been educated, indeed, those very places where their mothers and fathers had been buried, because as Cypriots, as citizens of a free and independent Cyprus, they were barred from crossing the Green Line and going to the occupied portion of the island.

As a matter of fact, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Massachusetts (Mr. KENNEDY), the gentleman from New York (Mr. HINCHEY), the gentleman from Florida (Mr. HASTINGS), a number of us on the trip, we were also barred from crossing the Green Line, and meeting with officials north of the Green Line, unless we went through what we considered to be an inappropriate and ritualistic meeting where we could hear propaganda before we did so.

We got a small taste, Mr. Speaker, on that trip of what the free people of Cyprus must feel every day.

I think it is important that at this time we do more than just condemn the atrocities which commenced long before 24 years ago but which intensified 24 years ago and have been bad ever since then. I think it is important we talk about an idea and a plan for peace and justice and progress.

These are ideas, Mr. Speaker, which I have conveyed to our diplomatic corps, to my colleagues here in the Congress, and I would like to convey them through the Speaker tonight to those who listen to us.

I believe that the time has come for us to focus, as my colleague, the gentleman from New Jersey, just said, on Ankara and not on the puppet government in northern Cyprus. It is very clear to me that the decisions are made in Turkey and they are, in fact, made by the Turkish military leadership.

I believe the United States should hold out to the Turkish military leadership not only the sanctions which we have all supported, including the elimination of military aid to Turkey in the foreign operations appropriations bill, which will be before us some time in the next few weeks, which I congratulate the chairman, the gentleman from Alabama (Mr. CALLAHAN) for, but I also believe that we should hold out incentives as well to a just and reasonable course of action by Turkey.

I believe that Cyprus' application for accession to the European Union should be supported by the United States and granted promptly, but I also believe we should hold out to Turkey the ultimate promise of its accession to the European Union, which I believe would be supported by the people of Greece as well, if the following conditions were met, and these conditions must be met:

First, Turkey must cease the atrocities against the Kurds both within Turkey and outside of Turkey.

Second, Turkey must cooperate to a peaceful solution for their Armenian people and stop its practice of perpetuating the difficulties and indeed atrocities that the Armenian people have so often felt.

Third, Turkey must immediately cease the aggression in the Aegean and make sure that it acts responsibly toward Greece and its rightful claims in the Aegean.

□ 2245

Finally, and perhaps most importantly, Turkey must make sure that its surrogates and itself respond appropriately in international negotiations on Cyprus.

I had, Mr. Speaker, the privilege of meeting President Clerides about a year ago and hearing firsthand the proposal that the gentleman from Florida (Mr. BILIRAKIS) just outlined. It was a bold proposal that was reminiscent of what President Sadat extended to the Israelis and that Prime Minister Begin reciprocated 20 years ago. It was reminiscent of what brave people have done in South Africa to bring peace and justice there. It was reminiscent of the bold steps that Senator Mitchell was able to bring about when he went to Northern Ireland last year.

President Clerides, frankly to his own political disadvantage, offered disarmament, offered massive investment in the northern part of Cyprus so that its economy could rise and offered a long-term policy of cooperation and rapprochement. I believe that these are the terms that Turkey should accept, these are the terms that could lead us to peace, and I believe we, as Americans, Mr. Speaker, should be on record as saying that we fully embrace these positions and concur with their aims.

And, Mr. Speaker, I would just conclude by saying that I believe that we need to do more as a Congress than simply protest, although protest we will when we adopt the foreign aid appropriations bill this year and zero is next to Turkey in that bill.

We should do more than protest. We should facilitate a new growth and evolution toward peace, a path that will take Turkey toward the West, toward secularism, towards being a gateway to great promise in the Eastern part of the world, but on the conditions and only on the conditions that hostilities against the Kurds cease, that hostilities in the Aegean cease, that cooperation for the welfare of the Armenians commence and that once and for all we reach a settlement for a free, independent and sovereign Cyprus.

Mr. Speaker, I commend and thank my friend, the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. You put it so well, and you put it in a way that I think the average American and the average person in the world would understand.

As my colleagues know, we talk constantly about negotiations, about the offer made by President Clerides, et cetera, et cetera, and you know when you stop to think about it, we are talking about a free republic that existed for a number of years which was invaded in an illegal invasion. There is no threat from Cyprus to Turkey, to the mainland of Turkey; the Turks just came over and invaded this country, and they took this land wrongfully, and yet we are talking about negotiating to get back what was roughly Cyprus' during those many years by a regime recognized by only one country in the world.

Sort of blows your mind that really this is the situation. The Turkish side, led by Mr. Denktash, has dismissed efforts, as the gentleman said, by the United States and the international community to find a fair and comprehensive solution to the Cyprus problem. It is clear that we will not have a solution, as again the gentleman said, we will not have a solution in Cyprus until Turkey itself agrees to be part of the solution instead of part of the problem.

The Turkish-Cypriot leader recently issued two preconditions for a Cyprus solution. He demanded that his illegal entity in the occupied part of Northern Cyprus be recognized, and he also said that Cyprus must withdraw its application to join the European Union. Well, talk about something you cannot really get over. Who is he to demand that Cyprus withdraw its application, and I might add an application which, when successful, will benefit the Turkish Cypriots as well as the Greek Cypriots.

I yield to the gentleman from New Jersey.

Mr. ANDREWS. One point the gentleman just made, I would like to bring out and amplify.

Do you know the precise number of persons that Cyprus has under arms in the southern part of the island?

Mr. BILIRAKIS. I do not, but it is certainly a number considerably smaller. In fact, I am not sure that they really have an army; they have a national guard.

Mr. ANDREWS. I think probably the better description would be a national guard.

Mr. BILIRAKIS. Yes, a national guard.

Mr. ANDREWS. And, if the gentleman would yield, it is my understanding, and I repeat what he said, that there are 40,000, 40,000 Turkish troops in the northern part of Cyprus.

I recall sitting in the Presidential residence with President Clerides, and he pointed out to the visiting delegation that if Turkey were to launch an attack it would take less than 5 minutes for Turkish fighter planes to reach the presidential residence where we sat that day.

This is someone who really is in a position of disadvantage militarily but who is willing to give up even his meager defenses that he has right now in order to boldly go after the cause of peace.

And again I commend what the gentleman has said. I think it explicitly and accurately states what happened, and I encourage him to continue his leadership.

Mr. BILIRAKIS. And following up what the gentleman said, and I plan to talk about this later, but a big thing is being made these days by the Turks, and I might add by our government here, regarding the ordering of S-300 missiles, defensive missiles. I emphasize defensive missiles by Cyprus, and the fact is this is going to destabilize things and what not.

Now here is a country which is really completely defenseless, as we have already indicated. They have no army to speak of. It is all a national guard, and they want to do what Turkey has been doing for years. They have certainly a defense system set up, and how, again with the use of American dollars and American arms in Turkey. So Cyprus wants to order some defensive missiles, and of course that is being resented as a destabilizing force against peace.

And so this is really what the real world is like regarding Cyprus, and it is just amazing to me that the United States Government, which is the only entity that can really do something about this, is not showing a stronger hand.

Mr. ANDREWS. If the gentleman would yield just one more time, I want to re-emphasize what he just said, that there is a definite difference between self-defense and provocation, and I think it is very clear that the decision by President Clerides to try to defend the free people of Cyprus is self-defense and not provocation, and I am disappointed that our government has gone on record indicating its reluctance to see that happen. I believe that the proper policy should be for us to recognize the right of the free people of Cyprus to have that self-defense.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman, and the demands that we have spoken about made by Mr. Danktesh, the Turkish leader in the occupied portion of the island, are clearly unacceptable to Congress and to the administration and to the international community and to President Clerides and his government of Cyprus, as well it should be.

I was pleased that U.S. presidential envoy and newly nominated U.S. ambassador to the U.N., Richard Holbrooke, flatly rejected the demands and signaled that neither were acceptable.

So why is it then, we have to ask ourselves, the division of Cyprus in America's best interest? It is fundamentally important to have international stability in the increasingly global economy. That is why. A divided Cyprus continues to cause tension between two of our NATO allies, Greece and Turkey. The two countries have come perilously close to war several times since that 1974 invasion. The Aegean Sea is home to the world's busiest shipping lanes. Cyprus is in a key strategic position relative to the Mediterranean region and the Suez Canal which is instrumental in supplying oil and other materials vital to the stability of the entire region. Any conflict between Greece and Turkey could disrupt trade in the region and have extremely serious consequences for many nations including the United States.

If the situation in Cyprus continues to deteriorate, there could be serious repercussions among other NATO members. These nations could be forced to choose between two allies, Greece or Turkey. A divided Cyprus also weakens American security interests in the region and serves as a source of instability in an important part of the world.

The recent dispute over Cyprus' plan to purchase, and we have just talked about, but I will repeat it, to purchase defensive antiaircraft missiles from Russia to protect itself illustrates why we must unify Cyprus. President Clerides intends to purchase a defensive system to protect Cyprus, as we have already said, from Turkish aggression. Turkey falsely claims that the missiles represent a threat to its security, and they are defensive missiles, and has made it clear that it will use force to block the scheduled deployment in November.

A Turkish Cypriot newspaper reported that Mr. Danktesh stated that, and I quote him, our position today stands at a point that you will get a response whatever you do, whatever you do you will get a response, end quotes. The United States should not lend credence to Turkey's unjustified claim that Cyprus' attempt to defend itself is a provocative action which threatens Turkey. This diverts attention from the real cause of instability in the region, and that is the illegal Turkish occupation of Cyprus.

The administration, as the gentleman from New Jersey just said, must act expeditiously to persuade Turkey to enter serious negotiations for a solution to the Cyprus problem. It should also send a clear and unmistakable message that the United States will respond swiftly and appropriately to threats of violence against Cyprus. President Clerides has already delayed the deployment once and he has offered to cancel deployment. Now this again is an indication of the fact that he really wants peace here. He has offered to cancel deployment if serious and constructive reconciliation talks with the Turkish Cypriots resume. And yet the Turkish side remains intransigent in its refusal to renew negotiations and continues to threaten Cyprus with military action.

All of the administration has pledged that finding a Cyprus solution is one of its top priorities. Turkish demands have become so completely inflexible and unacceptable that we are no closer, I am afraid, to a Cyprus solution today than we were two decades ago, and, Mr. Speaker, I would yield to Mr. Payne for the time being as a member of this special order.

Mr. PAYNE. Thank you very much, and I certainly commend the gentleman for continuing to keep this very serious issue before the American public and before people throughout the world who are looking for peaceful resolutions to situations. We should not allow aggression to be the manner in which nations operate.

Mr. Speaker, I rise today to join my colleagues in trying to bring a peaceful resolution to one of the most challenging foreign policy issues: Cyprus.

Let me just say briefly before I came to Congress as a National President of the YMCA and Chairman of the World Refugee Committee in Geneva, I recall the day when the invasion occurred in Cyprus back in 1974. In the capacity that I had as Chairman of the Refugee Committee, we immediately sent people to Cyprus to work in refugee camps. We sent several experts, Mr. Thompson from Scotland. We had an Australian who operated the U.N. program, Mr. Kohaut, and they also ran across the green line to meet with the Turkish authorities, the Minister of Social Services there, but they were rejected and told that their services would not be interested. The YMCA was interested in the people, people who were disrupted. And so refugee camps were set up, people were taught various crafts and set up ways and means to attempt to become self-sufficient. As I have indicated, we have always been concerned about the humanitarian issue and that we need to talk about a real solution to this problem.

I might have mentioned earlier too that a New Jersey friend of mine and I visited the island and went up past the green line and visited his old neighborhood, Mr. Andy Comadomas, and we went to his former house which was at that time deserted. They said that the Turkish person living there was out of the country and went to the home a block away of his cousin. And we there were able to go into the house, and we had a very strong discussion about how can people come in and occupy other people's territory? And a heated discussion went on. But I could see the pain and the anguish of this man who had not been in that property at that time in over 20 years to see his neighborhood, his street, his block being occupied by other people who were settlers who came into that area.

And so just as I conclude, last week Turkey was ordered by the European court of human rights in Strasbourg to pay $640,000 to a Greek Cypriot for the loss of property and mental stress. The court ruled in December 1996 that Turkey violated the convention on human rights of a person, Titina Loizidou, who had been denied access to her property in Kyrenia since 1974 but postponed a ruling on compensation for the victim.

□ 2300

In its ruling last week, the court awarded 300,000 Cypriot pounds, about $600,000, for material damage, with an additional 20,000 pounds for compensation for anguish and feelings of powerlessness and frustration which she suffered as a result of not being able to use her property. The court also awarded the costs and expenses to her, without specifying the amount, but rejected a similar cost claim made by the Cypriot government.

So as we are looking at this, as we see Special Envoy Richard Holbrook describe the situation as being on the brink of war, with the lack of progress and talks between President Clerides and Mr. Denktash. We must have a solution. The recent geo-strategic maneuvers by Israel with Turkey also have caused some uneasiness.

So we have neighbors, we have friends, we have allies in the region. We must have a firm solution to this problem. We must bring people together, because aggression should not be allowed, after 24 years, to still remain. Territory taken by war should be returned, and there must be a solution.

Cypriots will be able to come up with a solution if it is left to Cypriots, and the outside forces from Turkey, with the settlers who were not Cypriots who have come in, have created the problem.

So, once again let me say I applaud the gentleman for his continued effort, his persistence. I know there must be a solution at hand, but only a right and just solution to this problem.

Mr. BILIRAKIS. I thank the gentleman, and he has annually been a part of this special order. I might add, I do not think it is the same trip the gentleman referred to, but we were together in Cyprus once a few years ago.

Mr. PAYNE of New Jersey. That is right.

Mr. BILIRAKIS. I thank the gentleman so very much.

This past July 20, the very date of the invasion 24 years ago, Turkish Prime Minister Mesut Yilmaz visited the illegally occupied area of Northern Cyprus and declared Turkey's support for Mr. Denktash and his illegal occupation force. He said Turkey intends to stop the missile deployment.

The Republic of Cyprus, as we already said, has every right under international law to defend itself from outside aggression. However, Mr. Denktash and opponents of a unified Cyprus have used the issue to divert attention from the illegal occupation and thwart progress towards a Cyprus solution, and, darn it, it is working. It is working.

Mr. Speaker, the Republic of Cyprus needs American support and active leadership by our government, as we have said so many times already tonight, to unify itself and stabilize the region.

One of the most effective ways to achieve this goal is for the United States to support Cyprus membership in the European Community. This membership would promote stability by permanently linking Cyprus to Europe, both economically and strategically, and, as I have said previously and the gentleman from New Jersey (Mr. ANDREWS) has stated, this would greatly benefit both Greek and Turkish populations on the island.

The European parliament indicated its desire for peace on the island. Cyprus has earned its place in the European Union, and now the international community must take steps to move the peace process forward. Unfortunately, Turkey has threatened to annex the occupied area of Cyprus if it joins the European Union. It has threatened to annex the occupied area of Cyprus if it joins the European Union. Mr. Denktash has gone as far as saying, "There will be war if Cyprus joins the European Union." "There will be war," he says. In fact, Turkey already signed a number of agreements with the illegal Turkish regime that lay the groundwork for the eventual annexation of the occupied area. The United States must prevent such belligerent rhetoric and oppose any attempt by Turkey to annex the illegally occupied area in Cyprus.

Cyprus is ready to become an important trading partner with the United States. The Greek-Cypriot community is a democratic society known for its open and efficient economic system. Despite the violent blow dealt by the invasion, the Cypriot economy has strongly rebounded to become one of the strongest economist in the region.

In the past, our Nation has pledged its support to developing free-market democracies. The United States should consider offering trade incentives to Cyprus to allow the manufacturing sector to increase, the labor market to improve and the infrastructure to modernize.

Congress must pledge its support to building a strong trade relationship between the United States and Cyprus. The continued growth of their economy will provide for a more stable country, which is a key in the peace process. The island has seen a tremendous amount of growth through the years, mainly from tourism. However, the heart of Cyprus's potential growth has yet to be tapped, and those of us who have been there, I know, believe in that.

The case for American support of a unified and economically sound Cyprus is undeniable. That is why I was extremely dismayed that President Clinton called Greek Prime Minister Costas Simitis this past June to ask Greece to lift its reservations to Turkey's membership in the European Union. Greece should not have to change its policies on Turkey simply because Turkey refuses to participate in meaningful discussions on improving relations with Greece and demilitarizing Cyprus.

I fully support the Prime Minister's position that it is Turkey, and not Greece, that must change. I might add that there are other countries that have played a part in Turkey's refused admission in the European Union. The very reason that opposition exists to Turkish membership in the EU is its atrocious record of human rights violations, its longstanding disputes with Greece, and its illegal occupation of Cyprus.

It is not in the interest of U.S. foreign policy to reward Turkey, which I think is what we have been doing, for its hostile and inflexible stance towards Greece and Cyprus. It only serves to encourage Turkey to continue its opposition to progress in the region.

A newspaper in my Congressional district, the St. Petersburg Times, recently published an article entitled "Why U.S. pushes Turkey into Europe's unwilling arms." The story noted that "Turkey isn't yet close, either politically or economically, to qualifying for EU membership."

In fact, Turkey's position on Cyprus is one of the major obstacles preventing it from membership in the EU. The European Community has made it clear that membership is contingent upon the resolution of the Cyprus problem.

I am also very concerned about the possibility that Turkey may have violated, and we haven't talked enough about this, I think, about the possibility that Turkey may have violated the Arms Control Export Act by transferring American weapons to Northern Cyprus without the approval of the United States Government.

In June, members of the Hellenic Caucus, which I cofounded with the gentlewoman from New York (Mrs. MALONEY), met with the chairman and several members of the Defense and Foreign Affairs Committee of the Greek parliament. They suggested that American weapons were being sent to Northern Cyprus. If this is substantiated, and there are some of us who want to find out if it can be substantiated, it would destabilize an already unstable area of the world and would merit a reexamination of our own policies toward Turkey.

I would like to close by sharing with my colleagues a portion of an Associated Press wire report about Turkish celebrations on the anniversary of the invasion several weeks ago.

"Thousands of people attended festivities in Turkish controlled Nicosia, holding up pictures of the founder of modern Turkey and waiving the Turkish flag. Parachutists landed to the cheers of the crowd and civilian Turkish planes flew low in salute. Six Turkish warships were docked in Northern Cyprus ports for the week-long celebrations."

We must ask ourselves, what were they celebrating? They were celebrating an illegal invasion which cost the lives of 5,000 people, including five Americans. They were celebrating 1,614 people who are still missing from the invasion. They were celebrating cultural destruction and violations of basic human rights. And they were celebrating their continued illegal occupation of an island and a people divided.

Mr. Speaker, we have a responsibility to use our influence as Americans to reunite Cyprus with its heritage. As Americans, as defenders of democracy, as righteous human beings, we must not and cannot further stand idle while Cyprus remains divided.

Mr. SHERMAN. Mr. Speaker, I rise once again today with the gentleman from Florida and my other colleagues to mark a somber anniversary—the 24th Anniversary of the Turkish invasion of Cyprus on July 20, 1974.

Time and time again over the last 24 years the United States Congress has reaffirmed its commitment to a just and peaceful resolution to the Cyprus conflict. Last year this Congress passed the "Peace in Cyprus" Resolution, by overwhelming majorities, calling for the full withdrawal of Turkish occupation troops and an early substantive resolution of the conflict. Last year at this time we expressed hope in the U.S. brokered talks on Cyprus.

No matter how firm our commitment, no matter how deep our resolve, however, the breakdown of the most recent talks and indeed the repeated failures of the last 24 years, demonstrate that negotiations cannot go forward, progress cannot be made, if one of the parties is unwilling to negotiate. U.S. Presidential Envoy Richard Holbrooke acknowledged as much, blaming the breakdown of negotiations on Turkish intransigence.

Rather than negotiate in good faith, the Turkish side set ridiculous preconditions, demanding recognition as a state and withdrawal of the Cypriot application to the EU. Recognition of the puppet regime in occupied Cyprus would violate international law and legitimize Turkish aggression. The EU's historic decision to admit Cyprus could have opened a window of opportunity for negotiation, but Turkey has used this instead as a pretext for blocking the talks.

Now Turkey threatens to attack Cyprus if the S–300 missiles are deployed. With regard to the missiles, one cannot deny a Nation's right to self-defense: Cyprus is a nation with small National Guard and no air force to speak of facing an occupation force of more than 35,000 troops and Turkish fighters within striking distance. To his credit, President Clerides has offered repeatedly to cancel the missile order in exchange for demilitarization and genuine talks.

While there has been some resolution with regard to the Americans missing in Cyprus, who we now know were killed in the Turkish invasion, key issues remain unresolved on this 24th Anniversary: the fate of the 1600 missing Greek Cypriots, the status of Farmagusta, the situation of the enclaved, the desecration of Christian sites in occupied Cyprus and the list goes on.

We can look to one victory tonight, however, as we mark this somber anniversary. In a historic decision last week, the European Court of Human Rights in Strasbourg ordered the government of Turkey to pay $640,000 in damages to a Greek Cypriot refugee, having found that Turkey violated the Convention on Human Rights. This acknowledgment, if belated, provides hope to the more than 200,000 Greek Cypriot refugees who lost so much in the invasion.

This year Turkey marked the 24th Anniversary of the occupation of Cyprus in quite a different fashion, with a militaristic display of force presided over by none other than Turkish Prime Minister Yilmaz. This celebration and the presense of Prime Minister Yilmaz should not only offend the world community, it should also signal to the U.S. an essential truth: Unless we bring our influence to bear on the real center of power in all this—the Turkish General Staff in Ankara—there is little hope for a resolution on Cyprus. Turkey is ultimately responsible for the division and occupation of Cyprus. We must demand that Ankara withdraw its occupation forces, tear down the Green Line and reunite the divided city of Nicosia.

Mr. Speaker, I do not want to stand here next year on the 25th Anniversary of the Turkish invasion of Cyprus. Let us not reach the quarter-century mark.

Ms. ROS-LEHTINEN. Mr. Speaker, today I join my Colleagues in commemorating the recent 24th anniversary of the Turkish invasion and occupation of Cyprus. I thank Congressman MICHAEL BILIRAKIS for the opportunity to make the public aware of the suffering of the Cypriot people.

For over 24 years, one third of the island of Cyprus has been illegally occupied and divided by over 55,000 Turkish troops. During the invasion, over 1,600 people were taken prisoner, including five Americans, and except for one of those five Americans, Andreas Kasapis, whose remains were returned to his family in Detroit, Michigan, those prisoners are still missing today.

The U.N. Secretary General has referred to the occupied area of Cyprus as one of the most highly militarized areas in the world. This area of the world remains a very volatile region and it would clearly meet anyone's criteria of a major U.S. interest that peace and stability be maintained in this area.

I hope the Administration moves quickly to replace Ambassador Richard Holbrooke for the position of Special Envoy for Cyprus and that the person is equally familiar with the history, insecurities, and cultural sensitivities of the area.

The geo-political issues are enough reasons for the US government and the American people to work with the international community to reunite Cyprus and end all foreign occupation on that little island.

But there are other more personal reasons for this to happen. The people of Cyprus are suffering and being denied their human rights by a brutal police and military occupation.

According to a United Nations report, Creek Cypriots in the occupied areas of the island, whom we call the Enclaved, suffer from a number of human rights violations and these abuses are also violations of the Vienna Three Agreement of 1975.

I have filed H. Con. Res. 181, which seeks to restore certain freedoms and liberties, and end the violations of internationally recognized human rights which the world should not tolerate and help these innocent people suffering in the illegally occupied area.

It is my firm belief that ending the suffering on the Enclaved is the first step and may make the over all Cyprus solution more attainable.

H. Con. Res. 181 is necessary because it calls on the Administration to keep working on a solution fro Cyprus. We must all keep calling on, not just the Administration, but the United Nations and the European Union as well, to all continue their efforts to find a solution fro Cyprus.

The present state of the negotiations does not appear too encouraging. The Turkish side is trying to stop Cyprus assession to the European Union even though the EU has stated it is prepared and is proceeding with negotiations with Cyprus for membership in the organization. The Turkish side has set certain preconditions before any discussions can proceed.

These preconditions are totally unacceptable and include demanding that the international community accept Cyprus as a divided island and a divided people.

Turkey and the Turkish Cypriots have made good on their threat to cut off all intercommunal discussions between Greek and Turkish Cypriots over issues such as talks to find the missing from the 1974 ware.

Furthermore, in addition to the oppressive police-state conditions the Cypriot people must endure in the illegally occupied areas of the island, the Turkish side and others are expressing concern and opposition to the Cypriot plan to acquire the S–300 defensive missiles. This is like attacking the victim fro trying to defend itself.

These critics of Cyprus make these complaints about the S–300 missiles while expressing no concern or opposition to repeated and routine violation of Cypriot airspace by the Turkish air force or the constant threats made by the Turkish government to attack Cypus. Nor do these critics of Cyprus seem to be very concerned or active in ending the illegal occupation of Cyprus which is in violation of numerous UN resolutions and Congressional expressions of oppositions.

It is the sovereign right of any nation, including Cyprus, to defend itself. It is not Cyprus that is the destabilizing element in this area but Turkish which is being provocative and amassing excessive military force in the illegal occupied areas of Cyprus.

Turkey maintains approximately 55,000 troops on Cyprus, (40,000 plus 15,000 Turkish-Cypriot soldiers), plus 400 heavy tanks, as well as heavy artillery, plus the Turkish air force is 4 minutes away. That is in stark contrast to Cyprus which maintains no standing army or air force, and only has 10,000 national guardsmen.

It is clear that these missiles are intended solely as a defensive measure to stop the Turkish violation of their airspace.

Not withstanding all the difficulties laying before, us, we must not be discouraged. We in the U.S. Congress and the American people want Cyprus to be free of foreign troops, united, and living in justice and peace, so we must keep up intransigent pressure on all parities to continue working towards a solution.

The people of Cyprus will find an agreement acceptable only if it calls for a united Cyprus. Any agreement that calls for a divided island will only serve to engender anomocity between the two communities. History has shown us that no nation can endure a line cutting through its country and Cyprus will be no different.

Mr. McGOVERN. Mr. Speaker, I rise to join my distinguished colleague from Florida [Mr. MIKE BILIRAKIS] and all those who today acknowledge this sad date in the history of Cyprus. I rise to add my name to the long list of Members of Congress who throughout the past 24 years have decried Turkey's brutal invasion of this Mediterranean island.

After 24 years, some might be tempted to throw in the towel, to believe that these 24 years of Turkish occupation of Northern Cyprus prove the helplessness of the international community in the face of invasion, occupation, ethnic strife and injustice. Some might even say that our yearly acknowledgment of this tragic event are wasted words. I say that now more than ever, we need to voice our resolve, our ongoing commitment to building a lasting peace for all the people of Cyprus. As we've witnessed in so many parts of the world, peace building does not happen overnight-it requires hard work, vigilance, and the very resolve that we've maintained over the years and that will help us undo Turkey's wrongdoing in Cypus.

The Government of Turkey and its proxy on Cypus—the Turkish Cypriots—have a long record of ignoring international law and the will of the international community. Turks have only been able to sustain the division of Cyprus by maintaining an illegal occupation force of some 35,000 troops.

Most recently, the Turkish side demonstrated again its disrespect for international law when, on May 3d, it abruptly declared Greek Cypriots must meet three new "preconditions" before any meaningful negotiations to resolve the Cyprus crisis could begin. This move undermined efforts by U.S. Ambassador Richard Holbrooke to revive peace negotiations and brought a public rebuke from the Ambassador.

Despite Turkish intransigence, however, international resolve to in support of a just settlement for Cyprus remains strong. In a June 18 letter, Cyprus President Clerides called on United Nations Secretary General Kofi Annan to undertake a personal initiative to achieve progress in reducing military tensions on Cyprus. In his letter to the Secretary General, President Clerides also reiterated his commitment to "steps leading towards the eventual goal of demilitarization."

President Clerides' letter was welcomed by the British government which noted on June 23rd that, "President Clerides's letter is a step in the right direction."

On June 29th, the United Nations Security Council unanimously reaffirmed its position for resumption of inter-communal talks on the basis of relevant United Nations resolutions regarding the conflict in Cyprus.

Once again the Security Council called upon the international community to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus and to refrain from any actions that my cause harm to that republic. In an obvious reference to Turkey, the Security Council called on nations to refrain from any effort to partition Cyprus or to unify it with another nation.

Unfortunatley, the response from Turkey and Turkish Cypriots was the familiar one of denouncement. The president of the self-declared Republic of North Cyrus stated that his government would restrict the operations of the U.N. Peace Force in retaliation for the U.N. resolution and its use of the term Cypriot Government in reference to Greek Cyprus.

While we here in Washington and the Secretary General of the United Nations in New York are calling upon the international community to increase efforts to revive negotiations and find a peaceful, negotiated resolution to this divided island, the Turkish government engages in a flagrantly provocative action—including repeated violations of Cyprus air space, sending six new fighter planes to the occupied north, and a flotilla of naval vessels.

These are not the actions of a nation that wishes to be viewed as a leading broker of peace in the region. Rather, they are the actions of the provocateur and the promotor of instability and violence.

I was pleased to hear Under Secretary of State Thomas Pickering announce that the U.S. will continue to press aggressively for a resolution to the Cyprus conflict, in spite of the set-backs experienced by Ambassador Holbrooke.

I believe the progress made by the Republic of Cyprus to ensure the economic well-being for its people should be applauded and recognized. Yet there can be no real economic stability when 160,000 Greek Cypriots remain displaced and away from their rightful homes. There can be no real security when 35,000 Turkish troops threaten the Republic of Cyprus. And there can be no real stability when the Northern half of Cyprus languishes in economic and political isolation under a near totalitarian regime.

I urge all my colleagues, the Administration and the international community to pursue with even more vigor a negotiated resolution to Cyprus—one that is just and humane for all the citizens and residents of Cyprus; one that protects and promotes the human rights of all Cypriots; one that provides for a peaceful, unified and democratic republic; and one that resolves the outstanding humanitarian issues left unanswered over the past 24 years.

And finally, Mr. Speaker, I want to thank the gentleman from Florida, Congressman BILIRAKIS, and the other Members of Congress who, for so long, have worked tirelessly to bring a just peace to the people of Cyprus; and who have been generous with their time and experience in educating the American people and their colleagues about the history and importance of this issue.

I thank him for his leadership.

Ms. PELOSI. Mr. Speaker, on July 20, 1974 the world was shocked to learn of the brutal Turkish invasion of the Republic of Cyprus. I rise today to join with my colleagues in marking this sad anniversary that has led to the partition of the island nation for nearly one-quarter of a century. I would like to thank and commend Mr. BILIRAKIS of Florida and Ms. MALONEY of New York for their vigilance and commitment to a peaceful resolution to this act of terror that has brought noting but sadness and sorrow.

As we mark this anniversary, our resolve is being tested. Peace of Cyprus appears elusive. One year ago there was enthusiasm and guarded, yet high expectations. Richard Holbrooke, the President's top foreign policy trouble-shooter had just been put on the Cyprus case and there was good reason to believe that on the heels of the Dayton Accords in Bosnia, Mr. Holbrooke could bring all sides together for a meaningful and lasting peace in Cyprus.

Today, the reunification talks are stalled, mistrust on all sides hampers the peace process, and an arms buildup on the island threatens the entire region.

In the face of these obstacles some might say there is no current chance for an end to the Turkish occupation and the reunification of the island under the one legitimate Cypriot government. But now is the time for those who are truly committed to peace and justice to rededicate themselves to our collective goal. Turkey could demonstrate its commitment to peace by:

Rescinding its recognition of the so-called Turkish Republic of Northern Cyprus;

Withdrawing its occupying army, 30,000 strong, which has for 24 years posed a threat to the people and government of Cyprus;

Respecting human rights;

Ceasing its tactics of intimidation in the Aegean;

Engaging the legitimate government of Cyprus in meaningful peace talks in order to halt any increase militarization of the island.

Although the United States has not been successful in restarting the peace process, Richard Holbrooke recently restated our commitment to a peaceful resolution to this crisis remains unchanged. I share this commitment to peace, and along with my colleagues support all efforts dedicated to reunification and peace for the people of Cyprus.

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Florida, Mr. BILIRAKIS, who has over the years taken care that this House does not fail to observe the events of July 1974 whose tragic consequences still persist today nearly a quarter of a century later.

The occupation of northern Cyprus by Turkish troops, which began some twenty-four years ago, has turned into one of the most vexing problems of the international community. it has confounded the efforts of five U.S. Presidents, four United Nations Secretaries General, and many of the world's top diplomats, including our own. Most recently we had the strong effort of Ambassador Richard Holbrooke and Ambassador Tom Miller run into a brick wall as Denktash, backed by the Turkish government, came up with new conditions before they would agree to resume negotiations with President Clerides. These conditions, as the Turkish side well understood, were non-starters—the Turks insisted that northern Cyprus be regarded as a sovereign entity, and that the government of Cyprus halt negotiations on joining the EU.

We are all disappointed that the hard-fought efforts of our envoys did not produce a breakthrough. I agree with their assessment that the impasse is a result of the Turkish position, and that they key to breaking the current stalemate lies in Ankara. That being said, however, it is difficult to foresee a way around the current deadlock unless there is a change of heart on the Turkish side.

The situation in Turkey is exceedingly complex: We don't know who really is in charge—is it the government or the military? We don't know how to put the appropriate pressure on Turkey without giving the negative influences within Turkish society grounds to say that we have turned our backs on Turkey and are not truly interested in its integration into Europe and the West.

We are now hearing from certain Turkish officials commenting that the present situation on Cyprus—division of the island and 35,000 Turkish troops in occupation of one third—is the solution. This is completely unacceptable for the United States and the international community. It should also be unaccepted to Turkey because if partition is good for Cyprus, then why not for northern Iraq, or even the Kurdish areas of Turkey itself? Obviously the officials who make these ill-advised statements have not thought through the implications of partitioning Cyprus.

War-mongering threats from Turkish officials regarding the delivery of the S–300 missiles of Cyprus later this year also are unacceptable. Instead of making these outrageous threats, the Turks, if they truly believe the missiles are a threat to their own security, should work with the Government of Cyprus and other interested parties to find a way out of the problem constructively. This should include reducing their own excessive level of armaments in northern Cyprus, and getting negotiations between President Clerides and Denktash started. The decision to postpone delivery of the missiles until the fall provides more time to resolve the problem.

I have often said that Cyprus cannot be held hostage to problems within Turkey. I think that it is imperative for our government to make it crystal clear to both the Turkish civilian government and the military that Turkey's most vital long-term interests cannot be served without Turkey acting effectively to solve the Cyprus dispute. I am not convinced that all in the Turkish leadership truly believe that the U.S. is absolutely serious about resolving Cyprus, and the message needs to be reinforced. For my part I will continue to deliver the message whenever I meet with officials from Turkey, and I call upon all our members to do so as well.

Election of a new government in Turkey has been scheduled for early next year. As Turkish voters cast their ballots I hope that our government will have done all that it can to make it clear that resolving Cyprus is in Turkey's own national interest.

Although we have hit a serious obstacle to progress, the United States has no choice but to continue our efforts to get serious negotiations between the parties on Cyprus resumed. I thank the gentleman for allowing me to participate in this Special Order.

Mr. MANTON. Mr. Speaker, in 1974, Turkey invaded the island of Cyprus and, to this day, continues to illegally occupy the north end of the island. I rise today to mark the twenty-fourth anniversary of this tragic event and encourage the country of Turkey to withdraw its troops from the island of Cyprus. I particularly want to thank my colleagues, Congressman BILIRAKIS and Congresswoman MALONEY, for organizing this very important Special Order.

Mr. Speaker, when Turkey invaded Cyprus, not only did they take away the land that rightfully belongs to the Greek Cypriots, they also took away important freedoms—the right to educate their children as they see fit and the right to practice their religion. Today, Turkey continues to occupy nearly 37% of the territory of the Republic of Cyprus. We, as members of Congress, must ensure that the remainder of the island is not seized by Turkey and continue to work toward the release of these occupied lands.

The unrest that was witnessed on the island of Cyprus two years ago represented the worst violence since the invasion of 1974. Today, an uneasy calm continues to linger over this divided island. The next round of violence could further hinder any chance of a lasting and just peace for the people of Cyprus.

The six fighter planes recently sent to Turkey to occupy the North is unacceptable. Peace cannot thrive on this island until Turkey agrees to fully cooperate by withdrawing its troops and returning the Greek Cypriots homeland and allowing them to live as they see fit and accorded the full human rights of a free nation.

Mr. Speaker, as a member of the Congressional Hellenic Caucus, I have worked with my colleagues in a bi-partisan manner on a number of issues effecting the Greek people and Greek-Americans of our nation. We also commit ourselves to finding an end to the tragic situation that has plagued Cyprus and her people for far too long. It is my hope the current deadlock on peace talks in that region is soon broken.

To address the issue of peace in Cyprus, two pieces of legislation have been introduced which I encourage my colleagues in joining me as a cosponsor. The first, H. Con. Res. 81, calls for a United States' initiative seeking a just and peaceful resolution of the situation in Cyprus. H.R. 1361 would prohibit economic support fund assistance under the Foreign Assistance Act of 1961 for the Government of Turkey for Fiscal Year 1999 unless they make certain improvements relating to human rights.

Mr. Speaker, as the European Union prepares for expansion, I encourage them to include Cyprus as a member. Although Cyprus has had a long association with the European Union, becoming a permanent member would allow the economy of Cyprus to flourish and would promote further progress toward peace throughout the island.

Mr. Speaker, I stand behind the people of Cyprus and President Clerides as they continue to offer a number of solutions to the Cyprus problem. The division of Cyprus has plagued the island on many levels—socially, politically and economically—that is why I urge the country of Turkey to be open minded during peace discussions.

Since Turkey first invaded Cyprus in 1974, over 1,619 people in the occupied areas of Cyprus, including four Americans, have never been accounted for. Andreas Kassapis, one of the previous missing Americans from 1974, has recently been peacefully laid to rest. I encourage the country of Turkey to open communications and exchange information about the remaining Americans who are missing as a result of the illegal invasion by Turkey twenty four years ago.

Permanent peace and justice in Cyprus lies in the hands of Turkey. It is my hope that next year we will be celebrating the freedoms of the Greek Cypriots rather than fighting for the return of their country and the human rights which were ripped away from them twenty-four years ago.

Mrs. LOWEY. Mr. Speaker, I rise this evening to pay tribute to a dubious anniversary. As we sit here, after 24 years of Turkish occupation of Cyprus, it is especially appropriate to recognize the struggle for the freedom of all Cypriots that has been waged for more than two decades.

It was over two decades ago that 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus, and more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. Over two decades ago, and Turkey still has thousands of troops on the island.

That is why I'm pleased that we have this opportunity today. This evening we remember what happened in Cyprus 24 years ago and we pledge to fight to end the occupation. We also look toward the promise of the future. President Clinton has demonstrated his commitment to solving this difficult issue by making this issue a foreign policy priority of his Administration. I hope that his commitment will lead to a just and viable solution to the Cyprus conflict, and that this time next year we will be standing here on the House floor celebrating the end of the Turkish occupation.

We must continue to fight against injustice in Cyprus. We must continue to provide aid to Cyprus to help that country deal with the terrible problems caused by more than two decades of Turkish occupation. And, above all, we must continue to keep the plight of the Cypriots on the minds of everyone around the world.

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the anniversary of the Turkish invasion of Cyprus. This act, an unprovoked use of force and flagrant violation of international law, divided the island and created a tense and dangerous situation. Sadly, almost a quarter of a century after this tragedy, the threat of renewed violence seems greater than ever. We must work together to ensure a peaceful and fair settlement to one of the world's most bitter conflicts.

I call on the leaders of Turkish-occupied Cyprus to recognize the will of the international community and make positive steps towards ending the stand-off which has plagued the once-peaceful nation of Cyprus for twenty-four years. Mr. Denktash must end his demand that the illegitimate Turkish Cypriot Republic be recognized before he agrees to negotiations with Mr. Clerides. And Turkey must not aggravate tensions in the region by threatening the use of force against the nation of Cyprus.

However, I am encouraged by the work of United Nations envoy Diego Cordovez as well as special U.S. envoy Richard Holbrooke, and I believe that a peaceful path towards reunification can be found with the cooperation of all parties. As we near the 21st century, we move towards an era of unlimited potential. The days of invasion, intimidation, and forceful coercion can no longer be tolerated and must be replaced by a system of mutual cooperation and the peaceful arbitration of disputes. In the next millennium, there will be no place for armies of occupation.

I am proud to reaffirm the close friendship between the United States and Cyprus, particularly highlighted by our commitment to ending the division of Cyprus once and for all. However, on this day we should also remember the victims of violence during and after the 1974 invasion, many of whom are still missing. The suffering experienced by them and their families, and the continuing plight of enclaved Greek Cypriots in the Turkish-occupied territory, compel us to seek a quick and peaceful solution to the Cyprus problem.

Mr. VISCLOSKY. Mr. Speaker, I rise today to mark the twenty-fourth anniversary of Turkey's invasion, and subsequent occupation, of Cyprus.

It is extremely disturbing to me that every year we are compelled to gather in this chamber to remind the world of the horrible events that led to the division of Cyprus, and to remember those who were killed, injured, or displaced when Turkey invaded the island in 1974. It is clear to me and to most of my colleagues, as well as a vast majority of the international community, that Cyprus must be made whole again and Turkey must be held accountable for its reprehensible actions in dividing the island

Fourteen years after gaining its independence from Great Britain, Cyprus was illegally and brutally invaded by 6,000 Turkish troops and 40 tanks. These troops proceeded to sweep over the northern section of Cyprus, occupying nearly 40 percent of the island. The ensuring fighting killed thousands of Cypriots and forced hundreds of thousands from their homes. Today, more than 1,600 people are still unaccounted for, five of whom are United States citizens.

Twenty-four years after the invasion, we gather to remember those who died and to ensure that the world never forgets that Cyprus is a land divided. More than 35,000 Turkish troops continue to occupy Cyprus in violation of international law. A barbed wire fence and so-called "Green Zone," which is patrolled by United Nations, cuts across the island, separating families from their property and splitting this once beautiful country in half. To this day, the Turkish government refuses to allow Greek-Cypriots who were forced to flee to the southern part of the island from returning to their homes.

Last year, I was encouraged when President Clinton appointed special envoy Richard Holbrooke to help broker a peaceful resolution and unify the island. Unfortunately, Turkey refused to negotiate in good faith, and no agreement was reached. As Mr. Holbrooke put it, "There is no doubt that the Turkish side was responsible for the collapse of the talks." Even though Mr. Holbrooke is taking over as the U.S. ambassador to the United Nations, I hope President Clinton will continue to help foster a peaceful and united Cyprus.

The occupation of Cyprus is one of the reasons that I offered an amendment to the Fiscal Year 1997 Foreign Operations appropriations bill that would have effectively cut $25 million in United States economic aid to Turkey. This amendment, which the House overwhelmingly approved by a vote of 301 to 118, sends a clear message to Turkey that its illegal and immoral occupation of Cyprus will not be tolerated by this country.

Mr. Speaker, I am proud to join with my colleagues in standing up against Turkish oppression in Cyprus. I would especially like to extend my thanks to the gentleman from Florida, Mr. Bilirakis, for his tireless work to ensure that the people of Cyprus are not forgotten. Twenty-four years is a long time to wait, but it is my sincerest hope that our actions will help persuade Turkey to end its unlawful occupation of Cyprus.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like first to thank my colleague from Florida, Mr. BILIRAKIS, for organizing this special order to commemorate the 24th anniversary of the Turkish occupation of the island of Cyprus.

In my state of Rhode Island we have a strong Greek and Cypriot community, which has brought the plight of Cyprus to my attention. Many of them to this day do not know what happened to their brothers, their fathers, their sisters, their mothers on that dreadful day in July of 1974.

On July 20, 1974, the Government of Turkey sent troops to Cyprus and assumed control of more than one-third of that island. On that day over 200,000 Greek Cypriots became refugees in their own country and are still denied the right to return to their homes. The assault dislocated many in the Greek Cypriot population. Over 1,600 Greek Cypriots are missing and are still unaccounted for as a result of this invasion.

In the past decades, we have witnessed tremendous changes around the world. The fall of the Berlin Wall, the beginning of peace in the Middle East, and the signing of a peace agreement in Northern Ireland. It is time to add Cyprus to that list of places where freedom will prevail.

Mr. Speaker, this Congress needs to take direct steps to indicate support for Cyprus. Only when we, in Congress, show our strong support for a unified Cyprus will the necessary changes occur.

Mr. ROTHMAN. Mr. Speaker, I would like to add my voice to those of my colleagues who have eloquently spoken today on the pressing need for a just and lasting peace in Cyprus. As a member of the House International Relations Committee, one of my top priorities has been to advance a comprehensive settlement of the tragic division of Cyprus in 1974.

The cause of peace for Cyprus, the cause of freedom for Cyprus and the pursuit of unified Cyprus is in sum, not a complicated matter. To solve the Cyprus problem we need only to secure one vital element and that is the complete and unconditional withdrawal of Turkish troops from the island.

That the solution is so simple and the inability to secure it so long delayed, deeply disappoints me. Too many deliberations have been held, too many peace summits convened, too many U.S. diplomatic overtures have been made, to see the prospects for peace crumble due to the intransigence of Turkish-Cypriot political leaders. To break the stalemate in the Cyprus peace talks I am convinced that the time is ripe for the U.S. to press Ankara directly to exercise the resolve needed to withdraw its troops from Cyprus.

Notwithstanding Turkish efforts to stalemate the peace talks, I am heartened that Cyprus is on track to join the European Union (EU). With an eye to a promising and prosperous future, Cyprus's accession to the EU bodes well for the future of the island nation. As Cypriot President Clafcos Clerides remarked in June of this year, EU accession will bring Cyprus one step closer to serving as an "important hub of economic, trade and business" in the vitally important Mediterranean region.

Mr. Speaker, to close my remarks I want to reiterate that I believe in freedom for Cyprus. I believe in a united Cyprus. And I am committed to continuing my full support in seeking a genuine and long-lasting peace for Cyprus.

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Florida, Mr. BILIRAKIS, who has over the years taken care that this House does not fail to observe the events of July 1974 whose tragic consequences still persist today nearly a quarter of a century later.

The occupation of northern Cyprus by Turkish troops, which began some twenty-four years ago, has turned into one of the most vexing problems of the international community. It has confounded the efforts of five U.S. Presidents, four United Nations Secretaries General, and many of the world's top diplomats, including our own. Most recently we had the strong effort of Ambassador Richard Holbrooke and Ambassador Tom Miller run into a brick wall as Denktash, backed by the Turkish government, came up with new conditions before they would agree to resume negotiations with President Clerides. These conditions, as the Turkish side well understood, were non-starters—the Turks insisted that northern Cyprus be regarded as a sovereign entity, and that the government of Cyprus halt negotiations on joining the EU.

We are all disappointed that the hard-fought efforts of our envoys did not produce a breakthrough. I agree with their assessment that the impasse is a result of the Turkish position, and that they key to breaking the current stalemate lies in Ankara. That being said, however, it is difficult to foresee a way around the current deadlock unless there is a change of heart on the Turkish side.

The situation in Turkey is exceedingly complex: We don't know who really is in charge—is it the government or the military? We don't know how to put the appropriate pressure on Turkey without giving the negative influences within Turkish society grounds to say that we have turned our backs on Turkey and are not truly interested in its integration into Europe and the West.

We are now hearing from certain Turkish officials commenting that the present situation on Cyprus—division of the island and 35,000 Turkish troops in occupation of one third—is the solution. This is completely unacceptable for the United States and the international community. It should also be unacceptable to Turkey because if partition is good for Cyprus, then why not for northern Iraq, or even the Kurdish areas of Turkey itself? Obviously the officials who make these ill-advised statements have not thought through the implications of partitioning Cyprus.

War-mongering threats from Turkish officials regarding the delivery of the S–300 missiles to Cyprus later this year also are unacceptable. Instead of making these outrageous threats, the Turks, if they truly believe the missiles are a threat to their own security, should work with the Government of Cyprus and other interested parties to find a way out of the problem constructively. This should include reducing their own excessive level of armaments in northern Cyprus, and getting negotiations between President Clerides and Denktash started. The decision to postpone delivery of the missiles until the fall provides more time to resolve this problem.

I have often said that Cyprus cannot be held hostage to problems within Turkey. I think that it is imperative for our government to make it crystal clear to both the Turkish civilian government and the military that Turkey's most vital long-term interests cannot be served without Turkey acting effectively to solve the Cyprus dispute. I am not convinced that all in the Turkish leadership truly believe that the U.S. is absolutely serious about resolving Cyprus, and the message needs to be reinforced. For my part I will continue to deliver the message whenever I meet with officials from Turkey, and I call upon all our members to do so as well.

Election of a new government in Turkey has been scheduled for early next year. As Turkish voters cast their ballots I hope that our government will have done all that it can to make it clear that resolving Cyprus is in Turkey's own national interest.

Although we have hit a serious obstacle to progress, The United States has no choice but to continue our efforts to get serious negotiations between the parties on Cyprus resumed. I thank the gentleman for allowing me to participate in this Special Order.

Mr. PORTER. Mr. Speaker, as we come to the floor today to mark the 24th anniversary of the invasion and occupation of Cyprus by Turkish forces, we have spent yet another frustrating and futile year waiting for the Administration to follow through on its promises to give resolution of this long-running problem its full attention. American policy towards Cyprus and the Aegean region can best be described as drift and react. We drift along while problems boil up, then react to the crisis du jour without a moral context or a policy framework. If we genuinely hope to solve the Cyprus problem which has plagued us for nearly a quarter of a century, we must change this haphazard approach.

Let's look at the facts: Over 35,000 heavily armed Turkish troops are stationed in the northern part of Cyprus. These forces have been upgraded and modernized; they are well-equipped from Turkey's vast military arsenal. The Turkish military is, by far, the largest and most well-trained and well-equipped in the region, thanks largely to US military assistance. The Turkish government, having occupied 38% of Cypriot territory by force, has repeatedly spoken of annexing this territory.

Cyprus has a 10,000 member voluntary national guard. Cyprus, even with its strategic relationship with Greece, would be annihilated in any conflict with Turkey. Cyprus has been the subject in widespread international crticism for the proposed purchase of a small number of defensive missiles while Turkey's continued occupation goes largely unremarked. The Cypriot government has consistently reaffirmed its support for complete demilitarization of the island—Turkey has flatly refused to consider it. The Cypriot government has also said they would cancel the missile orders in a minute if there was genuine progress towards a solution—Turkey has responded with more threats.

Even though Cyprus met the fiscal requirements for EU membership years ago, Turkey continues to irrationally threaten both Cyprus and the EU in an effort to derail Cypriot accession talks.

No progress has been made toward peaceful resolution of the Cyprus issue in the past year. Threats and intransigence from Ankara and the north have increased. The intransigence of the Turkish side has led to the unprecedented situation of both Tom Miller and Richard Holbrooke, the top U.S. diplomats working on the issue, to lay the blame for the current impasse squarely at the feet of the Turkish side.

The answer to this long-running tragedy clearly lies in Ankara. If we buy into efforts to shift blame and create a public relations backliash by focusing on the S–300 missiles, we will only allow Ankara to retrench in their posture of annexation by force. We have to stand clearly on the side of international law and peaceful settlement of disputes, and against lawlessness and aggression. The records of both the United States Congress and the United Nations General Assembly are clear: the illegal occupation of Cyprus must end.

I join my colleagues today in calling on the Clinton Administration to be honest about the facts of the Cyprus dispute and be honest with Turkey about our expectations. We cannot resolve this dispute on the basis of half-truths and self-delusion. What a shame it will be if we are again here on the House floor next year, marking the 25th year of occupation. I strongly hope that the Administration will do everything in its power to bring about a just resolution to this issue in the coming year. Unfortunately, based on what we have seen so far, I am not optimistic.

Mr. BILIRAKIS. I would like to thank all of my colleagues who joined me tonight, it is very, very late, and also thank the staff people who are here so very late as a result of this, to help us focus attention on this grave injustice which must be remedied.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today and Tuesday, August 4, on account of official business.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today through noon on Tuesday, August 4, on account of a death in the family.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today, on account of transportation problems.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ADAM SMITH of Washington, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. MENENDEZ.
Mr. KIND.
Mr. MOAKLEY.
Mr. CRAMER.
Mr. SANDERS.
Mr. ORTIZ.
Mr. BAESLER.
Mr. ROTHMAN.
Mr. GEJDENSON.
Mr. LANTOS.
Ms. SLAUGHTER.
Mr. POMEROY.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous material:)

Mr. COX of California.
Mr. BILIRAKIS.
Mr. SOLOMON.
Mr. RADANOVICH.
Mr. BLILEY.
Mr. SMITH of New Jersey.
Mrs. ROUKEMA.
Mr. GILMAN.
Mr. KIM.
Mr. PAUL.
Mr. MICA.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1325. An act to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998, 1999, and 2000, and for other purposes; to the Committee on Science.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris Aquacultural Research Center to the State of Alabama, and for other purposes; to the Committee on Resources.

S.J. Res. 35. Joint Resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement; to the Committee on the Judiciary.

S.J. Res. 51. Joint Resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 434. An act to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

H.R. 643. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse".

H.R. 765. An act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

H.R. 872. An act to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

H.R. 1085. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations".

H.R. 1385. An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

H.R. 3152. An act to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

H.R. 3504. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 3731. An act to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium".

H.R. 4237. An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such Act, and for other purposes.

H.R. 4354. An act to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police.

ADJOURNMENT

Mr. BILIRAKIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, August 4, 1998, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10458. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Reporting Requirements for Risk/Benefit Information [OPP-60010K; FRL-6016-2] (RIN: 2070-AB50) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10459. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Truth in Savings [Regulation DD; Docket No. R-0869] received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10460. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Membership Approval [No. 98-29] (RIN: 3069-AA67) received July 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10461. A letter from the AMD—Performance and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Johnstown and Altamount, New York) [MM Docket No. 98-31 RM-9227] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10462. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Petitions for Nutrient Content and Health Claims, General Provisions; Correction [Docket No. 98N-0274] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10463. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10464. A letter from the Deputy Director, Russia-NIS Program Office, U.S. and Foreign Commercial Service, International Trade Administration, transmitting the Administration's final rule—Cooperative Agreement Program For American Business Centers In Russia And The New Independent States [Docket No. 890716181-8181-01] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10465. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-417, "Temple Micah Equitable Real Property Tax Relief Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Transmittal of D.C. ACT 12-415, "Prince Hall Freemason and Eastern Star Charitable Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10467. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-414, "American Legion, James Reese Europe Post No. 5 Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10468. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-403, "Old Rock Creek Church Road Designation Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10469. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-410, 'Advisory Commission on Sentencing Establishment Act of 1998' received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10470. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-411, "Kenneth H. Nash Post #8 American Legion Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10471. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-412, "Bethea-Welch Post 7284, Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998, and Tax Increment Financing Authorization and National Capital Revitalization Corporation Technical Amendments act of 1998," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10472. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-413, "Society of the Cincinnati Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10473. A letter from the Executive Director, Committe For Purchase From People Who Are Blind or Severly Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10474. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Policy on Audits of RUS Borrowers (RIN: 0572-AA93) received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10475. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reform of Affirmative Action in Federal Procurement [FAC 97–06; FAR Case 97–004A] (RIN: 9000–AH59) received July 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10476. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reform of Affirmative Action in Federal Procurement [FAC 97–07; FAR Case 97–004B] (RIN: 9000–AH59) received July 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10477. A letter from the Director, Office of Surface Mining Reclamation And Enforcement, transmitting the Office's final rule—Kentucky Regulatory Program [SPATS No. KY–191–FOR] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10478. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Waiver of Inadmissibility for Certain Applicants for Admission as Permanent Residents [INS No. 1920–98] (RIN: 1115–AE47) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10479. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Prospect Bay, Maryland [CGD 05–98–063] (RIN: 2115–AE46) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10480. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models TB9 and TB10 Airplanes [Docket No. 95–CE–72–AD; Amendment 39–10677; AD 98–16–03] (RIN: 2120–AA64) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10481. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company 180, 182, and 185 Series Airplanes [Docket No. 97–CE–14–AD; Amendment 39–10679; AD 98–16–04] (RIN: 2120–AA64) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10482. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Bennington, VT [Airspace Docket No. 98–ANE–94] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10483. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Fitchburg, MA [Airspace Docket No. 98–ANE–93] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10484. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Newton, IA [Airspace Docket No. 98–ACE–24] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10485. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Lake Charles, LA [Airspace Docket No. 98–ASW–41] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10486. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; McKinney, TX [Airspace Docket No. 98–ASW–32] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10487. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; St. Joseph, MO [Airspace Docket No. 98–ACE–6] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10488. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Rule for Taxable Year of Deduction [Revenue Ruling 98–39] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10489. A letter from the Director, Defense Security Assistance Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2759. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; with an amendment (Rept. 105–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3047. A bill to authorizes expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres (Rept. 105–669). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 4380. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–670). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4342. A bill to make miscellaneous and technical changes to various trade laws, and for other purposes; with an amendment (Rept. 105–671). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. House Concurrent Resolution 213. Resolution expressing the sense of the Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union; with amendments (Rept. 105–672). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TAYLOR of North Carolina:

H.R. 4380. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. PAUL:

H.R. 4381. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Mr. BLILEY (for himself, Mr. BILIRAKIS, Mr. DINGELL, Mr. BROWN of Ohio, Mr. HASTERT, Mr. WAXMAN, Mr. BARTON of Texas, Mr. TOWNS, Mr. UPTON, Mr. PALLONE, Mr. GREENWOOD, Mr. DEUTSCH, Mr. DEAL of Georgia, Ms. ESHOO, Mr. BURR of North Carolina, Mr. STUPAK, Mr. BILBRAY, Mr. GREEN, Mr. LAZIO of New York, Mr. STRICKLAND, Mrs. CUBIN, Ms. DEGETTE, Mr. HALL of Texas, and Ms. FURSE):

H.R. 4382. A bill to amend the Public Health Service Act to revise and extend the program for mammography quality standards; to the Committee on Commerce.

By Mr. BURR of North Carolina (for himself, Mr. GREENWOOD, Mr. UPTON, Mr. GANSKE, Mr. HALL of Texas, Mr. TOWNS, and Mr. STRICKLAND):

H.R. 4383. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Commerce.

By Mr. FROST:

H.R. 4384. A bill to amend title 49, United States Code, relating to continuation of operating assistance for small transit operators in large urbanized areas; to the Committee on Transportation and Infrastructure.

By Mr. MCNULTY (for himself, Mr. DUNCAN, Mr. MANTON, Mr. KING of New York, Mr. ROMERO-BARCELO, Mr. DIAZ-BALART, Mr. LEWIS of California, Mr. NETHERCUTT, Mr. BURTON of Indiana, Mr. LIVINGSTON, Mr. HALL of Texas, Mr. KNOLLENBERG, Mr. SUNUNU, Mr. CAMP, Mr. RAMSTAD, Mr. FROST, Mr. WALSH, Mr. SERRANO, Mrs. JOHNSON of Connecticut, Mr. NEUMANN, Mr. SHAW, Ms. DANNER, Mr. TANNER, Mr. WATTS of Oklahoma, Mrs. KELLY, Mrs. EMERSON, Mr. CALVERT, Mrs. MYRICK, Mr. CUNNINGHAM, Mr. WOLF, Ms. PRYCE of Ohio, Mr. LANTOS, Mr. KIM, Mrs. CLAYTON, Ms. ROS-LEHTINEN, Mr. BONILLA, Mr. WAXMAN, Mr. COX of California, Mrs. MALONEY of New York, Mr. DREIER, Mr. HINCHEY, Mr. LAFALCE, Mr. NORWOOD, Mr. BLUNT, Mr. BLILEY, Mr. HEFLEY, Mr. PETERSON of Pennsylvania, Mr. ACKERMAN, Mr. MCHUGH, Mr. PAPPAS, Mrs. FOWLER, Mr. BARRETT of Wisconsin, Mr. HILLEARY, Mr. MANZULLO, Ms. SLAUGHTER, Mr. FOSSELLA, Mr. GOSS, Mr. GOODE, Mr. STEARNS, Mr. BOEHLERT, Ms. GRANGER, Mrs. MORELLA, Mr. ENGLISH of Pennsylvania, Mr. ENGEL, Mr. MCCOLLUM, Mr. BUYER, Mr. DINGELL, Mr. YOUNG of Florida, Mr. WHITFIELD, Mr. LATHAM, Mr. QUINN, Mr. TOWNS, Mr. FORBES, Mr. GALLEGLY, Mr. PASTOR, Mr. RYUN, Mrs. THURMAN, Mr. SKAGGS, Mr. KUCINICH, Mr. MCKEON, Mr. WICKER, Mr. FALEOMAVAEGA, Mr. SANDLIN, Ms. KAPTUR, Mr. SENSENBRENNER, Mr. SOUDER, Mr. ADERHOLT, Mr. LEWIS of Kentucky, and Mr. WEYGAND):

H.R. 4385. A bill to designate the national cemetary in Saratoga, New York, as the "Gerald B. H. Solomon Saratoga National Cemetary"; to the Committee on Veterans' Affairs.

By Mr. RAMSTAD (for himself, Mr. WELLER, and Mr. METCALF):

H.R. 4386. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of section 42 housing cooperatives and the shareholders of such cooperatives, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4387. A bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain electromagnets; to the Committee on Ways and Means.

By Mr. BRYANT (for himself, Mr. FAWELL, and Mr. LEWIS of Kentucky):

H. Con. Res. 314. Concurrent resolution expressing the sense of the Congress with respect to war crimes against United States military personnel and their families, and in particular to the war crimes committed in El Salvador against United States Army pilots David H. Pickett and Earnest Dawson, Jr.; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. ROHRABACHER, Mr. ENGEL, Mrs. KELLY, and Mr. MORAN of Virginia):

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress condemning the atrocities by Serbian police and military forces against Albanians in Kosova and urging that blocked assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) under control of the United States and other governments be used to compensate the Albanians in Kosova for losses suffered through Serbian police and military action; to the Committee on International Relations.

By Mr. BOEHNER:

H. Res. 515. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. SUNUNU and Mr. SALMON.

H.R. 303: Mr. OLVER.

H.R. 900: Mr. MEEKS of New York.

H.R. 1126: Mr. BOUCHER, Mr. LEWIS of Georgia, Mr. BURR of North Carolina, Mr. YATES, and Mr. GUTKNECHT.

H.R. 1560: Mr. GIBBONS, Mr. ENSIGN, Mr. LATOURETTE, Mr. HUTCHINSON, Mr. COOK, Mr. MORAN of Kansas, Mr. HULSHOF, Mr. PITTS, Mr. WAMP, Mr. CANNON, Mr. BRADY of Texas, Ms. GRANGER, Mr. SCARBOROUGH, Mr. BASS, Mr. WELLER, Mr. SOUDER, Mr. JENKINS, Mr. WHITE, Mrs. BONO, Mr. MCHALE, Ms. MILLENDER-MCDONALD, Mr. MURTHA, Mr. PAYNE, Ms. STABENOW, Mr. STOKES, Mr. STRICKLAND, Mr. TOWNS, Ms. WATERS, Mr. WATT of North Carolina, Ms. WOOLSEY, and Mr. YATES.

H.R. 1773: Mr. MALONEY of Connecticut.

H.R. 1788: Mr. LEWIS of Georgia.

H.R. 1951: Mr. BORSKI.

H.R. 2009: Mr. TRAFICANT and Mr. SPENCE.

H.R. 2409: Mr. STOKES.

H.R. 2708: Mr. SKELTON, Mr. THORNBERRY, Mr. BONILLA, Mr. LAFALCE, Mr. MALONEY of Connecticut, and Ms. STABENOW.

H.R. 2804: Mr. LEWIS of Georgia.

H.R. 2828: Mrs. MYRICK, Mr. SKELTON, Mr. BONIOR, and Mr. FROST.

H.R. 2840: Mr. WATTS of Oklahoma.

H.R. 2951: Mr. MATSUI and Mr. BENTSEN.

H.R. 3032: Mr. SESSIONS.

H.R. 3255: Ms. DANNER.

H.R. 3261: Mr. HILL.

H.R. 3553: Mr. FOX of Pennsylvania, Mr. RANGEL, Mr. MATSUI, Mr. FAZIO of California, Mr. DIXON, Mr. BROWN of California, Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, Mr. BISHOP, Mrs. CLAYTON, Mr. LEVIN, Mrs. THURMAN, Mr. STOKES, Mr. JEFFERSON, Mr. MCDERMOTT, Ms. DELAURO, and Mr. DELAHUNT.

H.R. 3572: Mr. WOLF and Mrs. LINDA SMITH of Washington.

H.R. 3610: Mr. HASTERT and Mr. DEUTSCH.

H.R. 3622: Mr. DOOLEY of California.

H.R. 3641: Mr. WATKINS.

H.R. 3698: Ms. HARMAN.

H.R. 3702: Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. FROST, and Mr. UNDERWOOD.

H.R. 3792: Mr. WHITE.

H.R. 3802: Mr. SHERMAN.

H.R. 3843: Mr. HALL of Texas and Mr. SMITH of Texas.

H.R. 3870: Mr. RAMSTAD, Mr. SKEEN, Mr. DOOLITTLE, Mr. BOB SCHAFFER, Mr. INGLIS of South Carolina, Mr. METCALF, Mr. SOUDER, Mr. STRICKLAND, and Mr. HOSTETTLER.

H.R. 3918: Ms. PELOSI.

H.R. 4031: Mr. LEVIN.

H.R. 4035: Mrs. TAUSCHER, Mr. MILLER of California, Ms. DEGETTE, Mr. SOLOMON, Mr. THOMPSON, Mr. STENHOLM, Mr. GORDON, Mr. STOKES, Ms. MCCARTHY of Missouri, Mr. GREEN, Mr. TAYLOR of Mississippi, Mr. LEVIN, Mr. COYNE, Mr. BALLENGER, Mr. SERRANO, and Mr. BROWN of California.

H.R. 4036: Mrs. TAUSCHER, Mr. MILLER of California, Ms. DEGETTE, Mr. SOLOMON, Mr. STENHOLM, Mr. GORDON, Mr. STOKES, Ms. MCCARTHY of Missouri, Mr. GREEN, Mr. TAYLOR of Mississippi, Mr. COYNE, Mr. BALLENGER, Mr. SERRANO, Mr. THOMPSON, and Mr. BROWN of California.

H.R. 4062: Mr. RILEY.

H.R. 4095: Mr. CAMPBELL.

H.R. 4122: Mr. HINCHEY.

H.R. 4127: Mr. BALDACCI and Mr. PRICE of North Carolina.

H.R. 4138: Mr. CALVERT, Mr. ACKERMAN, Mr. LANTOS, Mr. WAXMAN, and Mr. DEUTSCH.

H.R. 4213: Ms. JACKSON-LEE of Texas, Mr. PAPPAS, Mr. BARCIA of Michigan, Mr. HALL of Texas, and Mr. CHABOT.

H.R. 4220: Mr. RANGEL.

H.R. 4235: Mr. ORTIZ and Mr. DOOLEY of California.

H.R. 4281: Mr. BURTON of Indiana.

H.R. 4283: Mr. BOEHLERT, Ms. RIVERS, Mr. THOMPSON, and Mr. MCNULTY.

H.R. 4339: Mr. FRANK of Massachusetts, Mr. MOLLOHAN, Mr. TURNER, and Mr. HILLEARY.

H.R. 4353: Mr. MARKEY.

H.R. 4362: Mr. KENNEDY of Massachusetts, Mr. EVANS, Mr. FILNER, Mr. LAFALCE, Ms. LEE, Mr. TORRES, Mr. OBERSTAR, and Mr. RANGEL.

H.R. 4370: Mr. KENNEDY of Rhode Island and Mr. SESSIONS.

H. Con. Res. 258: Mr. PETRI, Mr. DEFAZIO, Ms. SLAUGHTER, Mr. JEFFERSON, Mr. SHERMAN, Ms. SANCHEZ, Mr. NADLER, and Mr. ENGEL.

H. Con. Res. 290: Mr. HOLDEN, Mr. HILL, Mr. WELDON of Florida, Mr. EVERETT, and Mr. POMEROY.

H. Con. Res. 312: Mr. HEFLEY.

H. Con. Res. 313: Mr. PAYNE, Mr. MCGOVERN, Mr. ROHRABACHER, and Mr. SERRANO.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 6 by Mr. OBEY on House Resolution 473: Jay W. Johnson.

The following Member's name was withdrawn from the following discharge petition:

Petition 7 by Mr. GANSKE on House Resolution 486: Greg Ganske

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. ARCHER

(To the Amendment Offered By: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 174: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—PROHIBITING EXPENDITURES FOR COMMUNICATIONS PRIOR TO FINAL 60 DAYS OF CAMPAIGN

SECTION 401. PROHIBITING EXPENDITURES BY CANDIDATES FOR COMMUNICATIONS PRIOR TO FINAL 60 DAYS OF CAMPAIGN.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

"BAN ON CERTAIN EXPENDITURES PRIOR TO FINAL 60 DAYS OF CAMPAIGN

"SEC. 324. Notwithstanding any other provision of this title, no candidate in an election for Federal office or authorized committee of such a candidate may expend any amounts prior to the 60-day period which ends on the date of the election for any communication disseminated to the public (including a communication disseminated through the Internet) or for any other communication which is not solicited by the recipient or in direct response to a communication from the recipient.".

H.R. 4274

OFFERED BY: MR. PAUL

AMENDMENT NO. 2: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) None of the funds made available in this Act may be used to carry out section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)).

(b) None of the funds made available in this Act may be used to carry out any duty of the National Committee on Vital and Health Statistics related to establishing any identifier, including any standard uniform medical identifier.

H.R. 4276

OFFERED BY: MR. BLAGOJEVICH

AMENDMENT NO. 41: Page 32, line 14, after the dollar amount, insert the following: "(increased by $5,000,000)".

H.R. 4276

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 42: Page 7, line 4, after the dollar amount, insert the following: "(increased by $2,000,000)".

Page 7, line 20, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Page 26, line 17, after the dollar amount, insert the following: "(increased by $3,000,000)".

Page 30, line 3, after the dollar amount, insert the following: "(increased by $3,000,000)".

H.R. 4276

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 43: Page 52, line 19, after the dollar amount insert "(increased by $1,900,000)".

Page 52, line 25, after the dollar amount insert "(increased by $1,900,000)".

Page 53, line 2, after the dollar amount insert "(increased by $1,900,000)".

Page 53, line 5, after the dollar amount insert "(increased by $1,900,000)".

H.R. 4276

OFFERED BY: MR. PALLONE

AMENDMENT NO. 44: Page 52, line 13, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 52, line 25, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 53, line 1, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 53, line 5, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 54, line 18, after the dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 4276

OFFERED BY: MR. SANDERS

AMENDMENT NO. 45: Page 40, line 8 insert "(decreased by $1,000,000)" after the dollar amount.

Page 40, line 12 insert "(decreased by $1,000,000)" after the dollar amount.

Page 40, line 13 insert "(decreased by $1,000,000)" after the dollar amount.

Page 40, line 16 insert "(decreased by $1,000,000)" after the dollar amount.

Page 76, line 3 insert "(decreased by $1,000,000)" after the dollar amount.

Page 101, line 12 insert "(increased by $2,000,000)" after the dollar amount.

EXTENSIONS OF REMARKS

REMEMBERING THE KOREAN WAR

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. INGLIS of South Carolina. Mr. Speaker, today, I would like to remember the anniversary of a very important, and yet somber event, which took place forty-eight years ago this month. An American soldier died fighting for his country. This American soldier was the assistant gunner on a machine gun. He and his fellow soldiers were fighting against Russian built T–34 tanks without adequate anti-armor weapons. No matter how bravely he and his fellow soldiers fought, they were unprepared for this combat.

Only twelve days before, this soldier had no idea he would be in combat. Although he was stationed in a foreign land, his mission was really a peacekeeping mission. Land and money to conduct tough, hard training were not available, and besides, very few of his military leaders thought there would be any combat in the foreseeable future. Certainly the politicians in Washington had no idea about any threat. The U.S. President and Congress had been cutting the size of the armed forces and defense spending.

The event I am talking about took place eleven days after the North Korean People's Army launched a massive surprise invasion of South Korea. This assistant machine gunner had been on occupation duty in Japan, now he was on a wet hillside north of Osan, Korea.

July 5, 1998 is the 48th anniversary of the first combat death of an American soldier in the Korean War. Very soon this soldier would be joined by many of his comrades. He was the first out of the approximately 54,000 Americans (34,000 killed in action and 20,000 from accidents/disease) who would give their lives for our country.

I want to use this anniversary not only to recognize the Korean War veterans, but also to bring attention to the similarity between our warfighting capabilities then and today.

My source for this information is "This Kind of War: A Study in Unpreparedness" by T.R. Fehrenbach, first published in 1963. It is a great and disturbing book on the Korean War. This book points out the incredible sacrifices our fighting men had to endure, in part because of the unpreparedness of the armed forces. This unpreparedness was caused by political leaders and, in some cases, military leaders who had soldiers concentrating on missions other than preparing for war and an inadequately funded defense budget.

I believe that we must guard against a similar situation today. We hear much discussion in the press and even from this administration that the military needs to conform more with the cultural standards of today's civilian society. Also, with the end of the Cold War, many seem to believe that we should operate with a significantly smaller military budget and that the armed forces should focus on non-traditional missions such as foreign peacekeeping operations, civic actions, etc.

I quote Mr. Fehrenbach from his book, "The civilian liberal and the soldier unfortunately are eyeing two different things: the civilian sociologists are concerned with men living together in peace and amiability and justice; the soldier's task is to teach them to suffer and fight, kill and die. Ironically, even in the twentieth century, American society demands both of its citizenry." I believe many Americans, including political leaders, do not understand this simple fact whether or not they have had military service.

There are many similarities between the world situation prior to the Korean War and our situation today. In both cases, the United States was and is the undisputed greatest military power. Many believe now, as then, that we would never have to fight a "conventional type" war again, that the size of the defense budget can be cut and cut again, and that the military should play a major role outside of its warfighting responsibilities. I believe that thinking such as this is a recipe for disaster. Congress has a vital, constitutional responsibility to insure that some future assistant machine gunner does not have to die for America in a similar set of circumstances.

Finally, we must honor the sacrifice of the gallant soldiers, Marines, airmen and sailors who fought and in many cases died in the Korean War. In many ways, the Korean War has become the forgotten war, and therefore, the Korean veterans have become the forgotten veterans. After the decisive victories of World War I and World War II, the American people were not sure what to think about this less than conclusive war.

The fact is that the Korean War was the first of numerous conflicts that were fought during the four decade long Cold War. What all Americans need to remember is that those who fought in Korea played a vital role in our final victory. As Ronald Reagan said, "We will always remember. We will always be proud. We will always be prepared, so we may always be free."

HONORING BIG TIMBERS MUSEUM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to honor the Big Timbers Museum located in Lamar, Colorado. Open since 1966, the museum houses a fine collection of memorabilia celebrating Western culture. Rare newspaper clips, turn of the century cowboy gear, and Indian relics serve to share the history of Southeastern Colorado with the museum's many visitors.

For the pioneers traveling on the Sante Fe Trail, the area known as the Big Timbers began at a point 20 miles east of present-day Lamar, flanking the Arkansas River with a verdant primeval forest of giant cottonwood trees, lush prairie grasses and fresh water springs. For the next 40 miles westward, Big Timbers became a haven for Indians, Mountain Men, Traders and Settlers alike. It was a welcome site from the wide-open plains for the weary traveler.

Today, the Big Timbers Museum is also a place to stop, rest, relax, and reflect on the history and heritage of the Western High Plains. The museum, founded and operated by the Prowers County Historical Society, provides an intimate and in-depth look at the lifestyles of Colorado's first pioneers and settlers. An extensive photo collection, dating from the late 1800's of Prowers County's earliest homesteaders.

Big Timbers Museum houses the largest collection of Western History in Southeastern Colorado. Museum displays are both permanent and rotational, affording even the most frequent visitor something new and exciting to view and enjoy. The eclectic mass of artifacts, antiques and memorabilia cover almost 8000 square feet of display area and include everything from 1400 year old (carbon-dated) arrowheads to cowboy clothing, ladies fashions from the 1800's through the 1920's and 30's, Indian tools, early farm equipment, household fittings and furniture—all indigenous to Prowers County and donated by the area's families.

The Big Timbers Museum currently features exhibits detailing the events of the Fleagle Gang Robbery & Trial, showcasing gowns designed by Charles Worth, and remembering American wars beginning with the Revolutionary period and ending with the Gulf War. Until September 1998, visitors can view original court documents and proceedings, photographs of chained perpetrators, the Fleagle guns and escape car, original newspapers and headline stories, and furnishings from the old 1st National Bank where the Fleagle robbery occurred. Museum goers can also spend time enjoying the creations of Charles Frederick Worth, haute couturier of the mid and late 1800's. A wedding dress designed by Worth is made of hand-tatted Battenburg Lace and 100 years later continues to remain in excellent condition. Finally, an exhibit entitled Our Sacred Honor features Patriotic and Red Cross World War I posters, a Confederate regimental battle flag, uniforms, armaments, the original plans for the D-Day Invasion of 1944, trench art, and GI souvenirs.

I recently visited the Big Timbers Museum and found that it provided an educational and enjoyable experience. I found located amongst the treasures kept the museum interesting artifacts which gave me a new perspective on the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

history of the district I represent. I also found a treasure in the museum's curator, Ms. Jeanne Clark, who used to ice skate professionally and was known to America as "Jinx." As a Member of Congress representing Colorado's Fourth District, I would like to commend the men and women who have contributed to the Big Timbers Museum and thank these individuals for continuing to provide visitors with a taste of Southeastern Colorado.

TRIBUTE TO CARL SMITH

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, Henry David Thoreau once said, "[T]he death of friends will inspire us as much as their lives. . . . Their memories will be encrusted over with the sublime and pleasing thoughts, as monuments of other men are overgrown with moss; for our friends have no place in the graveyard." Carl Smith was such a friend to the citizens of Harris County, and we should memorialize him in our thoughts today for his tireless work and remarkable dedication.

As the Tax Assessor-Collector of Harris County, Texas, Mr. Smith advocated tax exemptions for deserving members of society such as Senior Citizens and the Disabled. He also strove to pass the four-year term bill.

An astute member of the government, Mr. Smith drafted necessary legislation that provided a pension system for elected County and District Officials. In addition, he obtained the requisite support for the Constitutional Amendment that also provided a pension for County and District Officials.

Carl Smith's value to the Harris County community was not limited to his post as Tax Assessor-Collector. He somehow found the time and resolve to hold other public roles of equal worth. Such endeavors included his positions as the Past President of the Tax Assessor-Collector's Association of Texas, the Past President of the International Association of Assessing Officers, a member of the Texas Association of Assessing Officers, and a former member of the Tax Assessor Examiners Board of Texas.

Carl Smith's exemplary service has not gone unrecognized. He has received a citation for Meritorious Service by the President's Committee on the Employment of Physically Handicapped and an award for Meritorious Achievement by the Houston Committee for Employment of the Physically Handicapped. In 1990, Mr. Smith was named "Governmental Employer of the Year" by the Harris County Commission for the Employment of Disabled Persons. He also was the recipient of "The Book of Golden Deeds" Award by the Exchange Club of Houston.

We should not overlook the fact that Carl Smith was not only a sagacious Tax Assessor-Collector, but he was also a knowledgeable academic and legal authority. Mr. Smith studied night school at the University of Houston Law School and South Texas, and he passed the bar in 1934 upon his graduation. Eventually, he would serve a great many years as Chairman of the Jurisprudence Committee of the statewide County Assessor's Association. He also was a member of the Texas State Bar Association and the Houston Bar Association.

As I stand here before you to eulogize Carl Smith, I am reminded of his ingenuity and creativity, as well as his dedication to the taxpayers. In an effort to provide greater convenience for the taxpayers, as a newly-appointed Tax Collector-Assessor, Mr. Smith established sub-stations and branch offices throughout Harris County. He was the first Tax Collector-Assessor to have substations issue license plates and voter registrations. Moreover, he allowed taxpayers to handle homestead exemptions by mail.

In Matthew 5, it is written, "Let your light so shine before men, that they may see your good works and give glory to your Father who is in heaven." Carl Smith's light still shines, even now. And we should bask in the memory of his accomplishments.

Carl Smith revolutionized the operations of the Harris County Tax Office. The office now works as an efficient, yet cordial entity, and it will serve as Mr. Smith's continuing legacy.

I offer my sincerest condolences to Mr. Smith's family and friends. We will miss his wisdom and his honorable achievements. But we will never forget him.

APPOINTMENT OF CONFEREES ON H.R. 4060, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. YOUNG of Alaska. Mr. Speaker, this motion is an attempt to obstruct an effort to redress some of the most abject poverty and living conditions of people living in rural Alaska. The motion makes no sense whatsoever, unless proponents are contending the federal government has no role to play in fostering public works projects and iniatives to improve the life of our rural areas.

Many communities in Alaska, most of which are Native villages, do not have public works projects such as those taken for granted by most communities in other states. The proposed commission will complement Alaska's ongoing work to alleviate the nearly Third World conditions brought on by the absence of basic infrastructure, such as modern water and sewage treatment or safe and environmentally sound bulk fuel storage.

Because of the magnitude of the problem—unsafe water, lack of modern sewage treatment, infant mortality, alcoholism, suicide, lack of job opportunity—a commission chartered by Congress will advance efforts to grant a shimmer of hope to those who know only hopelessness in these rural areas.

Let me offer just one example of why the Denali Commission is necessary. Forty percent of rural Alaska lacks flush toilets. Residents of these areas literally haul raw human waste in honeybuckets and dump them in a community lagoon sometimes leading to outbreaks of viral minengitis. Americans should not be living in these conditions in this day and age.

These problems have not been ignored by any stretch of the imagination: Congress and the State of Alaska have been cooperating for several years to devote resources to correcting these problems. However, these efforts have the effect of a "scattershot" approach to solving a $1 billion problem. The Denali Commission is a single entity that can bring a unified direction and approach needed for some of the poorest areas of the country.

There has been a lot of talk on the Floor about how generous the government has been to Alaska. In fact, it has not been very generous. Many of the funds Alaska receives are in defense programs, which serve a national as opposed to parochial purpose. It must also be recalled that when Alaska was made a statehood, it had to forego the benefit of reclamation projects such as those found in the lower 48. In addition, the federal government owns and controls two-thirds of Alaska's lands, but has awfully slow to show rural Alaskans any benefit this had brought them.

For these reasons, the Denali Commission is justified, necessary, and vital to the wellbeing of Alaska's rural people.

CONTINUING OUTRAGES IN BURMA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. PORTER. Mr. Speaker, I rise today to express my outrage about the treatment of Nobel Peace Prize winner Aung San Suu Kyi by the corrupt and repressive Burmese military junta. For six days this week Daw Suu sat inside her car in the middle of a highway in a defiant stand-off with the ruling junta because they refused to let her meet with members of her political party. Yesterday, the military ended the stand-off by forcibly taking her to her home in Rangoon.

This is the third time in recent weeks that the military has attempted to stop Daw Suu from meeting with supporters. Once again, the Burmese military has shown that there is no length to which it will not go to suppress the forces of democracy and freedom inside Burma. This ongoing campaign of harassment of Aung San Suu Kyi and the National League for Democracy has again focused attention on the plight of the Burmese people. I hope that all of my colleagues will join me today in standing with our fellow duly-elected representatives in Burma and join their call to take their rightful places in parliament. The Burmese people have been denied their rights for too long. The time is now for freedom, democracy and human rights to come to Burma.

I submit the attached editorial from the Washington Post, July 29, 1998, to be included in the RECORD.

[From the Washington Post, July 29, 1998]

BURMA'S DESPERATE GENERALS

Since last Friday a seemingly frail but spiritually indomitable woman has been blockaded inside her car on a rural highway in Burma. Aung San Suu Kyi, 53, rightful leader of her Southeast Asian nation, had set out from her home in the capital to meet with a political supporter in the provinces. But the general-thugs who have hijacked the leadership of Burma, fearing her popularity and the serene certainty with which she battles for democracy, have blocked the road. They refuse to let her move forward, and Aung San Suu Kyi—insisting on her right to travel and meet with colleagues—refuses to go back.

She would no doubt be surprised to learn, then, if the message could reach her isolated vehicle, that she "is not a captive." This is one of the contentions of the junta's representative to Washington in a letter to the editor published on this page today. It is no surprise that the letter is full of half-truths about the extent of her freedom, the ability of foreign diplomats and journalists to visit her and so forth (yes, she could leave the country, but the thugs would undoubtedly prevent her return). Nor is it new that the generals vilify her in personal terms; back home, in the domestic press they totally control, they have called this devout Buddhist mother "deranged," a "modern-day ogress" and a sexual predator.

What is interesting is the desperation reflected in their decision to bring their slanderous campaign overseas. Interesting, but again not surprising, for the generals have driven their country (which they call Myanmar) virtually into the ground. What was once one of Asia's most promising nations, rich in natural resources and blessed with an educated and hard-working population, is a disaster, with an average annual income of maybe $200 to $300 per person. Universities are shuttered because the rulers fear their own students. The junta can buy the services of public relations firms in Washington and the loyalty of U.S. oil and timber companies eager for contracts, but it knows that it has no legitimacy at home.

This is true above all because Burma conducted an election in 1990, and Aung San Suu Kyi won. Although she was already under house arrest at the time, her National League for Democracy won four out of every five parliamentary seats. Most people in Burma, in other words, apparently did not deem her a "disgruntled housewife," nor was her marriage to an Englishman considered a stain on her character. It is the generals, refusing to honor the election results, who can be accused of "coveting power at all costs."

Remarkably, though, despite nearly a decade of confinement and harassment, of seeing her colleagues imprisoned and tortured, sometimes to death, Aung San Suu Kyi has never returned the insults. Consistently, she calls for dialogue and compromise; contrary to the ambassador's letter, she insists only on the rule of law. Now, in keeping with that principle, she is calling for the true parliament to be convened by Aug. 21. Alone in her sun-baked vehicle on that country road, she is in the right, and she deserves support for her campaign.

IMMIGRATION AND NATURALIZATION SERVICE RESTRUCTURING ACT OF 1998

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. WATT of North Carolina. Mr. Speaker, I am introducing the Immigration and Naturalization Service Restructuring Act of 1998, which contains provisions to implement dramatic and fundamental reforms within the Immigration and Naturalization Service (INS). Significant management weaknesses, poor services, overlapping organizational relationships, and inadequate border control are problems that have plagued the INS for many years. Many Members and their office staffs receive calls daily from constituents unable to get assistance with immigration related problems from their local INS' office. We need to change the way the INS does business.

After careful consideration of all pending restructuring proposals, I believe the proposal offered by INS is the best alternative. This bill will untangle the INS' overlapping and confusing organizational structure and replace it with two clear organizational chains of command—one to accomplish its enforcement mission and the other to provide immigration related services. Key provisions of the bill would: effect an operational split between enforcement and services which would result in distinct, clear lines of authority from the field and headquarters, with the INS Commissioner continuing to the responsible for overall agency operations; eliminate the current field structure in which district offices serve both enforcement and service functions and replace it with separate enforcement and service offices that bring an appropriate mix of staff and skills to local service caseloads and enforcement needs; improve the quality of the workforce by creating separate enforcement and service career paths for INS employees to allow the best employees to move up the ladder and be rewarded for high performance; restructure management operations to ensure effective "shared services" operations for records and data management, technological support, training and administrative support, that will serve both the enforcement and service sides of the agency; and establish a Chief Financial Officer to improve financial, accounting and budget systems.

The overall mission of immigration is best served by coordinating benefits and enforcement in a single entity like the INS. Both benefits and enforcement are critical components to enforcing effectively our immigration laws. This bill sets forth a structure for the INS to improve the Nation's immigration system.

IN TRIBUTE

SPEECH OF

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, "To everything there is a season, and a time to every purpose under the heaven; a time to be born, and a time to die . . . "

For Officer Jacob Joseph (J.J.) Chestnut and Detective John Michael Gibson, the time to die came too soon. These two brave men sacrificed their lives so that others might live. Our Nation will never forget their acts of bravery and courage.

On behalf of all the citizens of the Seventh Congressional District of New Jersey, I express our sadness and grief to the families of these two heroes. While words cannot mend their broken hearts, our thoughts and prayers are with them.

Officer Chestnut, Detective Gibson, you showed us what courage really is. God Bless You and God Bless the United States of America.

RECOGNITION OF THE 50TH ANNIVERSARY OF THE AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. BATEMAN. Mr. Speaker, I rise today in recognition of the Air Force Office of Special Investigations—OSI. On Saturday, August 1 of this year, OSI will celebrate its golden anniversary as the investigative arm of the United States Air Force. OSI was established at the suggestion of Congress in 1948 by Secretary of the Air Force Stuart Symington, who consolidated and centralized the investigative services of the new Air Force to ensure a capability for independent and objective criminal investigations. The OSI of today is charged with a varied and complex mission that includes conducting criminal and fraud investigations, protecting our air forces from terrorism and espionage, hunting down military fugitives and tracking people who hack into Air Force computer systems.

Although OSI has adapted to meet the changing needs of the Air Force, there has never been a change in the fundamental nature of the organization—an independent, high performance investigative agency, key and indispensable to the Air Force. The modern OSI is made up of more than 2,000 people operating from over 150 offices throughout the U.S. and in over a dozen countries overseas—basically, wherever you find Air Force interests or resources.

Over the past half century, OSI has played a central role in the history of the Air Force. It was the OSI commander in Korea who first alerted General MacArthur's headquarters in Tokyo of the North Korean invasion in June, 1950. During the 1960's and early 1970's, OSI gathered early warning threat information on sabotage and surprise attack in support of air base defense in Vietnam. As terrorism became a household word in the 1970's, OSI responded with investigative tools and programs that enhanced the protection of Air Force people and resources. In 1978, OSI became the first organization in the federal government to establish a computer crime program. OSI's counterintelligence efforts contributed to the victory in the Cold War by identifying and neutralizing foreign intelligence operations targeting the American Air Force.

There will be many new challenges in the next 50 years. For instance, the U.S. military is beginning to feel the impact of the cyberthreat and earlier this year the Pentagon tapped OSI to run the Defense Department's computer forensic training and laboratory programs. Also, the terrorists of the 21st century will be more deadly and OSI will be faced with the need to help protect an air and space force that will be committed to going anywhere in the world, anytime.

A legacy of service, integrity and excellence marches on today in the footsteps of the 11,000 men and women who have served in the OSI, including two members of the 105th Congress, myself and my honorable colleague, Senator ARLEN SPECTER. Mr. Chairman, it is with a great deal of pride that the Air Force OSI celebrates its fiftieth anniversary and remembers its motto: "Preserving our legacy, protecting the future."

CONGRATULATIONS TO THE STUDENTS OF THE BEECHWOOD SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to salute a group of pre-kindergartners who are on their way to educational achievement in the future. Under the guidance of two dedicated teachers, Mrs. Wilcox and Mrs. Pappalardos, these students graduated from the Beechwood School in Haddonfield, New Jersey on June 4, 1998. I am profoundly proud that my daughter, Jacquelyn Andrews, joined with her classmates in graduating from the Pre-K program at Beechwood. I hope you will join me in wishing these bright stars a bright future. These dedicated teachers and their wonderful students deserve our praise. The 1998 graduating students of the Beechwood Pre-K program are: Jacquelyn Andrews, Jason Bloch, Maria Cleary, Kevin Cook, Olivia DiBlase, Lauren DiDonato, Matthew Falcone, William Freeman, Lexie Guistwhite, Gregor, Herrmann, Dana Kamerling, Sionna Kelly, Shawn McDonald, Connor McElwee, Sarah Meeteer, Chelsea Mettinger, Dominic Payne, Benjamin Potts, Daniel Schwab, Allison Smith, Tyler Stone, Martha Theodoris, Sophia Theodoris.

THE SHEPERDSVILLE HIGH SCHOOL CLASS OF 1932 TO CELEBRATE 66TH ANNIVERSARY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to celebrate a high school reunion that will take place in my district this weekend. The Sheperdsville High School Class of 1932 will celebrate their 66th Anniversary Saturday.

High school reunions are a time of remembrance. They give us the means to renew old friendships with classmates we haven't seen in years. We are flooded with memories of days gone by. And we are given the opportunity to share our successes and failures with those that gave us the tools to succeed in life—our teachers.

It's hard to believe, but the Sheperdsville High Class of 1932 will have the opportunity to thank two of their teachers. Both teachers are 94 years old, which in and of itself is worthy of celebration. These two fine people helped prepare the Class of '32, along with hundreds of other students, for life beyond the realm of high school. And for that, I say thank you.

Mr. Speaker, I offer a special congratulations and a happy anniversary to the Sheperdsville High Class of 1932. May your 66th Anniversary be as joyous as your graduation ceremonies were in 1932.

H.R. 3150—BANKRUPTCY REFORM ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. BEREUTER. Mr. Speaker, with the passage of H.R. 3150—the Bankruptcy Reform Act of 1998, this Member encourages his colleagues to read the following editorial which appeared in the June 27, 1998, Beatrice Daily Sun. This article highlights why the House of Representatives passed H.R. 3150, the Bankruptcy Reform Act.

[From the Daily News, June 27, 1998]

BANKRUPTCY BILL DESERVES SUPPORT—MEASURE AIMS TO BOLSTER NOTION OF PERSONAL RESPONSIBILITY FOR FINANCES

We find it difficult to muster much sympathy for those who are criticizing recent legislation passed by the U.S. House of Representatives that would make it tougher to file for Chapter 7 bankruptcy.

Some of the critics are wailing as if the measure is like tossing widows into the poor house. They're arguing that accumulating unpayable debts is not the fault of the debtors. Rather, it was their credit cards that made them do it.

Whatever happened to the notion of personal responsibility?

Because the measure would only apply to persons making more than $50,000 a year, it effectively counters the concern that the poor and downtrodden will be negatively affected by the measure.

In effect, the measure says that if a person has enough money after paying for necessities to repay 20 percent of what he or she owes over five years, a court should mandate that to occur.

That seems to make a lot more sense than letting people off the hook entirely, as Chapter 7 does, even when they can afford to repay some of what they owe.

From our perspective, such a measure is needed and should quickly receive the support of consumer groups. After all, when thousands upon thousands of people claim Chapter 7—some without justification—prices for everyone else go up to compensate. Either that or businesses may risk going out of business. Someone is going to pay, and not just people who happen to be rich.

But some consumer groups are not supporting the House measure and instead pointing the finger at credit-card companies.

It's true that some issue their cards with too little checking, but it doesn't follow that it's OK to cheat those companies or that people who run up debts they cannot afford should not be held accountable.

There's nothing draconian about this House measure, and it would be a good idea for the Senate to pass something similar, although its bill is expected to be softer. We like the House bill because it aims to restore more personal responsibility in people's dealings with each other. That's an extremely crucial ingredient in any free and decent society.

IN TRIBUTE

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. EDWARDS. Mr. Speaker, at a time like this, it is difficult to find appropriate words that do justice to the people you are honoring. Officers Jacob J. Chestnut and John Gibson made the ultimate sacrifice to protect the People's House—the U.S. Capitol. A great American—President Abraham Lincoln—would see the great significance of their sacrifice and understand what J.J. Chestnut and John Gibson gave their lives to protect.

The rotunda where their bodies will lie in state is shielded by a great dome built during the dark days of the Civil War. President Lincoln knew in his heart that the Capitol is more than just a building, that the Capitol stands as a symbol of freedom and serves as the seat of democracy. President Lincoln believed this so strongly that he demanded the work being done to raise the dome proceed, despite the war and its drain on government resources. He knew that completing the Capitol dome would show America that the United States would stand despite the grueling war then being waged.

Soldiers fighting to preserve the United States and protect the Capitol camped on the same floor where officer's Chestnut and Gibson will lie in state today. President Lincoln's words uttered on a Gettysburg battlefield nearly 135 years ago are proper to honor these two protectors of freedom who fell in the line of duty.

> . . . We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.
>
> But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, and for the people, shall not perish from the earth.

In their lives and deaths, these two brave officers helped keep the dream alive, the dream shared by Abraham Lincoln and by Americans from coast to coast and from year to year, the dream to preserve a government of, by and for the people. Our prayers go out to the families of these brave men and our thanks for the sacrifice that was made to protect and preserve freedom.

TOWN OF THURMAN COMMEMORATES D&H RAILROAD CRASH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. SOLOMON. Mr. Speaker, each weekend I look forward to returning to my congressional district to take in the scenic landscape and peaceful small towns that comprise New York's Hudson Valley. Today I would like to recall an event that shook that peace, now over fifty years ago.

The morning of August 26, 1946 seemed no different than any other summer morning in the Hudson Valley. The southbound D&H Railroad passenger Extra moved steadily south along the bank of the Hudson River, carrying as its cargo of 318 children home to their families after their summer stays at camp in the Adirondack mountains. At the same time, the passenger Train No. 181 steamed north on its regularly scheduled run, on a collision course with the passenger Extra. Two miles south of The Glen, in the Town of Thurman, the two trains collided in a violent roar of screeching brakes and twisting, grating metal.

When rescue workers arrived to witness the horrible scene on the banks of the Hudson River, they found Engineer Frank Keeham dead, pinned at the throttle of the No. 181 Train. Twelve others were injured, many seriously. Thankfully and miraculously, all of the children survived.

Mr. Speaker, on August 23, 1998 the Town of Thurman, located in Warren County, New York, and the John Thurman Historical Society, will commemorate the fateful D&H railroad crash by placing a memorial plaque beside the railroad tracks at the site of the crash.

I invite all members to join me, with the Town of Thurman, New York in commemorating the D&H crash in the spirit of the Town's bicentennial motto, "looking forward to the future while cherishing the past."

THE JOHN THURMAN
HISTORICAL SOCIETY,
Athol, NY, June 20, 1998.

Hon. GERALD B. SOLOMON,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SOLOMON: It was a peaceful August morning in 1946, along the Adirondack branch of the D&H Railroad line. The Hudson River gurgled lazily in its bed beside the tracks, as if to guide the southbound D&H passenger special long its way. One can imagine that the 318 children aboard were laughing, singing camp songs and chattering excitedly about being reunited with their families after a summer's stay at an Adirondack camp. Unbeknownst to these children and their adult chaperones, northbound Train No. 181 was headed straight toward them, proceeding on its regularly scheduled run. As the second train rounded a curve two miles south of The Glen, in Thurman, the two trains came face to face. The screech of brakes, grating of steel on steel, hissing of steam and the roar of telescoping railroad cars devastated the mountain stillness. When rescue workers arrived on the scene, they found the engineer of the northbound train dead at the throttle of his engine, crushed by folded steel and scalded by steam. Twelve others were injured, many seriously. Miraculously, all of the children survived the crash.

On the eve of restoration of rail service along the former D&H line, the John Thurman Historical Society heeds the message of the town's bicentennial motto by "looking forward to the future while cherishing the past." We will place a memorial plaque (authorized by The Warren County Board of Supervisors, Resolution 358 of 1998) beside the railroad tracks at the site of the fateful crash. We invite you to attend a brief ceremony dedicating that plaque at two p.m., Sunday, August 23, 1998. Those wishing to attend may proceed directly to the site, off River Road, as shown on the attached map, or meet at the Thurman Town Hall on Athol Road in Athol between one and one-thirty p.m. to caravan to the ceremony with others who know the way.

Following the ceremony refreshments will be served at the Town Hall and commemorative postal cachets and cancellations will be available.

We would be honored to have you share the afternoon of August 23 with us. The pleasure of your reply is requested.

Sincerely yours,
ROBIN CROISSANT,
President, John Thurman Historical Society.

WARREN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 358 OF 1998

(Resolution introduced by Supervisors Belden, Montesi, O'Neill, O'Connor, Rehm, Bennett and Landry)

AUTHORIZING PLACEMENT OF MEMORIAL PLAQUE BY THE TOWN OF THURMAN ON COUNTY RAILROAD PROPERTY

Resolved, that the Warren County grants the Town of Thurman's request to place a memorial plaque on County railroad property stating: "At this site on August 26, 1946, "passenger Extra" collided with a northbound passenger Train No. 181. Engineer Frank Keeham died in the cab pinned at the throttle.", now, therefore, be it

Resolved, that the Director of the Parks & Recreation Department be, and he hereby is, authorized and directed to approve the Town of Thurman's site location for said memorial plaque, and be it further

Resolved, that the Town of Thurman shall maintain said plaque.

IN HONOR OF U.S. MERCHANT MARINE VETERANS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1998

Mr. DOYLE. Mr. Speaker, I rise today to give tribute to all those who served in the U.S. Merchant Marines during World War II and to draw greater attention to Maritime Day.

The 18th Congressional District of Pennsylvania, which I have the privilege to represent, has a long and proud tradition of military service to our nation, and contains one of the highest concentrations of veterans in America. In this region of western Pennsylvania, there once was also the greatest concentration of steel mills and coke ovens in the world. As these industries provided the tools and materials necessary to defeat our enemies during World War II, so did our communities send their sons and daughters to fight in our defense. While service to our country is commemorated throughout my district, the town of Elizabeth does a particularly outstanding job in recognizing the merits of military service. I am including with my statement an article that appeared in The Pittsburgh Post Gazette which details this year's service.

Elizabeth, Pennsylvania is typical of the river mill towns that populate the Mon Valley. The residents of Elizabeth hold their ethnic values close in face of the demands of our modern society. Perhaps it is this steadfast attention to, and respect for, the traditions and accomplishments of those who came before them that accounts for their ever expanding reverence of our nation's veterans. Every year on Memorial Day, people from near and far travel to Elizabeth for the Veterans' Parade. It is always a distinct honor to participate in these ceremonies which are coordinated by local Veterans' of Foreign Wars chapters.

A few years ago, Elizabeth began recognizing Maritime Day. The celebration occurs on May 22 and honors the contributions the men and women of the maritime industry made to our nation. In fact, the service held in Elizabeth, which is sponsored by the American Merchant Marine Veterans of World War II, is the only one to occur throughout Allegheny County. It is a great honor to have a member of the American Merchant Marine Veterans of World War II, Mark Gleason, sit on my Veterans' Advisory Committee.

Maritime Day is a holiday of great significance to the residents of my district for a number of reasons. During World War II, the Pittsburgh area was one of the most heavily recruited areas of the country by the Merchant Marines. Those who answered the call for service from eastern Ohio, northern West Virginia, and the Pittsburgh area all departed for training camp through the Pittsburgh recruiting center. From steel communities and rural regions alike, young men went to sea as crew members of merchant ships. Sadly to say, many of these young men never returned home. Between December of 1941 and December of 1946 over 830 ships were sunk killing 7,000 seamen and wounding 11,000 others. Without question, the actions of these sailors contributed to the outcome of World War II.

In a 1943 address to Congress, President Roosevelt reviewed the results of the war activities from the previous year. In this message President Roosevelt said:

> Any review of the year 1942 must emphasize the magnitude and diversity of the military activities which this nation has become engaged. As I speak to you, approximately one and a half million of our soldiers, sailors, marines, and fliers are in service outside our continental limits, all through the world. Our merchant seamen are carrying supplies to them and to our allies over every sea lane.

Clearly, President Roosevelt did not differentiate between the actions of the different branches of the service. He later went on to express that Merchant Marines should not be discriminated against when it came to benefits. Unfortunately, this equality never came to fruition.

For years, Merchant Seamen have been working to have their service properly recognized by the United States. As a cosponsor of H.R. 1126, the Merchant Marine Fairness Act, I am hopeful that this goal of equality will soon be reached. I am pleased to report there is significant bipartisan support for this bill. Currently, there are 307 members of Congress who have lent their support to this measure. Together, we will not allow the events of 50 years to be forgotten.

I want to share with you some words that were spoken at the Elizabeth Maritime Day services in 1995:

> Men from this area served in the Revolutionary War and helped a young country become a new nation.
>
> They served in France and added names to the Crosses where poppies now grow row upon row in Flanders Field.
>
> Our men served our country well in all the services in the war fifty years ago and gave us folk heroes such as Commando Kelly.
>
> But thousands of other men also heard the call of the sea and served their country in the Merchant Marines. Their service helped win the war and save the world.
>
> These valleys are more quiet and if we listen in the evening, we can sometimes hear the voices of those who went to sea and did not return.
>
> We answer their call to us when they say, "Tell us shipmates, who tolls the bell for us?"
>
> We do, here today in Elizabeth. We do.

Mr. Speaker, we handle many issues of great import within the halls of Congress and the recognition of, and equity for, the Merchant Marines of World War II should be one of them.

[From the Pittsburgh Post Gazette]

WW II'S UNSUNG HEROES

(By Dave Budinger)

When troop ships came home at the close of World War II, disgorging thousands of GI's onto docks and quays of America's seaports, they were met with fireboat whistles, cheering crowds, bands and victory parades.

When scruffy, lightly armed cargo ships of the U.S. Merchant Marine would steam into harbor at war's end, they were greeted by indifferent work tugs and nudged up against empty piers. No whistles, no cheers, no "Johnny Comes Marching Home" for their war-weary crews.

And it's sort of been that way ever since, say the almost-ancient mariners who today spice retirement by gathering at restaurants to swap war stories and take potshots at a government that still regards them as second-class.

Their thoughts are particularly poignant during Memorial Day week when flags fly and the country takes special note of its war heroes.

"Our destiny seems to be to let people know we weren't a bunch of draft dodgers," said Henry Huminski of Carrick, a retired ship's master and member of the 90-member McKeesport-based Mon Valley Chapter of the U.S. Merchant Marine Veterans.

Memorial Day observances honor the soldiers, sailors, Marines and airmen who gave their lives for their country. Homage has been slight, however, for the merchant mariners who died by the thousands in the South Pacific and on the infamous North Atlantic convoy routes that fed U.S. industrial might into the war against Germany.

After the war, GI veterans had the VFW and American Legion. They got the GI Bill, bonuses, insurance, help with housing, access to veterans hospitals and many other benefits. The 200,000 returning mariners got nothing—not even a free drink at the veterans clubs.

"We felt the deep division, compared to how the GIs were treated," Huminski said.

Left out of Memorial Day, the merchant sailors adopted little-known Maritime Day as their day of remembrance. Proclaimed by Congress in 1933, Maritime Day was set aside to commemorate the first transoceanic crossing by an American steam-powered vessel.

President Franklin Roosevelt, in one of his final proclamations, called upon the country to recognize the Merchant Marine war effort on Maritime Day, May 22, 1945. Since then, May 22 has become a traditional day to honor sailors from all the maritime services who were lost at sea.

As it has for several years, the Mon Valley Chapter organized a memorial service held Friday at Riverfront Park in Elizabeth.

It wasn't until 1988 that Congress granted veteran status and GI Bill rights to World War II mariners. "Too late for a lot of guys," Huminski huffed.

And even that measure fell short, the mariners say. Veteran status was applied to those who served in the Merchant Marine between Dec. 7, 1941, and Aug. 15, 1945. But veterans say civilian sailors were killed even in the waning weeks of the war, and want the cutoff point extended to Dec. 31, 1946.

Still, it was a step toward recognition as a bona fide arm of military service that the Merchant Marine seeks.

The reason for the Merchant Marine's unsettled status is that it was not quite military, but not entirely civilian. A merchant mariner in wartime was a hybrid. Although recruited by the U.S. War Shipping Administration and trained by the Coast Guard at government-funded installations, they sailed on privately owned ships under contract to the government, and were paid by the ships' owners.

They were in most respects civilians, except for the fact they bled and died just like the people who wore the uniforms.

Under attack, they would often struggle side-by-side with Naval Armed Guard crews that manned the light armament aboard most of the merchant vessels. Mariners passed ammunition and sometimes took over gunposts when a Navy man fell.

When the war ended in 1945, 733 American cargo ships had been sunk in the European and Pacific theaters. More than 6,000 civilian sailors perished, including 57 from Western Pennsylvania. Another 11,000 were wounded and 604 were prisoners of war.

Early in the war, German U-boats sank two of every 12 ships that left U.S. ports. One convoy on a run from New York to England was hit by a U-boat wolfpack off Greenland and lost 22 of its 63 ships. Only a fog that blew in saved the rest of the convoy.

Huminski, 79, who sailed all the North Atlantic convoy routes including the treacherous Murmansk Run to Russia, was one of the lucky ones.

"I was never torpedoed. A lot of my friends were, but none of my ships were hit," he said.

Early in the war, German U-boats were ravaging the East Coast, sinking large numbers of unprotected vessels within sight of land. When his ship would set out from New York, "there was oil everywhere. You could see the flares on the horizon from ships burning at night," Huminski said.

"In the first four months, we lost more shipping tonnage than we lost at Pearl Harbor."

The average seaman was unaware of the heavy losses at sea.

"Everything was censored; complete secrecy. We didn't know what was going on, that so many ships were being sunk."

Huminski, a Depression era product and oldest son of a German-Polish family of 13 brothers and sisters, was in most respects typical of Pittsburgh recruits who signed up with the Merchant Marine.

He wanted to flee a crowded Hill District home and a stultifying job at Mesta Machine. He tried the Army but was rejected because of a jaw problem. "They called it malocclusion. I had a bad bite. I don't think they paid much attention to that kind of thing later in the war."

The day after Pearl Harbor, he signed on with the Merchant Marine. He left home Christmas Eve bound for the U.S. Maritime Training Center at Sheepshead Bay, N.Y. Except for one trip to Lake Erie when he was a youngster, Huminski had never seen a body of water larger than the three rivers. But he was excited about sailoring.

"We were all so gung-ho back then. We were young. We didn't know what was ahead."

Unlike most of his Western Pennsylvania companions, Huminski stayed at sea after the war. He made the Merchant Marine a career, sailing 44 different ships, visiting 124 seaports and rising to ship's master, or captain, before retiring in 1981. The ships he crewed hauled "everything from ammo to horses and cows," and he served during the Korean and Vietnam wars. He estimates he spent 23½ years of his 40-year career on water.

More typical of Pittsburgh area Merchant Marine veterans is Henry Kazmierski of Clairton, who returned home after the war, married a local lass and raised a family while working at USSteel's Clairton Works. Retiring in 1981 after 42 years in the mill, he's a regular at the monthly luncheon gatherings of the Mon Valley Chapter at the Old Country Inn Buffet in the Southland Shopping Center.

Not as lucky as Huminski in the North Atlantic, he can describe vividly the day his ship was torpedoed and sunk in the Barents Sea off the coast of Norway on the Murmansk Run.

It was a bitterly cold January day in 1944 aboard one of the new Liberty ships, the SS Penelope Barker. Kazmierski was standing his watch in the wheelhouse about 8:15 p.m. One of the 20 ships in the convoy had already been sunk, and the convoy had been under air attack during the day. Penelope's crew of 46 was on edge. Still, there was no warning when two torpedoes slammed into the side of the ship.

"I heard something hit, and I grabbed the wheelpost to stay up. The ship heeled to starboard."

He struggled out of the wheelhouse to the port side. "There was a tangled mess of lifeboats. I knew that wasn't going to work. I went to starboard. The water was coming up fast. I jumped over the side."

He gauged his jump to land close to a lifeboat already in the water.

"I went under. The water was icy cold. . . . I knew I couldn't last long."

His lifejacket popped him up just yards from the boat, and his shipmates quickly hauled him in.

The Penelope sank in less than 10 minutes. Had it been carrying ammunition instead of general cargo, it would have blown apart with the torpedoes' impact. As it was, 10 men went down with the ship.

Despite the close call, he was eager to get back to sea after 30 days "survivor's leave" at home.

"I never really saw anybody afraid out there. You get used to it," said Kazmierski, 78 who survived 11 crossings on the Murmansk Run.

"We'd just tell [the new guys] to 'Stand on your tiptoes and wait for somebody to pick you up' if you got sunk. You had to have some humor out there."

DISTRICT OF COLUMBIA CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT AMENDMENTS

SPEECH OF

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. DAVIS of Virginia. Mr. Speaker, due to the time at which the House considered H.R. 4237 under unanimous consent procedures, the Committee on Government Reform and Oversight was unable to file the committee report on the bill. I am therefore entering the committee report as prepared into the RECORD at this time:

The Committee on Government Reform and Oversight, to whom was referred the bill (H.R. 4237) to amend the District of Columbia convention center and sports arena authorization act of 1995 to revise the revenues and activities covered under such act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

I. BACKGROUND AND NEED FOR THE LEGISLATION

A. BACKGROUND

As noted by the Committee in the 104th Congress, the current Convention Center was completed in 1982, at 9th and H Streets, N.W., and is widely considered too small to accommodate the largest and most financially attractive conventions. Over time, it is estimated that the situation will only become worse. The District of Columbia's existing Washington Convention Center is now only the 30th largest in the country and can accommodate 55% of national conventions and exhibition shows.

The inability of the Washington Convention Center to host so many events is unfortunate not only for the local economy, but also for the organizations and exhibitors who can no longer have the Nation's Capital on their regular schedule of meeting sites. In 1993, the Washington Convention Center generated $656 million in spending from its activities. In 1995, that spending dipped to approximately $558 million. The serious blow to the District's economy caused by the slowdown in activity at the Convention Center is obvious and needs to be reversed. A new, state-of-the-art Washington Convention Center of the appropriate size and technology to host 90% of the national level conventions and shows will generate up to $1.5 billion of spending in the District of Columbia. Obviously, such increased economic activity will generate considerable additional revenues that cannot otherwise be used by the District.

In order to gain these economic benefits, the City needed to find a way to finance a new convention facility. It was clear to everyone that the City's general fund could not afford to continue to pay the operating subsidy for the current convention center or the up-front costs for a new one. As part of an effort to address this problem, the City Council enacted the Washington Convention Center Authority Act of 1994 (DC Law 10-188). This act established a special convention center tax. It took effect on October 13, 1994. This tax was composed of a fixed percentage of several pre-existing taxes. The convention center tax is a dedicated tax which the City places in a "lock-box" escrow account. It can be used only to pay the operating subsidy for the current convention center and for expenses associated with the development and construction of a new facility. In the same Act, the City Council created the Washington Convention Center Authority (WCCA). The WCCA is a corporate body with a legal existence separate from the City government. Because of the independent status of the WCCA, its self supporting revenue stream, and legal accountability, its spending is not subject to an annual appropriation. Although it has the power to issue bonds, the debt thereby created is not general obligation debt. The WCCA is governed by a nine member Board of Directors. The District's Chief Financial Officer and the Director of Tourism are ex-officio, voting members of the board. The remaining seven members, one from the tourism industry and another from organized labor, are appointed by the Mayor with the advice and consent of the Council. The Directors are responsible for managing the current convention center; developing plans for a new convention center; managing the new facility; and appointing a general manager for the convention center. The Board is empowered to develop a personnel system for convention center employees.

On July 12, 1995, the Subcommittee on the District of Columbia held a hearing on H.R. 1862, the District of Columbia Convention Center Preconstruction Act of 1995. At the July 12, 1995 hearing the Subcommittee also reviewed legislation authorizing the City to finance and pay its part of the costs associated with the construction of a new sports arena. That facility, now known as the MCI Center at Gallery Place, opened on time and has been a spectacular success. Following the July 12, 1995 hearing, the legislation involving the sports arena and the legislation involving the Convention Center were combined into a new single piece of legislation, H.R. 2108 (P.L. 104-28), which authorized the WCCA to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia.

The linkage of the legislation for the MCI Center and the Convention Center was more than a matter of convenience. It reflected the Committee's belief that together they were two of the most important economic generators in the entire region. The legislation was strongly supported by the entire Washington Metropolitan regional congressional delegation. In 1995, a new convention center was still in its initial planning stages. It needed and received congressional authority to permit already collected taxes dedicated to this project to be used in order to proceed to the planning and development stage. In 1996, a newly-formed Washington Convention Center Authority began actively to investigate construction of a new facility.

The WCCA has worked over the past four years to develop a project that will meet the economic development needs of the District of Columbia, the requirements of the community and the needs of the hospitality industry.

The regulatory process for approval of the new convention center has been key to the development of the project. WCCA has proceeded in accord with the statutory requirements for Federal and public involvement, notification of activities via the Federal Register and community newspapers, and in coordination with Federal and local agencies. In addition, over an eighteen month period, WCCA conducted over 100 public hearings with DC Advisory Neighborhood Commissions, community leaders, organizations and churches to discuss the progress and to provide the community an opportunity to express their views. The National Capital Planning Commission (NCPC) conducted six public hearings and the DC City Council conducted five public hearings. This process involved participation from the NCPC, the State Historic Preservation Office, Commission on Fine Arts, the National Environmental Protection Agency, the Historic Preservation Review Board, the Redevelopment Land Agency, and the Washington Metropolitan Area Transit Authority. This process included the design, location, physical program, neighborhood mitigation, environmental, historical, and transportation issues. The 'Environmental Impact Statement process alone, was approximately an eighteen month activity which involved written public comments, public hearings and meetings, reviewing agency in-put and comments that resulted in a final document with mitigation measures for the environmental impacts from the construction of the new convention center.

The development of the new convention center process was initiated by the private sector in partnership with the District of Columbia. The private sector financed the original feasibility study, assisted in the drafting of the financing legislation, and requested that taxes be imposed upon hotels and restaurants which provided the financing framework of the plan.

B. NEED FOR LEGISLATION

The Committee has followed efforts to build a new Convention Center in downtown Washington with great interest. At this time additional congressional approval is necessary before construction on the new facility may begin. H.R. 2108 (P.L. 104-28) expressly did not authorize the financing or the construction of a new convention center. In order for the City to proceed beyond the planning and design phase, explicit, affirmative congressional action is necessary.

The Federal role in this project is very narrow. Here, Congressional action is necessary for the convention center project to move beyond the pre-construction stage. This legislation, H.R. 4237, authorizes the WCCA to begin financing (the issuance of bonds up to $650 million) and construction of a new Washington Convention Center and waives the 30-day waiting period for DC Council Act 12-402 to go into effect.

II. LEGISLATION AND COMMITTEE ACTIONS

On July 16, 1998, Delegate Norton introduced H.R. 4237. H.R. 4237 was cosponsored by Chairman Thomas M. Davis, Mrs. Morella, Mr. Moran of Virginia, and Mr. Wynn. It was referred to the Committee on Government Reform and Oversight.

The Subcommittee on the District of Columbia held a hearing on July 15, 1998. The bill was polled by the Subcommittee on the District of Columbia and marked-up by the Committee on Government Reform and Oversight on July 23, 1998. There were no amendments offered. The bill was favorably reported to the House by a unanimous vote.

III. COMMITTEE HEARINGS AND WRITTEN TESTIMONY

On Wednesday, July 15, 1998, the Subcommittee on the District of Columbia, of the Committee on Government Reform and Oversight, met pursuant to notice. The purpose of the hearing was to review the financing package for a new Washington Convention Center.

Chairman Thomas M. Davis of Virginia stated at the opening of the hearing that a new convention center was important for the economic and cultural well being not only of our Nation's Capital but for the entire Washington metropolitan region. He emphasized the cooperative nature of the project and the close and continued oversight by the DC Financial Control Board of the project. He called specific attention to the narrow scope of the Congressional role in the development of a new Washington Convention Center. Ranking Member Norton, who introduced the legislation, stressed the importance of her legislation to the City's economic recovery and future vitality. Subcommittee Vice-Chair Morella and Representative Moran of Virginia also stressed their support for the economic and cultural benefits of the project for the entire metropolitan region.

The first panel consisted of witnesses from the Government of the District of Columbia and the Washington Convention Center Authority. Each witness expressed strong support for the project. Mayor Marion Barry focused on the economic benefits of the project for residents. Financial Control Board Chairman Andrew Brimmer stressed that the Authority had thoroughly reviewed and then unanimously approved the new Washington Convention Center project. He stated that the Authority was confident that the project would stay within budget and that the financing package was fiscally sound and in the best interests of the City. He also stated that in granting its approval, the Authority gave serious consideration to concerns expressed by various groups, including the Committee of 100, a community land use planning organization. Dr. Brimmer also emphasized that the project is one of the most important such projects ever to be undertaken by the government of the District of Columbia and that the Authority would continue its oversight role as the project developed. City Council Chair Linda Cropp and Council member Charlene Drew Jarvis testified in support of the importance of the project to the future of the City and as to the role the Council played in the enactment of DC Act 12-402. President and CEO of Host Marriott Corporation and WCCA Chairman Terence Golden testified as to the need for a new facility and to the fact that the project has been designed to meet the needs of WCCA's target market, which consists of professional associations, corporate conventions, and international meetings. He reviewed the complex approval process that the project has cleared and the significance of the total economic output of the facility. He stated that by the fifth year of operation, the region as a whole is expected to realize as much as $1.4 billion in total output from a new Washington Convention Center and 17,589 full and part time jobs. Mr. Golden emphasized that the construction management contract has been structured in such a way as to encourage cost savings and that any construction cost overruns would be borne by the Construction Manager. He testified that the total cost for the entire project is $650 million, inclusive of the guaranteed maximum price (GMP). The WCCA budget also anticipates that improvements to the Mount Vernon Metro Station ($25 million) and some off-site utility relocation costs ($10 million) above the $650 million will be funded through Congressional appropriations or Federal grants.

The second panel was comprised of Gloria L. Jarmon, Director, Health, Education, and Human Services Accounting and Financial Management Issues of the General Accounting Office; and Rick Hendricks, Director, Property Development Division, Public Buildings Service, National Capital Region of the General Services Administration. Ms. Jarmon testified that GAO had identified approximately $58 million is related expenses above the WCCA total project budget of $650 million. She testified that this amount above the $650 million included costs that WCCA has allocated to industry vendor contracts ($17 million) and Federal appropriations or grants for metro and infrastructure improvements ($35 million). Ms. Jarmon stated that GAO's audit determined that WCCA's financing stream is a conservative plan relative to estimates provided by management consultants and the District, and to GAO's evaluation of trends in tax collections and the national and local economic outlook. Mr. Hendricks testified that GSA assisted in the development of WCCA's contracting methodology and that GSA finds the proposed project contract to be appropriate. He stated that the contract appears to have a high probability of being completed within budget and on schedule and that it establishes a reasonable allocation of risks. Mr. Hendricks also stated that the GAO identified costs above WCCA's $650 million budget were handled in an acceptable manner in accord with convention/exhibition industry practice.

IV. EXPLANATION OF THE BILL

A. OVERVIEW

To amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such Act, and for other purposes.

B. SECTION BY SECTION ANALYSIS

Section 1. Revenues and Activities Covered Under District of Columbia Convention Center and Sports Arena Act of 1995

Subsection (a) waives restrictions on the Washington Convention Center Authority with respect to the expenditure or obligation of any revenues for the financing of the new Washington Convention Center.

Subsection (b) sets forth the rule of construction regarding revenue bond requirements under the District of Columbia Home Rule Act.

Section 2. Waiver of Congressional Review of Washington Convention Center Authority Financing Amendment Act of 1998

This section waives the 30-day waiting period required for City Council Acts to take effect.

V. COMPLIANCE WITH RULE XI

Pursuant to rule XI, 2(l)(3)(A), of the Rules of the House of Representatives, under the authority of rule X, clause 2(b)(1) and clause 3(f), the results and findings from those oversight activities follow.

A. RECOMMENDATIONS

1. New convention center

The Committee notes that the Federal role in this project is narrow. In 1995, the Congress and the President enacted legislation which enabled the District of Columbia and the Washington Convention Center Authority (WCCA) to go forward with its part of the costs associated with the development of both the MCI Center at Gallery Place and to begin consideration and pre-construction activities for a new convention center. The MCI Center has proven to be a spectacular success, and the Committee is proud of the role it played in making that project possible.

The Committee commends the hard work done by the WCCA, City Council, Control Board, the National Capital Planning Commission (NCPC), and community leaders to move the project one step closer to completion. Under ideal circumstances planning and construction of a convention center marks an important, new phase in the life of a metropolitan region. Three years ago, when the Committee started down this road, it was not the best of times for the Nation's Capital. Today, things are different. Not only have we made substantial progress in restoring economic stability and prosperity to the City, the Committee is convinced that projects such as the MCI Center itself has been a positive element in the City's continuing recovery. The MCI Center is a dynamic attraction in the center of the City. The Committee believes that a new Convention Center will only enhance the economic and cultural renaissance of downtown Washington.

The Committee expects the continued oversight of the WCCA project by the Control Board and GAO to ensure that financed project costs do not exceed $650 million.

B. FINDINGS

The Committee recognizes the new convention center as being absolutely essential to the revitalization of the District's economy. After years of planning and preliminary review, local officials have decided to proceed with construction of a bigger and better convention center north of Mount Vernon Square.

The work of the General Accounting Office and the General Services Administration has been invaluable to the work of the Subcommittee on the District of Columbia. Without the many long hours of hard work the GAO audit team invested in its investigation of these projects and without the guidance and review provided by the GSA project team, Congress would not have the confidence to permit the City to move forward with this project. The Committee commends all parts of the District government on having worked together so constructively. The Financial responsibility and Management Assistance Authority is empowered to approve or disapprove all City borrowing. They must sign off on the financial package, and after reviewing information from both proponents and opponents of the project they have unanimously approved the project. The Control Board has in effect reported to congress that all aspects of the project, including borrowing and costs, are compatible with the best interests of the City. This judgment has great credibility with the Committee.

VI. BUDGET ANALYSIS AND PROJECTIONS

This Act provides for no new authorization or budget authority or tax expenditures. Consequently, the provisions of section 308(a)(1) of the Congressional Budget Act are not applicable.

VII. COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

U.S. CONGRESS
CONGRESSIONAL BUDGET OFFICE
Washington, DC, July 30, 1998.

Hon. DAN BURTON,
Chairman, Committee on Government Reform and Oversight,
U.S. House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4237, a bill to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such act, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter, who can be reached at 226-2860.

Sincerely,
JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—H.R. 4237

H.R. 4237 would authorize the Washington Convention Center Authority to issue revenue bonds to finance the cost of constructing a new convention center in the District of Columbia. The Joint Committee on Taxation estimates that the bill would not effect governmental receipts. In addition, CBO estimates that the bill would have no impact on federal spending. Thus, pay-as-you-go procedures would not apply to the bill. H.R. 4237 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact is John R. Righter, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

VIII. SPECIFIC CONSTITUTIONAL AUTHORITY FOR THIS LEGISLATION

Clauses 1 and 18 of Article 1, Section 8 of the Constitution grant Congress the power to enact this law.

IX. COMMITTEE RECOMMENDATIONS

On July 23, 1998, a quorum being present, the Committee on Government Reform and Oversight adopted and ordered the bill favorably reported by voice vote.

X. CONGRESSIONAL ACCOUNTABILITY ACT; PUBLIC LAW 104-1; SECTION 102(b)(3)

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (PL 104-4).

XI. UNFUNDED MANDATES REFORM ACT; PUBLIC LAW 104-4, SECTION 423

The Committee finds that the legislation does not impose any Federal mandates within the meaning of section 423 of the Unfunded Mandates Reform Act (PL 104-4).

XII. FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.) SECTION 5(b)

The Committee finds that the legislation does not establish or authorize establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

XIII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

DISTRICT OF COLUMBIA CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT OF 1995

* * * * *

TITLE I—CONVENTION CENTER

SEC. 101. PERMITTING WASHINGTON CONVENTION CENTER AUTHORITY TO EXPEND REVENUES FOR CONVENTION CENTER ACTIVITIES.

[(a) PERMITTING EXPENDITURE WITHOUT APPROPRIATION.—The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-304, D.C. Code) shall not apply with respect to any revenues of the District of Columbia which are attributable to the enactment of title III of the Washington Convention Center Authority Act of 1994 (D.C. Law 10-188) and which are obligated or expended for the activities described in subsection (b).

[(b) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

[(1) the operation and maintenance of the existing Washington Convention Center; and

[(2) preconstruction activities with respect to a new convention center in the District of Columbia, including land acquisition and the conducting of environmental impact studies, architecture and design studies, surveys, and site acquisition.]

/The fourth sentence of section 446 of the District of Columbia Home Rule Act (DC Code, sec. 47-304) shall not apply with respect to the expenditure or obligation of any revenues of the Washington Convention Center Authority for any purpose authorized under the Washington Convention Center Authority Act of 1994 (D.C. Law 10-188).

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UNITED STATES NAVAL NUCLEAR PROPULSION PROGRAM CELEBRATES 50 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, August 3, 1998

Mr. SOLOMON. Mr. Speaker, I would like to recognize a significant milestone this August—the 50th anniversary of the establishment of the United States Naval Nuclear Propulsion Program. Since its inception, this program has steadfastly demonstrated the advantages to our Nation inherent in the safe, responsible application of nuclear energy. This program's accomplishments have left an indelible imprint on our Nation's military, geopolitical, and industrial landscapes.

Development of nuclear propulsion plant for military application was the work of a team of Navy, government, and civilian personnel led by Admiral Hyman G. Rickover. Starting completely from scratch in 1948, then-Captain Rickover obtained Congressional support to develop an industrial base in new technology, pioneer new materials, design, build, and operate a prototype reactor, establish a training program, and deliver to our Nation a nuclear-powered submarine, heralding the first true submersible. Within eight years, the U.S.S. *Nautilus,* broadcast her historic message "Underway on nuclear power." From that moment, our maritime military capability was dramatically revolutionized.

The use of nuclear power in our submarines and surface ships played a fundamental role in shaping our Cold War military posture. Starting with the "Forty-one for Freedom", our nuclear-powered ballistic missile submarines, with their virtual undetectability, became recognized as the most invulnerable component of the strategic triad. The *Nautilus,* in becoming the first ship to reach the North Pole, demonstrated the unlimited endurance of our nuclear-powered attack submarines and their ability to traverse the seas virtually anywhere on the planet. When the U.S.S. *Enterprise* became the first nuclear-powered aircraft carrier, our Navy made further strides in being able to rapidly project power to forward positions around the globe with minimal logistic constraints.

While these developments were vital in demonstrating to the world community the United States' resolve to protect democracy from the advances of communism, the mission of the Naval Nuclear Propulsion Program remains equally crucial in today's post Cold War era. In light of growing global uncertainty and greatly reduced number of overseas U.S. bases, the need to be able to rapidly project force is more prevalent today than ever. The demands on our Navy/Marine Corps teams are sizable as we confront this reality, but the Naval Nuclear Propulsion Program remains at the forefront of developing innovative technologies capable of surpassing any advances made by potential adversaries. Introduction of the *Seawolf*-Class submarine and the future New Attack Submarine ensures the Naval capability developed over the last fifty years will continue to prevail for decades to come.

At the same time, there is more to this fine program than what we observe in today's Navy. The Program developed the first full-scale atomic power plant designed solely for the production of electricity—an effort which became a prototype for the majority of today's commercial nuclear power stations. The Program developed a nuclear-powered, deep-submergence research and ocean engineering vehicle which not only has provided the Navy a valuable asset, but has been of benefit to other government agencies as well as research and educational institutions. Thousands of individuals have participated in this successful program, and the training and skills these people have acquired have made invaluable contributions to our Nation's industrial base.

Fifty years is a long time for any organization to flourish, let alone a government entity, but while the Naval Nuclear Propulsion Program has grown in size over the years, its basic organization, responsibilities, standards, and technical discipline have remained unchanged. As a result of this consistency in approach toward safeguarding an unforgiving technology, the Program has achieved a safety and performance record internationally recognized as second to none. After over 113 million miles steamed on nuclear power, there has never been a reactor accident nor has there been any release of radioactivity resulting in significant environmental impact. The fact that our nuclear-powered warships operate internationally, visiting numerous foreign countries and territories is testament to the confidence bestowed on the Naval Nuclear Propulsion Program not only by our Nation, but by nations worldwide.

Mr. Speaker, I am proud to note the accomplishments of the Naval Nuclear Propulsion Program over the past 50 years, and take particular pride in knowing the citizens of New York's 22nd District have played a tremendous role in the Program's success. At a time when we are reevaluating the role of government in our society, and are focusing our efforts on streamlining federal organizations, we must proudly recognize an organization that has stood the test of time without compromising quality or losing its sense of mission. I urge my colleagues to ensure these virtues are preserved through continued support for the unique structure and operating philosophy that has shaped this program's unwavering standard of excellence.

We extend our deepest gratitude to the dedicated men and women of the Naval Nuclear Propulsion Program who have forged its impeccable track record over the past fifty years, and wish the Program continuing success long into the future.

PERSONAL EXPLANATION

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. ENSIGN. Mr. Speaker, on Friday, July 31, 1998, I was unavoidably detained in traffic and missed rollcall vote No. 367.

FRESNO CITY COUNCIL'S UNANIMOUS SUPPORT FOR PROTECTING THE UNITED STATES FLAG

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to report that on June 23, 1998, the Fresno City Council unanimously passed a resolution in support of H.J. Resolution 54 prohibiting the desecration of the United States flag.

The Fresno City Council represents over half a million residents of the City of Fresno. The Council took this action because of their firm support of the symbolic nature of our flag. our flag is more than cotton or nylon, it represents our nation's spirit of freedom and independence, and therefore merits the proper reverence of all those who have the privilege to live in this great nation.

We live in the most diverse nation in the world, and the City of Fresno is a microcosm of that diversity with people of every language, culture and religion living in its borders. Yet despite that diversity, the City of Fresno and all its citizens unanimously support and stand behind protecting our flag. For our flag reminds us of our shared history and freedom, both of which transcend our divesity.

Therefore, Mr. Speaker, I wish to recognize the Fresno City Council's unanimous support of H.J. Resolution 54. I ask my colleagues to join me in thanking them for their support and reminding us of the vast and diverse support for protecting our great flag.

TRIBUTE TO KENNETH A. WALSH

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. COX of California. Mr. Speaker, when he talked about Medal of Honor recipients like Kenneth A. Walsh, President Reagan asked "Where did we find such men?" He answered: "We found them where we always did—in our villages and towns, on our city streets, in our shops and on our farms." We found Kenneth A. Walsh in Brooklyn, and, more recently, I am proud to say, in Orange County, California. His presence alone—for he never boasted, or bragged, or even talked much about his service—reminded us of the cost of freedom, and the bravery inspired by the American ideal. The nation lost another hero last week. I submit to the RECORD an article from Friday's Orange County Register, so that we will always remember him:

[From the Orange County Register, July 31, 1998]

ONE ENEMY HE COULD NOT DEFEAT

(Military: Kenneth A. Walsh, a Medal of Honor recipient, dies at 81)

(By Tom Berg)

SANTA ANA—His bags were packed by the front door when he died. His ride to the airport was idling outside. Another air show and another honor were awaiting Kenneth A. Walsh, American hero.

He died Thursday doing what he'd done for decades—promoting patriotism as a recipient of the Medal of Honor.

Here was a Marine who shot down 21 Japanese planes in World War II. A pilot who crashed or was shot down five times. A man who earned the highest military distinction given in this nation.

His death, at age 81, leaves just two other living Medal of Honor recipients in Orange County.

"He was a natural-born fighter pilot, with guts you wouldn't believe," recalled historian, friend and veteran George Grupe, 76, of Newport Beach. "To fly in when he's outnumbered 50 to one . . . he was a real tiger."

A pilot must shoot down five enemy planes before he is called an ace. Walsh had earned that title twice—downing 10 Japanese planes—before fate would usher him into the thick of two firefights in 1943 that would result in his meeting the president of the United States.

On August 15, Walsh led a squadron of five Corsairs into 30 Japanese Val bombers and Zero fighters massing to attack U.S. troops. Walsh shot down two Vals and a Zero before 20mm cannon fire blew holes in the wing and fuel tank of his Corsair. He landed, but his plane never flew again.

Two weeks later, he spotted 50 Japanese planes while he was flying alone, away from his squadron. He dived into the fray against incredible odds and shot down two Zeros before rejoining his squadron. He then shot down two more Zeros before his Corsair took enemy fire and crashed.

"Everyone knew about Ken Walsh," said Medal of Honor recipient William Barber 78, of Irvine. "He was one of those few Marines who gained the day in competition with the Japanese air forces in the Solomon Islands in 1943."

After the war, Walsh and his wife, Beulah, walked timidly into the Oval Office, where Franklin Roosevelt handed him the Medal of Honor for gallantry above and beyond the call of duty.

Walsh uttered few words.

"Scared, young man?" FDR asked.

"Yessir!"

"Lieutenant Walsh, will you shake my hand?" Roosevelt asked.

"Yessir!" Walsh said again.

Quite a moment for a young man from Brooklyn who joined the Marines as a skinny teen-ager. He retired as a lieutenant colonel and settled in Santa Ana in 1962.

The Medal of Honor has hung on the chests of only 3,412 soldiers since the days of the Civil War. Only 163 survive today—11 in California and two in Orange County: Barber and Walter Ehlers, 76, of Buena Park.

All three men appeared often at patriotic events. They were among eight Medal of Honor recipients from Orange County who were honored with monuments last Memorial Day at the War Memorial Plaza in Santa Ana's Civic Center.

"He was very proud of that," said Sid Goldstein, 78, of Westminster, past national Commander of the Legion of Valor. "He took pictures. He wanted to make sure all his family back in Brooklyn got a picture of that concrete. He used to say, 'Here I was a poor Irish kid from Brooklyn when I got the Medal of Honor. I never could foresee being so honored and respected in society.' "

For all his bravery, Walsh rarely talked abut his heroics.

"He was always asked by different people about what he did, and he would tell them," said Beulah, his wife of 57 years, "but he never talked to me much about it."

Walsh, who died of a possible heart attack, was on his way to Oshkosh, Wis., for an air show where he was to be among four Medal of Honor recipients honored (one for each branch of service).

"All I can say is he'll be buried in Arlington National Cemetery, I hope," Beulah Walsh said. "That was his wish."

Besides his wife, Walsh is survived by a son, Thomas. Funeral arrangements are pending.

IN HONOR OF THE SPONSORS OF PROJECT CHILDREN 1998

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a special group of people, the sponsors of Project Children '98 who have distinguished themselves with selfless dedication to the promotion and ultimate accomplishment of peace in Northern Ireland. Project Children is an organization that provides young people from the north of Ireland a respite from the violence which for too long has been a part of their lives. Through their generosity of spirit, the children's sponsors serve as a vivid illustration of the best we, as Americans, have to offer: respect for individual freedom.

This year, the 52 families from my home state that have been kindhearted enough to open their lives to these young people include George and Victoria Amaratis, Rodney and Linda Bialko, Matthew and Mary Beth Bigley, Garry and Janet Baker, Gary and LInda Bardzell, Charles and June Bray, Edward and Carol Blakeslee, Kevin and Patricia Comer, Robert and Barbara Comito, James and Aljean Brennan, Philip and Kathleen DiCicco, Donald and Irene Diverio, Robert and Brianna Donohue, Al and Ellen Dorso, Peter and Robin DuHaine, Thomas and Cynthia Evison, Sr., Rick and Arlene Faustini, Ken and Arleen Ferguson, Robert and Elizabeth Gamble, Margaret Gilsenan, Michael and Pat Goodwin, Brian and Elizabeth Burdzy, Diane Capizzi, George and Margaret Hughes, Steven and Annette Carbone, Nicholas and Patricia Kaminskj, Keith and Karen Kirby, Jeffrey and Carol Carlisle, John and Linda Camey, John and Louise McGlinchey, Raymond and Donna Flannery, Robert and Dyan Moore, Thomas and Michele Flynn, Anson and Patricia Grover, David and Cathleen Quinn, Raymond and Isabell Kayal, Kevin and Linda Kearney, James and Mary Ellen Ruitenbeg, Andrew and Lynne Klosowki, Gilbert and Sharon Mai, Robert and Linda McGee, Stephen and Catherine Simpson, Michael and Laura Sims, Cheryl Stone, Douglas and Susanna Stroud, Dan and Debbie McGovern, Robert and Denise Thompson, Jr., Elliot and Jean Scheps, Hoby and Joyce Stager, Keith and Barbara Stiehler, Kenneth and Makala Zollo/McQuiston, and Joseph and Barbara Wells.

The 57 Children we are privileged to have visit New Jersey are Darren Stirling, Michelle Donnelly, James Scullion, Gerald O'Reilly, Lesley Black, Steven Orr, Oriaith McKenna, Ryan Corbett, Kevin Nellins, Michaela Doyle, Charlene McWilliams, Lindsey Todd, Louise McVeigh, Natalie Porter, Claire McKinley, Joseph Doak, Ryan Groves, Tanya Hughes, David Butler, Leonna O'Neill, Shauna O'Toole, James Addley, Seamus Nellins, Michael Duffy, Sean McKee, Karin Larkin, Daniel Lynch, Louise McConville, Leeanne Cahill, Hugh McKibbin, Robert Watson, Seamus McDermott Gemma Johnston, Jason Curran, Joanne Kerrigan, Emma Campbell, Mark Kennedy, Danielle Gorman, Richard Cunningham, Luke McKibben, Christopher McCrory, Gillian Millen, Lisa McCloskey, Michael Rankin Hannah Ganley, Jennifer Dixon, Nicola McCabe, and Kenneth Murphy.

I would also like to pay special tribute to John and Joan Hughes, Area Coordinators, Liam Neeson of O'Donoghues on First for hosting our annual luncheon, and Committee Members Carolyn Malizia, Patti Morreale, Mary Ann McAdams, Joseph Masterson, Edward Phillips, and Dennis Collins.

It is an honor to applaud the outstanding benevolence of the Project Children '98 sponsors. Their efforts to further the cause of peace have served as a beacon of hope for the countless others throughout Northern Ireland and the world. These compassionate individuals are truly local ambassadors of peace.

PERSONAL EXPLANATION

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. SALMON. Mr. Speaker, I was unavoidably detained during consideration of several amendments to the Bipartisan Campaign Integrity Act (H.R. 2183). If I had been present, I would have voted:

Yes on rollcall vote 367, an amendment by Mr. BARR to prohibit the use of bilingual ballots.

Yes on rollcall vote 368, an amendment by Mr. MCINTOSH to prohibit congressional communications regarding legislative positions of members from being interpreted as "coordination with a candidate."

No on rollcall vote 369, an amendment by Mr. HORN to allow the principle campaign committee for a House or Senate candidate to send campaign mailings at the reduced postal rate now provided to party committees with a limit of two mailings per household in the candidate's district or state.

Yes on rollcall vote 370, an amendment by Mr. SHAW to prohibit candidates for the House of Representatives from raising more than 50 percent of campaign funds out of the state in which the candidate is running.

Yes on rollcall vote 371, an amendment by Ms. KAPTUR to prohibit contributions by multicandidate political committees or separate funds sponsored by foreign-controlled corporations and associations.

Yes on rollcall vote 372, an amendment by Mr. STEARNS to prohibit presidential candidates who receive federal funding from soliciting soft money.

Yes on rollcall vote 373, an amendment by Mr. STEARNS to permit permanent residents who served in the Armed Forces to make contributions to political campaigns and committees.

ROMANI HOLOCAUST REMEMBERED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. SMITH of New Jersey. Mr. Speaker, I stand today to commemorate the tragic events of fifty-four years ago when, on the night of August 2nd and 3rd, the Romani camp at Auschwitz-Birkenau was liquidated. In that single evening, 2,897 Romani men, woman and children were killed in gas chambers.

Although the Roma were among those targeted for complete annihilation by the Nazis, relatively little is known of their horrible suffering before and during World War II. In fact, institutionalized discrimination against Roma in Germany began well before the Nazi regime. During the 1920's and 1930's, these practices took on an increasingly virulent form and policies similar to those instituted against Germany's Jews were also implemented against Roma: race-based denial of the right to vote, selection for forced sterilization, loss of citizenship, incarceration in work or concentration camps, and, ultimately, deportation to and mass murder at death camps.

During the war itself, at least 23,000 Roma were brought to Auschwitz and almost all of them perished in the gas chambers or from starvation, exhaustion, or disease. Some also died at the hands of sadistic SS doctors, like Joseph Mengele. Elsewhere in German-occupied territory, Roma were killed by special SS squads or even regular army units or police, often simply shot at the village's edge and dumped into mass graves. Although it has been very difficult to estimate both the size of the pre-war European Romani population and war-time losses, some scholars put the size of the Romani population in Germany and German-occupied territories at 942,000 and the number of Roma killed during the Holocaust at half a million.

Unfortunately, after World War II, the post-Nazi German Government strongly resisted redressing past wrongs committed against Roma, seeking to limit its accountability. In addition, Roma have been discriminated against in court proceedings and their testimony has often been viewed as, a priori, unreliable. The first German trial decision to recognize that Roma were the victims of genocide during the Third Reich was not held until 1991, and Roma faced discrimination in seeking to re-establish German citizenship after the war. Moreover, since the war Roma have continued to face discrimination throughout the European continent and, in the post-Communist period, their plight was worsened.

In light of this deteriorating situation, I chaired a hearing, convened by the Helsinki Commission, on Romani human rights on July 21. I asked one of our witnesses, Dr. David Crowe, why so little is known about the Romani experience during the Holocaust. In answering, he noted several things. First, he said the U.S. Holocaust Memorial Museum has devoted some attention to this issue. He said that the lack of attention to this issue reflects the ingrained prejudice throughout the Western world toward the Roma, and he said Roma scholarship on this subject is just beginning.

But how much attention can Roma themselves give to writing about yesterday's tragedies, when every day continues to be a struggle for survival? One writer has described the efforts of Emilian Nicholae, a Rom who painstakingly compiled the oral history of Roma Holocaust survivors in his Romanian village—only to have those handwritten testimonies destroyed during an anti-Roma pogrom in Romania in 1991. Not surprisingly, Dr. Ian Hancock, a Romani representative who also presented expert testimony before the Commission, asserted, "What do Roma want? The top of the list is security." Fifty years after the end of World War II, it is long overdue.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2183) to amend the Federal Election campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mr. PELOSI. Mr. Chairman, the English Amendment is an unfair assault on the ability of average Americans to participate in the political process, especially women who cannot afford for the current system of big money politics to go on.

The English Amendment would ban bundling which allows average Americans with limited resources to pool their contributions and support candidates through one organization. EMILY's List is a perfect example of an organization which accepts donations in support of woman candidates and bundles them for greater effect.

In 1996, the average donation to candidates supported by EMILY's List was $95, and through these small donations $6.5 million dollars was raised. Most of the money raised by EMILY's List came from women. The English Amendment would limit the impact women have on the electoral process as contributors and as candidates.

EMILY's List has helped to elect six women to the Senate, 44 to the House of Representatives, and three women governors.

According to a recently released study of the Joyce Foundation of Chicago, 81% of all individual congressional campaign donors who gave $200 or more to one or more congressional candidates in the 1996 elections were men. Women contribute, but they contribute in smaller numbers and in smaller amounts.

We must also identify the English Amendment for what it really is: A Poison Pill, an attempt on the part of the Republican leadership to undermine bipartisan support for campaign finance reform in the form of the Meehan-Shays bill.

LEGISLATION TO CONTINUE OPERATING ASSISTANCE FOR SMALL TRANSIT OPERATORS IN LARGE URBANIZED AREAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. FROST. Mr. Speaker, today I am introducing legislation that will address a serious problem facing certain small transit operators in large urbanized areas. My bill will allow for the continuation of operating assistance for small transit operators in large urbanized areas.

With the passage of the Transportation Equity Act for the 21st Century (TEA-21), a number of new programs will be implemented which will benefit and enhance mobility across the country and in the Dallas/Fort Worth area. However, due to the elimination of transit operating assistance to cities in large urbanized areas, funding for certain small transit operators will also be cut. The elimination of this funding will cause extreme hardship for those operators, particularly those that provide transportation exclusively to the elderly and disabled.

My bill will direct the Secretary of Transportation to allow small transit operators that have fewer than 20 revenue service vehicles located in a large urbanized area to continue to use funds for operating costs, if the Secretary finds that providing no assistance to the small transit operator for such operating cost have caused, or will cause, the small transit operator to suffer undue hardship.

Small transit operators are usually more reliant on Federal operating assistance than larger operators since they do not have dedicated sales tax to help fund their systems. Federal operating assistance has been eliminated, from the fiscal year 1995 level of $710,000,000 to $0 in fiscal year 1999. The elimination of operating assistance over the 4-year period provided little time for many small transit operators in large urbanized areas to adjust, and without the resources to make up this gap, these small transit operators might have to cut service and raise fares.

In fact, two cities in my congressional district, Arlington and Grand Prairie, may be forced to cut back their Handitran transit service to the elderly and disabled by 50 percent. The loss of federal funds comes at a time when the North Texas Council of Governments is recommending that the City of Arlington substantially expand Handitran in response to a growing need for the service. According to Arlington officials, 64% of the riders of Handitran are disabled, 23% are elderly and 14% are both elderly and disabled. Without these funds, cutbacks in services to those most in need may prove to be a reality.

I urge my fellow colleagues to examine this legislation and support this important bill.

PERSONAL EXPLANATION

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mrs. CHENOWETH. Mr. Speaker, on rollcall vote No. 372, it was my intention to vote "no." However, I was recorded as voting "yes."

INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. BLILEY. Mr. Speaker, last week I was pleased to introduce, together with Mr. OXLEY, Chairman of the Commerce Subcommittee on Finance and Hazardous Materials, the International Anti-Bribery and Fair Competition Act of 1998. This legislation contains the changes to our laws necessary to implement the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

I believe that this Convention will help fight bribery overseas and level the playing field for American companies. I congratulate the Administration, and Secretary Daley in particular, for their role in negotiating this important agreement.

Our nation already has one of the strongest anti-bribery laws in the world. It is my hope that by introducing this legislation we will be taking an important step forward in creating a fairer and more transparent international business environment. American business and workers, the most competitive and productive in the world, will be the biggest beneficiaries of fair and open competition.

I look at introduction of this bill as the first step in a process and welcome and encourage the input of those who have suggestions on how we can work together to improve and enhance this legislation. I look forward to working with my colleagues on the Commerce Committee, with other Members of the House, with the Administration, with business and public interest groups and with other interested parties in developing the best possible legislation and moving the process forward.

RECOGNIZING THE KANSAS TOWN OF NICODEMUS AS A NATIONAL HISTORICAL SITE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. MORAN of Kansas. Mr. Speaker, Kansas is home to countless towns and communities that have legendary pasts and are full of historical significance. This past weekend one of our communities marked a very special homecoming; when Nicodemus, Kansas celebrated its annual Emancipation Celebration and its recognition by the National Park Service as a National Historical Site.

Descendants of the early settlers, area residents, state and national officials, and other visitors from throughout the country were on hand to celebrate this historic event. This past weekend visitors were treated to a Buffalo Soldier re-enactment, a gospel concert, parade, and services at the historic First Baptist Church.

While many of us have heard and read the tales of the old west, Wyatt Earp, or some of Kansas' rough-and-tumble cattle towns, too few have heard the story of courage and hope that are the heritage and history of Nicodemus, Kansas.

Nicodemus was first settled in 1877 by some 300 black Americans who fled the south following the Civil War and the horrors of slavery. While many similar black settlements were founded during this period, Nicodemus remains the only such community to survive west of the Mississippi River.

The town of Nicodemus, founded soon after the darkest days of our republic, is now properly recognized as a national symbol of freedom and courage.

Mr. Speaker our state motto in Kansas reads, Ad Astra Per Aspera, to the stars through difficulty. And I can think of no other community that better reflects this motto than the town of Nicodemus.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. BALLENGER. Mr. Speaker, had I been present for Roll Call votes 373, 374, 375, and 376 last week, I would have voted "aye."

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. TIAHRT. Mr. Speaker, on July 27th, I was unavoidably detained and missed the vote on the adoption of H. Con. Res. 311, a resolution to honor Det. John Michael Gibson and Pfc. Jacob Joseph Chestnut of the U.S. Capitol Police. Had I been present I would have voted yes on roll call #340.

IN TRIBUTE

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mrs. ROUKEMA. Mr. Speaker, in a few tragic moments of July 24, the peace was shattered at the U.S. Capitol and two members of the United States Capitol Police lost were killed in the line of duty. The work of the Congress paused last week to remember the sacrifice of John Gibson and J.J. Chestnut.

The investigation into this horrible tragedy is continuing. Without seeking to prejudge the outcome of that investigation, the senseless death of two police officers has proved to the world what many of us already know: there are gaping holes in the network of services designed to identify, assist, and treat those people with mental illness.

To this end, I will be working with my colleagues, Representative MARCY KAPTUR of Ohio in particular, to develop an organized response to the Capitol tragedy. We will be working with the joint Congressional Leadership to design a method by which we can evaluate and respond to the mental health crisis facing this nation.

In this context, I would like to draw the attention of my colleagues to a column by Frank Rich which was published in the New York Times of July 29. It should be required reading for every Member of the House and Senate.

[From the New York Times, July 29, 1998]

THIS WAY LIES MADNESS

(By Frank Rich)

The Capitol police officers Jacob Chestnut and John Gibson had hardly been declared dead when Senator Robert Torricelli, the New Jersey Democrat, sent out a press release arguing that tighter gun control could have prevented the tragedy. Not missing a beat, Trent Lott was soon arguing that a $125 million bunker-barricade camouflaged as a visitors' center would repel future assailants. But in a city where most politicians are so ignorant about mental illness that they still think Whitewater, not the disease of depression, drove Vincent Foster to suicide, no one said the obvious: It is the gaping cracks in American mental-health care, not in Capitol security or gun-control laws, that most clearly delivered Russell Weston Jr. to his rendezvous with history.

Mr. Weston's paranoid schizophrenia surfaced long ago. Yet, as The Times reported, this now 41-year-old man "received no regular psychiatric treatment or medication over the last two decades and [his] family seemed to understand little about how to seek help for him." This is hardly an anomaly. E. Fuller Torrey, a psychiatrist who campaigns for better mental-health care through the Treatment Advocacy Center in Arlington, VA., says that of the 2 to 2.5 million Americans with schizophrenia, "40 percent are not receiving treatment on any given day." Cases like Mr. Weston's—in which a mental patient eludes follow-up care and medication after a hospital release—number "in the hundreds of thousands."

How does this happen? Nearly as heartbreaking as the preventable murders of officers Chestnut and Gibson is the plight of Mr. Weston's family. They obviously love their child; they knew he was sick; they wanted to get him help. But, as Russell Sr. said: "He was a grown man. We couldn't hold him down and force the pills into him." A comprehensive system of mental-health services, including support for parents with sick adult children who refuse treatment, doesn't exist. If it had, the Westons might have had more success in rescuing their son—as might the equally loving family of Michael Laudor, the Yale Law School prodigy charged last month with murdering his fiancee.

That safety-net system doesn't exist because mental illness is still in our culture's shadows—stigmatized, misunderstood and therefore the beggar of American health care. Though Mr. Weston's home state of Montana offers particularly skimpy services, the national baseline is "not high," says Dr. Torrey. Poorly covered by health insurance and spottily served by overcrowded and underfinanced public institutions, mental illness is "the last discrimination," as Michael Faenza of the National Mental Health Association puts it, even though we now have the science to treat mental illness at a success rate comparable to physical illness.

It's not only politicians who are complicit in this discrimination. The media sometimes compound the ignorance that feeds it. Too many commentators look at Mr. Weston's symptoms—such as his paranoid delusions about the CIA—and lump him in with gun-toting, anti-government ideologies, making no distinction between the clinically ill and political extremists. A Time reporter, on the hapless CNN show "Newsstand," expressed surprise that Mr. Weston would so easily be diagnosed as a paranoid schizophrenic given that he had no previous "episodes of violence."

In fact, the majority of those ill with paranoid schizophrenia are not violent, and the disease has no ideology. As Sylvia Nasar's new book, "A Beautiful Mind," documents, many of Mr. Weston's oddest symptoms (including the conviction he was being beamed encrypted messages) also characterized the paranoid schizophrenia of John Nash, the brilliant, nonviolent Princeton mathematician who won the Nobel Prize in Economics in 1994.

Back in 1835, one of the very first patients at Washington's Government Hospital for the Insane—as St. Elizabeth's Hospital was then known—was Richard Lawrence, a pistol-armed man who tried and failed to assassinate Andrew Jackson in the Capitol's Rotunda and was then pronounced not guilty by reason of insanity in a trial whose jury deliberations took five minutes. More than a century and a half of medical and economic advances later, what kind of progress is it that we still so often fail to treat the mentally ill until after tragedy strikes?

RETIREMENT OF COMMISSIONER JOHN WARREN McGARRY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to John Warren McGarry, a friend and a devoted public servant. This past month, Commissioner John Warren McGarry, a long time member of the Federal Election Commission, retired from the United States Government.

Commissioner McGarry, a native of Massachusetts, retires after twenty years of outstanding public service to the agency. Commissioner McGarry brought to the Federal Election Commission a reputation for excellence in election law and leaves behind a legacy of superior support for public disclosures and uniform enforcement of America's campaign finance laws. His pivotal contributions in all the major FEC's deliberations and decisions balancing fundamental First Amendment interests against the long recognized compelling governmental interests in ensuring elections free from real or apparent corruption, will remain a testament to his years of public service during the administration of four different Presidents.

John, on behalf of many in Congress, thank you for over twenty years of patriotic service to the American people and the institution of free elections. Your contributions and dedication to the even handed enforcement of election law will be greatly missed. I have enjoyed working with you over the years. My sincere congratulations and best wishes go out to you and your family.

PROPOSITION 227

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. PACKARD. Mr. Speaker, this past Friday, federal courts in California refused to block the implementation of Proposition 227, which will ban bilingual education. This initiative was passed with an approval of 61 percent from California voters, and it will replace the 30 year-old bilingual education system with one that favors English-only instruction.

Nationwide, 3.2 million students are classified as being of limited English proficiency, including almost 1.4 million in California. Communicating with each other is vital to our national unity, and teaching our children is vital to the future of our nation. In a vast diverse country such as ours, it is essential that we encourage our citizens to develop a national identity. Teaching our children through a common language is a key factor in achieving this goal.

I strongly believe one of America's greatest assets is our variety of backgrounds. I believe just as strongly that teaching our children with a common language will serve as a common thread to unit our Nation. And it is imperative that all Americans have the ability and skill to communicate in English if they are to work in the American labor force.

Mr. Speaker, it is important to supply our children with the best education possible. As a father, grandfather, and former member of the Carlsbad school board, I have a personal interest in providing quality educational opportunities for our children. Nothing is more important to the success and prosperity of our Nation than the quality of education we offer our children. I commend those many, many citizens that have worked to ensure through Proposition 227, that every child in California can learn in English and have the chance to live their American Dream.

TRIBUTE TO MR. ERNEST A. YOUNG—DEPUTY TO THE COMMANDING GENERAL, U.S. ARMY AVIATION & MISSILE COMMAND

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Mr. Ernest Young, Deputy to the Commanding General at the U.S. Army Aviation and Missile Command in Huntsville, AL. Mr. Young is planning to retire this year after 42 years of outstanding work in the Civil Service. This afternoon in Huntsville, a special ceremony will be held to honor Mr. Young and recognize his distinguished career. It is a fitting tribute for one who has made such an enormous contribution to his community and his country.

Born in South Carolina, Ernie Young graduated magna cum laude from Furman University with a bachelor's of science degree in physics. He went on to receive a master's degree in public administration from the University of Oklahoma. Mr. Young began his Civil Service career in 1956. He was appointed to the Senior Executive Service in 1981. He has held a wide variety of critical positions, culminating in his current assignment as Deputy to the Commanding General at AMCOM. In this position, Mr. Young has provided a wealth of experience, integrity, and leadership. From policy development through program execution to mission accomplishment, Mr. Young has done a truly extraordinary job in pursuit of the goals and objectives of this command.

Mr. Young's previous assignments were as Deputy for Procurement and Readiness, Assistant Deputy for Readiness, and Deputy Director for Maintenance and Engineering. During the early 1970's, he was assigned to United Technologies as a participant in the Presidential Executive Exchange Program. During the early 1980's, he chaired the U.S. Army Missile Command (MICOM) Readiness Organizational Refinements Planning Group, restructuring the total logistics functions within the command.

Mr. Young was selected as the first civilian Deputy to the Commanding General in June 1993. He serves as Chairman of the AMCOM Resource Committee, Acquisition Streamlining Committee, Materiel Release Review Board, and the Training and Executive Development Committee. He also serves as Alternate Chairman on the Materiel Acquisition Review Board.

Among the many honors he has received include the Meritorious Civilian Service Award (1983) and three Presidential Rank Awards (Meritorious—1989; Distinguished—1991; Meritorious—1994).

Mr. Young is married to the former June Barker. They have one daughter, Connie. Mr. Speaker, as the U.S. Representative for Alabama's Fifth Congressional District, I want to commend Mr. Young for his lifetime of service to our nation and wish him and his family the very best in his retirement.

A TRIBUTE TO MAJOR ERNEST "HOSS" McBRIDE

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. KIM. Mr. Speaker, Major Ernest McBride was a Mississippi country boy called "Hoss" because of his huge lumbering frame. Hoss is remembered by his comrades as a wonderful human being who gave his life for his country. He was always very popular because of his gentle personality and his guitar playing ability. His name graces the largest USAF Air Force Training Command Library at Keesler, AFB, Mississippi.

Major McBride was born on December 20, 1930 in Hattiesburg, MI. He graduated from Demonstration High School on May 27, 1949. He met his future wife, Helen Giraldo of Bogota, Colombia while she was an exchange student at Southern Mississippi University. It was love at first sight despite the fact she knew very little English and he knew no Spanish. He married Giraldo on September 13, 1953 in Hattiesburg.

Major McBride enlisted in the Air Force on April 16, 1952 and went through the Aviation Cadet program graduating in Class 53G. He was commissioned as 2nd lieutenant and as a USAF pilot on June 16, 1956 in Brian, Texas after which he immediately began flying fighter aircraft. The following year off the coast of Japan, Hoss was sent in his F–86 to help locate and recover a downed aircraft. His success in this mission earned him the Distinguished Flying Cross.

In 1963, Major McBride graduated from Southern Mississippi. From there he went to Panama for service with the 605 Air Commando Squadron and flew T–28 and U–10 aircraft. He served in several South American countries with Military Training Teams (MTTs) teaching air forces how to conduct special operations against insurgent forces. In 1968, Hoss was assigned to the Air Operations Center in Savannakhet, Laos. According to the book, "The Ravens" Hoss would make candy runs over towns dropping candy to friendly troops and children. On November 27, 1968 Hoss mistook a column of North Vietnamese troops for friendlies. When he returned to drop candy, he was struck by a .30 caliber round in the chest. His plane landed upside down in a nearby river. Hoss was buried in Hattiesburg next to his father.

He is survived by his widow Giraldo who lives in Bogota, Colombia, a daughter Becky McBride of Canoga Park, California, a son who is curator of a museum in Cartagena, Colombia, and his mother, a sister, and two brothers all of whom live in Hattiesburg. The aircraft he flew were the F–86, T–28, O–1, and U–10. His decorations included the Distinguished Flying Cross with one Oak Leaf Cluster, Bronze Star, Air Medal with two Oak Leaf Clusters, and a Purple Heart. He was one of the most popular pilots in the Air Force and will always be remembered by his comrades as a fine human being.

CONGRATULATIONS TO THE EMPIRE STATESMEN DRUM AND BUGLE CORPS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor a group from my district that has recently achieved a tremendous honor for the United States. Last week, the Empire Statesmen Drum and Bugle Corps of Rochester, New York traveled to London, England to participate in the World Marching Show Band Competition. There, it emerged from a grouped of 23 bands from 14 countries to become World Champions. Its winning score of 95.5 was also the highest score in competition history.

While in London, the Empire Statesmen were also invited to perform at the Royal Tournament of Drums at Earl's Court in London. This prestigious event, which has been in existence since 1820, allows groups to showcase their talents in front of some of Britain's most honored guests, including members of the Royal Family. Under most circumstances, groups are only allowed enough time to perform a sample of their work. However, in this case, the organizers of the event specifically requested that the Statesmen perform their entire 12 minute routine.

The Empire Statesmen, unbeaten in worldwide competition, represent the highest possible standard of excellence, determination and commitment. As well as being World

Champions, they are also the defending American Legion National Champions.

Led by Mr. Vincent Bruni, who has sacrificed much to dedicate years to the group, the Empire Statesmen represented the City of Rochester, the State of New York, and the people of the United States with great pride. None of their success could have been attained without hard work and determination, and I commend all members for everything they have accomplished. The Empire Statesmen Drum and Bugle Corps have proven themselves to be the best at what they do. I congratulate them and wish them the best of luck in the future.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. POMEROY. Mr. Speaker, following a meeting this morning with farmers and grain shippers in Minot, North Dakota, I experienced an unavoidable travel delay on my return trip to Washington. As a result, I was absent for the roll call votes taken today, August 3.

STUDENTS' VIEWS OF ISSUES FACING YOUTH

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD statements by high school students from my home state of Vermont, who were speaking at my recent town meeting on issues facing young people today. I am asking that you please insert these statements in the CONGRESSIONAL RECORD as I believe that the views of these young people will benefit my colleagues.

STATEMENT BY DAVID HAY REGARDING VA HEALTH CARE

DAVID HAY: For the record, my name is David Hay.

Congressman SANDERS: Thank you very much for coming.

DAVID HAY: I would like to talk about my dad. My dad is a Vietnam veteran who is permanently and totally disabled due to the war, and dying due to Agent Orange-related illnesses. He is on medication for seizure disorder, depression, physical pain, various forms of hepatitis and other diseases, including emphysema.

Even with these medications, he is sometimes confined to the house with pain and sickness. He gets about two to three hours of sleep at night, and sometimes none at all. He spends the first part of the morning vomiting and then takes his medications, and endeavors not to vomit in order that the medications may be effective.

My dad's average weight was 180 to 190 pounds. Now he is lucky to reach 130 pounds. He has to force-feed himself. No matter how much he eats, he still loses weight. He will gain ten pounds one week and loss 15 the next. When he wakes up from sleeping, he can hardly walk twenty feet from loss of breath. My dad is not old, he just turned 52.

Part of the reason why he is so sick is because of the medication he receives from the Veterans Association Hospital in White River Junction. It is not rare at all for him to receive the wrong medication, or a synthetic medication that affects him badly, or a prescribed medication for him that counteracts with other medications. They are constantly changing his prescription. These medications affect with malice his breathing, appetite, sleeping pattern, thoughts and pain.

Just three weeks ago, I was at home reading the warning label on one of his inhalers. It said not to take it with seizure medication. My dad has to take seizure medications every day, as with the inhalers. He has been using the inhaler for over a year, and both were given to him by the VA. And there are many other vets that this happens to.

I was wondering what you or Congress could do to correct the carelessness of the Veterans Association Hospital, if there could be laws or regulations that the doctors must look into background of the patient and the current medication the patient might be on before prescribing more drugs that could harm or even kill the patient, and if there are such laws and regulations, what can we do to enforce them.

Congressman SANDERS: Thank you very much David.

STATEMENT BY KAYLA GILDERSLEEVE AND TESS GROSS REGARDING STRENGTHENING POLLUTION STANDARDS

KAYLA GILDERSLEEVE: Our presentation is focused on a topic that a lot of people have never even heard of before, the CAFE standards, which stands for the Corporate Average Fuel Economy standards.

TESS GROSS: The Corporate Average Fuel Economy Standards are also known as the CAFE standards. In the mid-'70s Congress created the CAFE standards to regulate the amount of gas used per mile by cars, and because they thought the U.S. needed economic independence, less dependence on foreign oil, and because they noticed the deterioration of the environment.

Between 1973 and 1987, American cars increased their average fuel efficiency from 14 miles per gallon to 28 miles per gallon. Without the government's involvement, cars would not have become so efficient so quickly.

KAYLA GILDERSLEEVE: Consumer Reports Magazine noted that this trend is now being reversed. Vehicles made in 1998 have the lowest average fuel efficiency for American cars in 16 years. According to the New York Times, 1996 was the first year in which cars going into the junkyard got better mileage than ones rolling off the dealers' lots.

There are several causes for this declining efficiency. During the Reagan and Bush administrations, the Department of Transportation allowed the standards to be rolled back, and the preferences of American car buyers have changed. Over 30 percent of new vehicles are trucks, sport utility vehicles and other four-wheel drive vehicles. These very inefficient vehicles are used by most of their owners as passenger cars, yet the government doesn't require them to meet the same fuel economy standards that the cars must meet.

Most truck owners are more likely to use their trucks to travel to the Grand Union than to a construction site. The government should recognize this fact and increase the requirements for sport utility vehicles.

TESS GROSS: America needs to make more efforts to consume less of the world's resources. Americans make up 5 percent of the world's population, but use 26 percent of the world's oil. Some Americans wish to provide more oil for the nation by drilling Alaska's Arctic National Wildlife Refuge. This action would have a huge environmental impact, but would only provide one-tenth of the oil that would be saved by raising auto efficiency to an average of 40 miles per gallon.

Since cars increased their mile-per-gallon performance nearly 100 percent between 1973 and 1988, big, gas-guzzling autos and sport utility vehicles are now reversing this process. Sport utility vehicles, minivans and pickup trucks are subject to much less stringent requirements than cars.

In conclusion, we believe that, in order to help fix the environment, increase economic independence, lessen the United States' dependency on foreign oil, and to save millions of dollars from importing oil, we would need to see a great improvement in the CAFE standards.

KAYLA GILDERSLEEVE: In 1991 hundreds of thousands of soldiers went to the Persian Gulf to fight in a war that was fought for a variety of reasons, but primarily to protect the America's oil supply. This example alone should be enough to convince Americans that we should be consuming less oil.

Many changes will have to occur in American society to dramatically reduce America's consumption of oil. One of the simplest and quickest changes that we can make is for Congress to raise fuel economy requirement for new passenger vehicles, and all the vehicles that are used primarily for transporting people, including sport utility vehicles.

There are many benefits: A cleaner environment, reduced emissions of greenhouse gases, and less potential for being drawn into a military conflict to protect our foreign oil supply.

Congressman SANDERS: Thank you very much.

STATEMENT BY NICHOLAS WEBB, GINGER IRISH AND PALMER LEGARE REGARDING SAFETY ISSUES FOR GAY STUDENTS

NICHOLAS WEBB: Last night, my mother said, "You know, Nick, I would never have chosen to have a gay son, but of all the people in the world, I would still have chosen you." The truth of the matter is, you can't pick your children.

And with that thought, I ask you, if your child, best friend, or someone close to you were gay, could they be honest with you? Too often, the answer is no. That is why the Gay-Straight Alliance at CVU was started, to provide people of all sexualities a safe avenue of support.

One in ten people are gay, and 30 percent of them are suicidal. And even my own parents don't fully understand homosexuality, but the important thing is that they accept it and they support me.

If you answered no to the previous questions, then I tell you with all factuality that you are endangering lives, quite possibly the lives of your children and loved ones.

Too often have people come to me and ask me if they should tell their parents that they are gay. Too often have I witnessed 15-year-old kids getting kicked out of their house simply because of their sexuality. If they even questioned talking about such an important issue to their own family, how can you expect them to live and trust their family?

We, the leaders of gay-straight alliances across the state, are helping to make schools safer for homosexual, bisexual and transgender students. But it is up to you, the society, to make your own homes and communities safe. It could be your child or your child's best friend who realizes how unfriendly and condemning this country, this state is to homosexuals. It could be them that decide it is not worth it to live in such a place.

Understand that, whether you believe in homosexuality or not, it's there, and you got to accept it. It's time for people to, once again, rise above another form of racism, the discrimination of sexual preference.

Finally, I ask you, each and every one of you, that if you think you know someone who is gay, or if you think that your child just might not be heterosexual, why can't they tell you and why aren't you helping them? Because only inadvertently do we actually hurt the ones we love.

GINGER IRISH: Because of the reasons Nick has outlined, straight members of the CVU community have reached out to support GLVTU and to make our school a safer place for everyone. In the past year, our GSA has spoken to health classes, planned an AIDS awareness day, and has had various speakers come to our school to discuss sexuality issues.

Some of the closed-mindedness of students at our school has manifested itself in comments such as, "Oh, are you in that gay club?" But, over the course of the past year, students have learned to use gay-sensitive language, and have made leaps and bounds in accepting homosexuality as an integral part of our society.

As the leader and coordinator of the GSA next year, I plan to continue educating the student body and faculty. Through this education, and continual awareness, I hope to make CVU a safe environment for all students questioning their sexuality.

Accepting homosexuality within our community can open our eyes to all differences among people, such as race, disability or gender. The GSA will continue to make CVU a melting pot for diversity among all its members.

PALMER LEGARE: First, I would like to say that I was originally going to come here and make my own presentation, but because there are so many gay-straight alliances here, a lot of us had to combine, and leave out a lot of important parts.

But I wanted to come and talk about the importance of a public person like you going out and taking a public stand on this issue, as opposed to simply making a policy and law, which is also important. And I want to give an example of how inefficient a good policy can be without much publicity.

In 1995, a law was passed in Vermont saying that all public schools had to add sexual orientation to the anti-harassment list by 1997. Well, a couple of years later, I and some other people started looking into schools and what was going on. And we found out that, actually, less than half of the schools that were all supposed to have this, had it—less than half.

We continued to look, and even the ones that did have the anti-harassment policy didn't know how to enforce it. Oftentimes, the teachers didn't know that the school had the policy, and, often, the students didn't know that the school had the policy.

Recently Governor Dean has taken a new strategy, and, last week, he actually went to U32 and spoke publicly about the importance of speaking out against homophobia, and we expect that this is going to make a lot of change, and make a lot of other schools realize that they need this policy. And we ask that you also do something similar to that, maybe go to gay-straight alliances and speak, and maybe go to a place like Outright, which works with gay and lesbian teens.

Congressman SANDERS: Thank you very much.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, August 4, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 7

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for July, 1998.
1334 Longworth Building

SEPTEMBER 2

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the impact of United States satellite technology transfer to China.
SR–253

SEPTEMBER 10

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2365, to promote competition and privatization in satellite communications.
SR–253

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Tuesday, August 4, 1998*

The House met at 9:00 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997 the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LOSING PERSPECTIVE ON TELECOMMUNICATION ISSUES

Mr. BLUMENAUER. Mr. Speaker, at times I fear we are losing our perspective on the telecommunication issues. Yet again this week, we see that the e-rate is in the cross hairs.

I want to be very clear that I am a strong supporter of the e-rate. I believe that this Congress made a commitment to assist schools and libraries across the country in their efforts to provide America's school children with access to the Information Highway. Thousands have taken us at our word and we must honor that commitment, a commitment that is grounded in the Telecommunications Act of 1996, where we extended a part of the universal service program, in place administratively for the past 60 years, that provides telephone services to high-cost rural areas to extend that service to be clear that the e-rate is a part of that fundamental responsibility.

In 1997, the FCC issued its first notice of proposed rulemaking to make this expenditure a reality, capping at 2-and-a-quarter billion dollars per year, resources for eligible schools and libraries who would receive discounts ranging from 20 to 90 percent, depending on whether that school or library is disadvantaged or located in a high-cost area. Unfortunately, due to a variety of controversies, we found that this program has been dramatically reduced, and yet there are some who feel that it should be eliminated altogether.

What were the controversies that initiated this problem? Well, it was first and foremost I think brought about by those pesky surcharges that appeared on items of the bills. Those surcharges appeared to be for the e-rate only, but in fact, those were phone charges that would be responsible for the entire range of universal service activities.

For example, only 19 cents of AT&T's 93 cent surcharge would go to schools and libraries. But it did, in fact, stir up 2 fundamental issues, one dealing with the administrative problems associated with the program; and the second, the question about whether or not this was somehow a new tax to provide Internet services.

Mr. Speaker, it is true that there have been administrative problems associated with the e-rate, and, in fact, I agree with the critics who have called it into question. But the fact is that the FCC has taken steps to put in place the recommendations that have been required at the same time that they have cut the program down to $1.9 billion.

The second issue here is whether or not the e-rate is a tax. I think it is important for us to look back in history. The United States Appeals Court has already examined the administratively established universal service program and have concluded that it did not represent a tax, it was not an inappropriate delegation of the power to tax. The court found that instead, it was ensuring affordable rates for specified services, not designated primarily as a means of raising revenue.

The addition of a support mechanism for schools and libraries does not change that fundamental nature of the universal service, and I think it is, indeed, a great stretch of the imagination to suggest that this is attached.

At times I fear we are losing our perspective on the telecommunication industry. At a time when long-distance bills are now at their lowest point in history, when AT&T and MCI, GTE and Bell Atlantic have agreed to or are looking at mergers that total $100 billion, at a time when the industry has saved billions of dollars as a result of the telecommunication reform, controversy has erupted over this little, tiny element which would represent less than 1 cent per day, per customer to provide Internet access for America's schools and libraries.

Mr. Speaker, I hope that we do not abandon our commitment that Congress has made and that we support the e-rate in the course of this week's deliberations.

THE IMPACT OF NAFTA ON CROSS-BORDER DRUG TRAFFICKING

The SPEAKER pro tempore (Mrs. MORELLA). Under the Speaker's announced policy of January 21, 1997, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, I rise today to call on the Customs Department to release its findings regarding the effects of the North American Free Trade Agreement on our Nation's war against drugs. Americans have been concerned since the beginning of NAFTA, since early 1994, about NAFTA's impact on truck safety, NAFTA's impact on jobs, NAFTA's impact on food safety, and especially NAFTA's impact on illegal drugs coming across the border.

Entitled "Drug Trafficking, Commercial Trade and NAFTA on the Southwest Border," the 63-page Customs Department report confirms that NAFTA has made it easier than ever for Mexican traffickers to smuggle drugs into the United States. Further, it found that Mexican and American authorities are not doing enough to counter this fast-growing threat to our Nation's children.

NAFTA has opened the floodgates as more and more illegal substances are pouring from Mexico into the United States. Mexican traffickers are believed to smuggle about 330 tons of cocaine, 14 tons of heroin, and hundreds of tons of marijuana into the United States every year.

Sophisticated drug gangs are investing in trucking and shipping companies, rail lines and warehouses to shield their trafficking activities. They use these legitimate business operations to shield those trafficking activities.

Mexican smugglers have even been busy hiring consultants to learn how to take advantage of the North American Free Trade Agreement, some former drug agents have said. A former high-level DEA official has proclaimed that for Mexico's drug gangs, "NAFTA is a deal made in narco-heaven."

Another former high-level DEA official remarked that if you believe NAFTA has not adversely affected the fight against drug traffickers, "then you must believe in the tooth fairy."

In light of these allegations, I submitted a letter to the Commissioner of Customs regarding a copy of this report in May. In a June letter of reply, I was notified that the report contains "sensitive information" and is not "releasable." Former DEA agents have alleged they were under strict orders not to say anything negative about our current drug policies with Mexico.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Hard-working Americans who want to protect their children from the scourge of drugs have taken a back seat to free trade.

Madam Speaker, it is troubling that Customs refuses to release this taxpayer-funded report to the American public. By ignoring the flood of illegal drugs from Mexico, we are sacrificing the future of countless American kids on the altar of free trade.

Madam Speaker, I call on Customs again today to release this report immediately so we can move to fix NAFTA or to pull America out of this failed trade agreement.

PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Iowa (Mr. GANSKE) is recognized during morning hour debates for 5 minutes.

Mr. GANSKE. Madam Speaker, a week ago we had a debate on the floor of Congress here concerning patient protection legislation. It has been clear all along that there were major differences that needed to be worked out between the Patient Bill of Rights, the bill that I supported, a bipartisan bill, sometimes referred to as the Democratic bill, and the Republican bill, the Patient Protection Act. But it seemed as if at least there was some consensus on some of the basic fundamentals. For instance, a layperson's definition of emergency; or, for instance, provisions related to privacy.

However, as I warned several of my GOP colleagues, be careful in voting for the Republican bill, the Patient Protection Act. We may find that it is a pig in a poke because of the legislative language.

Today I would draw my colleagues' attention to an article in The New York Times by Robert Pear: "Common Ground on Patient Rights Hides a Chasm." Looking at the details of the House Republican plan shows that there are major differences even in areas where it seemed as if the two sides were in agreement. For instance, both sides were saying we are for a layperson's definition for emergency care; we both agree in the privacy of patient records.

When Members start to read the details of the Republican plan, I think they are going to be surprised. For instance, it would have seemed easy to have achieved consensus on a layperson's definition of an emergency. After all, this Congress passed a year ago, or in the 104th Congress, a provision on the layperson's definition for Medicare, a Federal health program that provides for 38 million people. But when we read the fine print of the House Republican's bill, the Patient Protection Act, which was introduced by the gentleman from Georgia (Mr. GINGRICH) and passed 8 days later by a vote of 216-to-10, we find out that there are some significant differences.

The Patient Bill of Rights would require HMOs and insurance companies to cover emergency services for subscribers "without the need for any prior authorization," regardless of whether the doctor or hospital was affiliated with the patient's health plan.

Emergency services as defined in the bill include a medical screening examination to evaluate the patient and further treatment that may be required to stabilize that patient's conditions. The HMO would have to cover those services if "A prudent layperson who possesses an average knowledge of health and medicine could reasonably expect an absence of immediate medical attention to cause serious harm."

By contrast, the House and Senate Republican bills would establish a two-step test. An HMO or insurance company would have to cover the initial screening examination if a prudent layperson would consider it necessary. But, the health plan would have to pay for additional emergencies only if "A prudent emergency medical professional" would judge them necessary. And under the GOP bill, the Patient Protection Act, the need for such services must be certified in writing by "an appropriate physician."

The Speaker said the Republican bill would guarantee coverage for "anyone who has a practical layman's feeling that they need emergency care." But that is not what is really in the bill.

That bill was rushed through at the last minute, there were no hearings on the bill, and so what we have is a situation where the provisions that we passed in Medicare for a layperson's definition have been significantly watered down. There is no guarantee in the Republican bill that the cost ultimately for a patient going to the emergency room with crushing chest pain, severe pain, would, in the end, be covered by their HMO.

The Congressional Budget Office estimates that the Patient Bill of Rights would require HMOs to pay for emergency room visits in half the cases where they now deny payment. It says, the charge for emergency care outside the HMO is typically 50 percent higher than hospitals in the HMO network. Remember, when we look at the details of the GOP plan, there is a provision in there that says, one has to go to the HMO hospital or else one could be left with a large, large bill.

Look at the details, I say to my colleagues, and let us try to fix this in the long run.

[From the New York Times, Aug. 4, 1998]

Common Ground on Patient Rights Hides a Chasm

(By Robert Pear)

WASHINGTON, August 3.—It has been clear that there are major differences to be worked out between the Democratic and Republic bills on patient rights.

But a look at the details of the House Republic plan shows that there are also major differences in important areas on which the two sides had seemed to agree.

The disagreements are illustrated in two areas: emergency medical services and the privacy of patients' medical records.

At first, it appeared that members of Congress agreed that health maintenance organizations should be required pay for emergency medical care. And they seemed to agree on a standard, promising ready access to emergency care whenever "a prudent lay person" would consider it necessary. After all, that was the standard set by Congress last year for Medicare, the Federal health program for 38 million people who are elderly or disabled.

But the consensus dissolved when emergency physicians read the fine print of the House Republicans' bill, the Patient Protection Act, which was introduced on July 16 by Speaker Newt Gingrich and passed eight days later by a vote of 216 to 210.

Since 1986, the Government has required hospitals to provide emergency care for anyone who needs and requests it. But the question of who should pay for such care has provoked many disputes among insurers, hospitals and patients.

The Democratic bill would require H.M.O.'s and insurance companies to cover emergency services for subscribers, "without the need for any prior authorization," regardless of whether the doctor or hospital was affiliated with the patient's health plan. Emergency services, as defined in the bill, include a medical screening examination to evaluate the patient and any further treatment that may be required to stabilize the patient's condition.

The H.M.O. would have to cover these services if "a prudent lay person, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention" to cause serious harm.

By contrast, the House and Senate Republican bills would establish a two-step test. An H.M.O. or an insurance company would have to cover the initial screening examination if a prudent lay person would consider it necessary. But the health plan would have to pay for additional emergency services only if "a prudent emergency medical professional" would judge them necessary. And under the House Republican bill, the need for such services must be certified in writing by "an appropriate physician."

Mr Gingrich said the Republicans' bill would guarantee coverage for "anybody who has a practical layman's feeling that they need emergency care."

But Representative Benjamin L. Cardin, Democrat of Maryland, said the bill "is not going to do what they are advertising."

One reason, Mr. Cardin said, is that the bill was rushed through the House. "There have been no hearings on the Republican bill," he said. "It did not go through any of the committees of jurisdiction for the purpose of markup or to try to get the drafting done correctly."

Under the Democratic bill, H.M.O. patients who receive emergency care outside their health plan—whether in a different city or close to home—may be charged no more than they would have to pay for using a hospital affiliated with the H.M.O. There is no such guarantee in the Republican bills. And the cost to patients could be substantial.

The Congressional Budget Office estimates that the Democratic bill would require H.M.O.'s to pay for emergency room visits in half the cases where they now deny payment. And it says that the charge for emergency care outside the H.M.O. is typically 50 percent higher than at hospitals in the H.M.O. network.

John H. Scott, director of the Washington office of the American College of Emergency Physicians, said the protections for patients were much weaker under the Republican bills than under the Democratic bill or the 1997 Medicare law.

"We have more than a century of common law and court decisions interpreting the standard of a prudent lay person, or reasonable man, as it used to be called," Mr. Scott said. "But this new standard of a prudent emergency medical professional was invented out of thin air. It creates new opportunities for H.M.O.'s to second-guess the treating physician and to deny payment for emergency services. It would introduce a whole new level of dispute."

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center in Boston, said, "The Republicans performed some unnecessary surgery on the 'prudent lay person' standard, to the point that it's hardly recognizable as the consumer protection we envisioned."

The Senate adjourned on Friday for its summer vacation without debating the legislation, but leaders of both parties said they hoped to take it up in September. Senate Republicans intend to take their bill directly to the floor, bypassing committees, which normally scrutinize the details of legislation.

There was, and still is, plenty of common ground if Republicans and Democrats want to compromise. Both parties' bills would, for example, require H.M.O.'s to establish safeguards to protect the confidentiality of medical records.

But on this issue too, the details have provoked a furor. When privacy advocates read the fine print of the House Republican bill, they were surprised to find a provision that explicitly authorizes the disclosure of information from a person's medical records for the purpose of "health care operations." In the bill, that phrase is broadly defined to include risk assessment, quality assessment, disease management, underwriting, auditing and "coordinating health care."

Moreover, the House Republican bill would override state laws that limit the use or disclosure of medical records for those purposes.

The House Republican bill says patients may inspect and copy their records. But it stipulates that the patients must ordinarily go to the original source—a laboratory, X-ray clinic or pharmacy, for example—rather than to their health plan for such information.

Representative Bill Thomas, the California Republican who is chairman of the Ways and Means Subcommittee on Health, said the bill "prohibits health care providers and health plans from selling individually identifiable patient medical records."

Still, privacy advocates say the bill would allow many uses of personal health care data without the patients' consent.

Robert M. Gellman, an expert on privacy and information policy, said: "The House-passed bill gives the appearance of providing privacy rights. But it may actually take away rights that people have today under state law or common practice."

PROGRESS ON PRIORITY LEGISLATION OF CONGRESSIONAL WOMEN'S CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Madam Speaker, this year the Women's Caucus made a calculated decision to concentrate our energies on 7 must-pass bills. This decision is being vindicated as we look at bills that have, in fact, already moved forward. These bills say to Members on both sides of the aisle that the bipartisan Women's Caucus has 7 bills and expects every Member to support these consensus bills. These are easy bills.

Madam Speaker, I come to the floor this morning to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for moving the reauthorization of the Mammography Quality Standards Act, one of the 7 bills that we believe must be passed before we go home. It simply reauthorizes for another 5 years standards that would ensure that mammographies are safe, that technicians are well trained, and that mammography results are read correctly. This bill, we are told, will move to full committee and will be passed by the Committee on Commerce in time to reach the floor before we adjourn.

Madam Speaker, we have already seen progress on the Violence Against Women Act; piecemeal to be sure, but better piecemeal than nothing. The appropriation of the Subcommittee on Commerce, Justice, State, The Judiciary and Related Agencies of the Committee on Appropriations has some of these provisions in it. Some provisions were passed as part of the Child Sexual Predator Act.

The gentlewoman from Maryland (Mrs. MORELLA) has a commission on the advancement of women in the fields of science, engineering and technology development, an act that seeks to learn why, and then remove, barriers to women coming into and progressing in science. So a commission would be established to look at recruitment and advancement of women in science, engineering and technology in a country which is begging for men and women in the sciences. We cannot afford to let female talent go undiscovered, or worse, when discovered, not used. This is a must-pass bill.

There is a women-owned businesses resolution, H. Con. Res. 313, which simply calls upon agencies to review the recommendations before them for improving the access of women-owned businesses to the Federal procurement market. It is women-owned businesses that are growing at a rapid pace. That should be reflected in Federal contracts.

There are 2 more pieces of legislation which we believe we will have trouble getting passed this session, but they remain our priorities. One is child care legislation. We have endorsed no bill, but have indicated 4 principles that every bill must contain. Finally, a bill that would bar genetic discrimination, a looming problem. We have 3 bills by 3 members of the caucus, any one of which would mean great progress. The gentlewoman from New York (Ms. SLAUGHTER); the gentlewoman from Washington (Mrs. SMITH); and the gentlewoman from New York (Mrs. LOWEY) all have submitted different bills.

Madam Speaker, what this focus of the Women's Caucus says is that men and women in this House need to go home saying, we voted for and passed Women's Caucus bills this session.

CITIZENSHIP FOR CHONG HO KWAK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania (Mr. GEKAS) is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Madam Speaker, to all who are within the sound of our voice this morning, I want to express my appreciation to a number of people for the moment that we are about to embrace here on the floor of the House.

Very shortly now we will be considering a special bill, a private bill in which the Congress of the United States will confer a benefit on one of our fellow citizens. I say one of our fellow citizens advisedly because that is exactly why the Congress has had to act in this extraordinary way, to pass a bill that confers a benefit directly on one individual.

Here is what happened. Chong Ho Kwak, a Korean immigrant, came to our country legally, worked and supported his family, did all of the things necessary to become an American citizen, focused on becoming an American citizen because that was the light of his life, to finally gain the status that everyone in the world yearns to have, the status of being a bona fide American citizen.

So he studied English, he studied the history of our country, he engaged in the special classes that are set for people who want to become citizens with all that that entails, and then, when the time came to take the test, nervous as he was, he went to the appointed place and presented himself for the purpose of undergoing the examinations that are necessary before one becomes a citizen. He passed them royally and was ecstatic, as was his family.

He passed the exams and he was ready now to take the oath of citizenship for the greatest honor that would ever be bestowed on him in his own mind, and in those of us who recognize how important that is for a person eager to become an American citizen.

Then, a tragic thing happened. About two months before the scheduled event for the naturalization ceremony in which he would take his oath, he, Mr. Kwak, while operating his small grocery store, was attacked and robbed, shot in the head, and rendered unconscious, of course, and was relegated to a hospital where he still lingers in a coma from which he has never been able to revive himself and which has engendered much sympathy and much newsprint, as it were, covering that tragic event and all of its consequences.

The young thugs who attacked him got very little reward, were sentenced, and even as we speak are probably finishing out their sentences as the court might have dealt out to them, but Mr. Kwak is sentenced for the rest of his life to a long-term care facility, barely able to exist, let alone live a normal life.

Well, now what has happened? He was not able to take the oath of naturalization because of his condition. We asked the Immigration and Naturalization Service to outline a special circumstance for this individual and to permit him to be conferred a citizen of the United States, even without taking the oath, because of the circumstances. He could not raise his arm and do the natural things that are required to undertake an oath of naturalization.

The INS refused to do this, saying that the book by which they conduct their naturalization actually requires, and there is no straying from it, according to them, no veering away from it, that he must take the oath. We pointed out that we have attended many naturalization services where an infant, a young child is held in the arms of a parent who is an American citizen and the citizenship is conferred on this youngster who could not know what the meaning of the oath of office that was undertaken by his parent. Is that not similar, we said. Here is an individual who, because he was shot in the head, would not be able to understand the oath of allegiance to the United States, but nevertheless all of us who know that he passed the examination and was that split second short of being able to become an American citizen.

Madam Speaker, we will conduct a bill at 10 o'clock this morning which will confer citizenship on Mr. Kwak.

U.S. CONTINUES TO IGNORE PLIGHT OF KURDISH PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Oregon (Ms. FURSE) is recognized during morning hour debates for 2 minutes.

Ms. FURSE. Madam Speaker, I rise today on behalf of 40 million people who have an identity, but do not have a country. The Kurdish people. Their land continues to be a setting for war and destruction that has lasted for decades.

The Kurds are a persecuted minority. It is a crime in Turkey to talk about Kurds or Kurdish issues. One cannot fly a Kurdish flag or even address another by his Kurdish name.

Madam Speaker, I am outraged wherever violations of human rights occur, but I am particularly enraged and distressed that our country continues to ignore the Kurdish people and their plight. For years, the U.S. has neglected reports and testimony from the Kurdish people about the human rights violations. Madam Speaker, our government must engage in and develop a Kurdish policy. We cannot continue to stand by as millions of their people suffer.

Now, Turkey is an important partner of the United States. It is a NATO member, gets huge amounts of money from us, but its abuses of the Kurdish people are unacceptable.

I would like to draw my colleagues' attention to Leyla Zana, who is an elected member of the Turkish Parliament. She is the first Kurdish woman to ever be elected. She is also a nominee for the Nobel Peace Prize. But Leyla Zana was arrested and severely tortured by the Turkish police in 1988. What was her crime? She engaged in peaceful demonstrations on behalf of prisoners who were also being tortured, and for respect for human dignity and the universal declaration of human rights. Leyla Zana, a parliamentarian, is currently serving a 15-year sentence with 4 other Kurdish members of the Turkish Parliament.

Leyla Zana writes, and I quote, that she is determined "to continue by peaceful means the struggle for peace between Kurds and Turkey, for democracy and for respect for human rights." She goes on to say, "These are the universal values which must unite us."

As elected officials here in the United States, we must speak out against abuses and develop a Kurdish U.S. policy.

HOME HEALTH CARE SYSTEM SUFFERING STATE OF EMERGENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Michigan (Ms. STABENOW) is recognized during morning hour debates for 5 minutes.

Ms. STABENOW. Madam Speaker, I rise today to declare a state of emergency. Our home health care industry is suffering from drastic cuts to the Medicare reimbursement system that was done in last year's balanced budget agreement. Cuts were made to reduce fraud and abuse, but these cuts unfortunately have had unintended consequences.

To date, over 1,200 home health agencies have gone out of business, and that number is expected to triple by the end of September, and these are not the high-cost agencies. Families are suffering. The new payment system for home health is so restrictive that patients who require the most expensive care will be the first to lose their care. The sickest and most feeble will be left in the cold.

I have visited many families and have made many home visits over the years. I know how important it is for individuals to receive care in their own home whenever possible where they can be surrounded by family and friends who love them. We are not just talking about the elderly, we are talking about children, we are talking about the disabled, anyone who needs to be in their home and receive home health care.

Home health care is a critical element of our Nation's health care safety net and that safety net is quickly unraveling as more and more patients are unable to receive care and more and more home health care agencies shut their doors.

Madam Speaker, I would like to put a human face on this issue and share one of the many constituent letters I have received from families who are afraid that a loved one will lose their home health care.

> Dear Ms. Stabenow:
>
> Suppose you were 84 years old, living on a Social Security monthly check of $650 in a small town. Suppose further that approximately one-and-a-half years ago you were declared legally blind because of complications from diabetes, and then one year ago you fell and broke your hip, but most importantly, through all of this you kept a sound mind and you owned your own home and had lived alone since your husband died 25 years earlier.
>
> Now suppose also that when you broke your hip you had to be put in a nursing home, and the only one with available beds was 45 minutes from your home, family and friends. Now, further suppose that thanks to a home health care program, you were able to return home where you could live in your own home, talk to your friends on the telephone, attend senior citizen functions, keep your dog, and live somewhat of a normal life. All of this is possible because home health care provided:
>
> A nurse to oversee administering of daily insulin, which you could not give yourself because you could not see, and an aid to come in twice a day for an hour to make sure you were well, got your bath, had breakfast and dinner, and had regular contact with the outside world.
>
> I do not have to suppose any of this, because that 84 year old woman is my mother. I am not a great supporter of government programs, but taking care of our elderly so they can live with dignity has got to be a valid issue for government.
>
> After such a long introduction, why am I writing this, my first-ever letter to a Congresswoman? Why, because the Balanced Budget Act has endangered my mother's home health care. She is in danger of losing her home and really, her life. The spending limits will cause the Health Department to drop her from the program. The only alternative is a nursing home. My mother cannot continue to live alone without the assistance that she has been receiving. Please help to restore the budget cuts in Medicare.

I urge my colleagues today to act quickly. There are many initiatives that have been introduced by the gentleman from Massachusetts (Mr. McGOVERN); the gentleman from Oklahoma (Mr. COBURN); the gentleman from West Virginia (Mr. RAHALL); the gentleman from New Jersey (Mr. PAPPAS); the gentleman from Rhode Island (Mr. WEYGAND), to name just a few, and there are several bills. Unfortunately, we must act now if we are going to solve this issue in time for too many families.

First, I am pleased to join with the gentleman from Oklahoma (Mr. COBURN); the gentleman from Massachusetts (Mr. McGOVERN); and the gentleman from Rhode Island (Mr. WEYGAND) today in urging the immediate adoption of the Home Health Access Preservation Act, a bill that will correct many of these problems, and I urge immediate consideration by this House.

If this does not happen quickly, then I would secondarily urge that the bill introduced by the gentleman from West Virginia (Mr. RAHALL) and myself and others that would place a 3-year moratorium on the interim perspective payment system for home health care benefits be passed immediately. We must act either to fix the problem or put a moratorium on the current payment system until it is fixed, or we are going to see more and more serious repercussions for our families.

Madam Speaker, after a serious examination of the data, I believe that either of these approaches are budget-neutral. The Balanced Budget Agreement has targeted $16.1 billion in savings to home health care. But the new CBO baseline now projects Medicare savings will exceed $26 billion.

This is $9.9 billion more than the expected savings from the Balanced Budget Agreement. Unfortunately this savings has been achieved on the backs of efficient, quality home care providers and the people who need care.

In the next few days I will be asking my colleagues to join me in a letter to President Clinton and to Speaker Gingrich. The letter will urge them to recognize the crisis in the home health care industry and implore them to make the resolution of this crisis a national priority. Congress should not let one more family or one more senior citizen suffer. Madam Speaker, I urge my colleagues to sign these letters and to get involved in finding an immediate solution to this home health care crisis. Thank you.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 33 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DICKEY) at 10 a.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

With Your goodness to us that is so freely given we place before You, O God, our personal petitions and pray that You would give strength when we are weak, heal us when we are hurt, forgive us when we miss the mark and encourage us to hear Your word and receive Your grace. We are grateful for so much and yet our needs are great, so we ask in this our prayer that Your spirit would abide in our hearts and Your presence live deep in our souls. May we be the people You would have us be and do those things that honor You and serve people everywhere. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

LARRY ERROL PIETERSE

The Clerk called the bill (H.R. 379) for the relief of Larry Errol Pieterse.

There being no objection, the Clerk read the bill as follows:

H.R. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF GROUNDS FOR REMOVAL OF, OR DENIAL OF ADMISSION TO, LARRY ERROL PIETERSE.

(a) IN GENERAL.—Notwithstanding section 212(a)(2)(A) of the Immigration and Nationality Act, and notwithstanding paragraphs (1)(A) and (2)(B) of section 241(a) of such Act (before redesignation as section 237(a) of such Act by section 305(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), Larry Errol Pieterse may not be removed or deported from the United States or denied admission to the United States by reason of any offense for which he received a full pardon from the Governor of Florida prior to January 1, 1992.

(b) RESCISSION OF OUTSTANDING ORDER OF REMOVAL OR DEPORTATION.—The Attorney General shall rescind any outstanding order of removal or deportation, or any finding of deportability or removability, that has been entered against Larry Errol Pieterse by reason of any offense for which he received a full pardon from the Governor of Florida prior to January 1, 1992.

(c) PERMANENT RESIDENCE STATUS.—Notwithstanding any order terminating the status of Larry Errol Pieterse as an alien lawfully admitted for permanent residence, for purposes of the Immigration and Nationality Act he shall be considered lawfully admitted for permanent residence as of November 3, 1981, and such status shall be considered not to have changed between such date and the date of the enactment of this Act.

(d) ESTABLISHMENT OF GOOD MORAL CHARACTER.—Notwithstanding section 101(f) of the Immigration and Nationality Act, any offense for which Larry Errol Pieterse received a full pardon from the Governor of Florida prior to January 1, 1992, may not be considered in determining whether he is, or during any period has been, a person of good moral character for purposes of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHONG HO KWAK

The Clerk called the bill (H.R. 2744) for the relief of Chong Ho Kwak.

There being no objection, the Clerk read the bill as follows:

H.R. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATURALIZATION FOR CHONG HO KWAK.

(a) IN GENERAL.—By reason the inability of Chong Ho Kwak to understand the oath of allegiance required under section 337(a) of the Immigration and Nationality Act, because of his physical disability, notwithstanding such section or any other provision of such Act, the Attorney General shall naturalize Chong Ho Kwak, residing at 7 East Dulles Drive, Camp Hill, Pennsylvania, as a citizen of the United States, without his being administered the oath of allegiance pursuant to such section, not later than 5 days after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act and shall apply regardless of whether the application for naturalization filed by Chong Ho Kwak before the date of the enactment of this Act has been finally denied by the Attorney General as of such date.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BELINDA McGREGOR

The Clerk called the Senate bill (S. 1304) for the relief of Belinda McGregor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 379 and H.R. 2744, the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take 15 one-minutes from each side.

THE COURAGE AND PERSEVERANCE OF LT. COL. LLOYD MILES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, this West Point graduate salutes my friend and classmate, Lieutenant Colonel Lloyd Miles, who took command of the First Battalion, 187th Infantry Regiment on July 21, 1998.

Lloyd was originally appointed battalion commander 2 years ago, but was sidelined after a grenade explosion took his left leg below the knee during a training accident just a couple of weeks into the job. Now, with a prosthetic that allows him to perform all of his duties, Lloyd has returned to his battalion.

Lloyd endured a painful rehabilitation at Walter Reed. Through his rehab, he had one goal in mind: to walk down the aisle unassisted. That is right, Lloyd was in the midst of planning his wedding when the accident occurred. He was determined to keep the wedding on schedule.

Not only did Lloyd reach his goal of walking down the aisle, he can now ride a bike. Lloyd credits his success to his wife and both of their families, as well as several generals who were also amputees and had successful careers.

Lloyd wants to lead by example, which is exactly what he has done through his courage, dedication and value of family and friends. Lloyd exhibits the best of our alma mater and class: Pride and excellence.

Lloyd, well done.

IF THE DRAGON FITS, JANET RENO SHOULD COMMIT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the media says, "If it is on the dress, he must confess." I say, "If the dragon fits, Janet Reno should commit."

That is right, Janet Reno should appoint an independent counsel to investigate this Chinagate business. Even FBI director Louis Freeh agrees. But Janet Reno says, no, absolutely not. That is unbelievable to me.

The Justice Department cries out for reform from the top to the bottom. It is such a joke. If someone at the Justice Department commits a crime, that crime is investigated by a peer, a friend, a buddy in the same Justice Department.

Beam me up. From Waco, to Ruby Ridge, to China, to Filegate, it is out of control. While Monica's dress may be a fly on her face, my colleagues, I submit that China is a dragon eating our assets.

I yield back any justice left at the United States Justice Department.

ONE INTERESTING CONSPIRACY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the most amazing thing about the so-called "vast right-wing conspiracy" is that it is led by Democrats.

In fact, what is even more surprising is that it is led by Democrats who volunteer their time to help the Clinton-Gore White House.

Kathleen Willey and Monica Lewinsky were White House volunteers and loyal Democrats, about the last people we would expect to organize a vast right-wing conspiracy.

But just think about the other Democrats in this vast network of people who are out to get the President: Attorney General Reno; former Carter speech writer and aide to Tip O'Neil Chris Matthews; and former aide to Senator MOYNIHAN Tim Russert.

Am I forgetting anyone? Oh, yes, let us recall that Louis Freeh, appointed by President Clinton, has called for the appointment of an independent counsel to look into illegal campaign contributions to the Democratic party, as has Charles LaBella, handpicked by Janet Reno to investigate those allegations.

This is one interesting conspiracy.

YEAR 2000 CENSUS

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, the 1990 Census was the first in history to be less accurate than its predecessor. It missed millions of Americans, predominantly children and minorities.

Virtually every expert agrees that the way to get the most accurate census possible is by using modern scientific methods to supplement the traditional head count.

The Census Bureau's plan will not only produce the most accurate census, it will save literally hundreds of millions of dollars. Using the methods employed in 1990 will cost close to a billion more dollars and still miss millions of Americans. We cannot let this happen.

Funding the Census Bureau for only 6 months will cripple its ability to adequately plan and prepare for the largest peacetime mobilization undertaken by the U.S. Government. We must take the guessing out of the census.

For these reasons, we must today support the Mollohan amendment which strikes the provisions that restrict funding to the Census Bureau as they prepare for the 2000 census.

DOLLARS TO THE CLASSROOM ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to tell my colleagues what America's teachers are saying about the need to get tax dollars to the classroom.

The Association of American Educators has found that 82 percent of the teachers surveyed support consolidating Federal education programs, sending those funds in a formula grant to the States, just what the Dollars to the Classroom Act does.

I would like to share with my colleagues some interesting comments from teachers who support the Dollars to the Classroom approach.

"The Federal Government should quit dictating to local communities what should be taught to children, mainly because the Federal Government is totally out of touch with reality." Kansas City, Missouri.

"It's time we realize that no one program can meet the needs of every region." Oklahoma City, Oklahoma.

"I'm all in favor of localizing control of school budgets. Local educators are professionals with the training and experience to make the best decisions for their schools." Harrisburg, Pennsylvania.

Those are thoughts of teachers.

The question we need to ask is who do we trust to educate our children, Washington bureaucrats or local teachers, parents, and school officials?

Let us pass the Dollars to the Classroom Act. Send $2.7 billion to our classrooms.

NATION NEEDS AN ACCURATE CENSUS

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, the Nation needs an accurate census, one that includes everyone.

The 1990 census undercounted 8.4 million people. The count heavily disfavored minorities. Correcting the census undercount is the civil rights issue of the 1990s.

The Census Bureau, under the direction of the National Academy of Sciences, has come forward with the modern comprehensive plan for the Year 2000 Census, one that will include everyone. The Republican majority is trying to stop the plan from going forward.

The Republican majority should not fear counting blacks, Hispanics and Asians. What they should be afraid of is repeating the errors of 1990 while the Nation's minorities look on, knowing those mistakes could have been prevented, knowing they were intentionally left out.

Mr. Speaker, the Year 2000 census must be about policy, accurate policy, not politics.

EDUCATION SAVINGS ACCOUNTS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I do not recall precisely what I was doing July 21, but I do recall that I was not celebrating the passage of the Education Savings Accounts, a middle-class and low-income initiative that would have given millions of parents hope, hope for their children's future that they do not now have.

I did not celebrate because President Clinton vetoed that legislation on July 21. And the only people who were celebrating that day were here in Washington DC.

That is right, the Washington bureaucrats and the special interests who were responsible for the failed schools in the first place, who were responsible for the need for this legislation, they were celebrating already. They rejoiced in their ability to avoid real reform for one more year.

Schools which are laden with education malpractice will continue to avoid accountability. Children who graduate from these schools lacking even a basic competency in math and reading will continue to hold back any nation that is leading the world in science, technology, and innovation.

Yes, for the special interests and Washington bureaucrats, it was a time to celebrate. But for the children whose lives are clouded by the lack of hope, it is a sad day indeed.

HOME HEALTH CARE INDUSTRY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is not many times we can come to the floor of the House and solve a problem by working with the administration and working legislatively to make good or make better what we have wronged.

I am speaking this morning about the home health care industry, millions and millions of servants around the Nation who have made life better for those who are home-bound or infirm. We have a problem that they are facing that is causing many of them to close their doors, and that is the Medicare Interim Payment Plan. It is a problem and a plan that does not work.

The home health care industry and those professionals who work every day go to the neighborhoods and homes of our respective constituents and provide them with the necessary health care at home that allows them to stay with their families, to stay in the homes that they paid for, to stay where they raised their children, to stay in their familiar surroundings.

This process that is being enacted by HCFA is causing great stress and distress. And so, I would ask this House and the Administration to collaborate to change the laws and save our home health care industry. It will save the people who want to be home with their family and friends.

RADIO AND TV MARTI

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, one of the many projects in the Commerce bill which helped to further American priorities and objectives is Radio and TV Marti.

Cuban patriot and poet Jose Marti said, "Only oppression should fear the full exercise of freedom."

Today, only Fidel Castro should fear the transmission of Radio and TV Marti. Only a brutal dictator like Castro should fear the dissemination of democratic principles throughout Cuba. Only those who want to keep the people of Cuba enslaved in an island prison should fear Radio and TV Marti.

One hundred years ago the U.S. joined forces with the Cuban opposition to help usher in a new era of independence and representative democracy for Cuba. Today, through Radio and TV Marti, the echoes of this commitment to bringing freedom to Cuba should be heard and seen by the Cuban people.

Daily transmissions from the U.S. to Cuba bring hope to an oppressed population and remind them of the more than 100 years of friendship and solidarity between the people of our two countries.

Let us do what is right. Let us recall the courage of those men and women who fought to defend the principles of liberty 100 years ago. Let us honor their memory by supporting Radio and TV Marti.

□ 1015

CENSUS

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, it is important for every American to be counted. How can Congress determine what a community needs if we really do not know how many people are in that community? It is estimated that the 1990 census undercounted the population in my hometown of Houston, Texas by 67,000 people. It is estimated the State of Texas lost $1 billion in title I school funding, road construction and senior citizen services because of the undercount in 1990.

Statisticians and scientists have determined that using scientific statistical methods will produce a census that is more accurate and less costly to taxpayers. We should stop playing politics with the census issue and say let us count every American. Today the Mollohan amendment will ensure that the Census Bureau be able to conduct an accurate and cost effective census in the year 2000. We need to support the Mollohan amendment.

Mr. Speaker, everyone deserves to be counted.

JOB CORPS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the House will soon approve more than $1 billion and a big increase for one of the most wasteful, least effective organizations in the entire Federal Government. This organization is the Job Corps, and it is presently spending more than $25,000 per year per Job Corps student. Yet the GAO has confirmed that very few Job Corps students, only about 4 percent, end up in jobs for which they were trained. For this $25,000 per year per student, we could give each of these young people a $1,000 a month allowance, send them to some expensive private school and still save money. They would probably think they had almost gone to heaven. This money will be approved because there are more than 110 Job Corps centers spread politically all over the country, and because most people mistakenly assume that this money is going to underprivileged young people.

Yet the kids are not getting this money. The only ones really benefiting are wealthy government contractors and the bureaucrats who are running the program.

SUPPORT MOLLOHAN AMENDMENT FOR A FAIR AND ACCURATE CENSUS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the debate over the census should be about how to get a fair and an accurate count in the year 2000. We need to make sure that everyone counts in this country, everyone. The Census Bureau consulted the experts at the National Academy of Sciences, who recommended a plan to use the latest scientific methods to supplement the traditional head count. It would also save taxpayers millions of dollars. A more accurate, less costly census, that is the plan that the Democrats support. But the Republicans in this body want to overrule the experts.

That is a bad idea. The census is too important to fall victim to partisan politics. The census data directly affects decisions made on funding for education, veterans services, public health care, the environment and housing. In America, every family should count. Every child should count. Every senior should count. Every veteran should count.

Support a fair and an accurate census. Support the Mollohan amendment.

CENSUS MUST FOLLOW CONSTITUTIONAL MANDATE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the last speaker talked about the census. There is one overriding requirement for the census, that it follow the constitutional mandate for an actual count. Now, all the great things that have been said about doing it the other way really do not follow the constitutional mandate. It is easy to get up and say, "Well, it will cost less money. We are going to count everybody."

Of course we want to count everybody. That is the issue. We do not believe you will get an accurate count by sampling. The Constitution does not provide for a count by sampling. It requires an actual enumeration. So the Democrats do not want to follow the Constitution. The Republicans do. We believe that is the requirement. We are willing to pay the cost. We want an accurate count.

AMERICA NEEDS A FAIR AND ACCURATE CENSUS

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, the census is America's family portrait. I would like to bring attention to my staff. We thought we would take a family portrait. Unfortunately, this is what my staff would look like after a Republican census. If the Republicans have their way, some of my staff will disappear, because the Republicans do not want a fair and accurate census. Republicans are absolutely satisfied with certain people not being counted because it preserves their political power.

In the year 2000, the only way we are going to make sure that every man, woman and child is included in America's family portrait is by putting Republican racial fearmongering aside and let the Census Bureau do its job. America needs a fair and accurate census.

MANAGED CARE REFORM

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, just in case there are any questions left about what is wrong with health care in America and the failure of the Republican proposal in this House, my family has had another opportunity to see America's present health care system up close and personal.

My brother, who runs the dairy farm that we live on, woke up one morning with the right side of his face paralyzed from blind tick palsy. He had no sensation on the right side of his face. "Silly brother," Ike thought, "this was serious." So he went to the emergency room. But not his insurance company. They rejected the claim.

Americans are being injured and harassed by the present system. We need to applaud President Clinton for his efforts to move health care forward and let doctors and hospitals make decisions about health care and not the profits of the managed care companies.

CAMPAIGN FINANCE REFORM

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise to point out that last night we had quite a victory in this House on campaign finance reform. We had a victory on an amendment, a small step. It is not the answer. The answer is comprehensive campaign reform. People fail to realize that in the elections last time, running for this seat in the House of Representatives cost over half a billion dollars for all the candidates. That was what was reported, because there are a lot of ads done by independent agencies that are not reported.

So, Mr. Speaker, if we are going to have meaningful campaign finance reform, we are going to have to put limits on what candidates can spend. That amendment is up today. We are going to have a great debate and we are going to see whether this House can live up to what it has done in 1991, 1992 and 1993, when we passed comprehensive campaign reform that really put limits on campaigns. Shays-Meehan is a step in the right direction, but it is not the answer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

REQUIRING OSHA TO RECOGNIZE THAT ELECTRONIC FORMS AND PAPER COPIES PROVIDE THE SAME LEVEL OF ACCESS TO INFORMATION

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4037) to require the Occupational Safety and Health Administration to recognize that electronic forms of providing Material Safety Data Sheets provide the same level of access to information as paper copies and to improve the presentation of safety and emergency information on such Data Sheets, as amended.

The Clerk read as follows:

H.R. 4037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTRONIC ACCESS.

In the administration and enforcement of the regulation on Hazard Communication, published at 29 C.F.R. Sec. 1910.1200, the Secretary shall provide that an employer complies with the requirement of maintaining and making readily accessible to employees material safety data sheets (MSDS) for each hazardous chemical if such employer makes the MSDS available through electronic access, so long as—

(1) the electronic system for retrieving MSDS's is reasonably and readily available to employees in their work areas throughout their work shifts and to representatives of the employees upon reasonable request;

(2) the electronic system is capable of providing a paper copy of a retrieved MSDS without unreasonable delay;

(3) employees are adequately trained in the use of the electronic system for retrieving MSDS's; and

(4) the electronic system provides a means of retrieving information contained in MSDS's in case of a temporary power or equipment failure or other emergency.

SEC. 2. DISPLAY OF SAFETY INFORMATION.

(a) GENERAL RULE.—Under the regulation on Hazard Communication, published at 29 C.F.R. Sec. 1910.1200, each chemical manufacturer, importer, or distributor shall prominently display worker safety information described in subsection (b) by either—

(1) attaching to the first page of each material safety data sheet a container label (or facsimile thereof) which includes, at a minimum, the information described in subsection (b); or

(2) attaching to the first page of each material safety data sheet the information described in subsection (b).

(b) INFORMATION.—The information required by subsection (a) shall include—

(1) the manufacturer's, importer's, or distributor's name, address, and emergency telephone number (including the hours of operation);

(2) the identity of the chemical, using the trade name or chemical name and potentially hazardous ingredients of the chemical;

(3) appropriate hazard warnings, with immediate hazards listed first;

(4) instructions for safe handling and precautionary measures to avoid injury from hazards; and

(5) first aid instructions in case of contact or exposure which require immediate treatment before medical treatment is available. Information required under paragraph (5) should be targeted to the technical level of the audience and information required by this subsection shall be presented with the least technical language appropriate.

(c) EFFECTIVE DATE.—The requirements of subsection (a) shall apply to material safety data sheets for new or reformulated chemicals beginning 18 months after the date of the enactment of this Act and shall apply to all other material safety data sheets beginning 36 months after such date.

SEC. 3. STUDY.

Not later that 90 days after the date of the enactment of this Act, the Secretary of Labor shall initiate a study that assesses and measures the comprehensibility of hazard warnings to industrial workers. Upon completion of the study, the Secretary shall prepare a report and make it available to chemical manufacturers and importers which prepare material safety data sheets.

SEC. 4. REPORT ON AGREEMENT.

The Secretary of Labor shall report to the House Committee on Education and the Workforce and the Senate Labor Committee upon United States entry into any international agreement regarding the format or contents of material safety data sheets or labeling of hazardous chemicals with recommendations for changes to the requirements of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

First let me acknowledge and commend the two sponsors of H.R. 4037, the gentlewoman from Texas (Ms. GRANGER) and the gentleman from Indiana (Mr. ROEMER). I appreciate the work that both of them and their staffs have done in making this a bipartisan bill and in working with everyone involved so that we can bring this bill to the House floor today.

OSHA's Hazard Communication Standard is one of OSHA's most important but also most troublesome regulations. A lot of complaints that we hear about, about the paperwork burden and the nit-picky paperwork violations from OSHA are because of the Hazard Communication Standard. The idea of the standard is a good one, to make sure that employers and employees know what chemicals they are working with and how to safely handle them. But the implementation of this standard has long been a source of complaint, and OSHA has not been exactly quick to fix the problems.

H.R. 4037 addresses two of the problems that have been the source of these complaints for years. Under the Hazard Communication Standard, each chemical product must have a Material Safety Data Sheet, or better known as an MSDS that is written by the producer or importer of the chemical, and which must contain a variety of information about the chemical involved and the potential hazards it may present. Those Material Safety Data Sheets, or MSDS, are then forwarded down through the chain of commerce all the way to the retailer or user of the product. Each employer who uses or sells any products containing chemicals for which there have been any studies showing potential health or safety hazards must maintain these Material Safety Data Sheets in his or her workplace. OSHA estimates that there are over 650,000 chemical products covered by the Hazard Communication Standard. Others have estimated that there are Material Safety Data Sheets in circulation for over a million different products. Your typical small business can easily have a couple of thousand of these MSDS Data Sheets on hand. And an MSDS Data Sheet can easily be 10 or more pages long. It is little wonder that failure to have all of the required MSDS Data Sheets on hand has been one of the most frequently cited of all OSHA's regulations.

The first part of H.R. 4037 makes clear that an employer's obligation to have these Safety Data Sheets readily accessible may be met by electronic access to the MSDS Data Sheets.

□ 1030

The advantage of using the electronic system to access these sheets are overwhelming, particularly for small employers. For a couple of hundred dollars a year, a small businessman can subscribe to an electronic service that maintains all of the MSDS sheets through which he can instantly call up the desired information. Instead of going through piles of paper and filing cabinets and looseleaf folders, the employee can simply type in the name of the product and access the information.

OSHA does not prohibit electronic systems from accessing material, the safety data sheets, but the regulation and OSHA's enforcement policy suggests that employers should maintain copies of MSDS sheets, whether or not they are also in the electronic system. As a result, many employers simply maintain paper copies, despite the fact that the electronic system would be more useful and effective.

H.R. 4037 makes it clear that electronic access systems, whether maintained in-house or by third parties, are permitted, so long as four conditions are met: First, the electronic system is reasonably and readily available to employees and upon request to union representatives of the employees; second, the electronic system can produce paper copies of the MSDS, if requested, without unreasonable delay; third, employees are adequately trained in the use of the electronic system; and, fourth, the electronic system provides a means of retrieving information contained in the MSDS in case of temporary power or equipment failure. Thus, for example, an employer whose electronic system used as an Internet connection could receive information contained in the MSDS via telephone in the event of computer or power failure until the Internet connection is restored.

A second complaint about the hazard communications standard has been the fact that the MSDS sheets are not easily used by most employees or employers, both because of the amount of information they include and because they are often written in technical language. Suppliers of these MSDS point out that the sheets are used for a variety of purposes, including emergency response personnel and health care providers, so more detailed and technical information in the Material Safety Data Sheet is important.

H.R. 4037 attempts to strike a balance between these two concerns. It does not require change in either the format of the MSDS or in the type of information provided by this MSDS. Instead, it requires that summary emergency information with the information most useful to the employee be attached to the front of the MSDS. That information is the same as is often provided in the product label.

So the bill provides that either the label or the text of the label should be attached to the front of the Material Safety Data Sheet. But the label or the text of the label must include certain basic information about chemicals, including emergency contacts.

Finally, concerns were raised about the effect of H.R. 4037 on efforts under way to reach an international agreement on a standardized form for presenting information on chemicals. Now, I appreciate that concern, and as we continue the move into the global marketplace, it makes sense to standardize as much as possible the presentation of hazard information.

On the other hand, we do not know at this point when the international effort will conclude or what it might provide. So H.R. 4037 requires that the Secretary of Labor, if an international agreement is reached, recommend to this committee and to the Senate Labor Committee any changes in the law necessary to make it consistent with international agreement.

Mr. Speaker, H.R. 4037 is a simple but important step towards improving this OSHA regulation.

Again I want to thank the gentleman from Indiana (Mr. ROEMER) and the gentlewoman from Texas (Ms. GRANGER) for their efforts to move this bill, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this common sense legislation. First of all, I, too, want to applaud the gentleman from North Carolina (Mr. BALLENGER) and the gentlewoman from Texas (Ms. GRANGER) for their work and their cooperation and their bipartisanship on this very common sense bill.

The bottom line, Mr. Speaker, for me is we need to work in a bipartisan, common sense way to prevent the 6,000 people that are killed in the workplace every year and the 70,000 workers that are hurt in the workplace every year. There are things we can do, working across the aisle, Democrats and Republicans, to use common sense, and in this case technology, to prevent those deaths and those injuries.

This bill, I think, goes a long way toward providing that common sense and that usage of technology by updating these MSDSs. We now can encourage our small businesses and big businesses to use the CD-ROMs. Instead of merely using what they have used over the decades and through years and years of paperwork, the Material Safety Data Sheets, that have all kinds of complexities and paperwork and sheets of data that are faxed from one employer to another and back and forth, and you cannot even read them once they are faxed back and forth, we want to bring OSHA into the new century and the next century and use the kind of technology, Internet services, fax-on-demand, electronic services, and, yes, CD-ROMs, to make sure we try to use technology to prevent the 6,000 people that are killed every year and the 70,000 people that are injured in the workplace. So this uses technology, and it uses it in a very, very fair, common sense and efficient manner.

Secondly, we want to use the common sense with that technology to prevent these injuries and deaths. Too often in these sheets of paper we do not use common sense and things read "avoid ocular contact." Avoid ocular contact? Why can we not just say "keep out of the eyes." That is the kind of common sense language that I think we all need to use, whether we are speaking on the House floor or whether we are trying to prevent injury and death in the workplace.

So this bill goes a long way towards using that common sense, toward permitting the use of technology and the Internet and CD-ROMs, and toward working with a diverse group of people and interest groups in this town and throughout the country.

We have worked with the AFL-CIO, we have worked with the Department of Labor, we have worked with the Chemical Manufacturers Association and the Small Business Coalition for MSDS reform led by the NFIB. All of these groups have worked with the gentlewoman from Texas (Ms. GRANGER) and the gentleman from North Carolina (Mr. BALLENGER) to put together this bipartisan legislation and try to move this country forward toward protecting our workers with technology and common sense.

So I strongly applaud this bipartisan work, this good work product, this use of technology, this use of better English language to help our workers understand the dangers of the workplace.

Finally, I want to conclude by saying, Mr. Speaker, that this is the third bill this year where we have passed incremental changes to OSHA that try to do things to ensure better morale, better productivity and a safer workplace.

We passed H.R. 2877, which prohibited OSHA from setting quotas for citations and fines. We should not have quotas for citations and fines. This committee worked together to prohibit that practice.

We passed 2864, which allows state OSHA agencies to consult with businesses to improve their safety programs. This kind of consultation and proactive way, rather than just doing penalties, will also improve the way OSHA tries to protect the workers with common sense and technology and proactive ways of working with our businesses, rather than just simply going in and fining them.

In conclusion, Mr. Speaker, I want to say I am very proud to have worked with the Republicans and Democrats to get this legislation up before the body today. I am very proud to have worked in a bipartisan way to pass two previous pieces of legislation that reflect the same kind of things in this bill, the common sense and the use of technology, and also very proud to do some things in this body that reach out to States like Indiana and North Carolina, that reach out to States like Texas and California and New York, to do what we all want to do, increase productivity, keep this economy rolling along, and, yes, protect the worker in the workplace. That is what this common sense legislation will achieve.

I thank again the gentlewoman from Texas (Ms. GRANGER) and the gentleman from North Carolina (Mr. BALLENGER), to the staff on my side of the Committee on Education and the Workplace, and to my staff member Ryan Dvorak for his hard work.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield three minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, many times on many occasions we come to this floor in the hope of solving a crisis. Today we come in the hope of preventing one. H.R. 4037 is a simple bill with a simple premise, to protect the safety and security of America's workers.

Let me give you an example of how this bill will make a difference in the lives of working people everywhere. Under current law, when a chemical is spilled in the workplace, the workers have to plow through a Material Safety Data Sheet to find instructions on how to clean up the spill and minimize danger. Unfortunately, these forms are, as the gentleman from Indiana (Mr. ROEMER) said, generally written in legal terms, not common sense terms, that can straightforwardly protect the safety of our workers.

Our bill ensures that at the beginning of each MSDS form there will be an emergency overview that lays out in layman's terms what needs to be done in the case of a chemical spill in the workplace.

Moreover, our bill allows these important forms to be kept through an electronic communication systems, like a fax-on-demand system, Internet service or CD-ROM. These will make them more convenient, more accessible, and, the most important thing, they will make them more effective for our workers.

I want to thank the gentleman from North Carolina (Chairman BALLENGER) for his hard work on this issue and for his willingness to bring this bill to the floor. I would also like to thank the gentleman from Indiana (Mr. ROEMER), who cosponsored this legislation with me, and, as the Congressman said, in particular, we would like to thank our staff, in my case Lisa Helfman who worked on my staff and Ryan Dvorak on the staff of the gentleman from Indiana (Mr. ROEMER), for their hard work in bringing this forward.

We often speak of issues in terms of right or left. This is an issue that is truly right versus wrong. It is right to give our workers the protections they need, since it is always the right time to do the right thing.

I urge my colleagues to pass H.R. 4037 today.

Mr. GOODLING. Mr. Speaker, H.R. 4037 makes two simple but important changes to OSHA's regulation on Hazard Communication.

First, H.R. 4037 clarifies the law with regard to the acceptable use of electronic systems for maintaining "material safety data sheets," which employers are required to maintain and make available to employees by the Hazard Communication standard.

To anyone who has looked at the amount of information required of the typical business by the Hazard Communication standard, it should be evident that an electronic system of keeping that information is preferable to a paper system. And yet OSHA continues to suggest a preference for paper copies of material safety data sheets by putting conditions on the use of electronic systems that it does not put on paper copies.

By encouraging employers, especially small employers, to use electronic systems for maintaining material safety data sheets, H.R. 4037 will make a real impact in reducing OSHA's paperwork burden on employers.

Second, H.R. 4037 requires that summary and emergency information be attached to the front page of the material safety data sheet. This is to make the information more useful and useable for employers and employees.

Mr Speaker, I want to commend the sponsors of H.R. 4037, Representative GRANGER and Representative ROEMER, for their work on this bipartisan bill, as well as Subcommittee Chairman BALLENGER. H.R. 4037 will help make one Federal regulation a little more sensible and compliance a little easier. I urge my colleagues to support H.R. 4037.

Mr. ROEMER. Mr. Speaker, today, the House of Representatives will pass H.R. 4037, a bill of which I am an original cosponsor. I would like to thank my colleagues, Representative KAY GRANGER and Representative CASS BALLENGER, and all of the cosponsors, for their bipartisan efforts to help create and pass this common sense OSHA reform legislation.

Under current law, every business in the country must maintain documentation about the chemicals they keep at a work site. These documents are called Material Safety Data Sheets (MSDS's) and while originally intended to provide critical health and safety information about dangerous chemicals, they have become cumbersome technical documents that can be up to twenty pages long, and are the causes of frequent paperwork violation citations.

H.R. 4037 has three main points. First, it would allow businesses the choice to access the information contained on an MSDS through electronic communications services, like a fax-on-demand system, internet service, or a CD-ROM. This type of service eliminates an enormous amount of regulatory paperwork, while actually increasing access to the information. Current MSDS service companies can provide instantaneous access to critical chemical information, expert technical advice, and coordination with emergency responders. The current paper system can do none of those.

Second, H.R. 4037 would require all MSDS to have an emergency overview at the beginning of the document that lists emergency contacts, hazard warnings, and first aid information. This emergency overview would allow both employers and employees to have immediate access to the most critical information on an MSDS. Currently, this information can be buried near the end of the document, behind pages of confusing technical information.

Finally, the bill instructs the Occupational Safety and Health Administration (OSHA) to conduct a study on the technical level of language used to write MSDS's. Presently, some documents still say things like: "Avoid ocular contact," instead of: "Keep out of eyes." OSHA would make the results of their study available to MSDS writers to provide guidance and improve their quality.

To achieve this bipartisan piece of legislation, we have worked in good faith with every interested party to address the concerns of the AFL-CIO, the Chemical Manufacturers Association, the Department of Labor, and the small business Coalition for Material Safety Data Sheet Reform. Again, I thank my colleagues for their cooperation and hard work on H.R. 4037. I look forward to working with the Senate to ensure its eventual enactment into law.

Mr. ROEMER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 4037, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4037.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

☐ 1045

OCEAN SHIPPING REFORM ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes, as amended.

The Clerk read as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1998".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect May 1, 1999.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and";

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(2) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(3) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(4) striking "in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container," in paragraph (10), as redesignated;

(5) striking "paper board in rolls, and paper in rolls." in paragraph (10) as redesignated and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(6) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (13) as redesignated and inserting "agreement";

(7) striking "conference." in paragraph (13) as redesignated and inserting "agreement and the contract provides for a deferred rebate arrangement.";

(8) by striking "carrier." in paragraph (14) as redesignated and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.";

(9) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(10) striking paragraph (17), as redesignated, and inserting the following:

"(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term—

"(A) 'ocean freight forwarder' means a person that—

"(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and "(ii) processes the documentation or performs related activities incident to those shipments; and

"(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(11) striking paragraph (19), as redesignated and inserting the following:

"(19) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual ocean common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party."; and

(12) striking paragraph (21), as redesignated, and inserting the following:

"(21) 'shipper' means—

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean transportation intermediary, as defined in paragraph (17)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.".

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) Ocean Common Carriers.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel-operating common carriers;" in paragraph (5) and inserting "operators;";

(2) striking "and" in paragraph (6) and inserting "or"; and

(3) striking paragraph (7) and inserting the following:

"(7) discuss and agree on any matter related to service contracts.".

(b) Marine Terminal Operators.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking "(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)";

(2) striking "and" in paragraph (1) and inserting "or"; and

(3) striking "arrangements." in paragraph (2) and inserting "arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.".

SEC. 104. AGREEMENTS.

(a) In General.—Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by—

(1) striking subsection (b)(8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item;

(2) redesignating subsections (c) through (e) as subsections (d) through (f); and

(3) inserting after subsection (b) the following:

"(c) Ocean Common Carrier Agreements.—An ocean common carrier agreement may not—

"(1) prohibit or restrict a member or members of the agreement from engaging in negotiations for service contracts with 1 or more shippers;

"(2) require a member or members of the agreement to disclose a negotiation on a service contract, or the terms and conditions of a service contract, other than those terms or conditions required to be published under section 8(c)(3) of this Act; or

"(3) adopt mandatory rules or requirements affecting the right of an agreement member or agreement members to negotiate and enter into service contracts.

An agreement may provide authority to adopt voluntary guidelines relating to the terms and procedures of an agreement member's or agreement members' service contracts if the guidelines explicitly state the right of members of the agreement not to follow the guidelines. These guidelines shall be confidentially submitted to the Commission.".

(b) Application.—

(1) Subsection (e) of section 5 of that Act, as redesignated, is amended by striking "this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do" and inserting "this Act does"; and

(2) Subsection (f) of section 5 of that Act, as redesignated, is amended by—

(A) striking "and the Shipping Act, 1916, do" and inserting "does";

(B) striking "or the Shipping Act, 1916,"; and

(C) inserting "or are essential terms of a service contract" after "tariff".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) striking "or" at the end of subsection (b)(2);

(3) striking "States." at the end of subsection (b)(3) and inserting "States; or"; and

(4) adding at the end of subsection (b) the following:

"(4) to any loyalty contract.".

SEC. 106. TARIFFS.

(a) In General.—Section 8(a) of the Shipping Act of 1984 (46 U.S.C. App. 1707(a)) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in paragraph (1);

(2) striking "file with the Commission, and" in paragraph (1);

(3) striking "inspection," in paragraph (1) and inserting "inspection in an automated tariff system,";

(4) striking "tariff filings" in paragraph (1) and inserting "tariffs";

(5) striking "freight forwarder" in paragraph (1)(C) and inserting "transportation intermediary, as defined in section 3(17)(A),";

(6) striking "and" at the end of paragraph (1)(D);

(7) striking "loyalty contract," in paragraph (1)(E);

(8) striking "agreement." in paragraph (1)(E) and inserting "agreement; and";

(9) adding at the end of paragraph (1) the following:

"(F) include copies of any loyalty contract, omitting the shipper's name."; and

(10) striking paragraph (2) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.".

(b) Service Contracts.—Subsection (c) of that section is amended to read as follows:

"(c) Service Contracts.—

"(1) In general.—An individual ocean common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree. In no case may the contract dispute resolution forum be controlled by or in any way affiliated with a controlled carrier as defined in section 3(8) of this Act, or by the government which owns or controls the carrier.

"(2) Filing requirements.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an individual ocean common carrier or an agreement shall be filed confidentially with the Commission. Each service contract shall include the following essential terms—

"(A) the origin and destination port ranges;

"(B) the origin and destination geographic areas in the case of through intermodal movements;

"(C) the commodity or commodities involved;

"(D) the minimum volume or portion;

"(E) the line-haul rate;

"(F) the duration;

"(G) service commitments; and

"(H) the liquidated damages for nonperformance, if any.

"(3) Publication of certain terms.—When a service contract is filed confidentially with the Commission, a concise statement of the essential terms described in paragraphs 2 (A), (C), (D), and (F) shall be published and made available to the general public in tariff format.

"(4) Disclosure of certain terms.—

"(A) An ocean common carrier, which is a party to or is subject to the provisions of a collective bargaining agreement with a labor organization, shall, in response to a written request by such labor organization, state whether it is responsible for the following work at dock areas and within port areas in the United States with respect to cargo transportation under a service contract described in paragraph (1) of this subsection—

"(i) the movement of the shipper's cargo on a dock area or within the port area or to or from railroad cars on a dock area or within the port area;

"(ii) the assignment of intraport carriage of the shipper's cargo between areas on a dock or within the port area;

"(iii) the assignment of the carriage of the shipper's cargo between a container yard on a dock area or within the port area and a rail yard adjacent to such container yard; and

"(iv) the assignment of container freight station work and container maintenance and repair work performed at a dock area or within the port area.

"(B) The common carrier shall provide the information described in subparagraph (A) of this paragraph to the requesting labor organization within a reasonable period of time.

"(C) This paragraph requires the disclosure of information by an ocean common carrier only if there exists an applicable and otherwise lawful collective bargaining agreement which pertains to that carrier. No disclosure made by an ocean common carrier shall be deemed to be an admission or agreement that any work is covered by a collective bargaining agreement. Any dispute regarding whether any work is covered by a collective bargaining agreement and the responsibility of the ocean common carrier under such agreement shall be resolved solely in accordance with the dispute resolution procedures contained in the collective bargaining agreement and the National Labor Relations Act, and without reference to this paragraph.

"(D) Nothing in this paragraph shall have any effect on the lawfulness or unlawfulness under this Act, the National Labor Relations Act, the Taft-Hartley Act, the Federal Trade Commission Act, the antitrust laws, or any other Federal or State law, or any revisions or amendments thereto, of any collective bargaining agreement or element thereof, including any element that constitutes an essential term of a service contract under this subsection.

"(E) For purposes of this paragraph the terms 'dock area' and 'within the port area' shall have the same meaning and scope as in the applicable collective bargaining agreement between the requesting labor organization and the carrier.".

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking the subsection caption and inserting "(d) TARIFF RATES.—";

(2) striking "30 days after filing with the Commission." in the first sentence and inserting "30 calendar days after publication.";

(3) inserting "calendar" after "30" in the next sentence; and

(4) striking "publication and filing with the Commission." in the last sentence and inserting "publication.".

(d) REFUNDS.—Subsection (e) of that section is amended by—

(1) striking "tariff of a clerical or administrative nature or an error due to inadvertence" in paragraph (1) and inserting a comma; and

(2) striking "file a new tariff," in paragraph (1) and inserting "publish a new tariff, or an error in quoting a tariff,";

(3) striking "refund, filed a new tariff with the Commission" in paragraph (2) and inserting "refund for an error in a tariff or a failure to publish a tariff, published a new tariff";

(4) inserting "and" at the end of paragraph (2); and

(5) striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(e) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (f) of that section is amended to read as follows:

"(f) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public, subject to section 10(d) of this Act, a schedule of rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.".

(f) AUTOMATED TARIFF SYSTEM REQUIREMENTS; FORM.—Section 8 of that Act is amended by adding at the end the following:

"(g) REGULATIONS.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "service contracts filed with the Commission" in the first sentence of subsection (a) and inserting "service contracts, or charge or assess rates,";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Commission";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—";

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking "filed" in paragraph (1) as redesignated and inserting "published or assessed";

(8) striking "filing with the Commission." in subsection (c) and inserting "publication.";

(9) striking "DISAPPROVAL OF RATES.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.";

(10) striking "filed" in subsection (d) and inserting "published or assessed";

(11) striking "may issue" in subsection (d) and inserting "shall issue";

(12) striking "disapproved." in subsection (d) and inserting "prohibited.";

(13) striking "60" in subsection (d) and inserting "30";

(14) inserting "controlled" after "affected" in subsection (d);

(15) striking "file" in subsection (d) and inserting "publish";

(16) striking "disapproval" in subsection (e) and inserting "prohibition";

(17) inserting "or" after the semicolon in subsection (f)(1);

(18) striking paragraphs (2), (3), and (4) of subsection (f); and

(19) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide service in the liner trade that—

"(A) is not in accordance with the rates, charges, classifications, rules, and practices contained in a tariff published or a service contract entered into under section 8 of this Act unless excepted or exempted under section 8(a)(1) or 16 of this Act; or

"(B) is under a tariff or service contract which has been suspended or prohibited by the Commission under section 9 of this Act or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a);";

(4) redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(5) striking "except for service contracts," in paragraph (4), as redesignated, and inserting "for service pursuant to a tariff,";

(6) striking "rates;" in paragraph (4)(A), as redesignated, and inserting "rates or charges;";

(7) inserting after paragraph (4), as redesignated, the following:

"(5) for service pursuant to a service contract, engage in any unfair or unjustly discriminatory practice in the matter of rates or charges with respect to any port;";

(8) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) striking paragraph (6) as redesignated and inserting the following:

"(6) use a vessel or vessels in a particular trade for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;";

(10) striking paragraphs (9) through (13) and inserting the following:

"(8) for service pursuant to a tariff, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage;

"(9) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any port;

"(10) unreasonably refuse to deal or negotiate;";

(11) redesignating paragraphs (14), (15), and (16) as paragraphs (11), (12), and (13), respectively;

(12) striking "a non-vessel-operating common carrier" in paragraphs (11) and (12) as redesignated and inserting "an ocean transportation intermediary";

(13) striking "sections 8 and 23" in paragraphs (11) and (12) as redesignated and inserting "sections 8 and 19";

(14) striking "or in which an ocean transportation intermediary is listed as an affiliate" in paragraph (12), as redesignated;

(15) striking "Act;" in paragraph (12), as redesignated, and inserting "Act, or with an affiliate of such ocean transportation intermediary;"

(16) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(17) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)) is amended by—

(1) striking "non-ocean carriers" in paragraph (4) and inserting "non-ocean carriers, unless such negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this Act";

(2) striking "freight forwarder" in paragraph (5) and inserting "transportation intermediary, as defined by section 3(17)(A) of this Act,";

(3) striking "or" at the end of paragraph (5);

(4) striking "contract." in paragraph (6) and inserting "contract;"; and

(5) adding at the end the following:

"(7) for service pursuant to a service contract, engage in any unjustly discriminatory practice in the matter of rates or charges with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries; or

"(8) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries;".

(c) Section 10(d) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)) is amended by—

(1) striking "freight forwarders," and inserting "transportation intermediaries,";

(2) striking "freight forwarder," in paragraph (1) and inserting "transportation intermediary,";

(3) striking "subsection (b)(11), (12), and (16)" and inserting "subsections (b)(10) and (13)"; and

(4) adding at the end thereof the following:

"(4) No marine terminal operator may give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.

"(5) The prohibition in subsection (b)(13) of this section applies to ocean transportation intermediaries, as defined by section 3(17)(A) of this Act.".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "section 10(b)(5) or (7)" and inserting "section 10(b)(3) or (6)"; and

(2) striking "section 10(b)(6)(A) or (B)" and inserting "section 10(b)(4)(A) or (B).".

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking "'non-vessel-operating common carrier'," in subsection (a)(1) and inserting "'ocean transportation intermediary',";

(2) striking "forwarding and" in subsection (a)(4);

(3) striking "non-vessel-operating common carrier" in subsection (a)(4) and inserting "ocean transportation intermediary services and";

(4) striking "freight forwarder," in subsections (c)(1) and (d)(1) and inserting "transportation intermediary,";

(5) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(6) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(7) striking "(b)(5)" each place it appears in subsection (h) and inserting "(b)(6)".

SEC. 112. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels operated by that common carrier and any such vessel may be libeled therefore in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking "section 10(b)(1), (2), (3), (4), or (8)" in paragraph (1) and inserting "section 10(b)(1), (2), or (7)";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

"(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)."; and

(4) striking "paragraphs (1), (2), and (3)" in paragraph (6), as redesignated, and inserting "paragraphs (1), (2), (3), and (4)".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by—

(1) striking "or (b)(4)" and inserting "or (b)(2)";

(2) striking "(b)(1), (4)" and inserting "(b)(1), (2)"; and

(3) adding at the end thereof the following "Neither the Commission nor any court shall order any person to pay the difference between the amount billed and agreed upon in writing with a common carrier or its agent and the amount set fourth in any tariff or service contract by that common carrier for the transportation service provided.".

SEC. 113. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) REPORTS.—" in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 114. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking "substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce.".

SEC. 115. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 116. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking "freight forwarders" in the section caption and inserting "transportation intermediaries";

(2) striking subsection (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. The Commission shall issue an intermediary's license to any person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.";

(3) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean transportation intermediary unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act;

"(B) may be available to pay any claim against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act with the consent of the insured ocean transportation intermediary and subject to review by the surety company, or when the claim is deemed valid by the surety company after the ocean transportation intermediary has failed to respond to adequate notice to address the validity of the claim; and

"(C) shall be available to pay any judgment for damages against an ocean transportation intermediary arising from its transportation-related activities under section 3(17) of this Act, provided the claimant has first attempted to resolve the claim pursuant to subparagraph (B) of this paragraph and the claim has not been resolved within a reasonable period of time.

"(3) The Commission shall prescribe regulations for the purpose of protecting the interests of claimants, ocean transportation intermediaries, and surety companies with respect to the process of pursuing claims against ocean transportation intermediary bonds, insurance, or sureties through court judgments. The regulations shall provide that a judgment for monetary damages may not be enforced except to the extent that the damages claimed arise from the transportation-related activities of the insured ocean transportation intermediary, as defined by the Commission.

"(4) An ocean transportation intermediary not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(5) striking, each place such term appears—

(A) "freight forwarder" and inserting "transportation intermediary";

(B) "a forwarder's" and inserting "an intermediary's";

(C) "forwarder" and inserting "intermediary"; and

(D) "forwarding" and inserting "intermediary";

(6) striking "a bond in accordance with subsection (a)(2)." in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1).";

(7) striking "Forwarders.—" in the caption of subsection (e), as redesignated, and inserting "Intermediaries.—";

(8) striking "intermediary" the first place it appears in subsection (e)(1), as redesignated and as amended by paragraph (5)(A), and inserting "intermediary, as defined in section 3(17)(A) of this Act,";

(9) striking "license" in paragraph (1) of subsection (e), as redesignated, and inserting "license, if required by subsection (a),";

(10) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(11) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean transportation intermediary, as defined in section 3(17)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean transportation intermediary, as so defined; or

"(B) agree to limit the payment of compensation to an ocean transportation intermediary, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the intermediary services are provided.".

SEC. 117. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) Effects on Certain Agreements and Contracts.—All agreements, contracts, modifications, licenses, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984, shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1998, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1998.";

(2) inserting the following at the end of subsection (e):

"(3) The Ocean Shipping Reform Act of 1998 shall not affect any suit—

"(A) filed before the effective date of that Act; or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1998.".

SEC. 118. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR THE FEDERAL MARITIME COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.

There are authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

SEC. 202. FEDERAL MARITIME COMMISSION ORGANIZATION.

Section 102(d) of Reorganization Plan No. 7 of 1961 (75 Stat. 840) is amended to read as follows:

"(d) A vacancy or vacancies in the membership of Commission shall not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the members serving on the Commission is required to dispose of any matter before the Commission.".

SEC. 203. REGULATIONS.

Not later than March 1, 1999, the Federal Maritime Commission shall prescribe final regulations to implement the changes made by this Act.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) In General.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "forwarding and" in subsection (1)(b);

(2) striking "non-vessel-operating common carrier operations," in subsection (1)(b) and inserting "ocean transportation intermediary services and operations,";

(3) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(4) striking "tariffs of a common carrier" in subsection 7(d) and inserting "tariffs and service contracts of a common carrier";

(5) striking "use the tariffs of conferences" in subsections (7)(d) and (9)(b) and inserting "use tariffs of conferences and service contracts of agreements";

(6) striking "tariffs filed with the Commission" in subsection (9)(b) and inserting "tariffs and service contracts";

(7) striking "freight forwarder," each place it appears and inserting "transportation intermediary,"; and

(8) striking "tariff" each place it appears in subsection (11) and inserting "tariff or service contract".

(b) Stylistic Conformity.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), as amended by subsection (a), is further amended by—

(1) redesignating subdivisions (1) through (12) as subsections (a) through (l), respectively;

(2) redesignating subdivisions (a), (b), and (c) of subsection (a), as redesignated, as paragraphs (1), (2), and (3);

(3) redesignating subdivisions (a) through (d) of subsection (f), as redesignated, as paragraphs (1) through (4), respectively;

(4) redesignating subdivisions (a) through (e) of subsection (g), as redesignated, as paragraphs (1) through (5), respectively;

(5) redesignating clauses (i) and (ii) of subsection (g)(4), as redesignated, as subparagraphs (A) and (B), respectively;

(6) redesignating subdivisions (a) through (e) of subsection (i), as redesignated, as paragraphs (1) through (5), respectively;

(7) redesignating subdivisions (a) and (b) of subsection (j), as redesignated, as paragraphs (1) and (2), respectively;

(8) striking "subdivision (c) of paragraph (1)" in subsection (c), as redesignated, and inserting "subsection (a)(3)";

(9) striking "paragraph (2)" in subsection (c), as redesignated, and inserting "subsection (b)";

(10) striking "paragraph (1)(b)" each place it appears and inserting "subsection (a)(2)";

(11) striking "subdivision (b)," in subsection (g)(4), as redesignated, and inserting "paragraph (2),";

(12) striking "paragraph (9)(d)" in subsection (j)(1), as redesignated, and inserting "subsection (i)(4)"; and

(13) striking "paragraph (7)(d) or (9)(b)" in subsection (k), as redesignated, and inserting "subsection (g)(4) or (i)(2)".

SEC. 302. TECHNICAL CORRECTIONS.

(a) Public Law 89–777.—Sections 2 and 3 of the Act of November 6, 1966 (46 U.S.C. App. 817d and 817e) are amended by striking "they in their discretion" each place it appears and inserting "it in its discretion".

(b) Tariff Act of 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

TITLE IV—CERTAIN LOAN GUARANTEES AND COMMITMENTS

SEC. 401. CERTAIN LOAN GUARANTEES AND COMMITMENTS.

(a) The Secretary of Transportation may not issue a guarantee or commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a liner vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) after the date of enactment of this Act unless the Chairman of the Federal Maritime Commission certifies that the operator of such vessel—

(1) has not been found by the Commission to have violated section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a), within the previous 5 years; and

(2) has not been found by the Commission to have committed a violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port within the previous 5 years.

(b) The Secretary of Commerce may not issue a guarantee or a commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a fishing vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) if the fishing vessel operator has been—

(1) held liable or liable in rem for a civil penalty pursuant to section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) and not paid the penalty;

(2) found guilty of an offense pursuant to section 309 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859) and not paid the assessed fine or served the assessed sentence;

(3) held liable for a civil or criminal penalty pursuant to section 105 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375) and not paid the assessed fine or served the assessed sentence; or

(4) held liable for a civil penalty by the Coast Guard pursuant to title 33 or 46, United States Code, and not paid the assessed fine.

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the Ocean Shipping Reform Act of 1998 which modernizes our system of international ocean shipping. This reform is long overdue. In fact, in the last Congress, the House overwhelmingly passed Ocean Shipping Reform. However, there was no action in the other body.

The bill before us today maintains the essential reforms contained in that previous bill, and the most important of these reforms is the authority for American businesses to keep their ocean transportation costs confidential from their foreign competitors.

Today our ocean transportation systems are competing against foreign exporters and foreign importers, and indeed, American exporters and importers are required to publicly file their ocean transportation contract prices. This bill will allow American businesses to keep those transportation costs confidential from their foreign competitors, and it will level the international playing field for our U.S. exporters. Further delay in not passing this bill will sacrifice any chance of reform in this Congress.

This bill is strongly supported by millions of U.S. businesses, including the National Industrial Transportation League and the American Flag Carriers. It is supported by the administration and it is supported by organized labor.

I would emphasize to my colleagues that competitive American ocean shipping is becoming more and more important to our country as we compete more and more in a global economy. In fact, let me share a statistic that I find a bit stunning.

The average American plant, if it wants to ship product overseas from a seaport, must ship its product to that port an average distance of 1,500 miles. For a German company in Germany, it must ship its product to a seaport only 300 miles. For a Japanese company, it must ship its product to a seaport only 30 miles. So one can see the relative disadvantage we have in transportation costs, and therefore, the extraordinary need for us to make our transportation system as efficient as possible.

This, of course, means the multimodal nature of our transportation system, from an efficient railroad system, an efficient trucking system, shipping into those ports, to modernize ports which can handle those products to be shipped overseas, and the actual passage, the actual ocean shipping itself.

For all of these reasons we need to pass this legislation today as one of the steps in making American global transportation more efficient. For that reason, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CLEMENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the Senate bill, S. 414, the Ocean Shipping Reform Act of 1997. S. 414 will significantly increase competition in international shipping, and help make U.S. industries more competitive by decreasing their transportation costs to overseas markets.

In the last Congress the House passed H.R. 2149, the Ocean Shipping Reform Act of 1995, legislation which was widely criticized for allowing international shipping conferences to enter into totally confidential contracts with shippers while maintaining their antitrust immunity. The Ocean Shipping Reform Act of 1997 does not allow for totally confidential contracts by conferences. Carriers in conferences must continue to disclose to the Federal Maritime Commission the commodity, volume, origin, and destination port ranges, as well as the contract duration.

In the interests of eliminating unnecessary government involvement, tariffs and rates will not need to be filed with the Federal Maritime Commission. We are going to allow the electronic technology in the marketplace to promote competition by requiring that tariffs and rates be made available on the Internet. People around the world will have instantaneous access to the rates and services provided by water carriers.

Many of the complaints about the Shipping Act of 1984 centered around restrictions that international shipping conferences had placed upon their members. For many years, conferences had restricted the ability of their members to enter into service contracts with their customers. S. 414 solves this problem by prohibiting a conference from restricting its members from entering into service contracts. Similarly, a conference may not require its members to disclose the terms of the service contracts that they enter into.

Mr. Speaker, this bill will increase competition among international carriers. It will benefit both large and small companies that desire to have their goods exported.

The Ocean Shipping Reform Act of 1997 has broad support from shipping lines, such as Sea-Land and American President Lines, from shoreside labor, including the ILA and the ILWU, the American Association of Port Authorities, and the National Industrial Transportation League.

There is one group, Transportation Intermediaries, that has concerns about S. 414. These companies do not operate the vessels on which the cargo is carried, but resell their space to shippers. One of the purposes of the Shipping Act is to promote investment in international shipping. This bill attempts to give people reason to invest in shipping by allowing the company that operates the vessel on which the goods are transported to have a more confidential contract with shippers than those that do not operate the vessel.

International shipping is continuing to evolve with larger, more efficient ships. By promoting investment in these types of ship operations, we will help to decrease the cost of transporting goods in the future.

However, if we do not see this type of investment and increased competition as a result of enactment of S. 414, I do not believe that Congress will hesitate to revisit these issues to promote competition in international shipping.

Mr. Speaker, I would like to take a moment to mention one other essential of S. 414 that is being dropped from that bill. Title IV, as passed by the Senate, grants limited burial and funeral benefits to Merchant Mariners who served in World War II between August 16, 1945, and December 31, 1946.

In 1987, the Department of Defense granted veterans status to Merchant Mariners who served between December 7th, 1941, and August 16, 1945. However, the dangers of the war did not end on that day. Foreign harbors continued to have dangerous mines. At least 11 merchant ships were sunk during those 14½ months between 1945 and at the end of 1946.

Mr. Speaker, over 310 members of the House have cosponsored H.R. 1126, which would have granted these Merchant Mariners full veterans status. The provisions that were contained in S. 414 would have simply allowed these men to be buried in our national cemeteries, and be given a flag and a headstone for their valiant service to our country. I do not think that was too much to ask.

However, when considered in its entirety, S. 414 is a major step forward in promoting competition in international shipping when compared to the Shipping Act of 1984. I strongly urge my colleagues to support passage of this bill so that it can be signed into law by the President.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring this bill to the floor today in consultation with the Committee on the Judiciary. I ask to include for the RECORD the letters between the Committee on Transportation and Infrastructure and the Committee on the Judiciary concerning the committees' respective jurisdictions over this legislation.

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 3, 1998.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR BUD: I understand that you intend to move to suspend the rules and pass S. 414, the "Ocean Shipping Reform Act of 1998," as passed by the Senate.

Title I of S. 414, as passed by the Senate, makes a variety of amendments to the regime under which ocean common carrier conferences enjoy antitrust immunity. Under Rule X(1)(j)(15), the Committee on the Judiciary has jurisdiction over the antitrust provisions of the Act.

Because of the leadership's request that we move this bill to the floor quickly and the delicate political balance involved in this compromise legislation, I am willing to waive this Committee's right to a referral of S. 414. I will not attempt to impede this legislation from going forward so long as it remains in exactly the form it was passed by the Senate, other than the provisions of Title IV, which I understand will be removed at the request of the Committee on Veterans' Affairs. However, my doing so does not constitute any waiver of the Committee's jurisdiction over these provisions and does not prejudice its rights in any future legislation relating to these provisions or any other antitrust immunity provided in the Act. I will, of course, insist that Members of this Committee be named as conferees on these provisions or any other antitrust immunity provided in the Act should the bill go to the conference.

I want to note, however, that I am very concerned about the situation of the non-vessel-owning common carriers, or NVOCCs, the freight forwarders, and the shipping associations. These groups were not included in the compromise that was reached in the Senate, and I believe that the provisions of this bill will harm them. For that reason, I will not be able to support S. 414 when it comes to the floor, and I intend to speak against it. I understand that you also are concerned about the plight of these groups and that you intend to take further action to address their concerns in the next Congress. This action will include hearings and other oversight activities as the amendments to the Shipping Act of 1984 are implemented.

If the foregoing meets with your understanding of the matter, I would appreciate your placing this letter and your response in the record during the debate on S. 414. Thank you for your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, August 4, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter waiving your Committee's right to a referral of amendments to the Shipping Act of 1984 contained in S. 414, the Ocean Shipping Reform Act. I agree that the waiver should not be viewed as a waiver of any jurisdictional claim that you might have over the bill. As you know, ocean shipping reform has been an extremely controversial subject, and I appreciate your continuing support of my effort to modernize international ocean shipping.

Since the House of Representatives passed H.R. 2149, the Ocean Shipping Reform Act of 1996, the Senate has worked to pass a bill that maintained the most essential provisions of H.R. 2149. Earlier this year, the Senate passed S. 414, the Ocean Shipping Reform Act of 1998. That bill is not identical to H.R. 2149, but it retains the provisions from the House bill that are the most important to millions of American businesses. These provisions give American businesses the freedom to keep their ocean transportation contract prices confidential from their foreign competitors. This change in the law will improve the competitive position of American exporters, and stimulate American exports.

I believe we must act now to pass S. 414. This bill is a huge step forward in the process of deregulation of international ocean shipping. If we delay action on this important matter any longer, we will lose this chance to modernize ocean shipping transportation practices and level the playing field for American businesses.

I understand that you have strong concerns about the provisions in S. 414 related to shipping intermediaries and other matters. During the next Congress, I will work with you, the shipping intermediaries, and the Federal Maritime Commission to bring a more level playing field to all U.S. businesses involved in ocean shipping.

Please be assured that I will submit our correspondence on S. 414 for the RECORD when we take the bill up on the House Floor.

With kind personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Mr. Speaker, I am pleased to yield 3½ minutes to the distinguished gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in reluctant opposition to S. 414, the Ocean Shipping Reform Act of 1998. Two years ago I stood here and supported H.R. 2149, another version of shipping reform. The bill we consider today differs from the 1996 bill in important ways, and I cannot support it.

Current law provides an antitrust exemption for ocean-going ships, most of which are foreign-owned, to form cartels that legally enter into price-fixing agreements at the expense of American shippers. As chairman of the committee with jurisdiction over antitrust, I find that system difficult to accept.

If we were writing on a blank slate, I do not think such a system would pass. However, I understand the political reality that this system has been in the law since 1916, and it probably cannot be eliminated in one shot. I reluctantly accept that change probably has to come incrementally. However, in making that incremental change, we should follow the fundamental principles of medicine: First, do no harm.

I think this bill does harm in some important ways. First and most importantly, one group of small businesses, many of whom are my constituents, will suffer severe harm if this bill becomes law. At every port there are businesses that consolidate small shipments into large shipments, thereby getting lower rates for small shippers.

These businesses go by various names, nonvessel operating common carriers, freight forwarders, or shipping associations, but they all perform basically the same economic function. In doing so, they compete directly with the ocean-going common carriers for shipping business.

This bill puts these small businesses at a severe disadvantage. It allows their competitors to use secret contracts to undermine the cartels, but it requires these small businesses to publish their rates for all to see. It does not take an economic genius to realize that this system will soon drive them out of business.

Second, I am concerned that this bill actually encourages the joint negotiation of inland shipping rates. Thus, not only will the rates for the ocean part of the trip be set by legally-sanctioned price-fixing cartels, but now those same cartels will be encouraged to jointly negotiate rates for the overland trip to the port, as well. I see no justification for this further extension of cartel behavior.

Let me just repeat, I would like to see the entire antitrust exemption eliminated. Failing that, I would like to allow all of the competitors to use secret contracts so that the cartels are undermined. But I am not willing to make those changes in a way that gives one group of competitors an insurmountable advantage over another, and unfortunately, that is what this bill does.

This compromise was reached in the Senate after the committee reported the bill, but before it reached the floor. We are now taking it up on the floor without any committee consideration. We are told if we change one word the whole thing will fall apart. I understand that reality as well, and thus, I have not insisted on a referral. However, I can only go so far, and I cannot support this bill, which harms my constituents. I urge my colleagues to defeat it.

I want to thank my colleagues, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Maryland (Mr. GILCHREST). I appreciate their commitment to conduct vigorous oversight of the situation of the various types of freight consolidators if this bill becomes law, and I intend to conduct such oversight in the Committee on the Judiciary, as well.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Maryland (Mr. GILCHREST), the distinguished chairman of our subcommittee.

Mr. GILCHREST. Mr. Speaker, I thank the chairman for yielding time to me. I am not sure if I need the entire

4 minutes. I want to address some of the concerns that the chairman of the Committee on the Judiciary raised.

One is the antitrust exemption, and he is correct, we have tried to deal with this particular issue, and ocean shipping in general, in an international way since 1916. This has been addressed in Congress in 1961, during the 1970s recession, then in 1984 in the Ocean Shipping Act, and again as recently as a couple of years ago, in order to stabilize ocean shipping in an international way, understanding that 85 percent of the regulated ocean shipping is basically controlled by the international community or our foreign competitors.

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To deal with this issue in an incremental fashion would mean that we are trying to do no harm to U.S. shipping, the main goal of this legislation. It is not a panacea. It does not solve all of the problems for those people who are involved in the shipping industry, especially the freight forwarders that the gentleman from Illinois (Mr. HYDE) mentioned, but it does, in an incremental fashion, create stability and a further advantage for the U.S. shipping industry, with the U.S. shipping industry being able to enter into private contracts, the shippers and the carriers.

This has not been done before. Our foreign competitors were able to enter into private contracts, which was a big disadvantage to U.S. shippers, and if that was a big disadvantage to U.S. shippers, it was not helpful to those who are categorized as a freight forwarder.

We do have to deal with those constituents of the gentleman from Illinois (Mr. HYDE), the gentleman from Illinois (Mr. FAWELL), myself and a number of other Members in the area of what we might call travel agents, those people who try to decide, someone who has a small business, who cannot fill up many containers or who may not be able to fill up one container, how do we consolidate all those small businesses so that we can get their goods on these ships and ship overseas at the lowest rate possible? The competition in there is very great.

I would say to the chairman of the Committee on the Judiciary that we are very cognizant of that particular problem. As we go through this legislation again next year, those areas of concern will be addressed and the freight forwarders and people in that particular arena, we want to make sure that those small businesses stay in business, because they add such a great deal to the free and open marketplace.

The chairman of the Committee on Transportation and Infrastructure talking about the intermodal system, which the gentleman from Illinois (Mr. HYDE) also raised, in order to be competitive with the rest of the world, knowing that we do not ship these goods, understanding how short the distance is shipping from Japan to the ports and from Germany to the ports or from Holland to the ports and from the Midwest to our coastal areas, our intermodal system must be very organized, very structured, very aligned.

We are doing what we can for the whole international marketplace for the United States to be able to compete not only with the shipping but with the intermodal transportation system.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just want to express my thanks to the gentleman for his assurances that he will give this problem continuing attention. I will be very interested in his performance. I am very grateful for his understanding.

Mr. GILCHREST. Mr. Speaker, I thank the chairman of the Committee on the Judiciary, and I thank the gentleman for yielding me the time.

Mr. CLEMENT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), my friend.

Mr. MENENDEZ. Mr. Speaker, I want to thank the distinguished gentleman for yielding me the time.

As a representative of one of the Nation's largest ports in the Ports of Elizabeth and Newark within the context of the Port of New York, I had opposed ocean shipping before in the last Congress, but I rise in support of S. 414, the Ocean Shipping Reform Act of 1998.

I do want to express, however, some concerns. We clearly should not underestimate the importance of this topic. Ocean shipping is the very means that our Nation trades with the world. Ocean-going vessels move more than 95 percent of all the international trade, and small businesses account for the majority of all export and import trade.

Unfortunately, small business did not end up being part of this compromise which produced the current version. In my district, small businesses have made it clear to me that S. 414 is not perfect. While S. 414 is an attempt to introduce more competition, and that is good, in the ocean-shipping industry, freight forwarders, nonvessel operating common carriers, shipper associations and independently owned businesses, all important and vital elements in the international ocean-borne commerce community, have reservations about the bill.

I have sincere concerns for the many ocean freight forwarders and NVOCCs that are active in New Jersey. I want to reiterate the thoughts of my Democratic colleague, Senator BREAUX, who called upon the Federal Maritime Commission to actively monitor how this legislation impacts small businesses and freight forwarders in the areas of ocean freight forwarder compensation and whether confidential contracts will undermine the forwarder's place as an integral service provider to smaller business active in the international trade community.

I am glad to hear that the chairman of the subcommittee as well as the chairman of the Committee on the Judiciary are going to continue to pursue these concerns.

Let me reiterate my support for the bill, which represents careful negotiation by labor groups and shippers. It was clearly no small task to reach the agreement that we will be voting on. However, I hope that we will continue to examine the effects of the bill to ensure that unintended consequences do not take place.

Mr. CLEMENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would simply emphasize that this bill has the support of NIT league, the shippers who use the ocean-going vessels, of the AFL–CIO, labor, and of the administration, and it is a big step in the right direction. It does not solve all of the problems, but certainly moves in the right direction.

I would urge passage of this important legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in support of S. 414, the Ocean Shipping Reform Act of 1997. This bill is the culmination of a process that began in the Transportation Committee last Congress with House passage of the Ocean Shipping Reform Act of 1995. That bill, H.R. 2149, would have drastically changed the way international common carriage by water is regulated. I was very concerned about that bill because of the unrestricted authority it gave conferences or cartels to enter into confidential contracts.

The approach contained in S. 414 is much more balanced. That is why it is supported by vessel operators, manufacturers, ports, seagoing labor, and shoreside labor.

Enactment of S. 414 will allow individual carriers and conferences to enter into more confidential contracts than they are allowed today. However, they must continue to disclose with the Federal Maritime Commission the commodity, volume, origin and destination port ranges, and contract duration. Similarly, carriers and conferences will no longer have to file tariffs with the Commission, but they must make their tariffs publicly available electronically, such as through the internet.

S. 414 prohibits conferences from requiring its individual members to disclose their service contract terms and prohibits conferences from restricting in any way the ability to their members to enter into service contracts with shippers. Along with this, S. 414 will allow individual carriers to act independently of the conferences with notice of 5 calendar days, instead of the current 10 business days.

Mr. Speaker, the changes made by S. 414 will profoundly change international shipping by increasing competition among carriers and by allowing carriers to offer a broader array of services to their customers.

Not everyone is totally happy with S. 414. Under the bill, only the person operating the vessel on which the goods are actually carried can enter into a confidential service contract with a shipper. The basis for this is simple: these people have invested millions of dollars in the vessel and pay for its operating cost. Why should they be treated the same as someone who has not invested any money in the vessel on which the goods are transported? This bill attempts to give an incentive for capital investment in these ships. Others may argue that allowing people that do not operate the vessel on which the goods are transported to enter into confidential contracts will help promote competition and reduce rates. However, investment in new, more efficient ships, will also increase capacity and decrease rates. The FMC is going to continue to oversee these contracts and will be responsible for ensuring that the conferences and their members do not engage in anti-competitive practices such as voluntarily pooling information on their service contracts with each other.

Mr. Speaker, I must say that I am very disappointed that an amendment to S. 414 has been added that eliminates a Senate provision that would have granted merchant mariners who served during World War II the same burial benefits as other veterans from that war. Merchant Mariners suffered the second highest casualty rate of any service during the war, second only to the Marine Corps. The convoys of ships they operated were the lifeline to England and enabled our forces to free Europe. The provisions in the bill were but a small way of our nation telling these gallant men thanks. The benefits that would have been provided for in the Senate passed bill would have been a small part of the benefits provided for by H.R. 1126, which currently has over 310 cosponsors.

And why was this section deleted? Because, the gentleman from Arizona, Mr. STUMP, the Chairman of the Veterans Affairs Committee, refused to agree to scheduling S. 414 for the House floor with the merchant mariners benefits provisions included, unless his bill, H.R. 3211, restricting who can be buried in Arlington National Cemetery was passed by the Senate. Why won't the Senate consider his bill? Because it does not allow for heroes like Officer John Gibson to be buried in Arlington National Cemetery under a waiver process. The gentleman from Arizona opposes burial of national heroes such as Officer Gibson in Arlington Cemetery and does not want U.S. merchant mariners who served their country during World War II buried in any national cemetery, even though 310 members of this body disagree with him. I believe this is terribly wrong and that the Republican leadership should not prevent all of these people who served our country from being buried in our national cemeteries simply because one Member is opposed.

Mr. Speaker, on balance, I believe that S. 414 is a good bill. Our Committee is going to continue its oversight of international shipping to ensure that there is fair competition and that the needs of U.S. exporters are being met. Therefore, I urge my colleagues to support passage of S. 414, the Ocean Shipping Reform Act of 1997.

Mr. FAWELL. Mr. Speaker, I rise today to express my concern about S. 414, the Ocean Shipping Reform Act of 1998. I have always supported deregulation, because I believe the free market is the best way to receive goods and services at the best price. Unfortunately, S. 414 does not fully deregulate the ocean shipping industry. This bill has the potential to benefit only the large shipping companies at the expense of small and medium-size exporters, importers, and freight intermediaries.

Under a 1916 law, all steamship companies are granted "antitrust immunity," thereby exempting them from compliance with the Sherman Antitrust Act. As a result, steamship companies have historically grouped together in what are known as "conferences" to consider, establish, and enforce collective transportation rates. This situation puts the shipping public at a disadvantage.

To counterbalance the antitrust exemption, all charges and rates are "transparent"—made available to the public, to ensure that there is no discrimination against small business and even the government.

S. 414, however, would give steamship conferences the ability to negotiate contracts in a confidential environment. These "secret" contracts could very well allow the conferences to provide lower costs to large shippers at the expense of small businesses and the U.S. government, which purchases about $1 billion of ocean transportation per year. If S. 414 becomes law, there will be no way of determining what the private sector is paying to transport goods. As a result, steamship companies could force the government, along with small businesses, to subsidize the lower rates extended secretly to these large shippers.

I do not oppose shipping deregulation, as long as it is done for the benefit of large as well as small shippers. S. 414 in its current form creates inequalities that could easily drive small shipping companies and shipping intermediaries out of business. This bill should be considered before a House committee and brought back to the House after these inequities are resolved and S. 414 benefits all shippers.

Mr. EVANS. Mr. Speaker, during World War II thousands of young men volunteered for service in the United States Merchant Marine. Many of these mariners were recruited specifically to staff ships under the control and direction of the United States Government to assist the U.S. war effort. These seamen were subject to government control, their vessels were controlled by the government under the authority of the War Shipping Administration and, like branches of military service, they traveled under sealed orders and were subject to the Code of Military Justice.

Some volunteers joined the Merchant Marines because their youthful age or minor physical problems, such as poor eyesight, made them ineligible for service in the Army, Navy, or Marine Corps. Others were encouraged by military recruiters to volunteer for service in the Merchant Marines because the recruiter recognized that the special skills offered by the volunteer could best be put to use for our country by service in the Merchant Marines. Most importantly, all were motivated by their deep love of country and personal sense of patriotism to contribute to the war effort.

In order to staff our growing merchant fleet during World War II, the U.S. Maritime Commission established training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, seamen became active members of the U.S. Merchant Marine. These seamen, often at great personal risk, helped deliver troops and war supplies needed for every Allied invasion site from Guadalcanal to Omaha Beach. I have heard from the merchant mariners who were responsible in 1946 for transporting tons of German mustard and other poisonous gas containers from Europe to the San Jacinto ordinance base in Texas.

More than 6,500 Merchant Mariners who served our country during World War II gave the ultimate sacrifice of their lives, including 37 who died as prisoners of war, and almost 5,000 World War II Merchant Mariners remain officially missing and are presumed dead. In addition, 733 U.S. Merchant ships were destroyed. Even after the surrender of Japan, members of our Merchant Marine fleet were in mortal danger as they continued to support the war effort by entering mined harbors to transport our troops safely home. After the war ended, they carried food and medicine to millions of the world's starving people.

In spite of the illustrious service of the World War II U.S. Merchant Marine, the Secretary of the Air Force, Edward Aldridge, inexplicably and erroneously made the decision in 1988 to define the dates for World War II service differently for Merchant Marines than for those who served in the other American forces. The effect of this decision was to deny veteran status to those mariners who served between the dates of August 15, 1945 and December 31, 1946, the official end of World War II.

It is important to remember that during the time period addressed by this bill, August 15, 1945 through December 31, 1946, 12 U.S. Flag Merchant Vessels were lost or damaged as a result of striking mines, and some of the Merchant Mariners serving on these vessels were killed or injured. Fully understanding the tremendous risks they faced, mariners nonetheless willingly went into mined harbors so that they could bring our American troops home to their families and friends. I believe these courageous Merchant Mariners, who were subject to the risks and dangers of war between V–J Day and the official end of the war, have been wrongfully denied veteran status. They faced the very real hazards of wartime hostile actions and should not be denied the status of veteran of purposes of laws administered by the Department of Veterans Affairs because their seagoing contributions began after August 15, 1945.

In recognition of the service rendered and dangers faced by those mariners who served during the period of August 15, 1945 through December 31, 1946, on March 19, 1997, I introduced the Merchant Mariner Fairness Act (H.R. 1126). H.R. 1126 will finally provide appropriate recognition: veteran status for a few thousand World War II American Merchant Mariners. While this status will enable them to be eligible for veterans' benefits, it is likely that the only benefit most will receive is proper recognition of their contributions to the war effort and the right to a veterans' funeral. The merchant mariners who would be granted veteran status by this bill are aging. They will not qualify for educational benefits. As Medicare beneficiaries, most already have long standing relationships with their medical providers and are unlikely to seek VA health care. Nonetheless, the Merchant Mariners of World War II will receive the long-overdue thanks from the nation they served faithfully and courageously. The Merchant Mariners Fairness Act would correct this erroneous administrative decision by making the service eligibility period for World War II Merchant Mariners identical to that established for others.

As of yesterday, H.R. 1126 has been cosponsored by 310 Members of the House. Clearly, there is widespread and bipartisan support for H.R. 1126 and an overwhelming majority of the House agree with me on granting veteran status to this select group of Merchant Mariners of World War II. Unfortunately, the House has not yet taken action on the Merchant Mariners Fairness Act.

It has been more than than a half century since the end of World War II. How much longer must these aging Merchant Mariners, who are the forgotten partriots of World War II, wait for their service to our Nation to be properly and fully honored and acknowledged?

As approved by the other body, S. 414, the Ocean Shipping Reform Act of 1998, contained an important provision granting veteran status and limited veteran's benefits to a select group of World War II merchant mariners. With the number of days remaining in the 105th Congress rapidly dwindling, enactment of S. 414 as approved by the other body, would have properly provided the long overdue recognition to the Merchant Mariners who bravely served our Nation during the final days of World War II by granting veteran status and limited veterans' benefits. At long last, our Nation would have appropriately acknowledged their sacrifice and service to our Nation during wartime.

I regret, however, that the provisions contained in S. 414 bestowing veterans' status to those mariners, who served between the dates of August 15, 1945 and the official end of World War II, have been deleted from this legislation being considered by the House. As a result of striking these provisions from S. 414, those mariners who served between the dates of August 15, 1945 and December 31, 1946, will be required to wait even longer to receive the veterans status which I strongly believe they have earned and are due.

On a more positive note, I am very pleased to report that the Chairman of the House Committee on Veterans Affairs has pledged to work for Congressional approval of legislation granting veteran status and limited veterans' benefits to those mariners who served between the dates of August 15, 1945 and December 31, 1946, before the end of the 105th Congress. I welcome this commitment from Chairman Stump and based on his pledge I look forward to the approval of this legislation before the adjournment of the 105th Congress sine die.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 414, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 414, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AIRPORT IMPROVEMENT PROGRAM REAUTHORIZATION ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4057) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Airport Improvement Program Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.
Sec. 4. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.
Sec. 104. AIP formula changes.
Sec. 105. Grants from small airport fund.
Sec. 106. Innovative use of airport grant funds.
Sec. 107. Airport security program.
Sec. 108. Matching share for State block grant program.
Sec. 109. Treatment of certain facilities as airport-related projects.
Sec. 110. Terminal development costs.
Sec. 111. Conveyances of surplus property for public airports.
Sec. 112. Construction of runways.
Sec. 113. Potomac Metroplex terminal radar approach control facility.
Sec. 114. General facilities authority.
Sec. 115. Transportation assistance for Olympic cities.
Sec. 116. Denial of airport access to certain air carriers.
Sec. 117. Period of applicability of amendments.
Sec. 118. Technical amendments.

TITLE II—CONTRACT TOWER PROGRAM

Sec. 201. Contract towers.

TITLE III—FAMILY ASSISTANCE

Sec. 301. Responsibilities of National Transportation Safety Board.
Sec. 302. Air carrier plans.
Sec. 303. Foreign air carrier plans.
Sec. 304. Applicability of Death on the High Seas Act.

TITLE IV—WAR RISK INSURANCE PROGRAM

Sec. 401. Aviation insurance program amendments.

TITLE V—SAFETY

Sec. 501. Cargo collision avoidance systems deadline.
Sec. 502. Records of employment of pilot applicants.
Sec. 503. Whistleblower protection for FAA employees.
Sec. 504. Safety risk mitigation programs.
Sec. 505. Flight operations quality assurance rules.
Sec. 506. Small airport certification.
Sec. 507. Marking of life limited aircraft parts.

TITLE VI—WHISTLEBLOWER PROTECTION

Sec. 601. Protection of employees providing air safety information.
Sec. 602. Civil penalty.

TITLE VII—CENTENNIAL OF FLIGHT COMMISSION

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Establishment.
Sec. 704. Membership.
Sec. 705. Duties.
Sec. 706. Powers.
Sec. 707. Staff and support services.
Sec. 708. Contributions.
Sec. 709. Exclusive right to name, logos, emblems, seals, and marks.
Sec. 710. Reports.
Sec. 711. Audit of financial transactions.
Sec. 712. Advisory Board.
Sec. 713. Definitions.
Sec. 714. Termination.
Sec. 715. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Clarification of regulatory approval process.
Sec. 802. Duties and powers of Administrator.
Sec. 803. Prohibition on release of offeror proposals.
Sec. 804. Multiyear procurement contracts.
Sec. 805. Federal Aviation Administration personnel management system.
Sec. 806. General facilities and personnel authority.
Sec. 807. Implementation of article 83 bis of the Chicago Convention.
Sec. 808. Public availability of airmen records.
Sec. 809. Government and industry consortia.
Sec. 810. Passenger manifest.
Sec. 811. Cost recovery for foreign aviation services.
Sec. 812. Technical corrections to civil penalty provisions.
Sec. 813. Enhanced vision technologies.
Sec. 814. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.
Sec. 815. Typographical errors.
Sec. 816. Acquisition management system.
Sec. 817. Independent validation of FAA costs and allocations.

Sec. 818. Elimination of backlog of equal employment opportunity complaints.
Sec. 819. Newport News, Virginia.
Sec. 820. Grant of easement, Los Angeles, California.
Sec. 821. Regulation of Alaska air guides.
Sec. 822. Public aircraft defined.

TITLE IX—NATIONAL PARKS AIR TOUR MANAGEMENT

Sec. 901. Short title.
Sec. 902. Findings.
Sec. 903. Air tour management plans for national parks.
Sec. 904. Advisory group.
Sec. 905. Reports.
Sec. 906. Exemptions.
Sec. 907. Definitions.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 1001. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

(a) In General.—Except as otherwise specifically provided, this Act and the amendments made by this Act apply only to fiscal years beginning after September 30, 1998.

(b) Limitation on Statutory Construction.—Nothing in this Act or any amendment made by this Act shall be construed as affecting funds made available for a fiscal year ending before October 1, 1998.

SEC. 4. ADMINISTRATOR DEFINED.

In this Act, the term "Administrator" means the Administrator of the Federal Aviation Administration.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) Authorization of Appropriations.—Section 48103 is amended—

(1) by striking "September 30, 1996" and inserting "September 30, 1998"; and

(2) by striking "$2,280,000,000" and all that follows through the period at the end and inserting the following: "$2,347,000,000 for fiscal years ending before October 1, 1999.".

(b) Obligational Authority.—Section 47104(c) is amended by striking "1998" and inserting "1999".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) General Authorization and Appropriations.—Section 48101(a) is amended by adding at the end the following:

"(3) $2,131,000,000 for fiscal year 1999.".

(b) Universal Access Systems.—Section 48101 is amended by adding at the end the following:

"(d) Universal Access Systems.—Of the amounts appropriated under subsection (a) for fiscal year 1999, $8,000,000 may be used for the voluntary purchase and installation of universal access systems.".

SEC. 103. FAA OPERATIONS.

(a) Authorization of Appropriations From General Fund.—Section 106(k) is amended—

(1) by inserting "(1) In general.—" before "There";

(2) in paragraph (1) (as so designated) by striking "$5,158,000,000" and all that follows through the period at the end and inserting the following: "$5,632,000,000 for fiscal year 1999.";

(3) by adding at the end the following:

"(2) Authorized Expenditures.—Of the amounts appropriated under paragraph (1) for fiscal year 1999—

"(A) $450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration;

"(B) such sums as may be necessary may be used to fund an office within the Federal Aviation Administration dedicated to supporting infrastructure systems development for both general aviation and the vertical flight industry;

"(C) such sums as may be necessary may be used to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft; and

"(D) $3,000,000 may be used to establish a prototype helicopter infrastructure using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients."; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this subsection) and aligning such paragraph (1) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) Authorization of Appropriations From Trust Fund.—Section 48104 is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(2) in subsection (b), as so redesignated—

(A) in the subsection heading by striking "Fiscal Years 1994–1998" and inserting "Fiscal Year 1999"; and

(B) in the matter preceding paragraph (1) by striking "each of fiscal years 1994 through 1998" and inserting "fiscal year 1999".

(c) Limitation on Obligating or Expending Amounts.—Section 48108(c) is amended by striking "1998" and inserting "1999".

SEC. 104. AIP FORMULA CHANGES.

(a) Discretionary Fund.—Section 47115 is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (h) as subsection (g); and

(3) by inserting before the period at the end of subsection (g) (as so redesignated) the following: "with funds made available under this section and, if such funds are not sufficient, with funds made available under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) on a pro rata basis".

(b) Amounts Apportioned to Sponsors.—Section 47114(c)(1) is amended—

(1) in subparagraph (A)(v) by inserting "subject to subparagraph (C)," before "$.50"; and

(2) by adding at the end the following:

"(C) The amount to be apportioned for a fiscal year for a passenger described in subparagraph (A)(v) shall be reduced to $.40 if the total amount made available under section 48103 for such fiscal year is less than $1,350,000,000.".

(c) Entitlement for General Aviation Airports.—Section 47114(d)(2) is amended—

(1) in the matter preceding subparagraph (A) by striking "18.5 percent" and inserting "20 percent";

(2) in subparagraph (A) by striking "0.66" and inserting "0.62; and

(3) in each of subparagraphs (B) and (C) by striking "49.67" and inserting "49.69".

(d) Use of Apportionments for Alaska, Puerto Rico, and Hawaii.—Section 47114(d)(3) is amended to read as follows:

"(3) Special Rule.—An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Puerto Rico, or Hawaii may be made available by the Secretary for any public airport in those respective jurisdictions.".

(e) Use of State-Apportioned Funds for System Planning.—Section 47114(d) is further amended by adding at the end the following:

"(4) Integrated Airport System Planning.—Notwithstanding paragraph (2), funds made available under this subsection may be used for integrated airport system planning that encompasses 1 or more primary airports.".

(f) Grants for Airport Noise Compatibility Planning.—Section 47117(e)(1) is amended—

(1) in subparagraph (A) by striking "31 percent" each place it appears and inserting "33 percent"; and

(2) in subparagraph (B) by striking "At least" and all that follows through "sponsors of current" and inserting "At least 4 percent to sponsors of current".

(g) Supplemental Apportionment for Alaska.—Section 47114(e) is amended—

(1) in the subsection heading by striking "Alternative" and inserting "Supplemental";

(2) in paragraph (1)—

(A) by striking "Instead of apportioning amounts for airports in Alaska under" and inserting "In general.—Notwithstanding"; and

(B) by striking "those airports" and inserting "airports in Alaska";

(3) in paragraph (2) by inserting "Authority for discretionary grants.—" before "This subsection";

(4) by striking paragraph (3) and inserting the following:

"(3) Airports eligible for funds.—An amount apportioned under this subsection may be used for any public airport in Alaska.";

(5) by indenting paragraph (1) and aligning it and paragraph (2) with paragraph (3) (as amended by paragraph (4) of this subsection).

(h) Repeal of Apportionment Limitation on Commercial Service Airports in Alaska.—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(i) Designating Current and Former Military Airports.—Section 47118 is amended—

(1) in subsection (a) by striking "12" and inserting "15";

(2) by striking subsection (c) and redesignating subsections (d) through (f) as subsections (c) through (e), respectively;

(3) in subsection (c), as so redesignated, by striking "47117(e)(1)(E)" and inserting "47117(e)(1)(B)"; and

(4) by adding at the end the following:

"(f) Designation of General Aviation Airport.—Notwithstanding any other provision of this section, at least 1 of the airports designated under subsection (a) shall be a general aviation airport that is a former military installation closed or realigned under a law described in subsection (a)(1).".

(j) Eligibility of Runway Incursion Prevention Devices.—

(1) Policy.—Section 47101(a)(11) is amended by inserting "(including integrated in-pavement lighting systems for runways and

taxiways and other runway and taxiway incursion prevention devices)" after "activities".

(2) Maximum use of safety facilities.—Section 47101(f) is amended—

(A) by striking "and" at the end of paragraph (9); and

(B) by striking the period at the end of paragraph (10) and inserting "; and"; and

(C) by adding at the end the following:

"(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.".

(3) Airport development defined.—Section 47102(3)(B)(ii) is amended by inserting "and including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" before the semicolon at the end.

SEC. 105. GRANTS FROM SMALL AIRPORT FUND.

(a) Set-Aside for Meeting Safety Terms in Airport Operating Certificates.—Section 47116 is amended by adding at the end the following:

"(e) Set-Aside for Meeting Safety Terms in Airport Operating Certificates.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.".

(b) Notification of Source of Grant.—Section 47116 is further amended by adding at the end the following:

"(f) Notification of Source of Grant.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.".

SEC. 106. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) In General.—Subchapter I of chapter 471 is amended by adding at the end the following:

"§ 47135. Innovative financing techniques

"(a) In General.—The Secretary of Transportation may approve applications under this subchapter for not more than 20 projects for which grants made under this subchapter may be used to implement innovative financing techniques.

"(b) Purpose.—The purpose of implementing innovative financing techniques under this section shall be to provide information on the benefits and difficulties of using such techniques for airport development projects.

"(c) Limitation.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

"(d) Innovative Financing Technique Defined.—In this section, the term 'innovative financing technique' is limited to—

"(1) payment of interest;

"(2) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

"(3) flexible non-Federal matching requirements.".

(b) Conforming Amendment.—The analysis for subchapter 1 of chapter 471 is amended by adding at the end the following:

"47135. Innovative financing techniques.".

SEC. 107. AIRPORT SECURITY PROGRAM.

(a) In General.—Chapter 471 (as amended by section 106 of this Act) is amended by adding the following new section:

"§ 47136. Airport security program

"(a) General Authority.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative airport security systems and related technology.

"(b) Priority.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

"(1) evaluates and tests the benefits of innovative airport security systems or related technology, including explosives detection systems, for the purpose of improving airport and aircraft physical security and access control; and

"(2) provides testing and evaluation of airport security systems and technology in an operational, test bed environment.

"(c) Matching Share.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section is 100 percent.

"(d) Terms and Conditions.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

"(e) Eligible Sponsor Defined.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

"(f) Authorization of Appropriations.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.".

(b) Conforming Amendment.—The analysis for subchapter 1 of such chapter is amended by adding at the end the following:

"47136. Airport security program.".

SEC. 108. MATCHING SHARE FOR STATE BLOCK GRANT PROGRAM.

Section 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;";

(3) by striking "and" at the end of paragraph (3) (as so redesignated); and

(4) by striking the period at the end of paragraph (4) (as so redesignated) and inserting "; and".

SEC. 109. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117 is amended by adding at the end the following:

"(j) Shell of Terminal Building and Aircraft Fueling Facilities.—In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E).".

SEC. 110. TERMINAL DEVELOPMENT COSTS.

(a) Repaying Borrowed Money.—Section 47119(a) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "0.05" and inserting "0.25"; and

(B) by striking "between January 1, 1992, and October 31, 1992," and inserting "between August 1, 1986, and September 30, 1990, or between June 1, 1991, and October 31, 1992,"; and

(2) in paragraph (1)(B) by striking "an airport development project outside the terminal area at that airport" and inserting "any needed airport development project affecting safety, security, or capacity".

(b) Nonhub Airports.—Section 47119(c) is amended by striking "0.05" and inserting "0.25".

SEC. 111. CONVEYANCES OF SURPLUS PROPERTY FOR PUBLIC AIRPORTS.

(a) Requests by Public Agencies.—Section 47151 is amended by adding at the end the following:

"(d) Requests by Public Agencies.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) for use at a public airport.".

(b) Notice and Public Comment; Publication of Decisions.—Section 47153(a) is amended—

(1) in paragraph (1) by inserting ", after providing notice and an opportunity for public comment," after "if the Secretary decides"; and

(2) by adding at the end the following:

"(3) Publication of decisions.—The Secretary shall publish in the Federal Register any decision to waive a term under paragraph (1) and the reasons for the decision.".

(c) Considerations.—Section 47153 is amended by adding at the end the following:

"(c) Considerations.—In deciding whether to waive a term required under section 47152 or add another term, the Secretary shall consider the current and future needs of the users of the airport and the interests of the owner of the property.".

(d) References to Gifts.—Chapter 471 is amended—

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking "give" and inserting "convey to"; and

(ii) in paragraph (2) by striking "gift" and inserting "conveyance";

(B) in subsection (b)—

(i) by striking "giving" and inserting "conveying"; and

(ii) by striking "gift" and inserting "conveyance"; and

(C) in subsection (c)—

(i) in the subsection heading by striking "Given" and inserting "Conveyed"; and

(ii) by striking "given" and inserting "conveyed";

(2) in section 47152—

(A) in the section heading by striking "**gifts**" and inserting "**conveyances**"; and

(B) in the matter preceding paragraph (1) by striking "gift" and inserting "conveyance";

(3) in section 47153(a)(1)—

(A) by striking "gift" each place it appears and inserting "conveyance"; and

(B) by striking "given" and inserting "conveyed"; and

(4) in the analysis for such chapter by striking the item relating to section 47152 and inserting the following:

"47152. Terms of conveyances.".

SEC. 112. CONSTRUCTION OF RUNWAYS.

Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary of Transportation may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SEC. 113. POTOMAC METROPLEX TERMINAL RADAR APPROACH CONTROL FACILITY.

(a) SITE SELECTION.—The Administrator may not select a site for, or begin construction of, the Potomac Metroplex terminal radar approach control facility before the 90th day after the Administrator transmits to Congress a report on the relative costs and benefits of constructing the facility on land already owned by the United States, including land located outside the Washington, D.C., metropolitan area.

(b) CONTENTS OF REPORT.—The report to be transmitted under subsection (a) shall include—

(1) a justification for the current construction plan, including the size and cost of the consolidated facility; and

(2) a complete risk analysis of the possibility that the redesigned airspace may not be completed, or may be only partially completed, including an explanation of whether or not the consolidation will be cost beneficial if the airspace is only partially redesigned.

SEC. 114. GENERAL FACILITIES AUTHORITY.

(a) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—

(1) by striking "each of fiscal years 1995 and 1996" and inserting "fiscal year 1999"; and

(2) by inserting "under new or existing contracts" after "including acquisition".

(b) LORAN-C NAVIGATION FACILITIES.—Section 44502(a) is amended by adding at the end the following:

"(5) MAINTENANCE AND UPGRADE OF LORAN-C NAVIGATION FACILITIES.—The Secretary shall maintain and upgrade Loran-C navigation facilities throughout the transition period to satellite-based navigation.".

SEC. 115. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic, Paralympic, and Special Olympics movements by hosting international quadrennial Olympic events and Paralympic and Special Olympic events in the United States.

(b) AIRPORT DEVELOPMENT PROJECTS.—

(1) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.".

(2) DISCRETIONARY GRANTS.—Section 47115(d) is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic events.".

SEC. 116. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

(a) IN GENERAL.—It shall not be considered unreasonable or unjust discrimination or a violation of section 47107 of title 49, United States Code, for the owner or operator of an airport described in (b) to deny access to any air carrier that is conducting operations as a public charter under part 380 of title 14, Code of Federal Regulations, with aircraft designed to carry more than 9 passengers per flight.

(b) COVERED AIRPORTS.—This section shall only apply to an airport that—

(1) is designated as a reliever airport by the Administrator;

(2) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations; and

(3) is located within 25 miles of an airport that has at least 0.05 percent of the total annual boardings in the United States and has current gate capacity to handle the demands of the public charter operation.

(c) PUBLIC CHARTER DEFINED.—In this section, the term 'public charter' means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.

SEC. 117. PERIOD OF APPLICABILITY OF AMENDMENTS.

Effective September 29, 1998, section 125 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 47114 note; 110 Stat. 3220) is repealed.

SEC. 118. TECHNICAL AMENDMENTS.

(a) DISCRETIONARY FUND DEFINITION.—

(1) AMOUNTS IN FUND AND AVAILABILITY.—Section 47115 is amended—

(A) in subsection (a)(2) by striking "25" and inserting "12.5"; and

(B) by striking the second sentence of subsection (b).

(2) SMALL AIRPORT FUND.—Section 47116 is amended—

(A) in subsection (a) by striking "75" and inserting "87.5"; and

(B) in subsection (b) by striking paragraphs (1) and (2) and inserting the following:

"(1) ⅐ for grants for projects at small hub airports (as defined in section 41731 of this title).

"(2) The remaining amounts as follows:

"(A) ⅓ for grants to sponsors of public-use airports (except commercial service airports).

"(B) ⅔ for grants to sponsors of each commercial service airport that each year has less than .05 percent of the total boardings in the United States in that year.".

(b) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end the following:

"(e) CHANGE IN AIRPORT STATUS.—In the event that the status of a primary airport changes to a nonprimary airport at a time when a terminal development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.".

(c) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

"(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carrier in the class constitutes not more than 1 percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

"(B) passengers enplaned on a flight to an airport—

"(i) that has fewer than 2,500 passenger boardings each year; and

"(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.".

TITLE II—CONTRACT TOWER PROGRAM

SEC. 201. CONTRACT TOWERS.

Section 47124(b) is amended by adding at the end the following:

"(3) NONQUALIFYING AIR TRAFFIC CONTROL TOWERS.—

"(A) IN GENERAL.—The Secretary shall establish a program to contract for air traffic control services at not more than 20 level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the program established under subsection (a) and continued under paragraph (1).

"(B) PRIORITY.—In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

"(i) Air traffic control towers that are participating in the program continued under paragraph (1) but have been notified that they will be terminated from such program because the Administrator has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.

"(ii) Level I air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

"(iii) Air traffic control towers that are located at airports that receive air service from an air carrier that is receiving compensation under the essential air service program of subchapter II of chapter 417.

"(iv) Air traffic control towers located at airports that are prepared to assume responsibility for tower construction and maintenance costs.

"(v) Air traffic control towers that are located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

"(C) COSTS EXCEEDING BENEFITS.—If the costs of operating a control tower under the program established under this paragraph exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefits.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $6,000,000 per fiscal year to carry out this paragraph.".

TITLE III—FAMILY ASSISTANCE

SEC. 301. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) In general.—Section 1136(g)(2) is amended—

(A) by inserting after "transportation," the following: "and in a case involving a foreign air carrier and an accident that occurs within the United States,";

(B) by inserting after "attorney" the following: "(including any associate, agent, employee, or other representative of the attorney)"; and

(C) by striking "30th day" and inserting "45th day".

(2) Enforcement.—Section 1151 is amended by inserting "1136(g)(2)," before "or 1155(a)" each place it appears.

(b) Prohibition on Actions To Prevent Mental Health and Counseling Services.—Section 1136(g) is amended by adding at the end the following:

"(3) Prohibition on actions to prevent mental health and counseling services.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.".

(c) Inclusion of Non-Revenue Passengers in Family Assistance Coverage.—Section 1136(h)(2) is amended to read as follows:

"(2) Passenger.—The term 'passenger' includes—

"(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

"(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.".

(d) Limitation on Statutory Construction.—Section 1136 is amended by adding at the end the following:

"(i) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.".

SEC. 302. AIR CARRIER PLANS.

(a) Contents of Plans.—

(1) Flight reservation information.—Section 41113(b) is amended by adding at the end the following:

"(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.".

(2) Training of employees and agents.—Section 41113(b) is further amended by adding at the end the following:

"(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.".

(3) Submission of updated plans.—The amendments made by paragraphs (1) and (2) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirement of the amendments made by paragraphs (1) and (2).

(4) Conforming amendments.—Section 41113 is amended—

(A) in subsection (a) by striking "Not later than 6 months after the date of the enactment of this section, each air carrier" and inserting "Each air carrier"; and

(B) in subsection (c) by striking "After the date that is 6 months after the date of the enactment of this section, the Secretary" and inserting "The Secretary".

(b) Limitation on Liability.—Section 41113(d) is amended by inserting ", or in providing information concerning a flight reservation," before "pursuant to a plan".

(c) Limitation on Statutory Construction.—Section 41113 is amended by adding at the end the following:

"(f) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.".

SEC. 303. FOREIGN AIR CARRIER PLANS.

(a) Inclusion of Non-Revenue Passengers in Family Assistance Coverage.—Section 41313(a)(2) is amended to read as follows:

"(2) Passenger.—The term 'passenger' has the meaning given such term by section 1136 of this title.".

(b) Accidents for Which Plan Is Required.—Section 41313(b) is amended by striking "significant" and inserting "major".

(c) Contents of Plans.—

(1) In general.—Section 41313(c) is amended by adding at the end the following:

"(15) An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.".

(2) Submission of updated plans.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirement of the amendment made by paragraph (1).

SEC. 304. APPLICABILITY OF DEATH ON THE HIGH SEAS ACT.

(a) In General.—Section 40120(a) is amended by inserting "(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))" after "United States".

(b) Applicability.—The amendment made by subsection (a) applies to civil actions commenced after the date of enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

TITLE IV—WAR RISK INSURANCE PROGRAM

SEC. 401. AVIATION INSURANCE PROGRAM AMENDMENTS.

(a) Reimbursement of Insured Party's Subrogee.—Section 44309(a) is amended to read as follows:

"(a) Losses.—

"(1) Actions against united states.—A person may bring a civil action in a district court of the United States or in the United States Court of Federal Claims against the United States Government when—

"(A) a loss insured under this chapter is in dispute; or

"(B)(i) the person is subrogated under a contract between the person and a party insured under this chapter (other than section 44305(b)) to the rights of the insured party against the United States Government; and

"(ii) the person has paid to the insured party, with the approval of the Secretary of Transportation, an amount for a physical damage loss that the Secretary has determined is a loss covered by insurance issued under this chapter (other than section 44305(b)).

"(2) Limitation.—A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter.

"(3) Procedure.—To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28 applies to an action under this subsection.".

(b) Extension of Aviation Insurance Program.—Section 44310 of such title is amended by striking "1998" and inserting "2003".

TITLE V—SAFETY

SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.

(a) In General.—The Administrator shall require by regulation that, not later than December 31, 2002, equipment be installed, on each cargo aircraft with a payload capacity of 15,000 kilograms or more, that provides protection from mid-air collisions and resolution advisory capability that is at least as good as is provided by the collision avoidance system known as TCAS–II.

(b) Extension of Deadline.—The Administrator may extend the deadline established by subsection (a) by not more than 1 year if the Administrator finds that the extension would promote safety.

SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.

Section 44936 is amended—

(1) in subsection (f)(1)(B) by inserting "(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)" after "person" the first place it appears;

(2) in subsection (f)(1)(B)(ii) by striking "individual" and inserting "individual's performance as a pilot"; and

(3) in subsection (f)(14)(B) by inserting "or from a foreign government or entity that employed the individual" after "exists".

SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by inserting before the semicolon at the end the following: ", including the provisions for investigation and enforcement as provided in chapter 12 of title 5, United States Code".

SEC. 504. SAFETY RISK MITIGATION PROGRAMS.

Section 44701 (as amended by section 805 of this Act) is amended by adding at the end the following:

"(g) Safety Risk Management Program Guidelines.—The Administrator shall issue guidelines and encourage the development of air safety risk mitigation programs throughout the aviation industry, including self-audits and self-disclosure programs.".

SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 30 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from civil enforcement actions under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing such procedures.

SEC. 506. SMALL AIRPORT CERTIFICATION.

Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 507. MARKING OF LIFE LIMITED AIRCRAFT PARTS.

(a) MARKING AUTHORITY.—Chapter 447 is amended by adding the following new section:

"§ 44725. Marking of life limited aircraft parts

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to determine the most effective way to permanently mark all life limited civil aviation parts. In accordance with that determination, the Administrator shall issue a rule to require the mandatory marking of all such parts that exceed their useful life.

"(b) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

"(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking; and

"(2) not later than 120 days after the close of the comment period on the proposed rule, issue a final rule.".

(b) CIVIL PENALTY.—Section 46301(a) is amended—

(1) in paragraph (1)(A) by striking "and 44719-44723" and inserting ", 44719-44723, and 44725"; and

(2) in paragraph (3)—

(A) in subparagraph (A) by striking "or" at the end;

(B) in subparagraph (B) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(C) the failure to mark life limited aircraft parts in accordance of section 44725.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

"44725. Marking of life limited aircraft parts.".

TITLE VI—WHISTLEBLOWER PROTECTION

SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"§ 42121. Protection of employees providing air safety information

"(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to air safety under this subtitle or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to air carrier safety under this subtitle or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by a person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint of an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay), terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $5,000.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever a person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier who, acting without direction from such air carrier (or such air carrier's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"42121. Protection of employees providing air safety information.".

SEC. 602. CIVIL PENALTY.

Section 46301(a)(1)(A) is amended by striking "subchapter II of chapter 421" and inserting "subchapter II or III of chapter 421".

TITLE VII—CENTENNIAL OF FLIGHT COMMISSION

SEC. 701. SHORT TITLE.

This title may be cited as the "Centennial of Flight Commemoration Act".

SEC. 702. FINDINGS.

Congress finds that—

(1) December 17, 2003, is the 100th anniversary of the first successful manned, free, controlled, and sustained flight by a power-driven, heavier-than-air machine;

(2) the first flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying;

(3) the airplane has dramatically changed the course of transportation, commerce, communication, and warfare throughout the world;

(4) the achievement by the Wright brothers stands as a triumph of American ingenuity, inventiveness, and diligence in developing new technologies, and remains an inspiration for all Americans;

(5) it is appropriate to remember and renew the legacy of the Wright brothers at a time when the values of creativity and daring represented by the Wright brothers are critical to the future of the Nation; and

(6) as the Nation approaches the 100th anniversary of powered flight, it is appropriate to celebrate and commemorate the centennial year through local, national, and international observances and activities.

SEC. 703. ESTABLISHMENT.

There is established a commission to be known as the Centennial of Flight Commission.

SEC. 704. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(1) The Administrator of the Federal Aviation Administration (or the designee of the Administrator).

(2) The Director of the National Air and Space Museum (or the designee of the Director).

(3) The Administrator of the National Aeronautics and Space Administration (or the designee of the Administrator).

(4) The chairman of the First Flight Centennial Foundation of North Carolina (or the designee of the chairman).

(5) The chairman of the 2003 Committee of Ohio (or the designee of the chairman).

(6) The president of the American Institute of Aeronautics and Astronautics Foundation of Reston, Virginia (or the designee of the president).

(7) An individual of national stature who shall be selected by the members of the Commission designated under paragraphs (1) through (6).

(b) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original designation was made.

(c) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay or compensation.

(2) TRAVEL EXPENSES.—The Commission may adopt a policy for members of the Commission and related advisory panels to receive travel expenses, including per diem in lieu of subsistence. The policy may not exceed the levels established under sections 5702 and 5703 of title 5, United States Code. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.

(d) QUORUM.—Three members of the Commission shall constitute a quorum.

(e) CHAIRPERSON.—The Commission member selected under subsection (a)(7) shall serve as Chairperson of the Commission. The Chairperson may not vote on matters before the Commission except in the case of a tie vote.

(f) ORGANIZATION.—Not later than 90 days after the date of enactment of this Act, the Commission shall meet and select a Chairperson, Vice Chairperson, and Executive Director.

SEC. 705. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) represent the United States and take a leadership role with other nations in recognizing the importance of aviation history in general and the centennial of powered flight in particular, and promote participation by the United States in such activities;

(2) encourage and promote national and international participation and sponsorships in commemoration of the centennial of powered flight by persons and entities such as—

(A) aerospace manufacturing companies;

(B) aerospace-related military organizations;

(C) workers employed in aerospace-related industries;

(D) commercial aviation companies;

(E) general aviation owners and pilots;

(F) aerospace researchers, instructors, and enthusiasts;

(G) elementary, secondary, and higher educational institutions;

(H) civil, patriotic, educational, sporting, arts, cultural, and historical organizations and technical societies;

(I) aerospace-related museums; and

(J) State and local governments;

(3) plan and develop, in coordination with the First Flight Centennial Commission, the First Flight Centennial Foundation of North Carolina, and the 2003 Committee of Ohio, programs and activities that are appropriate to commemorate the 100th anniversary of powered flight;

(4) maintain, publish, and distribute a calendar or register of national and international programs and projects concerning, and provide a central clearinghouse for, information and coordination regarding, dates, events, and places of historical and commemorative significance regarding aviation history in general and the centennial of powered flight in particular;

(5) provide national coordination for celebration dates to take place throughout the United States during the centennial year;

(6) assist in conducting educational, civic, and commemorative activities relating to the centennial of powered flight throughout the United States, especially activities that occur in the States of North Carolina and Ohio and that highlight the activities of the Wright brothers in such States; and

(7) publish popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.

(b) NONDUPLICATION OF ACTIVITIES.—The Commission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to this title enhance, but do not duplicate, traditional and established activities of Ohio's 2003 Committee, North Carolina's First Flight Centennial Commission, and the First Flight Centennial Foundation.

SEC. 706. POWERS.

(a) ADVISORY COMMITTEES AND TASK FORCES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee or task force that it determines to be necessary to carry out this title.

(2) FEDERAL COOPERATION.—To ensure the overall success of the Commission's efforts, the Commission may call upon various Federal departments and agencies to assist in and give support to programs of the Commission. Where appropriate, all Federal departments and agencies shall provide any assistance possible.

(3) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force authorized by paragraph (1) shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 704(c)(2).

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this title.

(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements in order to carry out this title.

(2) RESTRICTION.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this title and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of termination.

(d) REQUESTS FOR OFFICIAL INFORMATION.—The Commission may request from any Federal department or agency information necessary to enable the Commission to carry out this title. The head of the Federal department or agency shall furnish the information to the Commission unless the release of the information by the department or agency to the public is prohibited by law.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

(f) APPLICABILITY OF CERTAIN LAWS.—Except as otherwise expressly provided by this title, laws relating to the general operation and management of Federal agencies shall apply to the Commission only to the extent such laws apply to the Smithsonian Institution.

SEC. 707. STAFF AND SUPPORT SERVICES.

(a) Executive Director.—There shall be an Executive Director appointed by the Commission. The Executive Director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(b) Staff.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS–14 of the General Schedule.

(c) Inapplicability of Certain Civil Service Laws.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided under subsections (a) and (b).

(d) Staff of Federal Agencies.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this title.

(e) Experts and Consultants.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at a rate that does not exceed the daily equivalent of the annual rate of basic pay payable under level V of the Executive Schedule under section 5316 of such title.

(f) Administrative Support Services.—

(1) Reimbursable services.—The Secretary of the Smithsonian Institution may provide to the Commission on a reimbursable basis any administrative support services that are necessary to enable the Commission to carry out this title.

(2) Nonreimbursable services.—The Secretary may provide administrative support services to the Commission on a nonreimbursable basis when, in the opinion of the Secretary, the value of such services is insignificant or not practical to determine.

(g) Cooperative Agreements.—The Commission may enter into cooperative agreements or grant agreements with other Federal agencies, State and local governments, and private interests and organizations that will contribute to public awareness of and interest in the centennial of powered flight and toward furthering the goals and purposes of this title.

(h) Program Support.—The Commission may receive program support from the nonprofit sector.

SEC. 708. CONTRIBUTIONS.

(a) Donations.—

(1) In general.—The Commission may accept donations of money, personal service, and historic materials relating to the implementation of its responsibilities under the provisions of this title.

(2) Donated funds and sales.—Any funds donated to the Commission or revenues from direct sales shall be used by the Commission to carry out this title. Funds donated to and accepted by the Commission under this section shall not be considered to be appropriated funds and shall not be subject to any requirements or restrictions applicable to appropriated funds.

(3) Fundraising.—Any fundraising undertaken by the Commission shall be coordinated with fundraising undertaken at the State level, and coordinated with the First Flight Centennial Commission, the First Flight Centennial Foundation of North Carolina, and the 2003 Committee of Ohio.

(b) Volunteer Services.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) Remaining Funds.—Any donated funds remaining with the Commission on the date of the termination of the Commission may be used to ensure proper disposition, as specified in the final report required under section 710(b), of historically significant property which was donated to or acquired by the Commission. Any donated funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

(d) Sense of Congress.—It is the sense of Congress that, in raising or accepting funds from the private sector, the Commission should not compete against fundraising efforts by non-profit organizations that were initiated before the date of enactment of this Act and that are attempting to raise funds for nationally-significant commemorative projects related to the Wright brothers.

SEC. 709. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) In General.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the centennial of powered flight.

(b) Licensing.—The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name "Centennial of Flight Commission" on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(c) Effect on Other Rights.—No provision of this section may be construed to conflict or interfere with established or vested rights.

(d) Use of Funds.—Funds donated to, or raised by, the Commission under section 708 and licensing royalties received pursuant to section 709 shall be used by the Commission to carry out the duties of the Commission specified by this title. If the Commission determines that such funds are in excess of the amount needed to carry out these duties, funds may be made available to State and local governments and private interests and organizations to contribute to public awareness of and interest in the centennial of powered flight. Funds disbursed under this section shall be required to be disbursed in accordance with a plan adopted unanimously by the voting members of the Commission.

(e) Limitation on Funds Collected.—Except as approved by a unanimous vote of the voting members of the Commission, funds donated to, or raised by, the Commission under section 708 and licensing royalties received pursuant to section 709 may not exceed $1,750,000 in a fiscal year.

SEC. 710. REPORTS.

(a) Annual Report.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(1) recommendations regarding appropriate activities to commemorate the centennial of powered flight, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of exhibits for libraries, museums, and other appropriate institutions;

(E) ceremonies and celebrations commemorating specific events that relate to the history of aviation;

(F) programs focusing on the history of aviation and its benefits to the United States and humankind; and

(G) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of powered flight;

(2) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the centennial of powered flight;

(3) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the centennial of powered flight; and

(4) an accounting of funds received and expended by the Commission in the fiscal year that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year.

(b) Final Report.—Not later than June 30, 2004, the Commission shall submit to the President and Congress a final report. The final report shall contain—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) any findings and conclusions of the Commission; and

(4) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission under section 708(a)(1).

SEC. 711. AUDIT OF FINANCIAL TRANSACTIONS.

(a) In General.—

(1) Audit.—The Comptroller General of the United States shall audit the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards.

(2) Access.—In conducting an audit under this section, the Comptroller General—

(A) shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(B) shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

(b) Report.—Not later than September 30, 2004, the Comptroller General of the United States shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

SEC. 712. ADVISORY BOARD.

(a) Establishment.—There is established a First Flight Centennial Federal Advisory Board.

(b) Number and Appointment.—The Board shall be composed of 19 members as follows:

(1) The Secretary of the Interior, or the designee of the Secretary.

(2) The Librarian of Congress, or the designee of the Librarian.

(3) The Secretary of the Air Force, or the designee of the Secretary.

(4) The Secretary of the Navy, or the designee of the Secretary.

(5) The Secretary of Transportation, or the designee of the Secretary.

(6) Six citizens of the United States, appointed by the President, who—

(A) are not officers or employees of any government (except membership on the Board shall not be construed to apply to the limitation under this clause); and

(B) shall be selected based on their experience in the fields of aerospace history, science, or education, or their ability to represent the entities enumerated under section 705(2).

(7) Four citizens of the United States, appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

(8) Four citizens of the United States, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives. Of the individuals appointed under this subparagraph—

(A) one shall be selected from among individuals recommended by the representative whose district encompasses the Wright Brothers National Memorial; and

(B) one shall be selected from among individuals recommended by the representatives whose districts encompass any part of the Dayton Aviation Heritage National Historical Park.

(c) Vacancies.—Any vacancy in the Advisory Board shall be filled in the same manner in which the original designation was made.

(d) Meetings.—Seven members of the Advisory Board shall constitute a quorum for a meeting. All meetings shall be open to the public.

(e) Chairperson.—The President shall designate 1 member appointed under subsection (b)(1)(F) as chairperson of the Advisory Board.

(f) Mails.—The Advisory Board may use the United States mails in the same manner and under the same conditions as a Federal agency.

(g) Duties.—The Advisory Board shall advise the Commission on matters related to this title.

(h) Prohibition of Compensation Other Than Travel Expenses.—Members of the Advisory Board shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 704(c)(2).

(i) Termination.—The Advisory Board shall terminate upon the termination of the Commission.

SEC. 713. DEFINITIONS.

In this title, the following definitions apply:

(1) Commission.—The term "Commission" means the Centennial of Flight Commission.

(2) First flight.—The term "First Flight" means the first four successful manned, free, controlled, and sustained flights by a power-driven, heavier-than-air machine, which were accomplished by Orville and Wilbur Wright on December 17, 1903.

(3) Centennial of powered flight.—The term "centennial of powered flight" means the anniversary year, from December 2002 to December 2003, commemorating the 100-year history of aviation beginning with the First Flight and highlighting the achievements of the Wright brothers in developing the technologies which have led to the development of aviation as it is known today.

(4) Advisory board.—The term "Advisory Board" means the Centennial of Flight Federal Advisory Board.

SEC. 714. TERMINATION.

The Commission shall terminate not later than 60 days after the submission of the final report required by section 710(b).

SEC. 715. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $250,000 for each of the fiscal years 1999 through 2004.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B) is amended by adding at the end the following:

"(v) Not later than 10 days after the date of the determination of the Administrator under clause (i), the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written justification of the reasons for the determination. The justification shall include a citation to the item or items listed in clause (i) that is the authority on which the Administrator is relying for making the determination.".

SEC. 802. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking "40113(a), (c), and (d)," and all that follows through "45302–45304," and inserting "40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections".

SEC. 803. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 is amended by adding at the end the following:

"(d) Prohibition on Release of Offeror Proposals.—

"(1) General rule.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5, United States Code.

"(2) Exception.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

"(3) Proposal defined.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.".

SEC. 804. MULTIYEAR PROCUREMENT CONTRACTS.

Section 40111 is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Telecommunications Services.—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator may make a contract of not more than 10 years for telecommunication services that are provided through the use of a satellite if the Administrator finds that the longer contract period would be cost beneficial.".

SEC. 805. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) Mediation.—Section 40122(a)(2) is amended by adding at the end the following: "The 60-day period shall not include any period during which Congress has adjourned sine die.".

(b) Right To Contest Adverse Personnel Actions.—Section 40122 is amended by adding at the end the following:

"(g) Right To Contest Adverse Personnel Actions.—An employee of the Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment.".

(c) Applicability of Merit Systems Protection Board Provisions.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.".

(d) Appeals to Merit Systems Protection Board.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

"(c) Appeals to Merit Systems Protection Board.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.".

(e) Costs and Benefits of Merit Systems Protection Board Procedure.—

(1) Study.—The Inspector General of the Department of Transportation shall conduct a study of the costs and benefits to employees and the Federal Aviation Administration of the procedures of the Merit Systems Protection Board as compared to the guaranteed fair treatment procedures of the Federal Aviation Administration.

(2) Survey.—In conducting the study, the Inspector General shall conduct a survey of the employees of the Federal Aviation Administration who are not members of the union to determine which procedures such employees prefer.

(3) Report.—Not later than May 15, 1999, the Inspector General shall transmit to Congress a report on the results of the study

conducted under paragraph (1), including the results of a survey conducted under paragraph (2).

SEC. 806. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) (as amended by section 114 of this Act) is further amended by adding at the end the following:

"(6) Improvements on leased properties.—The Administrator may make improvements to real property leased for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

"(A) the property is leased for free or nominal rent;

"(B) the improvements primarily benefit the Government;

"(C) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

"(D) the interest of the Government in the improvements is protected.".

SEC. 807. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) Bilateral Exchanges of Safety Oversight Responsibilities.—

"(1) In general.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

"(2) Relinquishment and acceptance of responsibility.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

"(3) Conditions.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

"(4) Registered aircraft defined.—In this subsection, the term 'registered aircraft' means—

"(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; or

"(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.".

SEC. 808. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) Public Information.—

"(1) In general.—Subject to paragraph (2) and notwithstanding any other provision of law, the records of the contents (as prescribed in subsection (b)) of any airman certificate issued under this section shall be made available to the public after the 60th day following the date of enactment of the Airport Improvement Program Reauthorization Act of 1998.

"(2) Addresses of airmen.—Before making the address of an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the airman's address not be made available to the public.

"(3) Development and implementation of program.—Not later than 30 days after the date of enactment of the Airport Improvement Program Reauthorization Act of 1998, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making the address of an airman available to the public under paragraph (1) and to carry out paragraph (2).".

SEC. 809. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

"(f) Government and Industry Consortia.—The Administrator may establish at individual airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees.".

SEC. 810. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking "shall" and inserting "should".

SEC. 811. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) in subsection (a)(2) by inserting before the period "or to any entity obtaining inspection, testing, authorization, permit, rating, approval, review, or certification services outside the United States"; and

(2) in subsection (b)(1)(B) by moving the sentence beginning "Services" down 1 line and flush 2 ems to the left.

SEC. 812. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking "46302, 46303, or";

(2) in subsection (d)(7)(A) by striking "an individual" the first place it appears and inserting "a person"; and

(3) in subsection (g) by inserting "or the Administrator" after "Secretary".

SEC. 813. ENHANCED VISION TECHNOLOGIES.

(a) Study.—The Administrator shall conduct a study of the feasibility of requiring United States airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the 10-year period following the date of completion of such study.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a) with such recommendations as the Administrator considers appropriate.

(c) Inclusion of Installation as Airport Development.—Section 47102 of title 49, United States Code, is amended—

(1) in paragraph (3)(B)—

(A) by striking "and" at the end of clause (v);

(B) by striking the period at the end of clause (vi) and inserting "; and"; and

(C) by inserting after clause (vi) the following:

"(vii) enhanced visual technologies to replace or enhance conventional landing light systems."; and

(2) by adding at the end the following:

"(21) Enhanced vision technologies.—The term 'enhanced vision technologies' means laser guidance, ultraviolet guidance, infrared, and cold cathode technologies.".

(d) Certification.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a schedule for certification of laser guidance equipment for use as approach lighting at United States airports and of cold cathode lighting equipment for use as runway and taxiway lighting at United States airports and as lighting at United States heliports.

SEC. 814. FOREIGN CARRIERS ELIGIBLE FOR WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

Section 47528(b)(1) is amended in the first sentence by inserting "or foreign air carrier" after "air carrier".

SEC. 815. TYPOGRAPHICAL ERRORS.

(a) In Title 49.—Title 49 is amended—

(1) in section 5108(f) by striking "section 552(f)" and inserting "section 552(b)".

(2) in section 15904(c)(1) by inserting "section" before "15901(b)".

(3) in section 49106(b)(1)(F) by striking "1996" and inserting "1986";

(4) in section 49106(c)(3) by striking "by the board" and inserting "to the board";

(5) in section 49107(b) by striking "subchapter II" and inserting "subchapter III"; and

(6) in section 49111(b) by striking "retention of" and inserting "retention by".

(b) Codification Repeal Table.—The Schedule of Laws Repealed in section 5(b) the Act of November 20, 1997 (Public Law 105–102; 111 Stat. 2217), is amended by striking "1996" the first place it appears and inserting "1986".

(c) Codification References.—Effective October 11, 1996, section 5(45)(A) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3393), is amended by striking "ENFORCEMENT;" and inserting "ENFORCEMENT:".

SEC. 816. ACQUISITION MANAGEMENT SYSTEM.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by striking subsection (c) and inserting the following:

"(c) Contracts Extending Into a Subsequent Fiscal Year.—Notwithstanding subsection (b)(3), the Administrator may enter into contracts for procurement of severable services that begin in one fiscal year and end in another if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.".

SEC. 817. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) Independent Assessment.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with 1 or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Federal Aviation Administration's cost input data, including the reliability of the Federal Aviation Administration's source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) The Federal Aviation Administration's system for tracking assets.

(iii) The Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) The Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(vi) The cost pools used by the Federal Aviation Administration and the rationale for and reliability of the bases which the Federal Aviation Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Federal Aviation Administration services or activities (called "common and fixed costs" in the Federal Aviation Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(D) REPORTS.—The Inspector General shall transmit to Congress an interim report containing the results of the assessment conducted under this paragraph not later than March 31, 1999, and a final report containing such results not later than December 31, 1999.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 1999, and annually thereafter until December 31, 2003, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,600,000 for fiscal year 1999.

SEC. 818. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 1999, the Secretary of Transportation may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1999. Such sums shall remain available until expended.

SEC. 819. NEWPORT NEWS, VIRGINIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947), the Secretary shall, subject to section 47153 of title 49, United States Code (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 820. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The City of Los Angeles Department of Airports may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation.

SEC. 821. REGULATION OF ALASKA AIR GUIDES.

The Administrator shall reissue the notice to operators originally published in the Federal Register on January 2, 1998, which advised Alaska guide pilots of the applicability of part 135 of title 14, Code of Federal Regulations, to guide pilot operations. In reissuing the notice, the Administrator shall provide for not less than 60 days of public comment on the Federal Aviation Administration action. If, notwithstanding the public comments, the Administrator decides to proceed with the action, the Administrator shall publish in the Federal Register a notice justifying the Administrator's decision and providing at least 90 days for compliance.

SEC. 822. PUBLIC AIRCRAFT DEFINED.

Section 40102(a)(37)(B)(ii) is amended—

(1) in subclause (I) by striking "or" at the end;

(2) in subclause (II) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) transporting (for other than commercial purposes) government officials whose presence is required to inspect the scene of a major disaster or emergency.".

TITLE IX—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "National Parks Air Tour Management Act of 1998".

SEC. 902. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 903. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by adding at the end the following:

"§ 40125. Overflights of national parks

"(a) IN GENERAL.—

"(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

"(A) in accordance with this section;

"(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

"(C) in accordance with any applicable air tour management plan for the park.

"(2) APPLICATION FOR OPERATING AUTHORITY.—

"(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park.

"(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

"(i) the safety record of the person submitting the proposal or pilots employed by the person;

"(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

"(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

"(iv) the financial capability of the company;

"(v) any training programs for pilots provided by the person submitting the proposal; and

"(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

"(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

"(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

"(3) EXCEPTION.—

"(A) IN GENERAL.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator may conduct such operations over the national park under part 91 of title 14, Code of Federal Regulaions, if such activity is permitted under part 119 of such title.

"(B) LIMIT ON EXCEPTIONS.—Not more than 5 flights in any 30-day period over a single national park may be conducted under this paragraph.

"(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

"(b) AIR TOUR MANAGEMENT PLANS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

"(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

"(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental impact statement) and the record of decision for the air tour management plan.

"(3) CONTENTS.—An air tour management plan for a national park—

"(A) may limit or prohibit commercial air tour operations;

"(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

"(C) may apply to all commercial air tour operations;

"(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

"(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

"(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

"(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

"(A) hold at least one public meeting with interested parties to develop the air tour management plan;

"(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

"(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

"(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

"(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

"(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

"(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

"(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

"(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

"(3) the area of operation;

"(4) the frequency of flights conducted by the person offering the flight;

"(5) the route of flight;

"(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

"(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

"(8) any other factors that the Administrator considers appropriate.

"(d) INTERIM OPERATING AUTHORITY.—

"(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park (including tribal lands) for which the operator is an existing commercial air tour operator.

"(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

"(A) shall provide annual authorization only for the greater of—

"(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of this section; or

"(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

"(C) shall be published in the Federal Register to provide notice and opportunity for comment;

"(D) may be revoked by the Administrator for cause;

"(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

"(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

"(G) shall promote safe operations of the commercial air tour;

"(H) shall promote the adoption of quiet technology, as appropriate; and

"(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

"(e) EXEMPTIONS.—

"(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

"(A) the Grand Canyon National Park;

"(B) tribal lands within or abutting the Grand Canyon National Park; or

"(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

"(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100–91 (16 U.S.C. 1a-1 note; 101 Stat. 674–678) is no longer in effect.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

"(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

"(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

"(A) applies for operating authority as a commercial air tour operator for a national park; and

"(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

"(4) COMMERCIAL AIR TOUR OPERATION.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

"(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

"(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

"(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

"(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

"(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 401 of title 49, United States Code, is amended by adding at the end the following:

"40125. Overflights of national parks.".

SEC. 904. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over national parks (including tribal lands), which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 905. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 906. EXEMPTIONS.

This title shall not apply to—

(1) any unit of the National Park System located in Alaska; or

(2) any other land or water located in Alaska.

SEC. 907. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1001. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 1999", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following "or the Airport Improvement Program Reauthorization Act of 1998".

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Illinois (Mr. LIPINSKI), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is must-pass legislation because without it, there can be no Federal airport grants made. There are about 18,000 airports in the United States with about 3300 eligible for Federal AIP grants.

The General Accounting Office estimates that total airport needs are about $10 billion a year. Airport infrastructure is urgently needed because of the tremendous success story of growth in aviation.

Before airline deregulation, we had about 230 million people, passengers flying in U.S. aviation commercially each year. Over the last 5 years, we have had enplanements increase by 27 percent today. Last year we had 655 million passengers, and the FAA predicts as we move into the first decade of the next century we will have over 1 billion, with a "B," passengers flying commercially in America.

If we do not accommodate this growth by investing in airport air traffic control infrastructure, safety margins are going to be reduced, and airport delays are going to increase. These delays hurt passengers, and they undermine the economic growth which is so vital to the future of our country.

The number of daily aircraft delays of 15 minutes or longer has already increased nearly 20 percent higher in 1996 than in 1995. Some airlines predict that in just another 16 years, aircraft delays will be such that the hub and spoke systems across America will collapse.

The FAA estimates that today's airline delays cost the industry approximately $2.5 billion a year in higher operating costs. Of course, that gets translated into higher consumer costs for tickets.

These delays and these costs are particularly troubling when we consider that approximately $10 billion a year is being paid into the Aviation Trust Fund by the traveling public, yet we are only spending about $5.6 billion of that.

Indeed, the problem here is very comparable to the problem that we faced in surface transportation, which we fixed this year, and that is, the money that was flowing from the gasoline tax and related taxes into the Highway Trust Fund was not being spent to improve highways and transit in America, as it should have been.

We face that same kind of a problem here in aviation. Indeed, it is an issue which we should deal with. However, we believe that the most appropriate approach is to have simply a one-year bill in aviation this year, even though we usually have a multi-year bill, have a one-year bill so that we can hold the necessary hearings and prepare ourselves to come back next year so we can address the issue of unlocking the Aviation Trust Fund just as we did the Highway Trust Fund so that the revenues being paid into it in good faith by the aviation traveling public will see that money that they are putting in, those user fees dedicated and spent to improving aviation in America, to improving aviation safety, aviation productivity, consumer efficiency.

For all those reasons, I believe we should vigorously support this legislation this year, recognizing that next year we will attempt to fix the problem of not being totally square with the aviation traveling public, not spending the money that they put in that Aviation Trust Fund as it should be spent. But that is an issue for us to come to grips with next year.

I would urge strong support for the passage of this one-year bill because it is in the interest of the American traveling public.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4057, the Airport Improvement Reauthorization Act of 1998.

H.R. 4057 is a one-year reauthorization of the important Airport Improvement Program. The AIP is funded entirely by the Aviation Trust Fund and provides grants to local airports for needed safety, security, capacity and noise projects.

The capital development needs of our Nation's airports are great. It is estimated that between $6- and $10 billion per year is needed to fund all of our Nation's airport development needs. Yet despite the outstanding needs of our Nation's airports, huge unspent balances are allowed to accumulate in the Aviation Trust Fund.

In fact, the balance in the Aviation Trust Fund is expected to grow to almost $48 billion in the next 10 years. At the same time, the General Accounting Office reports that many airports will face substantial work keeping runways in generally good condition in the next 10 years.

We cannot allow our Nation's airports to deteriorate, while money collected from aviation users simply sits in the Aviation Trust Fund. For this reason, H.R. 4057 is only a one-year reauthorization bill. Next year, when there is more time, we will fight to make sure that the revenue in the Aviation Trust Fund is used for aviation. We will fight to put the trust back in the Aviation Trust Fund, the same way we fought to put the trust back in the Highway Trust Fund under TEA 21.

It is my hope that next year we will also work to increase the passenger facility charge. The PFC is also used to fund airport development projects, helping to offset the funding shortfalls of AIP. An increase in the PFC is needed to adequately meet our Nation's airport development needs.

Although H.R. 4057 does not include an increase in the PFC, it is still a very good bill. In addition to making several changes to the AIP program, H.R. 4057 contains many important safety and policy provisions.

For example, H.R. 4057 requires collision avoidance systems to be installed on large cargo aircraft by the year 2002.

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A collision avoidance system, referred to as TCAS, is already required on passenger aircraft. In addition, most of the world's major aviation countries are requiring that all large aircraft, both passenger and cargo, be equipped with TCAS by the year 2000. By requiring TCAS or some other collision avoidance system on cargo aircraft, H.R. 4057 ensures that some 600 cargo aircraft that share the U.S. air space with passenger aircraft each day will now have the same ability to avoid midair collisions.

In addition, H.R. 4057 provides whistle-blower protection for airline employees. The bill provides whistle-blower protection for flight attendants, pilots, machinists and other airline employees who report safety violations to the Federal Aviation Administration. This will greatly improve airline safety because employees will no longer have to fear retaliation from their employer if they report safety violations to the FAA.

I could mention several other important provisions in H.R. 4057, but in the interest of time I simply want to stress that H.R. 4057 is a good, strong bill that is good for our Nation's airports and for our Nation's aviation infrastructure as a whole. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of our Subcommittee on Aviation.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Pennsylvania, the chairman of the full committee, for yielding me this time, and I rise in strong support of H.R. 4057.

Let me first say that I really appreciate the outstanding leadership provided by the chairman of our committee, the gentleman from Pennsylvania (Mr. SHUSTER), who has always provided strong leadership on issues pertaining to aviation.

This bill before us is a product that enjoys support from both sides of the aisle. We have worked very closely with the ranking member of the Committee on Transportation and Infrastructure, the fine gentleman from Minnesota (Mr. OBERSTAR), and my good friend from Chicago, the ranking member of the Subcommittee on Aviation, the gentleman from Illinois (Mr. LIPINSKI), in crafting this very important legislation.

As has been stated already, H.R. 4057 is a simple 1-year reauthorization of the Airport Improvement Program and the FAA's Operations and Facilities Equipment accounts.

H.R. 4057 provides dedicated funding for airport security, and increases the number of military airports which can receive special AIP funds from 12 to 14, which was done at the request of several Members from the State of Florida.

It also increases the noise set-aside from 31 percent of the discretionary funds to 33 percent, which will be a significant increase in our efforts to combat noise at airports.

The bill makes runway incursion devices eligible for AIP funding and ensures that this is a higher priority.

It establishes a Centennial Flight Commission; at the request of our friend, the gentleman from North Carolina (Mr. WALTER JONES).

It requires, as the gentleman from Illinois (Mr. LIPINSKI) has mentioned, collision avoidance systems for cargo aircraft, primarily at the urging and recommendation of the gentleman from Illinois, who has worked so very hard on that particular issue.

It provides assistance for the Olympics and for the Special Olympics in Utah, transportation assistance, at the request of the gentleman from Utah (Mr. MERRILL COOK).

It has whistle-blower protection for airline employees and FAA employees for the first time, an issue that our friends the gentleman from New York (Mr. BOEHLERT) and the gentleman from South Carolina (Mr. CLYBURN) have worked on very, very hard.

It includes a deed restriction removal for the airport at Newport News, Virginia, at the request of one of our committee members, the gentleman from Virginia (Mr. BATEMAN).

It begins the elimination of the bogus parts problem, at the request of the gentleman from Oregon (Mr. DEFAZIO).

It has other provisions that I will not really go into at this time, but we did try to accommodate a great many Members who have made requests in this legislation.

As the gentleman from Pennsylvania (Mr. SHUSTER) said, this is a must-pass bill because the authorization for the AIP program expires on September 30th of this year, and without this authorization, no airports will be able to receive needed safety and security funding.

We have also included in this bill $5 million for the National Safe Skies Alliance, which will test and evaluate state-of-the-art security equipment, including explosive detection systems. The National Safe Skies Alliance will certainly produce results that eventually will improve the safety and security at airports all across this Nation.

H.R. 4057 includes a provision that seeks to promote safety and quiet in and around our national parks by establishing a process for developing air tour management plans. And this is a significant part of this legislation, Mr. Speaker, because we had groups from the environmental community and groups from the air tour community that started out very, very far apart, but they have compromised and worked together to come up with, I think, very innovative and far-reaching legislation that will ensure that the FAA has the sole authority to control airspace and that the National Park Service has the responsibility to manage the park resources, and that these two agencies under this legislation will work cooperatively in developing air tour management plans for our national parks.

This legislation covers virtually every national park in the country except those in Alaska and the Grand Canyon, for which there will be special accommodations. Air tours over the Grand Canyon are already covered by a 1987 law, and if that should ever be repealed, the Grand Canyon would be covered by this legislation.

I am proud to say that we have worked on a bipartisan basis both on the Subcommittee on Aviation and at the full committee level on all of these issues.

Mr. Speaker, let me say in closing that I believe the Aviation Trust Fund should receive the same budget treatment that this Congress has overwhelmingly approved for the Highway Trust Fund. This is a matter that has been briefly touched upon by both the chairman and the gentleman from Illinois.

The fact is that under the new aviation tax system, we are bringing in about $10 billion per year into the Aviation Trust Fund. Over a 5-year period, the Congressional Budget Office estimates that we will have a $40 billion cash surplus in the trust fund. Some experts predict that estimates for airport improvements across the country are about $10 billion per year, or $50 billion over that 5-year period.

The $1.7 billion appropriated for the AIP program is not enough to meet those needs. Air passenger traffic and air cargo traffic are both shooting way up every year to record levels, and the $1.2 billion collected from the passenger facility charge each year does not go very far or far enough for these expensive projects.

Although some members of the Committee on Transportation and Infrastructure support increasing the passenger facility service charge, and I agree that airports certainly need more financial assistance, this bill does not raise the current $3 PFC. But I also believe we should wait until next year so we can all work together to fundamentally change the way in which our aviation system is funded. The gentleman from Pennsylvania has recommended that we make next year the "year of aviation" in our committee, and I certainly believe that we will do that and that we should do that.

I believe the American people are paying their fair share of taxes into the aviation system, but I know that our government's budgeting process here is obviously very flawed and in need of change and is resulting in many shortcomings to those who are using our aviation system.

Finally, Mr. Speaker, let me salute the outstanding staff of the Subcommittee on Aviation, David Schaffer and Donna McLean. But I would like to take just a moment to salute my good friend Jim Coon, who has worked so hard on this legislation, and who will very shortly be leaving our subcommittee to move to a tremendous new opportunity with the Air Transport Association, and will terminate at that point a 16-year career on Capitol Hill, the last 10 of which Mr. Coon has been with me, first as my legislative director and then for almost 4 years now with the Subcommittee on Aviation.

Jim Coon is one of the finest men I have ever known in my life and one of the hardest working, and he has done a tremendous job both for me personally in my office and for the last few years with the Subcommittee on Aviation. I can tell my colleagues that this Congress and I personally will miss Jim Coon, and I just want him to know how much I appreciate all that he has done for me, for this committee, and for this country.

Mr. LIPINSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to congratulate the chairman and the entire leadership of the committee and staff on this important legislation.

In the face of conflicting pressures and demands, the committee has succeeded in crafting a carefully balanced measure that will benefit the Nation's airports and our entire air transportation system. In particular, I would like to commend the chairman for the provision in this bill broadening the eligibility for terminal construction work using revenues from passenger facility charges. The provision will surely make it easier for airports to provide facilities for smaller air carriers seeking to offer competitive service.

I want to be certain that I am correct in my understanding of the way in which the committee intends for this provision to function.

Mr. SHUSTER. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I will be happy to try to respond to the gentlewoman, Mr. Speaker.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to confirm that the committee intends for the FAA to allow an airport applicant to use this provision for either a standalone terminal structure or for that pro-rata portion of a terminal to be used by any air carrier having less than 50 percent of the scheduled passenger traffic at the airport.

Mr. SHUSTER. If the gentlewoman will continue to yield, that is correct.

For example, if 25 percent of a new terminal building is to be used by eligible carriers, all the costs associated with the gates and the boarding areas, and at least 25 percent of the building's total shell, including heating, ventilation, air conditioning, fuel lines and related construction costs, will be eligible for PFC funding under this provision.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the chairman. It is gratifying to have his confirmation of my understanding of the intent of this provision.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the chairman for yielding me this time. I support the basic purpose of this bill. I think it is a good bill. I think it is a needed bill. And I hate to inject any kind of a negative note into it, but I must rise today on behalf of the people around Denver International Airport.

For several years now we have had a ban on the building of a sixth runway at DIA. This bill effectively lifts that ban. I have long felt that it is important to maintain the ban on the sixth runway until Denver and the FAA do all they can to relieve the noise problems of the people surrounding the airport.

These are not people who built their homes next to an airport. These are people who chose to live in outlying counties, some of them as many as 25, 30 miles away, Douglas County being one of them that I represent, because these are relatively quiet, rural settings. For many of the residents that was the number one reason for living in these communities.

But Denver decided they needed a new airport. They decided to put the airport far away from their own population. Now my constituents, and many others who never had a vote on whether to approve this new airport, are the ones paying the noise price that a big airport like this brings.

When we went to Denver to ask them to help us solve this problem, they said, "It is not our problem. We didn't consider this an Environmental Impact Statement. That is your problem. We are not going to worry about it."

Because of the ban on the sixth runway, we were able to bring Denver to the table. It gave us leverage to bring Denver to the table to help try to solve the problem. In fact, the city of Denver jointly funded a noise study with the surrounding communities, and that study shows that changes could be made to the airport's flight paths to reduce the noise problems. That study would never have been done if we had not had a ban on the additional runway.

This year should have been the culmination of our effort. With a compromise that we had worked out, and keeping the ban in place, we would have allowed Denver to proceed with the necessary environmental updates for the sixth runway so they would not have lost time. We would have kept Denver at the table, though, by having a ban on. With additional language instructing the FAA to address this problem, we would have had a real chance to solve the problem. Now, with the language in this bill, I am afraid it will be much more difficult to obtain relief for the people around DIA.

I know that the chairmen, the main committee chairman and the subcommittee chairman, they do not understand, probably, how difficult it has been to work with Denver on this situation and to get them to the table and to make them look at the problems that they have created for the surrounding counties.

□ 1130

We were able to do that, and I am very disappointed that the ban is lifted in this legislation. If you would have given us one more year, I think we would have gotten the problem solved and we would have all been supportive and there would not have been any problem.

I thank the gentleman from Tennessee (Mr. DUNCAN) and others for the efforts they have made to try to assist me in this matter.

This being said, however, I cannot allow this measure to pass the House floor without voicing my opposition to the DIA provision lifting the ban.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DeGETTE. Mr. Speaker, the Denver International Airport has now been constructed for about 3 years, but it is like building an airport with one hand tied behind your back because we do not have a runway that can adequately handle international traffic and the international business development in Denver and the Front Range.

My esteemed senior colleague to the south says that there are problems with noise at the airport, and that is true. There are always noise issues around every airport, and Denver has done everything in their power to reduce the noise as much as possible.

I will point out to my colleague that the residents, many of whom live in the district of the gentleman from Colorado (Mr. BOB SCHAFFER), none that I know of who live in my colleague to the south's district, voted to approve the airport in the beginning. This was not an airport that was thrust upon them. Under the Colorado constitution, they had to vote to approve it.

Denver has worked assiduously and intends to continue to work assiduously to make sure that all noise problems associated with DIA are reduced to the greatest extent possible, if not eliminated.

I want to thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) for their support in recognizing this and recognizing the fact that putting a ban on a sixth runway does not solve these noise issues but merely stunts the economic growth in the Front Range of Colorado.

I look forward to working with the Committee on Transportation and Infrastructure and with this committee in the future to make sure that the sixth runway is constructed, that it is adequately funded, and I also look forward to working with my colleagues from the rest of the Colorado delegation to make sure that we eliminate as much as possible any noise.

I will say that Denver and my office remain committed to making sure that the noise problems are eliminated as much as possible, and I look forward to getting on with the construction of this sixth runway.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, on December 24, 1996, a Learjet with Pilot Johan Schwartz, who was 31, of Westport, Connecticut, and Patrick Hayes, 30, of Clinton, Connecticut, lost contact with the control tower at the Lebanon, New Hampshire Airport.

Despite efforts by the Federal Government, New Hampshire State and local authorities, and Connecticut authorities, a number of extremely well organized ground searches failed to locate the two gentlemen or the airplane. Their airplane did not have an ELT, an emergency locator transmitter device, and this plane has never been found. Countless time and money was spent trying to locate these two individuals and to locate the plane. This is because they did not have an ELT.

I would like to see provisions from H.R. 664 to require emergency locator transmitters, ELTs, on fixed wing civil aircraft included in H.R. 4057, the Airport Improvement Program Reauthorization Act. ELT provisions are included in section 504 of the Senate version of the bill, S. 2279, the National Air Transportation System Improvement Act, and I would look forward to working with the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Tennessee (Chairman DUNCAN) about the possibility of adding this important provision in the conference report.

The bottom line is, an ELT plays a vital role in search efforts, where timing is so critical in any rescue mission. These men may have been alive for a period of time, yet we could never find them. The cost of these devices ranges from approximately $500 to $2,500, although less costly technology is now evolving.

I hope that this provision will be added in the conference report. I understand it is not in this bill. I do support the bill and look forward to voting for it, but hope in conference we can add an ELT provision.

The SPEAKER pro tempore (Mr. DICKEY). Before recognizing anyone else, the Chair would like to state that the gentleman from Pennsylvania (Mr. SHUSTER) has 3 minutes remaining, and the gentleman from Illinois (Mr. LIPINSKI) has 12 minutes remaining.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of this Airport Improvement Reauthorization Act.

I thank the chairman and the ranking member for crafting thoughtful and responsive legislation that will help revitalize the Federal Aviation Administration while reauthorizing Federal aviation programs, but I am concerned about provisions in the Senate bill that take us a step back and would bring controversy and invite opposition to this important legislation by increasing the number of flights to the four slot-controlled airports.

In the case of Washington National Airport, the Senate legislation would add an additional 24 slots to this congested airport and lift the perimeter rule, permitting half of those slots to fly beyond the current 1,250-mile perimeter restriction. A change in the perimeter rule would result in a cutback in locations currently served by National within the perimeter and adversely affect the development of the Washington area's three commercial airports.

Over time, short-range service to cities that generate less than $20 million in revenue would be displaced and the number of transcontinental flights operating out of Dulles, which has plenty of room for expansion, would decline. Thus, the substantial investment made at both National and Dulles by the taxpayers, the Federal Aviation Administration and the aviation community would become substantially devalued.

In 1986 the Washington region made a contract with the Congress that the Washington region would take over both the funding and operational responsibility for its airports. It was signed by President Reagan. The region fulfilled its part of the bargain. We came up with the money. We remodeled all of the airports. It is working fine.

Now Congress should not renege on its part of the bargain. And that is why I urge the chairman and ranking member of the Committee on Transportation and Infrastructure to remain firm and oppose the addition of any Senate language altering the number of flights or the current perimeter rule that governs the operation of Washington National Airport.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, first of all let me thank the full committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN); and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), for their work in crafting this legislation and including elements that will be beneficial to all of our Nation's airports, including the ones in my home State of Florida.

I am pleased with the funding level in this bill. The capital improvement and safety costs associated with air service are enormous, especially for smaller regional airports. And the Federal Government, as well as State and local government, must be partners to ensure the safest, most efficient air service.

The aviation industry is critical to the economic well-being of Florida. Orlando will soon be hailing 30 million passengers a year, and 35 million passengers and 2.9 tons of cargo will be coming through Miami's International Airport, which is known as the "Hub of the Americas." Jacksonville is a key intermodal location for air service, shipping, and rail; and these all directly and indirectly support the military presence in north Florida.

We on the Committee on Transportation and Infrastructure all know the importance of the role aviation plays in our community and for our economy.

This is a good bill which will expand the military airport program and includes whistle blower protection for airline employees who provide information on safety violations.

Yesterday, I spoke to the Florida Airport Manager's Association, more than 700 people present in Miami at their annual conference, and they strongly support the AIP program and this bill.

I thank the committee's leadership for getting this bill to the floor and I urge my colleagues to support it.

Mr. LIPINSKI. Mr. Speaker, I yield myself the balance of the time.

I just want to say in closing that, as usual, working with the gentleman from Tennessee (Mr. DUNCAN), chairman of the subcommittee, has been a great pleasure. No one could be more cooperative, understanding, and tolerant than the chairman of the subcommittee or the full committee. It is a real joy to work with the gentleman from Tennessee (Mr. DUNCAN), not only on this bill but all the time, in regards to aviation matters. I also want to express my sincere appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for his interest in this legislation, and to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

In closing I would like to say that, as usual, the staff on both sides have done an outstanding job. The cooperation that is put forth by the gentleman from Tennessee (Mr. DUNCAN), that example is certainly picked up by the entire staff on the Subcommittee on Aviation, and they worked very closely together to produce what they believe is the best legislation for the American flying public.

I would like to say that I certainly do not know Jim Coon as well as the gentleman from Tennessee (Mr. DUNCAN) does. But in the opportunity I have had to get to know him, I have found him to be not only entirely professional in everything he does but really a down-to-earth, very nice gentleman, and I wish him well in his new position. I am sorry to lose him from the Subcommittee on Aviation. But, as I have said to others, we have to go on and enjoy life and better ourselves.

So let me just say this is a great bill. Let us hope that we get unanimous support for it.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I certainly join with these other distinguished leaders on our committee in wishing Mr. Coon the very best in his future. He certainly has performed in an outstanding fashion on our committee.

Mr. Speaker, I include for the RECORD the letters between the Committee on Transportation and Infrastructure and the Committee on Ways and Means concerning the committees' respective jurisdiction over H.R. 4057:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES
Washington, DC, August 4, 1998.

Hon. BILL ARCHER,
Chairman, House Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR BILL: Thank you for your letter regarding the provisions in H.R. 4057, the Airport Improvement Program Reauthorization Act. This bill was reported on Monday, July 20, 1998, by the Committee on Transportation and Infrastructure.

There are several provisions which are of interest to your Committee, and I appreciate your willingness to expedite consideration of the legislation. We have, as you requested, included language supplied by your Committee regarding the aviation trust fund provisions. In addition, the provision in our bill encouraging innovative financing with Airport Improvement Program grants includes language which clearly does not modify the Internal Revenue Code.

Thank you for your continued cooperation on these matters. As you requested, your original letter and this response will be placed in the Record during consideration of the bill on the House Floor.

With kind regards, I remain,
Sincerely,
BUD SHUSTER,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1998.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR BUD: I understand that on Monday, July 20, 1998, the Committee on Transportation and Infrastructure reported H.R. 4057, providing for a one-year reauthorization of the Airport Improvement Program.

As you know, the Trust Fund Code includes specific provisions within the jurisdiction of the Committee on Ways and Means which govern trust fund expenditure authority and which limit purposes for which trust fund moneys may be spent. Statutorily, the Committee on Ways and Means generally has limited expenditures by cross-referencing provisions of authorizing legislation. Currently, the Trust Fund Code provisions allow expenditures from the Airport and Airway Trust Fund before October 1, 1998. C-Similarly, the Trust Fund Code approves all expenditures from the Airport and Airway Trust Fund permitted under previously enacted authorization Acts, most recently the Federal Aviation Reauthorization Act of 1996, as in effect on the date of enactment of the 1996 Act.

I now understand that you are seeking to have H.R. 4057 considered by the House as early as next week. In addition, I have been informed that your Committee will seek a Manager's or Committee amendment to the bill which will include language I am supplying (attached) to address the necessary trust fund provisions.

The amendment would extend until October 1, 1999, the general expenditure authority and purposes of the Airport and Airway Trust Fund contained in section 9502(d) and would provide that, generally, expenditures from the Airport and Airway Trust Fund may occur only as provided in the Internal Revenue Code.

I note also that Section 106 of the bill would preclude the implementation of an innovative financing technique which gives rise to a direct or indirect federal guarantee of any airport debt instrument. Subject to narrow exceptions grandfathering programs in existence in 1984, the Internal Revenue Code prohibits the combination of tax-exemption on state and local bond interest and direct or indirect federal guarantees. Section 106 of HR 4057 does not modify this Code prohibition. Therefore, if the Department of Transportation guarantees an authorized innovative financing technique and it is combined with tax-exempt financing in any manner violating the Code prohibition, interest on the underlying bonds will become taxable, retroactive to the date of their issuance.

Based on this understanding, and in order to expedite consideration of this legislation, it will not be necessary for the Committee on Ways and Means to markup this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4057, and would ask that a copy of our exchange of letters on this matter be placed in the Record during considering of the bill on the Floor. Thank you for your cooperation and assistance on this matter. With best personal regards,

Sincerely,
BILL ARCHER,
Chairman.

Enclosure.

TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 901. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 1999", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following "or the Airport Improvement Program Reauthorization Act of 1998".

(a) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on an after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. the determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.".

Mr. ADAM SMITH of Washington. Mr. Speaker, I would like to take some time to talk about some of my concerns regarding H.R. 4057, the Airport Improvement Program Reauthorization Act. I recognize that this bill funds some very important and critical programs, including operation and maintenance of the air traffic control system, safety inspections, and other Federal Aviation Administration (FAA) activities. It does an adequate job ensuring that our airports and airways are safe and efficient.

Mr. Speaker, I've had personal experience with the FAA and the Airport Improvement Program (AIP) as a community activist, a state Senator, and now as a member of Congress. In fact, I grew up about a mile from the Seattle/Tacoma International Airport (SeaTac), so I know how people are affected by airports first hand.

The Port of Seattle has been attempting to expand SeaTac for more than nine years. Over those years, I've had several problems with the way the Port and the FAA have dealt with this proposed expansion project. I feel they have severely underestimated the environmental impacts the new runway would have on local communities, including the potential financial costs of implementation. They have also failed to adequately evaluate other potential problems, including increased traffic that would arise from construction and the increased noise expansion would have on local schools and neighborhoods. Overall, I strongly believe the FAA and the Port have shown a disregard for the concerns of the local citizens whom will have to bear the brunt of the negative results of this proposed expansion.

Considering my experience with this program, I believe there are three things that could have been included in the legislation that would have made it better for those that live and work around our counties' airports. First, I have concerns over the current executive branch dealing with pollution from aircraft. The principal agency in the federal government that deals with environmental impact is the Environmental Protection Agency (EPA); however, when it comes to pollution resulting from aircraft it is the FAA. This wasn't always the case. Previously, the Office of Noise Abatement and Control in the EPA was responsible for coordinating federal noise abatement activities, updating and developing new noise standards, and promoting research and education on the impacts of noise pollution. This office was eliminated in 1982. I believe the FAA has a strong disincentive for effectively handing aircraft pollution because their main function is to expand and promote aviation. On the other hand, the EPA is in a much better position to fairly analyze pollution from aircraft and thus effectively implement policy to deal with these impacts, because its chief objective is to protect people against dangerous environmental problems. I feel the bill should have transferred these powers from the FAA to EPA in order to properly study and better protect citizens in my district and others from aviation pollution.

Second, I would like to have seen the bill set aside more funds to directly compensate the public for the damage that it will have on their lives. A study has determined that the impact that the proposed 3rd runway would have on my constituents is around $4 billion, but the plan by the Ports includes only $50 million in mitigation costs. This is clearly unfair. The citizens of communities surrounding the airport would have to bear the brunt of mitigating the environmental problems surrounding the proposed project, despite having very little impute and decision making authority. I feel that the bill could have authorized more money for the use of directly compensating individuals impacted by new construction for areas like my district.

Third, I'm very concerned about the lack of congressional and local input in the decision making authority for approving FAA discretionary grants for new airport construction. While I understand the meaning of a discretionary program is that the federal agency has the discretion in determining whether to appropriate the funds, I believe the current system so substantially displaces legislative input that it trumps the spirit of the separation of powers of our three branches of government, which is a critical part of our representative democracy. The Port of Seattle and the FAA negotiated a Record of Decision in July of 1997, despite serious objections from myself and my constituents. Our system is designed to have members of Congress represent the concerns and interests of their home districts and thus executive decisions that impact a certain group of people should only be done with the consideration of the opinions of the Member who represents those people. I do not feel that my concerns have not adequately been taken into consideration during this process, and I feel this is wrong.

Overall, I feel that the concerns of local citizens and thus Members of Congress who represent them are not sufficiently taken into consideration under the AIP, and will continue to advocate for changes to this program in the future. Therefore, I urge my colleagues to oppose this legislation.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of H.R. 4057, the Airport Improvement Program Reauthorization Act of 1998, and call to the attention of my colleagues Title VII, the Centennial of Flight Commemoration Act. This title is a modified version of H.R. 2305, a bill I introduced with Mr. JONES of North Carolina and with the support of Mr. HOBSON of Ohio.

The measure creates a limited, seven-member federal commission to help plan and coordinate the national celebration of the 100th anniversary of the Wright brothers' historic first flight in 1903.

The commission is charged with coordinating celebration dates nationwide and maintaining a central clearinghouse for information on commemorative activities. It would also represent the United States in international commemorations for the Wright brothers.

The commission is similar to ones established by Congress to celebrate the anniversaries of the American Revolution, Constitution, discovery of America by Christopher Columbus, birth of Thomas Jefferson, and others.

H.R. 2305 is cosponsored by almost all the members of the Ohio and North Carolina delegations. This is fitting, because the Wright brothers carried out their famous flight in Kitty Hawk, North Carolina, and they lived and constructed their airplane in Dayton, Ohio.

Mr. Speaker, it is hard to imagine a technological achievement that affected our world more than the conquest of flight. The first flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying and it has dramatically changed the course of transportation, commerce, communication and warfare. It is therefore fitting that we honor the Wright brothers and their achievements in this fashion.

I wish to thank the chairman and ranking minority member of the Committee on Transportation and Infrastructure and the Subcommittee on Aviation for their support.

Mr. SHUSTER. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4057, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4057, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CREDIT UNION MEMBERSHIP ACCESS ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1151) to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Credit Union Membership Access Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—CREDIT UNION MEMBERSHIP

Sec. 101. Fields of membership.
Sec. 102. Criteria for approval of expansion of membership of multiple common-bond credit unions.
Sec. 103. Geographical guidelines for community credit unions.

TITLE II—REGULATION OF CREDIT UNIONS

Sec. 201. Financial statement and audit requirements.
Sec. 202. Conversion of insured credit unions.
Sec. 203. Limitation on member business loans.
Sec. 204. National Credit Union Administration Board membership.
Sec. 205. Report and congressional review requirement for certain regulations.

TITLE III—CAPITALIZATION AND NET WORTH OF CREDIT UNIONS

Sec. 301. Prompt corrective action.
Sec. 302. National credit union share insurance fund equity ratio, available assets ratio, and standby premium charge.
Sec. 303. Access to liquidity.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Study and report on differing regulatory treatment.
Sec. 402. Update on review of regulations and paperwork reductions.
Sec. 403. Treasury report on reduced taxation and viability of small banks.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The American credit union movement began as a cooperative effort to serve the productive and provident credit needs of individuals of modest means.

(2) Credit unions continue to fulfill this public purpose, and current members and membership groups should not face divestiture from the financial services institution of their choice as a result of recent court action.

(3) To promote thrift and credit extension, a meaningful affinity and bond among members, manifested by a commonality of routine interaction, shared and related work experiences, interests, or activities, or the maintenance of an otherwise well-understood sense of cohesion or identity is essential to the fulfillment of the public mission of credit unions.

(4) Credit unions, unlike many other participants in the financial services market, are exempt from Federal and most State taxes because they are member-owned, democratically operated, not-for-profit organizations generally managed by volunteer boards of directors and because they have the specified mission of meeting the credit and savings needs of consumers, especially persons of modest means.

(5) Improved credit union safety and soundness provisions will enhance the public benefit that citizens receive from these cooperative financial services institutions.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Administration" means the National Credit Union Administration;

(2) the term "Board" means the National Credit Union Administration Board;

(3) the term "Federal banking agencies" has the same meaning as in section 3 of the Federal Deposit Insurance Act;

(4) the terms "insured credit union" and "State-chartered insured credit union" have the same meanings as in section 101 of the Federal Credit Union Act; and

(5) the term "Secretary" means the Secretary of the Treasury.

TITLE I—CREDIT UNION MEMBERSHIP

SEC. 101. FIELDS OF MEMBERSHIP.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended—

(1) in the first sentence—

(A) by striking "Federal credit union membership shall consist of" and inserting "(a) IN GENERAL.—Subject to subsection (b), Federal credit union membership shall consist of"; and

(B) by striking ", except that" and all that follows through "rural district"; and

(2) by adding at the end the following new subsections:

"(b) MEMBERSHIP FIELD.—Subject to the other provisions of this section, the membership of any Federal credit union shall be limited to the membership described in 1 of the following categories:

"(1) SINGLE COMMON-BOND CREDIT UNION.—1 group that has a common bond of occupation or association.

"(2) MULTIPLE COMMON-BOND CREDIT UNION.—More than 1 group—

"(A) each of which has (within the group) a common bond of occupation or association; and

"(B) the number of members of each of which (at the time the group is first included within the field of membership of a credit union described in this paragraph) does not exceed any numerical limitation applicable under subsection (d).

"(3) COMMUNITY CREDIT UNION.—Persons or organizations within a well-defined local community, neighborhood, or rural district.

"(c) EXCEPTIONS.—

"(1) GRANDFATHERED MEMBERS AND GROUPS.—

"(A) IN GENERAL.—Notwithstanding subsection (b)—

"(i) any person or organization that is a member of any Federal credit union as of the date of enactment of the Credit Union Membership Access Act may remain a member of the credit union after that date of enactment; and

"(ii) a member of any group whose members constituted a portion of the membership of any

Federal credit union as of that date of enactment shall continue to be eligible to become a member of that credit union, by virtue of membership in that group, after that date of enactment.

"(B) SUCCESSORS.—If the common bond of any group referred to in subparagraph (A) is defined by any particular organization or business entity, subparagraph (A) shall continue to apply with respect to any successor to the organization or entity.

"(2) EXCEPTION FOR UNDERSERVED AREAS.—Notwithstanding subsection (b), in the case of a Federal credit union, the field of membership category of which is described in subsection (b)(2), the Board may allow the membership of the credit union to include any person or organization within a local community, neighborhood, or rural district if—

"(A) the Board determines that the local community, neighborhood, or rural district—

"(i) is an 'investment area', as defined in section 103(16) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(16)), and meets such additional requirements as the Board may impose; and

"(ii) is underserved, based on data of the Board and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), by other depository institutions (as defined in section 19(b)(1)(A) of the Federal Reserve Act); and

"(B) the credit union establishes and maintains an office or facility in the local community, neighborhood, or rural district at which credit union services are available.

"(d) MULTIPLE COMMON-BOND CREDIT UNION GROUP REQUIREMENTS.—

"(1) NUMERICAL LIMITATION.—Except as provided in paragraph (2), only a group with fewer than 3,000 members shall be eligible to be included in the field of membership category of a credit union described in subsection (b)(2).

"(2) EXCEPTIONS.—In the case of any Federal credit union, the field of membership category of which is described in subsection (b)(2), the numerical limitation in paragraph (1) of this subsection shall not apply with respect to—

"(A) any group that the Board determines, in writing and in accordance with the guidelines and regulations issued under paragraph (3), could not feasibly or reasonably establish a new single common-bond credit union, the field of membership category of which is described in subsection (b)(1) because—

"(i) the group lacks sufficient volunteer and other resources to support the efficient and effective operation of a credit union;

"(ii) the group does not meet the criteria that the Board has determined to be important for the likelihood of success in establishing and managing a new credit union, including demographic characteristics such as geographical location of members, diversity of ages and income levels, and other factors that may affect the financial viability and stability of a credit union; or

"(iii) the group would be unlikely to operate a safe and sound credit union;

"(B) any group transferred from another credit union—

"(i) in connection with a merger or consolidation recommended by the Board or any appropriate State credit union supervisor based on safety and soundness concerns with respect to that other credit union; or

"(ii) by the Board in the Board's capacity as conservator or liquidating agent with respect to that other credit union; or

"(C) any group transferred in connection with a voluntary merger, having received conditional approval by the Administration of the merger application prior to October 25, 1996, but not having consummated the merger prior to October 25, 1996, if the merger is consummated not later than 180 days after the date of enactment of the Credit Union Membership Access Act.

"(3) REGULATIONS AND GUIDELINES.—The Board shall issue guidelines or regulations, after notice and opportunity for comment, setting forth the criteria that the Board will apply in determining under this subsection whether or not an additional group may be included within the field of membership category of an existing credit union described in subsection (b)(2).

"(e) ADDITIONAL MEMBERSHIP ELIGIBILITY PROVISIONS.—

"(1) MEMBERSHIP ELIGIBILITY LIMITED TO IMMEDIATE FAMILY OR HOUSEHOLD MEMBERS.—No individual shall be eligible for membership in a credit union on the basis of the relationship of the individual to another person who is eligible for membership in the credit union, unless the individual is a member of the immediate family or household (as those terms are defined by the Board, by regulation) of the other person.

"(2) RETENTION OF MEMBERSHIP.—Except as provided in section 118, once a person becomes a member of a credit union in accordance with this title, that person or organization may remain a member of that credit union until the person or organization chooses to withdraw from the membership of the credit union.".

SEC. 102. CRITERIA FOR APPROVAL OF EXPANSION OF MEMBERSHIP OF MULTIPLE COMMON-BOND CREDIT UNIONS.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by adding at the end the following new subsection:

"(f) CRITERIA FOR APPROVAL OF EXPANSION OF MULTIPLE COMMON-BOND CREDIT UNIONS.—

"(1) IN GENERAL.—The Board shall—

"(A) encourage the formation of separately chartered credit unions instead of approving an application to include an additional group within the field of membership of an existing credit union whenever practicable and consistent with reasonable standards for the safe and sound operation of the credit union; and

"(B) if the formation of a separate credit union by the group is not practicable or consistent with the standards referred to in subparagraph (A), require the inclusion of the group in the field of membership of a credit union that is within reasonable proximity to the location of the group whenever practicable and consistent with reasonable standards for the safe and sound operation of the credit union.

"(2) APPROVAL CRITERIA.—The Board may not approve any application by a Federal credit union, the field of membership category of which is described in subsection (b)(2) to include any additional group within the field of membership of the credit union (or an application by a Federal credit union described in subsection (b)(1) to include an additional group and become a credit union described in subsection (b)(2)), unless the Board determines, in writing, that—

"(A) the credit union has not engaged in any unsafe or unsound practice (as defined in section 206(b)) that is material during the 1-year period preceding the date of filing of the application;

"(B) the credit union is adequately capitalized;

"(C) the credit union has the administrative capability to serve the proposed membership group and the financial resources to meet the need for additional staff and assets to serve the new membership group;

"(D) any potential harm that the expansion of the field of membership of the credit union may have on any other insured credit union and its members is clearly outweighed in the public interest by the probable beneficial effect of the expansion in meeting the convenience and needs of the members of the group proposed to be included in the field of membership; and

"(E) the credit union has met such additional requirements as the Board may prescribe, by regulation.".

SEC. 103. GEOGRAPHICAL GUIDELINES FOR COMMUNITY CREDIT UNIONS.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by adding at the end the following new subsection:

"(g) REGULATIONS REQUIRED FOR COMMUNITY CREDIT UNIONS.—

"(1) DEFINITION OF WELL-DEFINED LOCAL COMMUNITY, NEIGHBORHOOD, OR RURAL DISTRICT.—The Board shall prescribe, by regulation, a definition for the term 'well-defined local community, neighborhood, or rural district' for purposes of—

"(A) making any determination with regard to the field of membership of a credit union described in subsection (b)(3); and

"(B) establishing the criteria applicable with respect to any such determination.

"(2) SCOPE OF APPLICATION.—The definition prescribed by the Board under paragraph (1) shall apply with respect to any application to form a new credit union, or to alter or expand the field of membership of an existing credit union, that is filed with the Board after the date of enactment of the Credit Union Membership Access Act.".

TITLE II—REGULATION OF CREDIT UNIONS

SEC. 201. FINANCIAL STATEMENT AND AUDIT REQUIREMENTS.

(a) IN GENERAL.—Section 202(a)(6) of the Federal Credit Union Act (12 U.S.C. 1782(a)(6)) is amended by adding at the end the following new subparagraphs:

"(C) ACCOUNTING PRINCIPLES.—

"(i) IN GENERAL.—Accounting principles applicable to reports or statements required to be filed with the Board by each insured credit union shall be uniform and consistent with generally accepted accounting principles.

"(ii) BOARD DETERMINATION.—If the Board determines that the application of any generally accepted accounting principle to any insured credit union is not appropriate, the Board may prescribe an accounting principle for application to the credit union that is no less stringent than generally accepted accounting principles.

"(iii) DE MINIMIS EXCEPTION.—This subparagraph shall not apply to any insured credit union, the total assets of which are less than $10,000,000, unless prescribed by the Board or an appropriate State credit union supervisor.

"(D) LARGE CREDIT UNION AUDIT REQUIREMENT.—

"(i) IN GENERAL.—Each insured credit union having total assets of $500,000,000 or more shall have an annual independent audit of the financial statements of the credit union, performed in accordance with generally accepted auditing standards by an independent certified public accountant or public accountant licensed by the appropriate State or jurisdiction to perform those services.

"(ii) VOLUNTARY AUDITS.—If a Federal credit union that is not required to conduct an audit under clause (i), and that has total assets of more than $10,000,000 conducts such an audit for any purpose, using an independent auditor who is compensated for his or her audit services with respect to that audit, the audit shall be performed consistent with the accountancy laws of the appropriate State or jurisdiction, including licensing requirements.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 202(a)(6)(B) of the Federal Credit Union Act (12 U.S.C. 1782(a)(6)(B)) is amended by striking "subparagraph (A)" and inserting "subparagraph (A) or (D)".

SEC. 202. CONVERSION OF INSURED CREDIT UNIONS.

Section 205(b) of the Federal Credit Union Act (12 U.S.C. 1785(b)) is amended—

(1) in paragraph (1), by striking "Except with the prior written approval of the Board, no insured credit union shall" and inserting "Except as provided in paragraph (2), no insured credit union shall, without the prior approval of the Board";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) CONVERSION OF INSURED CREDIT UNIONS TO MUTUAL SAVINGS BANKS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), an insured credit union may convert to a mutual savings bank or savings association (if the savings association is in mutual form), as those terms are defined in section 3 of the Federal Deposit Insurance Act, without the prior approval of the Board, subject to the requirements and procedures set forth in the laws and regulations governing mutual savings banks and savings associations.

"(B) CONVERSION PROPOSAL.—A proposal for a conversion described in subparagraph (A) shall first be approved, and a date set for a vote thereon by the members (either at a meeting to be held on that date or by written ballot to be filed on or before that date), by a majority of the directors of the insured credit union. Approval of the proposal for conversion shall be by the affirmative vote of a majority of the members of the insured credit union who vote on the proposal.

"(C) NOTICE OF PROPOSAL TO MEMBERS.—An insured credit union that proposes to convert to a mutual savings bank or savings association under subparagraph (A) shall submit notice to each of its members who is eligible to vote on the matter of its intent to convert—

"(i) 90 days before the date of the member vote on the conversion;

"(ii) 60 days before the date of the member vote on the conversion; and

"(iii) 30 days before the date of the member vote on the conversion.

"(D) NOTICE OF PROPOSAL TO BOARD.—The Board may require an insured credit union that proposes to convert to a mutual savings bank or savings association under subparagraph (A) to submit a notice to the Board of its intent to convert during the 90-day period preceding the date of the completion of the conversion.

"(E) INAPPLICABILITY OF ACT UPON CONVERSION.—Upon completion of a conversion described in subparagraph (A), the credit union shall no longer be subject to any of the provisions of this Act.

"(F) LIMIT ON COMPENSATION OF OFFICIALS.—

"(i) IN GENERAL.—No director or senior management official of an insured credit union may receive any economic benefit in connection with a conversion of the credit union as described in subparagraph (A), other than—

"(I) director fees; and

"(II) compensation and other benefits paid to directors or senior management officials of the converted institution in the ordinary course of business.

"(ii) SENIOR MANAGEMENT OFFICIAL.—For purposes of this subparagraph, the term 'senior management official' means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer (as defined by the appropriate Federal banking agency pursuant to section 32(f) of the Federal Deposit Insurance Act).

"(G) CONSISTENT RULES.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of the Credit Union Membership Access Act, the Administration shall promulgate final rules applicable to charter conversions described in this paragraph that are consistent with rules promulgated by other financial regulators, including the Office of Thrift Supervision and the Office of the Comptroller of the Currency. The rules required by this clause shall provide that charter conversion by an insured credit union shall be subject to regulation that is no more or less restrictive than that applicable to charter conversions by other financial institutions.

"(ii) OVERSIGHT OF MEMBER VOTE.—The member vote concerning charter conversion under this paragraph shall be administered by the Administration, and shall be verified by the Federal or State regulatory agency that would have jurisdiction over the institution after the conversion. If either the Administration or that regulatory agency disapproves of the methods by which the member vote was taken or procedures applicable to the member vote, the member vote shall be taken again, as directed by the Administration or the agency.".

SEC. 203. LIMITATION ON MEMBER BUSINESS LOANS.

(a) IN GENERAL.—The Federal Credit Union Act (12 U.S.C. 1701 et seq.) is amended by inserting after section 107 the following new section:

"SEC. 107A. LIMITATION ON MEMBER BUSINESS LOANS.

"(a) IN GENERAL.—On and after the date of enactment of this section, no insured credit union may make any member business loan that would result in a total amount of such loans outstanding at that credit union at any one time equal to more than the lesser of—

"(1) 1.75 times the actual net worth of the credit union; or

"(2) 1.75 times the minimum net worth required under section 216(c)(1)(A) for a credit union to be well capitalized.

"(b) EXCEPTIONS.—Subsection (a) does not apply in the case of—

"(1) an insured credit union chartered for the purpose of making, or that has a history of primarily making, member business loans to its members, as determined by the Board; or

"(2) an insured credit union that—

"(A) serves predominantly low-income members, as defined by the Board; or

"(B) is a community development financial institution, as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'member business loan'—

"(A) means any loan, line of credit, or letter of credit, the proceeds of which will be used for a commercial, corporate or other business investment property or venture, or agricultural purpose; and

"(B) does not include an extension of credit—

"(i) that is fully secured by a lien on a 1- to 4-family dwelling that is the primary residence of a member;

"(ii) that is fully secured by shares in the credit union making the extension of credit or deposits in other financial institutions;

"(iii) that is described in subparagraph (A), if it was made to a borrower or an associated member that has a total of all such extensions of credit in an amount equal to less than $50,000;

"(iv) the repayment of which is fully insured or fully guaranteed by, or where there is an advance commitment to purchase in full by, any agency of the Federal Government or of a State, or any political subdivision thereof; or

"(v) that is granted by a corporate credit union (as that term is defined by the Board) to another credit union.

"(2) the term 'net worth'—

"(A) with respect to any insured credit union, means the credit union's retained earnings balance, as determined under generally accepted accounting principles; and

"(B) with respect to a credit union that serves predominantly low-income members, as defined by the Board, includes secondary capital accounts that are—

"(i) uninsured; and

"(ii) subordinate to all other claims against the credit union, including the claims of creditors, shareholders, and the Fund; and

"(3) the term 'associated member' means any member having a shared ownership, investment, or other pecuniary interest in a business or commercial endeavor with the borrower.

"(d) EFFECT ON EXISTING LOANS.—An insured credit union that has, on the date of enactment of this section, a total amount of outstanding member business loans that exceeds the amount permitted under subsection (a) shall, not later than 3 years after that date of enactment, reduce the total amount of outstanding member business loans to an amount that is not greater than the amount permitted under subsection (a).

"(e) CONSULTATION AND COOPERATION WITH STATE CREDIT UNION SUPERVISORS.—In implementing this section, the Board shall consult and seek to work cooperatively with State officials having jurisdiction over State-chartered insured credit unions.".

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study of member business lending by insured credit unions, including—

(A) an examination of member business lending over $500,000 and under $50,000, and a breakdown of the types and sizes of businesses that receive member business loans;

(B) a review of the effectiveness and enforcement of regulations applicable to insured credit union member business lending;

(C) whether member business lending by insured credit unions could affect the safety and soundness of insured credit unions or the National Credit Union Share Insurance Fund;

(D) the extent to which member business lending by insured credit unions helps to meet financial services needs of low- and moderate-income individuals within the field of membership of insured credit unions;

(E) whether insured credit unions that engage in member business lending have a competitive advantage over other insured depository institutions, and if any such advantage could affect the viability and profitability of such other insured depository institutions; and

(F) the effect of enactment of this Act on the number of insured credit unions involved in member business lending and the overall amount of commercial lending.

(2) NCUA COOPERATION.—The National Credit Union Administration shall, upon request, provide such information as the Secretary may require to conduct the study required under paragraph (1).

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study conducted under paragraph (1).

SEC. 204. NATIONAL CREDIT UNION ADMINISTRATION BOARD MEMBERSHIP.

Section 102(b) of the Federal Credit Union Act (12 U.S.C. 1752a(b)) is amended—

(1) by striking "(b) The Board" and inserting "(b) MEMBERSHIP AND APPOINTMENT OF BOARD.—

"(1) IN GENERAL.—The Board"; and

(2) by adding at the end the following new paragraph:

"(2) APPOINTMENT CRITERIA.—

"(A) EXPERIENCE IN FINANCIAL SERVICES.—In considering appointments to the Board under paragraph (1), the President shall give consideration to individuals who, by virtue of their education, training, or experience relating to a broad range of financial services, financial services regulation, or financial policy, are especially qualified to serve on the Board.

"(B) LIMIT ON APPOINTMENT OF CREDIT UNION OFFICERS.—Not more than 1 member of the

Board may be appointed to the Board from among individuals who, at the time of the appointment, are, or have recently been, involved with any insured credit union as a committee member, director, officer, employee, or other institution-affiliated party.".

SEC. 205. REPORT AND CONGRESSIONAL REVIEW REQUIREMENT FOR CERTAIN REGULATIONS.

A regulation prescribed by the Board shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, if the regulation defines, or amends the definition of—

(1) the term "immediate family or household" for purposes of section 109(e)(1) of the Federal Credit Union Act (as added by section 101 of this Act); or

(2) the term "well-defined local community, neighborhood, or rural district" for purposes of section 109(g) of the Federal Credit Union Act (as added by section 103 of this Act).

TITLE III—CAPITALIZATION AND NET WORTH OF CREDIT UNIONS

SEC. 301. PROMPT CORRECTIVE ACTION.

(a) In General.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section:

"SEC. 216. PROMPT CORRECTIVE ACTION.

"(a) Resolving Problems To Protect Fund.—

"(1) Purpose.—The purpose of this section is to resolve the problems of insured credit unions at the least possible long-term loss to the Fund.

"(2) Prompt corrective action required.—The Board shall carry out the purpose of this section by taking prompt corrective action to resolve the problems of insured credit unions.

"(b) Regulations Required.—

"(1) Insured credit unions.—

"(A) In general.—The Board shall, by regulation, prescribe a system of prompt corrective action for insured credit unions that is—

"(i) consistent with this section; and

"(ii) comparable to section 38 of the Federal Deposit Insurance Act.

"(B) Cooperative character of credit unions.—The Board shall design the system required under subparagraph (A) to take into account that credit unions are not-for-profit cooperatives that—

"(i) do not issue capital stock;

"(ii) must rely on retained earnings to build net worth; and

"(iii) have boards of directors that consist primarily of volunteers.

"(2) New credit unions.—

"(A) In general.—In addition to regulations under paragraph (1), the Board shall, by regulation, prescribe a system of prompt corrective action that shall apply to new credit unions in lieu of this section and the regulations prescribed under paragraph (1).

"(B) Criteria for alternative system.—The Board shall design the system prescribed under subparagraph (A)—

"(i) to carry out the purpose of this section;

"(ii) to recognize that credit unions (as cooperatives that do not issue capital stock) initially have no net worth, and give new credit unions reasonable time to accumulate net worth;

"(iii) to create adequate incentives for new credit unions to become adequately capitalized by the time that they either—

"(I) have been in operation for more than 10 years; or

"(II) have more than $10,000,000 in total assets;

"(iv) to impose appropriate restrictions and requirements on new credit unions that do not make sufficient progress toward becoming adequately capitalized; and

"(v) to prevent evasion of the purpose of this section.

"(c) Net Worth Categories.—

"(1) In general.—For purposes of this section the following definitions shall apply:

"(A) Well capitalized.—An insured credit union is 'well capitalized' if—

"(i) it has a net worth ratio of not less than 7 percent; and

"(ii) it meets any applicable risk-based net worth requirement under subsection (d).

"(B) Adequately capitalized.—An insured credit union is 'adequately capitalized' if—

"(i) it has a net worth ratio of not less than 6 percent; and

"(ii) it meets any applicable risk-based net worth requirement under subsection (d).

"(C) Undercapitalized.—An insured credit union is 'undercapitalized' if—

"(i) it has a net worth ratio of less than 6 percent; or

"(ii) it fails to meet any applicable risk-based net worth requirement under subsection (d).

"(D) Significantly undercapitalized.—An insured credit union is 'significantly undercapitalized'—

"(i) if it has a net worth ratio of less than 4 percent; or

"(ii) if—

"(I) it has a net worth ratio of less than 5 percent; and

"(II) it—

"(aa) fails to submit an acceptable net worth restoration plan within the time allowed under subsection (f); or

"(bb) materially fails to implement a net worth restoration plan accepted by the Board.

"(E) Critically undercapitalized.—An insured credit union is 'critically undercapitalized' if it has a net worth ratio of less than 2 percent (or such higher net worth ratio, not to exceed 3 percent, as the Board may specify by regulation).

"(2) Adjusting net worth levels.—

"(A) In general.—If, for purposes of section 38(c) of the Federal Deposit Insurance Act, the Federal banking agencies increase or decrease the required minimum level for the leverage limit (as those terms are used in that section 38), the Board may, by regulation, and subject to subparagraph (B) of this paragraph, correspondingly increase or decrease 1 or more of the net worth ratios specified in subparagraphs (A) through (D) of paragraph (1) of this subsection in an amount that is equal to not more than the difference between the required minimum level most recently established by the Federal banking agencies and 4 percent of total assets (with respect to institutions regulated by those agencies).

"(B) Determinations required.—The Board may increase or decrease net worth ratios under subparagraph (A) only if the Board—

"(i) determines, in consultation with the Federal banking agencies, that the reason for the increase or decrease in the required minimum level for the leverage limit also justifies the adjustment in net worth ratios; and

"(ii) determines that the resulting net worth ratios are sufficient to carry out the purpose of this section.

"(C) Transition period required.—If the Board increases any net worth ratio under this paragraph, the Board shall give insured credit unions a reasonable period of time to meet the increased ratio.

"(d) Risk-Based Net Worth Requirement for Complex Credit Unions.—

"(1) In general.—The regulations required under subsection (b)(1) shall include a risk-based net worth requirement for insured credit unions that are complex, as defined by the Board based on the portfolios of assets and liabilities of credit unions.

"(2) Standard.—The Board shall design the risk-based net worth requirement to take account of any material risks against which the net worth ratio required for an insured credit union to be adequately capitalized may not provide adequate protection.

"(e) Earnings-Retention Requirement Applicable to Credit Unions That Are Not Well Capitalized.—

"(1) In general.—An insured credit union that is not well capitalized shall annually set aside as net worth an amount equal to not less than 0.4 percent of its total assets.

"(2) Board's authority to decrease earnings-retention requirement.—

"(A) In general.—The Board may, by order, decrease the 0.4 percent requirement in paragraph (1) with respect to a credit union to the extent that the Board determines that the decrease—

"(i) is necessary to avoid a significant redemption of shares; and

"(ii) would further the purpose of this section.

"(B) Periodic review required.—The Board shall periodically review any order issued under subparagraph (A).

"(f) Net Worth Restoration Plan Required.—

"(1) In general.—Each insured credit union that is undercapitalized shall submit an acceptable net worth restoration plan to the Board within the time allowed under this subsection.

"(2) Assistance to small credit unions.—The Board (or the staff of the Board) shall, upon timely request by an insured credit union with total assets of less than $10,000,000, and subject to such regulations or guidelines as the Board may prescribe, assist that credit union in preparing a net worth restoration plan.

"(3) Deadlines for submission and review of plans.—The Board shall, by regulation, establish deadlines for submission of net worth restoration plans under this subsection that—

"(A) provide insured credit unions with reasonable time to submit net worth restoration plans; and

"(B) require the Board to act on net worth restoration plans expeditiously.

"(4) Failure to submit acceptable plan within time allowed.—

"(A) Failure to submit any plan.—If an insured credit union fails to submit a net worth restoration plan within the time allowed under paragraph (3), the Board shall—

"(i) promptly notify the credit union of that failure; and

"(ii) give the credit union a reasonable opportunity to submit a net worth restoration plan.

"(B) Submission of unacceptable plan.—If an insured credit union submits a net worth restoration plan within the time allowed under paragraph (3) and the Board determines that the plan is not acceptable, the Board shall—

"(i) promptly notify the credit union of why the plan is not acceptable; and

"(ii) give the credit union a reasonable opportunity to submit a revised plan.

"(5) Accepting plan.—The Board may accept a net worth restoration plan only if the Board determines that the plan is based on realistic assumptions and is likely to succeed in restoring the net worth of the credit union.

"(g) Restrictions on Undercapitalized Credit Unions.—

"(1) Restriction on asset growth.—An insured credit union that is undercapitalized shall not generally permit its average total assets to increase, unless—

"(A) the Board has accepted the net worth restoration plan of the credit union for that action;

"(B) any increase in total assets is consistent with the net worth restoration plan; and

"(C) the net worth ratio of the credit union increases at a rate that is consistent with the net worth restoration plan.

"(2) Restriction on member business loans.—Notwithstanding section 107A(a), an insured credit union that is undercapitalized may not make any increase in the total amount of member business loans (as defined in section 107A(c)) outstanding at that credit union at any one time, until such time as the credit union becomes adequately capitalized.

"(h) More Stringent Treatment Based on Other Supervisory Criteria.—With respect to the exercise of authority by the Board under regulations comparable to section 38(g) of the Federal Deposit Insurance Act—

"(1) the Board may not reclassify an insured credit union into a lower net worth category, or treat an insured credit union as if it were in a lower net worth category, for reasons not pertaining to the safety and soundness of that credit union; and

"(2) the Board may not delegate its authority to reclassify an insured credit union into a lower net worth category or to treat an insured credit union as if it were in a lower net worth category.

"(i) Action Required Regarding Critically Undercapitalized Credit Unions.—

"(1) In general.—The Board shall, not later than 90 days after the date on which an insured credit union becomes critically undercapitalized—

"(A) appoint a conservator or liquidating agent for the credit union; or

"(B) take such other action as the Board determines would better achieve the purpose of this section, after documenting why the action would better achieve that purpose.

"(2) Periodic redeterminations required.—Any determination by the Board under paragraph (1)(B) to take any action with respect to an insured credit union in lieu of appointing a conservator or liquidating agent shall cease to be effective not later than the end of the 180-day period beginning on the date on which the determination is made, and a conservator or liquidating agent shall be appointed for that credit union under paragraph (1)(A), unless the Board makes a new determination under paragraph (1)(B) before the end of the effective period of the prior determination.

"(3) Appointment of liquidating agent required if other action fails to restore net worth.—

"(A) In general.—Notwithstanding paragraphs (1) and (2), the Board shall appoint a liquidating agent for an insured credit union if the credit union is critically undercapitalized on average during the calendar quarter beginning 18 months after the date on which the credit union became critically undercapitalized.

"(B) Exception.—Notwithstanding subparagraph (A), the Board may continue to take such other action as the Board determines to be appropriate in lieu of appointment of a liquidating agent if—

"(i) the Board determines that—

"(I) the insured credit union has been in substantial compliance with an approved net worth restoration plan that requires consistent improvement in the net worth of the credit union since the date of the approval of the plan; and

"(II) the insured credit union has positive net income or has an upward trend in earnings that the Board projects as sustainable; and

"(ii) the Board certifies that the credit union is viable and not expected to fail.

"(4) Nondelegation.—

"(A) In general.—Except as provided in subparagraph (B), the Board may not delegate the authority of the Board under this subsection.

"(B) Exception.—The Board may delegate the authority of the Board under this subsection with respect to an insured credit union that has less than $5,000,000 in total assets, if the Board permits the credit union to appeal any adverse action to the Board.

"(j) Review Required When Fund Incurs Material Loss.—For purposes of determining whether the Fund has incurred a material loss with respect to an insured credit union (such that the inspector general of the Board must make a report), a loss is material if it exceeds the sum of—

"(1) $10,000,000; and

"(2) an amount equal to 10 percent of the total assets of the credit union at the time at which the Board initiated assistance under section 208 or was appointed liquidating agent.

"(k) Appeals Process.—Material supervisory determinations, including decisions to require prompt corrective action, made pursuant to this section by Administration officials other than the Board may be appealed to the Board pursuant to the independent appellate process required by section 309 of the Riegle Community Development and Regulatory Improvement Act of 1994 (or, if the Board so specifies, pursuant to separate procedures prescribed by regulation).

"(l) Consultation and Cooperation With State Credit Union Supervisors.—

"(1) In general.—In implementing this section, the Board shall consult and seek to work cooperatively with State officials having jurisdiction over State-chartered insured credit unions.

"(2) Evaluating net worth restoration plan.—In evaluating any net worth restoration plan submitted by a State-chartered insured credit union, the Board shall seek the views of the State official having jurisdiction over the credit union.

"(3) Deciding whether to appoint conservator or liquidating agent.—With respect to any decision by the Board on whether to appoint a conservator or liquidating agent for a State-chartered insured credit union—

"(A) the Board shall—

"(i) seek the views of the State official having jurisdiction over the credit union; and

"(ii) give that official an opportunity to take the proposed action;

"(B) the Board shall, upon timely request of an official referred to in subparagraph (A), promptly provide the official with—

"(i) a written statement of the reasons for the proposed action; and

"(ii) reasonable time to respond to that statement;

"(C) if the official referred to in subparagraph (A) makes a timely written response that disagrees with the proposed action and gives reasons for that disagreement, the Board shall not appoint a conservator or liquidating agent for the credit union, unless the Board, after considering the views of the official, has determined that—

"(i) the Fund faces a significant risk of loss with respect to the credit union if a conservator or liquidating agent is not appointed; and

"(ii) the appointment is necessary to reduce—

"(I) the risk that the Fund would incur a loss with respect to the credit union; or

"(II) any loss that the Fund is expected to incur with respect to the credit union; and

"(D) the Board may not delegate any determination under subparagraph (C).

"(m) Corporate Credit Unions Exempted.—This section does not apply to any insured credit union that—

"(1) operates primarily for the purpose of serving credit unions; and

"(2) permits individuals to be members of the credit union only to the extent that applicable law requires that such persons own shares.

"(n) Other Authority Not Affected.—This section does not limit any authority of the Board or a State to take action in addition to (but not in derogation of) that required under this section.

"(o) Definitions.—For purposes of this section the following definitions shall apply:

"(1) Federal banking agency.—The term 'Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(2) Net worth.—The term 'net worth'—

"(A) with respect to any insured credit union, means retained earnings balance of the credit union, as determined under generally accepted accounting principles; and

"(B) with respect to a low-income credit union, includes secondary capital accounts that are—

"(i) uninsured; and

"(ii) subordinate to all other claims against the credit union, including the claims of creditors, shareholders, and the Fund.

"(3) Net worth ratio.—The term 'net worth ratio' means, with respect to a credit union, the ratio of the net worth of the credit union to the total assets of the credit union.

"(4) New credit union.—The term 'new credit union' means an insured credit union that—

"(A) has been in operation for less than 10 years; and

"(B) has not more than $10,000,000 in total assets.".

(b) Conservatorship and Liquidation Amendments To Facilitate Prompt Corrective Action.—

(1) Conservatorship.—Section 206(h) of the Federal Credit Union Act (12 U.S.C. 1786(h)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "or" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs:

"(F) the credit union is significantly undercapitalized, as defined in section 216, and has no reasonable prospect of becoming adequately capitalized, as defined in section 216; or

"(G) the credit union is critically undercapitalized, as defined in section 216."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "In the case" and inserting "Except as provided in subparagraph (C), in the case"; and

(ii) by adding at the end the following new subparagraph:

"(C) In the case of a State-chartered insured credit union, the authority conferred by subparagraphs (F) and (G) of paragraph (1) may not be exercised unless the Board has complied with section 216(l).".

(2) Liquidation.—Section 207(a) of the Federal Credit Union Act (12 U.S.C. 1787(a)) is amended—

(A) in paragraph (1)(A), by striking "himself" and inserting "itself"; and

(B) by adding at the end the following new paragraph:

"(3) Liquidation to facilitate prompt corrective action.—The Board may close any credit union for liquidation, and appoint itself or another (including, in the case of a State-chartered insured credit union, the State official having jurisdiction over the credit union) as liquidating agent of that credit union, if—

"(A) the Board determines that—

"(i) the credit union is significantly undercapitalized, as defined in section 216, and has no reasonable prospect of becoming adequately capitalized, as defined in section 216; or

"(ii) the credit union is critically undercapitalized, as defined in section 216; and

"(B) in the case of a State-chartered insured credit union, the Board has complied with section 216(l).".

(c) Consultation Required.—In developing regulations to implement section 216 of the Federal Credit Union Act (as added by subsection (a) of this section), the Board shall consult with

the Secretary, the Federal banking agencies, and the State officials having jurisdiction over State-chartered insured credit unions.

(d) DEADLINES FOR REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Board shall—

(A) publish in the Federal Register proposed regulations to implement section 216 of the Federal Credit Union Act (as added by subsection (a) of this section) not later than 270 days after the date of enactment of this Act; and

(B) promulgate final regulations to implement that section 216 not later than 18 months after the date of enactment of this Act.

(2) RISK-BASED NET WORTH REQUIREMENT.—

(A) ADVANCE NOTICE OF PROPOSED RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Board shall publish in the Federal Register an advance notice of proposed rulemaking, as required by section 216(d) of the Federal Credit Union Act, as added by this Act.

(B) FINAL REGULATIONS.—The Board shall promulgate final regulations, as required by that section 216(d) not later than 2 years after the date of enactment of this Act.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 216 of the Federal Credit Union Act (as added by this section) shall become effective 2 years after the date of enactment of this Act.

(2) RISK-BASED NET WORTH REQUIREMENT.—Section 216(d) of the Federal Credit Union Act (as added by this section) shall become effective on January 1, 2001.

(f) REPORT TO CONGRESS REQUIRED.—When the Board publishes proposed regulations pursuant to subsection (d)(1)(A), or promulgates final regulations pursuant to subsection (d)(1)(B), the Board shall submit to the Congress a report that specifically explains—

(1) how the regulations carry out section 216(b)(1)(B) of the Federal Credit Union Act (as added by this section), relating to the cooperative character of credit unions; and

(2) how the regulations differ from section 38 of the Federal Deposit Insurance Act, and the reasons for those differences.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO ENFORCEMENT OF PROMPT CORRECTIVE ACTION.—Section 206(k) of the Federal Credit Union Act (12 U.S.C. 1786(k)) is amended—

(A) in paragraph (1), by inserting "or section 216" after "this section" each place it appears; and

(B) in paragraph (2)(A)(ii), by inserting ", or any final order under section 216" before the semicolon.

(2) CONFORMING AMENDMENT REGARDING APPOINTMENT OF STATE CREDIT UNION SUPERVISOR AS CONSERVATOR.—Section 206(h)(1) of the Federal Credit Union Act (12 U.S.C. 1786(h)(1)) is amended by inserting "or another (including, in the case of a State-chartered insured credit union, the State official having jurisdiction over the credit union)" after "appoint itself".

(3) AMENDMENT REPEALING SUPERSEDED PROVISION.—Section 116 of the Federal Credit Union Act (12 U.S.C. 1762) is repealed.

SEC. 302. NATIONAL CREDIT UNION SHARE INSURANCE FUND EQUITY RATIO, AVAILABLE ASSETS RATIO, AND STANDBY PREMIUM CHARGE.

(a) IN GENERAL.—Section 202 of the Federal Credit Union Act (12 U.S.C. 1782) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) CERTIFIED STATEMENT.—

"(1) STATEMENT REQUIRED.—

"(A) IN GENERAL.—For each calendar year, in the case of an insured credit union with total assets of not more than $50,000,000, and for each semi-annual period in the case of an insured credit union with total assets of $50,000,000 or more, an insured credit union shall file with the Board, at such time as the Board prescribes, a certified statement showing the total amount of insured shares in the credit union at the close of the relevant period and both the amount of its deposit or adjustment of deposit and the amount of the insurance charge due to the Fund for that period, both as computed under subsection (c).

"(B) EXCEPTION FOR NEWLY INSURED CREDIT UNION.—Subparagraph (A) shall not apply with respect to a credit union that became insured during the reporting period.

"(2) FORM.—The certified statements required to be filed with the Board pursuant to this subsection shall be in such form and shall set forth such supporting information as the Board shall require.

"(3) CERTIFICATION.—The president of the credit union or any officer designated by the board of directors shall certify, with respect to each statement required to be filed with the Board pursuant to this subsection, that to the best of his or her knowledge and belief the statement is true, correct, complete, and in accordance with this title and the regulations issued under this title.";

(2) in subsection (c)(1)(A), by striking clause (iii) and inserting the following:

"(iii) PERIODIC ADJUSTMENT.—The amount of each insured credit union's deposit shall be adjusted as follows, in accordance with procedures determined by the Board, to reflect changes in the credit union's insured shares:

"(I) annually, in the case of an insured credit union with total assets of not more than $50,000,000; and

"(II) semi-annually, in the case of an insured credit union with total assets of $50,000,000 or more.";

(3) in subsection (c), by striking paragraphs (2) and (3) and inserting the following:

"(2) INSURANCE PREMIUM CHARGES.—

"(A) IN GENERAL.—Each insured credit union shall, at such times as the Board prescribes (but not more than twice in any calendar year), pay to the Fund a premium charge for insurance in an amount stated as a percentage of insured shares (which shall be the same for all insured credit unions).

"(B) RELATION OF PREMIUM CHARGE TO EQUITY RATIO OF FUND.—The Board may assess a premium charge only if—

"(i) the Fund's equity ratio is less than 1.3 percent; and

"(ii) the premium charge does not exceed the amount necessary to restore the equity ratio to 1.3 percent.

"(C) PREMIUM CHARGE REQUIRED IF EQUITY RATIO FALLS BELOW 1.2 PERCENT.—If the Fund's equity ratio is less than 1.2 percent, the Board shall, subject to subparagraph (B), assess a premium charge in such an amount as the Board determines to be necessary to restore the equity ratio to, and maintain that ratio at, 1.2 percent.

"(3) DISTRIBUTIONS FROM FUND REQUIRED.—

"(A) IN GENERAL.—The Board shall effect a pro rata distribution to insured credit unions after each calendar year if, as of the end of that calendar year—

"(i) any loans to the Fund from the Federal Government, and any interest on those loans, have been repaid;

"(ii) the Fund's equity ratio exceeds the normal operating level; and

"(iii) the Fund's available assets ratio exceeds 1.0 percent.

"(B) AMOUNT OF DISTRIBUTION.—The Board shall distribute under subparagraph (A) the maximum possible amount that—

"(i) does not reduce the Fund's equity ratio below the normal operating level; and

"(ii) does not reduce the Fund's available assets ratio below 1.0 percent.

"(C) CALCULATION BASED ON CERTIFIED STATEMENTS.—In calculating the Fund's equity ratio and available assets ratio for purposes of this paragraph, the Board shall determine the aggregate amount of the insured shares in all insured credit unions from insured credit unions certified statements under subsection (b) for the final reporting period of the calendar year referred to in subparagraph (A).";

(4) in subsection (c), by adding at the end the following new paragraph:

"(4) TIMELINESS AND ACCURACY OF DATA.—In calculating the available assets ratio and equity ratio of the Fund, the Board shall use the most current and accurate data reasonably available."; and

(5) by striking subsection (h) and inserting the following:

"(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AVAILABLE ASSETS RATIO.—The term 'available assets ratio', when applied to the Fund, means the ratio of—

"(A) the amount determined by subtracting—

"(i) direct liabilities of the Fund and contingent liabilities for which no provision for losses has been made, from

"(ii) the sum of cash and the market value of unencumbered investments authorized under section 203(c), to

"(B) the aggregate amount of the insured shares in all insured credit unions.

"(2) EQUITY RATIO.—The term 'equity ratio', when applied to the Fund, means the ratio of—

"(A) the amount of Fund capitalization, including insured credit unions' 1 percent capitalization deposits and the retained earnings balance of the Fund (net of direct liabilities of the Fund and contingent liabilities for which no provision for losses has been made); to

"(B) the aggregate amount of the insured shares in all insured credit unions.

"(3) INSURED SHARES.—The term 'insured shares', when applied to this section, includes share, share draft, share certificate, and other similar accounts as determined by the Board, but does not include amounts exceeding the insured account limit set forth in section 207(c)(1).

"(4) NORMAL OPERATING LEVEL.—The term 'normal operating level', when applied to the Fund, means an equity ratio specified by the Board, which shall be not less than 1.2 percent and not more than 1.5 percent.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on January 1 of the first calendar year beginning more than 180 days after the date of enactment of this Act.

SEC. 303. ACCESS TO LIQUIDITY.

Section 204 of the Federal Credit Union Act (12 U.S.C. 1784) is amended by adding at the end the following new subsections:

"(f) ACCESS TO LIQUIDITY.—The Board shall—

"(1) periodically assess the potential liquidity needs of each insured credit union, and the options that the credit union has available for meeting those needs; and

"(2) periodically assess the potential liquidity needs of insured credit unions as a group, and the options that insured credit unions have available for meeting those needs.

"(g) SHARING INFORMATION WITH FEDERAL RESERVE BANKS.—The Board shall, for the purpose of facilitating insured credit unions' access to liquidity, make available to the Federal reserve banks (subject to appropriate assurances of confidentiality) information relevant to making advances to such credit unions, including the Board's reports of examination.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. STUDY AND REPORT ON DIFFERING REGULATORY TREATMENT.

(a) STUDY.—The Secretary shall conduct a study of—

(1) the differences between credit unions and other federally insured financial institutions, including regulatory differences with respect to regulations enforced by the Office of Thrift Supervision, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Administration; and

(2) the potential effects of the application of Federal laws, including Federal tax laws, on credit unions in the same manner as those laws are applied to other federally insured financial institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study required by subsection (a).

SEC. 402. UPDATE ON REVIEW OF REGULATIONS AND PAPERWORK REDUCTIONS.

Not later than 1 year after the date of enactment of this Act, the Federal banking agencies shall submit a report to the Congress detailing their progress in carrying out section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, since their submission of the report dated September 23, 1996, as required by section 303(a)(4) of that Act.

SEC. 403. TREASURY REPORT ON REDUCED TAXATION AND VIABILITY OF SMALL BANKS.

The Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report to the Congress containing—

(1) recommendations for such legislative and administrative action as the Secretary deems appropriate, that would reduce and simplify the tax burden for—

(A) insured depository institutions having less than $1,000,000,000 in assets; and

(B) banks having total assets of not less than $1,000,000,000 nor more than $10,000,000,000; and

(2) any other recommendations that the Secretary deems appropriate that would preserve the viability and growth of small banking institutions in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

□ 1145

Mr. Speaker, before the House today is the Senate amendment to H.R. 1151, the Credit Union Membership Access Act. If the House concurs in the Senate amendment, a step I strongly encourage, this important legislation will be cleared for the President for his expected signature, thereby ensuring that millions of Americans will not be forced out of the financial institution of their choice.

This body originally approved the credit union bill on April 1 by a vote of 411–8 and the Senate last week acted by vote of 92–6. This legislation is in response to a 5–4 Supreme Court decision earlier this year which overturned the National Credit Union Administration's interpretation of the 1934 Federal Credit Union Act on what the appropriate common bond should be for Federal credit unions. If the Supreme Court decision were to stand, not only could millions of credit union members be kicked out of their financial institution, but the safety and soundness of the entire credit union system would have been jeopardized.

The Senate amendment generally incorporates the House approach to the credit union issue, especially as it relates to the common bond issue, but there are four major differences between the House and the Senate versions. First, the Senate amendment does not impose community reinvestment-like requirements on State and federally chartered credit unions. The House version would have. Second, the Senate amendment limits the total amount of member business loans to approximately 12 percent of a credit union's assets. The House bill would have frozen current NCUA restrictions on commercial lending for one year. Third, the Senate amendment expands upon the prompt corrective action provisions contained in the House bill, which generally would have called on the regulator to issue regulations comparable to those imposed on banks and thrifts under the FDIC Act. The Senate version provides somewhat greater detail. Finally, the Senate amendment struck the House provisions limiting the economic benefit directors or officers could receive from a conversion of the credit union to a stock form of company. These Senate changes, while not in all instances improvements to the House position, are generally acceptable given that the broad approach of the House has been maintained.

The Supreme Court case was brought by the banking industry because of a perceived difference in the regulatory and tax treatment of credit unions. There is particular angst among bankers that this legislation does not repeal the tax exempt status of credit unions. However, this issue was not broached in the Supreme Court and the Banking Committee from which this bill originated has no jurisdiction over Federal tax laws. Beyond this, this Congress has little appetite for imposing new taxes. But taxes aside, the competitive regulatory playing field between banks and credit unions is pretty well evened out under this legislation. For instance, the new capital standards and prompt corrective regulatory requirements imposed on credit unions under this bill are similar to those imposed on banks and will ensure the continued safety and soundness of operation of credit unions.

In a financial services world where the big are getting bigger from the top down, consumers are increasingly showing their desire to maintain the option of being served by community-controlled institutions, whether they be community banks, savings and loans or credit unions.

It is therefore critical that this Congress do everything in its power to ensure that smaller, community-controlled institutions are provided the means to compete and prosper in the marketplace.

Credit unions, just one part on the cooperative movement side which have so advantaged American society, represent democracy at work in the marketplace. In protecting them, in legitimizing them, this legislation deserves support. I would strongly suggest a "yes" vote on accepting the Senate amendment. I would also strongly urge that the President sign this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in February, the Supreme Court challenged the Congress to answer a difficult policy question, whether to uphold the narrow interpretation of the 60-year-old Federal Credit Union Act or expand the scope of the act to permit credit unions to serve a broader segment of the American public. Today we are giving a definitive answer to that question. I am pleased to say the answer is a resounding "yes" to credit union expansion, "yes" to preserving the membership rights of all current credit union members, and "yes" to making credit union services available to even greater numbers of American families.

The Senate-passed bill we are considering today incorporates virtually every single one of the key elements of the bipartisan compromise that we passed on April 1 in the House of Representatives with an overwhelming 411–8 vote. First and foremost it protects the membership of every current credit union member and every group within a credit union. It also permits common bonds credit unions to continue to expand their field of membership by including new occupation and association based groups. The bill limits this expansion, however, first by requiring the creation of new separate common bond credit unions wherever feasible; secondly, by limiting the size of new groups to under 3,000 members; and, third, by requiring that these smaller groups be included within a credit union that is located within reasonable proximity to the group, thus reinforcing a geographic common bond. This proximity requirement is extremely important, one that I insisted upon, to ensure that we could maintain to the maximum extent feasible the closest practicable geographic common bond. These core elements of this legislation, I am proud to say, follow the basic outline of a set of proposals I circulated last November to encourage discussion of a compromise on the field of membership issue. And like my original proposal, this legislation balances expansion of credit union membership with preservation of the traditional credit union values of common bond and common community.

While this legislation answers the question raised by the court and resolves several other key credit union issues, it does include two Senate changes that House Members should be aware of. It deletes House language reaffirming the credit union's obligation to serve persons of modest means within their field of membership. Let me emphasize that this House provision only restated a long-understood obligation of credit unions to serve all potential members, and it attempted to provide greater parity in regulatory treatment between credit unions and other financial institutions. The provision should not have been dropped, but the regulators should enforce its existing law, understanding that we simply attempted to reaffirm existing law.

A second change in the Senate amendment is the weakening of current regulatory and voting requirements for credit union conversions to mutual savings institutions. Currently a credit union cannot convert its charter without an affirmative vote of the majority of all its members. The Senate changed this to require only a majority of the members who participate in a conversion vote. The Senate made no provision to assure adequate and effective notice for a conversion vote. Thus under the Senate provision, it is conceivable for a small fraction of a credit union's membership either by manipulation or inadequate notice to convert a credit union and deprive the overwhelming majority of members of their ownership rights and credit union services. This is an inappropriate change that could without very strict regulation and supervision facilitate the slow undoing of our credit union system. I intend to work with the gentleman from Iowa (Mr. LEACH) to address this issue within another context, and I call for the maximum reasonable regulation and supervision permissible by the regulator.

While these aspects of the bill continue to concern me, they are clearly outweighed by the significant improvements the bill makes in the Credit Union Act and by the need for immediate action to resolve the pressing issues raised by the Supreme Court. I believe this is one of the most important bills Congress will consider this year, an important victory for the credit unions and most importantly a tremendous victory for the American consumers.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the honorable gentleman from Ohio (Mr. LATOURETTE) whose leadership on this issue has been unparalleled. It is his bill and to him a principal amount of the credit for its being brought to the floor is due.

Mr. LATOURETTE. I thank the gentleman for yielding me this time. Mr. Speaker, today's floor activity brings to conclusion hopefully a long journey for H.R. 1151, the Credit Union Membership Access Act, although I suppose in legislative or dog years it is rather a quick journey. For that I take to the floor today and I want to thank a number of people, the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House, for getting behind this bill, the gentleman from Iowa (Mr. LEACH) for his guidance and leadership throughout the course of this legislative process, the gentleman from New York (Mr. LAFALCE), the gentlewoman from New Jersey (Mrs. ROUKEMA) and also the gentleman from Minnesota (Mr. VENTO) for all of their hard work, and without a doubt the original cosponsor of this bill the gentleman from Pennsylvania (Mr. KANJORSKI).

In the early part of the year, those were lonely times. Although we were aided by powerful allies on both sides of the aisle, the minority whip the gentleman from Michigan (Mr. BONIOR) on his side and such powerhouses on our side as the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, and the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations, it was a long process.

Credit unions should also be thankful for the quick action, Mr. Speaker, taken by the more deliberative body on the other side of the Capitol which has a history of not moving as quickly as it has in this particular instance. I am particularly thankful to the chairman of the Senate Banking Committee. Although the rules of the House prohibit me from naming him by name, I would suggest that his surname rhymes with "tomato."

Although every bill has blemishes, Mr. Speaker, upon which each of us might wish to apply some astringent, H.R. 1151 in its current form is a good bill that needs to move forward before the end of this session. The reason that baseball is America's pastime is that it has no clock. It is over when the 27th out is recorded. Football and basketball have a clock. The clock is ticking on this session of the Congress. We need to get this bill on the President's desk. The millions of depositors and share account owners of credit unions need this matter resolved today.

Concerns about CRA type requirements and charter conversions can be addressed in other legislation. The gentleman from New York (Mr. LAFALCE) has already so eloquently addressed that in his statement. But today is the day, Mr. Speaker, that Clarence the angel who helped George Bailey in It's A Wonderful Life should get his wings and credit union members across this country should get relief.

Mr. LAFALCE. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Pennsylvania (Mr. KANJORSKI), the principal author of the original version of H.R. 1151.

Mr. KANJORSKI. Mr. Speaker, in order to ensure that provisions of this legislation are understood and future lawsuits are prevented, I would like to engage in a colloquy with my distinguished colleague from Iowa.

Is it the gentleman's understanding that the definition of a single common bond credit union does not preclude a credit union from having subgroups in its field of membership as long as the subgroups share the same common bond of association or occupation?

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Iowa.

Mr. LEACH. The gentleman is correct. The definition of a single common bond credit union does not preclude subgroups, but all such subgroups must have the same common bond of occupation or association.

Mr. KANJORSKI. The bill includes language grandfathering persons and groups which were members of a credit union or eligible for membership in a credit union prior to the Supreme Court decision. Is it my understanding that these grandfather provisions apply to community credit unions as well as to multi-group and single group credit unions?

Mr. LEACH. That is correct. Let me just add one thought, that I want to thank the gentleman personally for his leadership on this issue. He played a very extraordinary role.

Mr. KANJORSKI. I thank the gentleman. I have a colloquy I would like to engage in with my colleague from New York. It is my understanding that if a business sells off or spins off an operating unit or subsidiary, both current and future employees of the operating unit or subsidiary remain eligible for membership in a credit union, is that correct?

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from New York.

Mr. LAFALCE. That is my understanding, yes, I believe the gentleman is correct. The definition of a single common bond credit union does not preclude subgroups, but all such subgroups must have the same common bond of occupation or association. Furthermore, nothing in H.R. 1151 was intended to preclude new employees of companies that have been spun off from a credit union's original sponsoring group from becoming eligible for membership in the original parent company's credit union.

Mr. KANJORSKI. Mr. Speaker, I rise today to thank all of my colleagues and most especially the gentleman from Ohio (Mr. LATOURETTE). It is very seldom in this House that through the participation in the process of legislation, one forms a friendship and a common bond and not unlike a friendship I developed with a colleague many years ago in first coming to this House, I have found the beginning of that type of friendship with the gentleman from Ohio. I cherish it, I cherish the process and the experience we have had.

□ 1200

I also want to thank the chairman of the committee, the gentleman from Iowa (Mr. LEACH), the ranking member, the gentleman from New York (Mr. LAFALCE), the subcommittee chairman, the gentlewoman from New Jersey (Mrs. ROUKEMA), and the ranking member, the gentleman from Minnesota (Mr. VENTO). With all these individuals, and many more, it was their work product that brought this legislation forth today.

It would be remiss of me also not to make mention of the chairman and ranking member of the Senate. They took our text basically as their markup vehicle, worked from it and kept 75 percent of it, and the portions they added were good portions except for the two minor parts that the gentleman from New York (Mr. LAFALCE) identified, and we will work with him in the future to correct them.

Finally, Madam Speaker, the people who really should be thanked the most are the 70 million members of the credit movement across this country. Truly in a very cooperative effort they came together, contacted their representatives in this body and the Senate, and prevailed upon them to pass this enlightening legislation. I would say it was a victory of David over Goliath. Indeed it proves that a cooperative effort in America can win, and I would like to apologize to Abraham Lincoln, but I would like to say that today in the spirit of credit unions, it is of the people, by the people and for the people, that they, through this legislation, shall not perish from the earth.

Mr. Speaker, in order to expedite consideration of this important legislation, it is being considered today under suspension of the rules, which limits total debate time to 20 minutes on each side of the aisle. As a result, it is not possible to address all of the issues we would like to address if we had additional time.

I have already expressed my deep appreciation and thanks to my colleague from Ohio (Mr. LATOURETTE) who had the courage to join me in sponsoring this legislation when many of our colleagues thought we were titling against windmills.

I have also expressed my appreciation to the distinguished Chairman of the Committee, (Mr. LEACH) who was at all times fair, courteous and supportive. I also want to thank the ranking Democratic Member (Mr. LAFALCE), the Chairwoman of the Financial Institutions Subcommittee (Mrs. ROUKEMA), the ranking Democratic Member of the Subcommittee (Mr. VENTO), and all of their staffs, who worked long and hard to help produce the bipartisan legislation we are considering today. All of their leadership is greatly appreciated.

Also making a major contribution today's bill is Assistant Secretary of the Treasury Rick Carnell who helped perfect the title of the bill strengthening capital requirements for credit unions, the credit union share insurance fund, and the authority of the National Credit Union Administration to take prompt corrective action against troubled credit unions.

National Credit Union Administration Chairman Norm D'Amours, and the members of the board, also provided their unwavering support for our legislation.

The members of the other body, particularly the chairman and ranking Democratic member of the Banking Committee, must also be commended for acting so promptly on the House-passed bill, and for making only a few changes in it.

And last, and certainly not least, I want to thank the millions of Americans across our national who took the time to explain to their Congressmen and Senators how important their credit union was to them.

It is their hard work that made this victory possible.

It is their hard work that demonstrates what being a member of a voluntary, not-for-profit, cooperative means.

It is their hard work that demonstrates the strength of the cooperative movement.

Mr. Speaker, the court decision we overturn today threatened financial accounts held by tens of millions of average American working families. It also jeopardized the safety and soundness of thousands of credit unions and the National Credit Union Share Insurance Fund.

In my home state of Pennsylvania alone the safety and soundness of 367 credit unions serving nearly two million members and their family were endangered by the court decision.

In addition, if allowed to stand the court decision would have discriminated against the employees of small businesses who would have been effectively denied the right to choose a credit union for their financial services. Yet employees of small businesses are among the persons of small means most likely to benefit from credit union membership.

Mr. Speaker, as the co-author of the Credit Union Membership Access Act, there are a number of technical provisions contained in it which need elaboration, particularly since there will be no formal conference report on the bill.

One amendment added by the other body provides a specific retroactive exception from the multiple common bond requirements for a specific voluntary merger that was in progress when the court decision took effect.

I want to make it clear that in granting this specific retroactive exception from the multiple common bond requirements we are not in any way diminishing the existing authority of the National Credit Union authority under section 205 of the Federal Credit Union Act to grant or withhold approval for voluntary mergers of credit unions.

All of the federal banking regulators, including the National Credit Union Administration, have broad authority to approve and disapprove mergers of institutions under their jurisdiction, and this legislation is not intended to obstruct that authority in any way.

Another important provision in this bill explicitly authorizes multiple group credit unions to include underserved areas in their field of membership. This is a provision which incorporates the principles of legislation originally introduced by the gentleman from Texas (Mr. FROST).

Providing service to underserved areas, which are defined in the bill and by NCUA regulations, helps all credit unions fulfill their mandate to serve persons of small means. It is integral to the spirit of the credit union movement.

By including explicit language authorizing multiple group credit unions to include underserved areas in their field of membership, we are not in any way restricting the ability of the National Credit Union Administration to allow community and single group credit unions to include underserved areas in their fields of membership.

Precluding community credit unions from serving underserved areas would be contrary to their reason for existence.

Similarly, precluding single group credit unions from serving underserved areas makes no sense and would only add paperwork and regulatory burden for both credit unions and the NCUA since virtually any single group credit union can apply to add an additional group to its field of membership, thus becoming a multiple group credit union. Single group credit unions are a subset of multiple group credit unions and it was never intended, and would make no sense, for multiple group credit unions to have this authority, and for single group credit unions not to have similar authority.

In the area of member business loans, the Senate amendments also provide an important exception to the limitation on member business loans for credit unions that are chartered for the purpose of, or have a history of, primarily making member business loans to their members as determined by the National Credit Union Administration.

Under the bill the NCUA has broad authority to determine whether a credit union is chartered for the purpose of, or has a history of primarily making, member business loans to its members. This broad authority is important because member business loans need not be the largest category of loans in order for a credit union to qualify for this exception.

Member business lending merely needs to constitute a significant portion of the portfolio or a significant number of loans in order for the NCUA to determine that a credit union is eligible for this exception.

Secretary of the Treasury Robert Rubin has confirmed to us that member business loans by credit unions are not a safety and soundness problem. Quite to the contrary, member business loans are an important authority for community credit unions, and all credit unions, as they attempt to meet all of the credit needs of their members and their communities. More competition in this area, where many persons of small means have difficulty obtaining credit, must be encouraged by the Congress and the National Credit Union Administration.

Finally, Mr. Chairman, there are two changes made by the Senate amendment which I hope we will be able to revisit at some point in the future. By a relatively narrow margin the other body voted to delete from bill provisions strengthening the obligation of credit unions to meet the financial services needs of persons of modest means. This deletion was unfortunate because this provision in the House bill helped to keep credit unions focused on their primary purpose.

Similarly, I was extremely disappointed by the deletion of the provisions drafted by Chairman LEACH designed to prevent insider self-dealing when a credit union converts to a mutual savings bank and from a mutual savings bank to a stock institution. This same amendment also greatly weakened the safeguards that exist in current law to prevent quickie conversions without approval by a reasonable, and informed, proportion of the membership.

These changes open the door to the kind of fraud and abuse that we saw all too often during the savings and loan debacle. I hope that federal and state banking regulators will use their oversight authority over any proposed conversions to ensure that consumers are not defrauded and insiders are not enriched. I also look forward to working with the Chairman and ranking Democratic member to correct these provisions in future legislation.

Mr. LEACH. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON), our distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, I thank the gentleman from Iowa for yielding me this time, and I certainly salute him for his stewardship over this legislation; and I want to salute the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Pennsylvania (Mr. KANJORSKI) for having the courage to introduce this legislation, first of all, and then drive this legislation through the Congress. It was a time when many, in my opinion rather arrogantly, tried to keep this legislation from even reaching the floor, and I was pleased to assist these two fine gentlemen in making sure that that did not happen.

Madam Speaker, following the Supreme Court's February ruling relating to membership in the Nation's credit unions this issue has been among the most pressing this Congress has had to address in many years, and I am pleased that the Congress has acted in a bipartisan fashion to preserve current and future memberships in credit unions. Credit union members have looked to this Congress for a long time now to end any uncertainty which may have resulted from the Supreme Court decision. This legislation guarantees that millions of credit union members, including me and probably you, Madam Speaker, will not be turned away from their credit unions.

And, Madam Speaker, these cooperative organizations count some 70 million Americans as members. There are over 200,000 members in the Hudson Valley of New York State alone, where I happen to reside and represent.

As chairman of the House Committee on Rules, I am often suspicious of the other body and its lack of rules, but in this case, Madam Speaker, the other body I think has improved the legislation. The Senate has produced a consensus product which removes the unfair CRA-like provisions but puts restrictions on business lending, and that is as it should be. And, Madam Speaker, compromise is critical in this legislative process, and I believe that this legislation is an appropriate and fair compromise, and I hope Members will come over and unanimously support it. It is a good piece of legislation.

Mr. LAFALCE. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. VENTO), the ranking Democrat on the Subcommittee on Financial Institutions and Consumer Credit.

Mr. VENTO. Madam Speaker, I thank the gentleman for yielding this time to me and for his work on this measure, as well as the chairman, the gentleman from Iowa (Mr. LEACH), and of course congratulate the principal sponsors, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Pennsylvania (Mr. KANJORSKI) for their marshaling of effort and their willingness to work with others to bring us to hopefully final passage and sending this to President's desk today.

This is an urgent problem. This spring, when the court case came out, I think all of us were aware that there had been a back and forth disagreement about what the meaning of the 1934 law is. But what worked in the 1930's in terms of credit unions, and other financial institutions, for that matter, does not fit the needs of the 1990's, of this decade 60 years later. We need to modernize our financial institution laws.

Now there is obviously this law, and the effect of the court decision affected up to 20 million members of credit unions who would have been adversely impacted in terms of having to change memberships and divest and go through that process. So it became of paramount importance that we act quickly to eliminate any uncertainty because these lines of credit are fundamental to our economy.

As was mentioned by our chairman of the Committee on Rules, 70 million credit union members are a viable part of providing for the services and the needs of people across this Nation, especially in locations that are often remote, often not served by other financial service entities. In fact, of course, people have a strong affection for any of those that are able to give them credit because they, of course, facilitate our successful attainment of ownership of cars, of being able to provide a college education, being able to do many of the things that we need through credit extension in our mixed economy today.

This bill is a fine work product. I regret that the Community Reinvestment Act provisions, or similar provisions that were put on in the House, were taken off. But frankly most of the other work that we achieved in the House in terms of the Committee on Banking and Financial Services and the principal Members, the gentlewoman from New Jersey (Mrs. ROUKEMA) who also worked with us there, is retained in this, so they used our foundation. We are happy to send it along and to have this good measure serve the needs of the people of this country.

Mr. LEACH. Madam Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), our distinguished chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mrs. ROUKEMA. Madam Speaker, I think I will make three direct points:

First, I think this is a good example of how this Congress can work forthrightly and diligently and on a bipartisan basis to deal with a pressing economic issue and avoid partisan bickering, and I want to commend all my colleagues for that. We have really worked hard on this.

Secondly, there are 20 million credit union members at thousands of credit unions across the country that have been wondering since late February this year whether or not they would be thrown out of their credit unions. We got to say here, at last, we are protecting those innocent people. I am proud to say that the bill makes it very clear that they can remain in the institution of their choice, and that is very important.

And then, too, we are putting, and it is important to me, in place many of the Treasury Department's recommendations on safety and soundness. These changes are extremely important. Credit unions will have prompt corrective action applied to them, and that means that bank-like capital and net worth requirements will be applied to credit unions. That is very important.

In addition, large credit unions will be required to have annual audits performed by licensed CPAs, just like banks and savings associations have. Other safety and soundness provisions improvements are important and are made to the share insurance fund which will ensure the solvency and safety of the fund for years to come.

Finally, Madam Speaker, I want to recognize that the CRA provisions were lifted from the credit union bill, and I think that was the correct choice. No question about that. I do look forward to attempting to provide small community banks and savings associations with similar relief at the appropriate time, but this is not the time today.

We are commending the work of this Congress and the other body for all those millions and millions of credit union people.

I rise today in strong support of this Credit Union bill.

I want to make 3 points.

First, we have worked forthrightly and diligently to work in a bi-partisan way to deal with this pressing economic issue and avoided partisan bickering.

Secondly, we are protecting innocent people. 20 million credit union members at 3,600 Federal Credit unions have been wondering since late February of this year whether they will be thrown out of their credit union. I am proud to say that this bill makes it clear that they can remain members of their financial institution of choice.

Thirdly, we are putting in place many of the Treasury Department's recommendations on safety and soundness. These changes are extremely important. Credit Unions will have prompt corrective action applied to them—this means that bank like capital and net worth requirements will be applied to credit unions. In addition, large credit unions will be required to have annual audits performed by licensed CPAs just like large banks and savings associations. Other safety and soundness improvements are made to the share insurance fund which will ensure the solvency and safety of the fund for years to come. These new requirements, along with the limits on commercial lending, will assure that credit unions are safe in the years to come. The Senate improved the bill in this area.

Finally, Madam Speaker, I recognize some members and groups may be disappointed with the final product. I know that some are upset that the CRA provisions were lifted from the Credit Unions. I believe that was the correct choice, and look forward to attempting to provide small community banks and savings associations with similar relief at the appropriate time. In addition, I would have liked to see tighter restrictions on the expansion of multiple common bond credit unions. I believe that we should promote the formation of new credit unions whenever possible as opposed to permitting large, multiple common bond credit unions to expand. That is the correct public policy.

Madam Speaker, I know that we have made an honest attempt to be fair in this legislation. I urge my colleagues to support this bill.

Mr. LAFALCE. Madam Speaker, I yield 2 minutes to the distinguished Independent gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Madam Speaker, first I want to congratulate the gentleman from Iowa (Mr. LEACH) and the ranking member, the gentleman from New York (Mr. LAFALCE) for their very hard work on this important legislation.

As a member of the Committee on Banking and Financial Services and an original cosponsor of this bill, I rise in strong support of H.R. 1151, legislation which will nullify a recent Supreme Court decision by ensuring that Federal credit unions can serve multiple groups and that no current credit union members will be forced out of their accounts.

Large corporate banks have been trying for years to shut out their credit union competition. In recent years they have filed 19 separate lawsuits in 12 States, and now five Supreme Court Justices say the law is on their side. Very simply, we must change the law and ensure that Americans have choices in banking, and today we will do just that.

At a time of increasing bank fees, ATM surcharges, high credit card fees, increasing minimum balance requirements and the loss of many locally-owned banks to large, multi-billion dollar corporate institutions, credit unions today are more important than they have ever been. I have been a long-time supporter of credit unions because they are managed by their members and not by a high-priced board of directors. Credit unions, therefore, are more concerned about the financial needs of their own membership and not the profits of the owners of the institution. Credit union profits do not go to pay high executive salaries; they are directed back to customers in the form of lower fees and higher rates of return.

In Vermont, where 170,000 people are members of credit unions and where the membership has played a very, very active role in determining that this legislation will be passed, credit unions provide important benefits such as lower loan rates, lower minimum balances, free ATM use and free credit cards.

Madam Speaker, it is incumbent upon Congress to pass this important legislation, and I urge all of our Members to support it.

Mr. LEACH. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means.

Mr. ARCHER. I thank the gentleman for yielding this time to me, Madam Speaker, and I reluctantly rise in opposition to this bill.

I voted for the first bill that came through the House, and I am not here to in any way criticize the detailed compromises made with the Senate, but what I am here to state as, I think, a fatal flaw in this bill is it is scored as losing $150 million in revenue over the next 5 years which is not paid for. We are supposed to operate under rules that no suspension can be brought on the floor if it involves over $100 million. This $150 million of scored revenue loss is the result of expansion of credit unions operating on a tax-free basis and therefore costing revenue to the Treasury. It has been used already, this money has been used already to pay for the health bill that passed this House. It redounds to our score card on Ways and Means as a tax loss, and therefore on the score card will reduce the amount of revenue that we have already used to offset the health care bill.

Madam Speaker, this is not the way this House should do business, and I must oppose this bill so that it can come back in a form where it is appropriately paid for.

Mr. LAFALCE. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, I, too, want to strongly support H.R. 1151, the Credit Union Membership Act of which I am an original prime sponsor.

The credit union movement has distinguished itself over the years by providing its members with good quality, low cost financial services. As nonprofit cooperatives managed by their members, credit unions excel at providing the services families and small businesses need most. Study after study shows that from home mortgages to student loans to start-up financing for small businesses, credit unions beat the competition in terms of service and customer satisfaction.

Credit unions have also taken the lead in communities that are all but ignored by the banking industry. In many distressed urban and rural areas a community development credit union is often the only conventional financial institution to be found. In my district a group of public housing tenants formed a credit union when they were unable to interest a bank in their financial goals. We need to encourage these types of institutions to bring more low-income individuals into the financial mainstream.

The credit union movement deserves much of the praise for this legislation. Like everyone here, I heard from people in my district who are passionate about their credit unions, not just the officers and directors and employees, but the men and women and families and businesses who are affiliated with these institutions. Not only did they take the time to call and write, but they also came here to Washington and to my district offices to tell me in person how important their credit unions are to them.

So, Madam Speaker, on behalf of the 3.3 million New Yorkers who are credit union members, I urge the suspension of the rules and the passage of H.R. 1151.

□ 1215

Mr. LEACH. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I would simply respond to a previous intervention. Let me just say the CBO has estimated a revenue loss of $143 million for this bill, but it is important to note that there will be a $510 million increase in revenues to the credit union fund. But because of budget rules, the $510 million cannot be used as an offset to this revenue loss. Instead, the $143 million revenue loss must be absorbed through other tax accounts under the budget rules.

I will say in the Senate, the Senate balanced this revenue loss with their IRS reform bill. We have formally by letter informed the Committee on Ways and Means of this circumstance, but I recognize it does produce certain difficulties for the distinguished chairman of the Committee on Ways and Means.

All I can say is this is not a surprise. It has been dealt with appropriately in the Senate, it has been flagged here in the House, and there is an offset of approximately three times the revenue loss, but it occurs in another account of the Federal budget.

Mr. LAFALCE. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. KENNEDY) in opposition to the bill.

Mr. KENNEDY of Massachusetts. Madam Speaker, I rise today as a strong supporter of nonprofits, as a strong supporter of credit unions, but a strong opponent of this bill.

The truth of the matter is that the politics that went on in the formation of this bill would make the bankers, the insurance industry and all of the special interests that normally come before the Committee on Banking salivate. They went into the back room of the Senate and they knocked out all of the provisions that are supposed to protect the consumer, particularly the poor consumer.

These credit unions come into our offices and pretend they are taking care of the poor. They pretend that the Congress established them to go into underserved areas, where bankers would not go. The fact of the matter is, if you look at their records, the credit unions have an abominable record of lending to the poor, the worst record of any of the banks, of any of the S&L's. They have a worse record in lending to people of color, the minorities, blacks.

In the Navy Credit Union, the Navy, which prides itself on bringing in minorities into the Nation's service, you are 11 times more likely coming from the same neighborhood with the same income levels to be turned down for a home mortgage loan if the color of your skin was black versus if it was white.

The truth of the matter is the credit unions ought to be held to the Community Reinvestment Act. We could not get that through. But what we could get through is the fact that they would have to publicly report exactly what their record of lending to the minority communities and the low income communities have been. It is 5.4 percent today, with the information we get, much lower than any of the other financial services industries that we collect data on, and 16.5 percent in terms of the minority community loans.

Madam Speaker, these numbers are an indictment of an industry that comes before each and every Member of Congress, parades before us a bunch of little folks that have deposits in credit unions, and then tells us there is a terrible attack taking place on credit unions by the big banks and insurance companies, so therefore we should give them everything they want.

That is not how it is supposed to work. We are supposed to stand for some principles. And if these folks that run these credit unions, particularly the very large ones, which are much bigger than many banks, think they can just come in and roll right over the Congress of the United States, roll right over the United States Senate, have everybody come marching on up here saying what a great job they do, and sweep under the rug how they treat the poor, how they treat minorities, we ought to be ashamed of ourselves.

We have to stand up every once in awhile and try to do what is right. We are not asking the credit unions to lose money. What we are saying is that if somebody who is a member of that credit union comes in and the color of their skin happens to be black, they ought to be treated the same way as somebody who is a member of that credit union whose color of their skin happens to be white, and that does not happen in today's America. It ought to happen. We ought to defeat this bill. We ought to stand up to the credit unions and do what is right.

Mr. LEACH. Madam Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, today I rise in support of this bill. I do not support legislation casually here, and have thought this through. I voted against this bill the first time it went through, and I was one of a few. But it is a better bill now than it was before.

I am a supporter of the free market, and I do not believe you can achieve equity by raising taxes and putting more regulations on those who do not have regulations and who do not have taxes.

For this reason, I argued the case that instead of equity being achieved by taxing credit unions or making it more difficult for them to survive with more regulations, the best thing we should do now is talk about at least the smaller banks that compete with credit unions, to lower their taxes, get rid of their taxes and get rid of the regulation.

Precisely because we dealt with the CRA function in the Senate is the reason that I can support this bill. CRA does great deal of harm to the very people who claim they want CRA to be in the bill. CRA attacks the small, marginal bank that is operating in communities that have poor people in them. But if you compel them to make loans that are not prudent and to make loans that are risky, you are doing precisely the opposite of what we should do for these companies.

We should work to lower taxes, not only on the credit unions, and lower regulations. We must do the same thing for the banks. We must lower the taxes and get rid of these regulations in order for the banks to remain solvent and that we do not have to bail the banks out like we have in the past. But the regulations do not achieve this.

This is a bill that I think really comes around to achieving and taking care of a problem and protecting everybody interested. But I am quite convinced that this is still not a fair bill, a fair approach, because we have not yet done enough for our community bankers. We must eventually apply these same principles of less regulations and less taxes to the small banker. Then we will provide a greater service to the people that are their customers, and we will certainly be allowing the poor people a greater chance to achieve a loan.

Since I strongly support the expansion of the field of membership for credit unions and was the first one in this congress to introduce multiple common bonds for credit unions in the Financial Freedom Act, H.R. 1121, I am happy to speak in support of the passage of H.R. 1151 here today. Having argued forcefully against the imposition of new regulations imposed upon credit unions, I congratulate the senate for not increasing the regulatory burden on credit unions in an attempt to "level the playing field" with banks and other financial institutions.

A better approach is to lead the congress toward lower taxes and less regulation—on credit unions, banks and other financial institutions. H.R. 1151, The Credit Union Membership Access Act, as amended by the senate, takes us one step in the right direction of less government regulation restricting individual choice. We must continue on the path of fewer regulations and lower taxes.

These regulations add to the costs of operations of financial institutions. This cost is passed on to consumers in the form of higher interest rates and additional fees. These regulations impose a disproportionate burden on smallers institutions, stifles the possibility of new entrants into the financial sector, and contributes to a consolidation and fewer market participants of the industry. Consumers need additional choices, not congressionally-imposed limits on choices.

The estimated, aggregate cost of bank regulation (noninterest expenses) on commercial banks was $125.9 billion in 1991, according to The Cost of Bank Regulation: A Review of the Evidence, Board of Governors of the Federal Reserve System (Staff Study 171 by Gregory Elliehausen, April 1998). It reports that studies estimate that this figure amounts to 12 percent to 13 percent of noninterest expenses. These estimates only include a fraction of the "most burdensome" regulations that govern the industry, it adds, "The total cost of all regulation can only be larger . . . The basic conclusion is similar for all of the studies of economies of scale: Average compliance costs for regulations are substantially greater for banks at low levels of output than for banks at moderate or high levels of output," the Staff Study concludes.

Smaller banks face the highest compliance cost in relation to total assets, equity capital and net income before taxes, reveals Regulatory Burden: The Cost to Community Banks, a study prepared for the Independent Bankers

Association of America by Grant Thornton, January 1993. For each $1 million in asset, banks under $30 million in assets incur almost three times the compliance cost of banks between $30–65 million in assets. This regulation almost quadruples costs on smaller institutions to almost four times when compared to banks over $65 million in assets. These findings are consistent for both equity capital and net income measurements, according to the report.

We need to work together now to reduce the regulatory burden on all financial institutions. The IBAA study identified the Community Reinvestment Act as the most burdensome regulation with the estimated cost of complying with CRA exceeding the next most burdensome regulation by approximately $448 million or 77%. Respondents to the IBAA study rated the CRA as the least beneficial and useful of the thirteen regulatory areas surveyed. We need to reduce the most costly, and least beneficial and useful regulation on the banks.

Let's all work together now, credit unions, banks and other financial institutions, to reduce their regulatory burden. Credit unions have demonstrated that fewer regulations contribute to lower costs passed on to consumers and greater consumer choice. Let's extend that model for banks and other financial institutions.

Mr. LAFALCE. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I rise today also to herald the final passage of H.R. 1151, the Credit Union Membership Access Act. Our vote today for H.R. 1151 is a vote of confidence in the 71 million Americans who are member-owners of more than 11,000 credit unions throughout the Nation.

I do not often differ with the gentleman from Massachusetts, but I represent a fairly low income district in Southern California, 75 percent of which are people of color. My district supports the credit unions. They are working in our neighborhoods and supporting our neighborhoods.

I want to praise the grassroots efforts of millions of credit union members for rising to the defense of their credit unions and fighting the battle until it was won. This bill is needed to protect them, and it provides guidance on how they can expand.

We are guaranteeing credit union members, every day workers in our Nation, the ability to choose low-cost higher returns and greater convenience. With final passage, we will be giving credit union members, everyday Americans who believe in democracy, the victory they so richly deserve.

Marla, this one's for you.

Mr. LEACH. Madam Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. QUINN).

Mr. QUINN. Madam Speaker, I want to congratulate the gentleman from Iowa (Mr. LEACH), and my good friend, the gentleman from Buffalo (Mr. LAFALCE), on their work on this, and I want to speak about this great American success story that we heard about this morning, the Nation's credit unions.

Of course, credit unions are far different from banks. They are democratically owned and primarily engaged in consumer loans, and, Madam Speaker, I believe it is this simplicity that is the secret to their success.

Credit unions are not in the business to buy other banks, they are not there to sell insurance or to acquire commercial affiliates. More importantly, they are not for profit. Credit unions have all of the revenues funneled back into the members for low cost loans.

I am a proud sponsor of the Credit Union Membership Access Act to preserve credit unions in their current status. The many differences between credit unions and banks are what make credit unions so valuable. Even bankers admit that there is a certain percentage of the population that banks cannot serve. Low wage workers oftentimes cannot afford high bank fees or loan rates. Without credit unions, these people would be forced to turn to check cashers or to pawn brokers or any number of different kinds of facilities.

I know that my district in western New York, thousands of people have come to rely on credit unions. I have constituents tell me all the time how much they mean to them, and many claim they would not be able to afford their own home, a loan to start a new business, or, in my case, attend college. It is clear to me credit unions are critical for thousands of Americans, and I urge Congress to help credit unions play an important role, now and in the future.

Mr. LAFALCE. Madam Speaker, I yield 1¼ seconds to the gentleman from Michigan (Mr. DINGELL), the distinguished ranking member of the Committee on Commerce.

Mr. DINGELL. Madam Speaker, I rise to, first of all, commend the leadership on both sides, the distinguished gentleman from Iowa and the distinguished gentleman from New York, for this legislation.

I rise to offer my unequivocal support for the legislation, and also to praise credit unions, which are dedicated to the communities and the people they serve. These institutions provide low-cost consumer credit to American families and small businesses, and they provide a fine opportunity for the American people to work together for their own common good. I urge support of H.R. 1151.

As a freshman Congressman in 1934, my dad worked on the Federal Credit Union Act. The committee in its report on that legislation, which happened in one of the darkest times in American financial history, said this: That the credit unions have, and I now quote, "come through the depression without failures, when the banks have failed so notably, is a tribute to the worth of cooperative credit."

That is as clear today as it was then. Credit unions are a vital part of our community and our Nation. They serve the people, and they serve them well.

Strong consumer support for credit unions does not surprise me. Over the past year, people have come to me at town hall meetings, pancake breakfasts and other events, and said to me, "Congressman, you have to help the credit unions, because they work for us."

While some of the provisions in the House bill are different than I would have had, H.R. 1151 is a good bill. It will help credit unions continue to provide high-quality low-cost services to the members and to the communities which have made them so popular with the families across America.

I urge support of the legislation, and I commend my colleagues who have worked on it.

Mr. LEACH. Madam Speaker, I yield 30 seconds to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Madam Speaker, I thank the gentleman very much for this time.

Madam Speaker, I want to take this opportunity to thank the chairman, to thank majority and minority Members, to thank the majority and minority staff. This has been truly a bipartisan, a collegial effort.

I think we have an excellent bill before us today. It is not 100 percent that either the chairman or I would like, but it is pretty close. I would have preferred that we had a slightly different process of going to conference with the Senate, but there were circumstances which made that difficult, and it was expedient to obtain final passage before the recess. I certainly understand the judgment that was made.

I hope that we can go forward in a similar fashion on other legislation, whether it is the IMF legislation, whether it is the financial services modernization. I hope in financial services modernization we will not receive something from the Senate the day before we are about to leave, so that we have to consider that on a take-it-or-leave-it basis also. But I look forward on all of these issues to working with the chairman, as we have on this particular bill.

Mr. LEACH. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I thank the gentleman from New York (Mr. LAFALCE). Let me just say a couple comments about the process. For a deliberative body, we have moved quickly on this legislation. Within two weeks of the Supreme Court ruling, our Committee on Banking and Financial Services had a comprehensive hearing on the subject. Two weeks later we marked up a bill, and one week later brought it to the floor. Once the Senate has acted, we have responded again within a two week time frame.

This is testament, I believe, to cooperation between the parties, as the gentleman from New York (Mr. LAFALCE) has mentioned. I think it is very important that I particularly extend my appreciation to the gentleman from Ohio (Mr. LATOURETTE), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from New York (Mr. LAFALCE) and the gentleman from Minnesota (Mr. VENTO), who have played just an extraordinarily critical role in the legislation. But this is not abstract legislation.

□ 1230

It is, most of all, a testament to the role of credit unions in American society and the allegiance which they have obtained.

What we have here is an industry that has served its members, served its members well. It has brought services at a competitive rate to people who have controlled their own financial destiny in ways they never have been able to before. It has also brought competition to other kinds of private sector institutions that are not part of the cooperative movement.

This is a very fundamental role of cooperatives, to serve members and people who are nonmembers, because of the competition that is implicit within this particular kind of cooperative structure.

Finally, I would also stress that this body should above all respect choice, the choice of the individual Americans. Approaches that are designed to deny choice to the individual American in finance, to force Americans by default into institutions that may be beyond their control, is a mistake.

What the credit union movement symbolizes is an option for the average American, an option that is a community-controlled circumstance, an option that has served the public historically exceptionally well. I am confident it will in the future. I am proud of this legislation. I believe it is common sense. I also believe that it is deeply legitimizing of a movement that deserves every aspect of legitimacy that it can muster. I urge my colleagues to support this legislation, and I also urge the President to promptly sign it.

Ms. KAPTUR. Madam Speaker, I rise in support of H.R. 1151, the Credit Union Membership Act.

This has truly been a classic "David-versus-Goliath" confrontation between widely different interests. The "Davids" in this instance are the thousands of not-for-profit small credit unions throughout the nation, such as Little Flower Parish Federal Credit Union in Toledo. Little Flower has 1,700 members, with total assets of $5 million. I'm proud to be one of those members.

This is a confrontation that pits member-owned credit unions that are not-for-profit cooperatives against banks that often place the interests of shareholders and profits over and above the need of consumers and communities. With higher fees becoming more prevalent and banking options shrinking for many consumers, there can be little doubt that credit unions have helped to keep banks in check by being viable financial alternatives for millions of Americans. America's consumers will now be guaranteed more options and alternatives when it comes to conducting their financial business and transactions.

As was stated in an editorial in the Toledo Blade earlier this year, "Credit unions are about local folks helping local folks." I'll continue to support the "local folks" who place community and family over profits only and will continue to fully support America's credit unions and the rights of all Americans to join and belong to their local credit union.

Madam Speaker, H.R. 1151 is right for all Americans.

Mr. CUNNINGHAM. Madam Speaker, I rise once again in support of the Credit Union Membership Access Act (H.R. 1151). While the Senate has made a couple of minor changes to the legislation the House passed earlier this year, the substance of this legislation remains the same.

H.R. 1151 will reverse the February 25, 1998, Supreme Court ruling (AT&T Family Federal Credit Union et al. v. First National Bank & Trust Co.) which sent shockwaves through this nation's 70 million credit union members. That decision threatened the future financial safety of our nation's credit unions. The 51st District in California, which I represent, is served by more than 230 different credit unions with more than 305,000 members. By passing this legislation, we will ensure that not a single credit union member will lose their choice of financial service provider.

This legislation affirms the commitment of this Republican Congress to keep a healthy, competitive financial service industry in America. I call on all my colleagues to join me in support of credit union members and to vote for H.R. 1151, with the Senate Amendments.

Mr. BENTSEN. Madam Speaker, I rise today in support of H.R. 1151, the Credit Union Membership Access Act. This legislation is necessary to ensure that credit unions can continue to accept new members and consumers continue to have the freedom to select the financial institutions of their choice. I am pleased that Congress has acted so quickly to reverse the February Supreme Court decision ruling that credit unions were illegally allowed to form bonds between unrelated groups.

As a member of the House Banking Committee, where this legislation originated, I am pleased that Congress has acted in a prudent manner to ensure that credit unions can continue to accept new members. For many consumers, credit unions offer low-cost, well-managed financial institutions to serve their needs including checking and savings accounts. I believe that many Texans will benefit from this legislation.

This legislation would overturn this Supreme Court ruling and allow credit unions to serve all consumers. This measure would establish three different types of credit unions, including single common bond, multiple common-bond, and community credit unions. Single common bond credit unions would be formed around one single company. Multiple common-bond credit unions would include groups of up to 3,000 that are in "reasonable proximity" to each other. Larger groups could also join multiple common-bond credit unions, as could persons in under served areas, through a formal review process at the National Credit Union Association (NCUA), the federal agency responsible for overseeing credit unions. Community credit unions would be based on a distinct community.

This measure would also limit the amount that credit unions can provide for commercial business loans to their members. The bill includes a provision to limit commercial business loans to 12.25% of the credit union's assets. Any credit unions that currently exceed these limits would have three years to come into compliance. For any undercapitalized credit unions, new loans would be restricted until their capital levels are increased to proper levels.

This legislation would also provide important new protections to ensure that credit unions are financially sound. These provisions include a requirement that credit unions larger than $10 million in assets must prepare a financial statement based upon generally accepted accounting principles and that credit unions larger than $500 million or more in assets must have an independent audit of their financial statements. This legislation also establishes new credit union capital requirements that would determine the financial status of credit unions. The legislation also requires that the National Credit Union Share Insurance Fund (NCUSIF), the federal deposit insurance fund for credit unions, must maintain a minimum of 1.2 percent of insured deposits in order to save for future losses at credit unions. If the NCUSIF drops below this level, this legislation would require the NCUA to increase assessments to reach this level.

As a supporter of the House version of this bill on April 1, 1998, I am pleased that the Senate has also acted to approve this bill. The bill being considered today would resolve this matter and ensure that credit unions can continue to grow and prosper. I urge my colleagues to support this critical banking legislation.

Mr. LAFALCE. Madam Speaker, in February the Supreme Court challenged Congress to answer a difficult policy question—whether to uphold its narrow interpretation of the 60-year-old Federal Credit Union Act or overturn the Court and expand the scope of the Act to permit credit unions to serve a broader segment of the American public.

Today, we are giving a definitive answer to that question. I'm pleased to say the answer is a resounding "yes" to credit union expansion, "yes" to preserving the membership rights of all current credit union members, and "yes" to making credit union services available to even greater numbers of American families.

The Senate-passed bill we are considering today incorporates virtually every single key element of the bipartisan compromise that passed the House on April 1st with an overwhelming 411-to-8 vote. First and foremost, it protects the membership of every current credit union member and every group within a credit union. It also permits common bond credit unions to continue to expand their field of membership by including new occupation and association-based groups. The bill limits this expansion, however—first, by requiring the creation of new, separate common-bond credit unions wherever feasible; second, by limiting the size of new groups to under 3,000 members; and third, by requiring that these small groups be included within a credit union that is located within reasonable proximity to the group—thus reinforcing a geographic "common bond".

This "proximity" requirement is extremely important, and I insisted on its inclusion in the bill to ensure that we maintain, to the maximum extent practicable, the closest feasible geographic common bond. It was my intent in offering this provision that NCUA give a conservative interpretation to the term "reasonable proximity", allowing credit unions located in a larger city to incorporate only common bonds groups located within nearby sections of that city. This would mean, for example in my own Congressional district, that a credit union located in Rochester could incorporate an eligible common bond within the Rochester area. It should not be able to incorporate groups in outlying counties or in a nearby city such as Buffalo, except in instances where there is no local credit union capable of expanding its services to serve these groups. Similarly, credit unions based in smaller cities or towns, like Lockport or Niagara Falls in my district, also should be able to incorporate new groups only from within, or in close proximity to, those jurisdictions. However they should also have priority in serving local groups ahead of any credit union based outside the area. This is an area where NCUA will not to provide detailed guidance to credit unions.

The core elements of this legislation, I'm proud to say, follow the basic outline of a set of proposals I circulated last November to encourage discussion of a compromise on the field of membership issue. Like my original proposal, this legislation balances expansion of credit union membership with preservation of the traditional credit union values of common bond and community.

While this legislation adequately answers the questions raised by the Court and resolves several over key credit union issues, it includes two Senate changes that House Members should be aware of. It deletes House language reaffirming the credit unions' obligation to serve persons of modest means within their field of membership. Let me emphasize that this House provision only restated a long-understood obligation in current law that credit unions must serve all potential members, and it attempted to provide greater parity in regulatory treatment between credit unions and other financial institutions. This provision should not have been dropped. I strongly encourage NCUA to continue enforcing current law with the understanding that this legislation merely attempted to reaffirm and clarify this existing obligation . . . it does not negate or eliminate it.

A second change in the Senate amendments is the weakening of current regulatory and voting requirements for credit union conversions to mutual savings institutions. Currently, a credit union can not convert its charter without an affirmative vote of a majority of its members. The Senate changed this to require only a majority of the members who participate in a conversion vote. The Senate made no provision to assure adequate and effective notice for conversion vote. Thus, under the Senate provision it is entirely possible for a small fraction of a credit union's membership, either by manipulation or inadequate notice, to convert a credit union and deprive the overwhelming majority of members of their ownership rights and credit union services. This is an inappropriate change that could, without very strict regulation and supervision, facilitate the slow undoing of our credit union system. I intend to work with Chairman LEACH to address this issue within another context. In the meantime, I urge NCUA to exercise the maximum feasible regulation of credit union conversions permissible under this legislation.

While these aspects of the bill continue to concern me, they are outweighed by the significant improvements the bill makes in the Credit Union Act and by the need for immediate action to resolve the pressing issues raised by the Supreme Court. I believe this is one of the most important bills Congress will consider this year. It is an important victory for the credit unions and, most important, it is a tremendous victory for American consumers.

I am proud of the significant work and bipartisan cooperation that went into the development of this legislation. It is good public policy. I urge the House to suspend the rules and adopt H.R. 1151.

Mr. THOMPSON. Madam Speaker, I rise today in support of the final passage of H.R. 1151, the "Credit Union Membership Access Act." I was proud to be an early co-sponsor of the original House version of this bill, and I am glad to see the final product we will send to the President's desk includes most of the provisions in that bill.

Last year the Supreme Court ruled the members of a federal credit union must be organized on the basis of a common occupational bond, which threatened the viability of federal credit unions across the nation. This suit was filed by one of the largest banks in the nation out of fear that credit unions were encroaching on business services which traditionally have been offered by banks. I find this fear irrational, especially when one takes into account the overall characteristics of the two industries. For example, the $5.4 trillion U.S. banking industry grew by more than $300 billion last year, an amount almost as great as the total assets of all American credit unions combined. Moreover, the average credit union has less than $28 million in assets—less than one sixteenth the size of the average banking institution.

The bill we are voting on today expressly protects the structure of all existing credit unions and permits future credit unions to gather members from multiple groups. Despite the previous disagreements between the banking and credit union industries, I believe this design will permit both credit unions and banks to continue to prosper by correcting the flaws in existing law the Supreme Court has unearthed. Most importantly, the bill will ensure each working American is free to obtain services from whatever type of financial institution he or she considers best.

I am pleased to join with my colleagues on both sides of the aisle in support of the Credit Union Membership Access Act, and I look forward to watching the President sign it into law.

Mr. DAVIS of Illinois. Madam Speaker I rise today to express my concerns regarding H.R. 1155, The Credit Union Membership Access Act, as amended by the Senate on July 27, 1998. While I recognize the important and necessary role credit unions play in our economy, it is my understanding that their creation was expressly premised upon the dire need to serve low-income communities and groups. It was out of recognition of this unique obligation that I worked to preserve the tax-exempt status for credit unions. The inclusion of an express requirement that credit unions serve economically disadvantaged groups appears to be a consistent, if not superfluous, corollary to these originally stated goals. Unfortunately, changing times has not ushered in an era where the need for financial institutions that serve underserved communities has dissipated.

In fact, the need to provide financial services to low-income communities is as compelling today as it has ever been. There are endless accounts of individuals with limited financial means who have been unable to purchase a home, unable to buy a car, unable to by other necessities of life simply because they cannot find financing in the private sector. Obviously, it is proper and fitting to require credit unions—who receive a subsidy from the government by virtue of their tax-exempt status—to serve these underserved communities and groups.

It is quite ironic that the rationales offered in debate on the House floor in support of H.R. 1151 were based upon the unique obligation credit unions have to serve lower-income groups. Yet, this version of H.R. 1151 deletes any express requirement that credit unions serve these communities or groups. This irony is further underscored by the fact that it has been an unwritten policy of the National Credit Union Administration that credit unions must significantly endeavor to serve low-income groups. Nevertheless, I am hopeful that this unwritten policy will continue.

Mr. VENTO. Madam Speaker, I rise today in support of this urgently needed legislation for current credit unions and their members who have been jeopardized by the Supreme Court's decision in February. The House passed this bill in April and the other body finally sent our bill back to us last week with some changes.

This bill will protect the ten to twenty million credit union members that could be affected by the Supreme Court ruling this past Spring. H.R. 1151 as passed by the House earlier and now as passed by the Senate with amendment should also assist future credit unions and their members by providing additional statutory direction that can hopefully immunize the credit union industry from future law suits.

Following the lead provided by our good work in the House Banking Committee, the Senate made limited and mostly positive amendments to H.R. 1151. I support the changes made to the Prompt Corrective Action provisions of the bill along with the strengthening of the capital standards for credit unions. I am concerned, however, and want to note here for the record that the Community Reinvestment Act (CRA)-like requirements were stricken from the bill. These were a positive addition to the bill and one that I believe would have served credit unions and their members well. The loss of this provision, however, should not jeopardize the work of the NCUA in providing some kind of community service test in regulation for credit unions that are community based by their very name. Such a regulatory test, focused on actual performance in their own community is important when credit unions form in order to serve specific communities and is a fair test of the strength of a community credit union's charter. Despite my reservations about the loss of the CRA-like provision, I recognize the importance of acting and acting now to resolve the membership issues for credit unions and do not want to hold up the good in pursuit of the better.

Madam Speaker, credit unions are a vital part of so many communities, neighborhoods, workplaces and towns across this great land. They provide needed financial services sometimes in special locations and places where affordable, good services and credit is scarce. For all of those communities and members, Congress needs to modernize the 1934 credit union law and field of membership definitions which certainly do not fit the socio-economic reality of the 1990's. Credit unions have been in a straight-jacket even before the February court ruling because of the caution their regulator had to take in light of all the court actions.

We have reached a point when credit union law must move credit unions from the strict interpretation of the "common bond" and "field of membership" law so that the economic realities of the world of business and employment today: divestitures, mergers or closings of businesses, doesn't result in the double whammy of the loss of financial services through credit unions. The model that served in the 1980's does not fit the 1990's anymore than the laws governing other financial institutions fit.

By creating a new mechanism for adding so-called select employee groups, basically allowing multiple common-bond credit unions, we are revamping and facilitating the federal credit union law and empowering credit unions to adapt to the 1990's market place. Once law, the provisions of H.R. 1151 will provide clear direction to the National Credit Union Administration (NCUA) including a 3,000 field of membership guideline and a reasonable proximity test. It also affords the regulator with flexibility to accommodate groups that may not meet this test but that would find it difficult to form a single-bond credit union of their own.

We will now have a significantly strengthened regulatory foundation for credit unions, the regulator and the insurance fund by adding capital and net worth requirements to be established by the National Credit Union Administration. The NCUA will be empowered with important prompt corrective action powers, like those that have been established to govern the banks and thrifts. These important safety and soundness provisions should not be overlooked.

The Senate has added a further limitation on member business loans, based on a net worth for a well-capitalized credit union so that total member loans for business purposes would be limited to 12.25%. Importantly, however, exceptions are provided along with a three year transition period for credit unions who do not immediately comply and special exception for credit unions established for such expressed purpose as fits the entity activities. For example commercially, fisherman loans for their enterprise remain an appropriate activity.

Madam Speaker and Members of this House, we need to pass this bill today so that this corrective legislation with regards to credit unions can make its way to the President as soon as possible and become law.

Credit unions have been faced by the same competitive pressures, changing technology, and the evolution in products and services that other financial institutions are facing. In order to meet the challenges of the 21st Century, credit union law, regulation and operation must modernize and grow responsibly. I urge my Colleagues to support H.R. 1151, the Credit Union Membership Access Act.

Mrs. MINK of Hawaii. Madam Speaker, today is a great day for credit unions and the concept of grassroots movements in this nation. With this bill, H.R. 1151, we are beating back efforts of the big banks to limit access to non-profit, community-oriented credit unions.

With the unanimous support this bill received in the House, I have no doubt that this Senate version will pass today, and very soon the President will sign it into law.

H.R. 1151 is necessary because in February of this year, credit unions were dealt a severe blow by the Supreme Court, which upheld a ruling prohibiting the practice of multiple-group federal credit unions. In multiple-group credit unions, membership can consist of more than one distinct group so long as each group has its own common bond. This practice maintains the long standing practice of a credit union that its members have a common bond, yet allow credit union membership to continue to grow and thrive in our communities throughout the nation.

H.R. 1151, overturns the Supreme Court ruling and allows credit unions to expand membership outside of their original group, as along as new members share common bond with each other.

This is a particular victory for smaller communities and organizations that cannot maintain a credit union on their own. This bill will allow them to join existing credit unions. This is especially important in the rural areas of my state where groups may be too small to start their own credit union. Financial institution options are often limited in rural communities; this bill will help assure that individuals and families in rural communities have access to credit union alternatives.

I was told that without this bill up to 69 of Hawaii's 113 credit unions could have been affected by the Court decision to limit credit union membership.

Credit Unions are unique financial institutions built upon the idea of members in a community helping one another. It is the concept that collectively we can do more for each other than on our own. We need to preserve this unique nature of credit unions and support membership access to our credit unions.

I urge my colleagues to join me in supporting the Credit Union Membership Access Bill. Let's send this bill to the President today!

Mr. LEACH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1151.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT ELIMINATION OF TRADE RESTRICTIONS ON IMPORTATION OF U.S. AGRICULTURAL PRODUCTS SHOULD BE TOP PRIORITY

Mr. CRANE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 213) expressing the sense of the Congress that the European Union is unfairly restricting the importation of United States agricultural products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union, as amended.

The Clerk read as follows:

H. CON. RES. 213

Whereas on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

Whereas United States agricultural exports reached a level of $57,000,000,000 in 1997, compared to a total United States merchandise trade deficit of $198,000,000,000;

Whereas the future well-being of the Unites States agricultural sector depends, to a large degree, on the elimination of trade barriers and the development of new export opportunities throughout the world;

Whereas increased United States agricultural exports are critical to the future of the agricultural, rural, and overall economy of the United States;

Whereas the opportunities for increased agricultural exports are undermined by unfair subsidies provided by trading partners of the United States, and by various tariff and nontariff trade barriers imposed on highly competitive United States agricultural products;

Whereas the Foreign Agricultural Service estimates that United States agricultural exports are reduced by $4,700,000,000 annually due to the unjustifiable imposition of sanitary and phytosanitary measures that deny or limit market access to United States products;

Whereas Asian markets account for more than 40 percent of United States agricultural exports worldwide, but the financial crisis in Asia has caused a severe drop in demand for U.S. agricultural products and a consequent drop in world commodity prices;

Whereas multilateral trade negotiations under the auspices of the World Trade Organization and the Asia Pacific Economic Cooperation Forum and trade negotiations for a Free Trade Area of the Americas represent significant opportunities to reduce and eliminate tariff and nontariff trade barriers on agricultural products;

Whereas negotiations for country accessions to the World Trade Organization, particularly China, present important opportunities to reduce and eliminate these barriers;

Whereas the United States is currently engaged in a number of outstanding trade disputes regarding agricultural trade;

Whereas disputes with the European Union regarding agriculture matters involve the most intractable issues between the United States and the European Union, including—

(1) the failure to finalize a veterinary equivalency program, which jeopardizes an estimated $3,000,000,000 in trade in livestock products between the United States and the European Union;

(2) the ruling by the World Trade Organization that the European Union has no scientific basis for banning the importation of beef produced in the United States using growth promoting hormones, and that the European Union must remove by May 13, 1999, its import ban on beef produced using growth promoting hormones;

(3) the failure to use science, as in the beef hormone case, which raises concerns about the European Union fulfilling its obligations under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures;

(4) the promulgation by the European Union of regulations regarding the use of specified risk materials for livestock products which have a disputed scientific basis and which serve to impede the importation of United States livestock products, despite the fact that no cases of bovine spongisorm encephalopathy (mad cow disease) have been documented in the United States;

(5) the ruling by the World Trade Organization in favor of the United States that the European import regime restricting the importation of bananas violates numerous disciplines established by the General Agreement on Tariffs and Trade and the General Agreement on Trade in Services, and that the European Union must be in full compliance with the decision of the World Trade Organization by January 1, 1999;

(6) the hindering of trade in products grown with the benefit of biogenetics through a politicized approval process that is nontransparent and lacks a basis in science; and

(7) continuing disputes regarding European Union subsidies for dairy and canned fruit, and a number of impediments with respect to wine: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) many nations, including the European Union, unfairly restrict the importation of United States agricultural products;

(2) the restrictions imposed on United States agricultural exports are among the most vexing problems facing United States exporters;

(3) the elimination of restrictions imposed on United States agricultural exports should be a top priority of any current or future trade negotiation;

(4) the President should develop a trade agenda which actively addresses agricultural trade barriers in multilateral and bilateral trade negotiations and steadfastly pursues full compliance with dispute settlement decisions of the World Trade Organization;

(5) in such negotiations, the United States should seek to obtain competitive opportunities for United States exports of agricultural products in foreign markets substantially equivalent to the competitive opportunities afforded to foreign exports in United States markets, and to achieve fairer and more open conditions of trade;

(6) because of the significance of the issues concerning agricultural trade with the European Union, the United States Trade Representative should not engage in any trade negotiation with the European Union if the Trade Representative determines that such negotiations would undermine the ability of the United States to achieve a successful result in the World Trade Organization negotiations on agriculture set to begin in December 1999; and

(7) the President should consult with the Congress in a meaningful and timely manner concerning trade negotiations in agriculture.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 213, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as amended by the Committee on Ways and Means, House Concurrent Resolution 213 calls on the President to first develop a trade agenda which actively addresses agricultural trade barriers and trade negotiations; secondly, seek competitive opportunities for U.S. exporters that are substantially equivalent to those opportunities foreign products enjoy in the U.S. market; and finally, aggressively pursue full compliance by our trading partners with dispute settlement decisions of the World Trade Organization.

The United States possesses the most efficient and competitive agriculture sectors in the world. Agricultural goods accounted $93.1 billion in total two-way trade during 1997, up 40 percent or $26.6 billion, from 1992. U.S. agricultural exports alone stood at about $56 billion in 1997. However, this number is projected to fall by about $4 billion in 1998.

My own State of Illinois is the third largest agricultural exporting State, shipping nearly $4 billion in agricultural exports abroad, or 6.7 percent of the U.S. total in 1996. The largest export categories, feed, grain, and soybeans, accounted for over 75 percent of Illinois' agricultural exports in 1996.

The resolution notes that agricultural markets in Asia, accounting for more than 40 percent of U.S. agricultural exports worldwide, have been severely affected in a negative way by the Asian financial crisis. Because of this economic downturn, combined with the fact that domestic food consumption is projected to remain relatively stable, the further elimination of trade barriers and development of new export opportunities is essential to the economic health of U.S. agricultural producers.

The Administration's inaction on the fast track issue means we are missing opportunities every day to improve the well-being and future security of U.S. farmers and ranchers. House Concurrent Resolution 213 makes the point that disputes regarding agricultural matters involve the most difficult and intractable intractable issues between the U.S. And our largest trade and investment partner, the European union.

For example, Europe continues to maintain an import ban on beef produced using growth-promoting hormones, despite the fact that WTO has ruled that there is no scientific basis for this ban and that it must be removed by May 13, 1999. House Concurrent Resolution 213 underscores the fact that Congress fully expects that Europe will come into compliance with its international obligations by this date, at the latest.

In another important ruling for U.S. interests, the WTO determined that the convoluted licensing and quota system restricting the importation of bananas into the EU violates numerous provisions of the WTO and must be brought under compliance by January 1 of 1999.

Full implementation of these WTO decisions against the EU will show the world whether Europeans are committed to the credibility and long-term viability of the WTO dispute settlement system. This resolution underscores the importance that this body places on aggressively pursuing trade negotiations to eliminate trade barriers to American agricultural exports.

It calls upon the President to develop a trade agenda that puts a priority on addressing these barriers in negotiations under the auspices of the World Trade Organization and the Asia-Pacific Economic Cooperation Forum, and trade negotiations for a Free Trade Agreement of the Americas.

I hope my colleagues will give their unanimous support to the important objective of achieving additional market opportunities for U.S. agricultural exports, and I urge a yes vote on House Concurrent Resolution 213.

Madam Speaker, I reserve the balance of my time.

Mr. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 213. This resolution reflects the importance of agricultural to our Nation's economy, and the fact that the elimination of foreign restrictions to our agricultural exports must be a top priority in trade negotiations.

American farmers are the most competitive suppliers in the world. They exported over $57 billion worth of agricultural goods last year, an increase of nearly one-third since 1992. Yet, old barriers and the continuing creation of new ones affecting agricultural trade are some of the most recognized problems U.S. exporters face. They are also among the most challenging for U.S. trade negotiators to resolve.

Among the most important agricultural trade issues are the implementation of dispute settlement decisions under the WTO, elimination of export subsidies, achieving transparency in foreign regulatory policies, opening up foreign market access, and ensuring that our farmers can export goods produced with safe advanced techniques, such as biotechnology.

The need to address these issues has become urgent in light of the impact of the financial crisis reducing demands for U.S. agricultural exports in Asia. These exports account for over 40 percent of our agricultural exports worldwide. The negotiations on agriculture scheduled to begin next year in the WTO, as well as negotiations in the APEC and for the Free Trade Area of the Americas, offer important opportunities to reduce and eliminate the various barriers to trade and agricultural goods.

As noted in the resolution, disputes regarding market access under existing trade agreements involve the most difficult issues between the United States and our second largest agricultural export market, the European Union. Europe has not yet lifted its import ban on beef products with growth hormones, nor implemented changes in its banana import regime to comply with their obligations under the WTO.

European regulations lack the sound scientific basis for impeding U.S. exports of livestock products and products grown with the benefit of biogenetics. We continue to have disputes over European subsidies for dairy, canned fruits, and there are numerous impediments for American wine exports.

Madam Speaker, agricultural exports are critical to the future health of America's farms and our overall economy. Foreign government compliance with the existing trade agreement commitments and the opening of new market opportunities through trade negotiations are essential.

I might just add that I am a supporter of the fast track legislation, although I have not been contacted formally by anyone on the other side of the aisle in terms of the intention of bringing this issue up in September of this year.

The administration, as we know, supports fast track. They put a great effort into it last year. But since we are reopening the whole discussion on language on the whole issue of agriculture, which I think makes a lot of sense, we also ought to look at "necessary and appropriate," that language, and we ought to look at labor and the environment as well.

If we want to maximize our votes on both sides of the aisle, and right now I do not believe there are the votes to pass fast track, then we should renegotiate this and look at a realistic way, frankly, of trying to get a consensus. But if we all become stubborn, we stiffen our backs, we are going to face the same thing we did last November 14; that is, defeat of this legislation.

We cannot afford to take this to the floor and defeat it. If that should happen, that would have more of a danger in terms of our leadership in the area of agriculture and also free trade, so it is my hope that both parties would begin to look at this in terms of trying to work a consensus, not trying to just push something through.

Madam Speaker, I reserve the balance of my time.

Mr. CRANE. Madam Speaker, I yield 3 minutes to our distinguished colleague, the gentleman from my home State of Illinois (Mr. EWING), who was author of the original resolution that we have under consideration today.

Mr. EWING. Madam Speaker, my personal thanks goes to the gentleman from Illinois (Chairman CRANE) and to the gentleman from California (Mr. MATSUI) for their support of this resolution, and to the gentleman from Texas (Chairman ARCHER) for seeing that this piece of legislation is brought to the floor. I am very appreciative. I think it is very important. I think it sets a pattern for all of us and for American agriculture.

The resolution is really very straightforward. It expresses the sense of Congress that liberalization of trade and agriculture should be a top priority in any negotiation between the U.S. and European Union on a trade agreement.

Agriculture has a unique role in our export economy. While the total U.S. trade position has been in deficit since 1971, U.S. agricultural exports have consistently been in surplus. Millions of Americans find their employment because of our agricultural exports. About 40 percent of American agricultural commodities are exported.

The European Union has an agricultural policy, though, that is one of the most archaic in the world. The Common Agricultural Policy and free market capitalism really are mutually exclusive. They spend billions of dollars subsidizing their agriculture products and exports. This, of course, disrupts our ability to trade with the European community.

In April of this year, the European Union proposed a new trans-Atlantic marketplace which would create a free trade agreement between the European community and the U.S. Amazingly, the proposed framework left out agriculture as one of the areas which would be negotiated.

The gentleman from Texas (Chairman ARCHER) imposed this resolution when he proposed an amendment which said, we will not just apply this to the European community but to all of our trading partners. I wholeheartedly adopt and accept his amendment.

The passage of the Freedom to Farm Act in 1996 set the policy that we must help our farmers be more reliant on the marketplace and less on big government solutions. Congress cannot on one hand say, look to the marketplace, and with the other hand allow access to markets to be slammed shut. If the U.S. is unable to pry open foreign markets and be seen as a reliable supplier of agricultural products, calls for a return to farm payments and subsidies are inevitable.

□ 1245

We must guarantee our farmers access to foreign markets and fair and equitable treatment in those markets. I am proud to be a sponsor of this resolution in the House and ask Members to vote yes to express our commitment to protecting our farmers.

Mr. MATSUI. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Madam Speaker, I rise in support of this bill. I also rise in support of America's hard working farmers. The farmers in Arkansas are facing a crisis. Troubles are coming at them from all directions.

In our State we have drought, flooding, disease, low prices and no traditional safety net. Then we add in unfair competition, and they are at the end of their rope.

I come here today to ask my colleagues to join me to help them through this, and all America's farmers. House Concurrent Resolution 213 sends a message to the Europeans that we believe that huge export subsidies and restrictive trade barriers are unfair and should be ended. The American farmer is having to compete with the combined treasuries of the European Union. It is unwise to pump billions of dollars into inefficient farm practices to create produce which is inexpensive enough to compete in the international marketplace. This is what the European Union does.

Two big problems this creates are, it keeps their farmers from developing better farm practices, and it makes it impossible for our farmers to have a fair opportunity to sell their goods internationally. America exports 30 percent of its farm products despite the tough competition created by the subsidized European produce. Two years ago we changed our farm programs to make trade the safety net for America's farmers. The farmers in America are the most efficient in the world. Only if they have open access to foreign markets will trade be an adequate replacement for our old farm programs.

Normal trade relations, fast track and IMF, all of these should be done, and also the stabilization of the Asian economies, and they are all imperative to the U.S. farmer. So is leveling the playing field so our highly efficient farmers can succeed.

I urge my colleagues to support this bill and support fair trade.

Mr. CRANE. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Madam Speaker, I thank the gentleman for yielding me the time. I thank the gentleman from California (Mr. MATSUI) and the gentleman from Illinois (Mr. EWING) for bringing this resolution to the floor today.

It is very important that Congress go on record in the strongest possible terms that we have got to knock down agriculture barriers around the world.

The United States is committed to free and fair trade. In fact, we have not only the largest market in the world but in many respects the most open market in the world. Yet we see around the world that there are many countries that do not offer the same kind of treatment to our products. We have got to insist that other countries around the world, particularly in the developed world and particularly the European Union, open up their markets and comply with basic international rules that are found in the General Agreement on Tariffs and Trade, GATT, also the General Agreement on Trade and Services, and we must also insist that these other countries around the world fully comply with the decisions of the WTO.

I am particularly pleased that the House will now be on record today specifically objecting to the EU noncompliance with the clear WTO rulings against the European Union's banana regime and against their beef hormone policy.

We also are on record today urging that the President continue to steadfastly pursue full compliance with WTO dispute settlement decisions on these two matters. Again, I want to commend the chairman, the gentleman from California (Mr. MATSUI) and others for bringing this to the floor, for highlighting this issue, and for continuing to put pressure on the Europeans to do the right thing, to open their markets in a fair way to our products.

Mr. MATSUI. Madam Speaker, I reserve the balance of my time.

Mr. CRANE. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Mr. BEREUTER. Madam Speaker, I thank the gentleman for yielding me this time.

I want to commend the two gentlemen from Illinois (Mr. CRANE) and (Mr. EWING) and the gentleman from California (Mr. MATSUI) for bringing this important resolution to the floor. I am in strong support of it.

It is extremely important for two reasons: First, it puts on notice those foreign countries that restrict access to U.S. agricultural exports that the United States will simply not continue to tolerate formal or disguised barriers to U.S. agriculture imports. Though the United States agriculture trade surplus totaled nearly $57 billion in 1997, it should have been at least 5 billion more. Because countries like China restrict our meat, wheat and citrus imports and the European Union hides behind pseudo phytosanitary and sanitary barriers to U.S. agricultural imports, we, our farmers, that is, are cost a lot of money, about 5 billion at least.

Madam Speaker, Ambassador Carla Hills, former USTR, and President George Bush nearly imposed hundreds of millions of dollars in additional tariffs on European gourmet products sold in the United States because the European Union would not agree to reduce export subsidies under the Uruguay Round trade negotiations. That near trade war ultimately led to the Blair House agricultural trade accord and eventually the creation of the World Trade Organization.

Ambassador Hills and the President, President Bush, proved, through their proposed 301 trade action, that trade liberalization often only occurs when tough trade sanctions are taken or credibly threatened. It is an important lesson that Ambassador Barshefsky followed in her intellectual property rights action against the People's Republic of China, and it is a lessen we may have to revisit again.

Currently many foreign countries necessarily cling to protectionist policies in agriculture while reducing trade barriers in other sectors. The United States, as one of the world's most competitive agricultural exporters, cannot stand by while foreign countries deny our farmers the ability to sell their products.

Therefore, Madam Speaker, this resolution is also important because it tells the USTR that it must use all conceivable remedies to open foreign markets to U.S. agriculture exports.

Madam Speaker, this Member rises in strong support of H. Con. Res. 213 and this Member would like to commend the two distinguished gentlemen from Illinois (Chairman CRANE and Chairman EWING) and the gentleman from California (Mr. MATSUI) for bringing this important resolution to the floor.

H. Con. Res. 213 is extremely important for two reasons. First, it puts on notice those foreign countries that restrict access to U.S. agricultural exports that the United States will simply not continue to tolerate formal or disguised barriers to U.S. agricultural imports. Though the United States agricultural trade surplus totalled approximately $57 billion in 1997, it should have been at least $5 billion more because countries like China restrict our meat, wheat, and citrus imports and the European Union hides behind pseudo phytosanitary and sanitary barriers to U.S. agricultural imports. Their actions cost American farmers approximately $5 billion in annual sales.

Madam Speaker, Ambassador Carla Hills, the former USTR, and President George Bush nearly imposed hundreds of millions in additional tariffs on European gourmet products sold in the United States because the European Union would not agree to reduce export subsidies under the Uruguay Round trade negotiations. That near trade war ultimately led to the Blair House agricultural trade accord and eventually the creation of the World Trade Organization. Ambassador Hills and President Bush proved through their proposed 301 trade action that trade liberalization often only occurs when tough trade sanctions are taken or credibly threatened. It is an important lesson that Ambassador Barshefsky followed in her intellectual property action against the People's Republic of China, and it is a lesson that we may have to revisit again.

Currently, many foreign countries necessarily cling to protectionist policies in agriculture while reducing trade barriers in other sectors. The United States, as one of the world's most competitive agricultural exporters, cannot stand by while foreign countries deny our farmers the ability to sell their products.

Therefore, Mr. Speaker, this resolution is also important because it tells the United States Trade Representative that it must use all conceivable remedies to open foreign markets to U.S. agricultural exports. That includes not "cherry picking," or negotiating trade liberalization in individual sectors, while undermining our ability to have a cross-sectoral, multilateral trade negotiation that drastically reduces barriers to agricultural trade. It also includes recognizing that we must use access to our own market as leverage to gain market access for U.S. agricultural exports worldwide. We cannot, for example, continue to see the European Union ignore science and impose its attitudes on hormones as a phoney barrier against beef exports from my state and our Nation.

This Member urges the United States Trade Representative to negotiate forcefully on behalf of U.S. agriculture as we approach the 1999 agricultural negotiations through the World Trade Organization.

This Member urges his colleagues to support H. Con. Res. 213.

Mr. CRANE. Madam Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS), another distinguished colleague on the Committee on Ways and Means.

Mr. WATKINS. Madam Speaker, in my 16 years of service in the United States Congress, I have never spoken twice one day after the other on the floor of the House. I rise to speak today because of the crisis of the American farmer and rancher. It is one that is caused by the closing of markets in Asia, where we normally export 45 percent of our agriculture exports.

We find also that the European Union is subsidizing their internal as well as their external markets by some 75 percent of their budget. Freedom to farm should mean also freedom to the markets.

Today we have also another crisis, and that is the most severe drought since the dust bowl days or 1934 and unless the weather changes the worst drought in the history of our country come September or come October. We have a survival problem on the farm. I urge President Clinton, Agriculture Secretary Dan Glickman, and this Congress to provide additional emergency drought relief funds for feed and hay assistance. I am delighted to be here supportive of this sense of the Congress, because for 20 months, since I have been back in Congress, I have pounded the table, I have talked about the unfair trade barrier of growth hormones with the European Union. They have literally stopped the market of United States beef and, think about the crisis. Our cattle people having to go to market because they do not have grass, hay or feed. The drought has wiped them out. They have to sell large numbers cheap on the domestic market. They cannot sell overseas. They are in an unfair situation.

I know the agony and the pain of the American cattleman because I was there in the drought of 1956. I was there selling cattle for 10 cents a pound. I know what they are going through. We must do everything we can. We must have the will to help the American farmer be able to stay on the farm and the cattlemen be able to continue to produce.

I was in Europe, and one of the Agriculture ministers said to me, we will pay whatever the price to maintain their domestic agriculture food basket. They will, because they went hungry twice, once in World War I and once in World War II. We must have the will if we are going to maintain the American agriculture for the National Security of our country.

Mr. MATSUI. Madam Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Speaker, I hate to come to the floor and oppose these bills, and I am certainly not going to oppose this resolution.

It bothers me when I oppose two of the finest Members of the House, the gentleman from Illinois (Mr. CRANE), the gentleman from California (Mr. MATSUI). But so help me, I disagree with our trade policy.

I believe our trade policy is now a national security problem, and no one is looking at it. Our trade deficits continue to explode. Our negative balance of payments at record levels. And everybody idealistically pushing a button that I believe in all practical purposes is not working.

Quite frankly, many of our competitors simply do not open their markets. China, Europe, Japan, every President since Nixon threatened Japan with sanctions, including the current President, President Clinton. If every President had to threaten Japan every 2 years with sanctions, it is evident to me, just the son of a truck driver, that Japan has never complied, Japan has never opened their markets, and we are a bunch of fools.

China has a 34 percent tariff on most of our goods. They are selling tennis shoes, they were called sneakers in the old days, for $150 that cost 17 cents a pair to make over there. I do not see any signs in K Mart and Wal-Mart that say, these sneakers only cost $8 because they are only costing 17 cents in China. They are getting every penny they can out of it. They are squeezing the Buffalo on the nickel.

This is a sense of the Congress resolution. I can support it. But it does not have enough teeth.

The Constitution of the United States of America says, the United States Congress shall regulate commerce with foreign nations. It does not mean that we should turn that power over to the White House. It does not mean that a bunch of bureaucrats in the trade rep's office, who end up going on the employ of China and Japan corporations, should make that decision. Congress should do it.

Here is what I am saying. We should have a reciprocal trigger in our trade agreements that says, you have free trade as long as we have free trade. But when you put up a barrier, you will receive a barrier in kind from Uncle Sam.

That is the way to do it. If we do not, we are going to pay the piper, we are going to continue to lose big, good paying jobs. If I had $100 million to invest, I sure as hell would not invest it in America. I would go right across the board to Mexico with no regs, with low labor costs. And they are doing it. And get ready for it, no one wants to listen.

Idealism has taken over the United States Congress. I think Congress should be a little more practical, take back the powers that the Constitution has vested in us and regulate commerce with foreign nations on a fair, reciprocal basis.

If we do not do that, in my opinion we have failed the American worker, failed the American taxpayers and, worst of all, we fail ourselves, fail ourselves.

I love the chairman, the gentleman from Illinois (Mr. CRANE), and the gentleman from California (Mr. MATSUI). They are doing a good job. But I would hope that they would look at reciprocity and some fairness for American trade.

Mr. CRANE. Madam Speaker, I would remind my colleague from Youngstown that we are trying to move in that direction, and I know it is not as fast as he would like, but we are. I would again remind him that we have been, to our dismay, at full employment for almost 3 years in a row now.

Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman for yielding me the time, and I want to thank the gentleman from Illinois (Mr. CRANE) and the gentleman from Illinois (Mr. EWING) for authorizing this resolution. I rise in strong support.

The European Union is a critical market for U.S. agriculture. U.S. agriculture exports to the European communities were 10.5 billion in 1997, and imports from the EU to the U.S. totaled about 7.5 billion.

However, the fact remains, the EU subsidizes agriculture far more than the United States. The EU export subsidies and domestic support programs are estimated to total almost $50 billion. U.S. programs total about $5.5 billion. The European Union's agricultural policies are so punitive that they have actually been known to distort entire world markets.

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Tariff and nontariff trade barriers must come down.

These policies hurt American farmers, they toy with our world markets, and we must level the playing field. Free and fair trade is critical to the success of our agricultural community.

This Congress will continue to fight for improved access for agricultural exports. The President should join Congress in reducing and eventually eliminating agriculture from foreign sanctions.

The 1999 World Trade Organization negotiations should address the issues that are important to America's farmers and important to rural America's economic health. The 1999 World Trade Organization negotiations present the administration with an opportunity to reduce barriers to free trade and expand on the many opportunities that will assist our cash-strapped farmers, and we must insist that decisions are based on sound science in Europe.

It is in the United States' best interests to address unfair trade practices during the next year's negotiations. Let's continue to push for reduction in nontariff trade barriers, and I hope the U.S.-European trade relationship will continue to be successful in the future.

Mr. CRANE. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN.)

Mr. GILMAN. Madam Speaker, I would like to address a bill that passed already, and that is the common agricultural policy. I come to the floor in my capacity as chairman of our Committee on International Relations, and having participated for many years in the exchange between our Nation and the European Parliament, I certainly agree with the thrust of that measure.

The European Union's agricultural policies are certainly aggravating our bilateral relations and are harming American farmers and American high-tech industries. In our Committee on International Relations we have had a number of hearings on the EU's policies which unduly restrict exports of bioengineered products. We have taken that policy up directly with the president of the European Commission and with other members of the Commission, as well as with members of the European Parliament during our twice-yearly meetings.

We recently had a European parliamentary delegation visit Texas, during the course of which they visited Texas A&M University in College Station, where they met many European scientists working in the U.S. because their research cannot be supported in Europe. I think the Europeans are beginning to get the message. They are going to be left behind, with an antiquated, costly agricultural sector.

Of course, the EU's common agricultural policy is wrongheaded. Over time it will have to change because of changes in the world economy and because of the pending admission of Poland, Hungary, and the Czech Republic to the EU. The current policies of the EU are clearly not sustainable.

I understand the concerns of our farm sector now under the dual threat of drought conditions and of unfair subsidies from Europe. But I am concerned that the controversies over the effect of our sanctions policies have led some to blame the downturn in our agricultural exports as being related to the implementation of our national security statutes. In fact, sanctions affect, if anything, a very small proportion of our $60 billion agricultural exports.

And in the case of the Pakistan sanctions, we moved quickly, cooperating with the Committee on Agriculture, and amended the sanctions law to prevent any loss of our export markets by allowing substantial taxpayer dollars to help support wheat sales to Pakistan.

Madam Speaker, we need to concentrate on the real problems of agriculture. We should refrain from creating the impression that by tearing down our national security laws we are going to do something substantial to help our farmers.

I just want to remind my colleagues that we have important meetings with our European Union parliamentarians, and I would urge my colleagues to help participate in those exchanges. I think it would help them to more fully understand the complexities of our own problems.

Mr. MATSUI. Madam Speaker, I yield myself such time as I may consume, before I yield back the balance of my time, to first commend the gentleman from Illinois (Mr. CRANE) for bringing this bill through the subcommittee, the full committee, and on to the floor of the House; and I want to also congratulate, of course, the gentleman from Illinois (Mr. EWING) as well.

Ms. WATERS. Madam Speaker, reluctantly I must rise in opposition to H. Con. Res. 213. While I understand and support the interest of our domestic agricultural sector, this resolution could have far reaching negative ramifications.

This Sense of Congress expresses Congressional disapproval of the European Union's trade practices. In fact, the United States and the European Union should be getting together to explore how to develop better trade relations. This bill does not help this process.

I am particularly concerned about this hard line bargaining stance given the growing crisis for the many small banana farmers in the Caribbean Windward Islands. The United States Trade Representative, acting on behalf of the giant U.S. multinational corporation Chiquita Banana, unilaterally went to the World Trade Organization in an effort to tear down the relationship the European Union had with small and family farmers in the Carribean.

The European Union had set up a special trade relationship with their former colonies in the Carribean and West Africa. This was going to be sunseted in 10 years but Chiquita wanted it ended immediately, before the Carribean had a chance to develop alternative economic strategies. The United States Trade Representative still refuses to negotiate with the Windward Islands and they now face imminent economic catastrophe.

Our actions directly led to this negative outcome. This legislation only increases the possibility that other small developing countries will suffer as a result of our battles with other economic giants like the European Union. We need to approach each trade situation on a case by case basis and use thoughtful negotiating to avoid other Carribean like disasters. For these reasons I oppose this bill.

Mr. SMITH of Oregon. Madam Speaker, I rise in support of H. Con. Res. 213, which expresses the sense of Congress that the elimination of restrictions on U.S. agricultural products by U.S. trading partners should be a top priority in trade negotiations. I congratulate Mr. Ewing, the sponsor of this resolution, Mr. Archer, the Chairman of the Committee on Ways and Means, and Mr. Crane, the Chairman of the Trade Subcommittee, for bringing this resolution before the House.

It is very important that agriculture should be a top priority with the Administration in all trade negotiations. This resolution calls on the President to develop such a trade agenda and for the U.S. to seek competitive opportunities for U.S. agricultural exports. Finally, the resolution provides that the U.S. Trade Representative should not engage in trade negotiations with the European Union if the U.S. Trade Representative determines that trade negotiations would undermine a successful result in the 1999 WTO negotiations.

While this resolution is directed at all nations, the European Union is specifically mentioned. Using any yardstick, the EU subsidizes agriculture more than the U.S. This is a well known fact. EU export subsidies and domestic support total $47 billion. U.S. export subsidies and domestic support total $5.3 billion.

Not only does the EU spend large amounts of money, it spends that money on programs that distort world markets. Certainly the EU should spend whatever it and its taxpayers determine appropriate to support EU farmers. But the EU should not link that support to production and thereby distort world agriculture markets.

For American farmers and ranchers, trade is an essential part of their livelihood. Currently exports account for 30% of U.S. farm cash receipts. We produce much more than we consume in the United States; therefore exports are vital to the prosperity and success of U.S. farmers and ranchers.

H. Con. Res. 213 cites specific disputes with the European Union. Two cases brought by the U.S. against EU agriculture practices regarding trade in beef and bananas resulted in positive decisions for the U.S. Despite that, no trade in beef or bananas has resumed.

In 1996, significant reforms were made to U.S. farm programs. These reforms returned control of the farming operation to the producers in exchange for sharp restrictions on the level of government support to the farmer. The goal was to provide U.S. farmers with the flexibility to plant for the market. Farmer's income will come from the marketplace and not from the government. For this plan to be successful, the U.S. government must ensure that our farmers and ranchers can compete against other exporters, and not against foreign governments.

This resolution expresses the importance of U.S. agricultural trade and I urge Members to support H. Con. Res. 213.

Mr. MATSUI. Madam Speaker, I yield back the balance of my time.

Mr. CRANE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 213, as amended.

The question was taken.

Mr. CRANE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1998

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4342) to make miscellaneous and technical changes to various trade laws, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

Sec. 1001. Clerical amendments.
Sec. 1002. Obsolete references to GATT.

TITLE II—TEMPORARY DUTY SUSPENSIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions

Sec. 2001. 6-chloro-4-(cyclopropylethynyl)-1, 4-dihydro-4-(trifluromethyl)-2h-3, 1-Benzoxazin-2-one.
Sec. 2002. Oxirane, (s)-triphenylmethyloxy)methyl)-.
Sec. 2003. [r-(r*,r*)]-1,2,3,4-butanetetrol-1,4-dimethanesulfonate.
Sec. 2004. (s)-n-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1h-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid.
Sec. 2005. 2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1h)-quinazolinone, dihydrochloride.
Sec. 2006. 9-[2-[[bis [(pivaloyloxy) methoxy] phosphinyl]- methoxy] ethyl]adenine.
Sec. 2007. (R)-9-[-2-(phos phononmethoxy propyl)adenine.
Sec. 2008. (R)-propylene carbonate.
Sec. 2009. 9-(2-hydroxyethyl)adenine.
Sec. 2010. (R)-9-(2-hydroxypropyl)adenine.
Sec. 2011. Chloromethyl-2-propyl carbonate.
Sec. 2012. (R)-chloropropanediol.
Sec. 2013. Irganox 1520.
Sec. 2014. Irganox 1425.
Sec. 2015. Irganox 565.
Sec. 2016. Irganox 1520LR.
Sec. 2017. Irgacor 252LD.
Sec. 2018. Irgacor 1405.
Sec. 2019. 2-amino-4-(4-aminobenzoyl amino)-benzenesulfonic acid sodium salt.
Sec. 2020. 5-amino-n-(2-hydroxyethyl)-2,3-xylenesulfonamide.
Sec. 2021. 3-amino-2′-(sulfatoethyl sulfonyl) ethyl benzamide.
Sec. 2022. ACM.
Sec. 2023. C.I. Pigment Yellow 109.
Sec. 2024. C.I. Pigment Yellow 110.
Sec. 2025. Halofenozide.
Sec. 2026. β-bromo-β-nitrostyrene.
Sec. 2027. Beta Hydroxyalkylamide.
Sec. 2028. 2,6-dimethyl-m-dioxan-4-ol Acetate.
Sec. 2029. Grilamid TR90.
Sec. 2030. C.I. Pigment Yellow 181.
Sec. 2031. Butanamide, 2,2′-[3,3′-dichloro [1,1′-biphenyl]-4,4′-diyl) bis (azo)] bis [n-(2,3-dihydro-2-oxo-1h-benzimidazol-5-yl)-3-oxo (pigment orange).
Sec. 2032. Butanamide, n,n′-(3,3′dimethyl[1,1′-biphenyl]-4,4′-diyl)bis[2-[2,4-dichlorophenyl)azo]-3-oxo-.
Sec. 2033. C.I. Pigment Yellow 154.
Sec. 2034. C.I. Pigment Yellow 180.
Sec. 2035. C.I. Pigment Yellow 191.
Sec. 2036. KN001.
Sec. 2037. DEMT.
Sec. 2038. IN–w4280.
Sec. 2039. 2-chloro-n-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzene-methanamine.
Sec. 2040. Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-2-propynyl ester.
Sec. 2041. 2,4-dichloro 3,5-dinitrobenzotrifluoride.
Sec. 2042. Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester.
Sec. 2043. Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H, 3H-[1,3,4] thiadiazolo [3,4-a]pyridazin-1-ylidene)amino]phenyl]thio]-, methyl ester.
Sec. 2044. Chloroacetone.
Sec. 2045. Sodium N-methyl-N oleoyl taurate.
Sec. 2046. Dialkylnaphthalene sulfonic acid sodium salt.
Sec. 2047. O-(6-chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate.
Sec. 2048. 4-cyclopropyl-6-methyl-2-phenylamino-pyrimidine.
Sec. 2049. O, O-dimethyl-s-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2h)-yl-methyl]-dithiophosphate.
Sec. 2050. (Ethyl [2-(4-phenoxyphenoxy) ethyl] carbamate.
Sec. 2051. 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea.
Sec. 2052. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)-1-{2-[4-(4-chloro-phenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl}-1H-1,2,4-triazole.
Sec. 2053. Substrates of synthetic quartz or synthetic fused silica.
Sec. 2054. KL540.
Sec. 2055. Methyl thioglycolate.
Sec. 2056. Tebufenozide.
Sec. 2057. Organic luminescent pigments, dyes, and fibers for security applications, and 4-Hexylresorcinol (excluding daylight florescent pigments and dyes).
Sec. 2058. DPX–e6758.
Sec. 2059. Benzenepropanal, 4-(1,1-Dimethylethyl)-alpha-Methyl-.
Sec. 2060. Elimination of duty on Ziram.
Sec. 2061. Ethylene, tetrafluoro copolymer with ethylene (ETFE).
Sec. 2062. 2-naphthalene-carboxamide 4-[[5-[[[4-(aminocarbonyl)phenyl]amino] carbonyl]-2-methoxyphenyl]azo]-n-(5-chloro-2,4-dimethoxyphenyl)-3-hydroxy-.
Sec. 2063. Benzenesulfonic acid, 4-[[3-[[2-hydroxy-3-[[4-methoxyphenyl) amino]carbonyl]-1-naphthalenyl]azo]-4-methylbenzoyl]amino]-, calcium salt (2:1).
Sec. 2064. Pigment Red 185.
Sec. 2065. Pigment Red 208.
Sec. 2066. Pigment Red 188.
Sec. 2067. Certain weaving machines.
Sec. 2068. Chloromethyl pivalate.
Sec. 2069. 9-[2-(r)-[[bis [[isopropoxycarbonyl) oxymethoxy]phosphinoyl] methoxy]propyl] adenine fumarate (1:1).
Sec. 2070. Diethyl p-toluene sulfonyloxymenthylphosphonate.
Sec. 2071. 1,4-benzenedicarboxylic acid, 2-[[1-[[(2,3-di-hydro-2-oxo-1h-benzimidazol-5-yl)amino carbonyl]-2-oxopropyl]azo]-,dimethyl ester.
Sec. 2072. Anti-HIV/anti-AIDS drugs.
Sec. 2073. Anti-cancer drugs.
Sec. 2074. 2-amino-5-bromo-6-methyl-4-(1h)-quinazol- inone.
Sec. 2075. 2-amino-6-methyl-5-(4-pyridinylthio)-4-(1h)-quinazolinone.
Sec. 2076. 2-amino-5-nitrothiazole.
Sec. 2077. 2-amino-5-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2078. 2-amino-5-nitrobenzenesulfonic acid, monoammonium salt.
Sec. 2079. 2-amino-5-nitrobenzenesulfonic acid.
Sec. 2080. 3-(4,5-dihydro-3-methyl-5-oxo-1h-pyrazol-1-yl)benzenesulfonic acid.
Sec. 2081. 4-chloro-3-nitrobenzenesulfonic acid.
Sec. 2082. 4-chloro-3-nitrobenzenesulfonic acid, monopotassium salt.
Sec. 2083. 4-chloro-3-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2084. 2-methyl-5-nitrobenzenesulfonic acid.
Sec. 2085. 6-bromo-2,4,dinitroaniline.
Sec. 2086. 4-chloropyridine hydrochloride.
Sec. 2087. 3-ethoxycarbonyl-aminophenyl-n-phenyl- carbamate (desmedipham).
Sec. 2088. [s-(r*,r*)]-2,3-dihydroxy-butanedioic acid.
Sec. 2089. (3s)-2,2-dimethyl-3-thiomorpholine carboxylic acid.
Sec. 2090. Diiodomethyl-*p*-tolylsulfone.
Sec. 2091. 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate (ethofumesate).
Sec. 2092. Skating boots for use in the manufacture of in-line roller skates.
Sec. 2093. 2-4-dichloro-5-hydrazino-phenol-monohy- drochloride.
Sec. 2094. 3-mercapto-d-valine.
Sec. 2095. 6-amino-1,3-naphthalenedisulfonic acid.
Sec. 2096. 6-amino-1,3-naphthalenedisulfonic acid, disodium salt.
Sec. 2097. 7-acetylamino-4-hydroxy-2-naphthalene- sulfonic acid, monosodium salt.
Sec. 2098. 4-benzoylamino-5-hydroxy-2,7-naphthalene- disulfonic acid.
Sec. 2099. 4-benzoylamino-5-hydroxy-2,7-naphthalene- disulfonic acid, monosodium salt.
Sec. 2100. P-ethylphenol.
Sec. 2101. Pantera.
Sec. 2102. 3-methyl- carbonyl- aminophenyl-3'-methyl-carbanilate (phenmedipham).
Sec. 2103. 2-amino-p-cresol.
Sec. 2104. 4-phenoxypyridine.
Sec. 2105. P-nitrobenzoic acid.
Sec. 2106. P-toluenesulfonamide.
Sec. 2107. Tannic acid.
Sec. 2108. Polymers of tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride.
Sec. 2109. Methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2- trifluoroethoxy)-1,3,5-triazin-2-yl]- amino]carbonyl]-amino]sulfonyl]-3-methylbenzoate (trisulfuron methyl).
Sec. 2110. Suspension of duty on certain manufacturing equipment.
Sec. 2111. SE2SI Spray Granulated (HOE S 4291).
Sec. 2112. Personal effects of participants in certain world athletic events.
Sec. 2113. Effective date.

Subtitle B—Other Trade Provisions

Sec. 2501. Extension of certain trade benefits of insular possessions of the United States to certain fine jewelry.

Sec. 2502. Tariff treatment for certain components of scientific instruments and apparatus.
Sec. 2503. Liquidation or reliquidation of certain entries.
Sec. 2504. Finished petroleum derivatives drawback.
Sec. 2505. Drawback and refund of packaging material.
Sec. 2506. Inclusion of commercial importation data from foreign-trade zônes under the National Customs Automation Program.
Sec. 2507. Large yachts imported for sale at United States boat shows.
Sec. 2508. Review of protests against decisions of Customs Service.
Sec. 2509. Entries of NAFTA-origin goods.
Sec. 2510. Treatment of international travel merchandise held at Customs-approved storage rooms.
Sec. 2511. Exception to 5-year reviews of countervailing duty or antidumping duty orders.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

SEC. 1001. CLERICAL AMENDMENTS.

(a) TRADE ACT OF 1974.—(1) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) by aligning the text of paragraph (2) that precedes subparagraph (A) with the text of paragraph (1); and

(B) by aligning the text of subparagraphs (A) and (B) of paragraph (2) with the text of subparagraphs (A) and (B) of paragraph (3).

(2) Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(A) in paragraph (3) by striking "LIMITATION ON APPOINTMENTS.—"; and

(B) by aligning the text of paragraph (3) with the text of paragraph (2).

(3) The item relating to section 410 in the table of contents for the Trade Act of 1974 is repealed.

(4) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to section 411 in the table of contents for that Act, are repealed.

(5) Section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)) is amended by striking "For purposes of" and all that follows through "90-day period" and inserting "For purposes of sections 203(c) and 407(c)(2), the 90-day period".

(6) Section 406(e)(2) of the Trade Act of 1974 (19 U.S.C. 2436(e)(2)) is amended by moving subparagraphs (B) and (C) 2 ems to the left.

(7) Section 503(a)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)(A)(ii)) is amended by striking subclause (II) and inserting the following:

"(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time it is entered.".

(8) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

(A) by striking "481(e)" and inserting "489"; and

(B) by inserting "(22 U.S.C. 2291h)" after "1961".

(9) Section 804 of the Trade Act of 1974 (19 U.S.C. 2494) is amended by striking "481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))" and inserting "489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h)".

(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking "and" after the semicolon.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

"TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

"Sec. 801. Short title.
"Sec. 802. Tariff treatment of products of uncooperative major drug producing or drug-transit countries.
"Sec. 803. Sugar quota.
"Sec. 804. Progress reports.
"Sec. 805. Definitions.".

(b) OTHER TRADE LAWS.—(1) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph (1) with the text of paragraph (2); and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(ii) by striking "subsection (a)(1) through (a)(8)" and inserting "paragraphs (1) through (8) of subsection (a)"; and

(ii) in subparagraph (C)(ii)(I) by striking "paragraph (A)(i)" and inserting "subparagraph (A)(i)".

(2) Section 3(a) of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81c(a)) is amended by striking the second period at the end of the last sentence.

(3) Section 9 of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81i) is amended by striking "Post Office Department, the Public Health Service, the Bureau of Immigration" and inserting "United States Postal Service, the Public Health Service, the Immigration and Naturalization Service".

(4) The table of contents for the Trade Agreements Act of 1979 is amended—

(A) in the item relating to section 411 by striking "Special Representative" and inserting "Trade Representative"; and

(B) by inserting after the items relating to subtitle D of title IV the following:

"Subtitle E—Standards and Measures Under the North American Free Trade Agreement

"CHAPTER 1—SANITARY AND PHYTOSANITARY MEASURES

"Sec. 461. General.
"Sec. 462. Inquiry point.
"Sec. 463. Chapter definitions.

"CHAPTER 2—STANDARDS-RELATED MEASURES

"Sec. 471. General.
"Sec. 472. Inquiry point.
"Sec. 473. Chapter definitions.

"CHAPTER 3—SUBTITLE DEFINITIONS

"Sec. 481. Definitions.

"Subtitle F—International Standard-Setting Activities

"Sec. 491. Notice of United States participation in international standard-setting activities.
"Sec. 492. Equivalence determinations.
"Sec. 493. Definitions.".

(5)(A) Section 3(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking "631(a)" and "1631(a)" and inserting "631" and "1631", respectively.

(B) Section 50(c)(2) of such Act is amended by striking "applied to entry" and inserting "applied to such entry".

(6) Section 8 of the Act of August 5, 1935 (19 U.S.C. 1708) is repealed.

(7) Section 584(a) of the Tariff Act of 1930 (19 U.S.C. 1584(a)) is amended—

(A) in the last sentence of paragraph (2), by striking "102(17) and 102(15), respectively, of the Controlled Substances Act" and inserting "102(18) and 102(16), respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))"; and

(B) in paragraph (3)—

(i) by striking "or which consists of any spirits," and all that follows through "be not shown,"; and

(ii) by striking ", and, if any manifested merchandise" and all that follows through the end and inserting a period.

(8) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 21(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking "disclosure within 30 days" and inserting "disclosure, or within 30 days".

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking "(c)" each place it appears and inserting "(h)".

(10) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended by amending the matter preceding subparagraph (A) to read as follows: "Except as provided in paragraph (2), the following information, when contained in such vessel or aircraft manifest, shall be available for public disclosure:".

SEC. 1002. OBSOLETE REFERENCES TO GATT.

(a) FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1990.—(1)(A) Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(i) in paragraph (3) by striking "General Agreement on Tariffs and Trade" and inserting "GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)" ; and

(ii) in paragraph (5) by striking "General Agreement on Tariffs and Trade" and inserting "WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(B) Section 491(g) of that Act (16 U.S.C. 620c(g)) is amended by striking "Contracting Parties to the General Agreement on Tariffs and Trade" and inserting "Dispute Settlement Body of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(b) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 262n-2(b)) is amended—

(1) in paragraph (1)(A) by striking "General Agreement on Tariffs and Trade or Article 10" and all that follows through "Trade" and inserting "GATT 1994 as defined in section 2(1)(B) of the Uruguay Round Agreements Act, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act"; and

(2) in paragraph (2)(B) by striking "Article 6" and all that follows through "Trade" and inserting "Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)".

(c) BRETTON WOODS AGREEMENTS ACT.—Section 49(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286gg(a)(3)) is amended by striking "GATT Secretariat" and inserting "Secretariat of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(d) FISHERMEN'S PROTECTIVE ACT OF 1967.—Section 8(a)(4) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(4)) is amended by striking "General Agreement on Tariffs and Trade" and inserting "World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act) or the multilateral trade agreements (as defined in section 2(4) of that Act)".

(e) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5712(3)) is amended—

(1) by striking "contracting party to the General Agreement on Tariffs and Trade" and inserting "WTO member country (as defined in section 2(10) of the Uruguay Rqund Agreements Act)"; and

(2) by striking "latter organization" and inserting "World Trade Organization (as defined in section 2(8) of that Act)".

(f) NOAA FLEET MODERNIZATION ACT.—Section 607(b)(8) of the NOAA Fleet Modernization Act (33 U.S.C. 891e(b)(8)) is amended by striking "Agreement on Interpretation" and all that follows through "trade negotiations" and inserting "Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement".

(g) ENERGY POLICY ACT OF 1992.—(1) Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(2) Section 1017(c) of such Act (42 U.S.C. 2296b-6(c)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(h) ENERGY POLICY CONSERVATION ACT.—Section 400AA(a)(3) of the Energy Policy Conservation Act (42 U.S.C. 6374(a)(3)) is amended in subparagraphs (F) and (G) by striking "General Agreement on Tariffs and Trade" each place it appears and inserting "multilateral trade agreements as defined in section 2(4) of the Uruguay Round Agreements Act".

(i) TITLE 49, UNITED STATES CODE.—Section 50103 of title 49, United States Code, is amended in subsections (c)(2) and (e)(2) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)".

TITLE II—TEMPORARY DUTY SUSPENSIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions

SEC. 2001. 6-CHLORO-4-(CYCLOPROPYLETHYNYL)-1, 4-DIHYDRO-4-(TRIFLUROMETHYL)-2H-3, 1-BENZOXAZIN-2-ONE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.56	6-Chloro-4-(cyclopropylethynyl)-1, 4-Dihydro-4-(trifluromethyl)-2H-3, 1-Benzoxazin-2-one (CAS No. 154598–52–4) (provided for in subheading 2934.90.3000)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2002. OXIRANE, (S)-TRIPHENYLMETHYLOXY)METHYL)-.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

9902.33.09	Oxirane, (S)-Triphenylmethyloxy)methyl)- (CAS No. 129940–50–7) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2003. [R-(R*,R*)]-1,2,3,4-BUTANETETROL-1,4-DIMETHANESULFONATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.24	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947–62–2) (provided for in subheading 2905.49.50)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2004. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.25	(S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575–17–6) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2005. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4-(1H)-QUINAZOLINONE, DIHYDROCHLORIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.26	2-amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone, dihydrochloride (CAS No. 152946–68–4) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2006. 9-[2-[[BIS [(PIVALOYLOXY) METHOXY] PHOSPHINYL]- METHOXY] ETHYL]ADENINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

9902.33.01	9-[2-[[Bis [(pivaloyloxy) methoxy] phosphinyl]- methoxy] ethyl]adenine (CAS No. 142340–99–6) (provided for in subheading 2933.59.59)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2007. (R)-9-[-2-(PHOS PHONONMETHOXY PROPYL)ADENINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.03	(R)-9-[-2-(Phos phononmethoxy propyl)adenine (CAS No. 147127–20–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2008. (R)-PROPYLENE CARBONATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.04	(R)-Propylene carbonate (CAS No. 16606–55–6) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2009. 9-(2-HYDROXYETHYL)ADENINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.05	9-(2-Hydroxyethyl)adenine (CAS No. 707–99–3) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2010. (R)-9-(2-HYDROXYPROPYL)ADENINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.06	(R)-9-(2-Hydroxypropyl)adenine (CAS No. 14047–28–0) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2011. CHLOROMETHYL-2-PROPYL CARBONATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.07	Chloromethyl-2-propyl carbonate (CAS No. 35180–01–9) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/99."

SEC. 2012. (R)-CHLOROPROPANEDIOL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.08	(R)-Chloropropanediol (CAS No. 57090–45–6) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/99."

SEC. 2013. IRGANOX 1520.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.14	2,4-bis[(octylthio) methyl]-o-cresol (CAS No. 110553–27–0) provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/1999."

SEC. 2014. IRGANOX 1425.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.16	Calcium bis[monoethyl (3,5-di-tert-butyl-4-hydroxybenzyl)phosphonate]-(Cas No. 65140–91–2) provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/1999."

SEC. 2015. IRGANOX 565.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.18	4-[[4,6-bis(octylthio)-1,3,5-triazine-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991–84–4) provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/1999."

SEC. 2016. IRGANOX 1520LR.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.38.13	2,4-bis[(octylthio) methyl]-o-cresol; epoxidized triglyceride (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/1999."

SEC. 2017. IRGACOR 252LD.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.30	(2-Benzothiazolylthio) butanedioic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40.	Free	No change	No change	On or before 12/31/1999."

SEC. 2018. IRGACOR 1405.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new item:

"9902.32.32	4-methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/1999."

SEC. 2019. 2-AMINO-4-(4-AMINOBENZOYL AMINO)-BENZENESULFONIC ACID SODIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.91	2-amino-4-(4-aminobenzoyl amino)-benzenesulfonic acid sodium salt (CAS No. 167614–37–1) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2000."

SEC. 2020. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESULFONAMIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.15	5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797–78–8) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2000."

SEC. 2021. 3-AMINO-2′-(SULFATOETHYL SULFONYL) ETHYL BENZAMIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.90	3-amino-2′-(sulfatoethyl sulfonyl) ethyl benzamide (CAS No. 121315–20–6) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2000."

SEC. 2022. ACM.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.95	Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004-78-6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/99."

SEC. 2023. C.I. PIGMENT YELLOW 109.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.00	C.I. Pigment Yellow 109 Benzoic acid, 2,3,4,5-tetrachloro-6-cyano-,methyl ester, reaction product with 2-methyl-1,3-benzenediamine and sodium methoxide (CAS No. 106276-79-3) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/99."

SEC. 2024. C.I. PIGMENT YELLOW 110.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.05	C.I. Pigment Yellow 110 Benzoic acid, 2,3,4,5-tetrachloro-6-cyano-,methyl ester, reaction products with p-phenylenediamine and sodium methoxide (CAS No. 106276-80-6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/99."

SEC. 2025. HALOFENOZIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.28	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (CAS No. 112226-61-6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2026. β-BROMO-β-NITROSTYRENE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.92	β-Bromo-β-nitrostyrene (CAS No. 7166–19–0) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2027. BETA HYDROXYALKYLAMIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.38.25	N,N,N',N'-tetrakis (2-hydroxyethyl) hexane diamide (Beta Hydroxyalkylamide) (CAS No. 6334–25–4) (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2028. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.94	2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828-00-2) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2029. GRILAMID TR90.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.39.12	Dodecanedioic acid, polymer with 4,4'-methylenebis (2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2030. C.I. PIGMENT YELLOW 181.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.20	C.I. Pigment Yellow 181 N-[4-(aminocarbonyl)phenyl]-4-[[1[[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino] carbonyl]-2-oxopropyl]azo]benzamide (CAS No. 074441–05–7) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2031. BUTANAMIDE, 2,2′-[3,3′-DICHLORO [1,1′-BIPHENYL]-4,4′-DIYL) BIS (AZO)] BIS [N-(2,3-DIHYDRO- 2 -OXO- 1H -BENZIMIDAZOL- 5 -YL)-3-OXO (PIGMENT ORANGE).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.33	Butanamide, 2,2′-[3,3′-dichloro[1,1′-biphenyl]-4,4′-diyl)bis(azo)]bis[N-2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo (Pigment Orange 72) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2032. BUTANAMIDE, N,N′-(3,3′DIMETHYL[1,1′-BIPHENYL]-4,4′-DIYL)BIS[2-[2,4-DICHLOROPHENYL)AZO]-3-OXO-.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.04	Butanamide, N,N′- (3,3′dimethyl [1,1′-biphenyl] -4,4′-diyl) bis[2-[2,4-dichlorophenyl)azo]-3-oxo- (C.I. Pigment Yellow 16) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2033. C.I. PIGMENT YELLOW 154.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.27	C.I. Pigment Yellow 154 Butanamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-[[2-(trifluoro-methyl)phenyl]azo]- (CAS No. 068134–22–5) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2034. C.I. PIGMENT YELLOW 180.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.22	C.I. Pigment Yellow 180 Butanamide, 2,2′-[1-2,-ethanediylbis-(oxy-2,1-phenyleneazo)]bis[N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo- (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2035. C.I. PIGMENT YELLOW 191.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.28	Benzenesulfonic acid, 4-chloro-2-[[5-hydroxy-3-methyl-1-(3-sulfophenyl)-1H-pyrazol-4-yl]azo]-5-methyl-,calcium salt (1:1) (C.I. Pigment Yellow 191) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2036. KN001.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.05	2-4-dichlon-5-hydrozyhydrazine hydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/ 00."

SEC. 2037. DEMT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.50	N,N-diethyl-m-toluidine (DEMT) (CAS No. 91–67–8) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2038. IN–W4280.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.51	2,4-dichloro-5-hydroxy-phenylhydrazine (CAS No. 39807–21–1) (provided for in subheading 2928.00.5000)	Free	No change	No change	On or before 12/31/ 00."

SEC. 2039. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL)PHENYL]-N-ETHYL-6-FLUOROBENZENE- METHANAMINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

9902.29.24	2-chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine. (CAS No. 62924–70–3) (provided for in subheading 2921.49.95)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2040. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.23	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester. (CAS No. 105512–06–9) (provided for in subheading 2918.90.20.50)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2041. 2,4-DICHLORO 3,5-DINITROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.10	2,4 dichloro 3,5 dinitro benzotrifluoride. (CAS No. 29091–09–6) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2042. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.33	Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester. (CAS No. 99607–70–2) (provided for in subheading 2933.90.82.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2043. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[(TETRAHYDRO-3-OXO-1H, 3H-[1,3,4] THIADIAZOLO [3,4-A]PYRIDAZIN-1-YLIDENE)AMINO]PHENYL]THIO]-, METHYL ESTER.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.34	Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H, 3H-[1,3,4] thiadiazolo [3,4-a] pyridazin-1-ylidene)amino] phenyl]thio]-, methyl ester. (CAS No. 117337–19–6) (provided for in subheading 2934.90.15)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2044. CHLOROACETONE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.21	Chloroacetone. (CAS No. 78–95–5) (provided for in subheading 2914.19.00)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2045. SODIUM N-METHYL-N OLEOYL TAURATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.04	Sodium N-methyl-N oleoyl taurate. (CAS No. 137–20–2) (provided for in subheading 2904.10.50)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2046. DIALKYLNAPHTHALENE SULFONIC ACID SODIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.05	Dialkylnaphthalene sulfonic acid sodium salt. (CAS No. 25638–17–9) (provided for in subheading 3402.11.40)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2047. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYL-CARBONOTHIOATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.38.08	O-(6-chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate. (CAS No. 55512–33–9) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2048. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINO-PYRIMIDINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.35	4-Cyclopropyl-6-methyl-2-phenylamino-pyrimidine. (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2049. O, O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADIAZOL-3(2H)-YL-METHYL]-DITHIOPHOSPHATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.36	O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl- methyl]- dithiophosphate. (CAS No. 950–37–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2050. (ETHYL [2-(4-PHENOXYPHENOXY) ETHYL] CARBAMATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.37	(Ethyl [2-(4-phenoxyphenoxy) ethyl] carbamate. (CAS No. 79127–80–3) (provided for in subheading 2924.10.80)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2051. 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.38.09	3-(6-Methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea. (CAS No. 82097–50–5) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2052. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YL-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.38	[(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)-1-[2-[4-(4-chloro-phenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyly-1H-1,2,4-triazole. (CAS No. 119446–68–3) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2053. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9903.70.06	Substrates of synthetic quartz or synthetic fused silica imported into the United States in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40)	1%	No change	No change	On or before 12/31/ 2000."

SEC. 2054. KL540.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.54	Methyl4-trifluoromethoxyphenyl-N- (chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2055. METHYL THIOGLYCOLATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.58	Methyl thioglycolate (CAS No. 2365–48–2) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/ 2000

SEC. 2056. TEBUFENOZIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.51	N-tert-butyl-N'-(4-ethylbenoyl)-3,5-dimethylbenoylhydrazide (CAS No. 112410–23–8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2057. ORGANIC LUMINESCENT PIGMENTS, DYES, AND FIBERS FOR SECURITY APPLICATIONS, AND 4-HEXYLRESORCINOL (EXCLUDING DAYLIGHT FLORESCENT PIGMENTS AND DYES).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.32.85	Organic luminescent pigments, dyes, for security applications (excluding daylight florescent pigments and dyes) (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/ 2001
9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/ 2001."

SEC. 2058. DPX–E6758.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.59	Phenyl (4, 6-dimethoxy-pyrimidin-2-yl) carbamate (CAS No. 89392–0) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2059. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new item:

"9902.29.57	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80–54–6 provided for in subheading 2912.29.60.00)	6%	No change	No change	On or before 12/31/ 2000."

SEC. 2060. ELIMINATION OF DUTY ON ZIRAM.

Subheading 3808.20.24 of the Harmonized Tariff Schedule of the United States is amended by striking "and Metiram" and inserting "Metiram; and Ziram".

SEC. 2061. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.50	Ethylene, tetrafluoro copolymer with ethylene (ETFE) (provided for in subheading 3904.69.5000)	3.3%	No change	No change	On or before 12/31/ 00."

SEC. 2062. 2-NAPHTHALENE-CARBOXAMIDE 4-[[5-[[[4-(AMINOCARBONYL)PHENYL]AMINO] CARBONYL]-2-METHOXYPHENYL]AZO]-N-(5-CHLORO-2,4-DIMETHOXYPHENYL)-3-HYDROXY-.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.82	2-naphthalene-carboxamide 4-[[5-[[[4-(Aminocarbonyl) phenyl] amino]carbonyl]-2-methoxyphenyl]azo]-N-(5-chloro-2,4-dimethoxyphenyl)-3-hydroxy (Pigment Red 181) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2063. BENZENESULFONIC ACID, 4-[[3-[[2-HYDROXY- 3 -[[4-METHOXYPHENYL) AMINO]CARBONYL]- 1 -NAPHTHA- LENYL]AZO]- 4 -METHYLBENZOYL]AMINO]-, CALCIUM SALT (2:1).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.86	Benzenesulfonic acid, 4-[[3-[[2-hydroxy- 3 -[[4-methoxyphenyl)-amino]carbonyl]- 1 -naphtha-lenyl]azo]- 4 -methylbenzoyl]amino]-, calcium salt (2:1) (Pigment Red 247) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2064. PIGMENT RED 185.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.08	2-naphthalene-carboxaminde N-(2,3-Dihydro- 2 -oxo- 1H -benzimidazol- 5 -yl)- 5 -methyl- 4 -[(methyl amino) sulphonyl] phenyl]azo] (Pigment Red 185) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2065. PIGMENT RED 208.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.10	Benzoic acid, 2-[[3-[[(2,3-dihydro- 2 -oxo- 1H -benzimidazol- 5 -yl) amino]carbonyl]- 2 - hydroxy- 1 -naphthalenyl]azo]-, butyl ester (Pigment Red 208) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2066. PIGMENT RED 188.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.80	Benzoic acid, 4-[[(2,5-dichlorophenyl) amino]carbonyl]-2-[[2-hydroxy-3-[[(2-methoxyphenyl) amino]carbonyl]-1-naphthalenyl]-, methyl ester (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2067. CERTAIN WEAVING MACHINES.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.83.10	Weaving machines (looms) for weaving fabrics of a width exceeding 30 cm, shuttle type: power looms for weaving fabrics of a width not exceeding 4.9 m, if imported without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, and beams (provided for in subheading 8446.21.50)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2068. CHLOROMETHYL PIVALATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.10	Chloromethyl Pivalate (CAS No. 18997–19–8) (Provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2069. 9-[2-(R)-[[BIS [[ISOPROPOXYCARBONYL) OXYMETHOXY]PHOSPHINOYL] METHOXY]PROPYL] ADENINE FUMARATE (1:1).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.02	9-[2-(R)-[[Bis [[isopropoxycarbonyl) oxymethoxy]phosphinoyl] methoxy]propyl] adenine fumarate (1:1) (CAS No. 202138–50–9) (provided for in subheading 2933.59.59)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2070. DIETHYL P-TOLUENE SULFONYLOXYMENTHYLPHOSPHONATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.11	Diethyl p-toluene sulfonyloxymenthylphosphonate (CAS No. 31618–90–3) (Provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2071. 1,4-BENZENEDICARBOXYLIC ACID, 2-[[1-[[(2,3-DI-HYDRO-2-OXO-1H-BENZIMIDAZOL-5-YL)AMINO CARBONYL]-2-OXOPROPYL]AZO]-,DIMETHYL ESTER.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.34	1,4-Benzenedicarboxylic acid, 2-[[1-[[(2,3-di-hydro- 2 -oxo-1H-benzimidazol- 5 -yl)amino carbonyl]- 2 -oxopropyl]azo]-, dimethyl ester (Pigment Yellow 175) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2072. ANTI-HIV/ANTI-AIDS DRUGS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.84	3-(Acetyloxy)-2-methyl-benzoic acid (CAS No. 168899–58–9) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2073. ANTI-CANCER DRUGS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.59	(S)-N-[[5-[2-(2- Amino- 4,6,7,8-tetra- hydro-4-oxo- 1H- pyrimido [5,4-b] [1,4] thiazin- 6-yl)ethyl]-2- thienyl] carbonyl]-L- glutamic acid diethyl ester (CAS No. 177575–19–8) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2074. 2-AMINO-5-BROMO-6-METHYL-4-(1H)-QUINAZOL- INONE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.60	2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone (CAS No. 147149–89–1) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2075. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4-(1H)-QUINAZOLINONE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.21	2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone (CAS No. 147149–76–6)(provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2076. 2-AMINO-5-NITROTHIAZOLE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.61	2-Amino-5-nitrothiazole (CAS No. 121–66–4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2077. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.62	2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 30693–53–9) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2078. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.63	2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346–51–4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2079. 2-AMINO-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.36	2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96–75–3) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2080. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-Y1)BENZENESULFONIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.38	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl) benzenesulfonic acid (CAS No. 119–17–5) (provided for in subheading 2933.19.43)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2081. 4-CHLORO-3-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.48	4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121–18–6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2082. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.83	4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671–49–4) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2083. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.52	4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691–19–9) (provided for in subheading 2904.90.40)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2084. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.64	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2085. 6-BROMO-2,4,DINITROANILINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.81	6-Bromo-2,4, dinitroaniline (CAS No. 1817–73–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2086. 4-CHLOROPYRIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.65	4-Chloropyridine hydrochloride (CAS No. 7379–35–3) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2087. 3-ETHOXYCARBONYL-AMINOPHENYL-N-PHENYL- CARBAMATE (DESMEDIPHAM).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	3-Ethoxycarbonyl-aminophenyl-N-phenylcarbamate (Desmedipham) (CAS No. 13684–56–5) (provided for in subheading 2924.29.41)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2088. [S-(R*,R*)]-2,3-DIHYDROXY-BUTANEDIOIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.23	[S-(R*,R*)]-2,3-dihydroxy-butanedioic acid (CAS No. 147–71–7) (provided for in subheading 2918.19.90 or 2918.90.50)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2089. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.19	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915–43–5) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2090. DIIODOMETHYL-P-TOLYLSULFONE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.90	Diiodomethyl-*p*-tolylsulfone (CAS No. 20018–09–1) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2091. 2-ETHOXY-2,3-DIHYDRO-3,3-DIMETHYL-5-BENZOFURANYL METHANESULFONATE (ETHOFUMESATE).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.20	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl- methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225–79–6) (provided for in subheadings 2932.99.08 and 3808.30.15)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2092. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.64.04	Skating boots for use in the manufacture of in-line roller skates (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2093. 2-4-DICHLORO-5-HYDRAZINO-PHENOL-MONOHY- DROCHLORIDE.

Subchapter II of Chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.98	2-4-Dichloro-5-hydrazino-phenol-monohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/ 98."

SEC. 2094. 3-MERCAPTO-D-VALINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.66	3-Mercapto-D-valine (CAS No. 52–67–5) (provided for in subheading 2930.90.45)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2095. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.91	6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118–33–2) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2096. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.67	6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976–35–7) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2097. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE- SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.68	7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360–29–2) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2098. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHALENE- DISULFONIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.40	4-Benzoylamino-5- hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117–46–4) (provided for in subheading 2924.29.75)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2099. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHALENE- DISULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.42	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873–39–5) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2100. P-ETHYLPHENOL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.21	p-Ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2101. PANTERA.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.09	(+/−)- Tetrahydrofurfuryl (R)-2-[4-(6-chloroquinoxalin-2-yloxy) phenoxy] propanoate (CAS No. 119738–06–6) (provided for in subheading 2909.30.40) and any mixtures containing the same	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2102. 3-METHYL- CARBONYL- AMINOPHENYL-3'-METHYL-CARBANILATE (PHENMEDIPHAM).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.22	3-Methyl- carbonyl- aminophenyl-3'-methyl-carbanilate (phenmedipham) (CAS No. 13684-63-4) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2103. 2-AMINO-P-CRESOL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.93	2-Amino-p-cresol (CAS No. 95–84–1) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2104. 4-PHENOXYPYRIDINE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.69	4-Phenoxypyridine (CAS No. 4783–86–2) (provided for in subheading 2933.90.82)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2105. P-NITROBENZOIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.70	p-Nitrobenzoic acid (CAS No. 62–23–7) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2106. P-TOLUENESULFONAMIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.95	p-Toluenesulfonamide (CAS No. 70–55–3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2107. TANNIC ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.71	Tannic acid, containing by weight 50 percent or more of tannic acid (CAS No. 1401–55–4) (provided for in subheading 3201.90.10)	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2108. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.39.04	Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2109. METHYL 2-[[[[4-(DIMETHYLAMINO)-6-(2,2,2- TRIFLUOROETHOXY)-1,3,5-TRIAZIN-2-YL]- AMINO]CARBONYL]-AMINO]SULFONYL]-3-METHYLBENZOATE (TRISULFURON METHYL).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.38.11	Methyl 2-[[[[4- (dimethylamino)-6-(2,2,2- trifluoroethoxy)- 1,3,5-triazin-2-yl]- amino]carbonyl]- amino]sulfonyl]-3-methylbenzoate (trisulfuron methyl) in mixture with application adjurants. (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/ 99."

SEC. 2110. SUSPENSION OF DUTY ON CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheadings:

"9902.84.79	Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use with a rim measuring 86 cm or more in diameter provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40, numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90 (part) or 8420.99.90 (part)) and material holding devices or similar attachments thereto	Free	No change	No change	On or before 12/31/ 2000
9902.84.81	Shearing machines used to cut metallic tissue to be used in the production of radial tires designed for off-the-highway use with a rim measuring 86 cm or more in diameter provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40, numerically controlled (provided for in subheading 8462.31.00 or subheading 8466.94.85 (part))	Free	No change	No change	On or before 12/31/ 2000

9902.84.83	Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use with a rim measuring 86 cm or more in diameter provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40, numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85 (part))	Free	No change	No change	On or before 12/31/ 2000
9902.84.85	Extruders to be used in the production of radial tires designed for off-the-highway use with a rim measuring 86 cm or more in diameter provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40, numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85 (part))	Free	No change	No change	On or before 12/31/ 2000
9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use with a rim measuring 86 cm or more in diameter provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40, numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85 (part))	Free	No change	No change	On or before 12/31/ 2000
9902.84.89	Sector mold press machines to be used in the production of radial tires designed for off-the-highway use with a rim measuring 86 cm or more in diameter provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40, numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85 (part))	Free	No change	No change	On or before 12/31/ 2000
9902.84.91	Sawing machines to be used in the production of radial tires designed for off-the-highway use with a rim measuring 86 cm or more in diameter provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40, numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or subheading 8466.92.50 (part))	Free	No change	No change	On or before 12/31/ 2000."

SEC. 2111. SE2SI SPRAY GRANULATED (HOE S 4291).

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.39.07	A saturated polyester in primary form (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/ 2002."

SEC. 2112. PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.98.08	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women's World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow	Free	No change	Free	On or before 1/1/ 2003."

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) NO EXEMPTION FROM CUSTOMS INSPECTIONS.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

SEC. ~~2112.~~ *2113.* EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by this title apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Subtitle B—Other Trade Provisions

SEC. 2501. EXTENSION OF CERTAIN TRADE BENEFITS OF INSULAR POSSESSIONS OF THE UNITED STATES TO CERTAIN FINE JEWELRY .

(a) IN GENERAL.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

"*3. (a) Notwithstanding any other provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided in paragraph (h) of additional U.S. note 5 to chapter 91, subject to the provisions and limitations of that note and of paragraphs (b), (c), and (d) of this note.*

"*(b) Nothing provided for in this note shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or quantitative limitation otherwise established pursuant to the requirements of, additional U.S. note 5 to chapter 91.*

"*(c) Nothing provided for in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (h)(iv) of additional U.S. note 5 to chapter 91.*

"*(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as they determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements established by the United States Customs Service but may define the circumstances under which articles of jewelry shall be deemed to be 'units' for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.*".

(b) CONFORMING AMENDMENTS.—Additional U.S. note 5 to chapter 91 of the Harmonized Tariff Schedule of the United States is amended—

(1) in subdivision (a), by inserting after "chapter" the following: "and any article of jewelry provided for in heading 7113 (under the terms of additional U.S. note 3 to chapter 71)"; and

(2) in subdivision (b), by inserting after "watches)" the following: "and any article of jewelry provided for in heading 7113".

SEC. 2502. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.

(a) IN GENERAL.—U.S. Note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: "The term 'instruments and apparatus' under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subdivision that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.".

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. Note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

"*(d)(i) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus of equivalent scientific value to the instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, is being manufactured in the United States, the Secretary shall report the findings to the Secretary of the Treasury and to the applicant institution and all components of the instrument or apparatus shall remain dutiable.*

"*(ii) If the Secretary of Commerce determines that the instrument or apparatus is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of the instrument or apparatus is being manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant institution, and any component found to be domestically available shall remain dutiable.*

"*(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.*".

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 120 days after the date of the enactment of this Act.

SEC. 2503. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A–274–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry	Port
322 00298563	12/11/86	Los Angeles, California
322 00300567	12/11/86	Los Angeles, California
86-2909242	9/2/86	New Orleans, Louisiana
87-05457388	1/9/87	New Orleans, Louisiana

SEC. 2504. FINISHED PETROLEUM DERIVATIVES DRAWBACK.

The Secretary of the Treasury shall convene a working group of interested parties and, not later than March 31, 1999, publish regulations and, if necessary, submit legislation to the Congress, to modify and simplify the processing of finished petroleum derivatives drawback claims.

SEC. 2505. DRAWBACK AND REFUND OF PACKAGING MATERIAL.

(a) IN GENERAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking "Packaging material" and inserting the following:

"(1) IN GENERAL.—Packaging material"; and

(2) by adding at the end the following:

"(2) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce the packaging material.".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2506. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN-TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

"(c) FOREIGN-TRADE ZONES.—Not later than January 1, 1999, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.".

SEC. 2507. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 484a the following:

"SEC. 484b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

"(b) DEFINITION.—As used in this section, the term 'large yacht' means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

"(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

"(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

"(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States.

"(d) PROCEDURES UPON SALE.—

"(1) DEPOSIT OF DUTY.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(e) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

"(1) IN GENERAL.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(2) ADDITIONAL REQUIREMENTS.—No extensions of the bond period shall be allowed. Any large yacht exported in compliance with the bond period may not be reentered for purposes of sale at a boat show in the United States (in order to receive duty deferral benefits) for a period of 3 months after such exportation.

"(f) REGULATIONS.—The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any large yacht imported into the United States after the date that is 15 days after the date of the enactment of this Act.

SEC. 2508. REVIEW OF PROTESTS AGAINST DECISIONS OF CUSTOMS SERVICE.

Section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)) is amended by inserting after the third sentence the following: "Within 30 days from the date an application for further review is filed, the appropriate customs officer shall allow or deny the application and, if allowed, the protest shall be forwarded to the customs officer who will be conducting the further review.".

SEC. 2509. ENTRIES OF NAFTA-ORIGIN GOODS.

(a) REFUND OF MERCHANDISE PROCESSING FEES.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1) by inserting "(including any merchandise processing fees)" after "excess duties".

(b) PROTEST AGAINST DECISION OF CUSTOMS SERVICE RELATING TO NAFTA CLAIMS.—Section 514(a)(7) of such Act (19 U.S.C. 1514(a)(7)) is amended by striking "section 520(c)" and inserting "subsection (c) or (d) of section 520".

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2510. TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE HELD AT CUSTOMS-APPROVED STORAGE ROOMS.

(a) IN GENERAL.—Section 557(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1557(a)(1)) is amended in the first sentence by inserting "(including international travel merchandise)" after "Any merchandise subject to duty".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2511. EXCEPTION TO 5-YEAR REVIEWS OF COUNTERVAILING DUTY OR ANTIDUMPING DUTY ORDERS.

Section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) is amended by adding at the end the following:

"(7) EXCLUSIONS FROM COMPUTATIONS.—(A) Subject to subparagraph (B), there shall be excluded from the computation of the 5-year period described in paragraph (1) and the periods described in paragraph (6) any period during which the importation of the subject merchandise is prohibited on account of the imposition, under the International Emergency Economic Powers Act or other provision of law, of sanctions by the United States against the country in which the subject merchandise originates.

"(B) Subparagraph (A) shall apply only with respect to subject merchandise which originates in a country that is not a WTO member.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 4342.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 4342, a bill to make technical corrections and miscellaneous amendments to trade laws.

H.R. 4342 is a package of miscellaneous trade provisions and other technical and clerical corrections that were introduced originally as separate bills. Collecting these highly technical miscellaneous bills into a single legislative package is an enormous task undertaken in each Congress. Given these difficulties, we have worked on developing and applying a set of consistent, transparent guidelines for handling miscellaneous trade proposals.

The provisions in H.R. 4342 fall into two titles. The first title makes clerical corrections to trade laws. The second title of H.R. 4342 contains two subtitles. The first subtitle contains 112 various duty suspensions and tariff reductions. A large portion of the provisions in this section would temporarily suspend the duty on a variety of anti-HIV/AIDS and anti-cancer drugs. Other provisions temporarily suspend the duties on a wide array of chemicals, including many which are environmentally friendly substitutes for those containing toxic heavy metals.

Another notable provision would provide for duty-free treatment to all participants and individuals associated with the 1999 International Special Olympics, the 1999 Women's World Cup Soccer, which, incidentally, will be held in my home State of Illinois, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Para-Olympic Games.

The package of trade bills has been thoroughly evaluated and commented on by all concerned parties, including the U.S. Customs Service, the Department of Commerce, the International Trade Commission, the United States Trade Representative, and the general public, including firms which may have an interest in a tariff suspension on a product they produce domestically, including those from Youngstown, Ohio.

The provisions that remain in the bill are completely noncontroversial and revenue neutral, and many will enable U.S. firms to produce goods more competitively and cost efficiently. Accordingly, I urge my colleagues to support this package.

Madam Speaker, I reserve the balance of my time.

Mr. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4342, the Miscellaneous Trade and Technical Corrections Act of 1998, which I cosponsored with the gentleman from Illinois (Mr. CRANE). This bill was favorably reported out of the Committee on Ways and Means on a voice vote.

H.R. 4342 is a bipartisan bill. It consolidates 112 tariff and 11 trade bills introduced this Congress by Members on both sides of the aisle, as well as proposals from the administration and technical corrections to various trade statutes.

Most of the provisions suspend duties temporarily on imports of specific products, such as drugs to fight AIDS and cancer for which there is no domestic production. These duty suspensions will reduce costs for imported raw material used in manufacturing products domestically. Other provisions correct errors or improve the operations of various customs or other trade laws.

The bill allows the duty-free entry of equipment and personal effects for participants in the 1999 Special Olympics, the Women's World Cup, and the 2002 Winter Olympics. In addition, H.R. 4342 will bring U.S. law into conformity with an international agreement on duty-free importation of large scientific instruments.

This package of tariff and trade bills has been thoroughly reviewed and evaluated by all interested parties to ensure that none of the provisions are controversial. The committee solicited comments from the private sector, the views of the U.S. Customs Service, the Department of Commerce, the U.S. Trade Representative and, of course, the International Trade Commission. These agencies' review ensures that no domestic producers or other private sector interests will be adversely affected. Only provisions which were determined by the CBO to be revenue neutral were included in the bill.

H.R. 4342 will improve the cost competitiveness of domestic companies by removing tariffs which have no protective effect on inputs they need for manufacturing, and will reduce costs for consumers of important drugs.

Madam Speaker, I would like to again commend the gentleman from Illinois for shepherding this bill through the subcommittee, the full committee, and now on the floor of the House. I urge my colleagues to vote for 4342.

Madam Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN). H.R. 4342 includes a bill she introduced, which was H.R. 2498, to extend the production incentive certificate program to fine jewelry produced in the insular possessions.

Ms. CHRISTIAN-GREEN. Madam Speaker, I thank my colleague for yielding me this time.

Madam Speaker, I rise in strong support of H.R. 4342, which makes miscellaneous and technical changes to various trade laws. I want to thank the sponsors of this bill, the gentleman from California (Mr. MATSUI) and the gentleman from Illinois (Mr. CRANE).

And I also want to thank the chairman and ranking member of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL), for including my bill to extend certain trade benefits of the U.S. Insular Areas under the Harmonized Tariff Schedule to certain fine jewelry.

Madam Speaker, this is a very proud day for me, and a momentous day for the people of the Virgin Islands, whom I represent. It is a proud day because the passage of H.R. 4342 will mean that we will be one step closer to breathing life into an industry which at one time provided nearly 1,000 direct jobs for my constituents on Saint Croix and several thousand more indirect jobs. It would also breathe life into an economy which has been teetering on the brink of death for nearly 10 years.

Since 1989, when Hurricane Hugo, the first of three major storms, hit our islands, our economy has been severely wounded. Even today, as this country is experiencing an economic boom, the economy of the Virgin Islands continues to decline.

All sectors of the Virgin Islands' economy are in trouble. Tourism, which makes up almost 70 percent of our economy, continues to suffer from the effects of these storms as well as from a lack of affordable airline fares and other factors. As a result, we are experiencing an unemployment rate which has more than doubled in the past 5 years.

Enactment of my jewelry wage credits bill will mean the creation of good, well-paying jobs for the Virgin Islands, utilizing an already existing labor force and their skills. As a recent editorial in the Virgin Islands Daily News noted, passage of H.R. 4342, which includes my jewelry bill, and I quote, "Will go a long way towards improving our stagnant economy."

Madam Speaker, I want to thank attorney Peter Heibert for his invaluable assistance, and attorney Brian Modeste on my own staff for his diligence on this bill.

I ask my colleagues to help me bring hope back to my district. I ask for a vote of "yes" on H.R. 4342.

Mr. MATSUI. Madam Speaker, I yield myself such time as I may consume to add that the gentlewoman from the Virgin Islands has done a tremendous job on making sure the provisions she sought were in the legislation. We appreciate her efforts there.

Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), whose bill, H.R. 3375, to reduce duty temporarily on synthetic quartz substrates, is included in our legislation. And I want to congratulate him as well for his efforts to get this in there.

Mr. DOGGETT. Madam Speaker, I thank my colleague for yielding me this time, and certainly thank the gentleman from Illinois (Mr. CRANE) also, and rise in support of H.R. 4342.

One of this bill's sections does, as the gentleman from California (Mr. MATSUI) just noted, incorporate in its entirety a bill that I filed in March, H.R. 3375, to reduce tariffs on imports of synthetic quartz substrates.

□ 1315

These substrates are used by DuPont Photomasks based down in central Texas to manufacture photomasks.

Now, photomasks are not the kind you wear on Halloween. Rather, they are a very important form that provide the master patterns that are used to transfer circuit images onto silicon wafers to make chips, which are in turn a very vital component of many everyday products from cell phones to medical equipment.

For many years now, the central Texas high-tech workers at DuPont Photomasks and other of the companies along the Silicon Trail there in central Texas have produced the building blocks for America's industries into the 21st century. Every day over 300 workers go over to the DuPont plant.

They are improving the semiconductor manufacturing process. They are involving the students and faculty at the University of Texas with some important educational opportunities and staying right on the frontier, with their research projects, of the technological frontier that is so important to America's future.

Our government should be encouraging and supporting this creative industry and the people who have transformed central Texas into a high-tech center for ingenuity and growth.

This tariff reduction is necessary because our tariff rates on these substrates imports have placed the DuPont facility and its central Texas workers at a competitive disadvantage compared to Asian photomask manufacturers. There are no manufacturers of these substrates here in the United States, and our current tariff of almost 5 percent adds hundreds of thousands of dollars in unnecessary costs to the DuPont manufacturing process. This bill will remove an unnecessary cost that has hurt our ability to compete on the world market.

Together with the other tariff reductions that are contained in this bill, they represent at least a modest but very positive statement about the benefits of expanding international commerce. These are benefits both for the United States economy and the American worker.

I believe that our economic future lies in removing more barriers to trade. This is a good step forward. I urge prompt approval of this legislation and the principle that underlies it.

Mr. MATSUI. Madam Speaker, last but not least, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT) who will vote for this bill.

Mr. TRAFICANT. Madam Speaker, I am going to vote for the bill but I wanted to respond to the full employment statement of the gentleman from Illinois (Chairman CRANE) and I want to read some of the new jobs that have been created in the Dictionary of Labor Statistics: gizzard skin remover; corncob pipe assembler; fur blower; burger broiler; hotcake chef; ticket taker; jelly roller; cream puff specialist; manure handler; hardness inspector; brassiere cup molder cutter; and pantyhose crotch closure machine operator.

There is also, I would say to the gentleman from Illinois, a pantyhose crotch closure machine operator supervisor. I would venture to say there is a pantyhose crotch closure machine operator foreman.

I want to make a point here. I do not believe America is at full employment. I believe America is at absolutely peak underemployment, and many families need three, four jobs just to pay their bills. So as we keep watching the up and down Viagra motions of Wall Street, keep in mind not everything that looks so rosy smells so good when you hold it to your nosey on this trade business.

Now, I do not know all the details of this trade business, but I do have confidence in the gentleman from Illinois (Mr. CRANE) and the gentleman from California (Mr. MATSUI), and I will support these technical corrections. But I want to say this again: Individual bankruptcy is at an all-time high; credit car debt, all-time high. The American people are under the gun.

We just have seen a strike at General Motors. Thank God it was not a national strike. How many of these plants will move offshore? I am scared to death, as every Member is, because they surely could move offshore under these trade laws and make more profits without our American workers.

But let me tell my colleagues something. The people who pay the taxes to keep this freight on track are the American workers. No workers, no consumers. No workers, no consumers, no tax. No tax, big problems.

So, with that, I am going to make the pitch here for tax. Let us keep American workers. Our tax problems will work out. I will support these technical corrections, but I do not want to hear any more about this full employment.

I have heard enough about panty hose crotch closers, I say to the gentleman from Illinois (Mr. CRANE), and I think it is time he comes clean.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

I would simply remind my distinguished colleague the gentleman from Ohio (Mr. TRAFICANT) that I have seven daughters, and so these are issues of concern I think to any father.

But let me remind my distinguished colleague also of the consideration of the H-1(b) visa vote forthcoming that would permit entry into this country with special visas of 65,000 skilled, skilled, workers because we cannot find them in our own labor force here in the United States. And I would urge that he look at Congress Daily, where it says, "Business groups, especially high-tech companies, want to increase the current annual allotment of 65,000 H-1(b) visas per year to address what they say is a shortage of computer workers."

And so we can have our honest disagreements on this. But I am so appreciative that the gentleman from Ohio (Mr. TRAFICANT) is, nonetheless, supporting this bill we have under consideration today.

Mr. SHAW. Madam Speaker, I rise in strong support of H.R. 4342, the Miscellaneous Trade and Technical Corrections Act of 1998. This bill has many provisions within it which will help small companies throughout the United States. In particular, one provision within this bill will directly help many of my constituents. The provision which I am speaking about this afternoon will allow duty deferral of large yachts imported for sale at U.S. boat shows. The change will put the onus of paying the duty on the end purchaser of the boat and not the importer. Current law requires importers of used boats intended for resale to pay the duty in advance—this acts as a significant barrier to imports.

In my district of West Palm Beach and Fort Lauderdale, this provision will help spur the economy by allowing more and bigger yachts into the shows without having to pay the duty up front. This will lead to, increased sales of such large boats, which can pump tens of thousands of dollars into local economies because of related expenditures such as the cost of a supporting crew, docking fees, boat repairs, and supplies. The changing of this requirement will also allow importers to reduce the cost of starting new shows and enable small companies to participate in the current shows.

In addition to the duty free entry of large yachts, this bill also contains provisions which will allow duty free entry of certain chemicals that are integral to fighting cancer and AIDS. For these reasons I urge a yes vote on H.R. 4342.

Mr. MATSUI. Madam Speaker, I yield back the balance of my time.

Mr. CRANE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 4342, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4342, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

LIBRARY OF CONGRESS BICENTENNIAL COMMEMORATIVE COIN ACT OF 1998

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3790) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress

The Clerk read as follows:

H.R. 3790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Library of Congress Bicentennial Commemorative Coin Act of 1998".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) BIMETALLIC COINS.—The Secretary may mint and issue not more than 200,000 $10 bimetallic coins of gold and platinum instead of the gold coins required under subsection (a)(1) in accordance with such specifications as the Secretary determines to be appropriate.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

(a) PLATINUM AND GOLD.—The Secretary shall obtain platinum and gold for minting coins under this Act from available sources.

(b) SILVER.—The Secretary may obtain silver for minting coins under this Act from stockpiles established under the Strategic and Critical Materials Stock Piling Act and from other available sources.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the Library of Congress.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2000"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Library of Congress and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2000, and ending on December 31, 2000.

(d) PROMOTION CONSULTATION.—The Secretary shall—

(1) consult with the Library of Congress in order to establish a role for the Library of Congress in the promotion, advertising, and marketing of the coins minted under this Act; and

(2) if the Secretary determines that such action would be beneficial to the sale of coins minted under this Act, enter into a contract with the Library of Congress to carry out the role established under paragraph (1).

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge established by the Secretary, in an amount equal to not more than—

(1) $50 per coin for the $10 coin or $35 per coin for the $5 coin; and

(2) $5 per coin for the $1 coin.

SEC. 7. DISTRIBUTION OF SURCHARGES.

All surcharges received by the Secretary from the sale of coins issued under this Act shall be paid by the Secretary to the Library of Congress Trust Fund Board in accordance with section 5134(f) of title 31, United States Code (as added by section 529(b)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1997), to be used for the purpose of supporting bicentennial programs, educational outreach activities (including schools and libraries), and other activities of the Library of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3790, the Library of Congress Bicentennial Commemorative Coin Act of 1998. Aside from commemorating a very worthy institution on the celebration of its bicentennial in the year 2000, this bill conforms in all aspects to the coin reform legislation that we have passed in this Congress and the last. It also promises to be of great numismatic interest because it permits the minting of the first bimetallic coins in this Nation's history, combining gold and platinum.

This commemorative has already been approved by the Citizens Commemorative Coin Advisory Committee, as required under our coin reform legislation passed this Congress and the last. It also meets other strictures of those reforms, including mintage limits and retention of surcharge payments until all the Government's costs are recovered from the program.

I would also add that the gentleman from California (Mr. THOMAS) has been extremely energetic in obtaining 299 cosponsors, we need 290, in near record time.

I urge the immediate adoption of H.R. 3790.

Madam Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Madam Speaker, I yield myself such time as I may consume.

I would like to join my colleague in support of the legislation and to spend just one moment trying to get across how important this legislation is.

It is not simply a coin that rightfully commemorates the history of this great institution, the Library of Congress. It is not just something that is going to make money and pay for some of its operations. It will indeed, for the first time, put something I think that every American ought to have access to, and that is the information at the Library of Congress. The digitizing of the Library's resources really changes who gets to access this information.

I grew up in a small town. Oftentimes if we lived in a small town, we did not have access to the latest information, to the great depth of information that is needed, intellectual curiosity cut off by the lack of a library.

Well, today we have got the Internet. And while it has some great things on it, it has got an awful lot of junk. This is going to put some high-quality information for people to access. It will pay for it without raising additional revenues through the general treasury.

The funds that are necessary to this run out very shortly. Passing this is an important step to fund the digitizing of the information of the Library of Congress. It will be one of the best things we do for the American people.

Madam Speaker, I reserve the balance of my time.

Mr. CASTLE. Madam Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for his kind words.

Mr. GEJDENSON. Madam Speaker, I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3790.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3790.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

JAMES F. BATTIN FEDERAL COURTHOUSE

Mr. KIM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3696) to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin Federal Courthouse," as amended.

The Clerk read as follows:

H.R. 3696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 316 North 26th Street in Billings, Montana, shall be known and designated as the "James F. Battin United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James F. Battin United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3696, as amended, designates the United States Courthouse located in Billings, Montana, as the "James F. Battin United States Courthouse."

Judge Battin was a Federal District Judge for the United States District Court of Montana, and he was also a former Member of this Congress, having served in the House of Representatives for the 87th through the 91st Congress. He was appointed to the Federal bench by President Nixon in 1969 and served as Chief Judge from 1978 until he elected to take a senior status in 1990.

From the bench he diligently served the District of Montana, as well as additional assignments in the United States District Courts for Washington, Oregon, California, Arizona, Hawaii, and Georgia.

During his tenure in Congress, he served on the Committee on Committees, the Executive Committee, the Judiciary Committee, Foreign Affairs Committee, and the Committee on Ways and Means.

This certainly is a fitting tribute to a distinguished judge and dedicated public servant. I support the bill, as amended, and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am proud to support this bill. While in Congress, Judge Battin served on the Committee on the Judiciary, Committee on Foreign Affairs, and the Committee on Ways and Means.

It is interesting to note that Judge Battin's son, Jim, currently serves in the California Assembly representing the 80th District. I think it is proper to honor those contributions. And I want to compliment the sponsor of the bill, the gentleman from Montana (Mr. HILL) for his contribution. I am proud to support the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KIM. Madam Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. HILL).

Mr. HILL. Madam Speaker, I am pleased today to present to the House H.R. 3696, legislation to designate the Federal courthouse in downtown Billings, Montana, as the "James F. Battin Federal Courthouse."

While there are a few Members in and around this Chamber who will probably remember Jim Battin as Montana's Eastern District congressman, and others who remember him as a distinguished member of the Federal bench, I want to take just a few moments today to give my colleagues some reflections on the life of the man that we will honor today.

James Battin earned a reputation for effectiveness and integrity during five terms in the Congress and 27 years on the Federal bench.

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His accomplishments range from building new protections for the environment and wilderness preserves, to rulings on streamlining Federal judiciary proceedings. He created the precedent for the now universally accepted six-man Federal jury in civil cases.

After high school, James Battin served in the U.S. Navy during World War II. After the war he began his career in public service as a city attorney in Billings, Montana. In 1958 he was elected to the Montana State legislature, and successfully ran for a seat in the U.S. House of Representatives in 1960.

During his first term in the U.S. House of Representatives, James Battin was chosen by his fellow freshman legislators to sit on the House Committee on Committees. As a member of this critical House overseer, he secured a seat for himself on the Committee on Ways and Means. Monitoring the federal purse strings from this vantage point, Battin solidified the respect of his colleagues, exerting great influence on behalf of his large home State.

In his second term, Battin was appointed to the House Foreign Affairs Committee. An assignment to the House Judiciary Committee followed soon thereafter. With a growing list of congressional responsibilities and influence, he came to play an instrumental role in a host of legislation, among these the law creating the Montana Bob Marshall Wilderness Area, at the time the largest wildlife area in the United States. Throughout the 1960s he would serve Montana for five terms in the U.S. House, each time winning reelection by an ever-larger landslide margin.

In addition to his duties in Washington, James Battin would go on to serve as one of the two U.S. congressional representatives to the Intergovernmental Committee on European Migration which met in Geneva. This group helped persons forced from behind the Iron Curtain to reestablish in other countries in useful occupations. As an emissary of his Nation he brought the assistance and stewardship of our government to people forming businesses abroad.

In 1968 Battin was selected to serve as President Nixon's representative to the Platform Committee at the Republican National Convention. Amid a time of change and upheaval and war abroad, he helped articulate his party's vision for America. With a congressional career moving at full pace and his influence increasing each year, Battin welcomed new representatives and he took them under his wing.

In 1969 James Battin was asked by President Nixon to serve as a Federal district judge on the Ninth Circuit Court of Appeals in San Francisco. The new post appealed to the five-term Congressman and represented a huge stepping stone in his career. However, Battin declined because, while he aspired to be a Federal judge, he also wanted to raise his family in the quiet beauty of Montana, a life unlike what he would have expected in San Francisco.

Soon after, a Federal judgeship became available in his home State and in Billings. His judicial home became the Billings Federal Building, which we are redesignating today.

James Battin became the first judicial appointment of the new Nixon administration. He went on to serve and excel in that post for 27 years, becoming the District of Montana's chief judge in 1978. During the time Battin issued key rulings affecting the lives of Montana citizens, among them preserving access to the Bighorn River for all people. A dedicated and hard working man, he remained on the bench until his passing in the autumn of 1996.

James Battin is best remembered as a dedicated husband and father whose first priority was always his family. While he preceded us here by more than 30 years, he stood for the enduring values that bring so many of us to Congress today, the importance of family, a better government and the desire to serve our fellow man.

H.R. 3696 is a tribute to a great person. His accomplishments are numerous, and his contribution to the lives of his neighbors is echoed by the wide support he enjoyed among Montana residents for decades.

Mr. Speaker, I am proud to offer this legislation as a token of Montana's and the Nation's deep gratitude for a lifetime of dedicated service. I urge Members' support of H.R. 3696.

Mr. TRAFICANT. Madam Speaker, I support the legislation.

Madam Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. KIM. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 3696, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the 'James F. Battin United States Courthouse'.".

A motion to reconsider was laid on the table.

JOSEPH P. KINNEARY UNITED STATES COURTHOUSE

Mr. KIM. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1800) to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse".

The Clerk read as follows:

S. 1800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOSEPH P. KINNEARY UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, shall be known and designated as the "Joseph P. Kinneary United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Joseph P. Kinneary United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1800 designates the Federal building and United States courthouse located in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse."

Judge Joseph Kinneary has served and continues to serve his country in a distinguished manner. During World War II, Judge Kinneary served in the United States Army from 1942 to 1946. He has also held the offices of Assistant Attorney General and First Assistant Attorney General for the State of Ohio, as well as United States Attorney for the Southern District of Ohio. In 1961, President Johnson appointed Judge Kinneary to the Federal bench for the Southern District of Ohio, where after 32 years he continues to preside and maintain an active docket.

Judge Kinneary gives new meaning to the phrase "dedicated public servant." This is a fitting tribute.

I support the bill, and I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Madam Speaker, I yield myself such time as I may consume. I am proud to support this bill as an Ohio resident that takes pride in the long distinguished service career of Judge Kinneary.

Judge Kinneary has served on the Ohio Federal bench for over 32 years, and even today, Madam Speaker, as we deliberate this tribute to the fine judge, he continues to serve the citizens of Ohio as a senior judge very active in carrying a docket of cases.

As has been stated, the good judge graduated from law school in 1935 and practiced law as an Assistant Attorney General until 1939. During World War II he served his country in the Army from 1942 until 1946.

After the war, Judge Kinneary returned to Ohio. In 1949 he became the First Assistant Attorney General of Ohio. In 1961, as the gentleman from California (Mr. KIM) has stated, President Kennedy appointed Judge Kinneary as the United States Attorney for the Southern District of Ohio where his work has been an example to all who have followed him. President Johnson then appointed Judge Kinneary to the District Court for the Southern District of Ohio in 1966, and the rest is history that we are all in Ohio, Buckeyes, proud of.

Judge Kinneary's long distinguished career spans almost six decades in service to the Buckeye State. It is absolutely fitting and proper here today that the Congress of the United States pay tribute to this outstanding judge by designating the Federal building in Columbus, Ohio, as the Joseph P. Kinneary United States Courthouse. I am proud to be a part of this process.

Madam Speaker, I want to compliment the gentleman from Ohio (Mr. LATOURETTE) my neighbor to the north for being a part of this process and bringing this to the attention of the United States Congress.

I urge an "aye" vote.

Mr. PORTMAN. Madam Speaker, I rise today to pay tribute to Judge Joseph Kinneary, a fellow native of Cincinnati who will be 93 in September. A respected jurist, Judge Kinneary has worked hard to serve justice in Cincinnati, in Ohio, and in America.

Judge Kinneary attended Saint Xavier High School in Cincinnati, then went on to Notre Dame. He returned to Cincinnati to obtain his law degree from the College of Law at the University of Cincinnati.

Judge Kinneary served our government with distinction. After becoming Assistant Attorney General of Ohio, President Kennedy appointed him to United States Attorney for Southern Ohio in 1961. He was reappointed by President Johnson. He later became United States District Judge for the Southern District of Ohio, a position he held for thirty-two years, including three years as Chief Judge. Judge Kinneary also served his nation in the Army during the Second World War. He served for four years, achieved the rank of Captain, and won the Army Commendation Ribbon for his outstanding contributions.

Legislation is before us today to designate the federal building and courthouse in Columbus the Joseph P. Kinneary United States Courthouse. I welcome this effort to recognize the commitment, dedication and years of service given by Judge Kinneary. He honorably served his country in time of war, and continued that devotion by working for justice though our legal system. Having distinguished himself since he received his law degree from the College of Law at the University of Cincinnati, he has returned to become a member on the Board of Visitors for the College of Law and one of the Law School's strongest supporters. Judge Kinneary holds the distinction of being the second longest serving federal judge in the nation.

I applaud the initiative to recognize and reward the forty-seven years of public service put forth by Judge Kinneary, and want to commend Judge Kinneary's selfless devotion to his local community. I urge my colleagues in Congress to support this action which recognizes the achievements and commitment of so dedicated a citizen.

Mr. TRAFICANT. Madam Speaker, I yield back the balance of my time.

Mr. KIM. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the Senate bill, S. 1800.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3696 and S. 1800.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DIGITAL MILLENNIUM COPYRIGHT ACT

Mr. COBLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2281) to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, as amended.

The Clerk read as follows:

H.R. 2281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Millennium Copyright Act".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—WIPO COPYRIGHT TREATIES IMPLEMENTATION
Sec. 101. Short title.
Sec. 102. Technical amendments.
Sec. 103. Copyright protection systems and copyright management information.
Sec. 104. Development and implementation of technological protection measures.
Sec. 105. Evaluation of impact of copyright law and amendments on electronic commerce and technological development.
Sec. 106. Effective date.
TITLE II—ONLINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION
Sec. 201. Short title.
Sec. 202. Limitations on liability for copyright infringement.
Sec. 203. Effective date.
TITLE III-COMPUTER MAINTENANCE OR REPAIR COPYRIGHT EXEMPTION
Sec. 301. Short title.
Sec. 302. Limitations on exclusive rights; computer programs.
TITLE IV—MISCELLANEOUS PROVISIONS
Subtitle A—Establishment of the Under Secretary of Commerce for Intellectual Property Policy
Sec. 401. Under Secretary of Commerce for Intellectual Property Policy.
Sec. 402. Relationship with existing authorities.
Subtitle B—Related Provisions
Sec. 411. Ephemeral recordings.
Sec. 412. Limitations on exclusive rights; distance education.
Sec. 413. Exemption for libraries and archives.
Sec. 414. Fair use.
Sec. 415. Scope of exclusive rights in sound recordings; ephemeral recordings.
Sec. 416. Assumption of contractual obligations related to transfers of rights in motion pictures.
Sec. 417. First sale clarification.
TITLE V—COLLECTIONS OF INFORMATION ANTIPIRACY ACT
Sec. 501. Short title.
Sec. 502. Misappropriation of collections of information.
Sec. 503. Conforming amendment.
Sec. 504. Conforming amendments to title 28, United States Code.
Sec. 505. Effective date.
TITLE VI—PROTECTION OF CERTAIN ORIGINAL DESIGNS
Sec. 601. Short title.
Sec. 602. Protection of certain original designs.
Sec. 603. Conforming amendments.
Sec. 604. Effective date.

TITLE I—WIPO COPYRIGHT TREATIES IMPLEMENTATION

SEC. 101. SHORT TITLE.

This title may be cited as the "WIPO Copyright Treaties Implementation Act".

SEC. 102. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 101 of title 17, United States Code, is amended—

(1) by striking the definition of "Berne Convention work";

(2) in the definition of "The 'country of origin' of a Berne Convention work"—

(A) by striking "The 'country of origin' of a Berne Convention work, for purposes of section 411, is the United States if" and inserting "For purposes of section 411, a work is a 'United States work' only if";.

(B) in paragraph (1)—

(i) in subparagraph (B) by striking "nation or nations adhering to the Berne Convention" and inserting "treaty party or parties";

(ii) in subparagraph (C) by striking "does not adhere to the Berne Convention" and inserting "is not a treaty party"; and

(iii) in subparagraph (D) by striking "does not adhere to the Berne Convention" and inserting "is not a treaty party"; and

(C) in the matter following paragraph (3) by striking "For the purposes of section 411, the 'country of origin' of any other Berne Convention work is not the United States.";

(3) by inserting after the definition of "fixed" the following:

"The 'Geneva Phonograms Convention' is the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, concluded at Geneva, Switzerland, on October 29, 1971.";

(4) by inserting after the definition of "including" the following:

"An 'international agreement' is—

"(1) the Universal Copyright Convention;

"(2) the Geneva Phonograms Convention;

"(3) the Berne Convention;

"(4) the WTO Agreement;

"(5) the WIPO Copyright Treaty;

"(6) the WIPO Performances and Phonograms Treaty; and

"(7) any other copyright treaty to which the United States is a party.";

(5) by inserting after the definition of "transmit" the following:

"A 'treaty party' is a country or intergovernmental organization other than the United States that is a party to an international agreement.";

(6) by inserting after the definition of "widow" the following:

"The 'WIPO Copyright Treaty' is the WIPO Copyright Treaty concluded at Geneva, Switzerland, on December 20, 1996.";

(7) by inserting after the definition of "The 'WIPO Copyright Treaty'" the following:

"The 'WIPO Performances and Phonograms Treaty' is the WIPO Performances and Phonograms Treaty concluded at Geneva, Switzerland, on December 20, 1996."; and

(8) by inserting after the definition of "work made for hire" the following:

"The terms 'WTO Agreement' and 'WTO member country' have the meanings given those terms in paragraphs (9) and (10), respectively, of section 2 of the Uruguay Round Agreements Act.".

(b) SUBJECT MATTER OF COPYRIGHT; NATIONAL ORIGIN.—Section 104 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking "foreign nation that is a party to a copyright treaty to which the United States is also a party" and inserting "treaty party";

(B) in paragraph (2) by striking "party to the Universal Copyright Convention" and inserting "treaty party";

(C) by redesignating paragraph (5) as paragraph (6);

(D) by redesignating paragraph (3) as paragraph (5) and inserting it after paragraph (4);

(E) by inserting after paragraph (2) the following:

"(3) the work is a sound recording that was first fixed in a treaty party; or";

(F) in paragraph (4) by striking "Berne Convention work" and inserting "pictorial, graphic, or sculptural work that is incorporated in a building or other structure, or an architectural work that is embodied in a building and the building or structure is located in the United States or a treaty party"; and

(G) by inserting after paragraph (6), as so redesignated, the following:

"For purposes of paragraph (2), a work that is published in the United States or a treaty party within 30 days after publication in a foreign nation that is not a treaty party shall be considered to be first published in the United States or such treaty party, as the case may be."; and

(2) by adding at the end the following new subsection:

"(d) EFFECT OF PHONOGRAMS TREATIES.—Notwithstanding the provisions of subsection (b), no works other than sound recordings shall be eligible for protection under this title solely by virtue of the adherence of the United States to the Geneva Phonograms Convention or the WIPO Performances and Phonograms Treaty.".

(c) COPYRIGHT IN RESTORED WORKS.—Section 104A(h) of title 17, United States Code, is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) a nation adhering to the Berne Convention;

"(B) a WTO member country;

"(C) a nation adhering to the WIPO Copyright Treaty;

"(D) a nation adhering to the WIPO Performances and Phonograms Treaty; or

"(E) subject to a Presidential proclamation under subsection (g).";

(2) by amending paragraph (3) to read as follows:

"(3) The term 'eligible country' means a nation, other than the United States, that—

"(A) becomes a WTO member country after the date of the enactment of the Uruguay Round Agreements Act;

"(B) on such date of enactment is, or after such date of enactment becomes, a nation adhering to the Berne Convention;

"(C) adheres to the WIPO Copyright Treaty;

"(D) adheres to the WIPO Performances and Phonograms Treaty; or

"(E) after such date of enactment becomes subject to a proclamation under subsection (g).";

(3) in paragraph (6)—

(A) in subparagraph (C)(iii) by striking "and" after the semicolon;

(B) at the end of subparagraph (D) by striking the period and inserting "; and"; and

(C) by adding after subparagraph (D) the following:

"(E) if the source country for the work is an eligible country solely by virtue of its adherence to the WIPO Performances and Phonograms Treaty, is a sound recording.";

(4) in paragraph (8)(B)(i)—

(A) by inserting "of which" before "the majority"; and

(B) by striking "of eligible countries"; and

(5) by striking paragraph (9).

(d) REGISTRATION AND INFRINGEMENT ACTIONS.—Section 411(a) of title 17, United States Code, is amended in the first sentence—

(1) by striking "actions for infringement of copyright in Berne Convention works whose country of origin is not the United States and"; and

(2) by inserting "United States" after "no action for infringement of the copyright in any".

(e) STATUTE OF LIMITATIONS.—Section 507(a) of title 17, United State Code, is amended by striking "No" and inserting "Except as expressly provided otherwise in this title, no".

SEC. 103. COPYRIGHT PROTECTION SYSTEMS AND COPYRIGHT MANAGEMENT INFORMATION.

(a) IN GENERAL.—Title 17, United States Code is amended by adding at the end the following new chapter:

"CHAPTER 12—COPYRIGHT PROTECTION AND MANAGEMENT SYSTEMS

"Sec.
"1201. Circumvention of copyright protection systems.
"1202. Integrity of copyright management information.
"1203. Civil remedies.
"1204. Criminal offenses and penalties.
"1205. Savings clause.
"1203. Civil remedies.

"§1201. Circumvention of copyright protection systems

"(a) VIOLATIONS REGARDING CIRCUMVENTION OF TECHNOLOGICAL MEASURES.—(1)(A) No person shall circumvent a technological measure that effectively controls access to a work protected under this title. The prohibition contained in the preceding sentence shall take effect at the end of the 2-year period beginning on the date of the enactment of this chapter.

"(B)(i) The prohibition contained in subparagraph (A) shall not apply to persons with respect to a copyrighted work which is in a particular class of works and to which such persons have gained initial lawful access, if such persons are, or are likely to be in the succeeding 3-year period, adversely affected by virtue of such prohibition in their ability to make noninfringing uses of that particular class of works under this title, as determined under subparagraph (C).

"(ii) The prohibition contained in subparagraph (A) shall not apply to nonprofit libraries, archives, or educational institutions, or to any entity described in section 501(c)(3), (4), or (6) of the Internal Revenue Code of 1986 that is exempt from tax under section 501(a) of such Code, with respect to a particular class of works, if such entities are, or are likely to be in the succeeding 3-year period, adversely affected by virtue of such prohibition in their ability to make noninfringing uses of that particular class of works under this title, as determined under subparagraph (C).

"(C) During the 2-year period described in subparagraph (A), and during each succeeding 3-year period, the Secretary of Commerce, in consultation with the Under Secretary of Commerce for Intellectual Property Policy, the Assistant Secretary of Commerce for Communications and Information, and the Register of Copyrights, shall conduct a rulemaking on the record to make the determination for purposes of subparagraph (B) of whether nonprofit libraries, archives, or educational institutions and other entities described in subparagraph (B) or persons who have gained initial lawful access to a copyrighted work are, or are likely to be in the succeeding 3-year period, adversely affected by the prohibition under subparagraph (A) in their ability to make noninfringing uses under this title of a particular class of copyrighted works. In conducting such rulemaking, the Secretary shall examine—

"(i) the availability for use of copyrighted works;

"(ii) the availability for use of works for nonprofit archival, preservation, and educational purposes;

"(iii) the impact of the prohibition on the circumvention of technological measures applied to copyrighted works on criticism, comment, news reporting, teaching, scholarship, or research;

"(iv) the effect of circumvention of technological measures on the market for or value of copyrighted works; and

"(v) such other factors as the Secretary, in consultation with the Under Secretary of Commerce for Intellectual Property Policy, the Assistant Secretary of Commerce for Communications and Information, and the Register of Copyrights, considers appropriate.

"(D) The Secretary shall publish any class of copyrighted works for which the Secretary has determined, pursuant to the rulemaking conducted under subparagraph (C), that noninfringing uses by nonprofit libraries, archives, or educational institutions and other entities described in subparagraph (B) or by persons who have gained initial lawful access to a copyrighted work are, or are likely to be, adversely affected, and the prohibition contained in subparagraph (A) shall not apply to such entities with respect to such class of works, or to such persons with respect to such copyrighted work, for the ensuing 3-year period.

"(E) Neither the exception under subparagraph (B) from the applicability of the prohibition contained in subparagraph (A), nor any determination made in a rulemaking conducted under subparagraph (C), may be used as a defense in any action to enforce any provision of this title other than this paragraph.

"(2) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that—

"(A) is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under this title;

"(B) has only limited commercially significant purpose or use other than to circumvent a technological measure that effectively controls access to a work protected under this title; or

"(C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing a technological measure that effectively controls access to a work protected under this title.

"(3) As used in this subsection—

"(A) to 'circumvent a technological measure' means to descramble a scrambled work, to decrypt an encrypted work, or otherwise to avoid, bypass, remove, deactivate, or impair a technological measure, without the authority of the copyright owner; and

"(B) a technological measure 'effectively controls access to a work' if the measure, in the ordinary course of its operation, requires the application of information, or a process or a treatment, with the authority of the copyright owner, to gain access to the work.

"(b) ADDITIONAL VIOLATIONS.—(1) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that—

"(A) is primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof;

"(B) has only limited commercially significant purpose or use other than to circumvent protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof; or

"(C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof.

"(2) As used in this subsection—

"(A) to 'circumvent protection afforded by a technological measure' means avoiding, bypassing, removing, deactivating, or otherwise impairing a technological measure; and

"(B) a technological measure 'effectively protects a right of a copyright owner under this title' if the measure, in the ordinary course of its operation, prevents, restricts, or otherwise limits the exercise of a right of a copyright owner under this title.

"(c) OTHER RIGHTS, ETC., NOT AFFECTED.—(1) Nothing in this section shall affect rights, remedies, limitations, or defenses to copyright infringement, including fair use, under this title.

"(2) Nothing in this section shall enlarge or diminish vicarious or contributory liability for copyright infringement in connection with any technology, product, service, device, component, or part thereof.

"(3) Nothing in this section shall require that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computing product provide for a response to any particular technological measure.

"(4) Nothing in this section shall enlarge or diminish any rights of free speech or the press for activities using consumer electronics, telecommunications, or computing products.

"(d) EXEMPTION FOR NONPROFIT LIBRARIES, ARCHIVES, AND EDUCATIONAL INSTITUTIONS.—(1) A nonprofit library, archives, or educational institution which gains access to a commercially exploited copyrighted work solely in order to make a good faith determination of whether to acquire a copy of that work for the sole purpose of engaging in conduct permitted under this title shall not be in violation of subsection (a)(1)(A). A copy of a work to which access has been gained under this paragraph—

“(A) may not be retained longer than necessary to make such good faith determination; and

“(B) may not be used for any other purpose.

“(2) The exemption made available under paragraph (1) shall only apply with respect to a work when an identical copy of that work is not reasonably available in another form.

“(3) A nonprofit library, archives, or educational institution that willfully for the purpose of commercial advantage or financial gain violates paragraph (1)—

“(A) shall, for the first offense, be subject to the civil remedies under section 1203; and

“(B) shall, for repeated or subsequent offenses, in addition to the civil remedies under section 1203, forfeit the exemption provided under paragraph (1).

“(4) This subsection may not be used as a defense to a claim under subsection (a)(2) or (b), nor may this subsection permit a nonprofit library, archives, or educational institution to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, component, or part thereof, which circumvents a technological measure.

“(5) In order for a library or archives to qualify for the exemption under this subsection, the collections of that library or archives shall be—

“(A) open to the public; or

“(B) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.

“(e) Law Enforcement and Intelligence Activities.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting pursuant to a contract with the United States, a State, or a political subdivision of a State.

“(f) Reverse Engineering.—(1) Notwithstanding the provisions of subsection (a)(1)(A), a person who has lawfully obtained the right to use a copy of a computer program may circumvent a technological measure that effectively controls access to a particular portion of that program for the sole purpose of identifying and analyzing those elements of the program that are necessary to achieve interoperability of an independently created computer program with other programs, and that have not previously been readily available to the person engaging in the circumvention, to the extent any such acts of identification and analysis do not constitute infringement under this title.

“(2) Notwithstanding the provisions of subsections (a)(2) and (b), a person may develop and employ technological means to circumvent a technological measure, or to circumvent protection afforded by a technological measure, in order for that person to make the identification and analysis permitted under paragraph (1), or for the limited purpose of that person achieving interoperability of an independently created computer program with other programs, if such means are necessary to achieve such interoperability, to the extent that doing so does not constitute infringement under this title.

“(3) The information acquired through the acts permitted under paragraph (1), and the means permitted under paragraph (2), may be made available to others if the person referred to in paragraphs (1) and (2) provides such information or means solely for the purpose of achieving interoperability of an independently created computer program with other programs, and to the extent that doing so does not constitute infringement under this title or violate other applicable law.

“(4) For purposes of this subsection, the term ‘interoperability’ means the ability of computer programs to exchange information, and of such programs mutually to use the information which has been exchanged.

“(g) Encryption Research.—

“(1) Definitions.—For purposes of this subsection—

“(A) the term ‘encryption research’ means activities necessary to identify and analyze flaws and vulnerabilities of encryption technologies applied to copyrighted works, if these activities are conducted to advance the state of knowledge in the field of encryption technology or to assist in the development of encryption products; and

“(B) the term ‘encryption technology’ means the scrambling and descrambling of information using mathematical formulas or algorithms.

“(2) Permissible acts of encryption research.—Notwithstanding the provisions of subsection (a)(1)(A), it is not a violation of that subsection for a person to circumvent a technological measure as applied to a copy, phonorecord, performance, or display of a published work in the course of an act of good faith encryption research if—

“(A) the person lawfully obtained the encrypted copy, phonorecord, performance, or display of the published work;

“(B) such act is necessary to conduct such encryption research;

“(C) the person made a good faith effort to obtain authorization before the circumvention; and

“(D) such act does not constitute infringement under this title or a violation of applicable law other than this section, including section 1030 of title 18 and those provisions of title 18 amended by the Computer Fraud and Abuse Act of 1986.

“(3) Factors in determining exemption.—In determining whether a person qualifies for the exemption under paragraph (2), the factors to be considered shall include—

“(A) whether the information derived from the encryption research was disseminated, and if so, whether it was disseminated in a manner reasonably calculated to advance the state of knowledge or development of encryption technology, versus whether it was disseminated in a manner that facilitates infringement under this title or a violation of applicable law other than this section, including a violation of privacy or breach of security;

“(B) whether the person is engaged in a legitimate course of study, is employed, or is appropriately trained or experienced, in the field of encryption technology; and

“(C) whether the person provides the copyright owner of the work to which the technological measure is applied with notice of the findings and documentation of the research, and the time when such notice is provided.

“(4) Use of technological means for research activities.—Notwithstanding the provisions of subsection (a)(2), it is not a violation of that subsection for a person to—

“(A) develop and employ technological means to circumvent a technological measure for the sole purpose of that person performing the acts of good faith encryption research described in paragraph (2); and

“(B) provide the technological means to another person with whom he or she is working collaboratively for the purpose of conducting the acts of good faith encryption research described in paragraph (2) or for the purpose of having that other person verify his or her acts of good faith encryption research described in paragraph (2).

“(5) Report to congress.—Not later than 1 year after the date of the enactment of this chapter, the Under Secretary of Commerce for Intellectual Property Policy, the Assistant Secretary of Commerce for Communications and Information, and the Register of Copyrights shall jointly report to the Congress on the effect this subsection has had on—

“(A) encryption research and the development of encryption technology;

“(B) the adequacy and effectiveness of technological measures designed to protect copyrighted works; and

“(C) protection of copyright owners against the unauthorized access to their encrypted copyrighted works.

The report shall include legislative recommendations, if any.

“(h) Exceptions Regarding Minors.—(1) In applying subsection (a) to a component or part, the court may consider the necessity for its intended and actual incorporation in a technology, product, service, or device, which—

“(A) does not itself violate the provisions of this title; and

“(B) has the sole purpose to prevent the access of minors to material on the Internet.

“(2) Notwithstanding the provisions of subsection (a)(1)(A), it is not a violation of that subsection for a parent to circumvent a technological measure that effectively controls access to a test, examination, or other evaluation of his or her minor child's abilities that is given by a nonprofit educational institution if—

“(A) the parent made a good faith effort to obtain authorization before the circumvention; and

“(B) such act is necessary to obtain a copy of such test, examination, or other evaluation.

“(i) Protection of Personally Identifying Information.—

(1) Circumvention permitted.—Notwithstanding the provisions of subsection (a)(1)(A), it is not a violation of that subsection for a person to circumvent a technological measure that effectively controls access to a work protected under this title, if—

“(A) the technological measure, or the work it protects, contains the capability of collecting or disseminating personally identifying information reflecting the online activities of a natural person who seeks to gain access to the work protected;

“(B) in the normal course of its operation, the technological measure, or the work it protects, collects or disseminates personally identifying information about the person who seeks to gain access to the work protected, without providing conspicuous notice of such collection or dissemination to such person, and without providing such person with the capability to prevent or restrict such collection or dissemination;

“(C) the act of circumvention has the sole effect of identifying and disabling the capability described in subparagraph (A), and has no other effect on the ability of any person to gain access to any work; and

"(D) the act of circumvention is carried out solely for the purpose of preventing the collection or dissemination of personally identifying information about a natural person who seeks to gain access to the work protected, and is not in violation of any other law.

"(2) Inapplicability to certain technological measures.—This subsection does not apply to a technological measure, or a work it protects, that does not collect or disseminate personally identifying information and that is disclosed to a user as not having or using such capability.

"§ 1202. Integrity of copyright management information

"(a) False Copyright Management Information.—No person shall knowingly and with the intent to induce, enable, facilitate, or conceal infringement—

"(1) provide copyright management information that is false, or

"(2) distribute or import for distribution copyright management information that is false.

"(b) Removal or Alteration of Copyright Management Information.—No person shall, without the authority of the copyright owner or the law—

"(1) intentionally remove or alter any copyright management information,

"(2) distribute or import for distribution copyright management information knowing that the copyright management information has been removed or altered without authority of the copyright owner or the law, or

"(3) distribute, import for distribution, or publicly perform works, copies of works, or phonorecords, knowing that copyright management information has been removed or altered without authority of the copyright owner or the law,

knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any right under this title.

"(c) Definition.—As used in this section, the term 'copyright management information' means any of the following information conveyed in connection with copies or phonorecords of a work or performances or displays of a work, including in digital form, except that such term does not include any personally identifying information about a user of a work or of a copy, phonorecord, performance, or display of a work:

"(1) The title and other information identifying the work, including the information set forth on a notice of copyright.

"(2) The name of, and other identifying information about, the author of a work.

"(3) The name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright.

"(4) With the exception of public performances of works by radio and television broadcast stations, the name of, and other identifying information about, a performer whose performance is fixed in a work other than an audiovisual work.

"(5) With the exception of public performances of works by radio and television broadcast stations, in the case of an audiovisual work, the name of, and other identifying information about, a writer, performer, or director who is credited in the audiovisual work.

"(6) Terms and conditions for use of the work.

"(7) Identifying numbers or symbols referring to such information or links to such information.

"(8) Such other information as the Register of Copyrights may prescribe by regulation, except that the Register of Copyrights may not require the provision of any information concerning the user of a copyrighted work.

"(d) Law Enforcement and Intelligence Activities.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting pursuant to a contract with the United States, a State, or a political subdivision of a State.

"(e) Limitations on Liability.—

"(1) Analog transmissions.—In the case of an analog transmission, a person who is making transmissions in its capacity as a broadcast station, or as a cable system, or someone who provides programming to such station or system, shall not be liable for a violation of subsection (b) if—

"(A) avoiding the activity that constitutes such violation is not technically feasible or would create an undue financial hardship on such person; and

"(B) such person did not intend, by engaging in such activity, to induce, enable, facilitate, or conceal infringement of a right under this title.

"(2) Digital transmissions.—

"(A) If a digital transmission standard for the placement of copyright management information for a category of works is set in a voluntary, consensus standard-setting process involving a representative cross-section of broadcast stations or cable systems and copyright owners of a category of works that are intended for public performance by such stations or systems, a person identified in paragraph (1) shall not be liable for a violation of subsection (b) with respect to the particular copyright management information addressed by such standard if—

"(i) the placement of such information by someone other than such person is not in accordance with such standard; and

"(ii) the activity that constitutes such violation is not intended to induce, enable, facilitate, or conceal infringement of a right under this title.

"(B) Until a digital transmission standard has been set pursuant to subparagraph (A) with respect to the placement of copyright management information for a category or works, a person identified in paragraph (1) shall not be liable for a violation of subsection (b) with respect to such copyright management information, if the activity that constitutes such violation is not intended to induce, enable, facilitate, or conceal infringement of a right under this title, and if—

"(i) the transmission of such information by such person would result in a perceptible visual or aural degradation of the digital signal; or

"(ii) the transmission of such information by such person would conflict with—

"(I) an applicable government regulation relating to transmission of information in a digital signal;

"(II) an applicable industry-wide standard relating to the transmission of information in a digital signal that was adopted by a voluntary consensus standards body prior to the effective date of this chapter; or

"(III) an applicable industry-wide standard relating to the transmission of information in a digital signal that was adopted in a voluntary, consensus standards-setting process open to participation by a representative cross-section of broadcast stations or cable systems and copyright owners of a category of works that are intended for public performance by such stations or systems.

"(3) Definitions.—As used in this subsection—

"(A) the term 'broadcast station' has the meaning given that term in section 3 of the Communications Act of 1934 (47 U.S.C. 153)); and

"(B) the term 'cable system' has the meaning given that term in section 602 of the Communications Act of 1934 (47 U.S.C. 522)).

"§ 1203. Civil remedies

"(a) Civil Actions.—Any person injured by a violation of section 1201 or 1202 may bring a civil action in an appropriate United States district court for such violation.

"(b) Powers of the Court.—In an action brought under subsection (a), the court—

"(1) may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain a violation, but in no event shall impose a prior restraint on free speech or the press protected under the 1st amendment to the Constitution;

"(2) at any time while an action is pending, may order the impounding, on such terms as it deems reasonable, of any device or product that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation;

"(3) may award damages under subsection (c);

"(4) in its discretion may allow the recovery of costs by or against any party other than the United States or an officer thereof;

"(5) in its discretion may award reasonable attorney's fees to the prevailing party; and

"(6) may, as part of a final judgment or decree finding a violation, order the remedial modification or the destruction of any device or product involved in the violation that is in the custody or control of the violator or has been impounded under paragraph (2).

"(c) Award of Damages.—

"(1) In general.—Except as otherwise provided in this title, a person committing a violation of section 1201 or 1202 is liable for either—

"(A) the actual damages and any additional profits of the violator, as provided in paragraph (2), or

"(B) statutory damages, as provided in paragraph (3).

"(2) Actual damages.—The court shall award to the complaining party the actual damages suffered by the party as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages at any time before final judgment is entered.

"(3) Statutory damages.—(A) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1201 in the sum of not less than $200 or more than $2,500 per act of circumvention, device, product, component, offer, or performance of service, as the court considers just.

"(B) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1202 in the sum of not less than $2,500 or more than $25,000.

"(4) Repeated violations.—In any case in which the injured party sustains the burden of proving, and the court finds, that a person has violated section 1201 or 1202 within three years after a final judgment was entered against the person for another such violation, the court may increase the award of damages up to triple the amount that would otherwise be awarded, as the court considers just.

"(5) Innocent violations.—

"(A) In general.—The court in its discretion may reduce or remit the total award of damages in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that its acts constituted a violation.

"(B) Nonprofit library, archives, or educational institutions.—In the case of a nonprofit library, archives, or educational institution, the court shall remit damages in any case in which the library, archives, or educational institution sustains the burden of proving, and the court finds, that the library, archives, or educational institution was not aware and had no reason to believe that its acts constituted a violation.

"§ 1204. Criminal offenses and penalties

"(a) In General.—Any person who violates section 1201 or 1202 willfully and for purposes of commercial advantage or private financial gain—

"(1) shall be fined not more than $500,000 or imprisoned for not more than 5 years, or both, for the first offense; and

"(2) shall be fined not more than $1,000,000 or imprisoned for not more than 10 years, or both, for any subsequent offense.

"(b) Limitation for Nonprofit Library, Archives, or Educational Institution.—Subsection (a) shall not apply to a nonprofit library, archives, or educational institution.

"(c) Statute of Limitations.—No criminal proceeding shall be brought under this section unless such proceeding is commenced within five years after the cause of action arose.

"§ 1205. Savings clause

"Nothing in this chapter abrogates, diminishes, or weakens the provisions of, nor provides any defense or element of mitigation in a criminal prosecution or civil action under, any Federal or State law that prevents the violation of the privacy of an individual in connection with the individual's use of the Internet.".

(b) Conforming amendment.—The table of chapters for title 17, United States Code, is amended by adding after the item relating to chapter 11 the following:

"12. Copyright Protection and Management Systems .... 1201".

SEC. 104. DEVELOPMENT AND IMPLEMENTATION OF TECHNOLOGICAL PROTECTION MEASURES.

(a) Statement of Congressional Policy and Objective.—It is the sense of the Congress that technological measures that effectively control access to works protected under title 17, United States Code, or that effectively protect a right of a copyright owner under such title play a crucial role in safeguarding the interests of both copyright owners and lawful users of copyrighted works in digital formats, by facilitating lawful uses of such works while protecting the private property interests of holders of rights under title 17, United States Code. Accordingly, the expeditious implementation of such measures, developed by the private sector is a key factor in realizing the full benefits of making available copyrighted works through digital networks, including the benefits set forth in this section.

(b) Technological Measures.—The technological measures referred to in subsection (a) shall include, but not be limited to, those which—

(1) enable nonprofit libraries, for nonprofit purposes, to continue to lend to library users copies or phonorecords that such libraries have lawfully acquired, including the lending of such copies or phonorecords in digital formats in a manner that prevents infringement;

(2) effectively protect against the infringement of exclusive rights under title 17, United States Code, and facilitate the exercise of those exclusive rights; and

(3) promote the development and implementation of diverse methods, mechanisms, and arrangements in the marketplace for making available copyrighted works in digital formats which provide opportunities for individual members of the public to make lawful uses of copyrighted works in digital formats.

(c) Procedures for Developing and Implementing Technological Measures.—The technological measures whose development and implementation the Congress anticipates include, but are not limited to, those which—

(1) are developed pursuant to a broad consensus in an open, fair, voluntary, and multi-industry process;

(2) are made available on reasonable and nondiscriminatory terms; and

(3) do not impose substantial costs or burdens on copyright owners or on manufacturers of hardware or software used in conjunction with copyrighted works in digital formats.

(d) Oversight and Reporting.—(1) The Under Secretary of Commerce for Intellectual Property Policy, the Assistant Secretary of Commerce for Communications and Information, and the Register of Copyrights shall jointly review the impact of the enactment of section 1201 of title 17, United States Code, on the access of individual users to copyrighted works in digital formats and shall jointly report annually thereon to the Committees on the Judiciary and on Commerce of the House of Representatives and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

(2) Each report under paragraph (1) shall address the following issues:

(A) The status of the development and implementation of technological measures described in this section, including measures that advance the objectives of this section, and the effectiveness of such technological measures in protecting the private property interests of copyright owners under title 17, United States Code.

(B) The degree to which individual lawful users of copyrighted works—

(i) have access to the Internet and digital networks generally;

(ii) are dependent upon such access for their use of copyrighted works;

(iii) have available to them other channels for obtaining and using copyrighted works, other than the Internet and digital networks generally;

(iv) are required to pay copyright owners or intermediaries for each lawful use of copyrighted works in digital formats to which they have access; and

(v) are able to utilize nonprofit libraries to obtain access, through borrowing without payment by the user, to copyrighted works in digital formats.

(C) The degree to which infringement of copyrighted works in digital formats is occurring.

(D) Whether and the extent to which section 1201 of title 17, United States Code, is asserted as a basis for liability in claims brought against persons conducting research and development, including reverse engineering of copyrighted works, and the extent to which such claims constitute a serious impediment to the development and production of competitive goods and services.

(E) The degree to which individual users of copyrighted materials in digital formats are able effectively to protect themselves against the use of technological measures to carry out or facilitate the undisclosed collection and dissemination of personally identifying information concerning the access to and use of such materials by such users.

(F) Such other issues as the Under Secretary of Commerce for Intellectual Property Policy, the Assistant Secretary of Commerce for Communications and Information, and the Register of Copyrights identify as relevant to the impact of the enactment of section 1201 of title 17, United States Code, on the access of individual users to copyrighted works in digital formats.

(3) The first report under this subsection shall be submitted not later than one year after the date of the enactment of this Act, and the last such report shall be submitted not later than three years after the date of the enactment of this Act.

(4) The reports under this subsection may include such recommendations for additional legislative action as the Under Secretary of Commerce for Intellectual Property Policy, the Assistant Secretary of Commerce for Communications and Information, and the Register of Copyrights consider advisable in order to further the objectives of this section.

SEC. 105. EVALUATION OF IMPACT OF COPYRIGHT LAW AND AMENDMENTS ON ELECTRONIC COMMERCE AND TECHNOLOGICAL DEVELOPMENT.

(a) Evaluation by Under Secretary of Commerce and Register of Copyrights.—The Under Secretary of Commerce for Intellectual Property Policy, the Assistant Secretary of Commerce for Communications and Information, and the Register of Copyrights shall jointly evaluate—

(1) the effects of the amendments made by this title and the development of electronic commerce and associated technology on the operation of sections 109 and 117 of title 17, United States Code; and

(2) the relationship between existing and emergent technology and the operation of sections 109 and 117 of title 17, United States Code.

(c) Report to Congress.—The Under Secretary of Commerce for Intellectual Property Policy, the Assistant Secretary of Commerce for Communications and Information, and the Register of Copyrights shall, not later than 24 months after the date of the enactment of this Act, submit to the Congress a joint report on the evaluation conducted under subsection (b), including any legislative recommendations the Under Secretary, the Assistant Secretary, and the Register may have.

SEC. 106. EFFECTIVE DATE.

(a) In General.—Subject to subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Amendments Relating to Certain International Agreements.—(1) The following shall take effect upon the entry into force of the WIPO Copyright Treaty with respect to the United States:

(A) Paragraph (5) of the definition of "international agreement" contained in section 101 of title 17, United States Code, as amended by section 102(a)(4) of this Act.

(B) The amendment made by section 102(a)(6) of this Act.

(C) Subparagraph (C) of section 104A(h)(1) of title 17, United States Code, as amended by section 102(c)(1) of this Act.

(D) Subparagraph (C) of section 104A(h)(3) of title 17, United States Code, as amended by section 102(c)(2) of this Act.

(2) The following shall take effect upon the entry into force of the WIPO Performances and Phonograms Treaty with respect to the United States:

(A) Paragraph (6) of the definition of "international agreement" contained in section 101 of title 17, United States Code, as amended by section 102(a)(4) of this Act.

(B) The amendment made by section 102(a)(7) of this Act.

(C) The amendment made by section 102(b)(2) of this Act.

(D) Subparagraph (D) of section 104A(h)(1) of title 17, United States Code, as amended by section 102(c)(1) of this Act.

(E) Subparagraph (D) of section 104A(h)(3) of title 17, United States Code, as amended by section 102(c)(2) of this Act.

(F) The amendments made by section 102(c)(3) of this Act.

TITLE II—ONLINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Online Copyright Infringement Liability Limitation Act".

SEC. 202. LIMITATIONS ON LIABILITY FOR COPYRIGHT INFRINGEMENT.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding after section 511 the following new section:

"§ 512. Limitations on liability relating to material online

"(a) TRANSITORY DIGITAL NETWORK COMMUNICATIONS.—A service provider shall not be liable for monetary relief, or, except as provided in subsection (i), for injunctive or other equitable relief, for infringement of copyright by reason of the provider's transmitting, routing, or providing connections for, material through a system or network controlled or operated by or for the service provider, or by reason of the intermediate and transient storage of that material in the course of such transmitting, routing, or providing connections, if—

"(1) the transmission of the material was initiated by or at the direction of a person other than the service provider;

"(2) the transmission, routing, provision of connections, or storage is carried out through an automatic technical process without selection of the material by the service provider;

"(3) the service provider does not select the recipients of the material except as an automatic response to the request of another person;

"(4) no copy of the material made by the service provider in the course of such intermediate or transient storage is maintained on the system or network in a manner ordinarily accessible to anyone other than anticipated recipients, and no such copy is maintained on the system or network in a manner ordinarily accessible to such anticipated recipients for a longer period than is reasonably necessary for the transmission, routing, or provision of connections; and

"(5) the material is transmitted through the system or network without modification of its content.

"(b) SYSTEM CACHING.—

"(1) LIMITATION ON LIABILITY.—A service provider shall not be liable for monetary relief, or, except as provided in subsection (i), for injunctive or other equitable relief, for infringement of copyright by reason of the intermediate and temporary storage of material on a system or network controlled or operated by or for the service provider in a case in which—

"(A) the material is made available online by a person other than the service provider,

"(B) the material is transmitted from the person described in subparagraph (A) through the system or network to a person other than the person described in subparagraph (A) at the direction of that other person, and

"(C) the storage is carried out through an automatic technical process for the purpose of making the material available to users of the system or network who, after the material is transmitted as described in subparagraph (B), request access to the material from the person described in subparagraph (A),

if the conditions set forth in paragraph (2) are met.

(2) CONDITIONS.—The conditions referred to in paragraph (1) are that—

"(A) the material described in paragraph (1) is transmitted to the subsequent users described in paragraph (1)(C) without modification to its content from the manner in which the material was transmitted from the person described in paragraph (1)(A);

"(B) the service provider described in paragraph (1) complies with rules concerning the refreshing, reloading, or other updating of the material when specified by the person making the material available online in accordance with a generally accepted industry standard data communications protocol for the system or network through which that person makes the material available, except that this subparagraph applies only if those rules are not used by the person described in paragraph (1)(A) to prevent or unreasonably impair the intermediate storage to which this subsection applies;

"(C) the service provider does not interfere with the ability of technology associated with the material to return to the person described in paragraph (1)(A) the information that would have been available to that person if the material had been obtained by the subsequent users described in paragraph (1)(C) directly from that person, except that this subparagraph applies only if that technology—

"(i) does not significantly interfere with the performance of the provider's system or network or with the intermediate storage of the material;

"(ii) is consistent with generally accepted industry standard communications protocols; and

"(iii) does not extract information from the provider's system or network other than the information that would have been available to the person described in paragraph (1)(A) if the subsequent users had gained access to the material directly from that person;

"(D) if the person described in paragraph (1)(A) has in effect a condition that a person must meet prior to having access to the material, such as a condition based on payment of a fee or provision of a password or other information, the service provider permits access to the stored material in significant part only to users of its system or network that have met those conditions and only in accordance with those conditions; and

"(E) if the person described in paragraph (1)(A) makes that material available online without the authorization of the copyright owner of the material, the service provider responds expeditiously to remove, or disable access to, the material that is claimed to be infringing upon notification of claimed infringement as described in subsection (c)(3), except that this subparagraph applies only if—

"(i) the material has previously been removed from the originating site or access to it has been disabled, or a court has ordered that the material be removed from the originating site or that access to the material on the originating site be disabled; and

"(ii) the party giving the notification includes in the notification a statement confirming that the material has been removed from the originating site or access to it has been disabled or that a court has ordered that the material be removed from the originating site or that access to the material on the originating site be disabled.

"(c) INFORMATION RESIDING ON SYSTEMS OR NETWORKS AT DIRECTION OF USERS.—

"(1) IN GENERAL.—A service provider shall not be liable for monetary relief, or, except as provided in subsection (i), for injunctive or other equitable relief, for infringement of copyright by reason of the storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider—

"(A)(i) does not have actual knowledge that the material or an activity using the material on the system or network is infringing;

"(ii) in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or

"(iii) upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

"(B) does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and

"(C) upon notification of claimed infringement as described in paragraph (4), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity.

"(2) LIMITATION ON LIABILITY OF NONPROFIT EDUCATIONAL INSTITUTIONS.—A nonprofit educational institution that is a service provider shall not be liable for monetary relief, or, except as provided in subsection (i), for injunctive or other equitable relief, by reason of the acts or omissions of a faculty member, administrative employee, student, or graduate student, unless such faculty member, administrative employee, student, or graduate student is exercising managerial or operational responsibilities that directly relate to the institution's function as a service provider.

"(3) DESIGNATED AGENT.—The limitations on liability established in this subsection apply to a service provider only if the service provider has designated an agent to receive notifications of claimed infringement described in paragraph (4), by making available through its service, including on its website in a location accessible to the public, and by providing to the Copyright Office, substantially the following information:

"(A) the name, address, phone number, and electronic mail address of the agent.

"(B) other contact information which the Register of Copyrights may deem appropriate.

The Register of Copyrights shall maintain a current directory of agents available to the public for inspection, including through the Internet, in both electronic and hard copy formats, and may require payment of a fee by service providers to cover the costs of maintaining the directory.

"(4) ELEMENTS OF NOTIFICATION.—

"(A) To be effective under this subsection, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

"(i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

"(ii) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.

"(iii) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.

"(iv) Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.

"(v) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

"(vi) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

"(B)(i) Subject to clause (ii), a notification from a copyright owner or from a person authorized to act on behalf of the copyright owner that fails to comply substantially with the provisions of subparagraph (A) shall not be considered under paragraph (1)(A) in determining whether a service provider has actual knowledge or is aware of facts or circumstances from which infringing activity is apparent.

"(ii) In a case in which the notification that is provided to the service provider's designated agent fails to comply substantially with all the provisions of subparagraph (A) but substantially complies with clauses (ii), (iii), and (iv) of subparagraph (A), clause (i) of this subparagraph applies only if the service provider promptly attempts to contact the person making the notification or takes other reasonable steps to assist in the receipt of notification that substantially complies with all the provisions of subparagraph (A).

"(d) INFORMATION LOCATION TOOLS.—A service provider shall not be liable for monetary relief, or, except as provided in subsection (i), for injunctive or other equitable relief, for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link, if the service provider—

"(1)(A) does not have actual knowledge that the material or activity is infringing;

"(B) in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or

"(C) upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

"(2) does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and

"(3) upon notification of claimed infringement as described in subsection (c)(4), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity, except that, for purposes of this paragraph, the information described in subsection (c)(4)(A)(iii) shall be identification of the reference or link, to material or activity claimed to be infringing, that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate that reference or link.

"(e) MISREPRESENTATIONS.—Any person who knowingly materially misrepresents under this section—

"(1) that material or activity is infringing, or

"(2) that material or activity was removed or disabled by mistake or misidentification,

shall be liable for any damages, including costs and attorneys' fees, incurred by the alleged infringer, by any copyright owner or copyright owner's authorized licensee, or by a service provider, who is injured by such misrepresentation, as the result of the service provider relying upon such misrepresentation in removing or disabling access to the material or activity claimed to be infringing, or in replacing the removed material or ceasing to disable access to it.

"(f) REPLACEMENT OF REMOVED OR DISABLED MATERIAL AND LIMITATION ON OTHER LIABILITY.—

"(1) NO LIABILITY FOR TAKING DOWN GENERALLY.—Subject to paragraph (2), a service provider shall not be liable to any person for any claim based on the service provider's good faith disabling of access to, or removal of, material or activity claimed to be infringing or based on facts or circumstances from which infringing activity is apparent, regardless of whether the material or activity is ultimately determined to be infringing.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to material residing at the direction of a subscriber of the service provider on a system or network controlled or operated by or for the service provider that is removed, or to which access is disabled by the service provider, pursuant to a notice provided under subsection (c)(1)(C), unless the service provider—

"(A) takes reasonable steps promptly to notify the subscriber that it has removed or disabled access to the material;

"(B) upon receipt of a counter notification described in paragraph (3), promptly provides the person who provided the notification under subsection (c)(1)(C) with a copy of the counter notification, and informs that person that it will replace the removed material or cease disabling access to it in 10 business days; and

"(C) replaces the removed material and ceases disabling access to it not less than 10, nor more than 14, business days following receipt of the counter notice, unless its designated agent first receives notice from the person who submitted the notification under subsection (c)(1)(C) that such person has filed an action seeking a court order to restrain the subscriber from engaging in infringing activity relating to the material on the service provider's system or network.

"(3) CONTENTS OF COUNTER NOTIFICATION.—To be effective under this subsection, a counter notification must be a written communication provided to the service provider's designated agent that includes substantially the following:

"(A) A physical or electronic signature of the subscriber.

"(B) Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled.

"(C) A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.

"(D) The subscriber's name, address, and telephone number, and a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriber's address is outside of the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

"(4) LIMITATION ON OTHER LIABILITY.—A service provider's compliance with paragraph (2) shall not subject the service provider to liability for copyright infringement with respect to the material identified in the notice provided under subsection (c)(1)(C).

"(g) SUBPOENA TO IDENTIFY INFRINGER.—

"(1) REQUEST.—A copyright owner or a person authorized to act on the owner's behalf may request the clerk of any United States district court to issue a subpoena to a service provider for identification of an alleged infringer in accordance with this subsection.

"(2) CONTENTS OF REQUEST.—The request may be made by filing with the clerk—

"(A) a copy of a notification described in subsection (c)(4)(A);

"(B) a proposed subpoena; and

"(C) a sworn declaration to the effect that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under this title.

"(3) CONTENTS OF SUBPOENA.—The subpoena shall authorize and order the service provider receiving the notification and the subpoena to expeditiously disclose to the copyright owner or person authorized by the copyright owner information sufficient to identify the alleged infringer of the material described in the notification to the extent such information is available to the service provider.

"(4) BASIS FOR GRANTING SUBPOENA.—If the notification filed satisfies the provisions of subsection (c)(4)(A), the proposed subpoena is in proper form, and the accompanying declaration is properly executed, the clerk shall expeditiously issue and sign the proposed subpoena and return it to the requester for delivery to the service provider.

"(5) ACTIONS OF SERVICE PROVIDER RECEIVING SUBPOENA.—Upon receipt of the issued subpoena, either accompanying or subsequent to the receipt of a notification described in subsection (c)(4)(A), the service provider shall expeditiously disclose to the copyright owner or person authorized by the copyright owner the information required by the subpoena, notwithstanding any other provision of law and regardless of whether the service provider responds to the notification.

"(6) Rules applicable to subpoena.—Unless otherwise provided by this section or by applicable rules of the court, the procedure for issuance and delivery of the subpoena, and the remedies for noncompliance with the subpoena, shall be governed to the greatest extent practicable by those provisions of the Federal Rules of Civil Procedure governing the issuance, service, and enforcement of a subpoena duces tecum.

"(h) Conditions for Eligibility.—

"(1) Accommodation of technology.—The limitations on liability established by this section shall apply to a service provider only if the service provider—

"(A) has adopted and reasonably implemented, and informs subscribers and account holders of the service provider's system or network of, a policy that provides for the termination in appropriate circumstances of subscribers and account holders of the service provider's system or network who are repeat infringers; and

"(B) accommodates and does not interfere with standard technical measures.

"(2) Definition.—As used in this subsection, the term 'standard technical measures' means technical measures that are used by copyright owners to identify or protect copyrighted works and—

"(A) have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair, voluntary, multi-industry standards process;

"(B) are available to any person on reasonable and nondiscriminatory terms; and

"(C) do not impose substantial costs on service providers or substantial burdens on their systems or networks.

"(i) Injunctions.—The following rules shall apply in the case of any application for an injunction under section 502 against a service provider that is not subject to monetary remedies under this section:

"(1) Scope of relief.—(A) With respect to conduct other than that which qualifies for the limitation on remedies set forth in subsection (a), the court may grant injunctive relief with respect to a service provider only in one or more of the following forms:

"(i) An order restraining the service provider from providing access to infringing material or activity residing at a particular online site on the provider's system or network.

"(ii) An order restraining the service provider from providing access to a subscriber or account holder of the service provider's system or network who is engaging in infringing activity and is identified in the order, by terminating the accounts of the subscriber or account holder that are specified in the order.

"(iii) Such other injunctive relief as the court may consider necessary to prevent or restrain infringement of copyrighted material specified in the order of the court at a particular online location, if such relief is the least burdensome to the service provider among the forms of relief comparably effective for that purpose.

"(B) If the service provider qualifies for the limitation on remedies described in subsection (a), the court may only grant injunctive relief in one or both of the following forms:

"(i) An order restraining the service provider from providing access to a subscriber or account holder of the service provider's system or network who is using the provider's service to engage in infringing activity and is identified in the order, by terminating the accounts of the subscriber or account holder that are specified in the order.

"(ii) An order restraining the service provider from providing access, by taking reasonable steps specified in the order to block access, to a specific, identified, online location outside the United States.

"(2) Considerations.—The court, in considering the relevant criteria for injunctive relief under applicable law, shall consider—

"(A) whether such an injunction, either alone or in combination with other such injunctions issued against the same service provider under this subsection, would significantly burden either the provider or the operation of the provider's system or network;

"(B) the magnitude of the harm likely to be suffered by the copyright owner in the digital network environment if steps are not taken to prevent or restrain the infringement;

"(C) whether implementation of such an injunction would be technically feasible and effective, and would not interfere with access to noninfringing material at other online locations; and

"(D) whether other less burdensome and comparably effective means of preventing or restraining access to the infringing material are available.

"(3) Notice and ex parte orders.—Injunctive relief under this subsection shall be available only after notice to the service provider and an opportunity for the service provider to appear are provided, except for orders ensuring the preservation of evidence or other orders having no material adverse effect on the operation of the service provider's communications network.

"(j) Definitions.—

"(1) Service provider.—(A) As used in subsection (a), the term 'service provider' means an entity offering the transmission, routing, or providing of connections for digital online communications, between or among points specified by a user, of material of the user's choosing, without modification to the content of the material as sent or received.

"(B) As used in this section, other than subsection (a), the term 'service provider' means a provider of online services or network access, or the operator of facilities therefor, and includes an entity described in subparagraph (A).

"(2) Monetary relief.—As used in this section, the term 'monetary relief' means damages, costs, attorneys' fees, and any other form of monetary payment.

"(k) Other Defenses Not Affected.—The failure of a service provider's conduct to qualify for limitation of liability under this section shall not bear adversely upon the consideration of a defense by the service provider that the service provider's conduct is not infringing under this title or any other defense.

"(l) Protection of Privacy.—Nothing in this section shall be construed to condition the applicability of subsections (a) through (d) on—

"(1) a service provider monitoring its service or affirmatively seeking facts indicating infringing activity, except to the extent consistent with a standard technical measure complying with the provisions of subsection (h); or

"(2) a service provider gaining access to, removing, or disabling access to material in cases in which such conduct is prohibited by law.

"(m) Construction.—Subsections (a), (b), (c), and (d) describe separate and distinct functions for purposes of applying this section. Whether a service provider qualifies for the limitation on liability in any one of those subsections shall be based solely on the criteria in that subsection, and shall not affect a determination of whether that service provider qualifies for the limitations on liability under any other such subsection.".

(b) Conforming Amendment.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"512. Limitations on liability relating to material online.".

(c) Effective Date.—The amendments made by this section take effect on the date of the enactment of this Act.

SEC. 203. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

TITLE III—COMPUTER MAINTENANCE OR REPAIR COPYRIGHT EXEMPTION

SEC. 301. SHORT TITLE.

This title may be cited as the "Computer Maintenance Competition Assurance Act".

SEC. 302. LIMITATIONS ON EXCLUSIVE RIGHTS; COMPUTER PROGRAMS.

Section 117 of title 17, United States Code, is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) Making of Additional Copy or Adaptation by Owner of Copy.—Notwithstanding";

(2) by striking "Any exact" and inserting the following:

"(b) Lease, Sale, or Other Transfer of Additional Copy or Adaptation.—Any exact"; and

(3) by adding at the end the following:

"(c) Machine Maintenance or Repair.—Notwithstanding the provisions of section 106, it is not an infringement for the owner or lessee of a machine to make or authorize the making of a copy of a computer program if such copy is made solely by virtue of the activation of a machine that lawfully contains an authorized copy of the computer program, for purposes only of maintenance or repair of that machine, if—

"(1) such new copy is used in no other manner and is destroyed immediately after the maintenance or repair is completed; and

"(2) with respect to any computer program or part thereof that is not necessary for that machine to be activated, such program or part thereof is not accessed or used other than to make such new copy by virtue of the activation of the machine.

"(d) Definitions.—For purposes of this section—

"(1) the 'maintenance' of a machine is the servicing of the machine in order to make it work in accordance with its original specifications and any changes to those specifications authorized for that machine; and

"(2) the 'repair' of a machine is the restoring of the machine to the state of working in accordance with its original specifications and any changes to those specifications authorized for that machine.".

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Establishment of the Under Secretary of Commerce for Intellectual Property Policy

SEC. 401. UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY POLICY.

(a) Appointment.—There shall be within the Department of Commerce an Under Secretary of Commerce for Intellectual Property Policy, who shall be appointed by the President, by and with the advice and consent of the Senate, at level II of the Executive Schedule. On or after the effective date of this subtitle, the President may designate an individual to serve as the Acting Under Secretary until the date on which an Under Secretary qualifies under this subsection.

(b) DUTIES.—The Under Secretary of Commerce for Intellectual Property Policy, under the direction of the Secretary of Commerce, shall perform the following functions with respect to intellectual property policy:

(1) In coordination with the Under Secretary of Commerce for International Trade, promote exports of goods and services of the United States industries that rely on intellectual property.

(2) Advise the President, through the Secretary of Commerce, on national and certain international issues relating to intellectual property policy, including issues in the areas of patents, trademarks, and copyrights.

(3) Advise Federal departments and agencies on matters of intellectual property protection in other countries.

(4) Provide guidance, as appropriate, with respect to proposals by agencies to assist foreign governments and international intergovernmental organizations on matters of intellectual property protection.

(5) Conduct programs and studies related to the effectiveness of intellectual property protection throughout the world.

(6) Advise the Secretary of Commerce on programs and studies relating to intellectual property policy that are conducted, or authorized to be conducted, cooperatively with foreign patent and trademark offices and international intergovernmental organizations.

(7) In coordination with the Department of State, conduct programs and studies cooperatively with foreign intellectual property offices and international intergovernmental organizations.

(c) DEPUTY UNDER SECRETARIES.—To assist the Under Secretary of Commerce for Intellectual Property Policy, the Under Secretary shall appoint a Deputy Under Secretary for Patent Policy and a Deputy Under Secretary for Trademark Policy, as members of the Senior Executive Service in accordance with the provisions of title 5, United States Code. The Deputy Under Secretaries shall perform such duties and functions as the Under Secretary shall prescribe.

(d) COMPENSATION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following: "Under Secretary of Commerce for Intellectual Property Policy."

(e) FUNDING.—Funds available to the Patent and Trademark Office shall be made available for all expenses of the Office of the Under Secretary of Commerce for Intellectual Property Policy, subject to prior approval in appropriations Acts. Amounts made available under this subsection shall not exceed 2 percent of the projected annual revenues of the Patent and Trademark Office from fees for services and goods of that Office. The Secretary of Commerce shall determine the budget requirements of the Office of the Under Secretary for Intellectual Property Policy.

(f) CONSULTATION.—In connection with the performance of his or her duties under this section, the Under Secretary shall, on appropriate matters, consult with the Register of Copyrights.

SEC. 402. RELATIONSHIP WITH EXISTING AUTHORITIES.

(a) NO DEROGATION.—Nothing in section 401 shall derogate from the duties of the United States Trade Representative or from the duties of the Secretary of State. In addition, nothing in this subtitle shall derogate from the duties and functions of the Register of Copyrights or otherwise alter current authorities relating to copyright matters.

(b) CLARIFICATION OF AUTHORITY OF THE COPYRIGHT OFFICE.—Section 701 of title 17, United States Code, is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(2) by inserting after subsection (a) the following:

"(b) In addition to the functions and duties set out elsewhere in this chapter, the Register of Copyrights shall perform the following functions:

"(1) Advise Congress on national and international issues relating to copyright, other matters arising under chapters 9, 12, 13, and 14 of this title, and related matters.

"(2) Provide information and assistance to Federal departments and agencies and the Judiciary on national and international issues relating to copyright, other matters arising under chapters 9, 12, 13, and 14 of this title, and related matters.

"(3) Participate in meetings of international intergovernmental organizations and meetings with foreign government officials relating to copyright, other matters arising under chapters 9, 12, 13, and 14 of this title, and related matters, including as a member of United States delegations as authorized by the appropriate Executive Branch authority.

"(4) Conduct studies and programs regarding copyright, other matters arising under chapters 9, 12, 13, and 14 of this title, and related matters, the administration of the Copyright Office, or any function vested in the Copyright Office by law, including educational programs conducted cooperatively with foreign intellectual property offices and international intergovernmental organizations.

"(5) Perform such other functions as Congress may direct, or as may be appropriate in furtherance of the functions and duties specifically set forth in this title."

Subtitle B—Related Provisions

SEC. 411. EPHEMERAL RECORDINGS.

Section 112(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by inserting after "114(a)," the following: "or for a transmitting organization that is a broadcast radio or television station licensed as such by the Federal Communications Commission that broadcasts a performance of a sound recording in a digital format on a nonsubscription basis,"; and

(4) by adding at the end the following:

"(2) In a case in which a transmitting organization entitled to make a copy or phonorecord under paragraph (1) in connection with the transmission to the public of a performance or display of a work is prevented from making such copy or phonorecord by reason of the application by the copyright owner of technical measures that prevent the reproduction of the work, the copyright owner shall make available to the transmitting organization the necessary means for permitting the making of such copy or phonorecord as permitted under that paragraph, if it is technologically feasible and economically reasonable for the copyright owner to do so. If the copyright owner fails to do so in a timely manner in light of the transmitting organization's reasonable business requirements, the transmitting organization shall not be liable for a violation of section 1201(a)(1) of this title for engaging in such activities as are necessary to make such copies or phonorecords as permitted under paragraph (1) of this subsection.".

SEC. 412. LIMITATIONS ON EXCLUSIVE RIGHTS; DISTANCE EDUCATION.

(a) RECOMMENDATIONS BY REGISTER OF COPYRIGHTS.—Not later than 6 months after the date of the enactment of this Act, the Register of Copyrights, after consultation with representatives of copyright owners, nonprofit educational institutions, and nonprofit libraries and archives, shall submit to the Congress recommendations on how to promote distance education through digital technologies, including interactive digital networks, while maintaining an appropriate balance between the rights of copyright owners and the needs of users of copyrighted works. Such recommendations shall include any legislation the Register of Copyrights considers appropriate to achieve the objective described in the preceding sentence.

(b) FACTORS.—In formulating recommendations under subsection (a), the Register of Copyrights shall consider—

(1) the need for an exemption from exclusive rights of copyright owners for distance education through digital networks;

(2) the categories of works to be included under any distance education exemption;

(3) the extent of appropriate quantitative limitations on the portions of works that may be used under any distance education exemption;

(4) the parties who should be entitled to the benefits of any distance education exemption;

(5) the parties who should be designated as eligible recipients of distance education materials under any distance education exemption;

(6) whether and what types of technological measures can or should be employed to safeguard against unauthorized access to, and use or retention of, copyrighted materials as a condition of eligibility for any distance education exemption, including, in light of developing technological capabilities, the exemption set out in section 110(2) of title 17, United States Code;

(7) the extent to which the availability of licenses for the use of copyrighted works in distance education through interactive digital networks should be considered in assessing eligibility for any distance education exemption; and

(8) such other issues relating to distance education through interactive digital networks that the Register considers appropriate.

SEC. 413. EXEMPTION FOR LIBRARIES AND ARCHIVES.

Section 108 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Notwithstanding" and inserting "Except as otherwise provided in this title and notwithstanding";

(B) by inserting after "no more than one copy or phonorecord of a work" the following: ", except as provided in subsections (b) and (c)"; and

(C) in paragraph (3) by inserting after "copyright" the following: "that appears on the copy or phonorecord that is reproduced under the provisions of this section, or includes a legend stating that the work may be protected by copyright if no such notice can be found on the copy or phonorecord that is reproduced under the provisions of this section";

(2) in subsection (b)—

(A) by striking "a copy or phonorecord" and inserting "three copies or phonorecords";

(B) by striking "in facsimile form"; and

(C) by striking "if the copy or phonorecord reproduced is currently in the collections of the library or archives." and inserting "if—

"(1) the copy or phonorecord reproduced is currently in the collections of the library or archives; and

"(2) any such copy or phonorecord that is reproduced in digital format is not otherwise distributed in that format and is not made available to the public in that format outside the premises of the library or archives."; and

(3) in subsection (c)—

(A) by striking "a copy or phonorecord" and inserting "three copies or phonorecords";

(B) by striking "in facsimile form";

(C) by inserting "or if the existing format in which the work is stored has become obsolete," after "stolen,"; and

(D) by striking "if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price." and inserting "if—

"(1) the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price; and

"(2) any such copy or phonorecord that is reproduced in digital format is not made available to the public in that format outside the premises of the library or archives in lawful possession of such copy."; and

(E) by adding at the end the following:

"For purposes of this subsection, a format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace.".

SEC. 414. FAIR USE.

Section 107 of title 17, United States Code, is amended in the first sentence by striking ", including such use" and all that follows through "section,".

SEC. 415. SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS; EPHEMERAL RECORDINGS.

(a) SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS.—Section 114 of title 17, United States Code, is amended as follows:

(1) Subsection (d) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) a nonsubscription broadcast transmission;"; and

(B) by amending paragraph (2) to read as follows:

"(2) STATUTORY LICENSING OF CERTAIN TRANSMISSIONS.—The performance of a sound recording publicly by means of a subscription digital audio transmission not exempt under paragraph (1) or an eligible nonsubscription digital audio transmission shall be subject to statutory licensing, in accordance with subsection (f) if—

"(A) in the case of a subscription transmission not exempt under paragraph (1) or an eligible nonsubscription transmission—

"(i) the transmission is not part of an interactive service;

"(ii) except in the case of a transmission to a business establishment, the transmitting entity does not automatically and intentionally cause any device receiving the transmission to switch from one program channel to another; and

"(iii) except as provided in section 1002(e), the transmission of the sound recording is accompanied by the information encoded in that sound recording, if any, by or under the authority of the copyright owner of that sound recording, that identifies the title of the sound recording, the featured recording artist who performs on the sound recording, and related information, including information concerning the underlying musical work and its writer;

"(B) in the case of a subscription transmission not exempt under paragraph (1) by a preexisting subscription service in the same transmission medium used by such service on July 31, 1998—

"(i) the transmission does not exceed the sound recording performance complement;

"(ii) the transmitting entity does not cause to be published by means of an advance program schedule or prior announcement the titles of the specific sound recordings or phonorecords embodying such sound recordings to be transmitted; and

"(C) in the case of an eligible nonsubscription transmission or a subscription transmission not exempt under paragraph (1) by a new subscription service or by a preexisting subscription service other than in the same transmission medium used by such service on July 31, 1998—

"(i) the transmission does not exceed the sound recording performance complement, except that this requirement shall not apply in the case of a retransmission of a broadcast transmission if the retransmission is made by a transmitting entity that does not have the right or ability to control the programming of the broadcast station making the broadcast transmission, unless the broadcast station makes broadcast transmissions—

"(I) in digital format that regularly exceed the sound recording performance complement; or

"(II) in analog format, a substantial portion of which, on a weekly basis, exceed the sound recording performance complement;

Provided, however, That the sound recording copyright owner or its representative has notified the transmitting entity in writing that broadcast transmissions of the copyright owner's sound recordings exceed the sound recording complement as provided in this clause;

"(ii) the transmitting entity does not cause to be published, or induce or facilitate the publication, by means of an advance program schedule or prior announcement, the titles of the specific sound recordings to be transmitted, the phonorecords embodying such sound recordings, or, other than for illustrative purposes, the names of the featured recording artists, except that this clause does not disqualify a transmitting entity that makes a prior announcement that a particular artist will be featured within an unspecified future time period and, in any 1-hour period, no more than 3 such announcements are made with respect to no more than 2 artists in each announcement;

"(iii) the transmission is not part of—

"(I) an archived program of less than 5 hours duration;

"(II) an archived program of greater than 5 hours duration that is made available for a period exceeding 2 weeks;

"(III) a continuous program which is of less than 3 hours duration; or

"(IV) a program, other than an archived or continuous program, that is transmitted at a scheduled time more than 3 additional times in a 2-week period following the first transmission of the program and for an additional 2-week period more than 1 month following the end of the first such 2-week period;

"(iv) the transmitting entity does not knowingly perform the sound recording in a manner that is likely to cause confusion, to cause mistake, or to deceive, as to the affiliation, connection, or association of the copyright owner or featured recording artist with the transmitting entity or a particular product or service advertised by the transmitting entity, or as to the origin, sponsorship, or approval by the copyright owner or featured recording artist of the activities of the transmitting entity other than the performance of the sound recording itself;

"(v) the transmitting entity cooperates to prevent, to the extent feasible without imposing substantial costs or burdens, a transmission recipient or any other person or entity from automatically scanning the transmitting entity's transmissions together with transmissions by other transmitting entities to select a particular sound recording to be transmitted to the transmission recipient;

"(vi) the transmitting entity takes reasonable steps to ensure, to the extent within its control, that the transmission recipient cannot make a phonorecord in a digital format of the transmission, and the transmitting entity takes no affirmative steps to cause or induce the making of a phonorecord by the transmission recipient;

"(vii) phonorecords of the sound recording have been distributed to the public in the United States under the authority of the copyright owner or the copyright owner authorizes the transmitting entity to transmit the sound recording, and the transmitting entity makes the transmission from a phonorecord lawfully made under this title;

"(viii) the transmitting entity accommodates and does not interfere with the transmission of technical measures that are widely used by sound recording copyright owners to identify or protect copyrighted works, and that are technically feasible of being transmitted by the transmitting entity without imposing substantial costs on the transmitting entity or resulting in perceptible aural or visual degradation of the digital signal; and

"(ix) in the case of an eligible nonsubscription transmission, the transmitting entity identifies the sound recording during, but not before, the time it is performed, including the title of the sound recording, the title of the phonorecord embodying such sound recording, if any, and the featured recording artist in a manner to permit it to be perceived by the transmission recipient, except that the obligation in this clause shall not take effect until 1 year after the date of the enactment of the Digital Millennium Copyright Act.".

(2) Subsection (f) is amended to read as follows:

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "(1) No" and inserting "(1)(A) No";

(II) by striking "the activities" and inserting "subscription transmissions by preexisting subscription services"; and

(III) by striking "2000" and inserting "2001"; and

(ii) by amending the third sentence to read as follows: "Any copyright owners of sound recordings or any preexisting subscription services may submit to the Librarian of Congress licenses covering such subscriptions transmissions with respect to such sound recordings."; and

(B) by striking paragraphs (2), (3), (4), and (5) and inserting the following:

"(B) In the absence of license agreements negotiated under subparagraph (A), during the 60-day period commencing 6 months after publication of the notice specified in subparagraph (A), and upon the filing of a petition in accordance with section 803(a)(1), the Librarian of Congress shall, pursuant to chapter 8, convene a copyright arbitration royalty panel to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (3), shall be binding on all copyright owners of sound recordings and preexisting subscription services. In establishing rates and terms for preexisting subscription services, in addition to the objectives set forth in section 801(b)(1), the copyright arbitration royalty panel may consider the rates and terms for comparable types of subscription digital audio transmission services and comparable circumstances under voluntary license agreements negotiated as provided in subparagraph (A).

"(C)(i) Publication of a notice of the initiation of voluntary negotiation proceedings as specified in subparagraph (A) shall be repeated, in accordance with regulations that the Librarian of Congress shall prescribe—

"(I) no later than 30 days after a petition is filed by any copyright owners of sound recordings or any preexisting subscription services indicating that a new type of subscription digital audio transmission service on which sound recordings are performed is or is about to become operational; and

"(II) in the first week of January, 2001, and at 5-year intervals thereafter.

"(ii) The procedures specified in subparagraph (B) shall be repeated, in accordance with regulations that the Librarian of Congress shall prescribe, upon filing of a petition in accordance with section 803(a)(1) during a 60-day period commencing—

"(I) 6 months after publication of a notice of the initiation of voluntary negotiation proceedings under subparagraph (A) pursuant to a petition under clause (i)(I) of this subparagraph; or

"(II) on July 1, 2001, and at 5-year intervals thereafter.

"(iii) The procedures specified in subparagraph (B) shall be concluded in accordance with section 802.

"(2)(A) No later than 30 days after the date of the enactment of the Digital Millennium Copyright Act, the Librarian of Congress shall cause notice to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining reasonable terms and rates of royalty payments for eligible nonsubscription transmissions and transmissions by new subscription services specified by subsection (d)(2) during the period beginning on the date of the enactment of such Act and ending on December 31, 2000, or such other date as the parties may agree. Such rates and terms shall distinguish among the different types of eligible nonsubscription transmission services then in operation and shall include a minimum fee for each such type of service. Any copyright owners of sound recordings or any entities performing sound recordings affected by this section may submit to the Librarian of Congress licenses covering such eligible nonsubscription transmissions with respect to such sound recordings. The parties to each negotiation proceeding shall bear their own costs.

"(B) In the absence of license agreements negotiated under subparagraph (A), during the 60-day period commencing 6 months after publication of the notice specified in subparagraph (A), and upon the filing of a petition in accordance with section 803(a)(1), the Librarian of Congress shall, pursuant to chapter 8, convene a copyright arbitration royalty panel to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (3), shall be binding on all copyright owners of sound recordings and entities performing sound recordings during the period beginning on the date of the enactment of the Digital Millennium Copyright Act and ending on December 31, 2000, or such other date as the parties may agree. Such rates and terms shall distinguish among the different types of eligible nonsubscription, transmission services then in operation and shall include a minimum fee for each such type of service, such differences to be based on criteria, including, but not limited to, the quantity and nature of the use of sound recordings and the degree to which use of the service may substitute for or may promote the purchase of phonorecords by consumers. In establishing rates and terms for transmissions by eligible nonsubscription services and new subscription services, the copyright arbitration royalty panel shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms, the copyright arbitration royalty panel shall base its decision on economic, competitive and programming information presented by the parties, including—

"(i) whether use of the service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the sound recording copyright owner's other streams of revenue from its sound recordings; and

"(ii) the relative roles of the copyright owner and the copyright user in the copyrighted work and the service made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, and risk.

"(C)(i) Publication of a notice of the initiation of voluntary negotiation proceedings as specified in subparagraph (A) shall be repeated in accordance with regulations that the Librarian of Congress shall prescribe—

"(I) no later than 30 days after a petition if filed by any copyright owners of sound recordings or any eligible nonsubscription service or new subscription service indicating that a new type of eligible nonsubscription service or new subscription service on which sound recordings are performed is or is about to become operational; and

"(II) in the first week of January 2000, and at 2-year intervals thereafter, except to the extent that different years for the repeating of such proceedings may be determined in accordance with subparagraph (A).

"(ii) The procedures specified in subparagraph (B) shall be repeated, in accordance with regulations that the Librarian of Congress shall prescribe, upon filing of a petition in accordance with section 803(a)(1) during a 60-day period commencing—

"(I) 6 months after publication of a notice of the initiation of voluntary negotiation proceedings under subparagraph (A) pursuant to a petition under clause (i)(I); or

"(II) on July 1, 2000, and at 2-year intervals thereafter, except to the extent that different years for the repeating of such proceedings may be determined in accordance with subparagraph (A).

"(iii) The procedures specified in subparagraph (B) shall be concluded in accordance with section 802.

"(3) License agreements voluntarily negotiated at any time between 1 or more copyright owners of sound recordings and 1 or more entities performing sound recordings shall be given effect in lieu of any determination by a copyright arbitration royalty panel or decision by the Librarian of Congress.

"(4)(A) The Librarian of Congress shall also establish requirements by which copyright owners may receive reasonable notice of the use of their sound recordings under this section, and under which records of such use shall be kept and made available by entities performing sound recordings.

"(B) Any person who wishes to perform a sound recording publicly by means of a transmission eligible for statutory licensing under this subsection may do so without infringing the exclusive right of the copyright owner of the sound recording—

"(i) by complying with such notice requirements as the Librarian of Congress shall prescribe by regulation and by paying royalty fees in accordance with this subsection; or

"(ii) if such royalty fees have not been set, by agreeing to pay such royalty fees as shall be determined in accordance with this subsection.

"(C) Any royalty payments in arrears shall be made on or before the twentieth day of the month next succeeding the month in which the royalty fees are set.".

(3) Subsection (g) is amended—

(A) in the subsection heading by striking "SUBSCRIPTION";

(B) in paragraph (1) in the matter preceding subparagraph (A), by striking "subscription transmission licensed" and inserting "transmission licensed under a statutory license";

(C) in subparagraphs (A) and (B) by striking "subscription"; and

(D) in paragraph (2) by striking "subscription".

(4) Subsection (j) is amended—

(A) by redesignating paragraphs (2), (3), (5), (6), (7), and (8) as paragraphs (3), (5), (9), (11), (12), and (13), respectively;

(B) by inserting after paragraph (1) the following:

"(2) An 'archived program' is a prerecorded program that is available repeatedly on demand and that is performed in the same predetermined order from the beginning.";

(C) by inserting after paragraph (3), as so redesignated, the following:

"(4) A 'continuous program' is a prerecorded program that is continuously performed in the same predetermined order and the point in the program at which it is accessed is beyond the control of the transmission recipient.";

(D) by inserting after paragraph (5), as so redesignated, the following:

"(6) An 'eligible nonsubscription transmission' is a noninteractive, nonsubscription transmission made as part of a service that provides audio programming consisting, in whole or in part, of performances of sound recordings, including retransmissions of broadcast transmissions, if the primary purpose of the service is to provide to the public such audio or other entertainment programming, and the primary purpose of the service is not to sell, advertise, or promote particular products or services other than sound recordings, live concerts, or other music-related events.

"(7) An 'interactive service' is one that enables a member of the public to receive a transmission of a program specially created for the recipient, or on request, a transmission of a particular sound recording, whether or not as part of a program, which is selected by or on behalf of the recipient. The ability of individuals to request that particular sound recordings be performed for reception by the public at large does not make a service interactive, if the programming on each channel of the service does not substantially consist of sound recordings that are performed within 1 hour of the request or at a time designated by either the transmitting entity or the individual making such request. If an entity offers both interactive and noninteractive services (either concurrently or at different times), the noninteractive component shall not be treated as part of an interactive service.

"(8) A 'new subscription service' is a service that performs sound recordings by means of subscription digital audio transmissions and that is not a preexisting subscription service.";

(E) by inserting after paragraph (9), as so redesignated, the following:

"(10) A 'preexisting subscription service' is a service that performs sound recordings by means of noninteractive audio-only subscription digital audio transmissions, which was in existence and was making such transmission to the public for a fee on or before July 31, 1998."; and

(F) by adding at the end the following:

"(14) A 'transmission' is either an initial transmission or a retransmission.".

(b) Ephemeral Recordings.—Section 112 of title 17, United States Code, is amended by adding at the end the following:

"(f) Statutory License.—(1) An ephemeral recording of a sound recording by a transmitting organization entitled to transmit to the public a performance of that sound recording by means of a digital audio transmission under a statutory license in accordance with section 114(f) or an exemption provided in section 114(d)(1)(B) or (C) is subject to statutory licensing under the conditions specified by this subsection.

"(2) A statutory license under this subsection grants a transmitting organization entitled to transmit to the public a performance of a sound recording by means of a digital audio transmission under a statutory license in accordance with section 114(f) or an exemption provided in section 114(d)(1)(B) or (C) the privilege of making no more than 1 phonorecord of the sound recording (unless the terms and conditions of the statutory license allow for more), if—

"(A) the phonorecord is retained and used solely by the transmitting organization that made it, and no further phonorecords are reproduced from it; and

"(B) the phonorecord is used solely for the transmitting organization's own transmissions in the United States under a statutory license in accordance with section 114(f) or an exemption provided in section 114(d)(1)(B) or (C);

"(C) unless preserved exclusively for purposes of archival preservation, the phonorecord is destroyed within 6 months from the date the sound recording was first transmitted to the public using the phonorecord; and

"(D) phonorecords of the sound recording have been distributed to the public in the United States under the authority of the copyright owner or the copyright owner authorizes the transmitting entity to transmit the sound recording, and the transmitting entity makes the transmission from a phonorecord lawfully made and acquired under this title.

"(3) Notwithstanding any provision of the antitrust laws, any copyright owners of sound recordings and any transmitting organizations entitled to obtain a statutory license under this subsection may negotiate and agree upon royalty rates and license terms and conditions for ephemeral recordings of such sound recordings and the proportionate division of fees paid among copyright owners, and may designate common agents to negotiate, agree to, pay, or receive such royalty payments.

"(4) No later than 30 days after the date of the enactment of the Digital Millennium Copyright Act, the Librarian of Congress shall cause notice to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining reasonable terms and rates of royalty payments for the activities specified by paragraph (2) of this subsection during the period beginning on the date of the enactment of such Act and ending on December 31, 2000, or such other date as the parties may agree. Such rates shall include a minimum fee for each type of service. Any copyright owners of sound recordings or any transmitting organizations entitled to obtain a statutory license under this subsection may submit to the Librarian of Congress licenses covering such activities with respect to such sound recordings. The parties to each negotiation proceeding shall bear their own costs.

"(5) In the absence of license agreements negotiated under paragraph (3), during the 60-day period commencing 6 months after publication of the notice specified in paragraph (4), and upon the filing of a petition in accordance with section 803(a)(1), the Librarian of Congress shall, pursuant to chapter 8, convene a copyright arbitration royalty panel to determine and publish in the Federal Register a schedule of reasonable rates and terms which, subject to paragraph (6), shall be binding on all copyright owners of sound recordings and transmitting organizations entitled to obtain a statutory license under this subsection during the period beginning on the date of the enactment of the Digital Millennium Copyright Act and ending on December 31, 2000, or such other date as the parties may agree. Such rates shall include a minimum fee for each type of service. The copyright arbitration royalty panel shall establish rates that most clearly represent the fees that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms, the copyright arbitration royalty panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

"(A) whether use of the service may substitute for or may promote the sales of phonorecords or otherwise interferes with or enhances the copyright owner's traditional streams of revenue;

"(B) the relative rules of the copyright owner and the copyright user in the copyrighted work and the service made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, and risk.

In establishing such rates and terms, the copyright arbitration royalty panel may consider the rates and terms under voluntary license agreements negotiated as provided in paragraphs (3) and (4). The Librarian of Congress shall also establish requirements by which copyright owners may receive reasonable notice of the use of their sound recordings under this section, and under which records of such use shall be kept and made available by transmitting organizations entitled to obtain a statutory license under this subsection.

"(6) License agreements voluntarily negotiated at any time between 1 or more copyright owners of sound recordings and 1 or more transmitting organizations entitled to obtain a statutory license under this subsection shall be given effect in lieu of any determination by a copyright arbitration royalty panel or decision by the Librarian of Congress.

"(7) Publication of a notice of the initiation of voluntary negotiation proceedings as specified in paragraph (4) shall be repeated, in accordance with regulations that the Librarian of Congress shall prescribe, in the first week of January 2000, and at 2-year intervals thereafter, except to the extent that different years for the repeating of such proceedings may be determined in accordance with paragraph (4). The procedures specified in paragraph (5) shall be repeated, in accordance with regulations that the Librarian of Congress shall prescribe, upon filing of a petition in accordance with section 803(a)(1) during a 60-day period commencing on July 1, 2000, and at 2-year intervals thereafter, except to the extent that different years for the repeating of such proceedings may be determined in accordance with paragraph (4). The procedures specified in paragraph (5) shall be concluded in accordance with section 802.

"(8)(A) Any person who wishes to make an ephemeral recording of a sound recording under a statutory license in accordance with this subsection may do so without infringing the exclusive right of the copyright owner of the sound recording under section 106(1)—

"(i) by complying with such notice requirements as the Librarian of Congress shall prescribe by regulation and by paying royalty fees in accordance with this subsection; or

"(ii) if such royalty fees have not been set, by agreeing to pay such royalty fees as shall be determined in accordance with this subsection.

"(B) Any royalty payments in arrears shall be made on or before the 20th day of the month next succeeding the month in which the royalty fees are set.

"(9) If a transmitting organization entitled to make a phonorecord under this subsection is prevented from making such phonorecord by reason of the application by the copyright owner of technical measures that prevent the reproduction of the sound recording, the copyright owner shall make available to the transmitting organization the necessary means for permitting the making of such phonorecord within the meaning of this subsection, if it is technologically feasible and economically reasonable for the copyright owner to do so. If the copyright owner fails to do so in a timely manner in light of the transmitting organization's reasonable business requirements, the transmitting organization shall not be liable for a violation of section 1201(a)(1) of this title for engaging in such activities as are necessary to make such phonorecords as permitted under this subsection.".

SEC. 416. ASSUMPTION OF CONTRACTUAL OBLIGATIONS RELATED TO TRANSFERS OF RIGHTS IN MOTION PICTURES.

(a) In General.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 180—ASSUMPTION OF CERTAIN CONTRACTUAL OBLIGATIONS

"Sec.
"4001. Assumption of contractual obligations related to transfers of rights in motion pictures.

"§ 4001. Assumption of contractual obligations related to transfers of rights in motion pictures

"(a) Assumption of Obligations.—In the case of a transfer of copyright ownership in a motion picture (as defined in section 101 of title 17) that is produced subject to 1 or more collective bargaining agreements negotiated under the laws of the United States, if the transfer is executed on or after the effective date of this chapter and is not limited to public performance rights, the transfer instrument shall be deemed to incorporate the assumption agreements applicable to the copyright ownership being transferred that are required by the applicable collective bargaining agreement, and the transferee shall be subject to the obligations under each such assumption agreement to make residual payments and provide related notices, accruing after the effective date of the transfer and applicable to the exploitation of the rights transferred, and any remedies under each such assumption agreement for breach of those obligations, as those obligations and remedies are set forth in the applicable collective bargaining agreement, if—

"(1) the transferee knows or has reason to know at the time of the transfer that such collective bargaining agreement was or will be applicable to the motion picture; or

"(2) in the event of a court order confirming an arbitration award against the transferor under the collective bargaining agreement, the transferor does not have the financial ability to satisfy the award within 90 days after the order is issued.

"(b) Failure To Notify.—If the transferor under subsection (a) fails to notify the transferee under subsection (a) of applicable collective bargaining obligations before the execution of the transfer instrument, and subsection (a) is made applicable to the transferee solely by virtue of subsection (a)(2), the transferor shall be liable to the transferee for any damages suffered by the transferee as a result of the failure to notify.

"(c) Determination of Disputes and Claims.—Any dispute concerning the application of subsection (a) and any claim made under subsection (b) shall be determined by an action in United States district court, and the court in its discretion may allow the recovery of full costs by or against any party and may also award a reasonable attorney's fee to the prevailing party as part of the costs.".

(b) Conforming Amendment.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

"180. Assumption of Certain Contractual Obligations .... 4001".

SEC. 417. FIRST SALE CLARIFICATION.

Section 109(a) of title 17, United States Code, is amended by striking the first sentence and inserting the following: "Notwithstanding the provisions of section 106(3), the owner of a particular lawfully made copy or phonorecord that has been distributed in the United States by the authority of the copyright owner, or any person authorized by the owner of that copy or phonorecord, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord.".

TITLE V—COLLECTIONS OF INFORMATION ANTIPIRACY ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Collections of Information Antipiracy Act".

SEC. 502. MISAPPROPRIATION OF COLLECTIONS OF INFORMATION.

Title 17, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 13—MISAPPROPRIATION OF COLLECTIONS OF INFORMATION

"Sec.
"1301. Definitions.
"1302. Prohibition against misappropriation.
"1303. Permitted acts.
"1304. Exclusions.
"1305. Relationship to other laws.
"1306. Civil remedies.
"1307. Criminal offenses and penalties.
"1308. Limitations on actions.

"§ 1301. Definitions

"As used in this chapter:

"(1) Collection of information.—The term 'collection of information' means information that has been collected and has been organized for the purpose of bringing discrete items of information together in one place or through one source so that users may access them.

"(2) Information.—The term 'information' means facts, data, works of authorship, or any other intangible material capable of being collected and organized in a systematic way.

"(3) Potential market.—The term 'potential market' means any market that a person claiming protection under section 1302 has current and demonstrable plans to exploit or that is commonly exploited by persons offering similar products or services incorporating collections of information.

"(4) Commerce.—The term 'commerce' means all commerce which may be lawfully regulated by the Congress.

"(5) Product or service.—A product or service incorporating a collection of information does not include a product or service incorporating a collection of information gathered, organized, or maintained to address, route, forward, transmit, or store digital online communications or provide or receive access to connections for digital online communications.

"§ 1302. Prohibition against misappropriation

"Any person who extracts, or uses in commerce, all or a substantial part, measured either quantitatively or qualitatively, of a collection of information gathered, organized, or maintained by another person through the investment of substantial monetary or other resources, so as to cause harm to the actual or potential market of that other person, or a successor in interest of that other person, for a product or service that incorporates that collection of information and is offered or intended to be offered for sale or otherwise in commerce by that other person, or a successor in interest of that person, shall be liable to that person or successor in interest for the remedies set forth in section 1306.

"§ 1303. Permitted acts

"(a) Individual Items of Information and Other Insubstantial Parts.—Nothing in this chapter shall prevent the extraction or use of an individual item of information, or other insubstantial part of a collection of information, in itself. An individual item of information, including a work of authorship, shall not itself be considered a substantial part of a collection of information under section 1302. Nothing in this subsection shall permit the repeated or systematic extraction or use of individual items or insubstantial parts of a collection of information so as to circumvent the prohibition contained in section 1302.

"(b) Gathering or Use of Information Obtained Through Other Means.—Nothing in this chapter shall restrict any person from independently gathering information or using information obtained by means other than extracting it from a collection of information gathered, organized, or maintained by another person through the investment of substantial monetary or other resources.

"(c) Use of Information for Verification.—Nothing in this chapter shall restrict any person from extracting or using a collection of information within any entity or organization, for the sole purpose of verifying the accuracy of information independently gathered, organized, or maintained by that person. Under no circumstances shall the information so used be extracted from the original collection and made available to others in a manner that harms the actual or potential market for the collection of information from which it is extracted or used.

"(d) Nonprofit Educational, Scientific, or Research Uses.—Notwithstanding section 1302, no person shall be restricted from extracting or using information for nonprofit educational, scientific, or research purposes in a manner that does not harm directly the actual market for the product or service referred to in section 1302.

"(e) News Reporting.—Nothing in this chapter shall restrict any person from extracting or using information for the sole purpose of news reporting, including news gathering, dissemination, and comment, unless the information so extracted or used is time sensitive and has been gathered by a news reporting entity, and the extraction or use is part of a consistent pattern engaged in for the purpose of direct competition.

"(f) Transfer of Copy.—Nothing in this chapter shall restrict the owner of a particular lawfully made copy of all or part of a collection of information from selling or otherwise disposing of the possession of that copy.

"§ 1304. Exclusions

"(a) Government Collections of Information.—

"(1) Exclusion.—Protection under this chapter shall not extend to collections of information gathered, organized, or maintained by or for a government entity, whether Federal, State, or local, including any employee or agent of such entity, or any person exclusively licensed by such entity, within the scope of the employment, agency, or license. Nothing in this subsection shall preclude protection under this chapter for information gathered, organized, or maintained by such an agent or licensee that is not within the scope of such agency or license, or by a Federal or State educational institution in the course of engaging in education or scholarship.

"(2) Exception.—The exclusion under paragraph (1) does not apply to any information required to be collected and disseminated—

"(A) under the Securities Exchange Act of 1934 by a national securities exchange, a registered securities association, or a registered securities information processor, subject to section 1305(g) of this title; or

"(B) under the Commodity Exchange Act by a contract market, subject to section 1305(g) of this title.

"(b) Computer Programs.—

"(1) Protection not extended.—Subject to paragraph (2), protection under this chapter shall not extend to computer programs, including, but not limited to, any computer program used in the manufacture, production, operation, or maintenance of a collection of information, or any element of a computer program necessary to its operation.

"(2) Incorporated collections of information.—A collection of information that is otherwise subject to protection under this chapter is not disqualified from such protection solely because it is incorporated into a computer program.

"§ 1305. Relationship to other laws

"(a) Other Rights Not Affected.—Subject to subsection (b), nothing in this chapter shall affect rights, limitations, or remedies concerning copyright, or any other rights or obligations relating to information, including laws with respect to patent, trademark, design rights, antitrust, trade secrets, privacy, access to public documents, and the law of contract.

"(b) Preemption of State Law.—On or after the effective date of this chapter, all rights that are equivalent to the rights specified in section 1302 with respect to the subject matter of this chapter shall be governed exclusively by Federal law, and no person is entitled to any equivalent right in such subject matter under the common law or statutes of any State. State laws with respect to trademark, design rights, antitrust, trade secrets, privacy, access to public documents, and the law of contract shall not be deemed to provide equivalent rights for purposes of this subsection.

"(c) Relationship to Copyright.—Protection under this chapter is independent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of, any copyright protection or limitation, including, but not limited to, fair use, in any work of authorship that is contained in or consists in whole or part of a collection of information. This chapter does not provide any greater protection to a work of authorship contained in a collection of information, other than a work that is itself a collection of information, than is available to that work under any other chapter of this title.

"(d) Antitrust.—Nothing in this chapter shall limit in any way the constraints on the manner in which products and services may be provided to the public that are imposed by Federal and State antitrust laws, including those regarding single suppliers of products and services.

"(e) Licensing.—Nothing in this chapter shall restrict the rights of parties freely to enter into licenses or any other contracts with respect to the use of collections of information.

"(f) Communications Act of 1934.—Nothing in this chapter shall affect the operation of the provisions of the Communications Act of 1934 (47 U.S.C. 151 et seq.), or shall restrict any person from extracting or using subscriber list information, as such term is defined in section 222(f)(3) of the Communications Act of 1934 (47 U.S.C. 222(f)(3)), for the purpose of publishing telephone directories in any format.

"(g) Securities and Commodities Market Information.—

"(1) Federal agencies and acts.—Nothing in this Act shall affect:

"(A) the operation of the provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Commodity Exchange Act (7 U.S.C. 1 et seq.);

"(B) the jurisdiction or authority of the Securities and Exchange Commission and the Commodity Futures Trading Commission; or

"(C) the functions and operations of self-regulatory organizations and securities information processors under the provisions of the Securities Exchange Act of 1934 and the rules and regulations thereunder, including making market information available pursuant to the provisions of that Act and the rules and regulations promulgated thereunder.

"(2) Prohibition.—Notwithstanding any provision in subsection (a), (b), (c), (d), or (f) of section 1303, nothing in this chapter shall permit the extraction, use, resale, or other disposition of real-time market information except as the Securities Exchange Act of 1934, the Commodity Exchange Act, and the rules and regulations thereunder may otherwise provide. In addition, nothing in subsection (e) of section 1303 shall be construed to permit any person to extract or use real-time market information in a manner that constitutes a market substitute for a real-time market information service (including the real-time systematic updating of or display of a substantial part of market information) provided on a real-time basis.

"(3) Definition.—As used in this subsection, the term 'market information' means information relating to quotations and transactions that is collected, processed, distributed, or published pursuant to the provisions of the Securities Exchange Act of 1934 or by a contract market that is designated by the Commodity Futures Trading Commission pursuant to the Commodity Exchange Act and the rules and regulations thereunder.

"§ 1306. Civil remedies

"(a) Civil Actions.—Any person who is injured by a violation of section 1302 may bring a civil action for such a violation in an appropriate United States district court without regard to the amount in controversy, except that any action against a State governmental entity may be brought in any court that has jurisdiction over claims against such entity.

"(b) Temporary and Permanent Injunctions.—Any court having jurisdiction of a civil action under this section shall have the power to grant temporary and permanent injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent a violation of section 1302. Any such injunction may be served anywhere in the United States on the person enjoined, and may be enforced by proceedings in contempt or otherwise by any United States district court having jurisdiction over that person.

"(c) Impoundment.—At any time while an action under this section is pending, the court may order the impounding, on such terms as it deems reasonable, of all copies of contents of a collection of information extracted or used in violation of section 1302, and of all masters, tapes, disks, diskettes, or other articles by means of which such copies may be reproduced. The court may, as part of a final judgment or decree finding a violation of section 1302, order the remedial modification or destruction of all copies of contents of a collection of information extracted or used in violation of section 1302, and of all masters, tapes, disks, diskettes, or other articles by means of which such copies may be reproduced.

"(d) Monetary Relief.—When a violation of section 1302 has been established in any civil action arising under this section, the plaintiff shall be entitled to recover any damages sustained by the plaintiff and defendant's profits not taken into account in computing the damages sustained by the plaintiff. The court shall assess such profits or damages or cause the same to be assessed under its direction. In assessing profits the plaintiff shall be required to prove defendant's gross revenue only and the defendant shall be required to prove all elements of cost or deduction claims. In assessing damages the court may enter judgment, according to the circumstances of the case, for any sum above the amount found as actual damages, not exceeding three times such amount. The court in its discretion may award reasonable costs and attorney's fees to the prevailing party and shall award such costs and fees where it determines that an action was brought under this chapter in bad faith against a nonprofit educational, scientific, or research institution, library, or archives, or an employee or agent of such an entity, acting within the scope of his or her employment.

"(e) Reduction or Remission of Monetary Relief for Nonprofit Educational, Scientific, or Research Institutions.—The court shall reduce or remit entirely monetary relief under subsection (d) in any case in which a defendant believed and had reasonable grounds for believing that his or her conduct was permissible under this chapter, if the defendant was an employee or agent of a nonprofit educational, scientific, or research institution, library, or archives acting within the scope of his or her employment.

"(f) Actions Against United States Government.—Subsections (b) and (c) shall not apply to any action against the United States Government.

"(g) Relief Against State Entities.—The relief provided under this section shall be available against a State governmental entity to the extent permitted by applicable law.

"§ 1307. Criminal offenses and penalties

"(a) Violation.—

"(1) In general.—Any person who violates section 1302 willfully, and—

"(A) does so for direct or indirect commercial advantage or financial gain; or

"(B) causes loss or damage aggregating $10,000 or more in any 1-year period to the person who gathered, organized, or maintained the information concerned,

shall be punished as provided in subsection (b).

"(2) Inapplicability.—This section shall not apply to an employee or agent of a nonprofit educational, scientific, or research institution, library, or archives acting within the scope of his or her employment.

"(b) Penalties.—An offense under subsection (a) shall be punishable by a fine of not more than $250,000 or imprisonment for not more than 5 years, or both. A second or subsequent offense under subsection (a) shall be punishable by a fine of not more than $500,000 or imprisonment for not more than 10 years, or both.

"§ 1308. Limitations on actions

"(a) Criminal Proceedings.—No criminal proceeding shall be maintained under this chapter unless it is commenced within three years after the cause of action arises.

"(b) Civil Actions.—No civil action shall be maintained under this chapter unless it is commenced within three years after the cause of action arises or claim accrues.

"(c) Additional Limitation.—No criminal or civil action shall be maintained under this chapter for the extraction or use of all or a substantial part of a collection of information that occurs more than 15 years after the investment of resources that qualified the portion of the collection of information for protection under this chapter that is extracted or used.".

SEC. 503. CONFORMING AMENDMENT.

The table of chapters for title 17, United States Code, is amended by adding at the end the following:

"13. Misappropriation of Collections of Information .... 1301".

SEC. 504. CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) District Court Jurisdiction.—Section 1338 of title 28, United States Code, is amended—

(1) in the section heading by inserting "**misappropriations of collections of information,**" after "**trade-marks,**"; and

(2) by adding at the end the following:

"(d) The district courts shall have original jurisdiction of any civil action arising under chapter 13 of title 17, relating to misappropriation of collections of information. Such jurisdiction shall be exclusive of the courts of the States, except that any action against a State governmental entity may be brought in any court that has jurisdiction over claims against such entity.".

(b) CONFORMING AMENDMENT.—The item relating to section 1338 in the table of sections for chapter 85 of title 28, United States Code, is amended by inserting "misappropriations of collections of information," after "trade-marks,".

(c) COURT OF FEDERAL CLAIMS JURISDICTION.—Section 1498(e) of title 28, United States Code, is amended by inserting "and to protections afforded collections of information under chapter 13 of title 17" after "chapter 9 of title 17".

SEC. 505. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to acts committed on or after that date.

(b) PRIOR ACTS NOT AFFECTED.—No person shall be liable under chapter 13 of title 17, United States Code, as added by section 502 of this Act, for the use of information lawfully extracted from a collection of information prior to the effective date of this Act, by that person or by that person's predecessor in interest.

TITLE VI—PROTECTION OF CERTAIN ORIGINAL DESIGNS

SEC. 601. SHORT TITLE.

This Act may be referred to as the "Vessel Hull Design Protection Act".

SEC. 602. PROTECTION OF CERTAIN ORIGINAL DESIGNS.

Title 17, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 14—PROTECTION OF ORIGINAL DESIGNS

"Sec.
"1401. Designs protected.
"1402. Designs not subject to protection.
"1403. Revisions, adaptations, and rearrangements.
"1404. Commencement of protection.
"1405. Term of protection.
"1406. Design notice.
"1407. Effect of omission of notice.
"1408. Exclusive rights.
"1409. Infringement.
"1410. Application for registration.
"1411. Benefit of earlier filing date in foreign country.
"1412. Oaths and acknowledgments.
"1413. Examination of application and issue or refusal of registration.
"1414. Certification of registration.
"1415. Publication of announcements and indexes.
"1416. Fees.
"1417. Regulations.
"1418. Copies of records.
"1419. Correction of errors in certificates.
"1420. Ownership and transfer.
"1421. Remedy for infringement.
"1422. Injunctions.
"1423. Recovery for infringement.
"1424. Power of court over registration.
"1425. Liability for action on registration fraudulently obtained.
"1426. Penalty for false marking.
"1427. Penalty for false representation.
"1428. Enforcement by Treasury and Postal Service.
"1429. Relation to design patent law.
"1430. Common law and other rights unaffected.
"1431. Administrator; Office of the Administrator.
"1432. No retroactive effect.

"§ 1401. Designs protected

"(a) DESIGNS PROTECTED.—

"(1) IN GENERAL.—The designer or other owner of an original design of a useful article which makes the article attractive or distinctive in appearance to the purchasing or using public may secure the protection provided by this chapter upon complying with and subject to this chapter.

"(2) VESSEL HULLS.—The design of a vessel hull, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1402(4).

"(b) DEFINITIONS.—For the purpose of this chapter, the following terms have the following meanings:

"(1) A design is 'original' if it is the result of the designer's creative endeavor that provides a distinguishable variation over prior work pertaining to similar articles which is more than merely trivial and has not been copied from another source.

"(2) A 'useful article' is a vessel hull, including a plug or mold, which in normal use has an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article which normally is part of a useful article shall be deemed to be a useful article.

"(3) A 'vessel' is a craft, especially one larger than a rowboat, designed to navigate on water, but does not include any such craft that exceeds 200 feet in length.

"(4) A 'hull' is the frame or body of a vessel, including the deck of a vessel, exclusive of masts, sails, yards, and rigging.

"(5) A 'plug' means a device or model used to make a mold for the purpose of exact duplication, regardless of whether the device or model has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

"(6) A 'mold' means a matrix or form in which a substance for material is used, regardless of whether the matrix or form has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

"§ 1402. Designs not subject to protection

"Protection under this chapter shall not be available for a design that is—

"(1) not original;

"(2) staple or commonplace, such as a standard geometric figure, a familiar symbol, an emblem, or a motif, or another shape, pattern, or configuration which has become standard, common, prevalent, or ordinary;

"(3) different from a design excluded by paragraph (2) only in insignificant details or in elements which are variants commonly used in the relevant trades;

"(4) dictated solely by a utilitarian function of the article that embodies it; or

"(5) embodied in a useful article that was made public by the designer or owner in the United States or a foreign country more than 1 year before the date of the application for registration under this chapter.

"§ 1403. Revisions, adaptations, and rearrangements

"Protection for a design under this chapter shall be available notwithstanding the employment in the design of subject matter excluded from protection under section 1402 if the design is a substantial revision, adaptation, or rearrangement of such subject matter. Such protection shall be independent of any subsisting protection in subject matter employed in the design, and shall not be construed as securing any right to subject matter excluded from protection under this chapter or as extending any subsisting protection under this chapter.

"§ 1404. Commencement of protection

"The protection provided for a design under this chapter shall commence upon the earlier of the date of publication of the registration under section 1413(a) or the date the design is first made public as defined by section 1410(b).

"§ 1405. Term of protection

"(a) IN GENERAL.—Subject to subsection (b), the protection provided under this chapter for a design shall continue for a term of 10 years beginning on the date of the commencement of protection under section 1404.

"(b) EXPIRATION.—All terms of protection provided in this section shall run to the end of the calendar year in which they would otherwise expire.

"(c) TERMINATION OF RIGHTS.—Upon expiration or termination of protection in a particular design under this chapter, all rights under this chapter in the design shall terminate, regardless of the number of different articles in which the design may have been used during the term of its protection.

"§ 1406. Design notice

"(a) CONTENTS OF DESIGN NOTICE.—(1) Whenever any design for which protection is sought under this chapter is made public under section 1410(b), the owner of the design shall, subject to the provisions of section 1407, mark it or have it marked legibly with a design notice consisting of—

"(A) the words 'Protected Design', the abbreviation 'Prot'd Des.', or the letter 'D' with a circle, or the symbol *D*;

"(B) the year of the date on which protection for the design commenced; and

"(C) the name of the owner, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the owner.

Any distinctive identification of the owner may be used for purposes of subparagraph (C) if it has been recorded by the Administrator before the design marked with such identification is registered.

"(2) After registration, the registration number may be used instead of the elements specified in subparagraphs (B) and (C) of paragraph (1).

"(b) LOCATION OF NOTICE.—The design notice shall be so located and applied as to give reasonable notice of design protection while the useful article embodying the design is passing through its normal channels of commerce.

"(c) SUBSEQUENT REMOVAL OF NOTICE.—When the owner of a design has complied with the provisions of this section, protection under this chapter shall not be affected by the removal, destruction, or obliteration by others of the design notice on an article.

"§ 1407. Effect of omission of notice

"(a) ACTIONS WITH NOTICE.—Except as provided in subsection (b), the omission of the notice prescribed in section 1406 shall not cause loss of the protection under this chapter or prevent recovery for infringement under this chapter against any person who, after receiving written notice of the design protection, begins an undertaking leading to infringement under this chapter.

"(b) ACTIONS WITHOUT NOTICE.—The omission of the notice prescribed in section 1406 shall prevent any recovery under section 1423 against a person who began an undertaking leading to infringement under this chapter before receiving written notice of the design protection. No injunction shall be issued under this chapter with respect to such undertaking unless the owner of the design reimburses that person for any reasonable expenditure or contractual obligation in connection with such undertaking that was incurred before receiving written notice of the design protection, as the court in its discretion directs. The burden of providing written notice of design protection shall be on the owner of the design.

"§ 1408. Exclusive rights

"The owner of a design protected under this chapter has the exclusive right to—

"(1) make, have made, or import, for sale or for use in trade, any useful article embodying that design; and

"(2) sell or distribute for sale or for use in trade any useful article embodying that design.

"§ 1409. Infringement

"(a) Acts of Infringement.—Except as provided in subjection (b), it shall be infringement of the exclusive rights in a design protected under this chapter for any person, without the consent of the owner of the design, within the United States and during the term of such protection, to—

"(1) make, have made, or import, for sale or for use in trade, any infringing article as defined in subsection (e); or

"(2) sell or distribute for sale or for use in trade any such infringing article.

"(b) Acts of Sellers and Distributors.—A seller or distributor of an infringing article who did not make or import the article shall be deemed to have infringed on a design protected under this chapter only if that person—

"(1) induced or acted in collusion with a manufacturer to make, or an importer to import such article, except that merely purchasing or giving an order to purchase such article in the ordinary course of business shall not of itself constitute such inducement or collusion; or

"(2) refused or failed, upon the request of the owner of the design, to make a prompt and full disclosure of that person's source of such article, and that person orders or reorders such article after receiving notice by registered or certified mail of the protection subsisting in the design.

"(c) Acts Without Knowledge.—It shall not be infringement under this section to make, have made, import, sell, or distribute, any article embodying a design which was created without knowledge that a design was protected under this chapter and was copied from such protected design.

"(d) Acts in Ordinary Course of Business.—A person who incorporates into that person's product of manufacture an infringing article acquired from others in the ordinary course of business, or who, without knowledge of the protected design embodied in an infringing article, makes or processes the infringing article for the account of another person in the ordinary course of business, shall not be deemed to have infringed the rights in that design under this chapter except under a condition contained in paragraph (1) or (2) of subsection (b). Accepting an order or reorder from the source of the infringing article shall be deemed ordering or reordering within the meaning of subsection (b)(2).

"(e) Infringing Article Defined.—As used in this section, an 'infringing article' is any article the design of which has been copied from a design protected under this chapter, without the consent of the owner of the protected design. An infringing article is not an illustration or picture of a protected design in an advertisement, book, periodical, newspaper, photograph, broadcast, motion picture, or similar medium. A design shall not be deemed to have been copied from a protected design if it is original and not substantially similar in appearance to a protected design.

"(f) Establishing Originality.—The party to any action or proceeding under this chapter who alleges rights under this chapter in a design shall have the burden of establishing the design's originality whenever the opposing party introduces an earlier work which is identical to such design, or so similar as to make prima facie showing that such design was copied from such work.

"(g) Reproduction for Teaching or Analysis.—It is not an infringement of the exclusive rights of a design owner for a person to reproduce the design in a useful article or in any other form solely for the purpose of teaching, analyzing, or evaluating the appearance, concepts, or techniques embodied in the design, or the function of the useful article embodying the design.

"§ 1410. Application for registration

"(a) Time Limit for Application for Registration.—Protection under this chapter shall be lost if application for registration of the design is not made within two years after the date on which the design is first made public.

"(b) When Design Is Made Public.—A design is made public when an existing useful article embodying the design is anywhere publicly exhibited, publicly distributed, or offered for sale or sold to the public by the owner of the design or with the owner's consent.

"(c) Application by Owner of Design.—Application for registration may be made by the owner of the design.

"(d) Contents of Application.—The application for registration shall be made to the Administrator and shall state—

"(1) the name and address of the designer or designers of the design;

"(2) the name and address of the owner if different from the designer;

"(3) the specific name of the useful article embodying the design;

"(4) the date, if any, that the design was first made public, if such date was earlier than the date of the application;

"(5) affirmation that the design has been fixed in a useful article; and

"(6) such other information as may be required by the Administrator.

The application for registration may include a description setting forth the salient features of the design, but the absence of such a description shall not prevent registration under this chapter.

"(e) Sworn Statement.—The application for registration shall be accompanied by a statement under oath by the applicant or the applicant's duly authorized agent or representative, setting forth, to the best of the applicant's knowledge and belief—

"(1) that the design is original and was created by the designer or designers named in the application;

"(2) that the design has not previously been registered on behalf of the applicant or the applicant's predecessor in title; and

"(3) that the applicant is the person entitled to protection and to registration under this chapter.

If the design has been made public with the design notice prescribed in section 1406, the statement shall also describe the exact form and position of the design notice.

"(f) Effect of Errors.—(1) Error in any statement or assertion as to the utility of the useful article named in the application under this section, the design of which is sought to be registered, shall not affect the protection secured under this chapter.

"(2) Errors in omitting a joint designer or in naming an alleged joint designer shall not affect the validity of the registration, or the actual ownership or the protection of the design, unless it is shown that the error occurred with deceptive intent.

"(g) Design Made in Scope of Employment.—In a case in which the design was made within the regular scope of the designer's employment and individual authorship of the design is difficult or impossible to ascribe and the application so states, the name and address of the employer for whom the design was made may be stated instead of that of the individual designer.

"(h) Pictorial Representation of Design.—The application for registration shall be accompanied by two copies of a drawing or other pictorial representation of the useful article embodying the design, having one or more views, adequate to show the design, in a form and style suitable for reproduction, which shall be deemed a part of the application.

"(i) Design in More Than One Useful Article.—If the distinguishing elements of a design are in substantially the same form in different useful articles, the design shall be protected as to all such useful articles when protected as to one of them, but not more than one registration shall be required for the design.

"(j) Application for More Than One Design.—More than one design may be included in the same application under such conditions as may be prescribed by the Administrator. For each design included in an application the fee prescribed for a single design shall be paid.

"§ 1411. Benefit of earlier filing date in foreign country

"An application for registration of a design filed in the United States by any person who has, or whose legal representative or predecessor or successor in title has, previously filed an application for registration of the same design in a foreign country which extends to designs of owners who are citizens of the United States, or to applications filed under this chapter, similar protection to that provided under this chapter shall have that same effect as if filed in the United States on the date on which the application was first filed in such foreign country, if the application in the United States is filed within 6 months after the earliest date on which any such foreign application was filed.

"§ 1412. Oaths and acknowledgments

"(a) In General.—Oaths and acknowledgments required by this chapter—

"(1) may be made—

"(A) before any person in the United States authorized by law to administer oaths; or

"(B) when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any official authorized to administer oaths in the foreign country concerned, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States; and

"(2) shall be valid if they comply with the laws of the State or country where made.

"(b) Written Declaration in Lieu of Oath.—(1) The Administrator may by rule prescribe that any document which is to be filed under this chapter in the Office of the Administrator and which is required by any law, rule, or other regulation to be under oath, may be subscribed to by a written declaration in such form as the Administrator may prescribe, and such declaration shall be in lieu of the oath otherwise required.

"(2) Whenever a written declaration under paragraph (1) is used, the document containing the declaration shall state that willful false statements are punishable by fine or imprisonment, or both, pursuant to section 1001 of title 18, and may jeopardize the validity of the application or document or a registration resulting therefrom.

"§ 1413. Examination of application and issue or refusal of registration

"(a) Determination of Registrability of Design; Registration.—Upon the filing of an application for registration in proper form under section 1410, and upon payment of the fee prescribed under section 1416, the Administrator shall determine whether or not the application relates to a design which on its face appears to be subject to protection under this chapter, and, if so, the Register shall register the design. Registration under this subsection shall be announced by publication. The date of registration shall be the date of publication.

"(b) Refusal To Register; Reconsideration.—If, in the judgment of the Administrator, the application for registration relates to a design which on its face is not subject to protection under this chapter, the Administrator shall send to the applicant a notice of refusal to register and the grounds for the refusal. Within 3 months after the date on which the notice of refusal is sent, the applicant may, by written request, seek reconsideration of the application. After consideration of such a request, the Administrator shall either register the design or send to the applicant a notice of final refusal to register.

"(c) Application To Cancel Registration.—Any person who believes he or she is or will be damaged by a registration under this chapter may, upon payment of the prescribed fee, apply to the Administrator at any time to cancel the registration on the ground that the design is not subject to protection under this chapter, stating the reasons for the request. Upon receipt of an application for cancellation, the Administrator shall send to the owner of the design, as shown in the records of the Office of the Administrator, a notice of the application, and the owner shall have a period of 3 months after the date on which such notice is mailed in which to present arguments to the Administrator for support of the validity of the registration. The Administrator shall also have the authority to establish, by regulation, conditions under which the opposing parties may appear and be heard in support of their arguments. If, after the periods provided for the presentation of arguments have expired, the Administrator determines that the applicant for cancellation has established that the design is not subject to protection under this chapter, the Administrator shall order the registration stricken from the record. Cancellation under this subsection shall be announced by publication, and notice of the Administrator's final determination with respect to any application for cancellation shall be sent to the applicant and to the owner of record.

"§ 1414. Certification of registration

"Certificates of registration shall be issued in the name of the United States under the seal of the Office of the Administrator and shall be recorded in the official records of the Office. The certificate shall state the name of the useful article, the date of filing of the application, the date of registration, and the date the design was made public, if earlier than the date of filing of the application, and shall contain a reproduction of the drawing or other pictorial representation of the design. If a description of the salient features of the design appears in the application, the description shall also appear in the certificate. A certificate of registration shall be admitted in any court as prima facie evidence of the facts stated in the certificate.

"§ 1415. Publication of announcements and indexes

"(a) Publications of the Administrator.—The Administrator shall publish lists and indexes of registered designs and cancellations of designs and may also publish the drawings or other pictorial representations of registered designs for sale or other distribution.

"(b) File of Representatives of Registered Designs.—The Administrator shall establish and maintain a file of the drawings or other pictorial representations of registered designs. The file shall be available for use by the public under such conditions as the Administrator may prescribe.

"§ 1416. Fees

"The Administrator shall by regulation set reasonable fees for the filing of applications to register designs under this chapter and for other services relating to the administration of this chapter, taking into consideration the cost of providing these services and the benefit of a public record.

"§ 1417. Regulations

"The Administrator may establish regulations for the administration of this chapter.

"§ 1418. Copies of records

"Upon payment of the prescribed fee, any person may obtain a certified copy of any official record of the Office of the Administrator that relates to this chapter. That copy shall be admissible in evidence with the same effect as the original.

"§ 1419. Correction of errors in certificates

"The Administrator may, by a certificate of correction under seal, correct any error in a registration incurred through the fault of the Office, or, upon payment of the required fee, any error of a clerical or typographical nature occurring in good faith but not through the fault of the Office. Such registration, together with the certificate, shall thereafter have the same effect as if it had been originally issued in such corrected form.

"§ 1420. Ownership and transfer

"(a) Property Right in Design.—The property right in a design subject to protection under this chapter shall vest in the designer, the legal representatives of a deceased designer or of one under legal incapacity, the employer for whom the designer created the design in the case of a design made within the regular scope of the designer's employment, or a person to whom the rights of the designer or of such employer have been transferred. The person in whom the property right is vested shall be considered the owner of the design.

"(b) Transfer of Property Right.—The property right in a registered design, or a design for which an application for registration has been or may be filed, may be assigned, granted, conveyed, or mortgaged by an instrument in writing, signed by the owner, or may be bequeathed by will.

"(c) Oath or Acknowledgement of Transfer.—An oath or acknowledgment under section 1412 shall be prima facie evidence of the execution of an assignment, grant, conveyance, or mortgage under subsection (b).

"(d) Recordation of Transfer.—An assignment, grant, conveyance, or mortgage under subsection (b) shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, unless it is recorded in the Office of the Administrator within 3 months after its date of execution or before the date of such subsequent purchase or mortgage.

"§ 1421. Remedy for infringement

"(a) In General.—The owner of a design is entitled, after issuance of a certificate of registration of the design under this chapter, to institute an action for any infringement of the design.

"(b) Review of Refusal To Register.—(1) Subject to paragraph (2), the owner of a design may seek judicial review of a final refusal of the Administrator to register the design under this chapter by bringing a civil action, and may in the same action, if the court adjudges the design subject to protection under this chapter, enforce the rights in that design under this chapter.

"(2) The owner of a design may seek judicial review under this section if—

"(A) the owner has previously duly filed and prosecuted to final refusal an application in proper form for registration of the design;

"(B) the owner causes a copy of the complaint in the action to be delivered to the Administrator within 10 days after the commencement of the action; and

"(C) the defendant has committed acts in respect to the design which would constitute infringement with respect to a design protected under this chapter.

"(c) Administrator as Party to Action.—The Administrator may, at the Administrator's option, become a party to the action with respect to the issue of registrability of the design claim by entering an appearance within 60 days after being served with the complaint, but the failure of the Administrator to become a party shall not deprive the court of jurisdiction to determine that issue.

"(d) Use of Arbitration To Resolve Dispute.—The parties to an infringement dispute under this chapter, within such time as may be specified by the Administrator by regulation, may determine the dispute, or any aspect of the dispute, by arbitration. Arbitration shall be governed by title 9. The parties shall give notice of any arbitration award to the Administrator, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Administrator from determining whether a design is subject to registration in a cancellation proceeding under section 1413(c).

§ 1422. Injunctions

"(a) In General.—A court having jurisdiction over actions under this chapter may grant injunctions in accordance with the principles of equity to prevent infringement of a design under this chapter, including, in its discretion, prompt relief by temporary restraining orders and preliminary injunctions.

"(b) Damages for Injunctive Relief Wrongfully Obtained.—A seller or distributor who suffers damage by reason of injunctive relief wrongfully obtained under this section has a cause of action against the applicant for such injunctive relief and may recover such relief as may be appropriate, including damages for lost profits, cost of materials, loss of good will, and punitive damages in instances where the injunctive relief was sought in bad faith, and, unless the court finds extenuating circumstances, reasonable attorney's fees.

"§ 1423. Recovery for infringement

"(a) DAMAGES.—Upon a finding for the claimant in an action for infringement under this chapter, the court shall award the claimant damages adequate to compensate for the infringement. In addition, the court may increase the damages to such amount, not exceeding $50,000 or $1 per copy, whichever is greater, as the court determines to be just. The damages awarded shall constitute compensation and not a penalty. The court may receive expert testimony as an aid to the determination of damages.

"(b) INFRINGER'S PROFITS.—As an alternative to the remedies provided in subsection (a), the court may award the claimant the infringer's profits resulting from the sale of the copies if the court finds that the infringer's sales are reasonably related to the use of the claimant's design. In such a case, the claimant shall be required to prove only the amount of the infringer's sales and the infringer shall be required to prove its expenses against such sales.

"(c) STATUTE OF LIMITATIONS.—No recovery under subsection (a) or (b) shall be had for any infringement committed more than 3 years before the date on which the complaint is filed.

"(d) ATTORNEY'S FEES.—In an action for infringement under this chapter, the court may award reasonable attorney's fees to the prevailing party.

"(e) DISPOSITION OF INFRINGING AND OTHER ARTICLES.—The court may order that all infringing articles, and any plates, molds, patterns, models, or other means specifically adapted for making the articles, be delivered up for destruction or other disposition as the court may direct.

"§ 1424. Power of court over registration

"In any action involving the protection of a design under this chapter, the court, when appropriate, may order registration of a design under this chapter or the cancellation of such a registration. Any such order shall be certified by the court to the Administrator, who shall make an appropriate entry upon the record.

"§ 1425. Liability for action on registration fraudulently obtained

"Any person who brings an action for infringement knowing that registration of the design was obtained by a false or fraudulent representation materially affecting the rights under this chapter, shall be liable in the sum of $10,000, or such part of that amount as the court may determine. That amount shall be to compensate the defendant and shall be charged against the plaintiff and paid to the defendant, in addition to such costs and attorney's fees of the defendant as may be assessed by the court.

"§ 1426. Penalty for false marking

"(a) IN GENERAL.—Whoever, for the purpose of deceiving the public, marks upon, applies to, or uses in advertising in connection with an article made, used, distributed, or sold, a design which is not protected under this chapter, a design notice specified in section 1406, or any other words or symbols importing that the design is protected under this chapter, knowing that the design is not so protected, shall pay a civil fine of not more than $500 for each such offense.

"(b) SUIT BY PRIVATE PERSONS.—Any person may sue for the penalty established by subsection (a), in which event one-half of the penalty shall be awarded to the person suing and the remainder shall be awarded to the United States.

"§ 1427. Penalty for false representation

"Whoever knowingly makes a false representation materially affecting the rights obtainable under this chapter for the purpose of obtaining registration of a design under this chapter shall pay a penalty of not less than $500 and not more than $1,000, and any rights or privileges that individual may have in the design under this chapter shall be forfeited.

"§ 1428. Enforcement by Treasury and Postal Service

"(a) REGULATIONS.—The Secretary of the Treasury and the United States Postal Service shall separately or jointly issue regulations for the enforcement of the rights set forth in section 1408 with respect to importation. Such regulations may require, as a condition for the exclusion of articles from the United States, that the person seeking exclusion take any one or more of the following actions:

"(1) Obtain a court order enjoining, or an order of the International Trade Commission under section 337 of the Tariff Act of 1930 excluding, importation of the articles.

"(2) Furnish proof that the design involved is protected under this chapter and that the importation of the articles would infringe the rights in the design under this chapter.

"(3) Post a surety bond for any injury that may result if the detention or exclusion of the articles proves to be unjustified.

"(b) SEIZURE AND FORFEITURE.—Articles imported in violation of the rights set forth in section 1408 are subject to seizure and forfeiture in the same manner as property imported in violation of the customs laws. Any such forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be, except that the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had no reasonable grounds for believing that his or her acts constituted a violation of the law.

"§ 1429. Relation to design patent law

"The issuance of a design patent under title 35 for an original design for an article of manufacture shall terminate any protection of the original design under this chapter.

"§ 1430. Common law and other rights unaffected

"Nothing in this chapter shall annul or limit—

"(1) common law or other rights or remedies, if any, available to or held by any person with respect to a design which has not been registered under this chapter; or

"(2) any right under the trademark laws or any right protected against unfair competition.

"§ 1431. Administrator; Office of the Administrator

"In this chapter, the 'Administrator' is the Register of Copyrights, and the 'Office of the Administrator' and the 'Office' refer to the Copyright Office of the Library of Congress.

"§ 1432. No retroactive effect

"Protection under this chapter shall not be available for any design that has been made public under section 1410(b) before the effective date of this chapter.".

SEC. 603. CONFORMING AMENDMENTS.

(a) TABLE OF CHAPTERS.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

"14. Protection of Original Designs .... 1401".

(b) JURISDICTION OF DISTRICT COURTS OVER DESIGN ACTIONS.—(1) Section 1338(c) of title 28, United States Code, is amended by inserting ", and to exclusive rights in designs under chapter 14 of title 17," after "title 17".

(2)(A) The section heading for section 1338 of title 28, United States Code, is amended by inserting "**designs,**" after "**mask works,**".

(B) The item relating to section 1338 in the table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by inserting "designs," after "mask works,".

(c) PLACE FOR BRINGING DESIGN ACTIONS.—Section 1400(a) of title 28, United States Code, is amended by inserting "or designs" after "mask works".

(d) ACTIONS AGAINST THE UNITED STATES.—Section 1498(e) of title 28, United States Code, is amended by inserting ", and to exclusive rights in designs under chapter 14 of title 17," after "title 17".

SEC. 604. EFFECTIVE DATE.

The amendments made by sections 602 and 603 shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members may have 10 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Madam Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, be allowed to control 10 of my 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume. Oftentimes when significant legislation comes to the floor, it is described as landmark legislation. At the risk of being presumptuous and immodest, I think this may well indeed be landmark legislation.

This bill will implement two treaties which are extremely important to ensure the adequate protection for American works in countries around the world, particularly at a time when the digital environment now allows users to send and retrieve perfect copies of copyrighted material over the Internet. While digital dissemination of copies will benefit owners and consumers, it will unfortunately also facilitate pirates who aim to destroy the value of

American intellectual property. In compliance with the treaties, H.R. 2281 makes it unlawful to defeat technological protections used by copyright owners to protect their works, including preventing unlawful access and targeting devices made to circumvent encrypted copyrighted material. It also makes it unlawful to deliberately alter or delete information provided by a copyright owner which identifies a work, its owners, and its permissible use.

H.R. 2281, Madam Speaker, is a comprehensive copyright bill that adds substantial value to our copyright law. It represents five years of research, debate, hearings and negotiations. It is only the beginning of Congress' evaluation of the impact of the digital age on copyrighted works. Although it is just a beginning, it is essential to maintain the United States' position as the world leader in the protection of intellectual property in the digital environment.

H.R. 2281 also represents the collective efforts of many. In particular I want to commend the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary; the gentleman from Michigan (Mr. Conyers), the ranking member of the Committee on the Judiciary; and the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Subcommittee on Courts and Intellectual Property.

H.R. 2281, Madam Speaker, in my opinion is necessary legislation to ensure the protection of copyrighted works as the world moves into the digital environment. I urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I first want to note that this is a matter that the Committee on the Judiciary has been working on for some time. It then went, under our rules, to the Committee on Commerce. Both committees and indeed both parties in both committees bring this bill forward. I note that because people who have been unduly addicted to the media would not, I think, have an understanding of what has been happening. We have here some very complex issues dealing with the economy and how we adapt some fundamental principles, intellectual property principles which are very important to us, to modern technology. There were some sharp disagreements. There were some conflicting and competing values, as is often the case. What has happened is for a period of some time, first in the Committee on the Judiciary and then in the Committee on Commerce, people have worked on this and come up with what I believe is a very good set of solutions.

I note that because I do think the public is entitled to know that the portrayals of the Congress in general, the Committee on the Judiciary in particular as somehow the set of a Three Stooges movie or the scene of ferocious battles simply is not true. One of the problems we have today is that there is an inattention on the part of our friends in the media to what is the actual business of this place. I think it is important for people to understand. These are very serious issues that had to be dealt with, conflicting values.

For example, many of us feel very strongly on the need to protect intellectual property. If we do not see that authors and composers and singers and musicians and other creative people are rewarded for their work, not only is that unfair, to many of us, but the amount of work we get will diminish.

□ 1345

There may be some people fortunate enough to be able to create out of love without regard to compensation. We cannot depend only on the independently wealthy to be our creative people. It is important for us as a vibrant society to sustain that, and one way to sustain that is to recognize the property that people have in the product of their intellectual labors, their creative intellectual labors.

That was, to some extent, threatened by modern technology, by technological change which makes it easier for that minority of people who do not respect others' intellectual property to steal it because of the collection of technology we now use, the short end of the Internet. What we wanted to do was to come up with ways to adapt the protection of intellectual property to a modern technological era without unduly diminishing people's rights to enjoy things. We do not want to prevent the public from having the enjoyment of these products.

Madam Speaker, I have one thing that bothered me in particular, and I am pleased that this bill addresses it in a reasonable way because there was no guarantee that it would.

One of the things we do here is to say:

> "If you are an on-line service provider, if you are responsible for the production of all of this out to the public, you will not be held automatically responsible if someone misuses the electronic airway you provide to steal other people's property.

There is a balance here. We want to protect property, but we do not want to deter people from making this widely available. We have a problem here of making sure that intellectual property is protected, but we do not want freedom of expression impinged upon.

Madam Speaker, I found that particularly important for this reason, and I think this is a point that I want very much to stress:

We live in as free a society from the standpoint of expression as I believe has ever existed in the world. The level of freedom of expression which Americans enjoy is very, very profound, and that is very important to us.

The problem is we have had two doctrines of freedom of expression. We have had one which covered all speech and written speech, newspapers, magazines, theater, billboards; that has been very free.

Beginning in the 1930s when radio came to play, we started a new form of speech, and that was speech electronically transmitted. And because we started with a limited spectrum, because we started with physical limitations on the amount of speech that could go out, we began with electronically-communicated speech in the 1930s to develop a parallel doctrine which gave less protection to speech electronically transmitted. Over time we had a tradition of constitutionally very protected speech, and then speech transmitted electronically that was less protected.

The problem here is that as this society goes forward, an increasingly high percentage of what we say to each other will be electronically transmitted through E-mail and through other ways. It seems to me important for us to reverse this notion that electronically-transmitted speech is entitled to a lesser degree of protection in the area of freedom of expression than all other forms of speech or we will be, 30 years from now, a less free society. That has application to legislation of various kinds, and we will deal with that in another context.

But one of the things that was a potential danger here was that by protecting intellectual property, a very important job, we would have imposed on the on-line service providers such a degree of liability as, in fact, to diminish to some extent the freedom they felt in presenting things.

What I am most happy about in this bill is I think we have hit about the right balance. We have hit a balance which fully protects intellectual property, which is essential to the creative life of America, to the quality of our life, because if we do not protect the creators, there will be less creation. But at the same time we have done this in a way that will not give to the people in the business of running the online service entities and running Internet, it will not give them either an incentive or an excuse to censor.

No bill is perfect. There are some tensions here. This will go to conference, and then there will be room for some further changes.

But for achieving that essential balance I am very pleased, and I want to note again the two committees of this House and the parties represented in both committees worked very closely together to bring forward legislation without rancor, without partisanship, in fact serving very well the needs of this country.

Madam Speaker, I reserve the balance of the time.

Mr. BLILEY. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I rise in support of H.R. 2281, and would like to begin by commending my good friend and colleague, the gentleman from Illinois (Mr. HYDE), the chairman of the House Committee on the Judiciary, and his very able subcommittee chairman, the gentleman from Greensboro, North Carolina (Mr. COBLE), the chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary.

And I would also like to thank two members of the Committee on Commerce in addition to my ranking member, the gentleman from Michigan (Mr. DINGELL), but I would also like to thank the gentleman from Wisconsin (Mr. KLUG) and the gentleman from Virginia (Mr. BOUCHER) whom I believe through their work have improved this legislation. It is because of the steadfast commitment to enacting this important legislation that we are here today on the brink of enactment.

I would like to thank the gentleman from Massachusetts (Mr. FRANK), the ranking member of the subcommittee, for his work, as well as the gentleman from Massachusetts (Mr. MARKEY) for his contributions. It shows that we can work together and we can achieve very important legislation.

As my colleagues know, Madam Speaker, with the growth of electronic commerce having such a profound effect on the economy, the Committee on Commerce has been engaged in a wide-ranging review of the subject, including the issues raised by H.R. 2281. The Committee on Commerce's version of this bill strikes an appropriate balance between the goal of promoting electronic commerce and the interests of copyright owners.

Let me specifically highlight two of the most important changes that the Committee on Commerce added to the bill before us today:

First, the Committee on Commerce included a strong fair use provision to ensure that consumers as well as libraries and institutions of higher learning will be able to continue to exercise their historical fair use rights. The bill before us today contains the substance of the Committee on Commerce provision on fair use, and I am pleased to say that major newspapers such as the New York Times and the Washington Post have strongly endorsed the Committee on Commerce's language on fair use.

Madam Speaker, I include those editorials following my statement in the RECORD.

The editorials referred to are as follows:

[From the New York Times, July 24, 1998]

PROTECTING DIGITAL COPYRIGHTS

Traditional copyright concepts that have served this nation well for centuries should guide the debate on copyright in the digital universe. As Congress fashions ways to protect commercial interests in the digital realm, it must be careful also to protect the larger public interest in broad access to information.

Digital copyright legislation, required to institute two international treaties that would protect movies, music and other intellectual property from piracy, passed the Senate and the House Judiciary Committee this spring. But controversy continues to swirl around a provision in the legislation that would make it a crime to circumvent encryption used to control access to digital material or to manufacture or sell devices that could be used to circumvent protection measures.

Movie and music producers argue that making circumvention illegal is the only way to prevent consumer theft of on-line movies, recordings and other products. But libraries and schools believe that the prohibition is so broad that it could greatly limit access to electronic information that copyright law would otherwise allow.

Existing law assures producers the right to profit from their creative works. But the law does not allow a creator to control who looks at the material or prevent the material from being circulated or lent to others. It specifically allows the "fair use" of copyrighted materials for commentary, criticism, teaching, news reporting, scholarship and research under certain circumstances without permission from the copyright owner.

Thus a library can purchase a book, allow hundreds of patrons to borrow it and let teachers make copies of material in it for classroom use, all without infringing the copyright. Preserving these user rights is important in the digital world where copyright owners, with the right technology, could limit or prevent access to information.

The content producers dismiss fears that the Internet could become a strictly pay-for-use world as unrealistic, but neither they nor Congress can predict how the Internet will develop. That is why legislation needs to be flexible enough to deal with rapid evolution in technology and electronic commerce.

A prudent compromise approved by the House Commerce Committee last week would delay the anti-circumvention rule for two years while the Commerce Department and the Federal patent and copyright officers study the effect of the prohibition on users. The Commerce Secretary could waive the rule for any class of works where technological shields were impeding the lawful use of copyrighted matter. The situation would be reviewed every two years. Both the content producers and the libraries and schools are willing to accept this more fluid approach. Congress should adopt this plan in the final version of the digital copyright legislation.

[From The Washington Post, Aug. 4, 1998]

A PAY-PER-VIEW WORLD

Congress has been trying for most of this year to ratify the international treaties that are supposed to bring copyright law into the digital age. It's been a large and complicated endeavor, requiring people to rethink such fundamental aspects of intellectual property rights as what constitutes "copying" in a digital environment (is it copying a document just to read it on your computer? To print it out to read later?) and when such copying represents a copyright violation. But the major snag is none of these weighty issues but, rather, a fierce face-off between libraries and big-time copyright-holding interests over a seemingly minor provision that would make it a crime to break any technological locking device designed to prevent unauthorized copying.

This debate over the "anti-circumvention" provision is now the main item of disagreement between versions of the copyright bill produced by the Judiciary and Commerce committees. (The Senate passed copyright legislation in May.) Those who expect movies, songs, software and even books to be eventually delivered mainly over the Internet want to make sure that this will not mean widespread unauthorized copying and the subsequent collapse of any market for the work. (Newspapers, as creators of copyrighted material, have an interest here as well.) They picture every piece of intellectual property being distributed with some kind of "lock" that would permit, say, just one viewing of a downloaded movie. It's the disabling of this lock that would be made a crime, except in specified circumstances.

There's room for doubt whether it makes sense to make the lock-breaking a crime here rather than merely, as till now, the actual copyright violation. But the real problem is more pragmatic. This "transition to a pay-per-view world," as one enthusiastic movie distributor put it, works fine for the entertainment industries and the commercial market. Where it doesn't work is in libraries and other places where use of books and research material is not pay-per-view but, till now, free.

Libraries are worried that the "fair use" exemption that allows limited use of copyrighted material without permission for such purposes as comment, criticism, education or research—though technically unchanged in the law—would become sharply limited in practice if all material were distributed with "locks" and libraries were prohibited from "unlocking" it. What happens, they ask if a chart of environmental data that now can be photocopied for use in a class were made available only on a CD from which printouts can't be made? What if research journals are provided to libraries on a pay-per-view basis that keeps independent researchers from making photocopies for their own use?

Language in the Commerce bill sought to address this problem by creating a mandatory review every two years of the provision's effect on "fair use" in various contexts. On the floor or in conference, these protections from a permanent "pay-per-review world" ought to be maintained.

As the Chairman of the Committee which was principally responsible for rewriting H.R. 2281 and eliminating the most harmful aspects of the bill as proposed by the Administration, I want to share with my colleagues the Committee's perspective on the scope of this legislation and to note, where appropriate, the instances in which we sought to clarify the bills as reported by the Committee on the Judiciary and as approved by the Senate.

As noted at the outset, the Committee has been engaged in a wide-ranging review of all the issues affecting the growth of electronic commerce. Our Committee has a long-standing, well-established role in assessing the impact of possible changes in law on the use and availability of the products and services that have made our information technology industry the envy of the world. We therefore paid particular attention to the potential harmful impacts on electronic commerce of the bill as reported by the Committee on the Judiciary.

Today, the U.S. information technology industry is developing exciting new products to enhance the lives of individuals throughout the world, and our telecommunications industry is developing new means of distributing information to these consumers in every part of the globe. In this environment, the development of new laws and regulations could well have a profound impact on the growth of electronic commerce.

In recognition of these developments and as part of the effort to begin updating national laws for the digital era, delegates from over 150 countries (including the United States) convened in December 1996 to negotiate two separate treaties under the auspices of the World Intellectual Property Organization: the Copyright Treaty and the Performance and Phonograms Treaty. In July 1997, the Clinton Administration submitted the treaties to the Senate for ratification and submitted proposed implementing legislation to both the House and the Senate. The Committee on the Judiciary largely reported out the bill as proposed by the Administration.

In holding hearings, it became apparent to our Committee that this and the Senate version of the legislation contained serious flaws. Not surprisingly, these bills were opposed by significant private and public sector interests, including libraries, institutions of higher learning, consumer electronics and computer product manufacturers, and others with a vital stake in the growth of electronic commerce. It also became apparent that the main provisions of the treaties to be implemented have little to do with copyright law. In fact, the "anti-circumvention" provisions of the Administration's bill created entirely new rights for content providers that are wholly divorced from copyright law. These new provisions (and the accompanying penalty provisions for violations of them) would be separate from, and cumulative to, the claims available to copyright owners under the Copyright Act.

In carrying out its responsibilities under the Constitution. Congress has historically regulated the use of information—not the devices or means by which information is delivered or used by information consumers—and has ensured an appropriate balance between the interests of copyright owners and information users. Section 106 of the Copyright Act of 1976, for example, establishes certain rights copyright owners have in their works, including limitations on the use of these works without their authorization. Sections 107 through 121 of the Copyright Act set forth the circumstances in which such uses are deemed lawful even though unauthorized.

In general, all of these provisions are technology neutral. They do not regulate commerce in information technology, i.e., products and devices for transmitting, storing, and using information. Instead, they prohibit certain actions and create exceptions to permit certain conduct deemed to be in the greater public interest, all in a way that balances the interests of copyright owners and users of copyrighted works.

In writing its bill, the Committee sought to preserve that tradition. We worked hard to reduce the risk that enactment of H.R. 2281 could establish the legal framework that would inexorably create a "pay-per-use" society. In short, the Committee endeavored to specify, with as much clarity as possible, how the anti-circumvention right in particular would be qualified to maintain balance between the interests of content creators and information users.

The Committee considered it particularly important to ensure that the concept of fair use would remain firmly established in the law. Section 1201(a)(1) is one of the most important provisions of this legislation, and one that must be included in any version of this bill eventually sent to the President for signature. It was crafted by the Commerce Committee to protect "fair use" and other users of information now lawful under the Copyright Act. Let us make no mistake about the scope of what we are doing here today in adopting H.R. 2281, about the tremendously powerful new right to control access to information that we are granting to information owners for the very first time.

If left unqualified, this new right, as the Commerce Committee heard in testimony from the public and private sectors alike, could well prove to be the legal foundation for a society in which information becomes available only on a "pay-per-use" basis. That's why this bill assures that institutions like schools and libraries, and the public, will have an opportunity in a credible and permanent process to make the case that the new right we've adopted is interfering with fair use and other rights now enjoyed by information users under current law. Moreover, the Commerce Committee's report, I note for the record makes clear that the showing that must be made in this process is not intended to be unduly burdensome for either institutions or the public. Indeed, the Committee took pains to make clear that evidence of loss of access to a "particular class of works"—intended to be gauged narrowly—would result in relief from the prohibition otherwise imposed on access to information by this legislation.

That's also why—in express recognition of the importance of the Commerce Committee's work—today's Washington Post carries an editorial urging that "on the floor, or in conference, these protections from a permanent 'pay-per-view world ought to be maintained.'" Copyright law is not just about protecting information. It's just as much about affording reasonable access to it as a means of keeping our democracy healthy and doing what the Constitution says copyright law is all about: promoting "Progress in Science and the useful Arts." If this bill ceases to strike that balance, it will no longer deserve Congress' or the public's support.

Section 1201(a)(2) makes it illegal to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof that is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to certain works; has only limited commercially significant purposes or uses other than to circumvent such a measure; or is marketed for use in circumventing such a measure. Section 1201(b)(1) similarly makes it illegal to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof that is primarily designed or produced for the purpose of circumventing a protection measure that protects certain rights of copyright owners under title 17, United States Code; has only limited commercially significant purposes or uses other than to circumvent such a measure; or is marketed for use in circumventing such a measure.

In our report, the Committee stressed that section 1201(a)(2) is aimed fundamentally at outlaying so-called "black boxes" that are expressly intended to facilitate circumvention of protection measures for purposes of gaining access to a work. This provision is not aimed at products that are capable of commercially significant noninfringing uses, such as the consumer electronics, telecommunications, and computer products—including videocassette recorders, telecommunications switches, personal computers, and servers—used by businesses and consumers everyday for perfectly legitimate purposes. Moreover, as section 1201(c)(3) makes clear, such a device does not need to be designed or assembled, or parts or components for inclusion in a device be designed, selected, or assembled, so as affirmatively to accommodate or respond to any particular technological measure.

Section 2101(a)(3) of H.R. 2281 defines certain terms used throughout Section 1201(a). As we made clear in our report, the measures that would be deemed to "effectively control access to a work" would be those based on encryption, scrambling, authentication, or some other measure which requires the use of a "key" provided by a copyright owner to gain access to a work.

Section 2101(b)(1) of H.R. 2281 makes it illegal to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof that is primarily designed or produced for the purpose of circumventing a protection measure that protects certain rights of copyright owners under title 17, United States Code; has only limited commercially significant purposes or uses other than to circumvent such a measure; or is marketed for use in circumventing such a measure. The Committee believes it is very important to emphasize that this section, like section 1201(a)(2), is aimed fundamentally at outlawing so-called "black boxes" that are expressly intended to facilitate circumvention of protection measures. Thus, this section similarly would not outlaw the manufacturing, importing, or distributing of standard videocassette recorders and computer products.

Section 1201(b)(2) of H.R. 2281 defines important phrases, including when a protection measure "effectively protects a right of a copyright owner under title 17, United States Code." In our view, the measures that would be deemed to "effectively" protect such rights would be those based on encryption, scrambling, authentication, or some other measure which requires the use of a "key" to copy a work.

With respect to the effectiveness of the measures covered by the legislation, the Committee stressed in its report that those measures that cause noticeable and recurring adverse effects on the authorized display or performance of works should not be deemed to be effective. Given our keen interest in the development of new products, in particular digital television monitors, the Committee is particularly concerned that the introduction of such measures not frustrate consumer expectations and that this legislation not be interpreted to in any way limit the authority of manufacturers and retailers to address the legitimate concerns of their customers.

Based on prior experience, the Committee on Commerce was concerned that manufacturers, retailers, and consumers may be adversely affected by the introduction of some technological measures and systems for preserving copyright management information. In fact, the Committee learned as part of its review of H.R. 2281 that, as initially proposed, a proprietary copy protection scheme that is today widely used to protect analog motion pictures could have caused significant viewability problems, including noticeable artifacts, with certain television sets until it was modified with the cooperation of the consumer electronics industry.

As advances in technology occur, consumers will enjoy additional benefits if devices are able to interact and share information. Achieving interoperability in the consumer electronics environment will be a critical factor in the growth of electronic commerce. In our view, manufacturers, consumers, retailers, and servicers should not be prevented from correcting an interoperability problem resulting from a protection measure causing one or more devices in the home or in a business to fail to interoperate with other technologies.

Under the bill under consideration today, nothing would make it illegal for a manufacturer of a product or device (to which section 1201 would otherwise apply) to design or modify the product or device solely to the extent necessary to mitigate a frequently occurring and noticeable adverse effect on the authorized performance or display of a work that is caused by a protection measure in the ordinary course of its design and operation. Similarly, recognizing that a technological measure may cause a problem with a particular device, or combination of devices, used by a consumer, it is our view that nothing in the bill should be interpreted to make it illegal for a retailer or individual consumer to modify a product or device solely to the extent necessary to mitigate a noticeable adverse effect on the authorized performance or display of a work that is communicated to or received by that particular product or device if that adverse effect is caused by a protection measure in the ordinary course of its design and operation. I might add that nothing in section 1202 makes it illegal for such a person to design or modify a product or device solely to the extent necessary to mitigate a frequently occurring and noticeable adverse effect on the authorized performance or display of a work that is caused by the use of copyright management information.

I wish to stress that I and other Members of the Committee on Commerce believe that the affected industries should be able to work together to avoid such problems. We know that multi-industry efforts to develop copy control technologies that are both effective and avoid such noticeable and recurring adverse effects have been underway over the past two years. We strongly encourage the continuation of those efforts, which should offer substantial benefits to copyright owners in whose interest it is to achieve the introduction of effective protection (and copyright management information) measures that do not interfere with the normal operations of affected products. We look forward to working with interested parties to the extent additional legislation is required to implement such technologies or to avoid their circumvention.

As the Chairman of the Committee that eliminated the inherent ambiguity in the Senate's version of this legislation, I also want to put section 1201(c)(3) in context. It provides that nothing in section 1201 requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computer product provide for a response to any particular protection measure. We specifically modified the Senate version of this provision because of our strong belief that product manufacturers should remain free to design and produce consumer electronics, telecommunications, and computing products without the threat of incurring liability for their design decisions. Imposing design requirements on product and component manufacturers would have a dampening effect on innovation, on the research and development of new products, and hence on the growth of electronic commerce.

As the hearing record demonstrates, there is a fundamental difference between a device that does not respond to a protection measure and one that affirmatively removes such a measure. Section 1202(c)(3) is intended to make clear that nothing in section 1201 requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computing product provide for a response to any particular technological measure that might be used to control access to or the copying of a work protected under title 17, United States Code. Of course, this provision is not intended to create a loophole to remove from the proscriptions of section 1201 devices, or components or parts thereof, that circumvent by, for example, affirmatively decrypting an encrypted work or descrambling a scrambled work.

Mr. BLILEY. Madam Speaker, I reserve the balance of my time.

Mr. COBLE. Madam Speaker, I yield 3½ minutes to the gentleman from Virginia (Mr. GOODLATTE) a member of the subcommittee and the full committee.

Mr. GOODLATTE. Madam Speaker, I rise today in support of H.R. 2281, the World Intellectual Property Organization Copyright Treaties Implementation Act. I would like to thank the gentleman from North Carolina (Mr. COBLE) and the gentleman from Illinois (Mr. HYDE), as well as the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. FRANK) for their leadership on this issue.

Additionally, I would like to thank the gentleman from North Carolina (Mr. COBLE) for asking me to lead the negotiations between the various parties on the issue of on-line service provider liability for copyright infringement which is included in this important bill. Madam Speaker, the issue of liability for on-line copyright infringement, especially where it involves third parties, is difficult and complex.

For me personally this issue is not a new one. During the 104th Congress then-Chairman Carlos Moorhead asked me to lead negotiations between the parties. Although I held numerous meetings involving members of the content community and members of the service provider community, unfortunately we were not able to resolve this issue.

At the beginning of the 105th Congress the gentleman from North Carolina (Mr. COBLE) asked me to again lead the negotiations between the parties on this issue. After a great deal of meetings and negotiation sessions, the copyright community and the service provider community were able to successfully reach agreement. That agreement is included in the bill we are considering today. No one is happier, except maybe those in each community who spent countless hours and a great deal of effort trying to reach agreement, than I am with the agreement contained in this bill.

Madam Speaker, this is a critical issue to the development of the Internet, and I believe that both sides in this debate need each other. If America's creators do not believe that their works will be protected when they put them on-line, then the Internet will lack the creative content it needs to reach its true potential; and if America's service providers are subject to litigation for the acts of third parties at the drop of a hat, they will lack the incentive to provide quick and sufficient access to the Internet.

The provisions of H.R. 2281 will allow the Internet to flourish and I believe will prove to be a win-win not only for both sides, but for consumers and Internet users throughout the Nation.

I would also like to discuss the importance of the World Intellectual Property Organization treaties and this accompanying implementing legislation which are critical to protecting U.S. copyrights overseas.

The United States is the world leader in intellectual property. We export billions of dollars worth of creative works every year in the form of software books, tapes, videotapes and records. Our ability to create so many quality products has become a bulwark of our national economy, and it is vital that copyright protection for these products not stop at our borders. International protection of U.S. copyrights will be of tremendous benefit to our economy, but we need to ratify the WIPO treaties for this to happen.

I would like to state for the record my understanding that sections 102(a)(2) and 102(b)(1) of this bill are not intended to address computer system security, such as devices used to crack into computer security systems such as firewalls or discover log-on passwords that protect an entire system. The ban contained in these provisions is intended to cover circumvention devices aimed at technological protection measures that protect particular works covered under Title 17 such as movies, songs or computer programs. Unauthorized hacking into computer programs is already covered by other laws.

This bill is critical not only because it will allow the Internet to flourish but also because it ensures that America will remain the world leader in the development of intellectual property. I urge each of my colleagues to support this legislation.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Madam Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding this time to me, and I am pleased to rise today in support of the passage of H.R. 2281, which will extend new protections against the theft of their works to copyright owners.

Madam Speaker, new protections are needed due to the ease with which flawless copies of copyrighted materials can both be made and transmitted in the digital network environment. Essential, however, to the creation of new guarantees for copyright owners is the retention of the traditional rights of the users of intellectual property. A balance has always existed in our law between these conflicting interests, and the major challenge in the writing of this legislation is to assure that no fundamental altering of that delicate balance takes place.

Another challenge is to ensure that in the effort to eliminate devices that are designed and produced to make illegal copies of copyrighted materials, that legitimate consumer electronics products are not also placed in a category of legal uncertainty.

Today I want to offer congratulations primarily to the Members of the House Committee on Commerce who have devoted long hours in the effort to assure that these challenges are met. Specifically, the Committee on Commerce has added provisions that protect personal privacy by clearly permitting personal computer owners to disable cookies that are placed on their disks by others; that allow the encryption research that will lead to a new generation of trusted and secure systems; that give equipment manufacturers the certainty that their consumer electronics products need not affirmatively accommodate all technological protection measures; and that creative procedure for assuring the continuation of the fair use rights of the American public, a procedure that will prevent material that is generally available today under fair use being locked away in a pay-per-use regime in future years.

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Report language also specifies that the technological protection measure circumvention restrictions will not apply when manufacturers, retailers and technicians need to make adjustments to devices to ensure that their performance is not degraded as a consequence of the installation of a technological protection measure. These changes, taken together, significantly improve the original legislation.

The gentleman from Virginia (Chairman BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Wisconsin (Mr. KLUG), the gentleman from Florida (Mr. STEARNS) and the gentleman from Massachusetts (Mr. MARKEY), among others, deserve thanks for their successful efforts to create new copyright protections, while ensuring that traditional user rights are not undermined.

The Committee on Commerce has, in the manner for which it is known, mastered the intricate details of this complex subject and has produced a balanced result. I want to offer my congratulations to all who have been involved in that outstanding effort.

It is my pleasure to urge passage of H.R. 2281.

Madam Speaker, I will insert in the record correspondence from the subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), to the gentleman from California (Mr. CAMPBELL) and myself, which further defines the terminology that is used in the statute.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 16, 1998.

Hon. TOM CAMPBELL,
U.S. Representative for the 15th District of California, Washington, DC.

Hon. RICK BOUCHER,
U.S. Representative for the 9th District of Virginia, Washington, DC.

DEAR TOM AND RICK: Thank you for visiting with me in my office recently regarding H.R. 2281, the "WIPO Copyright Treaties Implementation Act." I appreciate the concerns you expressed with respect to H.R. 2281 as it was reported from the House Committee on the Judiciary.

I expressed to you that I would consider your thoughts and respond to you in detail, and am pleased to do so in this letter.

I believe that many of your concerns, which are enumerated in your substitute bill, H.R. 3048, have been addressed already in a reasonable manner in amendments to the bill adopted by the Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary in the House and by the Committee on the Judiciary and on the floor in the Senate (regarding the Senate companion bill, S. 2037). Others have been addressed in legislative history in House Report 105–551 (Part I) which accompanies the bill, as well as in Senate Report 105–190, which accompanies the Senate companion bill. Still others may be addressed as the House Committee on Commerce exercises its sequential jurisdiction over limited portions of the bill and as I work with interested members on developing a manager's amendment to be considered by the whole House. I anticipate including many of the amendments made by the Senate in the manager's amendment, along with other provisions. I also anticipate that a conference will be necessary to reconcile the House and Senate versions of the bills.

While I am unable to support the specific provisions of H.R. 3048, for reasons I will explain in this letter, I am willing to work with you in the coming weeks to address additional concerns regarding the impact of this legislation on the application of the "fair use" doctrine in the digital environment and on the consumer electronics industry. I wish to stress, however, that I believe the bill, as amended by the House and Senate thus far, and explained by both the House and the Senate Judiciary Committee reports, already addresses these issues in several constructive ways.

I believe it is important, in order to recognize properly the efforts undertaken by the Congress and the Administration to address the concerns of the consumer electronics and fair use communities, to review the history of H.R. 2281 and to evaluate all of the provisions that have been either added to or deleted from the bill since its development leading to introduction in this Congress. As I am sure you will appreciate, I am sensitive to your concerns and have worked diligently with members and all parties involved to create a balanced and fair proposal that will result in the enactment of legislation this Congress.

In February, 1993, the Administration formed the Information Infrastructure Task Force to implement Administration policies regarding the emergence of the Internet and other digital technologies. This task force formed a Working Group on Intellectual Property Rights to investigate and report on the effect of this new technology on copyright and other rights and to recommend any changes in law or policy. The working group held a public hearing in November, 1993, at which 30 witnesses testified. These witnesses represented the views of copyright owners, libraries and archives, educators, and other interested parties. The working group also solicited written comments and received over 70 statements during a public comment period. Based on oral and written testimony, the working group released a "Green Paper" on July 7, 1994. After releasing the Green Paper, the working group again heard testimony from the public through four days of hearings held around the country. More than 1,500 pages of written testimony were filed during a four-month comment period by more than 150 individuals and organizations.

In March, 1995, then-Chairman Carlos Moorhead solicited informal comments from parties who had submitted testimony regarding the Green Paper, including library and university groups, and computer and electronics group, in order to work effectively with the Administration on jointly developing any proposed updates to U.S. copyright law that might be necessary in light of emerging technologies.

In summer, 1995, the working group released a "White Paper" based on the oral and written testimony it has received after releasing the Green Paper. The White Paper contained legislative recommendations which were developed from public comment in conjunction with consultations between the House and Senate Judiciary Committees, the Copyright Office and the Administration.

In September, 1995, Chairman Moorhead in the House and Chairman Hatch in the Senate introduced legislation which embodied the recommendations contained in the White

Paper and held a joint hearing on November 15, 1995. Testimony was received from the Administration, the World Intellectual Property Organization and the Copyright Office. The House Subcommittee on Courts and Intellectual Property held two days of further hearings in February, 1996. Testimony was received from copyright owners, libraries and archives, educators and other interested parties. in May, 1996, the Senate Judiciary Committee held a further hearing. Testimony was received from copyright owners, libraries and other interested parties. These hearings were supplemented with negotiations in both bodies led by Representative Goodlatte (as authorized by Chairman Moorhead) in the House and by Chairman Hatch in the Senate. Further negotiations were held by the Administration in late summer and fall of 1996.

During consideration of the "NII Copyright Protection Act of 1995," Chairman Moorhead requested that Mr. Boucher and Mr. Berman of California lead negotiations between interested parties regarding the issue of circumvention. While these negotiations were helpful in streamlining and clarifying the issues to be discussed, they ultimately did not result in an agreement.

It is important to note that shortly after its establishment, the Administration task force's working group convened, as part of its consideration, a Conference on Fair Use (CONFU) to explore the effect of digital technologies on the doctrine of fair use, and to develop guidelines for uses of works by libraries and educators. Because of the complexities involved in developing broad-based policies for the adaptation of the fair use doctrine to the digital environment, and due to much disagreement among the participants (including within the library and educational communities), CONFU did not issue its full report until nearly two years after it was convened. An Interim Report was released by CONFU in September 1997 on the first phase of its work. No consensus was reached on how to apply the fair use doctrine to the digital age. In fact, the CONFU working group on interlibrary loan and document delivery concluded in a report to its Chair that it is "premature to draft guidelines for digital transmission of digital documents." The work of CONFU continues today and a final report should be released soon with no agreed conclusions. As you can see, developing sweeping legislation, rather than relying on court-based "case or controversy" applications of the doctrine, is exceedingly difficult to do.

Since before the debate began with the establishment of a task force in the United States in 1993, the international community had also been considering what updates should be made to the Berne Convention on Artistic and Literary Works in order to provide adequate and balanced protection to copyrighted works in the digital age. This culminated in a Diplomatic Conference hosted by the World Intellectual Property Organization at which over 150 countries agreed on changes needed to accomplish this goal.

This goal was not reached easily, however, and many of the issues being debated by the Administration and the Congress in the United States concerning fair use and circumvention were aired at the Diplomatic Conference, with significant changes made to accommodate fair use concerns and the effect on the consumer electronic industries. Representatives of both groups participated in the Conference and aggressively sought to maintain proper limitations on copyright. They succeeded. For example, language was added to ensure that exceptions such as fair use could be extended into the digital environment. The treaty also originally contained very specific language regarding obligations to outlaw circumvention. It was changed to state that all member countries "shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by authors in connection with the exercise of their rights under this Treaty." This left to each country the development of domestic legislation to accomplish this goal.

After the United States signed the WIPO Treaties, the Administration again began negotiations led by the Department of Commerce and the Patent and Trademark Office, in consultiation with the Copyright Office and the Congress, to develop domestic implementing legislation for the treaties. It built upon the efforts already accomplished by the release of the Green Paper and the White Paper and all of the testimony and comments heard as part of that process, the House and Senate bills introduced in the 104th Congress and all of the hearing testimony and negotiations associated with them, and the negotiations held by the Administration leading up to and during the Diplomatic Conference. Again, comments were solicited from fair use and consumer electronics groups. In the summer of 1997, the Administration submitted to the Congress draft legislation to implement the treaties. In July, 1997, Chairman Hatch and I introduced the current pending legislation in each house. Importantly, the legislation was tailored to match the treaty language by establishing legal protection and remedies not against any technological measures whatsoever, but only "against the circumvention of effective technological measures that are used by authors in connection with the exercise of their rights."

The fair use and consumer electronics groups succeeded, just as they had at the Diplomatic Conference, in assuring in the introduced version of the bills the maintenance of proper limitations on copyright. The Administration had considered originally banning both the manufacture and use of devices which circumvent effective technological measures and had no specific provision on fair use, since Section 107 of the Copyright Act would, of course, continue to exist after enactment of the legislation. The word "use" was eliminated in the device provision and a specific provision relating to the adoption of the fair use doctrine in the digital environment was added.

As it was introduced, H.R. 2281 contained two important safeguards for fair use. First, the bill dealt separately with technological measures that prevent access and technological measures that prevent copying. As to the latter, the bill contained no prohibition on the act of circumbention itself, leaving users free to circumvent such measures in order to make fair use copies. Second, the savings clause in subsection 1201(d) ensures that defenses to copyright protection, including fair use, are unaffected by the prohibitions on circumvention. For example, circumvention of an effective technological measure that controls access to a work does not preclude, or affect in any way, a defense of fair use for copying the work. Moreover, the bill as introduced did not expand exclusive rights or diminish exceptions and limitations on exclusive rights.

Again, a series of legislative hearings were held by the House and Senate Judiciary Committees at which testimony was again heard from copyright owners, libraries and archives, educators, consumer electronics groups and other interested parties. In February, 1998, almost five years to the date of the establishment of the Administration's working group, taking into account all of the concessions and negotiations leading up to it, the first markup was finally held in Congress by the Subcommittee on Courts and Intellectual Property on this important legislation. As is evident by the timetable involved in the development of this legislation, and considering the number of hearings, negotiations and conferences dedicated to its contents, this bill certainly has not been placed on any "fast-track."

In the course of Subcommittee and Committee consideration of the bill in the House, the gentleman from Massachusetts, the Ranking Democratic member of the Subcommittee, Mr. Frank, and I, proposed a number of improvements to the bill, which were adopted by the Committee, that benefit libraries and nonprofit educational institutions. We introduced a special "shopping privilege" exemption that permits nonprofit libraries and archives to circumvent effective technological measures in order to decide whether they wish to acquire lawfully a copy of the work. We added a provision that requires a court to remit monetary damages for innocent violations of sections 1201 or 1202. And we eliminated any possibility that nonprofit libraries and archives or educational institutions can be held criminally liable for any violation of sections 1201 or 1202, even when such violations are willful.

These changes add protection to language already included in the bill which safeguard manufacturers of legitimate consumer electronic devices. Unlike the "NII Copyright Protection Act of 1995," which would have prohibited devices "the primary purpose or effect of which is to circumvent," H.R. 2281 sets out three narrow bases for prohibiting devices. A device is prohibited under section 1201 only if it is primarily designed or produced to circumvent, has limited commercially significant use other than to circumvent, or is marketed specifically for use in circumventing. This formulation means that under H.R. 2281, it is not enough for the primary effect of the device to be circumvention. It therefore excludes legitimate multipurpose devices from the prohibition of section 1201. Devices such as VCRs, and personal computers do not fall within any of these three categories (unless they are, in reality, black boxes masquerading as VCRs or PCs).

In addition, H.R. 2281 as introduced does not require any manufacturer of a consumer electronic device to accommodate existing or future technological protection measures. "Circumvention," as defined in the bill, requires an affirmative step of "avoiding, bypassing, removing, deactivating, or otherwise impairing a technological protection measure." Language added in the Senate, referred to below, clarified this even further.

In addition to all of the foregoing, there are a number of amendments that were made in the Senate bill that will be included in the manager's amendment to H.R. 2281. These include:

An expansion of the exemptions of nonprofit libraries and archives in 17 U.S.C. §108 to cover the making of digital copies without authorization, for purposes of preservation, security or replacement of damaged, lost or stolen copies;

An expansion of section 108 to cover the making of digital copies without authorization in order to replace copies in the collection that are in an obsolete format;

A provision directing the Register of Copyrights to make recommendations as to any statutory changes needed to apply the limitations on liability of online service providers to nonprofit educational institutions that act in the capacity of service providers;

A provision directing the Register of Copyrights to consult with nonprofit libraries and nonprofit educational institutions and submit recommendations on how to promote distance education through digital technologies, including any appropriate statutory changes;

A savings provision stating that nothing in section 1201 enlarges or diminishes vicarious or contributory liability for copyright infringement in connection with any technology, product, service, device, component or part thereof;

A provision that states explicitly that nothing in section 1201 requires accommodation of present or future technological protection measures;

A provision to ensure that the prohibition on circumvention does not limit the ability to decompile computer programs to the extent permitted currently under the doctrine of fair use; and

A provision ensuring that technology will be available to enable parents to prevent children's access to indecent material on the Internet.

I believe that these are constructive provisions that precisely and carefully address specific concerns you have raised in H.R. 3048. In order to assure that fair use applies in the digital environment, in addition to the above changes, I have also agreed to include in the manager's amendment an amendment to Section 107 of the Copyright Act to make it continue to be technology-neutral with respect to means of exploitation.

It may be helpful, in addition to discussing what is contained in H.R. 2281 and the Senate companion, and what will be included in the manager's amendment, to raise directly with you some of the identifiable problems I see associated with H.R. 3048 as introduced.

In my opinion, this extension of the first sale doctrine is antithetical to the policies the doctrine was intended to further. The alienability of tangible property is not at issue, since no tangible property changes hands in a transmission. Further, it does not address specifically the ability to control the after-market for resales of the same copy of a work, since in this case distribution of a work by digital transmission necessarily requires a reproduction—it is not the same copy. The bill's answer to this quandary—that the original copy must be destroyed—is unenforceable and certainly not a substitute for disposition of a tangible copy. Destruction involves an affirmative act, generally in the privacy of a home, that is difficult to police and would involve significant invasions of privacy if it were policed effectively.

Further, regardless of whether the original copy is destroyed, the new copy would be free of contractual or other controls placed on the original copy by the copyright owner. It is also likely that this provision would have a much greater impact on an owner's primary market for new copies of a work than the current first sale doctrine has on the primary market for physical copies. Unlike used books, digital information is not subject to wear and tear. The "used" copy is just as desirable as the new one because they are indistinguishable. For this reason, Congress has curtailed the first sale doctrine as it applies to the rental of sound recordings and software in the past, to prevent posing so great a burden on a copyright owner so as to undermine the incentive to create works which is the driving force behind the Copyright Act.

H.R. 3048 would also broaden Section 110(2) of the Copyright Act so that the performance, display, or distribution of any work (rather than just the performance of a nondramatic literary or musical work and the display of any work) through digital transmission (rather than just through audio broadcasts) would be allowed without the permission of the copyright holder, as long as it is received by students, or by government employees as part of their duties. This broad expansion of the distance learning provisions currently codified in the Copyright Act would permit the transmission of a wide variety of Internet-based or other remote-access digital transmission formats for distance education and raises serious questions about safeguards to prevent such transmissions from unauthorized access. In other words, it may facilitate piracy.

Both CONFU and the Senate have discussed the intricacies involved in safeguarding transmissions used for distance learning purposes and have agreed that it is premature to enact specific legislation at this time. As discussed earlier, the Senate has included a provision in its companion bill, which I plan to include in the House manager's amendment, that will provide for a study with legislative recommendations on this issue, within a six-month time frame. This study will be better able to address the complex problems I have identified.

Section 7 of H.R. 3048 would amend Section 301(a) of the Copyright Act to preempt enforcement of certain license terms under state law. Specifically, it would preempt any state statute or common law that would enforce a "non-negotiable license term" governing a "work distributed to the public" if such term limited the copying of material that is not subject to copyright protection or if it restricted the limitations to copyright contained in the Copyright Act. In effect, it would prohibit standard form agreements, used in the context of copies distributed to the public, that purport to govern use of noncopyrightable subject matter or limit certain exceptions and limitations, such as fair use.

The use of standard form licensing agreements has become prevalent in the software and information industries, as owners seek to protect their investment in these products against the risk of unauthorized copying. Section 7 would result in destroying the ability of the producer of a work to create specific licenses tailored to the circumstances of the marketplace, or, in the case of factual databases and other valuable but noncopyrightable works, destroy the most significant form of protection currently available. This could result, for example, in the loss of crucial revenues to stock and commodity exchanges who rely on such contracts to disseminate information.

Attempts to introduce language similar to Section 7 of H.R. 3048 into Article 2B of the Uniform Commercial Code (UCC) have been rejected repeatedly by the UCC Article 2B Drafting Committee on several occasions. The National Conference of Commissioners on Uniform State Laws also rejected a proposal similar to the one you propose as has the American Law Institute. I agree with these bodies that restricting the freedom to contract in the manner proposed in H.R. 3048 would have a negative effect on the availability of information to consumers.

H.R. 3048 also proposes several changes to Section 108 of the Copyright Act regarding archiving and library activities. As you are aware, library groups and copyright owners have come to an agreement regarding changes in this section to update the Act for the digital environment and those changes were incorporated by the Senate in the companion bill. I will include those same provisions in the manager's amendment in the House.

Finally, the new Section 1201 contained in H.R. 3048 would not prohibit manufacturing or trafficking in devices purposely created to gain unauthorized access to copyrighted works, and insofar as it prohibits conduct, would permit circumvention in the fist instance for purposes of fair use. In other words, H.R. 3048, as I discussed earlier, would grant to users a right never before allowed—free access to copyrighted works in order to make a fair use. I believe that is unwise policy and tilts the balance away from the protection of works in a free market economy toward the free provision of works to anyone claiming to make a fair use. This would, I believe, ultimately lead to much more litigation against libraries and others who lawfully engage in fair use and ultimately would diminish the number of works made available over new media.

While it would be impossible to communicate to you all of the problems contained in the exact language of H.R. 3048, I wanted to, in truncated form, reveal my serious concerns with the bill. In its current form, for the above reasons and others, I would oppose it as a substitute to H.R. 2281, as amended. I remain dedicated, however, to working with you, as I have in the past, to address your concerns in a reasonable manner that will result successfully in changes to our nation's copyright law that will benefit both owners and users of works.

I truly believe that we are at the beginning of a long process of addressing adaptation to the digital environment. It is not possible at this point to enact legislation that will contemplate all uses of a work and, as CONFU members aptly point out, many will have to be addressed as we move forward. I am committed, however, to preserving fair use in the digital age and thank you for your valuable and continuing insight and interest.

Sincerely,

HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property.

Mr. BLILEY. Madam Speaker, I yield one minute to the gentleman from Colorado (Mr. DAN SCHAEFER).

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, the webcasting is a new use of the digital works this bill deals with, and even most recent copyright amendments in 1995 do not really address it clearly. Under current law it is difficult for webcasters and record companies to know their rights and their responsibilities for negotiating new licenses. This provision makes it clear what each party must do and sets a statutory licensing program to make it as easy as possible to comply with.

I want to thank the gentleman from Washington (Mr. WHITE) and the gentleman from North Carolina (Mr. COBLE) for working with them to make sure this was all included, and I strictly urge my colleagues to carefully respect and preserve the delicate compromise that we have worked so hard to agree on as we move through this legislative process in the conference committee.

Mr. COBLE. Madam Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY), the chairman of the House Entertainment Task Force.

Mr. FOLEY. Madam Speaker, I thank the chairman and also all the Members who have participated in this very, very important debate, and particularly the leadership, the gentleman from Georgia (Mr. GINGRICH), the gentleman from Texas (Mr. ARMEY), and others who have helped bring this platter to the floor today for full and fair debate.

Businesses and industries that depend on copyright protection, including publishing, music and recording, film and video and computer software companies, are among the fastest growing segment of our society. These creative industries contribute nearly $280 billion to the gross domestic product yearly and provide jobs for some 3.5 million Americans. Moreover, they are among our biggest export earners, accounting for some $60 billion in foreign sales.

What has been plaguing this huge and important industry is piracy, the outright theft of copyrighted works. Not piracy on the high seas, it is today's version, piracy on the Internet. American companies are losing nearly $20 billion yearly because of the international piracy of these copyrighted on-line works, and that is what this bill helps to stop.

It has been a long process which has been carefully and thoughtfully negotiated. What we now have is a balanced measure that protects both the interests of the users and the consumers, and the property rights of the creators.

As chairman of the Entertainment Industry Task Force, I know how important the enactment of this bill is to one of America's most promising industries. I would like it thank the chairman of the Committee on the Judiciary, the chairman of the Committee on Commerce, the gentleman from North Carolina (Mr. COBLE) and others who have worked tirelessly on this effort, as well as Members of the other side of the aisle, the gentleman from Massachusetts (Mr. FRANK) and others, who have taken into consideration all the concerns of both the users and end users of the product, as well as those who provide the intellectual content, if you will, to striking what is a fair balance for Americans, a fair balance for consumers, but, more importantly, will allow the very appropriate and important works to be put on the Internet for future generations to come.

Mr. FRANK of Massachusetts. Madam Speaker, I yield three minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Madam Speaker, this day has been a long time coming. Going back nine years as the technological capacity to make unauthorized copies of copyrights works was rapidly expanding, some of us anticipated the need to enact legislation to protect technological measures used by copyright holders to protect their works.

Last Congress, our former colleagues, Carlos Moorehead and Pat Schroeder, laid further groundwork for today's WIPO bill with their efforts to enact national information infrastructure legislation. Then in December 1996, the U.S. victory that produced two new international treaties, made the enactment of implementing legislation an urgent task.

Today, under the leadership of the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK), the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), our efforts have come top fruition.

Passage of this bill is essential to implementation of the treaties around the world. Our leadership is necessary in order to gain passage of the treaties in other countries where the standards for intellectual property is much lower than our own.

Make no mistake, American intellectual property and the almost unsurpassed contribution it makes to our balance of trade is at risk around the world. Piracy costs American creators $15 billion in sales. In a digital era which brings the capacity to make perfect copies of copyrighted works, we must enact this legislation to fight overseas piracy and the toll it takes in export revenues and American jobs.

Madam Speaker, I think the gentleman from Massachusetts (Mr. FRANK) had it right. In the context of trying to protect this property, we needed to come to reasonable balances with providers of these services, with people who have legitimate interests in the fair use. This is, at least at this particular point, the best effort we can make to try to come to those kinds of balances and still provide the essential protection that this bill provides. I urge its adoption.

Mr. BLILEY. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Madam Speaker, I thank my good friend for yielding to me.

Because of an act of extraordinary lack of comity of the part of the managers of the bill on this side, and because of some extraordinary discourtesy, the Committee on Commerce has not been afforded our share of the time on this bill. I am therefore compelled to request time from the Republicans for this unanimous consent request. I express my thanks.

I hope that the next time our two committees deal with each other, there will be more courtesy shown by the Committee on the Judiciary. I intend to remember this event.

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 2281, the "Digital Millennium Copyright Act," and I urge my colleagues to join me. This legislation is vitally important to the livelihoods of authors, musicians, filmmakers, software developers, and countless other creators of copyrighted works. However, just as important, this bill will preserve the legal right of information consumers to make "fair use" of copyrighted works just as they have done for over one hundred years.

Why is this treaty and its implementing legislation important? The digital age has vastly improved the quality of these works that we all enjoy. Today limitless copies can be made with virtually no reduction in quality. Unfortunately, these improvements in technology do not come without a cost. Piracy of copyrighted works, particularly overseas, has increased dramatically, and copyright owners are desperately in need of additional protection to protect their property from thieves who increasingly prey on their creative ingenuity.

However, there is another side to this story. As copyrighted works are afforded more protection, they will be encrypted in "digital wrappers" that make them impenetrable to anyone other than those who are willing to pay the going rate. While that may sound like the American way, it is not. United States copyright law historically has carved out important exceptions to the rights of copyright owners to have exclusive control over the use of their property.

The most notable exception is "fair use." Libraries and universities, for example, are permitted to freely use portions of copyrighted works legally for research and study. This practice has been a bedrock of our copyright law for over a century. Both Congress and the courts repeatedly have recognized this important balance in the law between the right of copyright owners to be compensated for their efforts, and the right of information consumers to use these works in limited ways to increase knowledge and understanding for the benefit of our whole society.

We can now take great comfort in the fact that H.R. 2281 will continue to recognize this important balance. The "fair use" debate, though heated at times, was negotiated to an acceptable conclusion in the Commerce Committee, and this key compromise between the content and "fair use" communities is reflected in the bill on the floor today. Other critical matters were also resolved, such as protecting consumer privacy interests, electronic device manufacturing, and encryption research.

I would like to commend my good friend from Virginia, Chairman BLILEY, for his fine work on this bill. In addition, I would also like to give special thanks to Mr. BOUCHER and Mr. KLUG who contributed so much to the resolution of the "fair use" issue, as well as Mr. MARKEY and Mr. TAUZIN for their important efforts. Also, special thanks goes to all the staff who worked so hard on this legislation, in particular Justin Lilley with the Commerce Committee majority, Andy Levin and Kyra Fischbeck with the Commerce Committee minority, Ann Morton with Mr. BOUCHER, Kathy Hahn with Mr. KLUG, Whitney Fox with Mr. TAUZIN, and Colin Crowell with Mr. MARKEY, to name just a few.

Mr. BLILEY. Madam Speaker, I yield one minute to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Madam Speaker, I rise in strong support of H.R. 2281, the WIPO enabling legislation. I want to pay special tribute to the chairman of the full committee, the gentleman from Virginia (Mr. BLILEY), as well as the gentleman from Illinois (Chairman HYDE), for their work as well, as my good friend the gentleman from Michigan (Mr. DINGELL) on the other side of the aisle.

The digital revolution presents special opportunities and special challenges for copyright holders and users of copyrighted works. Working with the Committee on the Judiciary, I think we put together a bill that we can all be proud of that deals with issues like fair use, encryption research and temporary and ephemeral copies.

This legislation will extend copyright protections for intellectual property into the digital age, while simultaneously protecting fair use of such works. It will provide an important foundation for the growth of electronic commerce on the Internet.

The bill also includes an important provision preserving the authority of the SEC over the mechanisms by which the public obtains information about our securities markets, including stock quotes. This ensures that the commission will be able to ensure that investors have ready access to the information they need to make their investment decisions.

I again thank the work of both the Committee on Commerce and the Committee on the Judiciary for bringing us where we are today.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I had intended to stick to the merits, but I did want to respond to the ranking member of the Committee on Commerce. Unfortunately, the public got a look at some of the turf battles that I do not think serve us very well.

The gentleman made some reference to comity. I do not know how that was spelled. But had the gentleman wanted me to yield him some time, I would have been glad to do it. I did not, because I had not been instructed by the ranking member of my full committee to split the time in terms of control. But I am glad to yield time to anyone who wants. Indeed, I yielded four minutes right away to the gentleman from Virginia. Now, the gentleman serves on both the Committee on the Judiciary and the Committee on Commerce, but he used his four minutes for a tribute to the work of the Committee on Commerce that was lyrical in its composition, and I am sure will go down in the annals as one of the best tributes to a committee ever given.

So, at this point I would reserve the balance of my time, but if Members want to speak, I would be glad to yield them time.

Mr. BLILEY. Madam Speaker, I yield one minute to the gentleman from Wisconsin (Mr. KLUG), who did an extraordinary amount of work on this piece of legislation.

Mr. KLUG. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, we have in front of us a very difficult balancing act, essentially trying to protect the American creative community across the world, people who make movies and television shows, book publishers and the recording industry. But in an era of exploding information, we also have to guarantee access to libraries and also university researchers, to make sure we do not enter a new era of pay per view, where the use of a library card always carries a fee and where the flow of information comes with a meter that rings up a charge every time the Internet is accessed.

Today we have a reasonable compromise in front of us, and I want to thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) for their leadership.

If I also could indulge the committee to single out several other people, Justin Lilley of the committee staff, Kathy Hahn of my staff, for working so hard on this compromise, and in particular the support of my colleague, the gentleman from Virginia (Mr. BOUCHER). I urge adoption of the bill.

I rise in support of H.R. 2281, the Digital Millennium Copyright Act of 1998 and request permission to revise and extend my remarks and to submit additional materials into the RECORD.

I especially want to acknowledge the many significant contributions that the Commerce Committee has made to this bill, under the leadership of Chairmen BLILEY and TAUZIN and Representatives DINGELL and MARKEY, and Justin Lilly, Kathy Hahn on my staff.

The bill that came to the Commerce Committee for consideration was a flawed bill in a number of respects: Most important, it created a flat prohibition against circumventing "technological protection measures" for any reason.

This original prohibition passed by the Judiciary Committee sharply skews the balance in favor of copyright owners. It would have required each user of information to negotiate with the copyright owner for access to information. I assume that the copyright owner would grant that permission, but would extract a price in exchange.

The Copyright Clause of the Constitution grants a limited preference to copyright owners. But this clause has consistently been interpreted to grant an incentive for the purposes of advancing knowledge or, in the words of the Constitution, "to promote the Progress of Science and the Useful Arts."

This incentive has always been interpreted to be of secondary importance to "allow the public access to the products of genius."

As the New York Times noted recently:

> As Congress fashions ways to protect commercial interests in the digital realm, it must be careful also to protect the larger public interests in broad access to information. * * * The law does not allow a creator to control who looks at the material or prevent the material from being circulated or lent to others. It specifically allows the "fair use" of copyrighted materials for commentary, criticism, teaching, news reporting, scholarship and research under certain circumstances without permission from the copyright owner.

And, as the Washington Post notes this morning:

> this transition to a pay-per-view world, * * * works fine for the entertainment industries and the commercial market. Where it doesn't work is in libraries and other places where use of books and research material is not pay-per-view but, till now, free.

The Commerce Committee corrected this automatic transition to a pay-per-view world by creating an exception for persons having gained lawful access who are or are likely to be adversely affected by the prohibition. In interpreting "lawful access", it is my hope that this term is broadly construed to include students at a university, patrons in a library, and investigative journalists who obtain critical information, among others.

Unlike the version reported by the Judiciary Committee, the approach taken by the Commerce Committee and reflected in the bill before us not only is an appropriate balance between the rights of copyright owners and users of information, it is also strongly supported by the treaty preamble that recognizes, "the need to maintain balance between the rights of authors and the larger public interest, particularly education, research, and access to information."

I also want to single out several other important contributions of the Commerce Committee. We have clarified that product designers and manufacturers should be able to design their products based on consumer demand. In so doing, we have eliminated any ambiguity or presumption that products must be designed to affirmatively respond to or accommodate any technological measures. It also ensures that lawyers, judges and juries do not become the principal designers of consumer products in this country. In the end, this language ensures that product designers and manufacturers will have the freedom to innovate.

As a related matter, consumers will continue to expect that the products they buy will perform to expectations, whether that be high resolution on high definition television or sound on-key for compact disks and digital video disks. Nothing in this bill, as clarified by the Commerce Committee in its report, should be read as interfering with a product manufacturer, designer, or retailer's ability to adjust any product that is experiencing material distortions caused by technological measures. We have an obligation up here to protect consumer interests, and ensuring that products play as promised is a critical step for consumer protection.

The compromise that is before us today is a thoughtful, well-crafted approach to a complicated problem. I not only urge my colleagues to vote for this compromise legislation, I strongly urge Chairman HYDE to adhere to this compromise language in its entirety, not just today, but when the House meets in conference with the Senate.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I did want to say that the ranking member of the full Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), is in Michigan today because it is primary day in Michigan, and only that kept him from being here. The gentleman has been for a long time now one of the staunchest advocates of intellectual property rights. He is a man who has a great feel for American culture, and fully understands the role of intellectual property correctly understood in fostering our cultural traditions.

So I did want to express the strong support of the gentleman from Michigan and note that his leadership in this was very, very important, and to explain his absence as being due entirely to the fact that he had to be in Michigan for his primary.

Mr. BLILEY. Madam Speaker, I yield one minute to the gentleman from Washington (Mr. WHITE), who also put in a lot of work on this piece of legislation.

Mr. WHITE. Madam Speaker, I thank the chairman for yielding me time.

Madam Speaker, pretty much no matter what we do, this bill would be a big win for our country, because what this bill does in essence is it implements a treaty under which the rest of the world finally adopts our view of intellectual property. That is a big win for the United States.

But we also have the advantage that this bill actually turned out to be a pretty good bill, thanks to the gentleman from Virginia (Chairman BLILEY) and the gentleman from North Carolina (Chairman COBLE), the gentleman from Illinois (Chairman HYDE), and many of the other people who worked on it.

The thing I like the most about it is that it moves intellectual property protection into the digital age. I was proud to play a small part in improving the bill. We adopted a special program for webcasting, this is broadcasting on the Internet. We will now have clear rules for how those sorts of things are supposed to be done.

I think this should be a day when all of us are very pleased that we are moving through the House a bill that will make big progress around the world for intellectual property, which is a big improvement for things in the United States.

Mr. BLILEY. Madam Speaker, I yield one minute to the gentleman from Florida (Mr. STEARNS), a member of the committee.

Mr. STEARNS. Madam Speaker, I also rise in support of the bill and compliment our chairman, the gentleman from Virginia (Mr. BLILEY), and, of course, I compliment my good friend the gentleman from North Carolina (Mr. COBLE), for their activities.

I participated in some of the areas dealing with technological protection measures, defining this actually: The no-mandate provision, which makes clear that manufacturers need not design their products to respond to any particular technological protection measure was included in the report; language to the compromise on "fair use" which seeks to protect consumers from a pay-per-view world in the digital area; and, three, provisions ensuring activities important to our economy and national security such as reversed engineering and encryption research will not be stifled by the new prohibition on circumventing technological protection measure.

I appreciate also the gentleman from Virginia (Mr. BOUCHER), who was very helpful and diligent in approving our amendments and working together. I recognize his efforts, and I rise in strong support of the bill.

Mr. Speaker, I rise in support of the final legislative product to implement the World Intellectual Property Organization Treaty to provide legal protection to the millions of American copyright holders and American companies.

I would also like to congratulate the efforts and the hard work of the key players to forge a compromise and bring this bill to the floor: Chairman BLILEY of the Commerce Committee and Chairman COBLE of the Intellectual Property Subcommittee deserve particular praise.

It has been a long and hard process to get us to this point. I had numerous concerns with the original bill that I believed needed correction.

During consideration of H.R. 2281, the Commerce Committee heard from many concerned groups including libraries, educators, researchers, consumer groups, advocates for families such as Eagle Forum and the Christian Coalition, and representatives of manufacturers of legitimate consumer electronics products. All of these groups raised legitimate concerns which the Commerce Committee has sought to address.

The bill we consider today represents many hours of debate and compromise.

It is not a perfect solution, but it includes important provisions designed to protect consumers and legitimate manufacturers of consumer electronics while providing important new protections to copyright owners so that their works may thrive in the digital environment.

Among the important provisions in the legislation are:

(1) The "no mandate" provision which makes clear that manufacturers need not design their products to respond to any particular technological protection measure;

(2) The compromise on "fair use" which seeks to protect consumers from a "pay-per-view" world in the digital era; and

(3) Provisions ensuring that activities important to our economy and national security such as reverse engineering and encryption research will not be stifled by the new prohibition on circumventing technological protection measures.

I would also like to note that during consideration of the WIPO legislation in the Commerce Committee, I had joined with my good friend from Virginia, Mr. BOUCHER, in offering an amendment that would have defined the term "technological protection measure," because such a definition was lacking in the original bill.

Mr. BOUCHER and I worked diligently to improve our amendment and to seek a compromise position for a definition that would have enjoyed the support of the content community, as well as from the product manufacturers. We succeeded.

In order to push the bill forward and out of the Commerce Committee, we agreed to withdraw the amendment in exchange for Chairman BLILEY's support of report language that would have expanded on the proper definition of a "technological protection measure."

Although I believe the bill could have been further improved had we had the chance to define this term before bringing the bill to the floor, I believe the report of the Commerce Committee very clearly identifies the types of technological protection measures which are entitled to the special protections of this legislation.

In addition, I am confident that the federal courts that consider the meaning of the term "technological protection measure" will find sufficient guidance in the Commerce Committee's report.

I thank Chairman BLILEY for following through on his commitment and allowing such report language to be drafted, inserted, and negotiated with the Judiciary Committee.

I ask unanimous consent that my extended and revised remarks appear in the RECORD as if spoken.

Mr. BLILEY. Madam Speaker, I yield one minute to the gentleman from Massachusetts (Mr. MARKEY).

☐ 1415

Mr. MARKEY. Madam Speaker, I thank the gentleman for yielding me the time.

I want to congratulate all of the Members who have worked on this legislation, Madam Speaker. As the digital revolution sweeps over countries and industries, we are going to see a dramatic change in the nature of the American economy, because we are the clearcut leader in the post-GATT post-NAFTA world.

As we cut this implicit deal with the American people where we are going to let the low-end jobs go, it is critical for us to garner the lion's share of the high-end jobs. We are the world's leader in software, without question. In these computer, movie, books, video areas, we are the unquestioned dominant leader. It is our job to make sure that we construct treaties, laws, that protect our high end, our products that are related to the high education level which we are giving the citizens of the United States.

Built into this law are protections for the privacy of Americans, as well.

We do not want corporations being able to insinuate themselves into the privacy of Americans, finding out where they go, what they do, as they use these new software technologies.

I think we have struck a nice balance, which is going to give marketplace incentives to industries to ensure that individuals have the knowledge on information that is being gathered about them, know that it may be reused, but also have the right to say no. I think it is going to be a good compromise forged.

I urge a very strong yes for all Members of Congress on this very important piece of legislation.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

I am glad to turn away from the turf battles, which are to be of interest to no one outside this Chamber and very few inside, to talk a little more about substance.

Madam Speaker, I said earlier that one of the things I liked about this bill was that we reversed or at least stopped this trend to impinge on free speech. We have reduced the tendency to restrict speech which is electronically transmitted to a lesser degree of constitutional protection. But this is not the only bill relevant. I want to talk here about the danger in some other legislation of our continuing the unfortunate tendency of holding electronically transmitted speech to a lesser standard of protection.

I am told working its way through this body is legislation which would deny Federal aid to libraries and schools which do not impose various kinds of filtering devices on their own equipment. That it seems to me a very grave error. Of course, it makes a mockery of this profession of respect for States' rights which we occasionally hear, particularly when those who claim to be for States' rights do not like what the States are doing.

But the notion that we would impose a Federal judgment on schools and libraries, and make them use this very admittedly imperfect technology of filtration so that they would be less than fully free in what they gave people, is an example of this unfortunate tendency to say that electronically transmitted speech has a lesser order of protection.

I hope no one would propose that Congress would say libraries would not get any money unless they censored books, unless they censored public speeches. Why, then, do we insist, and I hope we do not, that libraries can only get Federal funds if they agree to censure their electronic devices?

We already passed as part of the Telecommunications Act something called the Communications Decency Act, which was stricken by a 9 to nothing vote in the Supreme Court as unconstitutional. Indeed, some of the most ardent defenders of free speech during the campaign finance debate enthusiastically supported this, which was obviously unconstitutional at the time, and the Supreme Court held it to be.

I would just say in closing, Madam Speaker, that while I am pleased that here we took great pains to protect intellectual property while avoiding giving any additional incentive to censor, we may be undoing that in other pieces of legislation.

I would urge my colleagues to follow elsewhere the guide that I think we have set forth here: Do not adopt restrictions on electronically transmitted speech that we would not apply to written speech and to oral speech, to newspapers, to magazines, to theater, to other forums of public debate.

As this society continues to increase the percentage of our communication with each other that is electronically transmitted, it is essential that we give electronically transmitted speech the same high degree of protection from censorship and regulation that we give other speech, or we will be a less free society in consequence.

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Madam Speaker, I thank the chairman for being so gracious in relinquishing that time. I will not take all of it.

I will say, Madam Speaker, that I rise in full support of this bill. I want to thank the gentleman from North Carolina (Mr. COBLE) for his work in helping bring about the confection of this language. Included in the bill is a provision that I introduced to ensure that a computer owner may authorize the activation of their computer by a third party for the limited purpose of servicing computer hardware components. The bill provides language that authorizes third parties to make such a copy for the limited use of servicing computer hardware, the hardware components.

This provision does nothing to threaten the integrity of the Copyright Act, and maintains all the protections under the Act. The intent of the Copyright Act is to protect and encourage a free marketplace of ideas. However, without this provision, it hurts the free market by preventing the ISOs from servicing computers. Furthermore, it limits the computer users' choice of who can service their computer and how competitive a fee can be charged.

Again, I want to thank the gentleman from North Carolina (Mr. COBLE) for all of his work in helping us along on this.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank everybody who has contributed to this exercise today. The creative ingenuity of the people of this country is responsible for our identification, culture, and not insignificantly large trade surplus. This has only come about because this country, through the work of the congressional judiciary committees down through the years, has enacted laws which protect intellectual property.

Our Founding Fathers, Madam Speaker, knew that a constitutional protection would be necessary in order to encourage Congress to create an incentive for creators. I am proud that this Congress and our subcommittee on the Committee on the Judiciary specifically have stood up for property rights of all kinds, both real property and intellectual property. I urge passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER), and hope that he will remember me when he becomes chairman.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from California (Mr. DREIER) is recognized for 2 minutes.

Mr. DREIER. Madam Speaker, I appreciate the gentleman yielding time to me, and I will, as we have amendments that conceivably could come forward from the gentleman from Massachusetts next year, consider them. I very much appreciate his acknowledging that I will be chairman next year.

Madam Speaker, let me rise in very strong support of this agreement. One of the most troubling aspects to this issue of global trade which is very important to the survival of our economy has been the issue of piracy. When we look at the impact that this has had on the entertainment industry and the biotechnology industry in my State of California, it is very, very troubling.

When we have ideas that emanate from individuals, the right to make sure that that is their property must be ensured. This WIPO agreement is in fact the best hope that we have to ensure that it will be acknowledged.

I simply rise to congratulate my friends who have been involved in this, the gentleman from North Carolina (Mr. COBLE), the gentleman from Illinois (Mr. HYDE), and of course, the Committee on Commerce, under the able leadership of the gentleman from Virginia (Mr. BLILEY), and a wide range of individuals in other industries, and of course, the gentleman from Massachusetts (Mr. FRANK).

This is a very important agreement, and I urge my colleagues to strongly support it.

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge adoption of the bill.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to say to the gentleman from California, he said he would remember the gentleman from Massachusetts (Mr. FRANK). I hope he remembers that both of us worked to accommodate him today when he has the gavel in his hand next year.

Finally, this has obviously been a team effort, Madam Speaker. Oftentimes we hear charges accusing us of being a do-nothing Congress. I think this piece of legislation today pretty well refutes that charge. Much good has been done in this session of the Congress, and today has been no exception. I thank everyone again for having contributed very favorably to this dialogue today.

Mr. HASTERT. Madam Speaker, I am proud to rise in support of H.R. 2281, the Digital Millennium Copyright Act.

I am very pleased that Chairmen BLILEY, HYDE, COBLE and TAUZIN were able to reach a compromise on this bipartisan bill.

We all know that the strength of our copyright laws is fundamental to making our economy a success, while also allowing "fair use" of protected works for the common good.

Just because an authorized product is in a digitized form, we should not hinder a child's learning at St. Charles Public Library, or complicate an academic's research at Northern Illinois University, or prevent a high-tech engineer in Illinois from improving innovative products.

Specifically, this legislation includes new terminology vital to better resolving the issues ahead of us. The bill language on . . . "no mandates on design". . . . reverse engineering" . . . "playability" . . . and "definition of protection measures" . . . will provide the framework for continuing the proper balance in the law.

By adopting these new terms, we can anticipate future policy concerns, and create a fair and balanced approach to solving the questions of the digital revolution.

Ms. SLAUGHTER. Madam Speaker, I rise in support of H.R. 2281, the Digital Millennium Copyright Act, which would raise the international standards of copyright protection so that we can help combat the devastating losses to American companies that are being caused by the international piracy of copyrighted works.

As Chair of the Congressional Member Organization for the Arts, I am greatly concerned about the grave effects of copyright violations on America's artists, writers, and software engineers. The dramatic growth of the Internet is providing us with tremendous new opportunities for electronic commerce and communication. But these same technological developments also carry significant risks, especially in the area of international copyright piracy. Today, American companies are losing $18–20 billion annual because copyrighted works can be stolen and distributed around the world by anyone capable of using a computer.

This legislation protects our nation's movie producers, record makers, and software designers from being forced to absorb more of these losses. At the same time, it protects lawful use of materials by classrooms and libraries, and allows individuals who perform encryption research to continue with their work. However, it does prohibit the sale, manufacture and use of devices and component parts that are specifically designed to gain unauthorized access to copyrighted works. It also addresses the issue of online service provider liability, incorporating language based on a compromise that has been reached among groups on all sides of the debate.

I urge my colleagues to vote yes on passage of H.R. 2281 so that we can protect the work of our nation's talented individuals from copyright violations while encouraging the growth of electronic commerce.

Mrs. MORELLA. Madam Speaker, although the Commerce Committee changes to H.R. 2281, the WIPO Copyright Treaties Implementation Act, vastly improved the bill from the original Judiciary Committee passed version, I am still deeply troubled that H.R. 2281 is being considered on the suspension calendar. As I indicated in a July 31 letter to the Majority Leader, signed by several other Members of the House, I was very interested in offering a distance education amendment to H.R. 2281 that has the support of every educational group, from the National Education Association to the National Center for Home Education.

As we enter the 21st Century, distance education will play an even more pivotal role in educating our children, and those individuals interested in life long learning. Distance education will fill an important gap for those individuals, either because of family obligations, work obligations, or other barriers, who are prevented from attending traditional classes. It will also allow educational institutions, from outlying rural towns to the heart of America's inner cities, to access a full range of academic subjects that would otherwise not be available to them.

The amendment that I was planning to offer would have updated the exceptions to copyright law regarding distance education to meet the new challenges and allow for the use of new and exciting technologies that will improve the education of our citizens, so that we are better prepared to compete in this more competitive global economy. This is particularly important in my district where we currently have a shortage of high-technology workers that is hindering our economic growth.

In 1976, as part of the general revision of the Copyright Law, the Congress recognized the importance of the burgeoning practice of distance learning. As the House Report on Copyright Law Revision (No. 94–1476) put it, in the context of higher education, these "telecourses are fast becoming a valuable adjunct of the normal college curriculum." (p. 84). The use of the term "telecourses" is, of course, significant. At the time, the only technology by means of which distance education could be conducted was that of television (either "open" or "closed-circuit") and in providing an exemption from copyright liability for illustrative uses of certain works in the course of distance learning lessons; typically, moreover, these lessons involved the transmission of text material, still images, or music. Against this background, the Congress proceeded to fashion the provisions of 17 U.S.C. 110(2).

The Copyright Act, in Section 106, provides for the various "exclusive rights" of the copyright owner. Because, as a matter of definition, TV broadcasting implicates only Section 106(4) "public performance" and the Section 106(5) "public display," the distance education exemption in Section 110(2) relieves educators of liability with respect to those two rights. Moreover, since educational TV broadcasts typically at assembled groups of students, Section 110(2) was drafted to apply to "reception in classrooms of similar places" (extending to home reception only in the case of disabled persons and others in "special circumstances"). Finally, Section 110(2) was written to apply only to performances of "nondramatic literary or musical works," categories from which the overwhelming proportion of illustrative excerpts required by teachers would have been drawn.

More than 20 years later, distance education practice has changed dramatically. Increasingly, distance learning has become a staple of K–12 as well as higher education, and digital networks have become the favored technology for the delivery of distance learning lessons. As a technical matter, network transmissions generally become available to recipients only because a temporary copy of their content is made in the so-called "random access memory" of those recipients' computer terminals; thus, network transmission of an excerpt from a copyrighted work in the course of a distance learning lesson may involve not only the performance or display of that work, but also its "distribution" (another right which is reserved to the copyright owner in Section 106(2), and not covered by existing Section 110(2)). Moreover, many contemporary distance learning transmissions are intended primarily for reception in the homes or offices of students who are neither disabled nor exhibit other "special circumstances"; indeed, many such transmissions are offered by institutions (like the Western Governors' University or various home-school networks) which have few or no physical "classrooms or similar places." Again, existing Section 110(2) would not appear to cover such instructional programs. Finally, in the age of multimedia, instructors must be able to illustrate their lessons with relevant excerpts not only from the conventional literary and musical works covered in existing Section 110(2), but from the full range of cultural materials to which protection under the Copyright Act extends.

As I mentioned before, the proposed amendment would legitimize the best current practice in the field of distance education and encourage further innovation in this important area by eliminating technologically or educationally outdated restrictions from Section 110(2). By adopting such an amendment, the Congress would be following through on the decision it took in 1976 to encourage the practice of distance education by providing educators with a clearly defined "safe harbor" within which they could design lessons with enhanced learning value, free from concerns about potential legal liability.

As amended, the Section 110(2) exemption would apply only to qualified not-for-profit institutions and home-schools. "Fly-by-night" commercial trade schools and sham entities without demonstrable educational purposes would not qualify. Moreover, the amended sections would retain crucial restrictive language from the original, which limits its applicability to situations in which excerpts from copyrighted works are used "for purposes of illustration, and [are] directly related and of material assistance to the teaching content" of a distance learning lesson; indeed, the amended section would amplify that restriction with a new provision stating that the material used for illustrative purposes must be "limited to that portion of the work reasonably necessary to accomplish the teaching purpose." In other words, the amended section would not permit educators to put entire copyrighted textbooks on line; such conduct is an infringement of copyright today, and it would continue to be under the amended section.

Nor would the section allow distance education programming to become a gateway through which valuable copyrighted works, in their entirety, could flow out into the Internet and become generally available. This is all the more so because the amended section applies only to educators who had not taken reasonable steps to provide safeguards against distance education transmissions being received by non-students or copied for redistribution. Thus, the amended section actually would give distance educators a new incentive to upgrade the security features of their networks to discourage copyright infringement.

It also is noteworthy that the exemption which would be defined in the amended section would be available only in connection with the actual delivery of educational materials by educators and their institutions, or (in the case of home schools) by parents. It would not deprive copyright owners of revenues in connection with the licensing of their works for inclusion in "packaged" materials designed for use in connection with distance education. Just as textbook authors and publishers today must obtain appropriate copyright clearances in order to include excerpts from copyrighted works, so would the creators of tomorrow's "electronic texts."

Mr. COBLE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2281, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.".

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT ELIMINATION OF TRADE RESTRICTIONS ON IMPORTATION OF U.S. AGRICULTURAL PRODUCTS SHOULD BE TOP PRIORITY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 213, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 213, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 4, not voting 10, as follows:

[Roll No. 380]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—4

Chenoweth
DeFazio
Paul
Waters

NOT VOTING—10

Burton
Conyers
Cunningham
Gonzalez
Goode
Kilpatrick
McCarthy (MO)
McInnis
Poshard
Towns

☐ 1448

Mr. BONIOR and Mr. BOEHNER changed their vote from "nay" to "yea."

Mrs. CHENOWETH changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the elimination of restrictions on the importation of United States agricultural products by United States trading partners should be a top priority in trade negotiations.".

A motion to reconsider was laid on the table.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4276.

☐ 1450

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Monday, August 3, 1998, the demand for a recorded vote on the amendment by the gentleman from West Virginia (Mr. MOLLOHAN) had been postponed and the bill was open from page 2, line 23, through page 3, line 13.

AMENDMENT OFFERED BY MR. MOLLOHAN

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN:

On page 2, line 25, after the dollar amount, insert the following: "(reduced by $40,000,000)".

On page 21, line 18, after the dollar amount, insert the following: "(reduced by $60,000,000)".

On page 25, line 14, after the dollar amount, insert the following: "(increased by $40,000,000)".

On page 64, line 23, after the dollar amount, insert the following: "(reduced by $20,000,000)".

On page 70, line 20, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 85, line 19, after the dollar amount, insert the following: "(reduced by $9,000,000)".

On page 92, line 25, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 99, line 8, after the dollar amount, insert the following: "(increased by $109,000,000)".

On page 99, line 9, after the dollar amount, insert the following: "(increased by $109,000,000)".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 170, not voting 9, as follows:

[Roll No. 381]

AYES—255

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Canady
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goodling
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)

NOES—170

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Ensign
Everett
Ewing
Foley
Fossella
Gallegly
Gibbons
Gillmor
Goodlatte
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Latham
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—9

Conyers
Cunningham
Gonzalez
Goode
Kilpatrick
McCarthy (MO)
McInnis
Schumer
Towns

☐ 1508

Mrs. KELLY and Mr. SAXTON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $75,312,000.

In addition, $59,251,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $36,610,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: *Provided*, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $7,400,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $462,265,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $17,834,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That $813,333 of funds made available to the Department of Justice in this Act shall be transferred by the Attorney General to the Presidential Advisory Commission on Holocaust Assets in the United States: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, $8,160,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $68,275,000: *Provided*, That, notwithstanding any other provision of law, not to exceed $68,275,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1999, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than $0: *Provided further*, That any fees received in excess of $68,275,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,037,471,000; of which not to exceed $2,500,000 shall be available until September 30, 2000, for (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That, of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,044 positions and 9,312 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

AMENDMENT OFFERED BY MR. ENSIGN

Mr. ENSIGN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENSIGN:

Page 7, line 4, after the dollar amount, insert the following: "(increased by $1,676,000)"

Page 7, line 20, after the dollar amount, insert the following: "(reduced by $3,000,000)"

Page 26, line 17, after the dollar amount, insert the following: "(increased by $3,000,000)"

Page 30, line 3, after the dollar amount, insert the following: "(increased by $3,000,000)"

Mr. ENSIGN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. ENSIGN. Mr. Chairman, first let me say that I want to thank the gentleman from Kentucky (Mr. ROGERS), the subcommittee chairman, for working with me on this amendment.

What my amendment seeks to do is to increase funding for drug courts by $3 million. While I would like to have included a little more money for the drug courts, right now they are funded at $40 million, and my amendment takes them to $43 million for this year.

The drug courts are something that I truly believe in, and I am going to outline the reasons that I believe in them. But I do want to thank the chairman of the subcommittee for working with us on this amendment, coming up with an offset so that we can have this amendment paid for.

First of all, the drug courts, while they started about 10 years ago across the country in communities, have had a great effect on reducing crime throughout our communities. Every single community that has tried a drug court has found them to be successful: successful in reducing crime, reducing recidivism, as well as saving the taxpayer money.

Now, in my own State of Nevada, I want to praise one of the judges there, Judge Lehman. Although we have several drug courts across the State of Nevada, Judge Lehman is the person that I am the most familiar with.

Judge Lehman so far has had 931 people graduate from his program in the drug court program. Of those, only 13 percent have had rearrests after 6 years. Now, normally in our prison system we have about a 75 to 80 percent repeat-offender rate.

Let me give these numbers again. Normally in our prison system we have about a 75 to 80 percent recidivist, or repeat offender, rate. Under Judge Lehman's drug court, only 120 out of almost 1,000 people who have gone through the drug courts have actually been rearrested for any reason after 6 years. That is only a 13 percent repeat-offender rate.

I do not think that there is anything else in our criminal justice system that can point to that type of success.

What drug courts represent are local, State, and Federal Government coming together, because that is where the funding comes from, to say let us put some common sense back into our criminal justice system.

Across the country, criminal justice system professionals estimate that at least 45 percent of the defendants convicted of drug possession commit a similar offense within 2 or 3 years of release of jail.

Drug courts have proven truly remarkable in preventing hundreds of repeat drug offenses in the country. More than 70 percent of the drug court clients have successfully completed the program or remain as active participants, and recidivism rates from drug participants, this is across the country, range from 2 percent to 20 percent.

So we can see not only in Nevada we have had success in drug courts, but across the country. Not only do we save taxpayer money, we are also saving lives.

Let me point out something that most people would not think about. Many children in this country today are born with what we call fetal alcohol syndrome or fetal drug syndrome. These babies are born to addicted mothers, not only of alcoholics but also of drug addicts.

Every person that we can get off drugs through these programs or off alcohol through these programs, that is a life we could be changing. Because fetal alcohol syndrome, if my colleagues have talked to any parents that have adopted a child or any parents that have actually had one in their own family, these children go through some devastating consequences. As a matter of fact, in our criminal justice system today, people that were fetal alcohol syndrome babies turn out in many cases to actually be involved in the criminal justice system by committing crimes later.

We need to put a stop to fetal alcohol syndrome, to people using alcohol and drugs while they are pregnant; and one of the best ways to do that is to start at the preventive side. And the drug courts have been very successful in getting people off drugs, off of alcohol, so that we do not end up with this fetal alcohol syndrome.

□ 1515

I want to just conclude by saying that I appreciate what the gentleman from Kentucky (Mr. ROGERS) has done and to say that this amendment while it is just a small amount of money in the big picture is still something that is very significant because of the tremendous success that drug courts have had across the country.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment increases drug courts by $3 million. That is on top of the $10 million increase that we already have in the bill for a total of $43 million for drug courts, which is about a 33 percent increase. I agree with the gentleman, the drug court concept is working, and as more States and localities find out the benefits of the drug courts, more and more are applying for moneys. Consequently, that is the reason that we included a hefty increase already in the bill. But the gentleman's amendment, I think, is well placed and I am prepared to accept the amendment and so do at this time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are strongly in favor of drug courts, and we think that the gentleman has crafted his amendment in the way it would be acceptable to us. We have no objection.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Nevada (Mr. ENSIGN).

The amendment was agreed to.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to request that the gentleman from Kentucky (Mr. ROGERS) engage in a colloquy with me and the gentleman from Ohio (Mr. REGULA).

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Kentucky.

Mr. ROGERS. I am pleased to engage in a colloquy with both the gentleman from Washington and the gentleman from Ohio.

Mr. NETHERCUTT. Mr. Chairman, as the gentleman is aware, the committee report provides additional resources to the DARE program through the use of unobligated balances in the COPS program. I would like to thank the gentleman from Kentucky and the gentleman from West Virginia (Mr. MOLLOHAN) for their continued support of programs which will help reduce drug use among our Nation's youth.

Mr. Chairman, the committee has received a significant appropriation request for the DARE program in order to improve and expand the DARE curriculum to more middle schools.

Mr. ROGERS. Let me thank the gentleman from Washington for raising this issue and for his work on the Drug-Free America Task Force. The committee received a request from the task force on the day of our subcommittee markup for significant funds to expand the DARE program into middle schools and I have worked to provide additional funds for the DARE program. I will continue to work in conference with the Senate to see that DARE's curriculum continues to be improved and, to the extent, appropriate access to additional funds be made available.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, as a member of the subcommittee and a longtime supporter of the DARE program, I would like to associate myself with the remarks of the gentleman from Washington (Mr. NETHERCUTT). There is need for expanding the DARE program to middle schools and to ensure that the best available curriculum is used. Additionally, the success of the DARE program is not solely limited to Federal resources. In my district and across the country, DARE has the support and financial backing of communities and private industry.

Mr. ROGERS. Mr. Chairman, I would be happy to continue to work with both gentlemen on this issue, and I commend the gentleman for bringing it up.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

In addition, $54,231,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1999, so as to result in a final fiscal year 1999 appropriation from the Fund estimated at $0: *Provided further*, That any such fees collected in excess of $114,248,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,335,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $477,611,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Skaggs:

Page 9, line 8, after "$477,611,000" insert "(increased by $100)".

Page 84, line 15, strike "the Television Broadcasting to Cuba Act,".

Page 84, line 20, strike "and television".

Page 84, line 21, strike "$383,957,000," and insert "$374,518,000,".

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKAGGS. Mr. Chairman, this amendment makes a very small addition to the Marshals Service fund and deletes $9.4 million in funding for TV Marti for a very simple reason: It is a complete waste of money.

I wish to amend the bill at this point in particular so that Members who may be looking for offsets for more worthy uses of funds later in the bill would be able to have this $9.4 million for more deserving application, or conceivably that our good chairman would have a little bit of working room when he gets to conference, which I suspect he would welcome.

For Members who may not be familiar with this program, I will first try to explain the logical reasons that we ought to end TV Marti, but let me just acknowledge at the outset some advice that I got from a very informed staff person over at the United States Information Agency. He said, "Congressman, you know, you're trying to use logic to battle a cartoon." So if some of this seems a little bit surreal as we go along, that perhaps will help Members understand what is going on.

Mr. Chairman, TV Marti is broadcast out of a balloon hung over the Florida Keys most weekdays from 3:30 a.m., until 8 a.m., and it goes to, or tries to go to, the greater Havana area. But since TV Marti began broadcasting in 1990, virtually nobody has seen it because, sad to say, the Castro government is very successful in jamming it. To date we have spent over $110 million, real money, on this failed program.

I think it follows, quite logically, that since nobody sees this TV program, it really can make no contribution to bringing freedom and democracy to Cuba, a goal which we all share.

On the other hand, this amendment does not touch Radio Marti, the sister program of TV Marti, which does get through, just as Radio Free Europe got through despite jamming by the Soviets during the Cold War. My amendment has no effect on Radio Marti.

During the Cold War, radio transmissions had a significant audience in the Eastern Bloc because it is relatively easy to defeat jamming of radio. Television signals, on the other hand, are exclusively line of sight, easy to jam and as a practical matter there really is no alternative frequency.

TV Marti's broadcasts have been jammed from the beginning. At least seven, count them, seven objective studies by people without an ax to grind in this have been done since 1991. Not one of them has found any significant audience for TV Marti.

We should have disbanded this operation back in 1994 after an advisory panel found there was no significant audience. Instead, the backers of this program came up with, I think, the slightly nutty idea that if only we changed from a VHF, very high frequency, signal to an ultrahigh frequency, UHF signal, that that would solve the problem. We spent $1.7 million doing that, knowing full well that it would be even easier to jam the UHF signal than the VHF.

All it takes to do that is for some signal to be transmitted on the same frequency as TV Marti with a comparable field strength. Our own National Association of Broadcasters has told us it requires little more than a 100-watt transmitter and an off-the-shelf antenna and that that could deliver enough field strength in a 30-mile diameter to be effective.

Here is a map of the greater Havana area. The hash marks on the overlay indicate a 30-mile diameter. This is the area that can be jammed effectively with a 100-watt transmitter. It takes about 200 watts of power to yield the 100-watt signal. Members can see there is a little bit of area that is not quite covered, so maybe we need two jammers for a total of 400 watts. So for four light bulbs' worth of power, sad to say, the Castro government is able to completely nill this TV signal coming from the balloon over the Keys. While he is spending literally nickels and dimes on electricity to do this, we are spending about $25,000 a day wasting taxpayers' money sending invisible television to nowhere.

The CHAIRMAN pro tempore. The time of the gentleman from Colorado (Mr. SKAGGS) has expired.

(By unanimous consent, Mr. SKAGGS was allowed to proceed for 3 additional minutes.)

Mr. SKAGGS. Nonetheless we did this UHF to VHF conversion, and it was really no surprise that the signal still did not get through.

Let me just give my colleagues some visual evidence that was elicited by one of our own government technicians who went down to Cuba to check on what was going on technically. This is a picture of the TV Marti logo when it came on the air on Channel 64 while this USIA technician was monitoring signals. A couple of minutes later, once the jamming signal was put on the air by Castro's people, this was the jammed picture that came through. Likewise, sometimes we use a different channel. This is what Channel 50 of TV Marti looks like when the jamming is in place. There has been a survey done by the U.S. Interest Section at the Swiss Embassy where we have our presence in Havana showing that virtually no one sees this new UHF signal.

Now, there is some suggestion that this is still a bargain. Let me just tell Members, compared to the costs of our other international broadcasting efforts, TV Marti is not only a waste of money because the signal does not get through but it's also a very, very rich program in terms of our costs of producing an hour that we put on the air.

As Members can see, for each hour of programming by comparable efforts, Radio Marti 8 to 11 employees; Radio Free Asia, 8 to 15; Voice of America, 1.3. A real bargain. Just to give Members a television comparison, C-SPAN, about 9 employees. TV Marti in order to get one hour of programming on the air takes 40.6 employees.

There are other costs as well. Right now we have one balloon flying over the Keys for this purpose and for air interdiction, drug interdiction purposes. The National Security Council has decided that we will risk a hole in our air defenses by letting this one aerostat balloon instead be used on TV Marti.

As I said, we have already spent $110 million on this. If we fully fund it again we will have gone to about $120 million. This is simply a classic example of a failed program.

Supporters of this program say it will be a propaganda victory for the Castro regime if we eliminate it. I have got to believe that it is a much bigger victory for the American taxpayer if we stop this kind of waste. We are spending millions while he is spending nickels and dimes. We will continue to broadcast to Cuba with Radio Marti. This is not giving up on that effort.

I know many colleagues have heard my pitch on this before, but it is way past time to put this failed program out of its misery. I ask for Members' support on the amendment.

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA TO THE AMENDMENT OFFERED BY MR. SKAGGS

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. MORAN of Virginia to the amendment offered by Mr. SKAGGS:
>
> Strike the last line of the amendment and insert "$374,520,000,".

Mr. MORAN of Virginia. Mr. Chairman, my amendment is simply a perfecting amendment. I agree with the gentleman from Colorado that TV Marti is an unfortunate waste of taxpayers' money. Because its broadcasts are jammed, TV Marti does not have a significant audience and in fact I would think it should be eliminated. Like the underlying amendment, my amendment deletes the funding for TV Marti but leaves just a bit more money in the international broadcasting operations for other programs.

☐ 1530

Mr. Chairman, I would hope that the gentleman would accept my amendment.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I am pleased to accept the gentleman's amendment to my amendment, and if may I ask him to continue to yield, I think there is one other important consideration that ought to be brought to Members' attention as we deal with this whole issue.

Recently there was a survey done in Cuba under the auspices of the Broadcasting Board of Governors, the overall entity that supervises our international broadcasting activities. Based upon that survey, in which 4 people out of 284 surveyed said they may have seen TV Marti in the last few days, our own Broadcasting Board of Governors has determined and issued a report that this UHF signal is jammed just as easily as the old VHF was and there is no significant audience.

There is going to be, I suspect, some use of this survey, and I just think it is important for Members to understand how this survey was done. The persons surveyed included only those who had come to the U.S. interest section in the Swiss Embassy in Havana to apply for visas to come to the United States, so that was not exactly a random sample. These are people that are trying to get out, understandably so.

Also of interest is the fact that in the waiting room for the U.S. interest section there is a television set there which broadcasts TV Marti because they have a satellite dish. So the idea that even these 4 people out of 284 give us any basis for hope that the signal is getting through I think is pretty well undermined by the way this survey was done.

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Colorado (Mr. SKAGGS). It just boggles the mind how with all the priorities that we have in this country, that we would be spending millions and millions of dollars to maintain a system that serves no real function other than perhaps a political one.

I saw the chart up there, and would the gentleman confirm that we have more than 40 employees working on TV Marti compared to a handful on Radio Free Asia and some of the programs that actually are effective?

Mr. SKAGGS. If the gentleman will yield, that was a calculation of number of FTEs per hour of programming, and it is about 40 FTEs per hour for TV Marti. Its sister operation, radio, is way down there, around 8 employees per hour. Of course that is radio rather than TV, but even discounting for that, it is a very, very rich program.

Mr. MORAN of Virginia. This is really an unbelievable waste of taxpayers' money.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Virginia (Mr. MORAN) has expired.

(On request of Mr. HEFNER, and by unanimous consent, Mr. MORAN of Virginia was allowed to proceed for 2 additional minutes.)

Mr. MORAN of Virginia. Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, without going into the technical part of broadcasting, I have some experience with broadcasting. I own radio stations, and sponsors that buy spots on one's radio station or television station, they have to justify that they are reaching so many people in their market.

There is not an investor, there is not a corporation in the United States that would pay the tariff to carry the television to Marti. This is absolutely a total waste of money. From a practical standpoint, this is money, and the priorities are absolutely ridiculous.

In the first place, it is probably the highest cost per listener of any station in the United States or anywhere else because unless the government pays it, one could not afford to broadcast this into this area, and to me we have our priorities kind of messed up here.

Mr. Chairman, in the Committee on Appropriations we did away with the heating assistance to our poor people and our older people, and we are spending these millions of dollars on Television Marti that is absolutely producing no results. And to me that is a total waste of money, a total waste of priorities, and we should go ahead, just go ahead and kill this thing and be done with it because it is absolutely useless for the purpose that it was supposedly set up to do.

Mr. Chairman, it is absolutely not working, and it is a waste of taxpayers' money.

Mr. MORAN of Virginia. Reclaiming my time, Mr. Chairman, it really is a scandal. I think the only reason that it continues is that most taxpayers just have no idea that this is going on. They have no idea of the facts. They trust the Congress is going to do the right thing with their tax money.

But I cannot imagine any objective observer, any average taxpayer who would want their money wasted in such a scandalous fashion as it is with TV Marti, where there is no audience, where there is an enormous amount of overhead, and where no advertiser would ever purchase time because there is no audience to this thing. And yet we are spending millions and millions and millions of dollars, apparently for some political purpose but certainly not for any objective public policy purpose.

So, unless the gentleman has anything further to add, I will conclude my statement, and I appreciate the gentleman from Colorado (Mr. SKAGGS) accepting the amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition.

The perfecting amendment and the amendment both would do away with the funding for TV Marti. The gentleman from Colorado, a friend and member of our subcommittee who has served so well in this Congress and in our subcommittee, has led a long and determined effort to kill funding for TV Marti.

This is the most recent chapter of a long book, and the gentleman is to be commended for, if nothing else, his persistence and a well-reasoned argument, but the full committee again this year rejected his amendment in full committee. It has been rejected in subcommittee. It has been rejected in full committee for several years running.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, the full committee adopted the gentleman's substitute to my amendment, which was not ultimately made part of the bill because I withdrew it. I think it is not exactly fair to say it was rejected on the merits.

Mr. ROGERS. Mr. Chairman, the point is well taken, but again it is the same effort. It is the effort to eliminate TV Marti funding.

This year the bill includes $9.4 million for TV Marti, which represents a continuation of just basic funding. The gentleman's amendment would delete the entire amount.

Despite the continuing difficulties that the gentleman cites in TV Marti, terminating this program, Mr. Chairman, is not the answer. Termination is not the answer. Providing accurate and objective news, as we know, helped bring about change in the former Soviet Union as well as Eastern Europe, and we are now broadcasting, as we all know, for the first time into Asia and other parts of the world. It can play the same role in China and in Cuba as well.

We are all frustrated by the difficulties of reaching a large audience with TV Marti, but we should not let those difficulties bar us or prevent us from trying. I, for one, am unwilling to give up and give in to Fidel Castro. Deleting the money for TV Marti is running up the white flag to Fidel Castro.

Mr. Chairman, I do not possess a white flag.

We have a duty to press for more freedom in the prison that lies so close to our shores and with such strong historical ties with the United States, so I support continued funding. We will encourage the USIA and the Broadcasting Board that oversees these programs to bring us some more creative and realistic proposals to increase the reception of these broadcasts in Cuba, but I think we should continue to try.

The aerostat that is being used as the antenna for broadcasting TV into Cuba is a shared aerostat with the Department of Defense. Our Nation's defense rests upon this so-called balloon. That is the way the DOD communicates. We are using the Department of Defense balloon, or aerostat, for reaching an audience in Cuba.

Yes, we have had difficulty in reaching into Havana, but we are still reaching portions of Cuba. And so I urge the defeat both of the perfecting amendment and the gentleman from Colorado's amendment, and hope that the House will not run up the white flag on this proud building.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado (Mr. SKAGGS) and the amendment offered by the gentleman from Virginia (Mr. MORAN).

Mr. Chairman, the Universal Declaration of Human Rights states that everyone has the right to seek to receive and to impart information and ideas through any media and regardless of frontiers. So for almost four decades the people of Cuba have been denied this basic, universally-recognized right. They have been denied this right by the Castro regime.

The Cuban dictatorship realized from the onset that knowledge empowers, and it knew that if it controlled the flow of information, it would be able to manipulate the Cuban people and forever imprison them in a parallel world created by Castro's lies and twisted propaganda. Thus, if it were to sustain its campaign against the United States, against American newspapers, magazines and broadcasts, it had to be prohibiting all the information at all cost.

So, Mr. Chairman, the people of Cuba have lived in absolute darkness about the U.S. commitment to freedom and democracy in their island Nation until the first broadcast of Radio Marti was transmitted into Cuba. Another milestone was crossed when TV Marti began its transmissions in 1990.

Do we want to allow the veil of silence to envelope Cuba once again? Cutting off funding for TV Marti would do just that. TV Marti challenges Castro's hold by educating the Cuban people about our policies in the United States and about American society. It is critical to fulfilling the mission that USIA has of explaining and supporting American foreign policy and of promoting U.S. national interests through a wide range of overseas information programs.

TV Marti offers the U.S. Government our capacity to reach out to the Cuban people on two fronts. It is an integral component of a multifaceted strategy to bring freedom and democracy to the last bastion of communism in our Western Hemisphere, and it is also a conveyor of truth as well as its servant. Thus, eliminating TV Marti would place truth at a significant disadvantage against the venom that is spread daily by the Castro regime.

We have heard arguments from opponents of TV Marti that it does not reach the Cuban people because of jamming by the regime. Well, copies of the Universal Declaration of Human Rights that I quoted from earlier and the Inter-American Convention on Human Rights, those documents are frequently confiscated by the Castro regime. Does that mean that we should stop trying to send these valuable international documents to the dissidents, to the growing opposition, to the general population? Religious groups tell us that they routinely try to smuggle bibles into Cuba. Castro's thugs block their distribution. So we should stop sending bibles to the enslaved Cuban people? Of course not.

TV Marti is reaching the Cuban people. One new viewer means that one more person will question the situation in Cuba. One more viewer means one more person that has escaped Castro's intellectual imprisonment.

Castro used to very massively jam Radio Marti, and the opponents on the other side worked very hard to get the funding out of Radio Marti. Well, now the signal is going through, the technology was improved, so now they say we have got to block TV Marti.

But if this body passes the Skaggs amendment or the Moran amendment, the House of Representatives would be awarding a tremendous victory that we would be bestowing upon the oppressors, while at the same time depriving the enslaved people of Cuba of a critical tool that we can give them, which is unbiased, free information. It would essentially cut off the flow to Cuba, as the dictatorship would be able to concentrate its resources on blocking the remaining broadcast, and the result would be an even more strengthened Castro regime.

Does the United States Congress want to be an accomplice to the further entrenchment of a regime which serves as a safe haven for U.S. criminals? We have a long list from the FBI of U.S. fugitives who are now given refuge in Cuba, and we know that Castro is harboring global terrorists. We know that Castro allows Cuba to be used as a transit point for illegal narcotics trafficking that will later reach the U.S. shores.

We should not be held accountable for all of this misery in Cuba. We should help the Cuban people free themselves of the oppressor. We should not be an accomplice for this further entrenchment of a regime.

The only choice available to us today, Mr. Chairman, is to support TV Marti and vote against the Skaggs and the Moran amendments, and I congratulate the gentleman from Kentucky (Mr. ROGERS) for his steadfast support of these very needed programs of transmission to the enslaved people of Cuba.

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Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first show our colleagues two quick things here. First of all, this picture that the gentleman from Colorado has made available to me is a transmitting gadget which costs about $5,000. This is effective in jamming a signal of one of the largest taxpayer's waste of money, which has cost $110 million. So for $5,000, I can jam that signal. I think that is a better deal.

Secondly, let us understand what TV Marti is. TV Marti is, and I have called it this for many years that I have been the coauthor of this book that the gentleman from Colorado has been writing, is an electronic toy for a lot of people, for a little group in this country, that makes a lot of political donations and in return gets a foreign policy that they like.

I would hope that instead of taking taxpayer dollars to buy that toy called TV Marti, they would do what I do. When I want my electronic toys, I simply use my Radio Shack card, and it is much cheaper and does not hurt the taxpayers in any way. So I would recommend that to some folks in Miami and others places.

It is interesting to note that one of the things that happened with TV Marti is its offices were moved to Florida, I think we did that last year or the year before, because, supposedly, I think, you could get closer to Cuba through your transmission, not from Washington, but from Florida. I do not think that is what it was, but that is what we were told it was.

I have a lot of respect for the chairman of the subcommittee, but I keep watching him every time he defends TV Marti to see if he is smiling or not, because I want to make sure that he really believes everything he is telling us.

Let us understand something: TV Marti may survive today once again. We are going to get closer to defeating it one of these days, but it may survive again. If it survives, it is only because it is a political issue that we Americans do not know how to deal with.

We found out how to deal with China; we found out how to deal with Vietnam; we know how to deal with Korea. We even, it looks like, know how to deal with Iran and Iraq. But we do not know how to deal with Cuba. So we keep taking taxpayer dollars to build this big monster called an island of 11 million people that is somehow going to invade us and take us over one day. We are not going to discuss that part. The only invasion they will make can be seen at Yankee Stadium and other places where their quality of baseball continues to increase our quality of baseball.

Mr. Chairman, if Members are going to support this, support it for what it is. It is a political ploy to satisfy a small group of people. Most people in that community do not even believe that this is good use of taxpayer dollars. But what you cannot do is continue to stand here and say that TV Marti is the salvation of American democracy, that TV Marti somehow is going to save the Western World from this monster of an island in the Caribbean.

TV Marti, I submit once again, is nothing more than a small group of people's electronic toy. I do not mind them having a toy, but not with my tax dollars.

So I would hope Members would support the gentleman from Colorado's amendment, and I will yield to him. I know he has a few additional statements to make.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman yielding.

I just wanted to offer some response to the gentlewoman from Florida, who I know feels deeply and sincerely, and I respect her feelings. And if I thought that somehow TV Marti was able to be made successful in getting information into Cuba, then the very moving arguments that the gentlewoman made would have some real traction.

But this is not DAVID SKAGGS saying this does not work. Every time we have asked some outside group to take a look at this problem of electronics, how do you overcome a 100-watt jammer with a TV signal from an aerostat balloon, they keep coming back and saying it is not feasible. It does not work.

That is what we heard from the President's task force in 1991 and 1994. It is what we heard from the U.S. Advisory Commission on Public Diplomacy in 1991 and 1993. It is what the GAO said in 1992. It is what the advisory panel that the Congress set up in 1993 told us in 1994. It is what the Committee on Appropriations investigative staff said in 1995. It is what the Board of Broadcasting Governors, the entity we set up to supervise this whole part of the government, told us twice this year. It does not work.

I am sorry, it does not work. We should not spend money on it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I am a loyal member of the Committee on Appropriations and I respect the work done by both the majority and the minority, but it really hurts to see we are cutting education, we are cutting heating for senior citizens, we are cutting environmental programs, and we are wasting $110 million on a signal that was seen once with some Popeye cartoons.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I am pleased to rise in strong opposition to the amendment offered by the gentleman from Colorado (Mr. SKAGGS) which seeks to eliminate TV Marti.

Soviet communism may have been a bad memory in Europe, but the crushing weight of its repression still bears down on the Cuban people. Cuba is not a normal nation; it is a totalitarian state. A still ruthlessly effective secret police snuffs out the slightest dissent with repression and harsh prison terms. Freedom of the press does not exist in Cuba. It is even illegal to possess a copy of the Miami Herald. The Universal Declaration of Human Rights is considered by Cuban officials as enemy propaganda.

Uncensored information is freedom's lifeblood in a closed society, and Fidel Castro fully knows that. That is why he jams Radio and TV Marti. He does not do it 100 percent successfully either. That is why he and his regime would have cause to celebrate if TV Marti were silenced by the Skaggs amendment.

TV Marti, with an appropriation of some $9 million, provides the Cuban people with a window to the outside world and a hopeful glimpse of the future. It is vitally important that Cuban-Americans are active participants in Radio and TV Marti's good work. We need to bear in mind that it was Fidel Castro who forcibly divided the Cuban family. Radio and TV Marti helps to reunite the Cuban family in their common quest for freedom. That is the spirit behind Radio and TV Marti.

If TV Marti's audience is limited, it is because that is the way Mr. Castro would like it. TV Marti's reporting is journalistically sound and evenhanded. That is why Mr. Castro opposes it. That is an important argument why we should be for it.

The Castro regime complains loudly at every effort by our Nation to support freedom in Cuba. We should not waver in our message of hope for the Cuban people that one day their nightmare, too, will end.

I ask my colleagues to think about the dissidents in Cuba and about the millions more who quietly resist that dictatorship. Silencing TV Marti will send a chilling message to every Cuban who has the courage to struggle against Mr. Castro's tyranny. Accordingly, I urge our colleagues to defeat the Skaggs amendment.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am also a member of the Committee on Appropriations, and we have worked very, very hard to work with very few funds this year. If we were talking about the things that the gentleman from New York and the gentlewoman from Miami were talking about, if we were getting results, all right. Nobody shows us any results from these broadcasts. You air from 3 o'clock in the morning until 8 o'clock. I am convinced if they were not jammed, there would be very few people watching television at 3 o'clock in the morning.

If you look at the cost, there is not any television station or a band of television stations that the cost is as much as it is for TV Marti.

Somebody is making a lot of money, it is not very efficiently run, and there is, as I said earlier, not a corporation in the world that would invest money in as few listeners as TV Marti has.

I made the point about the yoke of communism that the Cuban people bear, and that is a tragedy. But we have had a policy in Cuba ever since I have been involved in politics that has not been effective. TV Marti is not effective, and even the proponents of TV Marti can give you no numbers of how many people that TV Marti is reaching and what the cost per listener is that it costs the taxpayers of this country.

I yield to nobody in my fight to release people from the yoke of communism and for defense of this great country, but these arguments are pretty ludicrous when you talk about that this is our last stand to try to do away with Castro, and that if TV Marti is gone, we have lost the whole battle and we do not have the commitment to the Cuban people. To me, that is totally ludicrous, and I would urge that Members vote for the Skaggs amendment.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the campaign which has been led by the gentleman from Colorado in Jihad fashion for years to kill Cuba broadcasting has had many tactics and strategies. The tactic that is being emphasized now, the tactic a la mode, is Castro jamming. That is the tactic being emphasized now.

We have heard other tactics, and we have certainly seen them. The gentleman from Colorado referred to report after report, investigation after investigation, report after report, investigation after investigation that has been imposed upon that group of Federal workers, and yet they continue to do their job and to do a good job.

One of the last reports imposed upon those Federal workers, done by the Board of Broadcasting Governors, contained a survey, the most scientific and empirical survey that has been done in any totalitarian state with regards to the reception of our broadcasts, and the survey was specifically with regard to what the gentleman from Colorado with his amendment seeks to kill today, Television Marti. That survey, which was made public first in two "Dear Colleagues" from the gentleman from Colorado, dated July 23, stated that TV Marti viewership, and I mention it here, has a 1.5 percent audience share.

Now, let us look at this. This is the survey that I first came across from a report that the gentleman from Colorado made public now, a 1.5 percent audience share. Let us compare that to the other equally important radio broadcasts that our Nation sends, for example, to China, Radio Free Asia. In Cantonese, $\frac{1}{10}$ of 1 percent is what that same report from the Board of Governors says is the audience share of Radio Free Asia in Cantonese, our broadcasts to China. Not 1.5 percent, but $\frac{1}{10}$ of 1 percent. In English, $\frac{9}{10}$ of 1 percent. In Mandarin, 2 percent, comparable to the 1.5 percent audience share that TV Marti has.

This is with a survey, which, of course, then in a subsequent Dear Colleague, the gentleman from Colorado said "No, no, no, wait a minute. I am not making that survey public; do not pay attention to it now, because I made reference to it in a Dear Colleague."

No, I want to make reference and emphasis on the survey that the gentleman from Colorado made public, a 1.5 percent audience share. This was an actual survey of viewers of Television Marti.

What are the comparables with regard to the radio broadcasts, very important broadcasts to Croatia and Hungary and Slavonia and Russia? They are all comparable, for example, around the 2 percent range.

I do not know if the Russians continue to jam or not. I do know that when the Russians were at their maximum jamming capacity, it was down to what it is in China today, 1/10 of 1 percent. But I have never heard in the 6 years that I have been in Congress, nor in my studies beforehand, the gentleman from Colorado or the other opponents of Cuba broadcasting, never once have I heard them say, "Oh, wait a minute. There is jamming. There was jamming of Radio Free Europe. There was jamming of Radio Liberty. There is jamming today by the communist Chinese of Radio Free Asia, so we have to eliminate that."

No, thank God, they have not embarked upon their Jihad to try to kill Radio Free Asia, and they did not try to kill Radio Free Europe and Radio Liberty.

□ 1600

But for some reason, they have embarked and they continued to embark on this Jihad to kill Cuba broadcasting.

He says now that it is TV Marti that he is after, based on the pretext of the audience. But I remember, I remember in 1993 when I was a freshman Member of this House and the gentleman from Colorado (Mr. SKAGGS) had an amendment, and succeeded at the first stage in the appropriations process in killing radio and television, television and radio. The greatest success story in the history of USIA broadcasts, the gentleman from Colorado (Mr. SKAGGS) tried to kill that as well. But he cannot use the reception argument on that, so he talks about the reception of TV Marti. According to the gentleman's own report that he made public, it is 1.5 percent.

Let us be clear. I think the best way which we can understand what the gentleman from Colorado (Mr. SKAGGS) is after is in Castro's own newspaper, Cuba Workers, from July 20:

> The recent budget approved by the U.S. House contains funding again for Radio and TV Marti. It is incredible how much money is wasted to support extremist positions of the most conservative American legislators. Fortunately, of course, there are some legislators who have been objective in opposing these bills, such as Democrat Representative DAVID SKAGGS, whose analyses prove that both Radio and TV Marti are a waste of public funds.

I do not think it is a time to provide a victory for Castro. It is a time to continue the fight for freedom of information for Cuba, and continue funding for TV Marti.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Skaggs and Moran amendments. Year after year we have defeated the attempts to eliminate funding for TV Marti, and to deny over 40,000 Cubans viewership of this important independent news. Even those who disagree with our policy on Cuba, and that is not what is in debate here, must believe in the opportunity for an open window of information to the Cuban people.

If they do not believe in that, then they must take the same position on a whole host of other TV broadcasting that we do to other parts of the world that cannot meet the audience share that TV Marti meets.

Supporters of the amendment would have us believe that no one in Cuba is seeing TV Marti. Quite the contrary. The Broadcasting Board of Governors reports that Cuba has a 1.5 percent audience share in Cuba. That is greater than the audience share in 37 other countries where we have broadcast through VOATV and World Net TV.

What are some of those countries? China, North Korea, Pakistan, Somalia, Indonesia, parts of Africa. If we accept this standard that a 1.5 share is not enough, then clearly, for all of those other countries for which we have an interest in sending a message from the United States about our intentions vis-a-vis those countries, about our position vis-a-vis those countries, about what we stand for in our foreign policy, then we must also seek to eliminate those, because if not, we have a double standard in the process.

Mr. Chairman, that means that 1.5 percent more people in Cuba are watching TV Marti broadcasts than there are viewers in China, in North Korea, in Somalia, in Turkey, in Cameroon, and 30 other nations. In fact, audience share in North Korea is less than 1 percent, and the audience share for Cantonese broadcasts in China is a mere .1 percent. Why do we not see amendments eliminating funding for broadcasts to those? By this standard, these broadcasts should be eliminated forthwith.

The question that I think some have failed to ask themselves is why does Castro seek to abolish TV Marti? Why does he care if TV Marti does not penetrate Cuba? Because it does. TV Marti does penetrate Cuba and it does reach some Cuban households.

If we think about that, if we think about the messages that go to the Cuban government and the Cuban military who do have access to TV Marti and our ability to send messages at that level of the government, if we think about the ability to be ready in a time of transition when jamming may not done, when there is a movement internally in the country, our ability to talk to those people by the power of images, such as CNN, it will be important. We will not be able to do that transmission if we do not have TV Marti at that time.

In our own interest section, TV Marti is played. Over 75,000 Cubans enter our interest section every year. What are they doing while they are waiting to see a counselor or officer? They are seeing TV Marti and the broadcasts that are recorded.

Yes, Cuba does jam TV Marti some of the time, but America has never responded to a recipient country's jamming of programming by simply giving up. That is the standard the Members will set. If jamming is the reason why Members will not permit TV Marti to go forward, then understand that if any other countries are jammed, we do not have the audience share, and the same situation will be sought to apply for others.

The Cuban people have not given up on their hope of democracy. I do not think we in America who are a fountain and beacon of light to people throughout the world in terms of information, that we should be giving up on them and creating a different standard.

Even Joe Duffey of the United States Information Agency, the director, in letters to the gentleman from Kentucky (Chairman ROGERS), and others have said that they in fact believe that TV Marti can be effective. We need to make sure that at this point in time we in fact stand with the free flow of information.

Let me close on that. So many of my colleagues who have a disagreement about our policy talk about a free flow of information. We have heard in the past both Radio and TV Marti attacked on this floor. Now it is limited to TV Marti. Forty thousand Cubans; the ripple effect: 75,000 who see it at the U.S. intersection, the government officials, the military officials who have satellites. All of them make a dramatic impact, and the ripple effect of that can flow into the mightiest walls of oppression.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. MENENDEZ) has expired.

(On request of Mr. SKAGGS, and by unanimous consent, Mr. MENENDEZ was allowed to proceed for 2 additional minutes.)

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I know the gentleman did not mean to mischaracterize the recent survey that he referred to. In fact, as the gentleman may not be aware, the Broadcasting Board of Governors did not find a 1.5 percent audience share. In fact, they discounted this mock survey that both the gentleman from New Jersey and the gentleman from Florida earlier alluded to as being invalid, as having any statistical significance at all.

Mr. MENENDEZ. Reclaiming my time, Mr. Chairman, it is my understanding from Mr. Duffey, who is the USIA director and who ultimately oversees all of Cuban broadcasting as part of the broadcasting that the United States Information Agency does in terms of surrogate broadcasting, that that 1.5 percent is a valid share of the audience.

Mr. SKAGGS. If the gentleman will yield further, Mr. Chairman, in fact it is the Board of Broadcasting Governors that oversees this entire operation, not Mr. Duffy anymore, in terms of policy and validation. Mr. Duffy happened to dissent from the finding of the Board of Broadcasting Governors that basically discounted this so-called survey, which, as I mentioned earlier, was not a scientific survey at all. It was a survey voluntarily returned by visa applicants who had been standing in line.

Mr. MENENDEZ. Reclaiming my time, I would venture to say that the gentleman, with all due respect, and I know this is a passionate issue for him and he has pursued it year after year, that what the gentleman comes to the floor and suggests is also not based on any scientific survey.

I do believe that Mr. Duffey, who is a director of the United States Information Agency and oversees Voice of America, World Net TV, and others, has a greater ability than the gentleman or I, sir, to determine whether or not something is effective in the context of surrogate broadcasting from the United States throughout the world.

In that context, I am willing to listen to the expert in that context. He clearly believes that this makes sense.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. For years I have supported the efforts of my colleagues to pass legislation which would make it more difficult for Mr. Castro to continue his dictatorship in Cuba. But I believe also that that effort should be bottomed on effective means of accomplishing the purpose, and that that effort should be bottomed on something which is going to spend the taxpayers' money well.

Here is a picture, and I am sorry that we do not have a bigger one, but this is TV Marti. We are going to spend $9 million on this picture being displayed in Havana. It is going to cost the Cubans for the jamming of TV Marti about the equivalent of the cost of about four 100-watt light bulbs a day. That is all it is going to cost. We are going to spend $9 million on this. It will be a fine employment for a number of people who will profess their strong anti-Castro credentials. It will be the continuation of $100 million in wasted public expenditures belonging to the American taxpayer.

It is not long back that there was a hurricane that hit down there in Florida. It blew down the balloon that holds up the transmitter. The interesting thing is that nobody in Cuba knew whether that balloon was up or down, and nobody in Cuba knew what was being sent out on TV Marti. But then, they did not know that when TV Marti's balloon was up, and they did not know that when TV Marti was broadcasting.

We are the conservators of money belonging to the taxpayers of the United States. The amount in this bill is only about $9 million. We can say that is not much money, but that is $9 million that we could spend for something else that would be more worthwhile. It is something which would enable us to perhaps have some more effective way of dealing with Fidel Castro and his thugs. It is also $9 million we could use better on efforts to better the lives of our people. It is $9 million that we could use better to perhaps reduce the national debt.

I understand the enthusiasm of my colleagues who support the cause of Cuba. They figure anything we do which is going to hurt Castro is good. That is fine reasoning, providing it in fact does hurt Mr. Castro, and provided in fact it does see to it that Mr. Castro leaves office at the earliest possible minute and that democracy be restored to Cuba. Certainly that is a laudible goal for the United States.

But to spend $9 million a year broadcasting a picture which looks like this to Cuba and culminates in $100 million in expenditures over time, whose sole visible benefit to the United States is that we have provided modest levels of increased employment in Florida for people who profess to be opposed to Castro, no.

I am not a representative of anybody except the American people and the folks of the 16th District. I think that almost every one of us would say that that was our function here in the Congress, to serve the people that elect us, and also to serve the interests of the people of the United States.

We should look at this picture and ask ourselves whether this is what we want to spend our constituents' money on. We should ask ourselves whether we want to spend the taxpayers' money on something that has proven to reach so few people, to confer so little benefit on the United States, to do so little hurt to communism and Fidel Castro, and to do so at such large costs.

TV Marti has been reviewed time after time, including by agencies like the General Accounting Office. They have found that it is totally ineffective, and it is totally ineffective in terms of getting whatever story there is out.

The one good thing that can be said about TV Marti is that it has given a rallying point to anti-Castro Cubans. It has provided fine employment for them. It has given them leverage and political posture and position in the United States, but it has done nothing to hurt Fidel Castro or communism, or to further our American policies.

Indeed, all it has done has been to dissipate some significant amounts of energy, large amounts of the taxpayers' money, and to provide a fiction that people can come in here and tell us something. Look at this picture. That is what Cubans in Havana are seeing. It is a picture of a well-scrambled, well-obfuscated television channel which is costing the Cubans virtually nothing, but which costs the United States a lot. Support the amendment. Let us get rid of this turkey.

□ 1615

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this House is the institution in the world that epitomizes freedom in the world. Our country, the oldest democracy in the history of the world, when we say that it just kind of rolls off our tongues, but I think every once in a while we need to stop and think about what that means.

The price of freedom has not been easy, as all of us know. It has been costly in many ways, in lives and money over hundreds of years at this point in time. This House and this country has had a commitment to that. We have used a variety of methods to achieve our goals. Who would have thought in this Chamber, in this country, really in this world that the Berlin Wall came down, the Soviet Union does not exist. And how did that happen?

History books will be written about how it happened, why it happened. But I think clearly an instrumental part of that was Radio Free Europe. The facts are it was jammed. It was jammed on a continuous basis. It was jammed more effectively, less effectively during different points in time. The facts are that we are trying to bring freedom throughout the world today in the darkest corners of this planet, where freedom has what appears to be no hope, whether it is in North Korea or in China.

We are committed as an institution, I think universally, every one of us, I really believe, as well as every American, towards those goals. Yet in those countries I just mentioned, as we try to broadcast in to them, the penetration, because of effective jamming, is very, very small. Less than 1 percent of people in those countries are able to hear what we broadcast.

At no point in the history of the United States of America have we given up on our actions towards freedom. This amendment is an attempt to do exactly that. I urge my colleagues to defeat this amendment because this would be a dark chapter in the history of this House, a turning back of really over 200 years of American freedom.

My colleagues, several colleagues have argued of the fact that a very small percentage of Cubans are able to see TV Marti, I can even accept that, of 1.5 percent. But let us talk about what that means. That means 40,000 people, 40,000 people do have access. And this is not, it is funny, in terms of what the reality is of Cuba.

I happen to represent the district in this country closest to Cuba. I represent south Florida and the Florida Keys, including Key West. When I am in Key West, I am 90 miles from Havana. I am actually 110 miles from Miami. I actually live about 60 miles north of Miami. My district goes even further north, to give my colleagues a sense of the geography of south Florida.

I live in a community, I have friends and I have actually been to Cuba on several occasions when we have had emigration go through at Guantanamo station. I have had the opportunity to talk to people who literally walk through mine fields, literally walk through mine fields to get to freedom. Some of the people that walked through did not make it. It is not a movie. It is a reality of what the country is today.

We hear from movie stars who go there, the Jack Nicholsons of the world, who idolize or make statements about Fidel Castro. I would point my colleagues to the statement of one of our colleagues, the gentleman from California (Mr. LANTOS), who is the only Holocaust survivor in this Chamber, who visited Cuba and talked to us and said that Cuba today, in terms of the people, is worse than pre-Nazi Germany. That is from his words and from his eyes. It is a country of political prisoners. It is not the idyllic island in the Caribbean of serenity and golf courses. It is a place of torture. It is a demon in our midst, a demon 90 miles from our shore.

To send the message that we do not care, that we are willing to put up with it, that we, for the first time in the history of the United States of America, are going to back down on our commitment to freedom would be absolutely tragic.

I urge my colleagues to defeat this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the Skaggs amendment which would zero out all funding for TV Marti. The Skaggs amendment is aimed at the heart of what is sometimes called surrogate broadcasting. An even better term is freedom broadcasting, sending the message of freedom to people who live in countries where this message is not permitted to be carried on domestic radio and television stations.

The Skaggs amendment would deprive the many thousands of Cubans who are now able to see TV Marti, despite the Castro regime's jamming of vital information about the free world. This would not be the only effects of the amendment. If the United States concedes defeat to Castro, we will also be depriving millions of Cubans of the hope that comes with knowing that the free world cares.

Eliminating freedom television broadcasting to Cuba, as the Skaggs amendment will do, would send exactly the wrong message at exactly the wrong time. The silencing of TV Marti would provide new hope for the Castro dictatorship and a fresh dose of despair for the Cuban people.

The argument that TV Marti is technologically inadequate and that we should, therefore, not fund it is designed to be a self-fulfilling prophecy. The Subcommittee on International Operations and Human Rights, which I chair, has examined this question in public hearings over the last 3 years.

We discovered, in effect, that it is too soon to evaluate the success of TV Marti because, frankly, the Clinton administration has never really tried to make TV Marti work. The reasons TV Marti does reach some Cubans have nothing to do with technology. They have more to do with administrative timidity.

Right now, because of jamming by the Castro regime, TV Marti admittedly has an audience in Havana that is probably limited to about 40,000 people. But it could also be received by many more people outside of the Havana area, as well as by government officials and the Communist Party elite who have access to satellite television.

It is important to let these officials know that the world is watching them, but there is no question we can do better. I am informed that Castro has devoted 15 to 20 powerful transmitters to jamming TV Marti, while we employ only one transmitter to send the signal.

In the past when tyrannical regimes have jammed the Voice of America or Radio Free Europe or Radio Liberty, we have responded to the jamming with more powerful transmitters and multiple transmission sites. When it comes to jamming and finding solutions to jamming, we regularly defeated the Soviet Union in its heyday.

I believe we can defeat the Castro regime, at least getting information in. The only question is whether we have the political will. I remind my colleagues that when the authorizing bill came up on the floor for the foreign relations reform bill, H.R. 1757, I offered the amendment on Radio Free Asia that would make it a 24-hour service. It is about a third of that right now. Twenty-four hours, despite the fact that Radio Free Asia was being jammed routinely by the Beijing dictatorship as well as by the Hanoi dictatorship.

But we made the decision that we were going to try to overcome the obstacles and get the message through. I happen to believe that that can be the case if there is the political will to do so. Where there is a will there is a way. Unfortunately, right now we are allowing this not to get through, because we do not have that want, that ability to push hard. Really, it is the old Washington two-step. You cripple it, you do not do everything that you could possibly do, and then you say it is not working.

We have yet to really try, and I remember when Radio Marti, when Members would stand up and many of the opponents who are against it would stand up and say it is not getting through. It is getting through now in many instances, and I think the same will happen with TV Marti. We have got to have the political will, and hopefully the administration will get that soon.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just do not know what is wrong with the gentleman from Colorado. I just do not understand why he thinks it is a waste to spend $110 million to produce such a beautiful example of modern art.

This, as has been indicated in the debate before, is a picture of the channel 50 as it is being jammed by Cuban authorities. This is what Cubans are learning when they watch the TV channel which is being jammed. I, for the life of me, cannot figure out why on earth the gentleman from Colorado thinks it is a waste of money to produce such a gorgeous picture.

I would have to say seriously, Mr. Chairman, it is my responsibility in this House, as the ranking Democrat on the Committee on Appropriations, to review spending priorities, not just in this subcommittee but in all 13 subcommittees across the government, and try to decide where we must have money spent and where it would be nice to have money spent but, nonetheless, cannot afford to have it spent. If ever there was an area that fell into the latter category, this is it.

I would simply point out, the issue is not whether we like Mr. Castro or not. The issue is whether or not we think it is worth spending $110 million of the taxpayers' money to get this. I do not believe it is.

I was just up in the Committee on Rules, listening to some of our friends on the majority side explain to the Committee on Rules that we must eliminate the low-income heating assistance program in this country because we cannot afford to provide help to people who make $8500 a year or less to heat their homes. I come from a State where we have 40-below-zero winters. I do not think the people in my district would agree with that statement.

I do not think they would think it would be better to put money here than it would be to put it in the pockets of seniors and people making less than $8500 a year who need help so they do not have to choose between heating and eating.

I do not think that the young kids in this country who are going to be denied summer youth employment would think that this is a better investment than giving them their first experience at dealing with the world of work.

This Capitol just came under assault a week and a half ago. I happen to think that putting that money that is wasted on this nonsense would be far better spent if we put it into programs to help children with mental health problems so that they do not grow up to be the kind of nut cakes who just attacked the Congress last week and killed two people who gave their lives to defend the people who work in this place or visit this place every day.

We need to make serious choices about where money goes. This, Mr. Chairman, is not a serious choice.

Support the Skaggs amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman's amendment. I have listened to the sincerity of the debate on both sides. And I simply want to note at the beginning that I do not think that the gentleman from Florida (Mr. DIAZ-BALART) really meant to characterize the efforts of the gentleman from Colorado (Mr. SKAGGS) as being a jihad against anything, really. At least, if he did, I consider it to be a really unfortunate characterization.

I think the Skaggs amendment is nothing more or less than a sincere effort to cut funding this year, some 9.4 million in this bill, for a program which really has little demonstrable effect, however well intentioned.

I believe, if I am not mistaken, this has been the fifth year that the gentleman has offered such an amendment to cut TV Marti. And for those who are concerned that he is initiating this effort in an untimely way, that TV Marti has not had an opportunity to fix the technical problems, I would suggest that if within 5 years we cannot fix the technical problems associated with broadcasting TV Marti to Cuba, then perhaps it is time to stop funding it.

Also likewise with regard to the administrative problems associated with the program, administrative and managerial and programming problems, the gentleman made comparisons that it took 40.6 FTEs to produce a unit of broadcasting versus some much smaller, how much, with regard to radio, 8 for radio for other similar kinds of broadcasting.

□ 1630

That suggests there are some real programmatic inefficiencies, at least, in this program. And, again, this has gone on for a long number of years, 5 years, I know, that the gentleman has undertaken this effort. And if in that time we cannot fix these technological, these programmatic and these administrative and managerial problems that are associated with TV Marti, perhaps it is time to call it quits and consider applying this $9.4 million to some of the programs that the distinguished ranking minority member alluded to, or other programs in this very tight budget, such as drug courts or bulletproof vests or school security personnel. There are lots of worthy programs in this bill, lots of efforts that could be funded across this Nation with this $9.4 million.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. Mr. Chairman, I commend the gentleman for his effort and yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman yielding. My sense is we may not have other speakers, and I want to take a very brief moment to close the debate, if I may.

Again, with all respect to the earnestness and the heartfelt commitment expressed by those that oppose this amendment, I have to say to them that we have tried and tried and tried, and this simply does not work.

It is not, as the gentleman from New Jersey suggested a moment ago, a question of political will. Political will cannot repeal the law of physics, and it is the basic electronics of this that make it doomed to failure.

To compare it with radio is to do the apples and oranges thing. Yes, radio works, and all of the statistics cited I would not refute because they are radio statistics, and I am not touching Radio Marti. It does get through. Although a few years ago I criticized it and attempted to cut funding for it, it has reformed and it is now a legitimate, worthy operation.

I just ask my colleagues again to stop the insult to the American taxpayer of spending $10 million year in and year out to send no-see TV to Cuba. Stopping this will be a victory for them, not cause for celebration for Castro, because we will continue to penetrate that closed society with Radio Marti.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to conclude this debate. I know it has been debated here this afternoon, the issue of Radio Free Marti, and the issue of what utility it has even though there is quite a bit of jamming going on.

I can tell my colleagues that Radio Free Marti is something that is important to the people of Cuba, who remain faithful to the ideal that they will someday have a democracy, and that will be based upon the freedoms that we enjoy in this country: the freedoms of speech. But we cannot expect that this thing is going to be born overnight. And the only way for us to prepare a free Cuba is to be able to prepare Cuba for the transition that it is inevitably going to make to a democracy, and the way to do that is through the instruments of democracy, and that is through freedom of speech.

Mr. Chairman, maybe not all of the people of Cuba are able to hear Radio Free Marti, but there are over 40,000 who are definitely able to tap into Radio Free Marti. And I know, from speaking to Cuban exiles here in this country that have spoken to me about their experience in Cuba, that they have translated to me the fact that although not everybody in Cuba is able to receive Radio Free Marti, the fact remains that their family members, their friends and so forth, amongst them all someone receives it and is able to spread the word.

How do we suppose that the underground press is able to operate over there? They are not able to operate in the current environment but for the fact that Radio Marti helps to balance out the flow of information that is being received by the people of Cuba. Are we supposed to give up on the people of Cuba just because a majority of people do not get Radio Free Marti? Are we supposed to assume that just because a majority do not understand it and receive it, that those that do are not spreading the word informally through the grapevine?

I think that this is an important vehicle for us to build a solid foundation for a future relationship between the United States and Cuba. Keep in mind, and I will conclude with this, keep in mind that Cuba is 90 miles off the coast of the United States. Someday we hope to enjoy a good strong relationship based upon democracy, and I should think that this is an investment that is worth our while because there is going to be a country that is close to us, and they are going to look back and understand that we were with them, the people of Cuba, I mean, all along, even though we were against their government.

I think that is the message that we want to make sure the people of Cuba understand, is our beef is not with the people of Cuba, it is with the Cuban government that continues, as all press have acknowledged, to be amongst the most repressive regimes on the issue of free speech. So I think that means even more of an obligation for us in this country to make sure freedom of speech is not killed altogether on the island of Cuba.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding, and I just want to say that I associate myself with the remarks of the gentleman from Rhode Island. He is absolutely right. It is absolutely imperative we defeat the Skaggs amendment and vote "no"on it.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I take note of my colleague's comments from New York and say that I am glad that we have finally reached some accord on some issue on this floor.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Colorado.

Mr. SKAGGS. The Kennedy-Solomon rapprochement will be noted in the record, I am sure.

I just wanted to make sure the gentleman was aware, as he may not be, that my amendment does not deal with Radio Marti, to which the gentleman addressed all of his remarks. It is about TV Marti.

Mr. KENNEDY of Rhode Island. Excuse me. I mean to correct that. But the point of my remarks holds true, because what I am talking about here is the voice of democracy, whether that is TV or radio. The issue here is making sure the message gets across to the people of Cuba, and that is what is so fundamental here.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my colleague for yielding to me.

So many of our colleagues have been holding up a picture, and they say does this picture justify spending that much money on the transmissions of TV Marti? Let me show my colleagues a few more pictures. These are children who were killed by Castro's thugs just a few years ago.

This is a child just a few months old. This is a child about my daughter's age, right behind me, about 12 years of age. These were children who were killed, massacred, by Castro's thugs because they attempted to leave the island.

Now, this news was not broadcast on the Island of Cuba. Because of Radio and TV Marti, people understood what these pictures meant. And these pictures were transmitted on TV Marti airwaves. And as it has been pointed out, these pictures have been shown to thousands of Cubans who daily visit our U.S. interest section in Havana, thousands of people who go there because they are waiting for visas to come to the United States.

How about these pictures, I would say to my colleagues? What do these pictures say? They say to me that these are people who are risking their lives to live in freedom, to live in democracy, to live in the best of what brought us here to this country, whether we are native born or a naturalized American, as I am. This picture says a lot to me.

Mr. PAPPAS. Mr. Chairman, the Cuban people are yearning to breathe free. They are yearning for unbiased information—not communist propaganda from the Castro regime. TV and Radio Marti provide this medium of information to a people who are desperately seeking freedom. The United States via TV and Radio Marti greatly assists those who struggle for basic political and human rights everyday of their lives.

Imagine, Mr. Chairman, if you were forced to watch or listen to controlled information that merely glorifies a communist dictator and his policies and covers up the atrocities being inflicted on the Cuban people. Imagine, that you were not told that your country received resounding criticism from the international community when they brutally shot down Americans over international waters. Imagine you were not told that only the communist party elite were being paid in hard currency for their work with the tourist industry while the average Cuban citizen was paid in worthless pesos. Mr. Chairman, if TV and Radio Marti did not report this information (the truth) the Cuban people would be without a great resource and their quest for a democratic nation would be severely damaged.

Mr. Chairman, lets be honest with the Cuban people and let then have access to the real story. Defeat these amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN) to the amendment offered by the gentleman from Colorado (Mr. SKAGGS).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. SKAGGS), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 251, not voting 11, as follows:

[Roll No. 382]

AYES—172

Abercrombie
Allen
Baesler
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (CA)
Brown (OH)
Camp
Capps
Carson
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Cummings
Danner
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gibbons
Gilchrest
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kelly
Kildee
Kind (WI)
Kleczka
Klink
Kolbe
LaFalce
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Nethercutt
Neumann
Oberstar
Obey
Olver
Owens
Parker
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rivers
Rodriguez
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shuster
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Yates

NOES—251

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Davis (FL)
Davis (IL)
Davis (VA)
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gephardt
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam

Jones
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manton
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McKeon
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Redmond
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wise
Young (AK)
Young (FL)

NOT VOTING—11

Clay
Conyers
Cunningham
Furse
Gonzalez
Hall (OH)
Kilpatrick
McCarthy (MO)
McInnis
Towns
Wolf

☐ 1700

Messrs. GRAHAM, LAMPSON, SHERMAN, BILBRAY and SHIMKUS changed their vote from "aye" to "no."

Messrs. PAUL, COBLE, NEUMANN and Ms. DELAURO changed their vote from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Clerk will read.

The Clerk read as follows:

In addition, $25,553,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

There is hereby established a Justice Prisoner and Alien Transportation System Fund for the payment of necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: *Provided*, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: *Provided further*, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: *Provided further*, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 5 years.

Mr. BARCIA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Committee has been very generous in the past 2 years in appropriating some $20 million each year to the Boys and Girls Clubs of America from the Local Law Enforcement Block Grants program to assist them in reaching an additional 400,000 young people each and every year. This money has been matched at least dollar for dollar by local sources and is sustained in the long-term by private sector funding, including companies such as Coca-Cola, Nike, Tupperware, Major League Baseball, Ford Motor, EDS, Taco Bell and many, many others.

With more than 2,000 local clubs serving nearly 3 million young people, primarily in at-risk communities, this money is very well spent.

It is an effort to provide productive activities that offer our youth an alternative to crime.

Mr. Chairman, I understand that the other body has allocated $40 million for the Boys and Girls Clubs program.

Given the increased needs of the program and its record of achievement in outreach, will the gentleman work with me to provide access to additional funds in the conference committee?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BARCIA. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, this has been a worthwhile program, as the gentleman has indicated, and I will be happy to work with the gentleman to consider a possible increase in money within our budget limits, which as you know are very tight.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $425,000,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $95,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; and of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $6,699,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

On page 11, line 14, strike $6,699,000 and insert $7,199,000.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment means a lot to many of us and before I start, I would like to thank both the gentleman from California (Mr. DIXON), the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the chairman, the gentleman from Kentucky (Mr. ROGERS), for their support and because of their understanding of the impact and the concern that is raised by this amendment.

If we all could imagine just for a moment a dark and winding road on a very, very dark night and the next morning finding a bloody path of the dismembered body of James Byrd. This incident rocked not only this Nation but it rocked the world and a town like Jasper was put in the spotlight.

If there ever was a time that a city needed the cooperative, quiet expertise of the Community Relations Service, possibly a little known service of the United States Justice Department, it was certainly then at a very difficult time in June in the State of Texas and in the city of Jasper.

But the work of the Community Relations Service is not limited to a tragedy like Jasper. We find that that service with limited staff goes through this Nation to bring unity and commonality and to bring people together after tragic events or when local officials feel that there is no way they can handle these issues alone.

Mr. Chairman, I rise to provide additional funding to the Community Relations Service, and I am pleased to say that this service is receiving the recognition it deserves under the current Commerce, Justice, State appropriations bill.

The Committee on Appropriations has generously agreed to increase CRS funding by an additional $500,000 with an additional authorization under the Attorney General's funding for $1 million. This goes a long way beyond the $5.3 million presently allotted.

In May 1998, $2 million was transferred from the Assets Forfeiture Fund under appropriations to the CRS. That added additional money. This money, however, was specifically earmarked as a one-time-only increase in order to enable CRS to update their archaic computer systems. Presently CRS has only used $800,000 of those moneys and so they will be able to use that money in addition to this amendment. But they are still underfunded. They have worked hard in my home State around this very crucial tragedy in Jasper, Texas.

Let me share with this body a letter dated July 13, 1998 from the mayor of the city of Jasper, Mayor Horn:

> I am writing to alert you to the excellent work of the U.S. Department of Justice Community Relations Service in helping to keep this community together after the tragic and brutal murder of Mr. Byrd on June 7, 1998. As a local official in Jasper County, I am particularly concerned about the effect such a heinous incident can have on a community. Mr. Ephraim V. Martinez from the Houston CRS office met with us shortly after the tragedy and he and other CRS staff have been there practically every day since then meeting with all segments of our community in providing valuable support. CRS was also with us as we made preparations for the recent rallies by the KKK and the New Black Panther Party. In August CRS will be providing diversity and conflict management training to school district personnel and later to students, and in addition they will be helping us to fund and to organize a city-wide community task force to deal with these racial concerns.

CRS was crucial in helping the community begin healing during the aftermath of Mr. Byrd's tragic death and as well they worked very hard during the recent rallies opposing the KKK.

Mr. Chairman, I can say to Members, I was there along with my colleagues from Texas and particularly the gentleman from Texas (Mr. TURNER) who represents that area, during these troubling times. We saw the tension, the pain, the dismay, and CRS was on the ground helping that community to heal. They were not fearful, they were not hysterical, they were calm. And the local officials welcomed them into their community. They brought together all kinds of people, in prayer, in deliberation and, yes, in resolution. CRS services are sought by mayors, police chiefs, school superintendents and civic leaders.

Mr. Chairman, is it not true an important part of the Federal Government is to coalesce with those individuals in local government to make better what is bad? The Community Relations Service helps to bring about racial harmony over racial disharmony.

The CHAIRMAN pro tempore. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. But yet in all of that, we find that CRS has had to deny over 40 percent of the applicants who have wanted them to come in and assist in promoting racial harmony. We have also found that they have helped in communities that suffered the rage of Church arson burnings.

CRS has a staff that is overworked. With this increased funding, I hope CRS can increase staff and go out into new areas and bring about the racial harmony, the ethnic harmony, the religious harmony that this Nation truly agrees with.

Finally, Mr. Chairman, that I thank those who have assisted me in this amendment and ask that we realize the importance of the Community Relations Service and provide this additional funding so that they may do their job well.

(On request of Mr. DIXON, and by unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. DIXON. I would like to congratulate the gentlewoman for this excellent amendment. The testimony by the Attorney General of the United States is that CRS does excellent work. Her amendment will certainly add to the efficiency of the organization. I would urge the chairman and the ranking member to accept this amendment.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. I am prepared to accept the amendment. I think it is an excellent amendment and would be prepared to accept it, but I would hope that we could do that very quickly, because we do have much more business to attend to. Can we agree and let this be the end of it?

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman from Kentucky would be so kind, because he has been kind, I know we had a very vigorous debate, if he would allow three speakers who have been waiting here for three hours to speak and contain their remarks in maybe five minutes, because I am told they will be very brief, I would ask his indulgence because some of them have had personal experience with the CRS, and then we would be happy to close at that point.

Mr. ROGERS. The gentlewoman has three speakers?

Ms. JACKSON-LEE of Texas. Yes. And I believe, I do not want to speak for them, but I believe they may be able to summarize in that time frame of the five minutes.

CITY OF JASPER,
Jasper, TX, July 13, 1998.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

Dear MS. LEE: Let me first of all express my appreciation for being with us during the funeral services for James Byrd, Jr. on June 13, 1998, and for your continued support.

I am writing to alert you to the excellent work of the U.S. Department of Justice, Community Relations Service (CRS) in helping to keep this community together after the tragic and brutal murder of Mr. Byrd on June 7, 1998. As a local official in Jasper County, I am particularly concerned about the effect such a heinous incident can have on a community.

Mr. Efrain V. Martinez from the Houston CRS office met with us shortly after the tragedy, and he and other CRS staff have been here practically every day since then, meeting with all segments of our community and providing valuable support. CRS was also with us as we made preparations for the recent rallies by the KKK and the New Black Panther Party. In August, CRS will be providing diversity and conflict management training to school district personnel, and later to students.

CRS staff is currently working with us in convening a permanent, city-wide community task force to deal with racial concerns and other matters that have surfaced as a result of the tragedy. The task force will be under my office, and will be called the Mayor's Community Task Force "2000".

CRS is a unique arm of the Federal government, charged with helping communities address tensions which arise due to differences in race, ethnicity and national origin. While cases like the incident in Japser grab the media headlines and shock the nation, CRS responds to similar incidents, large and small, across the country. I also have become aware of the excellent work CRS did to resolve tensions between Vietnamese fishermen and the KKK on the Texas coast, and the issues between Vietnamese store operators and African-American communities in Houston, and blacks and police issues in Austin. Last year, it also convened church arson prevention seminars in several Texas cities, including Houston and San Antonio. Earlier this year, it conducted hate crimes training for police officers, and police executives in the Houston area and in Corpus Christi.

In recent years, CRS has struggled to maintain adequate funding. In FY 1998, CRS suffered massive budget reductions which cut the agency in half. With a modest budget of $5.3 million, CRS now has the smallest staff in its history.

I am asking you, as an elected representative of our great state, to help support the Community Relations Services (CRS). President Clinton has requested funding for CRS at $8.9 million for 1999. This represents a small investment given CRS' valuable and critical work in communities across America. We here in Japser certainly appreciate its assistance.

Thank you for your attention and consideration.

Sincerely,

R.C. HORN,
Mayor.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the gentlewoman be given three minutes to yield as she sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Mr. Chairman, I object. We can get the gentlewoman time, but these other speakers have been waiting. Under the five-minute rule they have a right to strike the last word and have their own time.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ROGERS. Then I am not so sure we need to agree to this amendment. If there is going to be an objection on the time allocation of this strict a nature, then perhaps we need to renegotiate the whole thing, so I withdraw my approval of the amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take but a second because I certainly do not want to threaten my colleagues' time with this wonderful amendment. But I want to stand because of the fact that I am very well acquainted with the work of the CRS.

□ 1715

I come from an area that has had several racial conflicts, and if it were not for the intervention of the CRS, much could have happened that did not. They come in in a professional way, they work with the groups there, they work with the agencies, they work with the people on the street, and it is always good to have a Federal presence in the neighborhood and in the community when violence or conflict happens.

Mr. Chairman, I think we should realize that this is an important service that the Department of Justice gives, and it is always good for people to see both sides of the Department of Justice, not just the enforcement side but the preventive side. When they come in and help to have some of the conflict resolved, it is extremely important, and they do not come in and try to work alone. They work with the enforcement agencies that are already in those communities.

I am from Miami, Florida. I have seen CRS work, and I do hope, because they have accepted this amendment, I think the gentleman from Kentucky (Mr. ROGERS) and his committee have done a credible job of accepting this amendment because it is good and it is needed.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to say that I support this amendment. Clearly, they have been extremely responsive. I made a request Monday following the funeral, spoke very personally to the Director of the FBI as well as Ms. Ochi, who is the National Director of CRS. They have come to give dates, and they will continue to work in that community, and they have been responsive not only for that community but for communities all over the Nation.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly do not intend to prolong the time. As a matter of fact, Mr. Chairman, I would hope that the agreement would, in fact, stand, that this amendment be accepted. I simply rise because it is such an important concept; that is, the concept of resolving conflict, not just letting it lay, not letting it go, not hoping that things are going to work out but actually putting resources together to help work them out. I think that is an important concept, and I would certainly hope that the gentleman from Kentucky (Mr. ROGERS) would continue to hold in terms of the agreement to accept the amendment.

Ms. CARSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, would like to encourage the gentleman from Kentucky (Mr. ROGERS) to allow this free and open dialogue concerning the good work of CRS to go forward. One of the healthy things about the American democracy is that people do have an opportunity of free speech, open and healthy debate and dialogue, in support of their views and opinions, and I would trust that we would not in any way interrupt that in this very beautiful process called the United States Congress.

The gentlewoman from Texas (Ms. JACKSON-LEE) has offered a very potent amendment. We cannot ignore the problem of the lingering racism in our society in recent months. We have seen racism expressed in violent and grizzly fashion. The Nation was horrified when James Byrd was dragged to his death behind a pickup truck in Jasper, Texas, just because he was African American. The Community Relations Service played a key role in keeping the community of Jasper together after this tragic incident and prevented the spread of more violent racial incidents.

Mr. Chairman, CRS services help local communities prevent racial conflicts and violence, and I would trust that we would continue to ensure that the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE) is in fact upheld for this vital and necessary and humanitarian endeavor.

Mr. TURNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Community Relations Service and the Jackson-Lee amendment. As many of my colleagues know, Jasper, Texas, located in my congressional district, experienced a terrible racially-motivated crime when James Byrd, Jr., was brutally dragged from the back of a pickup by three white men identified with white supremacy groups. For all of us who believe that racial prejudice and hatred have no place in American society, this tragic event serves as a reminder of how much is left to be done.

Shortly after Mr. Byrd's death my fellow congressional colleagues and I passed a resolution asking that we join together to eliminate the vestiges of racial hatred remaining in our society. Now we have a chance to put our money where our mouth is.

Mr. Chairman, the Community Relations Service has done an outstanding job in keeping the community together in Jasper after the tragic and brutal murder of James Byrd on June 7 of this year. Mr. Efrain Martinez from the Houston CRS office met with Mayor R.C. Horn and community leaders in Jasper immediately after the tragedy, and he and other CRS staff have been there practically every day since, meeting with all segments of the community of Jasper, providing needed support.

CRS worked with the community as they made preparations for the recent rallies of the Ku Klux Klan and the new Black Panther party. Later this month CRS will be providing diversity and conflict management training to school district personnel, and later to students. CRS staff is currently working with Jasper in convening a permanent city-wide community task force to deal with racial concerns and other matters that have surfaced as a result of this senseless tragedy. The task force will be headed by Mayor R.C. Horn and will be called the Mayor's Community Task Force 2000.

CRS is a unique arm of the Federal Government charged with helping communities address tensions which may arise due to differences in race, ethnicity or national origin. Without CRS assistance, unresolved community racial tensions and conflict can fester and become fuel for even more serious community-wide civil unrest.

While cases like the incident in Jasper grab the media headlines and shock the Nation, CRS is responsible for dealing with similar incidents, large and small, all across this country. I am aware of the excellent work that CRS has done in my home State of Texas to resolve tensions between Vietnamese fishermen and the Ku Klux Klan. They have also worked to resolve issues between Vietnamese store operators and an African American community in Houston, and to deal with problems between the police and African Americans in Austin. Last year CRS also convened church arson prevention seminars in several Texas cities, including Houston and San Antonio. Earlier this year it conducted hate crimes training for police officers and police executives in the Houston and Corpus Christi areas.

In recent years CRS has struggled to maintain adequate funding. In fiscal year 1998 this valuable organization suffered massive budget reductions which cut the agency in half. With a modest budget of $5.3 million, CRS now has the smallest staff in its history.

The amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) asks for another $2 million to bring CRS' budget to the $9 million recommended by the President. This represents a small investment given the valuable and critical work of CRS in communities all across our country. I know the citizens of Jasper, Texas who have pulled together in this time of tragedy, in these trying circumstances, appreciate the assistance that they received from CRS. Let us renew our commitment to root out racial prejudice in our society, to bring our Nation together. Let us remember James Byrd's death.

Mr. Chairman, I urge my colleagues to give CRS the additional $2 million that it needs to carry out its valuable work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. TURNER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman, and, as I expressed, we were actually on the ground in Jasper to see how that community was brought together, and I think it is important to note that Texas does not stand as the poster child for these kinds of heinous acts. CRS goes all over the Nation fighting for those who have been discriminated against and where there is racial strife.

We have seen the increase in hate crimes against African Americans, against Hispanics, against gays and lesbians, against Anglos, against those who have different religious faith. The CRS is able to go in and to ease the pain of that community, and I just want to note what the gentleman said: Between 1992 and 1997 the CRS budget declined more than 80 percent and its staffing by two-thirds, an all time low.

So I thank the gentleman from Texas (Mr. TURNER) for his kind words on helping to support an amendment that provides an extra $500,000 for this service.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $304,014,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,688 passenger motor vehicles, of which 2,000 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,750,615,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2000; of which not less than $282,473,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $69,846,000 shall remain available until expended, of which not to exceed $8,046,000 shall be for equipment to address chemical and biological attacks; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOUDER:

Page 13, line 22, after the dollar amount, insert "(increased by $6,000,000)".

Page 15, line 1, after the dollar amount, insert "(reduced by $6,000,000)".

Page 26, line 17, after the dollar amount, insert "(increased by $6,000,000)".

Page 30, line 3, after the dollar amount, insert "(increased by $6,000,000)".

Page 43, line 7, after the dollar amount, insert "(reduced by $21,579,000)".

Page 44, line 6, after the dollar amount, insert "(reduced by $3,600,000)".

Mr. SOUDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Chairman, this amendment raises the funding for drug court programs by an additional $6 million over the amount currently contained in the bill, which we also just added $3 million to a little while ago in the amendment offered by the gentleman from Nevada (Mr. ENSIGN). Although the committee should be commended for providing a $10 million increase plus the $3 million that were accepted over last year's level and the President's request for drug courts, I believe that the demand and social and economic benefits of the program justify an even larger increase.

There is no greater issue in our society than our war against illegal drugs. It is both a war and, as our drug czar said, a cancer, and we need creative solutions to address this.

I want to commend the chairman of this subcommittee who has been a leader in the drug task force, the Anti-Drug Task Force, as we work towards a drug-free America, and for his willingness to increase, as he has pointed out with this amendment, a 33 percent increase in drug courts in this country. However, we also have already pending requests that are 50 percent higher.

One of the problems that we go through in appropriations bills are tough choices, and this amendment offers such a tough choice. The increase in drug court funding in my amendment would be provided by reducing the bill's increases in funding for the Economic Development Administration to a 2 percent increase to account for inflation.

Let me say that again. We are not eliminating EDA, we are not decreasing EDA. The money would come only by reducing the bill's 18.9 percent increase in salaries and expenses in EDA and the 8.4 percent increase in grants to a 2 percent level of inflation. In my view, any increase over and above the level of inflation is not appropriate in light of the health of the economy, the reservations about the effectiveness of EDA, and this opportunity to put more money into drug courts.

Now let me once again explain a little bit about drug courts. They are used to place nonviolent drug defendants in judicially supervised treatment programs. A drug court is a successful alternative to placing drug users in overcrowded jails, where in all likelihood they will serve little time and receive no form of substance abuse treatment. We recently heard testimony in the Subcommittee on National Security, of which I am vice chairman, that individuals who were referred to drug treatment programs through drug courts and other parts of the criminal justice system stayed in treatment significantly longer than referrals from other sources.

The success of drug courts has been in part demonstrated by the dramatic increase in the number of courts across the Nation. Since 1989 more than 275 jurisdictions have implemented a drug court to address the problem of substance abuse in crime. Currently there are another 150 drug courts being planned and another 13 jurisdictions are exploring the feasibility of these drug courts.

Drug court participants and graduates are not rearrested. The recidivism rate for drug court participants and graduates ranges from 2 to 20 percent, far below that in any other drug program. Drug court participants and graduates break their addictions. The average positive urinalysis test while in drug court is only 15 percent. In some jurisdictions, such as San Jose, California, it is as low as 7 percent, significantly lower.

Drug courts also have saved the lives of innocent babies. Five hundred twenty-five drug-free babies have been born to participants of drug courts. They reunite families. Over 2,430 parents regained custody of their children. Drug courts help former addicts become constructive members of society. Seventy-five percent of drug court graduates either retain or obtain employment.

□ 1730

The important thing to remember here is that all across the country, in many jurisdictions, including in my hometown of Fort Wayne, where Ron Davenport, the head of the Washington House, has indicated that the Drug Court program works because it provides a simple motivation to participants. If they do not cooperate, they go to jail. But it also moves them into treatment programs and creative ways to do this.

It has been demonstrated, as I said, in my home area. There is another 50 percent increase waiting to come into this system, and conversely, there seems little need to provide significant increases to EDA when the country continues to enjoy strong economic growth. My amendment would only reduce the increases to the level of inflation. This is not an attempt to eliminate EDA.

I know there are many supporters in Congress for EDA. The question is, should EDA be increased more than 2 percent, or should that money go to Drug Courts? I believe, given the nature of the problems that we face in every Congressional district in this country, in families across this country, whether it be in direct crime, in property, or violence or internal family violence caused by drug and alcohol abuse, Drug Courts are an area where we should boost up.

As I said earlier, this is a matter of priority. Where would you put your money? To the increased funding in EDA, or to the increased funding in Drug Courts, which I grant has gone up, but is not going up enough to meet the demand.

Mr. ROGERS. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, there he goes again, and here we go again. An amendment plain and simple to severely cut funding for the Economic Development Administration. I strongly urge a no vote on the gentleman's amendment.

Mr. Chairman, this is not a vote about whether or not you support the Drug Court program. We support the Drug Court program in this bill at an unprecedented historic level. We already provide tremendous increases for Drug Courts. In fact, the bill includes a 43 percent increase above current level spending, and well above the Administration's request for the Drug Court program. In fact, a few minutes ago there was an amendment that passed this House with our approval that increased Drug Courts even more, another $3 million, by the gentleman from Nevada (Mr. ENSIGN).

Make no mistake about it. What this debate really is all about is whether or not you support EDA. This debate we have had over and over again, year after year on this bill, and every time this House has stood fast with those who want to help the most distressed portions of the country, even in these good times.

Once again, last year, an overwhelming majority, 305 Members to be exact, voted to support the work of the EDA. Again this year, I urge the House to continue to show support for this important program and again vote to defeat the Souder amendment.

If we do not vote this amendment down, we will be depriving hard-hit communities in every State in this Nation of the vital assistance these programs provide. EDA gives our poorest urban and rural areas the tools with which to raise themselves up by their own bootstraps to create new jobs, expand their local tax base and leverage private investment. It gives them a hand, not a handout, and, Mr. Chairman, this program works.

If your town is hard hit by sudden and severe job losses when a plant shuts down, it is EDA that is there to help. If your community has been devastated by a natural disaster, like the recent floods this year in the Midwest, EDA is there. If your community is suffering because your local factory has shut down because it cannot compete in the global economy, EDA can help your community. And if your district has suffered from cutbacks in the defense industry, EDA is the only federal program dedicated to helping your community retool that economy.

Critics of this program fail to recognize that the EDA has been reformed, reduced and streamlined over these last 3 years by actions of this Congress. Due to this Congressional oversight by both the authorizing and appropriations committees, EDA's grants are truly targeted to the most distressed areas. The development and selection of projects has been moved out of Washington and back towards the local and state levels, and EDA's bureaucracy has been cut by over one-third since 1995.

In addition, since the vote last year the House has continued to demonstrate its support for EDA programs. On July 23, your colleagues in the Committee on Transportation and Infrastructure approved an EDA reauthorizing bill that reforms the programs and responds to past criticisms of the program and tracks this appropriations bill.

Mr. Chairman, clearly there are communities that do not need help. They have infrastructure, they have industry, they have access to education, all the requirements for a healthy regional economy. But other areas, Mr. Chairman, like my area, must rely on us and EDA to help them cope with job losses, defense cuts and other economic disasters. They are the ones that need our help. They are the ones who are turning to us for this vote.

So I urge Members to do as they did last year and the year before and the year before and the year before, and turn down this amendment by an overwhelming margin. Vote down the Souder amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the gentleman from Indiana's amendment, and I echo the sentiments of our chairman, "there you go again."

Mr. Chairman, this amendment presents a truly false choice between the EDA and Drug Courts. It is the oldest game I guess in Congress, that if you want to cut a program and you are having difficulty making your case on the merits, then try to find a place to put that cut that will be compelling and bolster your argument because of the nature of the account that you want to increase.

I know that our colleagues will not be fooled by that. This amendment would cut $21.579 million, almost, almost, the entire increase provided above last year's level, from the Economic Development Administration's grant programs. Additionally, it also cuts $3 million from EDA's salaries and expenses account.

In considering this amendment, we must first examine why an increase for EDA was provided by the committee. In its fiscal year 1999 budget request, the administration proposed a new $15 million initiative within EDA, and they paid for it by decreasing funding for EDA's existing grant programs by $22 million and increasing total funding for the agency by $28 million.

This new program was designed to provide assistance to communities adversely impacted by trade agreements. The committee considered this request and decided that while the intent of the new initiative was worthwhile, EDA's existing grant programs could achieve the best results.

To this end, the committee accepted the administration's proposal to increase overall funding for the agency and allocated that increase to EDA's proven programs, which clearly have the jurisdiction and the ability to best assist trade impacted communities.

This is a very worthwhile investment. In fact, a 1997 study of the public works program conducted by Rutgers University and the New Jersey Institute of Technology, among others, yielded the following results: For every $1 million in Federal funding provided for EDA's public works grants program, 327 jobs are created or retained at a cost of only $3,058 per job. For every $1 million in Federal funding provided through the grant program, $10.8 million in private sector investment was leveraged and the local tax base was increased by $10.13 million. I think those are pretty good results, pretty impressive results, on our investment.

Mr. Chairman, I know of no other agency or program of the Federal Government more critical to the economic development needs of communities around this Nation than EDA. EDA programs target funds to areas in need of assistance and respond to the special needs of each individual town and city.

EDA has programs which benefit communities at almost every stage of the development process. For communities experiencing structural economic change resulting from long-term deterioration in industrial sectors or the depletion of natural resources, as my area, EDA provides flexible assistance to help them design and implement their own local recovery strategies. For communities facing prolonged economic distress, EDA provides the funding necessary to repair decaying infrastructure and to develop the new infrastructure which business needs to grow.

For the communities faced with the massive job losses associated with defense downsizing, EDA provides the funding to develop projects at the local level that support community redevelopment priorities.

EDA's grant and technical assistance programs really work. Any of my colleagues can look around their districts and point to economic success stories catalyzed by EDA funding.

So, does EDA warrant an increase? I say yes. Economic development is a local process with a specific appropriate Federal role. EDA, in direct partnership with distressed communities, provides seed funding that promotes long-term investments that respond to locally defined economic priorities.

It is clear that EDA is in need of additional resources to deal with adverse economic effects on trade-impacted communities, among other things. That is what this money is for, and I urge defeat of this ill-advised amendment.

Mr. KIM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. I understand why we need more money in Drug Courts. I support the concept, but not transferring $250 million from EDA. That is not the way it is supposed to be done.

Let me tell you what the EDA has been doing. EDA was created to assist those distressed communities impacted by different cutbacks and base closures. In those poor distressed areas, they have been highly successful in creating jobs in those poor areas.

In addition to the fine job they have done, we have made major reforms this year. One is called the Federal Loan Guarantee Program, which gives local governments tools to stretch out the dollars to several times more so they can attract better private financing portfolios to be able to build more public works projects, in turn creating permanent jobs.

Second, we create what is called pockets of poverty areas, so we can look at pockets of small distressed areas, rather than on a regional bases. That program has already been implemented, and I appreciate the committee chairman for this. This idea has been thoroughly evaluated by the Subcommittee on Public Buildings and Economic Development.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. KIM. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I just wanted to correct, for the record, it is a $25 million reduction out of the increase. There is still a 2 percent increase.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this cut would amount to an immediate loss in the communities of 7,000 jobs, and, after 6 years, that 7,000 jobs would create another loss of 7,000.

The Drug Courts are needed. The gentleman from Kentucky (Chairman ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN) have in fact increased the dollar amount for the Drug Courts. But there are several reasons why this amendment should be defeated.

Number one, an administrator over there by the name of Phil Singerman has done an absolutely outstanding job. The committee has had a number of hearings, and an EDA authorization bill finally has a chance for the light of day, which will make some significant changes.

First of all, the country, 80 percent of this Nation, is eligible for EDA money. The committee feels that, in many cases, distressed communities that really need the help are being overlooked. The change has been made in only 36 percent of the country, that the truly distressed areas will be eligible.

Second of all, there is a new program created with the limited EDA funds. Monies will now be used to buy down interest rates when the banks and savings and loans invest in their own communities.

□ 1745

For the first time we are partnering with and have participatory programs that are leveraging more and more private money back into community development. Finally, it was brought up by the gentleman from West Virginia (Mr. MOLLOHAN) also the aspects of international trade and job loss, because international trade is also now being addressed by EDA, and those communities that are suffering a loss of jobs from displacements due to international trade are now being addressed.

I would just like to say one other thing. I come over here to the floor and I watch these bills go through with a million dollars for Bosnia, billions of dollars for Russia, billions of dollars for proposals all over the world. But when we try and get a little increase for economically depressed communities, we find literally a number of excellent places to supposedly put this money.

I will support more money for drug courts. The committee has already increased those accounts, and there was already an amendment they accepted to further embellish the account, but not from the people in the communities who are being left behind.

I am asking Members to understand this issue. This is a jobs issue. This is a fairness issue. It will impact upon the people we are concerned about the most.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I thank the gentleman for yielding to me.

As someone who opposed NAFTA and Bosnia, opposed money for Bosnia, I appreciate the gentleman's comments. I do wish the RECORD to show that it is tough to be eliminating 7,000 jobs, since the money has not been spent yet. It may keep us, in the gentleman's opinion, from creating those jobs.

Secondly, this is not a cut, it is a reduction of the increase.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I did vote against NAFTA, I did vote against GATT. I say to the gentleman, I am going to stone cold vote no against the gentleman's amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I would note that it is a bit of technicality to suggest it is not a cut because it already has not passed. This legislation is about become law, and if the gentleman's amendment were passed, it would be a significant cut in the 1999 appropriation.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, there are a lot of bills with a lot of discussion on this floor. There are 13 bills to become law. This is one of them. If this amendment passes, it will ultimately cut 14,000 jobs, pursuant to the hearings we held.

The CHAIRMAN. The Committee will now rise informally to receive a message.

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4103. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4103) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. HUTCHISON, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, and Mr. DORGAN to be the conferees on the part of the Senate.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Committee resumed its sitting.

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Will Rogers said that government programs have three things in common: a beginning, middle, and no end. That is true of the EDA.

I will include for the RECORD a letter from Mr. Orson Swindle, who was Assistant Secretary of Commerce for Economic Development under President Reagan from 1985 to 1989. I will enter this entire document in the RECORD, but I will quote from it, that the findings of many people would be as follows:

> EDA's development functions duplicate the activities of programs within the Departments of Agriculture, Defense, Housing and Urban Development, and Interior, as well as the Appalachian Regional Commission, Small Business Administration, Federal Emergency Agency, and Tennessee Valley Authority. On these grounds alone, the program ought to be eliminated.

We are not proposing to eliminate the program. As a matter of fact, we are proposing to limit the increase to that which is adjusted for inflation. We also are very much opposed to a 19 percent increase in administrative overhead for this program, where in fact this agency has not proved its need for that.

Let us be clear what this amendment is about. It is not about cutting EDA, it is about increasing EDA, just not increasing it as much. It is about limiting the increase in the overhead for the administration of EDA. Why would we want to do that? Because we know that our discussions on appropriations bills are about priorities. We know where the savings are.

The other thing we might also know is that as far as EDA's charge, we seem to have been in this past year in one of the greatest times of our productivity, success, industrial growth rate, increase in standard of living that this country has seen. Yet, in 90 percent of our communities, EDA is active because there is supposedly a problem with lack of jobs in all of those communities.

I do not deny that there are significant areas in our country that have a need for EDA grant money, but not 90 percent of the country.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I would suggest, first of all, that Mr. Swindle, who is a very fine gentlemen, had these very strong views about EDA before he came to, I believe, head the agency, did he not?

Mr. COBURN. I am sorry?

Mr. MOLLOHAN. I was suggesting that Orson Swindle, to whom the gentleman alluded, I believe he headed EDA at one point in time.

Mr. COBURN. I do not know that he actually headed it. He was Assistant Secretary of Commerce.

Mr. MOLLOHAN. Mr. Chairman, I would suggest that he had these strong views about EDA before he came to the job. I just remember that.

The gentleman mentioned the Tennessee Valley Authority and the Department of Agriculture as agencies one could go to who had duplicate programs with EDA. I would ask the gentleman, what were the other agencies?

Mr. COBURN. The other agencies that had duplicative functions?

Mr. MOLLOHAN. That duplicated the authorization.

Mr. COBURN. The Appalachian Regional Commission, the Small Business Administration, the Federal Emergency Agency, the Tennessee Valley Authority, the Departments of Defense, Housing and Urban Development, Interior, and the Department of Agriculture all have programs that are duplicated by EDA in one form or another.

Mr. MOLLOHAN. Mr. Chairman, I would not hold myself out as an expert on EDA, but we do an awful lot of EDA projects in our district, unfortunately because we qualify under the criteria. Just standing here right now, I cannot think of one EDA project we have going where we could have gone to the Tennessee Valley Authority.

Mr. COBURN. Reclaiming my time, I think the defining words are that there would be a consensus that there are many programs duplicated by the EDA. That may not be the case in the gentleman's particular district.

Let us talk about drug courts, reclaiming my time. Drug courts offer us tremendous savings, and there are some real data that needs to be shared with our body. They open up prison space for violent offenders. Most State and local jails as well as Federal jails are operating above capacity. This is largely due to the high number of incarcerated drug offenders, many of whom are nonviolent.

Drug courts provide a structured alternative to prison for those nonviolent offenders. Not only does this program save money, it helps to ensure that adequate prison space is available to house the most violent offenders in our society.

I want to give the gentleman some savings from drug courts from some of the areas across the country. Denver, Colorado, saves between $1.8 and $2.5 million per year because of drug courts; Phoenix, Arizona, reported this last year a saving of $112,000.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

(By unanimous consent, Mr. COBURN was allowed to proceed for 1 additional minute.)

Mr. COBURN. Mr. Chairman, Washington, D.C. saves between $4,000 and $9,000 per participant; Bartow, Florida, saves $531,000; Gainesville, $200,000; Kalamazoo, Michigan, $300,000; Klamath Falls, Oregon, $86,000; Beaumont, Texas, saves half a million dollars annually because of drug courts.

This is not about cutting the EDA. It is about limiting its growth and prioritizing our resources into something that makes a difference in the lives of people.

Mr. Chairman, I include for the RECORD the letter from Mr. Swindle.

The letter referred to is as follows:

August 3, 1998.

Representative TOM COLBURN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COBURN: As President Reagan's Assistant Secretary of Commerce for Economic Development from 1985-1989, I strongly support your amendment to the FY 1999 Commerce, Justice, State Appropriations Bill that will cut $25 million from the Economic Development Administration (EDA).

EDA is one of those examples of a dedicated group of federal employees being trapped in a bad system and being manipulated by political decision-making, which too often has ignored the legal basis and criteria for the agency's existence and operation. A small example...

As you know, EDA was created in 1965 as part of President Johnson's Great Society. Its original aim was to assist in the economic development of depressed areas and encourage job creation (in theory) through government loans and grants. Of course, the funds given to one region has to be taken from another. A program was established to fund small regions of the country (in cities or groups counties) as "economic development districts." These areas, buy definition being under severe economic distress (high unemployment, underemployment, job losses, low average income, etc.,) would receive funding to assist in hiring staff to work on economic development planning with local communities. One aspect of the staffing assistance was that frequently the staff became an advocate for more federal funding, not an uncommon phenomena within EDA programs where federal funds directly or indirectly go toward lobbying for more federal funds.

I believe it was Will Rogers who once commented that all government programs have three things in common: a beginning , a middle and no end. For years now, EDA has apparently considered the vast majority of the continental United States (maybe as high as 90%) to be under severe economic distress—even today in what is widely proclaimed as the period of our greatest prosperity. Funded "economic development districts" continue to cover the map!

I can speak from personal knowledge on the belief that EDA has strayed from its original mission and has been for some time simply a cookie jar for pork barrel projects, many of which have become infamous.

Last year, The Heritage Foundation authorized a compelling book entitled "Ending the Era of Big Government." They argued that:

"EDA's development functions duplicate the activities of programs within the Departments of Agriculture, Defense, Housing and Urban Development, and Interior, as well as the Appalachian Regional Commission, Small Business Administration, Federal Emergency Agency, and Tennessee Valley Authority. On these grounds alone, the program should be eliminated."

I couldn't have said it better myself. Some of these agencies definitely could be eliminated. For all of the reasons put forth above, I endorse your amendment to cut EDA's funding by $25 million at a minimum. I urge every Member of the House to support your effort.

Sincerely,

ORSON SWINDLE,
Former Assistant Secretary of
Commerce for Economic Development.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this particular amendment should be defeated adamantly. First of all, they have mixed up the nomenclature, the language that we understand here in the House. They have said that "this amendment does not cut EDA, it is a reduction of an increase." I think they are playing on our intelligence with this kind of description of what they are saying.

There is an old adage or dictum that says if it walks like a duck, quacks like a duck, then it is a duck. So what they are doing by reducing the increase, the logical result of that is a decrease in EDA.

The gentleman from Kentucky (Mr. ROGERS) and the committee, including the gentleman from West Virginia (Mr. MOLLOHAN), have come up with a logical allocation for EDA; not as much as we think the need is, but as much as they could logically place there. I am strongly opposed to this amendment, because what they have done is asked for a reduction which would cut $25 million from EDA.

This is EDA's job development or job creation program. If the gentleman can tell us, look, we are going to reduce their job creation capacity, but we are going to replace their job creation capacity with some other initiative, they have not done that, which leads me to conclude that they are not interested in job creation and people getting jobs so they can improve their quality of life in this country.

I support their efforts to fund the drug court. I think drug courts are good, but the committee has increased them by $4 million in the current budget.

Why should we provide more than a 2 percent increase in EDA? People need to understand that EDA does need an increase. Number one, it creates jobs mostly in economically underdeveloped cities, cities and communities in this country. There is no other agency that does that overall, other than EDA. We cannot replace their capacity by putting their funding, or reducing them, putting it into drug courts.

This amendment would cost our distressed communities more than 7,000 jobs. My challenge to the supporters of this amendment is to show us how they can replace them. We cannot afford to lose these jobs.

I want the Congress to do just as they have done every year. Each year we come back and stand here and oppose this amendment. Sooner or later, the supporters of this amendment will find out they are shooting up the wrong tree, because we cannot see our cities devastated or our communities distressed because there are no jobs.

I am asking, please, that we support the committee, and strongly oppose the Souder amendment.

Mr. SOUDER. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I wanted to say for the record that I have supported efforts in the Small Business Administration to provide help for low-income economic development, I have supported the High Hope Scholarship as we move to higher ed, to make sure there are opportunities for those who are lower-income to get the education they need, to move dollars needed through our committees.

I have supported the Community Services block grant, and Head Start. I have supported numerous programs targeted, including an amendment that I sponsored on individual development accounts for capital formation in low-income families.

Mrs. MEEK of Florida. Mr. Chairman, if I may take back my time, I want to give the gentleman sort of a short answer. SBA does well when one can get a loan from them, but these are not loans, these are grants. There is a difference, when it comes to rebuilding distressed communities.

I applaud the efforts the gentleman has made in the past and what the gentleman has supported, but I do not applaud this amendment, because what the gentleman is doing is cutting an agency that provides jobs. That is the difference.

Mr. SOUDER. If the gentlewoman will continue to yield, a GAO study concluded that there was no survey that in fact showed that, on net, EDA created additional jobs.

One last point is, would the gentlewoman agree that even under my amendment, EDA would increase 2 percent? In other words, does the gentlewoman agree that even if my amendment passes, EDA will still increase 2 percent?

Mrs. MEEK of Florida. Even if it passes? I do not know, but I will yield to the ranking member to answer the gentleman's question. I do not have the answer to that.

I am opposed to the gentleman's amendment merely because I know, common sense tells me, if we reduce the increase, then we are cutting the gain.

Mr. LEWIS of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Kentucky. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, there are numerous speakers on both sides. I think all of us have heard most of the arguments.

I ask unanimous consent that we limit debate, further debate, to 10 minutes, to be divided evenly between the sides.

□ 1800

The CHAIRMAN pro tempore (Mr. LATOURETTE). Ten minutes between an opponent and proponent of the amendment.

Is there objection to the request of the gentleman from Kentucky?

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. LEWIS of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

As a member of the Speaker's anti-drug task force, I count myself among the many Members of this body who have committed themselves to this Nation's war against the scourge of illegal drug use, particularly its spread among our youth. Over the past year, I am proud to say that all 22 counties in the Second District of Kentucky have established community coalitions that have accepted the challenge to take on the daunting problem of fighting illegal drugs.

Let me suggest that attempts to reduce the financial resources available to the Economic Development Administration is counterproductive to the interests of these very same communities, particularly those areas that are dealing with the adverse effects of lost jobs in our textile industries and other parts of Kentucky that have not benefited from our country's successive years of prosperity. One of the most cost-effective tools we can employ today to encourage job growth and improved opportunities in our towns and communities which have been left behind.

To quote one official who oversees one of my district's area development organizations, the EDA has been the backbone for our urban and rural areas for the last 30 years, creating new jobs, public facilities and disaster prevention assistance. Communities that have struggled to attract new industries or sought badly needed wastewater treatment systems have been able to rely on the EDA assistance when these projects often seem impossible.

Mr. Chairman, I cannot overemphasize the positive impact that EDA has had on the Commonwealth of Kentucky and the Second District that I represent. This organization has brought relief to many communities suffering from severe economic dislocation, the remnants of flood disaster and an absence of adequate public facilities and services. We have made great strides in shaping a highly respected agency that continues to provide critical funds to the most distressed regions of this country.

Mr. WICKER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Kentucky. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, let me just say that I agree with everything that the gentleman from Kentucky (Mr. LEWIS) has said. I serve on the drug task force with the gentleman from Indiana (Mr. SOUDER) and the gentleman from Kentucky (Mr. LEWIS). It is a very important undertaking, and we have done well by the drug courts in our appropriations.

I think this is an amendment not about drug courts but about taking $25 million away from the Economic Development Administration.

It has been said the economy is doing well. That we do not need to plus up EDA. Let me say in response to that two things. The economy is doing well because this Congress has shown that we can balance the budget and we are funding an additional $25 million for EDA within the framework of a balanced budget. I am proud of that. But there are also some communities in this Nation, there are some communities in every congressional district that are not doing so well. That is the beauty of the Economic Development Administration.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Kentucky. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, my question would be, that may very well be true. Why are we increasing overhead 19 percent? The point is, we are disproportionately increasing overhead. Let us agree to trim the overhead down and give the money to the communities rather than consume it in Washington.

Mr. WICKER. Mr. Chairman, if the gentleman will continue to yield, it is my understanding that this appropriation is in connection with an authorization bill that is going forward. There is always room for saving money on overhead. But let me say what this money goes to.

It is one of the tools, I can say this, it is one of the tools that is used efficiently in my State, along with all of the other job creating programs that we have talked about, to create jobs in the private sector, and that is what we ought to be doing. That is a good use of Federal funds. I support the EDA. I think that is what this amendment is about. I urge defeat of the amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Kentucky. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, this is a point, I believe the gentleman from Indiana raised a question of the EDA grant program resulting in job creation. Did I misunderstand the point when he was asking the gentlewoman from Florida about that issue? Was his point that it does not create jobs?

Mr. SOUDER. Mr. Chairman, if the gentleman will continue to yield, I said that the GAO said they found no specific study showing net in job creation.

Mr. MOLLOHAN. Mr. Chairman, I invite the gentleman to come to my district. I refer him to a 1997 study of the public grant program conducted by Rutgers University and the New Jersey Institute of Technology that yielded the following results: for every million dollars of Federal funding from EDA's public grant program, 327 jobs are created, $10 million in the private sector is leveraged, increasing the tax base by $10 million. So I would refer the gentleman to that study.

Mr. WISE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Kentucky. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, I want to say that apparently the gentleman may not be aware, that raised the question, that the EDA has cut its overhead at least 25 percent, I believe as much as one-third of the number of jobs in the central office over the past few years.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been associated with the EDA program for almost 33 years. I still have, am proud of having it, one of the pens that President Lyndon Johnson used to sign that bill into law in August 1965.

EDA was created then for the purpose of responding to those communities, those regions in the Nation that did not share in the Nation's general prosperity, to pinpoint and target assistance to those communities locally or those regions that did not share in the Nation's prosperity.

President John F. Kennedy was fond of saying, the national economic policies will float all boats, they will all rise. But not all boats rose with our prosperity then, and nor have all communities shared in the Nation's general economic growth and prosperity over the last 3 or 4 years.

The objective of the EDA program is to give local communities, regions, groups of counties or areas like Appalachia, where we have a separate program but which dovetails with EDA, the tools they need, the financial assistance they need to create jobs and economic opportunity and outlook and hope. Hope in Appalachia, in the 1930s, the 1940s and the 1950s, was a bus ticket north to Detroit or Cleveland, Chicago or the Twin Cities of Minnesota. But with EDA and with the Appalachian Regional Commission, hope now means an opportunity to create jobs where you live, where your family ties are, where your social connections are, where you want to live.

That has given us an opportunity for job growth where it counts most, like areas in the Rust Belt of Ohio, Pennsylvania, the Mon Valley, or, as the gentleman from Kentucky (Mr. ROGERS) said, areas that have been stricken by base closures of the military where you have a sudden economic collapse or areas like northeastern Minnesota, dependent on natural resources, iron ore mining, timber harvesting. The national economy may do well, but our region goes down through the bottom when there is some little blip in Pittsburgh or Cleveland or the South Works of U.S. Steel in Chicago, and our economy just drops through the bottom. That is when you need this kind of targeted economic assistance.

In hearings that I held, when I chaired the Subcommittee on Economic Development with my dear, wonderful friend, former member, Bill Clinger, and we held extensive hearings on the performance of EDA, in the 15 years, the first 15 years of that program there were 4.5 billion invested in projects across this country. They created a million and a half jobs. That million and a half jobs paid every year $6.5 billion in Federal, State and local taxes. Every year the Federal, State and local governments are getting more money back from EDA than we invested in 15 years. Jobs, hope, economic opportunity.

The 90 percent eligibility red herring happened because Congress imposed a moratorium on EDA from designating areas. The legislation our committee on a bipartisan basis has reported out, and we hope to bring it to the floor after the Labor Day recess, will do away with that. In fact, year after year we have brought legislation to the House floor. It has passed this body, not the other body; that does away with that 90 percent figment of people's imagination. Ninety percent of the country is not eligible, and the program is not managed so that 90 percent of the country is eligible. That is just nonsense.

I would just say that we have demonstrated, when you give communities the resources they need to create job opportunities as they see fit, we get an enormous return on that investment, every year more money paid in taxes than we have invested in EDA in its entire history. That is a return on investment.

I would just sum up by the words of a wonderful witness, not an economist, not a specialist, no great degrees, Red Robinson from southern Virginia, who at our committee hearing said, you know, we are just proud, conservative mountain people. We are not asking for a handout. We are asking for a hand up. EDA has given us that hand up.

Defeat this amendment. Give all America a hand up.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

I rise to oppose the Souder amendment. I support what they want to fund, but I think taking it from EDA is one of the worst choices we could make of a program to cut.

I come from rural western Pennsylvania, rural central Pennsylvania. We had steel, glass, coal and oil decline within a decade, collapse.

I have watched what EDA does. It is one of a couple programs, there are only a couple programs that target distressed areas. I come from a State that had a lot of good economic development programs. I always complained they went into the suburban areas where we did not need more employment, they did not have enough employees. But EDA reaches into towns that have lost their only mill, their only glass plant, or have shut down the local coal mines to help them rebuild their base.

If you look at Clinton County in Pennsylvania, because they were able to build a sewer line with EDA funds, they have 300 people working that would not be working today.

Abandoned rail lines have been a major problem in my district. I can give you two examples. In Tioga County, where EDA purchased a rail line and put it back in service, 450 new manufacturing jobs there and a company that is going to double in size the next few years with some EDA targeted money.

In Center County, 1000 jobs, again a rail line that was closed was purchased, was put back into service. In Elk County, the Stackpole Corporation used to employ 3000 people, closed, sat empty for almost a decade. And today, because EDA was the glue that put it together, 300 people are employed there and soon 6- to 900.

Even right at home where I live, today they announced that the Cyclops plant that closed 4 years ago that had 1000 specialty steel jobs in a town of 5000 people, 4 years ago lost 1000 jobs with no hope, and our hope right now is we are applying to EDA to refurbish that steel mill and get it back into production and a number of businesses, breaking it up into an incubator and several places where we can bring companies into that community.

EDA helps the poorest of our communities, gives jobs and opportunities to their citizens. We have a lot of programs to help urban America. EDA helps them, too. But we have a few programs that help rural America. Rural America is economically hurting. We may be at an end of a 7-year growth in the economy of this State, but I want to tell you, I can take you to pockets of rural America where we are hurting. In my view, there are a lot of Federal policies that are strangling rural America's economic future. To cut off rural America's right hand as it tries to pull itself up by its bootstraps, and EDA is one of the most effective agencies, one of the most targeted agencies to do that, is a mistake, when we would continue to spend three times the amount of money for the International Development Association, twice the amount of money for US AID, the Agency for International Development, spend almost that much money in Bosnia and almost 2½ times that much money in Russia to help rebuild their economies, this is a cut in the wrong place.

It may be a cut from a good program, but a cut in the wrong place. EDA, in my view, has become an agency that very effectively targets hurting places in America, and we should be increasing it even more, not cutting it.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

I, too, rise in opposition to the amendment, and I think the gentleman from Pennsylvania just explained it well. Many of the reasons, for every company's name that he used, I could use another company's name. It is a similar situation in West Virginia. I would like to address some of the points that some of the proponents of this amendment have brought up.

□ 1815

First of all, I think it ought to be pointed out that I believe this Congress is getting very close to a true bipartisan agreement on EDA. Under the leadership of the gentleman from Pennsylvania (Mr. SHUSTER) and the subcommittee chairman, the gentleman from California (Mr. KIM), as well as our ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and the subcommittee ranking member, the gentleman from Ohio (Mr. TRAFICANT), the committee reported out an EDA reauthorization, I believe last week, on a voice vote with no dissenting votes, which shows true bipartisan cooperation.

Some have raised the question of duplication. I am trying to figure out where that duplication occurs, because in talking about other programs such as Small Business Administration, Small Business Administration is a program dedicated to individuals, so an individual makes application for a loan; or the USDA's rural development program, the individual makes application. EDA is something far different. That is dealing with an entity, a group, usually a public body.

I have also found that EDA is the linchpin that makes the deal possible. For instance, there is a project in West Virginia in which $2.5 million of EDA money and $2 million of ARC money helped leverage $60 million of private sector investment which is going to create hundreds of jobs. We do not get that kind of return too often. But without the EDA being involved and providing the infrastructure to that project, it would not have happened.

And so there is not duplication, and the EDA is what often is the critical matrix, the critical glue that pulls it all together.

Finally, the people advocating this amendment raise a very attractive argument of drug courts. I support drug courts. I think there ought to be more drug courts. I think the funding ought to be increased, but not out of EDA. Why? Because the irony to this is, and I quote here and believe I am quoting former President Reagan, "The best welfare program is a job," and EDA creates jobs, private sector jobs.

So what is it that brings people to drug courts but hopelessness, and so they resort to drugs. EDA is another way out. It brings economic development and jobs to areas that do not have them. So this is absolutely the wrong way to go about helping drug courts. If we want to help drug courts, then we should find the funding out of some other portion, but do not do it out of the one thing that brings hope and enterprise and jobs to a community. So I rise in opposition to the amendment.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, does the gentleman agree that, even if my amendment passes, there will be a $6.8 million increase in the assistance portion of EDA?

Mr. WISE. I agree if the gentleman's amendment passes, that will be X amount of jobs that will not be created. The gentleman will want to put it into drug courts. I am trying to keep people out of drug courts by giving them a job in the first place.

Mr. SOUDER. So is it is an increase; it is just a question of how big an increase and what that means.

Is the gentleman familiar with the GAO study that says, for example, the Rutgers study referred to earlier did not establish the direct connection? As the gentleman well knows, when one does economic development, which I did as a former staffer and worked with EDA, and I believe it does have meritorious projects, that net studies have not made the connection, including the Rutgers studies, that have proven the direct correlation.

Mr. WISE. I believe even the GAO studies, and it has been a few years since I have looked at it, but even the GAO study has trouble making the direct statements the gentleman wants it to make. And saying a job is directly caused by anything is difficult to do, but I can point to the gentleman, and I know the gentleman can in his district, and everyone who has testified, Republican and Democrat, in favor of EDA knows that EDA has brought hope and jobs to their area. Indeed, in my area, I can point to project after project where something would not be there were it not for EDA.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment offered by my distinguished colleague Representative MARK SOUDER to cut $25 million from the appropriation for the Economic Development Administration (EDA) in order to fund the drug court program.

Mr. Chairman, the appropriations bill before us, H.R. 4276, contains $368 million for the EDA grant program, the same amount authorized in H.R. 4275, the EDA reauthorization bill ordered reported by the Transportation & Infrastructure Committee in late July. This appropriation is consistent with the EDA program reforms included in the reauthorization bill.

The increase for the drug court program is not necessary. The Commerce-Justice-State appropriations bill before us already increases this program from $30 million to $40 million, a $10 million increase. Further, Chairman ROGERS has graciously agreed to accept an amendment by Representative ENSIGN to add another $3 million for the drug court program to bring funding to $43 million.

While I am supportive of the drug court program which provides grants to state, local and Indian tribal governments to help develop treatment options for nonviolent drug offenders, I believe that a funding level of $43 million is more than adequate—and is $13 million more than the 1998 level and the Administration's request for FY99.

The Economic Development Administration programs that assist distressed counties throughout the country to strengthen and stabilize local economies by creating jobs through community development projects will need all the appropriated funds contained in this bill in order to implement new EDA reforms, and to adequately serve the country's needs.

I urge my colleagues to defeat this amendment to cut $25 million from the EDA appropriation in order to bring the funding for drug courts to an unwarranted and unprecedented level of $68 million. Mr. Chairman, $68 million for drug courts, as worthy as those programs are, would mean a $38 million increase above that requested by the Administration for fiscal year 1999 and above the amount made available last year. Again, I urge defeat of the Souder amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The Clerk will read.

The Clerk read as follows:

In addition, $215,356,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund, as authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally owned buildings; and preliminary planning and design of projects; $11,287,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,428 passenger motor vehicles, of which 1,080 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $796,290,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2000; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

In addition, $405,000,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses, not otherwise provided for, for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,855 passenger motor vehicles, of which 2,535 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,096,431,000, of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1999: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", $523,083,000: *Provided*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: *Provided further*, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,284,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed 4 permanent positions and 4 full-time equivalent workyears: *Provided further*, That, notwithstanding any other provision of law, during fiscal year 1999, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

In addition, $866,490,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund: *Provided*, That the Attorney General may use the transfer authority provided under the heading "Citizenship and Benefits, Immigration Support and Program Direction" to provide funds to any program of the Immigration and Naturalization Service that heretofore has been funded by the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $81,570,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 763, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,922,354,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 2000: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

In addition, $26,499,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $413,997,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act: *Provided further*, That, of the total amount appropriated, not to exceed $3,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed 5 for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $155,000,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $552,750,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $47,750,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

AMENDMENT NO. 10 OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BASS:

Page 25, line 24, after the dollar amount, insert the following: "(increased by $19,500,000)".

Page 26, line 2, after the dollar amount, insert the following: "(increased by $4,500,000)".

Page 51, line 9, after the dollar amount, insert the following: "(decreased by $43,000,000)".

Page 51, line 10, after the dollar amount, insert the following: "(decreased by $43,000,000)".

Mr. BASS. Mr. Chairman, the amendment that I offer today will increase funding for the Edward Byrne grant program by $19.5 million. This increase would be offset by eliminating $43 million earmarked for new grants in fiscal year 1999 under the Advanced Technology Program. The reason for the difference between the $19.5 million and the $43 million is a difference in outlays versus authority, but it is scored by CBO as a neutral scoring.

As my colleagues know, the ATP program subsidizes private sector technological R&D, and Byrne programs, which would be increased by $19.5 million, are sources for Federal financial assistance for State and local drug enforcement efforts.

Mr. Chairman, the business of appropriations is the business of making priority judgments. We heard about that when we were discussing the last amendment, about where scarce dollars should go, and the question posed by this amendment is very simple:

Should we provide Federal financial assistance for State and local drug enforcement efforts, or do we provide companies like Dow Chemical with $7.8 million when they enjoyed a 1997 net profit of $1.81 billion? Do the math. That is like one six-thousandth of their entire profit.

Or should we provide much-needed resources to fight crime and drug abuse in our schools, or do we provide IBM with $14.8 million when they made over $6 billion last year?

Should we provide more money for the purchase of equipment to provide training and technical assistance to improve criminal justice systems, or is it more important to provide $3.7 million to the Ford Motor Company even though they showed a profit of $7 billion in 1997?

Or how about funding education programs in schools to prevent children from getting hooked on drugs, or funds to help parents deal with and get treatment for a drug-dependent child and get that child into treatment, versus giving General Motors $3.2 million when they had a profit of $6.7 billion last year?

My colleagues, it is indeed a question of priorities, and the Byrne Grant program is a great program, and I would suggest to my colleagues that it would be difficult to argue that we do not need any more money for this program; that we do not need any more money for crime prevention programs to assist citizens in communities and neighborhoods in preventing and controlling crime, especially crime directed against the elderly; and in rural jurisdictions to improve the response of the criminal and juvenile system to domestic violence and relate to law enforcement in the prevention of gangs or the youth at risk of joining gangs. This is where this money goes.

And the question that we have to ask is do we want to add $43 million to ATP, which gives these $1, $2, $3, $4, $5, $6 million grants, up to $14 million to Johnson & Johnson, when these companies are making more money in aggregate than the whole law enforcement budget has accrued in Congress.

Indeed, my colleagues, the issue of appropriations is the issue of making priority decisions. And in my opinion fighting crime in our neighborhoods, so that our parents know that their children are a little safer at school or out in the community, is more important than helping companies that have an aggregate research and development budget of almost $40 billion, giving them $43 million for their new programs when they are making plenty of money the way it is now.

Mr. Chairman, I do hope that my colleagues will support this amendment and vote it up.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the Bass amendment to eliminate $43 million from the Advanced Technology Program.

I have listened to the gentleman's debate with interest. What is interesting to me is, again, the false choices he sets up. The programs that he lists, drug courts, a lot of the law enforcement activities, this subcommittee has robustly funded, and I think we are justly proud of the amount of money that we have put into law enforcement to fight crime and drugs in this country.

The other point that I would make is that, again, his statement is interesting because of what it left out. And that is, as he talks about the large companies that are receiving money for the ATP program, he leaves out the fact that many, many, many of these grants, and I do not know specifically of which ones he speaks, but the ATP program is characterized by its ability to, number one, fund precommercial research and also to do it in partnerships with small companies, with academic institutions, bringing together these strategic alliances that would not be brought together if it were not for the program. Only if we philosophically believe that the Federal Government should not be making contributions for basic research in these core strategic areas should we even consider supporting the Bass amendment.

The gentleman's amendment is meant to confuse the debate on this issue. He has chosen to take funds out of the ATP program and add them to a very popular grant program, the Byrne Grant program, because he knows this program is supported by a large majority of our membership. Well, I am a very strong advocate of the Byrne Grant program. Those funds help every State in the union to assist local communities in implementing comprehensive approaches to fighting crime. It is an excellent program. Byrne Grant funding has increased by $77 million since 1994, and no one has supported it more strongly than I.

The administration has requested $552 million for the Byrne Grant program in 1999, and the bill before us today fully funds that request, which is a slight increase over fiscal 1998 funds. Let me state that again. The Byrne Grant program is fully and completely funded in this bill.

It is a shame that my colleague has chosen to offer such an amendment. I, for one, am strongly in favor of both initiatives, ATP and these crime fighting programs, and there are adequate funds provided in our bill to support them. This amendment would cut $43 million provided in the bill for new awards under the ATP program, and this would, in effect, kill the program. So only if we are diametrically opposed to the program, only if we are philosophically opposed to the program, only if we would like to kill the ATP program would we vote for this amendment.

I would like to summarize the reasons that I am a strong supporter of ATP, be a little positive here. First, the ATP program makes a very sound contribution to this Nation, maintaining a competitive position in the global marketplace.

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It is a sound contribution but it is still a small contribution relatively. As of right now, with the ATP program funded as it is, the U.S. ranks 28th behind all of our major global competitors in the percentage of government R&D invested in civilian technologies.

While we sit here tonight debating an amendment which would cripple the ATP program, across the ocean our competitors, England, Germany, Australia, Portugal, are investing heavily in similar initiatives. In fact, the governments of the European Community, understanding the strategic importance of these kinds of investments and these partnerships of government with academia and private industry, this European Community is funding advanced technology research to the tune of $5.5 billion.

Mr. BASS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from New Hampshire.

Mr. BASS. Mr. Chairman, how is the U.S. doing economically compared to Europe and Japan, given the fact that these governments are providing so much money for economic research and development?

Mr. MOLLOHAN. I ask the gentleman to tell me.

Mr. BASS. Well, we are doing an awful lot better.

Mr. MOLLOHAN. We are.

Mr. BASS. We are not doing half as much.

Mr. MOLLOHAN. Do we have an ATP program?

Mr. BASS. We have an ATP that is much smaller than those other governments and we are doing so much better.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I have to assume that the ATP program is making its contribution in this strategic effort for the government to participate, and they must be competitive in the future, and I appreciate the gentleman making my point.

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Bass amendment.

I want to take this in a little bit different direction. Last night this House voted to support the Shays-Meehan amendment to eliminate soft money contributions. I thought it would be interesting for us to look at the grantees from the ATP program and their soft money contributions, because there happens to be a very good correlation.

So if we really believe in corporate welfare, then we are going to not support the Bass amendment; but if we do not believe in corporate welfare, if we truly recognize that over 60 percent of the money in ATP grants goes to non-small business but goes to Fortune 500 companies, then in fact we can support this amendment.

Let me relate some of the details. IBM has been mentioned. Since 1990 it has received $134 million in taxpayer grants, including over $15,000 last year. In the same period, IBM had $6 billion in profits last year. They spent well over $5 million of this money on research and development. IBM was one of the top soft money givers.

General Motors, since 1990, received $105 million in taxpayer funds for research and development. GM had profits of $6.8 billion last year. General Motors also was in the top 100. General Motors did slightly better with relationship to ATP than Ford or Chrysler. Over the same period of time, GM received $105 million, Ford only $68 million, Chrysler a pittance of $30 million. But it was General Motors, and not Ford or Chrysler, who made the list of top 100 soft money contributors.

General Electric, over the 1995 election cycle, gave over $1 million in soft money but received $11 million in ATP program money.

AT&T, which over the same election period contributed $2.7 million in soft money to our two political parties, has received $69 million in ATP funds.

What I would like this body to consider, if we really do not believe in soft money and we really do not see a connection between ATP grants and soft money, and we really want to get rid of soft money, we ought to get rid of one of the reasons that soft money is there. It is the corporate welfare that we see.

Let me just mention a few more.

Sun Microsystems had a net profit last year of $762 million; received over $50 million in ATP grants over the last 7 years. United Technologies had over $1 billion profit. They received over $4 million in grants in 1995. 3-M, $1.626 billion in profits. They received almost $2 million in grants.

I think what we need to do is be honest with the American public. There is a place for ATP. It is to small business and small entrepreneur business, not the Fortune 500 companies who are well endowed with their own profits and can afford their own research.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from Michigan.

Ms. RIVERS. Mr. Chairman, in trying to draw a correlation between ATP and soft money, my recollection, in the 4 years I have served in this House, is that the majority of Republicans in this body have voted against the ATP program. But it is also my recollection that in the 4 years I have been here, the majority of soft money dollars went to the Republican Party.

How would my colleague explain that?

Mr. COBURN. Mr. Chairman, reclaiming my time, I probably do not have an explanation other than to say that there are no clean hands when it comes to soft money, not on either side.

Mr. BASS. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from New Hampshire.

Mr. BASS. Mr. Chairman, a further point here. My colleague may be aware of the fact that on the 26th of July, 1995, just a little more than 3 years ago, this House voted 223 to 204 to zero out ATP.

We are also aware of the fact that only 40 percent of ATP funding goes to small businesses. And in their own statements ATP has said that they have "no special allowance for small business."

And, thirdly, 42 percent of the recipients of ATP funding said they would have done the research anyway.

Mr. COBURN. Mr. Chairman, reclaiming my time, I would just summarize by saying that we should recognize what corporate welfare is. Everybody talks that word. Everybody says it. But now it is time to vote. It is time to take the money away from the richest corporations in this country and let them stand on their own two feet. It is called competition. It is called allowing them to use their own insight and own assets to compete in the world.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. In spite of the fact that the large companies make most of their contributions to Republicans, I rise in support of the ATP program because it is key to the economic growth.

The capability to generate, diffuse, and employ new technologies in the face of rising technical competence and competition around the world will determine in a large measure the Nation's ability to succeed and prosper in the 21st century.

These programs give these U.S. firms an incentive that accelerates the development of technologies that, because they are risky, are unlikely to be developed in time to compete in rapidly changing world markets.

For Americans, the real payoff is the economic growth fueled by the introduction of future products and industrial processes based on the ATP-sponsored research.

The ATP is a competitive, peer-reviewed, cost-shared program with industry. Their sole aim is to develop high-risk, potentially high-payoff enabling technologies that otherwise would not be pursued because of technical risks and other obstacles that discourage private investment.

The ATP has proven to be an effective mechanism for motivating companies to look farther out onto the technology horizon. By discarding the ATP, we would destroy progress made in encouraging far-looking, risk-sharing research and development of new enabling technologies.

We are fortunate that people long before us took a chance and made sure that that research was done that created the technologies that we are working with now. We have a responsibility to not eliminate the ATP because it would destroy the momentum created for a new type of industry-led industry, government, university partnership; a partnership with appropriate roles, appropriate goals, and exciting prospects for our U.S. economic gain.

Government and industry have always made substantial commitments to ATP. Its demise would show the government to be a capricious and unreliable partner. But to ensure economic growth and jobs into the next century, the country depends on U.S. industry to put science and technology to work.

Throughout this century, the United States has built whole new industries upon a flourishing science and technology base created by the Federal Government and private firms. Public-private partnerships have resulted in the birth of new industries such as computers and biotechnology, and world leadership in others such as aerospace, telecommunications, and pharmaceuticals.

However, times have changed. Today, Federal agencies are more focused on science and technology that is essential to their missions. Even though there is an even greater focus on technology transfer, there is greatly reduced spin-off from mission-related research.

Company research and development has shifted to narrower, more focused work. Large firms no longer pour billions into the development of high-risk, broad-based technologies that other firms can build on, such as GE, AT&T, Bell Labs and IBM once did.

While it may be true, as some would say, that large firms are able to pay for their own R&D, it is also true that they will not pay for longer-term, higher-risk, broadly applicable technology if other firms are going to benefit from the research without paying for it.

ATP fills a critical niche in the Nation's science and technology portfolio. Large and small firms are an important part of the mix, along with universities and national labs.

Part of the reason that large firms need to be involved with ATP partnerships is because, in large measure, that is where the technology is. The United States and its citizens stand to benefit more in this equation than the individual firms.

In addition, small firms and universities, about half the ATP awards go to small firms, frequently want larger firms in the partnership to provide critical business and marketing skills or to provide complementary technologies needed for further development. So large firms also frequently ante up the extra funding that allows universities and others to participate and to provide the organizational staff for collaborations.

A program like the ATP program sweetens the pot to induce firms to form partnerships to develop important technology that would not be developed otherwise. It is one element in a strategy to bridge the gap between public R&D, largely basic science and mission driven, and private research and development, largely focused on products and low-risk science and technology.

Important, high risk, enabling technologies exist in large firms as well as small. Just as in small firms, many of these technologies will only be developed if the Government and industry share the risk and the benefits.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Bass amendment. The gentleman from New Hampshire (Mr. BASS) is my dear friend, but I think this amendment that he has offered, which would cut off all new grants for the ATP program, would effectively kill the program and I strongly oppose it.

Mr. Chairman, ATP should not be killed. Companies that have participated in the program, even those that have not, agree. The Coalition for Technology Partnerships includes companies ranging from IBM and B.F. Goodrich, to the Cryovac Division of the Seal Air Corporation in my home State of Maryland, which has written to me to express their opposition to the Bass amendment. Let me quote from the letter.

> The ATP enables organizations to share costs, risks, and technology expertise in precompetitive R&D. By pooling resources, it allows projects to be pursued that otherwise would lie dormant. Smaller companies frequently want to work with larger ones to gain access to skills, technology, funding and potential customers available in no other way. Cooperative research programs like ATP strengthen small companies measurably. The Bass amendment kills this.

The House appropriators have already reduced ATP funding by $12.3 million, from $192.5 million in fiscal year 1998 to $180.2 million in fiscal year 1999. Further, they cut new awards by 48 percent. Last year the National Institute of Standards and Technology spent $82 million on new ATP projects. Under H.R. 4276, NIST would be limited to only $43 million in new awards. That already is a $39 million cut.

The House appropriators have cut ATP enough. The effort to eliminate new ATP awards is simply an effort to kill the program, not reprioritize funding in the Commerce-Justice-State Appropriations bill.

Last year, Mr. Chairman, I introduced and the House passed and the committee approved, obviously, H.R. 1274, which was the National Institute of Standards and Technology Authorization Act of 1997. H.R. 1274 makes important changes to ATP.

What it does is, it includes language to reform the grant process by requiring that grants can only go to projects that cannot proceed in a timely manner without Federal assistance.

The bill also increases the match requirements for ATP grant recipients to 60 percent for joint ventures and non-small business single applicants.

☐ 1845

Through these reforms, the House is moving ATP in the right direction. We have reformed it.

Just last week, the Senate passed S. 1325, the Technology Administration Authorization Act. That bill also authorizes ATP and includes many of the same reforms that were contained in H.R. 1274.

Both the House and the Senate authorizers include money for new ATP grants in fiscal year 1999. The Senate bill would allow for roughly $67 million in new awards while the House includes roughly $13 million. Since the final ATP authorization for fiscal year 1999 has yet to be worked out, the House appropriations figure of $43 million in new grants seems appropriate.

Mr. Chairman, the bottom line is that if you zero out new awards, you kill the ATP program. I believe that we should reform it, and we have been doing that, and not kill it. It is a true partnership.

With the passage of H.R. 1274 and S. 1325, the House and Senate have taken strong, positive steps to reform ATP. Let us not reverse course now.

Last year, Mr. Chairman, a similar amendment to end ATP and transfer money to another worthwhile project, in that case juvenile crime prevention, failed by a vote of 163–261. The Bass amendment should be defeated as well.

Mr. Chairman, I ask all my colleagues to support cooperative research to strengthen our economy. Vote "no" on the Bass amendment.

Ms. STABENOW. Mr. Chairman, I move to strike the requisite number of words.

Simply today we are talking about creating jobs for the future for our constituents, for American workers, or whether or not we are going to stand by and refuse to invest in the kinds of partnerships that will create new technologies to create those jobs. In Michigan, we have put together a number of ATP projects that have been extremely positive. One is the Auto Body Consortium.

The gentleman introduced this amendment by talking about Ford and General Motors, Chrysler also falls in that category, as receiving dollars. They have not received individual dollars for individual projects. They are part of a consortium of universities, small businesses and the auto industry to work on high-risk, cutting-edge, new technologies so that we can compete with foreign automobile companies. That is the bottom line. ATP has been a contributing factor in bringing together, and sometimes the most contributing factor in bringing together industries, so that instead of competing as they do on a daily basis, they can work together as an industry on behalf of American workers and American business to compete and create new efficiencies and new technologies so that we can be effective in keeping jobs here in America rather than having them be overseas. The ATP contributes to a valuable new culture of cooperation in U.S. industrial R&D.

In one study of more than 400 organizations working on ATP projects, nearly 80 percent worked on the project in collaboration with other companies, universities or Federal labs. Eighty-five percent of these reported that the ATP played a significant role in bringing the collaborative relationship together. I can speak firsthand in Michigan for the fact that that is true. Corporations, businesses are busy working, focusing on the bottom line week to week, quarter to quarter. The ATP allows them and creates an incentive to bring them together on an industry basis to look long-term. That is what we need as Americans, to be looking long-term as far as jobs are concerned.

The results of ATP-sponsored research, commercialized by private industry, are starting to emerge from laboratories and enter the marketplace. I would like to just briefly mention three.

One of the earliest ATP projects, a collaborative effort to develop a suite of advanced manufacturing technologies for the printed wiring board industry, PWB, resulted in new materials, testing, imaging and production techniques that have been credited by the National Center for Manufacturing Sciences with quite literally saving the roughly $7 billion United States PWB industry with its approximately 200,000 jobs. ATP has been credited with quite literally saving 200,000 jobs and an entire industry.

An ATP joint venture in the automobile industry as I mentioned earlier that included several small and mid-sized manufacturers and universities in Michigan resulted in manufacturing monitoring and control technologies that have led to significantly improved dimensional tolerances, improving vehicle quality and customer satisfaction. One economist has projected that the project's market-share boost for U.S. auto manufacturers has resulted in thousands of new jobs and a $3 billion increase in the U.S. industrial output within the next two years. We are talking about jobs, high-paying jobs for my constituents and the constituents of my colleagues.

Finally, the ATP was instrumental in promoting the research that led to today's DNA chips, miniaturized genetics labs that offer fast, up to 1,000 times faster than conventional methods, faster, accurate, low-cost genetic analysis. Early spin-offs of ATP projects in this area already are being used in agriculture and food and cosmetics testing as well as the obvious applications in drug discovery, human-genome research, and biomedical research.

We are talking about the ability to increase the quality of life for our constituents, their health, their jobs, their food safety and the ability to move forward and compete in a world economy in partnership, around the world. We are competing against teams, teams of business, labor, government, education on the other side of the ocean. We have to have those teams in place.

The CHAIRMAN. The time of the gentlewoman from Michigan (Ms. STABENOW) has expired.

(On request of Mr. BASS, and by unanimous consent, Ms. STABENOW was allowed to proceed for 30 additional seconds.)

Mr. BASS. Mr. Chairman, will the gentlewoman yield?

Ms. STABENOW. I yield to the gentleman from New Hampshire.

Mr. BASS. The gentlewoman from Michigan has made a great case, it sounds like heaven on earth, but I think it is important to point out that these three automakers made almost $20 billion. ATP would be .005 percent of their entire profits. The reality is that they could fund the entire consortium.

Ms. STABENOW. If I could reclaim my time for a moment to indicate, this is about the ability to bring together competitors, to work together in a cooperative way on behalf of American workers. ATP allows them to do that.

Mr. SUNUNU. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment for a number of reasons, not least of which is the fact that even the strongest proponents of the ATP readily admit that its value, its subsidy goes almost exclusively to otherwise profitable corporations, many of them the largest corporations, not just in the United States but the largest and most profitable corporations in the entire world. They use phrases like cost-sharing and risk-sharing, but where I come from, that is simply a euphemism for subsidy.

These are subsidies to very large corporations that are undertaking research and development, the vast majority of which otherwise would undertake that very same R&D because they know it makes good business sense to invest in these new products and in some cases even in emerging technologies.

Risk-sharing. We somehow think that risk-sharing is something that the Federal Government, that the United States should be intimately involved in and taking taxpayer dollars and somehow subsidizing these risks. But the fact of the matter is we have a very well-developed venture capital industry in this country, most certainly the most well-developed, most sophisticated venture capital industry in the world, that has a keen ability to go out and find new technologies, find new products, find new companies in which they can invest profitably. The idea that somehow the United States government, that a number of bureaucrats sitting around in an office somewhere in Washington, D.C. has the intellectual acumen to compete with the greatest minds in the world who are investing in ventures every day is ridiculous.

I think what it comes down to are two things, two reasons that people insist on trying to subsidize R&D for these profitable corporations year after year after year: First, perhaps politicians want to take some credit for creating jobs. They want to feel that they can take taxpayer money allocated for one part of the country to another in some sort of a company, some sort of a venture and then take credit for jobs that might somehow be related to that investment. But that is not really what we are here to do. We are here to create an economic climate in which jobs can be created. We are not here as elected officials or bureaucrats that might be appointed in Washington to somehow decide what the technological winners and losers in our economy ought to be. The notion that we somehow can pick the new technologies, the new products that are going to create jobs for companies tomorrow as elected officials is simply wrong. We might be able to find one or two projects or even five or 10 projects where some job was created, and I would certainly hope that after spending billions of dollars, the ATP can point to at least a couple of successes, but the ultimate question is whether or not we are going to engage in this kind of corporate welfare year after year after year.

We can also just as easily point to the areas where we have subsidized or tried to subsidize otherwise profitable industries or mistaken technologies at the expense of the taxpayer. There was a movement in this Congress eight, 10 years ago to subsidize the static memory industry, the D-RAM industry. It was the be-all and end-all of technology investment. We needed to be competitive. This was the future of the country. The fact of the matter is today the static memory business is one of the least profitable businesses in the entire world. If we had followed the industry policy wonks down that road, we would not have wasted millions or tens of millions of public money, we would have wasted hundreds of millions.

High definition television. The Japanese government wasted billions of dollars developing a high definition TV standard that ultimately will be a laughingstock, because the private minds, the private sector was willing to take risks, invest in new technology, evolve technology, and ultimately it is a private sector-developed standard that will dominate the HDTV industry if and when it finally does arrive.

Politicians and bureaucrats cannot and should not pick winners and losers in industries across the country. We should not play off one industry against the other; the telecommunications industry against the pharmaceutical industry, the pharmaceutical industry against biotechnology, biotechnology against textiles. That is wrong. It is not just wrongheaded, it is not just intellectually wrong, but it is morally wrong, to take taxpayer funds from hardworking people who may not be in an industry that is getting the big subsidy, take their tax dollars and do not just give it to another industry but give it to some fat cat in a Fortune 500 company that is raking in billions and billions of dollars of profits every year.

We need to take a stand against that kind of wrongheaded technology policy and industrial policy. We need to take a stand against corporate welfare. We need to support the gentleman's amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge my colleagues to join me in voting against this shortsighted amendment, because it restricts American investment in new ideas. It is ideas and the whole process of innovation that cause economic growth. We should be nurturing new initiatives and providing opportunity for their development, not foreclosing them as this amendment seeks to do.

In light of the comments of my friend and colleague from New Hampshire, let me tell you the story of a handful of research scientists from Springfield, Virginia. These researchers were studying methods of detecting minute concentrations of chemicals. Existing technology measures radiation output to identify these chemicals. However, when detecting extremely minute quantities, naturally occurring background radiation creates too much noise to provide useful measurements. To overcome this problem, they conceived of a sophisticated multiphoton detector which could not only measure the rate of radiation decay but the type of decay as well, effectively eliminating all background noise. Eventually we will all be able to see the importance of developing this technology. But the lenders and venture capitalists were wary of investing in what had to be considered a high-risk project.

□ 1900

With a $1.7 million grant, not a big grant, but $1.7 million from the Advanced Technology Program, they successfully developed the multiphoton detector. The detector is currently undergoing final testing, and the company is seeking premarketing approval from necessary regulatory agencies.

Over the next few years these few researchers hope to take their firm public. They anticipate revenues of $88 million, and they expect to employ about 300 full-time employees, jobs and economic growth that would not have occurred had it not been for the ATP program.

The benefits of this new detection system will have broad applications throughout society. Doctors can look for certain particles in minute traces of saliva rather than invasively drawing spinal fluid. There are applications for this product in health care, environmental protection, even processing materials to build sensitive items like semiconductors.

When these researchers could not get financing from private sector local lenders and venture capitalists, they had to turn to the Advanced Technology Program. Without the ATP, the only option left to them would have been to develop this product overseas.

Now China and Korea and Japan all realize the importance of funding high-risk research that will have broad benefits to their economy and society. If we relinquish our role as the world leader in fostering technological innovation, then we can expect a decrease in market share for all our technological products and a corresponding loss of American jobs.

Mr. Chairman, I do not think that this amendment is in America's interest. I think the Advanced Technology Program is in America's interest. This amendment would hamper growth. We need to be finding ways of sustaining and expanding growth. This amendment would stifle innovation. We need to be encouraging innovation in every way possible.

Mr. Chairman, I urge my colleagues to vote a resounding "no".

Mr. SUNUNU. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, I just want to clarify that I am a strong proponent of Federal programs that invest in basic R&D, and I would point to the National Science Foundation, $2.2 billion or so that we will invest this year through universities and laboratories and colleges all across the country. And my question would be: What exactly is the difference between the kinds of projects that the gentleman describes and the National Science Foundation programs?

The only fundamental difference that I can see is under ATP the projects and the subsidies are going towards corporations, again, the largest corporations in the country for the most part. Why can we not consolidate whatever efforts they have with the NSF, which is already well-founded, well-funded and undertaking true basic research rather than subsidizing?

Mr. MORAN of Virginia. Mr. Chairman, as the gentleman knows, ATP is much more focused on the private sector, on the small business community who aspire to bring companies public, to develop private sector jobs. NSF is much more university oriented, more academically oriented.

They do compliment each other, they are not mutually exclusive, and that is the point I wish to make, that ATP does play a role. It is a complimentary role. It is kind of a last resort opportunity for firms that know that they have a good idea, they have to compete with other good ideas and have to be fully reviewed, and I think it is a great deal of scrutiny they are exposed to.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. MORAN) has expired.

(By unanimous consent, Mr. MORAN of Virginia was allowed to proceed for 1 additional minute.)

Mr. SUNUNU. Mr. Chairman, would the gentleman yield further?

Mr. MORAN of Virginia. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. The gentleman's point that the ATP funding is going to the private sector and companies that already exist emphasizes exactly the point that those of us that oppose the program are trying to make, and that, is the beneficiaries or private companies in most cases are already earning a profit, already undertaking this research, and we ought not to be subsidizing those private sector profitable initiatives.

Mr. MORAN of Virginia. I think the government has a synergistic role with the private sector, particularly in areas like this.

Ms. STABENOW. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentlewoman from Michigan.

Ms. STABENOW. Mr. Chairman, I might just add one point, and that is, the universities are in fact doing their research under ATP in cooperation, as the gentleman indicated. The private sector is involved in sharing information, but the dollars are not going to the major industries themselves. They are going to a consortium. The universities and small businesses have been contracting for those dollars, so we are talking about university-based research, as the gentleman is aware.

Mr. MORAN of Virginia. Mr. Chairman, I am glad the gentlewoman from Michigan clarified that.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Bass amendment, and I want to take some time to go through some basic facts about the program. But before I get into issues like the mission and how grants are made, I want to address the small business participation in ATP because I have a suspicion that my friends on the other side of the aisle are using data that is not completely up to date.

Although the ATP makes no special allowance for small businesses, the results of the first 8 years of the program show that small and mid-sized firms are in fact very successful at ATP competitions. Since 1990 ATP has made a total of 352 cost-sharing awards to individual companies or industry-led joint ventures. One hundred eighty-five of these awards, more than 50 percent, went to small business.

It is not, as my friends keep saying, that the vast majority of these dollars are going to large corporations. They are, in fact, going to small businesses. Other small businesses are also involved in joint R&D ventures supported by the ATP by forming strategic partnerships with larger firms. My colleague from Michigan pointed out that the dollars go to the venture itself, not to the composite corporations. So small businesses are participating fully in these kinds of opportunities along with larger corporations, and universities as well.

To go back to the basic mission of the Advanced Technology Program, it is meant to develop technology to benefit the United States economy. The goal of the ATP is to benefit the U.S. economy by cost-sharing research with industry to foster new innovative technologies. The ATP invests in risky, challenging technologies that have the potential for a big payoff for the Nation's economy.

These are the projects that traditional venture capitalists tend to shy away from, but there is a view that this could have a big payoff for us as a Nation. These technologies create opportunities for new world class products, services and industrial processes, benefiting not just the ATP participants but other companies and industries, and ultimately taxpayers as well. By reducing the early stage R&D risks for individual companies, the ATP enables industry to pursue promising technologies which otherwise would be ignored or develop too slowly to compete in a rapidly changing world market.

One of the things that was found in a survey of ATP participants is that many felt that the technologies would not have been developed with the same speed were it not for the ATP program. And the reality is, and I will not yield until I finish my presentation, the reality for far too many corporations in this country is that R&D is now heavily D and very little R, and that is where the ATP program steps in.

Unlike comments from my colleague from New Hampshire, ATP is not government-driven, it is industry-driven. Research priorities are set by the industry, not the government. For-profit companies conceive, propose and execute ATP projects and programs based on their understanding of the marketplace and research opportunities, so the genius that my friend from New Hampshire was talking about is indeed a part of this proposal. The ATP selection process, which includes both government and private sector experts, identifies the most meritorious efforts among those proposed by industry.

ATP is not about product development. The ATP does not fund companies to do product development. ATP funds are indeed to develop high-risk technology to the point where it is feasible for companies to begin product development. But they must do that on their own with their own money, and of course companies must bear the full responsibility for production, marketing, sales and distribution. So the idea that the ATP program is used to subsidize entire industries is patently untrue. It does not happen that way.

The ATP is fair competition. Those competitions are rigorous, fair and based entirely on technical and business merit. Small companies compete just as effectively as large companies. As I said over and over, more than 50 percent of the grants go to small companies within the ATP program.

The ATP is a partnership. It is not a free ride for winning companies. On the average, industry funds more than half the total R&D cost for ATP projects. The industry itself funds more than half the total R&D cost for ATP products, and the ATP program is evaluated. Critical evaluation of the ATP's impact on the economy is an important part of the program.

ATP is not corporate welfare for large companies. The ATP is a competitive, peer-reviewed, cost-shared program with industry. The ATP's sole aim is to develop high-risk, potentially high-payoff enabling technologies that otherwise would not be pursued or would be pursued much more slowly because of technical risks and other obstacles that discourage private investment.

Because of these reasons, I support very strongly the ATP program and oppose this amendment.

Mr. BASS. Mr. Chairman, will the gentlewoman yield?

The CHAIRMAN. The time of the gentlewoman from Michigan (Ms. RIVERS) has expired.

(On request of Mr. BASS, and by unanimous consent, Ms. RIVERS was allowed to proceed for 15 additional seconds.)

Ms. RIVERS. I yield to the gentleman from New Hampshire.

Mr. BASS. Mr. Chairman, I would not disagree it is the most competitive corporate welfare program around, but does the gentlewoman from Michigan (Ms. Rivers) believe that ATP funds should not be awarded to companies that say that they would have developed the product anyway, as 42 percent of them did say?

Ms. RIVERS. I think when my colleague looks at the real data, that what he will find, and I know and I am familiar with the study, and if the gentleman had been at the Committee on Science, he would have seen a lot of the problems with that study when we reviewed it.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to urge my colleagues to vote once again, just like last year, to reject the anti-ATP amendments offered by my colleagues from New Hampshire and California, Mr. BASS and Mr. ROYCE. It is my understanding that the gentleman from California (Mr. ROYCE) is likely to offer a similar amendment later on in this bill that would cut everything but closeout funding for the ATP program.

Instead, I would urge my colleagues to recognize the Advanced Technology Program for all the work it does ensuring America's competitiveness and bringing together the many separate research efforts constantly being undertaken by American industry, universities and the Federal Government.

Right now in this country, Mr. Chairman, we are fortunate enough to be part of perhaps the most vibrant, robust economy in the world. In this atmosphere I can understand why some of my colleagues would want to make sure that we are not unnecessarily diverting Federal resources toward anything resembling corporate welfare.

But the fact of the matter is, although American companies are visibly in the forefront of developing software and computer technologies and a number of other high-tech innovations, amazingly, U.S. manufacturers actually trail their international competitors in developing these technologies. This lag in the application of technology is something we can address through a partnership of industry with the government, and this is something we can do for relatively small sums.

I urge my colleagues, when they look at how strong the American economy is, let us continue to look for ways to make it stronger. Economists agree that the application and adaptation of technology is a key part of our economic growth. The ATP program is one of the few tools available to us in the Congress that can make a difference in this area.

While we debate this important issue our competitors are already convinced of the wisdom of assisting technology application and adaptation. Japan and the European Union are each spending billions a year on their counterparts to the ATP.

Mr. Chairman, none of us here would advocate unilateral disarmament in the face of military threat to the

United States, but ATP is an investment in our economic engine. It is an investment in our economic security.

I urge my colleagues to continue to support the ATP program as a relatively modest Federal investment reaping impressive rewards. This program rightly supports both small business and the commanding heights of American industry.

I urge my colleagues to support this bipartisan program initiated under the Bush administration and continuing with the support of both Democrats and Republicans, and urge a vote against Mr. BASS' amendment.

Mr. KANJORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I could not resist this argument today because as I listened to it, and I have some good friends that are making it, all I could think of was back in about 1480, some 518 years ago, I suspect that in the country of Spain there was the leadership of Spain arguing with a rather novice voyager known as Christopher Columbus, arguing the proposition of whether the world was flat or round.

□ 1915

Luckily, Mr. Columbus won that argument, both in the persuasion of being financed for his voyage and establishing the proposition by virtue of his voyage.

Then I wonder, in the early 19th century, in 1830 and 1840 in this country when public education was a hot issue and it was argued whether it was the role of government to guarantee primary or secondary education to all the students of this country, the proposition by the wealthy, the proposition by many of the well-intended, was that is not a role of government, and we should not divert resources of the government for the purposes of private education.

I suspect that if we checked the CONGRESSIONAL RECORD of about 1943 or 1944, there was very strong argument on that very same proposition when the GI Bill of Rights and the payment for college education for the returning veterans was also argued in this great Chamber.

I would argue and offer as evidence a proposition to my friends: If we would look back to 1946 in the City of Philadelphia and the great invention of the first computer, the first computer was financed by the United States Government in its entirety. It was developed at the University of Pennsylvania in Philadelphia in 1946, and Philadelphia is not Silicon Valley. As a matter of fact, Pennsylvania is not the computer center of the world. But, from some of the reports that I have read, more than 23 percent of the employees now working in the United States would not have their jobs if it had not have been for the invention of the computer.

Now, I have heard my friends argue on the ATP question that it is subsidization and corporate welfare. Very nicely charged, emotional words. And then I have heard the comment that there is all that venture capital out there.

Well, I suggest, one, if you really believe there is all that venture capital out there, go back and read some of the record and hearings of the Subcommittee on Economic Development of the Committee on Banking and Financial Services four, five and six years ago, where the venture capitalists of this country were called in, the technology people of this country were called in, and they readily admitted that taking an idea or a technology from bench model to commercialization was the greatest impacting device in America of how to accomplish this.

Yes, when you have a proven technology that is ready to be commercialized tomorrow, you can go to Wall Street or you can go to the stock market and raise your venture capital. But I venture to say if you have a brilliant idea and it is not yet commercialized, it is extremely difficult and extremely frustrating in this country to raise the funds to develop that to a commercial state.

What we are talking about here is not, as one of the gentleman said, why do we need corporate welfare in the strongest economy in the world? Because the investments we are arguing for today are not for tomorrow, but for 5, 10, and 15 years from now, if we want to maintain our superiority in technology indeed in the world. And what are we arguing about for more than an hour? Twenty cents per man, woman and child in this country. That is what the ATP system allows.

We have heard comments, what does EDA create, the Economic Development Administration? Well, I can tell you, in my district I can account for at least 3,000 to 5,000 jobs through the Economic Development Administration, and many of those are grants to private small companies that would never have been able to become a competitor in their industry or field without some basic support from the United States Government.

Is it sinful for the government to encourage inventive people, entrepreneurs, to take new technologies that create new unimagined wealth and support that in some little way? I argue not.

I think the invention of the computer proves my adversary is wrong.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the course of our debate we will always face a series of dilemma. We have faced it with respect to juxtaposing economic development and advanced technology against the need for Drug Courts and the need to decrease the utilization and the criminal element of drug use. I find that a very commendable posture, and certainly those who have come to the floor to debate that are committed as well to that mission.

But I think we have been moving in the wrong direction, and previously we discussed eliminating or decreasing the funding for the Economic Development Agency, again not recognizing the need for domestic infusion of dollars to help the economy.

My communities in Houston are distressed in many neighborhoods and economic development monies are key to their survival and the creation of jobs. Now we come to eliminate or to decrease the ATP funding some $43 million.

Well, Mr. Chairman, I have in my hand pages and pages of awards to the State of Texas, some 14, and in refuting my colleague's presentation about corporate welfare, I have tried to look and find the large conglomerates on this list. Mr. Chairman, I cannot find them. They are the small firms who have the genius, but not the capital. They are the universities who have the academicians and the bright students, the Ph.D. candidates who, time after time, come up with solutions to help us make this Nation and the world a better place. These are the recipients of the ATP funds, and I reject the premise that this is corporate welfare.

This is helping those who cannot go even to their neighborhood bank or the large conglomerate bank because they have an idea, they do not have a marketable entity. These are grants that are not Wall Street-type monies, billions of dollars, but these are grants to help people get started.

The Advanced Technology Program has already led to better liquid crystal displays. I would venture to say that most of us would sit down and wonder what are liquid crystal displays. Also more accurate and faster DNA testing and better sunscreens. These small and probably not recognizable, except for DNA, of course, scientific advancements, came about through the ATP program.

These improved products are not only beneficial to our economy because they produce marketable and successful goods, but they also improve our overall quality of life.

I can tell you, Mr. Chairman, with 101, 102 and 105 degree temperatures in Texas right now, I would venture to say there is a lot of sunscreen being used. It may not be the only answer, but I can tell you it helps us out a lot. Better sunscreen means more people can enjoy the outdoors. In this instance we can come outdoors with a little sunscreen. Better LCD's means lighter and better displays on computers and watches. For those of us needing to see a little better these days, that is an advancement.

So, Mr. Chairman, I would say we need to dispel the notion that advanced technology programs are corporate welfare. In fact, more than half the grants dispersed through the program go to small businesses and universities. These institutions need and deserve our help.

Academia and small businesses are an indispensable ingredient in the foundation of our modern society, and we must do our part to make sure they retain their position and we retain our position as a prominent leader in scientific advancement and as a prominent leader in using science to advance our economy.

One of the issues we discuss readily in the Committee on Science is the Nation's position internationally in the competitive arena of math and science. Math and science go to, as well, our position in advancing and discovering new technology.

The ATP program puts us in a position to encourage those small businesses to ensure that we do have the right kind of funding to advance our position internationally. By cutting the funding for this program, we abandon a commitment that we made to the American people, which guarantees them that they will almost have immediate access to better products at an affordable price.

Cutting the ATP and EDA program looks domestic support and domestic investment in the face and ignores our responsibilities.

Mr. Chairman, I would ask my colleagues to defeat this amendment and support the Advanced Technology Program.

Mr. Chairman. I rise to oppose this amendment, which increases the funding for law enforcement, offsetting that increase with a budget cut in the Advanced Technology Program (ATP).

I agree that law enforcement is an important issue, however, my problem with this amendment is where it takes its money from. The Advanced Technology Program provides valuable services to the entire nation, both directly and indirectly.

Under the terms of this amendment, the funding for ATP would be decreased by $43 million dollars. That amount is exactly the amount for new awards for 1999. This program has served us well, and is a proven commodity. It is my firm belief that we ought to be increasing its funding rather than decreasing it.

The Advanced Technology Program has already led to better Liquid Crystal Displays (LCDs), more accurate and faster DNA testing, and better sunscreens. These improved products are not only beneficial to our economy, because they produce marketable and successful goods, but they also improve our overall quality of life here in the United States. Better sunscreens means more people can enjoy the outdoors without worry, and better LCDs mean lighter and better displays on our computers and watches.

I also want to dispel the notion that the Advanced Technology program is corporate welfare. In fact, more than half of the grants that are dispersed through the program go to small businesses and universities. These institutions need and deserve our help. Academia and small business are indispensable ingredients in the foundation of our modern society, and we must do our part to make sure they retain as prominent a role in our economy as multinational conglomerates.

Almost all of us agree, that our partnership with the private sector in the area of science has greatly benefitted our economy. If you have any doubts, just look to the Technology Transfer Act that was passed just a few weeks ago. By cutting the funding for this program we abandon a commitment that we made to the American people, which guaranteed them that they would have almost-immediate access to better products at an affordable price.

I urge all of my colleagues to vote against this amendment, and to assure the American public that we stand committed to the well-being of this Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. Bass).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BASS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. Bass) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $2,371,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in subparagraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: *Provided further*, That for the purpose of distribution of grants under the Local Law Enforcement Block Grant Program in the State of Louisiana, or any other State the Attorney General finds as having provisions within its constitution similar to those of Louisiana which establish the office of the sheriff in such State as an independent elected official with its own taxing and spending authority, parish sheriffs shall be eligible to receive a direct grant of 50 percent of the funding otherwise provided to the parishes; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $730,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $25,000,000 shall be available for the Cooperative Agreement Program, and of which $15,000,000 shall be reserved by the Attorney General for fiscal year 1999 under section 20109(a) of subtitle A of title II of the 1994 Act; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $200,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $23,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: *Provided further*, That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, and $1,196,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $39,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $15,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section

220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 1999: *Provided further*, That funds made available in fiscal year 1999 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT NO. 9 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SCOTT:

Page 28, line 5, insert after the amount ‘(reduced by $105,000,000)’ and insert as follows:

Page 27, line 8, after the amount insert ‘(increased by $36,500,000)’;

Page 28, line 14, after the amount insert ‘(increased by $13,000,000)’ and on line 16 after the amount insert ‘(increased by $8,000,000)’;

Page 29, line 17, after the amount insert ‘(increased by $12,000,000)’; and

Page 30, line 3, after the amount insert ‘(increased by $35,000,000)’ and on line 4 after the amount insert ‘(increased by $500,000)’:

Mr. SCOTT. Mr. Chairman, this amendment would transfer one-half of the funds in the Truth in Sentencing Incentives Grant program, approximately $105 million, to crime prevention, drug treatment and family resource programs.

Mr. Chairman, there are several reasons to move funds from the Truth in Sentencing Incentive Grant program to these other programs, the first of which is that half of the States do not even qualify for the truth in sentencing grants. States like Kentucky and West Virginia and Massachusetts do not even get funds out of this program.

Second, Mr. Chairman, the truth in sentencing funds can only be spent for prison construction. At this point, some of the States that do qualify have already overbuilt prison space. For example, my own State of Virginia is trying to lease out to other States and the Federal Government some 3,200 excess prison beds. There is no reason for us to spend money to build prison beds in States that do not even need them.

Third, Mr. Chairman, that we encourage States to adopt truth in sentencing systems is of dubious value. The so-called truth in sentencing scheme is actually the half-truth in sentencing. Proponents of truth in sentencing tell you that no one gets out early. That is the half-truth. The whole truth is that no one is held longer either.

Mr. Chairman, when States adopt truth in sentencing schemes, the first thing they always do is to reduce the length of sentencing judges have been giving under the parole system and then direct the defendant serve all of the reduced sentence.

For example, under a parole system, if a judge says 10 years, the average defendant will serve about a third of the time, with the lowest risk prisoners getting out as early as two years. But the worst criminals who cannot make parole serve the whole 10 years.

But with truth in sentencing, everybody gets out at the same time. If the new sentence is 3⅓ years, you get 3⅓ years, you serve 3⅓ years. The problem is that the lowest risk prisoners under that system will serve more time, while the most dangerous criminals who could not make parole and would have served all 10 years now get out in one-third of the time.

If the State were to double the average time served, the worst criminals would still get out earlier than they do under the parole system. In fact, even if the State tripled the average time to be served, the worst criminals would then serve the same 10 years that they would serve under the parole system. The primary difference is that the taxpayers would have been bilked out of billions of dollars by funding a politician's campaign slogan that has nothing to do with reduction of crime.

Mr. Chairman, States are already spending tens of billions of dollars on prison construction every year, so this $105 million spread about the few States that actually qualify cannot possibly make any difference in the number of prison beds to be built, much less have any effect on the crime rate. But if that money is spent on prevention and treatment, we can make a significant difference in crime.

For example, Mr. Chairman, the amendment provides for $36.5 million to go to increasing funds for building and running Boys and Girls Clubs and public housing and other sites for at-risk youth. Boys and Girls Clubs have been shown through study and research to be a cost effective way of reducing crime for at-risk youth. The amendment also provides $37 million for residential drug treatment for prisoners before they are released, and approximately $75 million for Drug Courts. Both prison drug treatment and Drug Courts have been shown not only to significantly reduce crime, but also to save money.

The money for court-appointed special advocates, child abuse prevention, training and law enforcement and family support will reduce family violence and child abuse, which have been shown to reduce future crime.

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We can all agree that assisting families of law enforcement officers who have died in the cause of duty is an appropriate thing to do.

Mr. Chairman, I ask my colleagues to support this amendment, reduce crime, and save money.

Mr. DELAHUNT. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I rise to support the gentleman's amendment because it makes sense. I think a little history is in order here. The so-called truth-in-sentencing grants, the statute authorizing these grants was enacted back in 1994.

From then until now, a GAO study reports that only four States changed their statutory practices to comply with these grants, only four States. In 4 years, there have been some 27 States that could in fact file an application to secure these grants, but it was clear that it was not the truth-in-sentencing authorizing legislation that encouraged those States to do it, they decided to do it on their own, as they should.

It has also become clear that the 24 other States that do not qualify under the truth-in-sentencing grants have no intention to change their current statutory practices to qualify for these grants.

By the way, as the gentleman from Virginia alluded to, there is absolutely no evidence that the monies that have already been expended through these grants in any way, shape, or form reduce crime or violence in this Nation. In fact, the 24 States that are not in compliance show a similar decline in violence and crime as those who have adopted a truth-in-sentencing statutory scheme.

It does make common sense. In fact, it might be worthy of consideration that this particular program over a period of time be phased out. The gentleman seeks only to remove one-half, $105 million, from the truth-in-sentencing source for other programs.

He has enumerated them in his own statement: prison drug treatment programs, boys and girls clubs, the drug court program, child abuse training programs. These programs, these programs would be available to every single State in the Nation.

As I indicated, or as the gentleman from Virginia indicated, in my home State, the Commonwealth of Massachusetts has seen a dramatic decline in crimes of violence. In fact, the city of Boston has been used over and over again as an example of programs that do work in terms of prevention and treatment. Yet, the Commonwealth of Massachusetts is not in a position to seek monies and funding because of the mandates under the truth-in-sentencing statute.

So it does make sense. It is more fair. If we can divert these monies into programs that have been proven to work, every State in the Nation will benefit. Mr. Chairman, I urge my colleagues to vote yes for the Scott amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment because it basically takes $105 million from the State prison grant program. Regardless of where the money would go, that is the thrust of this amendment. That would cut the resources that we have provided in this Congress to build and expand much needed prison space.

Show me one State in the Nation, I say to the gentleman, that is not overcrowded in their prison space, and I want to look at it very carefully. Even the Federal prison space is overcrowded.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I could ask two questions. One, I would ask, does the gentleman know Virginia is renting out space to other States because we have 3,000 beds we do not need?

The other question is, could the gentleman tell me why Kentucky did not get any money at all from there?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, and the gentleman will have his time, the gentleman's amendment is an attack on a very important crime policy that passed this Congress, the policy that requires persons who commit crimes to be held accountable by serving prison time that fits the crime.

If a State wants to take advantage of those funds, then they can do so, including my own State. I would hope that they would.

The gentleman has offered amendments the last 3 years that would do nothing more than undo that policy. The point he is trying to make is that prisons do not work. I think that is what he has said in the past. A lot of us disagree. His attempts have failed before here because it is recognized that crime is reduced when violent criminals are locked up and off the streets, which this policy does for the Nation.

Before Congress passed the violent offenders truth-in-sentencing law, violent offenders were serving only about 43 percent of their sentences. That means in 1994 murderers with an average sentence of 16 years were released after serving only 7½ years. Rapists sentenced to 9 years were released after serving less than 5 years, Mr. Chairman.

When we passed this legislation as part of this bill in 1995, only 12 States were truth-in-sentencing States. Now more than half of all States lock up their offenders for at least 85 percent of their sentences, what the juries in those States gave the criminals.

This program is the only source of funding to help States build prisons. With this money States build prisons, jails, juvenile facilities. They have developed tougher sentencing policies, policies that assure offenders serve at least 85 percent of the jury-imposed sentences. They deserve the support of Congress to ensure that adequate bed space is available to maintain those policies.

While the gentleman's amendment would increase funding for other important crime programs, the bill already provides substantial increases for those programs. For example, we already provide a $9 million increase for Violence Against Women Act programs, $9 million more than the President asked us to spend. We provide $63 million for the State prison drug treatment program. We already provide $40 million for drug courts, a $10 million increase over the current fiscal year. We added another $3 million earlier today, for a 43 percent increase in the funding for drug courts, which all of us agree are good things.

The gentleman's amendment would also earmark an additional $56.5 million in funds from the local law enforcement block grants for Boys and Girls Clubs, for which the bill already provides a $20 million boost. This would take away much needed funds for locally driven crime priorities, such as law enforcement personnel, overtime pay for police, technology for police, equipment for police, safety measures in schools, and drug courts.

Crime is down across the country because we have provided a full arsenal of anticrime measures: more police with the tools and equipment they need, more prison space to make sure that criminals are held accountable for their crimes and are not rearrested by these police after they are released prematurely, and quality prevention programs designed to reduce risks, after their release.

We cannot afford to lose the ground we have gained. Last year, Mr. Chairman, 291 Members, Republicans and Democrats, voted to support the prison grant program and defeated the gentleman's amendment, which would have gutted the program. I urge the House again to defeat this amendment.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I feel very strongly that we have an established pattern that is working relatively effectively, as the chairman has just said, with respect to what the Federal government's role is in attempting to assist the States to reduce an enormously big violent crime problem that has faced this Nation for some time.

The amendment of the gentleman from Virginia (Mr. SCOTT) would take away a great deal of the incentive program that we have established in order to provide the resources for the States to accomplish this.

The truth-in-sentencing grant program that was adopted in 1995 has been very successful. It has provided a change in the way the States behave with respect to certain aspects of how they sentence and how long people serve those sentences. Unfortunately, not enough States have adopted this program that we have suggested, so far.

We started out, as the gentleman from Kentucky (Mr. ROGERS) said, in 1994 with only 12 States requiring prisoners to serve at least 85 percent of their sentences. We now have more than half the States who are on that program, who have laws that require that, at least in part. I think in large part those States that went through this procedure did it because they either knew or were interested in getting the prison grant monies that were under this bill.

We need the other States to come into compliance, because the average length of sentencing at the time we started this process being served in this country was about 33 percent; that is, the amount of time they served for what they were given, it is now up to somewhere around 38 to 40 percent, but it is still a very significant number in the sense that it is on the low side.

We need every single prisoner in this country to get a message. If we are going to have deterrence, we need that prisoner or that felon who is convicted of these violent crimes to know they are going to serve the full measure, or as much of it as is responsible, of their sentence; at least 85 percent, in every single case, especially violent criminals.

In 1960 we had approximately 160 violent crimes for every 100,000 people in our population, in 1960. At the height of the violent crime crisis in this country, about 4 years ago, when we kind of peaked out before we had these truth-in-sentencing grants for building more prisons and encouraging States to come aboard the 85 percent rule, we had about 685 violent crimes for every 100,000 people in our population.

We have improved that number a little. The crime rate has gone down slightly, only marginally. The last time it was 634 violent crimes for every 100,000 people in our population. Even after the slight reduction in violent crime in this country, it is four times more likely, when we go to a 7–11 at night to buy a carton of milk, that we are going to be raped, robbed, mugged, murdered, or something is going to happen in the way of a violent crime.

That is totally unacceptable. We need to do everything we can to encourage the States, where most of this crime is committed, under State law, to require prisoners to serve at least 85 percent of their sentences.

That is not all that we have involved in this. Statistics show that 40 percent of the persons on death row in 1992 were on probation, parole, or pretrial release when they committed their murders. Those statistics have not changed much since then, unfortunately. Imprisonment is used much less than other methods. On any given day, seven offenders are on the street for every three that are behind bars. I find that a remarkable and awful statistic to think about. We are not now talking about people out on the street not getting any sentence, we are talking about those who get sentences, any sentence, not serving all they should be serving.

I am for boys and girls clubs. I think they are doing a terrific job in our cities. I am for the drug courts. All of us are. But to take money away from the incentive grant program in this bill to encourage States to go to truth-in-sentencing, to encourage States to change their laws to require prisoners to serve at least 85 percent of their sentences, violent prisoners, is wrong.

We need to keep what we have in this bill. We need to proceed to use the money that is available to encourage the States to do what they have not done, in those States that have not. We need to have the President of the United States and our other leaders lead a charge at the National Governors Conference and in the legislative halls of these States that have not complied to change their laws.

This money in this bill could encourage that to happen, and I would suggest it is not going to happen without this money, because if the States cannot house these prisoners, they are not going to be willing to change their laws. If we do not change them and this does not happen, we are going to continue to have an unacceptably high violent crime rate in this country.

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To the degree that that is there, it needs very badly to be continued.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding to me. I just want to bring to his attention a study that was commissioned by the GAO back in February of 1998, this year.

The CHAIRMAN. The time of the gentleman from Florida (Mr. McCOLLUM) has expired.

(By unanimous consent, Mr. McCollum was allowed to proceed for 2 additional minutes.)

Mr. DELAHUNT. Mr. Chairman, if the gentleman will continue to yield, it states, and I am quoting, The truth in sentencing grants were a key factor in four States, in four States.

Mr. McCOLLUM. Reclaiming my time, Mr. Chairman, I do not know anything about that study. I do not believe that that is true. I believe we passed this law in 1995. I know there were 12 States at the time we passed that law that had truth in sentencing, the 85 percent rule. There are now 28 States, I have just confirmed in checking, who have gone to that.

I would believe, from all the evidence I know about as the chairman of the Subcommittee on Crime, from talking to State legislators around the country, from talking to governors around this country, that the incentive grants program in this truth in sentencing had a lot to do with decisions in all of those States. Tell me who did the study and I will be glad to research their study.

Mr. DELAHUNT. Mr. Chairman, I can bring this to the attention of the gentleman, because it is a report to congressional requesters. There were 7, 8 members of the Committee on the Judiciary.

Mr. McCOLLUM. Mr. Chairman, who is the report authored by?

Mr. DELAHUNT. The report is a GAO report. It is dated February 1998. It is described as truth in sentencing.

Mr. McCOLLUM. Reclaiming my time, Mr. Chairman, I will be very glad to look at that. I am glad to know that GAO thinks that. I think they are wrong. I believe that our studies in the Subcommittee on Crime would say they are wrong. I have never seen that report before, never heard of that report. It does not make one wit of difference, because we need to provide such money out there to get them to do the job.

I would seriously contest the validity of any study that shows that. This amendment should be defeated, if we are going to get the 85 percent rule adopted in the other remaining States, the remaining ones other than the 28 that have done it. I urge in the strongest of terms that the Scott amendment be defeated.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding to me.

Again, I just want to report that this is a GAO study. The requesters were members of the Committee on the Judiciary, including members of the Subcommittee on Crime, and it states that according to their research, truth in sentencing grants were a key factor in four States.

The gentleman is right. There were 12 States prior to the enactment of the truth in sentencing incentive program back in 1994 that were in compliance. But my point is specifically this, those States that are not in compliance now show clearly that a decline in crime, in violence is commensurate with those States that have received grants, that the bottom line, common sense dictates that this particular program has done nothing whatsoever to reduce violent crime in this country.

The States know what they are doing. The Commonwealth of Massachusetts, as the gentleman knows, has an outstanding record in the reduction of crime and violence, and they are not in compliance. Let the States do what they know best, not the Federal Government, not bureaucrats in Washington. They know how to deal with the issue of violent crime.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I would like to respond to a couple of things that the gentleman from Kentucky mentioned.

First of all, the amendment is drawn so that the money will come out of the truth in sentencing grant. It is a little complicated because of the way the truth in sentencing grant has been combined with others, but the amount of money, the legislative intent is to take it out of the truth in sentencing grant.

The gentleman from Kentucky also indicated that we have suggested that prisons do not work. What we have said, Mr. Chairman, is that a scheme that increases the time for the lowest risk prisoners and decreases the time for the highest risk prisoners is not the effective use of prison space.

I think it is appropriate now to give an example of what happens when you do these truth in sentencing schemes. As the gentleman whose name is nationally known, Richard Allen Davis, who was in jail on a serious crime, he was given six months to life. He was denied practice parole, denied parole, denied parole, until a California crackdown on crime abolished parole and resentenced everybody. He got 7.2 years. Turned out he had already served it. He was out. He got caught again on a serious offense. You get 8 years, you serve 8 years. They could not hold him longer than 8 years and had to let him out. Then he kidnapped and murdered Polly Klaas.

If there had been a parole system where they could have held him longer, he would still probably be in jail on the first offense and certainly in jail on the second offense. That is why I call it half truth in sentencing, because the half truth is that nobody gets out early, but the whole truth is that you cannot hold people longer.

This scheme also has another little effect. That is that those who are in prison have no longer any incentive in getting the education, the job training that actually makes a difference in recidivism rates. They know the day they get in, they know when they are going to get out so they do not have to get any education or job training.

When truth in sentencing and abolishing parole was studied in Virginia, they found that spending $200 million per congressional district and $100 million per congressional district per year running the prisons would not make a statistically significant difference in the crime rate. That is what their study showed, not a statistically significant difference.

That is why the amendment is to take the money out of that program and put it into some programs that will actually reduce crime.

Mr. FRANK of Massachusetts. Mr. Chairman, I am glad I got that off my chest.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to say that after listening to this debate, my colleague from Florida, the chairman of the Subcommittee on Crime of the Committee on the Judiciary, is just as much in denial on the floor of the House as he is in the committee.

The truth of the matter is that these truth in sentencing grants simply do not work for the purpose that he believes they do. We went 2, 3 years ago, I was part of the Subcommittee on Crime at that time, went with the chairman of the subcommittee to the various States. And every place we went law enforcement people, including the folks that he said would say differently, that he invited, told the chairman of our Subcommittee on Crime that this was not a good idea. It was not a good idea, including the Attorney General of California. I was there at the hearing when he told him that. This was not a good idea. This is a Republican Attorney General who is running for governor of California. He told him this was not a good idea.

Yet we passed the bill. And now the GAO has told him that it is making no impact, minimal impact. Four States consider this a factor in whether they pass truth in sentencing laws. And he is back here on the floor saying we still ought to do this.

We are wasting taxpayers money doing something that if we converted it to prevention programs, as the gentleman from Virginia (Mr. SCOTT) has suggested we do in this amendment, would be having some impact on the crime rate.

He would like for us to take credit for the reduction in crime, but crime has gone down in all of these States where none of these grants have been given to anybody. It has got nothing to do with truth in sentencing grants being given to the States. Most of the States, including the chairman of the Committee on Appropriations, whose bill this is, do not even get money under this grant program because they do not qualify. And they are not going to change their laws, because they are closer to the people and they have decided that the truth in sentencing scheme that we would appropriate from the Federal Government is not going to work in their States, just like the study that Virginia did that the gentleman from Virginia (Mr. SCOTT) has alluded to.

So why are we doing this program? Because we want to stand up and beat our chests that truth in sentencing somehow is doing something that the GAO study says it is not doing, that the Attorney General of California has said it would not do, that everybody we heard who came to testify at those hearings all across America told them were not going to work.

Yet this is something that the chairman of our subcommittee, the Subcommittee on Crime, has decided that he wants the Federal Government to impose on States. Contrary to all Federalism principles, we have no role at the Federal Government telling States how they ought to be sentencing. They are the legislators that are closest to the people.

That is what we keep hearing from my colleagues who say that they believe in States rights but, over and over and over again, continue to confirm that they do not really believe in it. They just want to give lip service to it.

This is all about the Federal Government trying to tell States how they ought to be sentencing prisoners, when State legislators know as much or more about this issue than we do here at the Federal level.

This program is not working. We ought to take all of the money and transfer it into other programs, other than the money that has already been spoken for and applied for. That is what we ought to be doing with this.

The proposal of the gentleman from Virginia (Mr. SCOTT) is a modest proposal, because he is proposing to take just a little part of it. And that part is not being used and it will not be used, because States have decided that this is a terrible idea, has no impact on crime and that they would make their own decisions about what makes sense out in the world, not allow the Federal Government to tell them what makes sense.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I just want to respond a little bit to the gentleman from North Carolina (Mr. WATT).

I have a great deal of respect for the gentleman from North Carolina (Mr. WATT) and for the gentleman from Virginia (Mr. SCOTT), the author of this amendment. But my recollection of the visits that we made, looking at the juvenile crime problem and the juvenile justice system around the country together, is quite different from that of the gentleman from North Carolina (Mr. WATT).

We discussed the problems that we have today of a lack of accountability. We listened to many hours, through 6 or 7 different State meetings, regional meetings actually, where we got most of the law enforcement officials and probation officers and judges and all kinds of folks to come to tell us what we could do about the juvenile crime problem and repairing a broken juvenile system.

And we have adopted in this House H.R. 3, back in the last year of this Congress, the first year, and it has been funded, the program, the grant program, by the gentleman from Kentucky (Mr. ROGERS) and this committee now twice, although the Senate has yet to adopt that program, to provide block grants to the States in order to improve their juvenile justice system, to provide more probation officers, to provide more juvenile judges, to provide more juvenile prosecutors, to provide more juvenile detention facilities, with a carrot in there that said, you cannot get this money unless you first start by taking the very first juvenile offender, when they have committed a very minor misdemeanor act, such as spray painting graffiti on a warehouse wall or running over a parking meter, and giving them some kind of punishment, not necessarily detention time but community service or whatever. States are beginning to pay attention to this.

I would like to believe that this grant program will work, but that is a separate, entirely separate matter from the question of these truth in sentencing grants which were created some time ago.

The process began actually when your party had the majority, but it was a Republican incentive. It was a Republican idea. Fortunately, we were able to modify it in 1995 and get these grants really going. I believe, because of the debate over the fact that we have had so much happening with this revolving door for violent criminals, we are not talking now about juveniles committing misdemeanors, we are talking about murderers, rapists, armed robbers, violent criminals, going through the revolving door, serving only a fraction of their sentences. Many murderers serving only 7 or 8 years, many others getting out with a third or less of their sentences being served and going out and committing crime after crime again and again and again, being the majority of the violent criminals in that category.

We had a lot of debate over that. As a result of that debate here in this Congress on the floor of this House for several years in a row, I am quite confident that State legislators began to get the word.

And I want you to know, I hope we both remember this, that Attorney General Dan Lundgren came to testify here in Congress as the Attorney General of the State of California in favor of the truth in sentencing grant program that we have here and that we are funding tonight. Not only that, but it was Dan Lundgren who authored, back in the 1980s, when he was in Congress in this body, who authored the provision that put the amount of time that has to be served by a Federal prisoner who commits a crime at 85 percent that started this whole process rolling in the first place.

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So I am quite confident that Attorney General Lundgren fully supports truth in sentencing, fully supports what we are doing and have done up to this point with respect to trying to provide incentives to the States to stop the revolving door, to make those who commit violent crimes, murderers and rapists and robbers, serve the full measure of their sentences, because he understands that by getting them off the streets, locking them up and throwing away the keys, we can stop a great deal of crime in this country. And that has an awful lot to do with the violent crime reduction rate that is going on.

Now, we may have some other good programs in States that do not have truth in sentencing laws, and in New York City and some other places there are other factors involved in reducing crime, a lot of crime that is not necessarily violent crime, and we do not pretend tonight to say the total solution is truth in sentencing, but it has a large measure to do with it and it is something the public really wants us to continue.

And those other States, those other 22 States that have not yet adopted truth in sentencing, need to get with it. They need to require violent criminals, repeat felons to serve at least 85 percent of their sentences, to get them off the streets, to lock them up, to make them serve their full sentences, and hopefully they will never let them out again.

And then we should be dealing with the juveniles at the early stages, where the gentleman and I went around the country and talked about the problems kids are going through with parents who are not paying enough attention, who are truants and delinquents and get into trouble very early on with the law but never go before a judge, often; in some cities are never taken in by the police because the juvenile justice system is overworked and it is broken in those communities, and we need to do these other things.

But the answer to those parts of this problem does not require giving up this part. We have to do it all. We have to do both. It is not good to have half a loaf. We have to have a full loaf. So tonight I would encourage my colleagues again to defeat the Scott amendment. It is a bad amendment. It destroys a good program that does work. We will continue to reexamine that program, as others.

I thank the gentleman from Minnesota very much for yielding me the time to respond and maybe to make a few points with respect to this, and I strongly urge the defeat of the Scott amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask this body to give the Scott amendment a chance, and the reason why I say that is because there can be many interpretations to all that we have seen and all that we have heard.

I appreciate the gentleman from Florida (Mr. McCOLLUM), who I work with on the Committee on the Judiciary and the Subcommittee on Crime, and I joined him on many of those hearings around the country. Maybe I heard something different but, Mr. Chairman, what I did hear is I heard that there is a great need for intervention and prevention.

Now, this does not go in the face of locking up those who have done heinous crimes. This is not against the idea of violent criminals being incarcerated. But let me answer the gentleman from Florida and say that my State is one which is not qualified. It happens to be a State that has built and built and built prisons. In fact, we have built so many prisons that we are in the business of renting prison cells.

And yet we are still seeing crime being perpetrated, and perpetrators upon perpetrators repeating these heinous acts to a certain extent, because maybe there is a reason where we cannot hold people when they need to be held. And the truth in sentencing responds, unfortunately, to that in the wrong way. So that when someone's time is over, it is over, and those violent criminals cannot be held.

So we seem to be chasing our tails, saying in one instance, do not take the money out of this because it keeps the violent criminals incarcerated. I say it does not. And do my colleagues know what else it does? It helps to promote a situation where a young man whose case was presented on television the other evening, who got himself a little inebriated and had a spat with his girlfriend and another young man, with a clean record, a good family, he happened to barge into the girlfriend's apartment and punch the other fellow. The other fellow did not die, he was not hospitalized, but the young man was charged with breaking and entering and assaulting. He has 25 years in prison, and we are holding him under truth in sentencing. I imagine that State can apply for these monies, and yet he is not the kind of violent criminal who cannot be rehabilitated.

The Scott amendment does things that I think are important. It puts money in the prison drug treatment programs. We already know that drugs are a devastation upon this society and these communities. And we also know that many of those who are addicted to drugs are incarcerated and are never rehabilitated, and they come right back out and join the cycle of either selling or possessing and using.

The drug courts, which just a minute ago we were talking about funding it or adding more dollars. Boys and Girls Club, which is a well-known institution that goes into the very inner workings of rural and urban America and takes those children who are left out and put out. The Court Appointed Special Advocates, who help to nurture those children who are coming into the courtroom and provide some assistance if they are involved in a crime or if they are victims of a crime. The Child Abuse Training programs. How many times have we heard people rise to make points that those perpetrators of crimes have been victims of child abuse? How many times have we heard that I was a victim of child abuse? And then the Law Enforcement Family Support Program. These are the kinds of intervention measures that can provide the real prevention, what we are all trying to do.

Finally, Mr. Chairman, let me say this. We have all heard about these numbers, that crime is going down. Well, if we read some of the recent articles coming out, we find out that these statistics may be skewed. There has been such a heavy pressure on local law enforcement officials, chiefs of police and sheriffs, that we do not know if these numbers are accurate. It may not be going down anyhow. And the number of incarceration units may not have been having a real impact on bringing down the crime.

It may be that we have to stop and smell the roses. Give the Scott amendment a chance. Give the idea of prevention a real chance.

Mr. DELAHUNT. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts, because this is an important position which we should take.

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman from Texas for yielding to me.

I do not know what States the chair of the subcommittee is referring to when he talks about murderers being held for 7 or 8 years, and rapists and muggers out on the street. I served as district attorney, as the gentleman knows, in the metropolitan area in Boston. Every single individual who was sentenced and incarcerated for first degree murder is still serving.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE was allowed to proceed for 1 additional minute.)

Mr. DELAHUNT. Mr. Chairman, will the gentlewoman continue to yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, as I was saying, every single inmate that was incarcerated for first degree murder is still serving that time. It has nothing to do with this particular amendment.

At the same time I hear the gentleman from Florida telling or instructing or exhorting 22 States to get with it. Well, I would suggest to the gentleman that the reality is that those 22 States would show a decline in the reduction of violence as significant as those that are in compliance.

The bottom line, and I know the gentleman shares this concern, and this is his purpose, is to see crime and violence reduced in America. But if the program is not working, it makes sense to take another look at it.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Chairman, and I thank the gentleman, I think the ultimate question has to be do we stand on behalf of prevention and intervention, which the Scott amendment allows us to do, or do we follow the same path which has not shown a decided impact of what we would like it to do?

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has again expired.

(On request of Mr. SCOTT, and by unanimous consent, Ms. JACKSON-LEE was allowed to proceed for 1 additional minute.)

Mr. SCOTT. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would just like to point out one thing, that we should not confuse percentage of time with length of time. Someone who gets the 5 years and serves 100 percent of the 5 years, serves 5 years. Someone that gets 100 years and serves 50 percent of that time would serve 50 years. That 50 years is not long enough to qualify under truth in sentencing because it is not 85 percent of the time.

So we should not confuse the fact that some may be serving 100 percent of a much shorter sentence than one-third or one-half of a much longer sentence. I just think there should not be that confusion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

The Clerk will read.

The Clerk read as follows:

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000 to remain available until expended, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUTKNECHT:

Page 31, line 5, after the dollar amount, insert "(increased by $6,000,000)".

Page 47 line 11, after the dollar amount, insert "(reduced by $6,000,000)".

Mr. GUTKNECHT. Mr. Chairman, this is a relatively simple amendment. We simply limit the funding for Public Telecommunications Facilities Program to what the President originally requested, $15 million, and use the additional $6 million to support the Weed and Seed Program, a comprehensive crime fighting and neighborhood revitalization program.

Mr. Chairman, the story I am about to tell, if it were not published in several newspapers, I would have a difficult time believing myself, but it involves public broadcasting and what has happened over the last several years. And as Members will recall, after the 1994 elections many of us came in and said it is time to wean public broadcasting from taxpayer dollars.

And at that time I remember we had some of the people from public broadcasting came to my office and we had some lengthy discussions about the value of public broadcasting as well as the costs, and what ultimately were being paid in terms of salaries to some of the executives at NPR and other public broadcasting entities. I remember at the time I was told that all of these reports that the salaries and the compensation were exorbitant were way overblown, and that these people were being paid less than they would be paid at broadcasting facilities of similar size in the private sector.

We all believed that that was true. Then the facts began to come out, and let me give my colleagues some examples.

What has really happened in public broadcasting, particularly back in Minnesota, is they have found very creative ways to take a nonprofit agency, spin off for-profit companies, and then take some of those profits from that company, not so much just to help the broadcasting cause but to help themselves.

For example, in 1995 one of the spin-offs of NPR, a company called Greenspring, had total sales of $135 million. Now, it was then that there were published reports that while the executive director, the president, was being paid $67,000, it was estimated his total compensation package was somewhere between $200,000 and $500,000. Well, they denied that and said it was not true. But later, when the facts came out, it was learned that in 1995 the total compensation for the gentleman in question was $291,000.

Now, the story gets better. In 1996, it is estimated that the total compensation was $526,000. In fact, we subsequently learned, according to a copyrighted story in a Star Tribune newspaper in Minneapolis, that the total compensation was $75,000 from the Public Broadcasting Corporation but he had an additional $451,000, to give him a grand total compensation of $526,945.

Now, I do not argue that executives should be well paid, and that is not my purpose here. But let me take this one step further. Another group they spun off as an umbrella corporation from NPR was a group called the Riverfront Trading Company. Now, in 1998, the spring of 1998, it was sold off to the Dayton Hudson Corporation. As a result of that spin-off, not only was the president of NPR paid, with salary and bonuses from Greenspring, somewhere in the area of $500,000, he was also paid an additional bonus of $2.6 million. That was the bonus on top of his annual compensation.

Now, I am not here to just bash this particular individual, but the numbers are a matter of public record now. The president was paid a total compensation in 1996 of $526,495, the vice president was paid $270,000, and another person who works for him was paid $529,000.

The point of all of this is that we have lost the battle about completely cutting the umbilical cord of public broadcasting, but the President came in this year and asked for $15 million for the Public Telecommunications Facilities Program, and in this appropriation bill we have awarded them $21 million. We believe we should at least go back to the original request.

We have found that people in public broadcasting can be extremely creative in terms of ways that they can turn a dollar, especially if some of those dollars can return to them. I am in favor of some form of bonuses. I think these seem to be a bit steep. But frankly, we can take that additional $6 million and put it into a program which has shown that it is making a real difference in our core cities, and that is the Weed and Seed Program.

This is a comprehensive crime fighting, neighborhood revitalization program that really attacks our problems of high crime, drugs, all the problems we see in our inner cities, and we attack it with a twofold approach:

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First of all, aggressively fighting the crime, the drug sales and trafficking that goes on in the inner cities; and then, secondly, using some of the funds as grants to encourage more economic development.

I think this is a good amendment. It is a fair amendment.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment to cut funding for the Public Communications Facilities Program, PTFP.

This is not so much an increase in Weed and Seed, again which we think is an excellent program and well-funded, as it is a slap and a cut at PTFP. The Public Telecommunications and Facilities Program is extremely important and the bill provides $21 million for it, the same funding level as provided in fiscal year 1998.

It is important to note $21 million is considerably less than is actually needed. In fact, America's public television stations are requesting $56.25 million in fiscal year 1999 for PTFP. This is year one in a four-year request totaling $225 million.

Now, this significant investment would be used to help our public radio and TV stations convert to a digital system, something the FCC is requiring them to do by May of 2003 and which they are going to be extremely hard-pressed to do unless they have this funding. It is evident that indeed additional funds above and beyond the $21 million provided in this bill are necessary to begin this costly transition process.

Many will have to build new towers, extremely expensive to do, at a cost of $1 million to $3 million each. These stations simply do not have the resources, many of them, to make that kind of investment. Others will have to modify their towers and antennas to accommodate the height and strength necessary to support new or additional antennas necessary for this new digital system.

In conclusion, Mr. Chairman, PTFP is an extraordinarily beneficial program. We must fund it at a level which allows our public radio and TV stations to convert to digital. Cutting the program at this time is an extremely bad idea. If anything, we should be providing additional funds, additional resources.

To that end, Mr. Chairman, I intend to support the amendment of the gentleman from New York (Mr. ENGEL), which will be offered later, I hope, which will increase funding, and certainly urge my colleagues to vote against this ill-advised amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I rise to oppose the amendment.

Mr. Chairman, there is some misunderstanding about what is in this bill. We do not fund the Corporation for Public Broadcasting. We do not fund the Public Broadcasting System. None of that is in this bill.

What this bill covers is funding for your home State towers, for facilities locally, and not the national programming here in Washington that has been described. So this bill does none of that. What we do provide in the bill is funding for your State public broadcasting facilities, towers, equipment, that type of thing, on a grant basis through the MTIA program.

The bill provides a total of $40 million for the Weed and Seed Program in the Justice Department, which is a $6.5 million increase over the current level and the full amount that was requested, and at the same time the bill freezes the MTIA's Public Telecommunications Facilities Program, PTFP. We freeze that level at the 1998 spending level.

This amendment, I think mistakenly, would cut PTFP by 29 percent below the freeze level. And, as I say again, it would not touch PBS or the Corporation for Public Broadcasting because we have no money in this bill. That is in another bill.

While I certainly support the Weed and Seed Program, we have provided very healthy increases for Weed and Seed in the bill already, Mr. Chairman. At the same time, the PTFP program has been frozen due to our budget priorities, despite the fact that the need for the program has grown as public television and radio are struggling financially to try now to convert to the new digital telecommunications environment that will be with us in a matter of months.

In addition, I might note that because of our budget constraints over the last 3 years, total funding for the PTFP program has been decreased by 28 percent, and this amendment would cut it another 29 percent.

So I think the gentleman perhaps is misguided in his amendment, and I would encourage him to take on the PBS and the CPB in whatever bill he would like, but this one does not have any funds in it for those two systems. All as we have, as I say, is money for our State and local public broadcasting facilities, not salaries or anything else.

So I urge defeat of the amendment.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

I want to comment on this case about the Weed and Seed Program. I think it is an extraordinarily good program. It was created back in the Bush Administration, one that Attorney General Barr was very active in pursuing, one which on the "Seed" part of it has had a little bit more attention than the "Weed" part in recent years in the Clinton Administration, but nonetheless a good program.

As the gentleman from Minnesota (Mr. GUTKNECHT) was describing, it is a program in which the Justice Department goes out through the U.S. Attorneys and through a grant program and through money efforts they have to go into pockets of specialty areas in the community where there is a lot of crime, and they attempt to enforce the laws, to really clean up that area, to have the prosecutions occur that clean that neighborhood up, if you will, and then provide some grants and some incentives to get kids who may be going the wrong way, help the neighborhood get them on the right track in terms of programs that can induce them to not go down this deviant path of crime.

It is effective in such things as Operation Trigger Lock, which again the Bush Administration operated a lot more than this administration has, where we took those who committed crimes with guns, and maybe they were State crimes and they had been repeat criminals in this regard. They were felons, convicted already, and there is a Federal law that says a felon cannot possess a gun.

And a State or a local government would arrest this fellow for whatever it might be, can only hold him for so long if it is a basic crime, but the attorney general would require under his guidance in those days the U.S. Attorney to go in and charge that person with the gun crime at the Federal level, for the simple possession of that gun as a convicted felon, and be able to get a sentence that would keep him off the street a lot longer.

Those kinds of programs were effective and are effective, if they are working properly, to clean up an area in a neighborhood and then go and seed it through the grant programs in the Department of Justice to allow us to keep it clean.

I think what the gentleman from Minnesota (Mr. GUTKNECHT) is trying to do here is a noble, positive thing to do.

I would like to make one other comment about the issue at hand about broadcasting. I think all of us want to see this conversion to digital. I think tough choices have to be made in bills like this. Unfortunately, we cannot simply create more money for a program like Weed and Seed. We have to take it from somewhere, which is why I am sure the spending levels are where they are, and my good friends the chairman and the ranking member want to keep it that way because they already made that choice. But I would, with all due respect, concur with the gentleman from Minnesota (Mr. GUTKNECHT) on that point.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding. I do not want to prolong the debate, but I do want to put a couple other facts on the record.

Even the President recognizes that this is a very low priority item. In his FY 1998 budget request, he requested zero funds for this program. He received $21 million anyway. This year he requested $15 million and we are giving him another $21 million.

I think what I tried to demonstrate with my earlier remarks about what is happening in Minnesota, these people are extremely creative. They will figure out a way to fund these enhancements. And I understand that this is not where we will talk mostly about the Corporation for Public Broadcasting.

But I really think this is one area where we at least ought to honor the President's budget request, use those additional funds for programs that we think really do make a difference in the inner city.

Mr. McCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT) will be postponed.

The Clerk will read.

The Clerk read as follows:

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: *Provided*, That not to exceed 266 permanent positions and 266 full-time equivalent workyears and $32,023,000 shall be expended for program management and administration: *Provided further*, That, of the unobligated balances available in this program, $170,000,000 shall be used for innovative policing programs, of which $50,000,000 shall be used for a law enforcement technology program, $50,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots", $20,000,000 shall be used for programs to combat violence in schools, $25,000,000 shall be used for bullet proof vests for law enforcement officers, $10,000,000 shall be used for additional community law enforcement officers and related program support for the District of Columbia Offender Supervision, Defender, and Court Services Agency, and $15,000,000 shall be used for equipment and training for tribal law enforcement officers.

AMENDMENT OFFERED BY MR. BLAGOJEVICH

Mr. BLAGOJEVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAGOJEVICH:

Page 32, line 14, after the dollar amount, insert the following: "(increased by $5,000,000)".

(Mr. BLAGOJEVICH asked and was given permission to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Chairman, the amendment I am sponsoring would earmark the remaining $5 million balance in unobligated, community-oriented policing services from Fiscal Year 1998 to the Department of Justice for the expansion of community prosecution programs across our Nation.

Let me emphasize that these dollars are not committed and my amendment does not take funding away from any other law enforcement priorities within the bill.

Community prosecution programs represent the next step in community-based crime prevention programs. Just as police officers are assigned to a beat under community policing programs like COPS, community prosecutors work with residents of specific communities to identify, interdict, and remove those conditions in neighborhoods that become breeding grounds for crime.

Too often people only have contact with prosecutors when they are victims of crime. This $5 million will provide much-needed resources to help prosecutors join with police to address local crime problems by reorienting their emphasis from assembly-line processing of cases to taking on quality-of-life issues and preventing crimes from happening in the first place. The thinking behind this concept is this: If we fix the broken windows early on, we can stop crime before it starts.

These programs are supported by groups like the National District Attorneys Association, and have been successful across our Nation in towns as small as Rosebud, Montana to cities as large as Chicago, Illinois.

This notwithstanding, these programs continue to struggle for resources. This $5 million will provide a sheltered funding resource to develop and sustain existing programs as well as provide incentives to create new ones.

My amendment has been scored by the Congressional Budget Office as being revenue neutral and has been written in cooperation with both the staff of the gentleman from Kentucky (Mr. ROGERS) and the staff of the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have no objection to the amendment and support its adoption.

Mr. BLAGOJEVICH. Mr. Chairman, reclaiming my time, it is my understanding that the distinguished gentleman from West Virginia (Mr. MOLLOHAN) is in agreement with this. I would like to thank the gentleman, and the gentleman from Kentucky (Mr. ROGERS).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. BLAGOJEVICH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for programs of Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, $20,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred and merged with the appropriations for Justice Assistance, $265,950,000, to remain available until expended: *Provided*, That these funds shall be available for obligation and expenditure upon enactment of reauthorization legislation for the Juvenile Justice and Delinquency Prevention Act of 1974 (H.R. 1818 or comparable legislation).

In addition, for grants, contracts, cooperative agreements, and other assistance, $10,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $250,000 for the Federal Law Enforcement Dependents Assistance Program, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

□ 2030

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

In title I, in the item relating to "GENERAL PROVISIONS—DEPARTMENT OF JUSTICE", strike section 103.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 20 minutes to be divided equally between the sides, 10 on each side.

The CHAIRMAN. On this amendment and all amendments thereto?

Mr. ROGERS. Yes, Mr. Chairman.

The CHAIRMAN. Without objection, the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Kentucky (Mr. ROGERS) each will control 10 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering today is very straightforward. What it simply does is strike the language in the bill which prohibits the use of Federal funds for abortion services for women in Federal prison. Unlike most other American women who are denied coverage of abortion services, women in prison have no money, nor do they have access to outside financial help, nor do they have income which will allow them to obtain these services for themselves. Inmates in Federal prisons are completely dependent upon the Bureau of Prisons for all of their needs, including food, shelter, clothing and every single aspect of their medical care. These women are not able to work at remunerative jobs that would allow them to pay for their medical services, including abortion services, which I will point out to the House are still legal in this country. In fact, last year inmates working on the general pay scale earned from 12 cents to 40 cents per hour, or roughly $5 to $16 per week. The average cost of an early, outpatient abortion in this country ranges from $200 to $400. Abortions after the 13th week in this country cost $400 to $700, and abortions after the 16th week, which none of us really favor at all, go up $100 more per week, ending at about $1200 to $1500 in the 24th week.

Even if a woman in Federal prison earned the maximum wage on the general pay scale and worked 40 hours per week, she would never have the money to pay for an abortion in the first trimester. After that, the cost of an abortion rises so dramatically that even if the female inmate saves her entire salary, she would never ever be able to afford a legal abortion.

If Congress denies women in Federal prison coverage of abortion services, it is effectively shutting down the only avenue these women have to pursue their constitutional rights to a safe and legal abortion.

Let me remind my colleagues again, for the last 25 years in this country, women in this country have had the right legally and constitutionally to abortion. With the absence of funding by the very institution prisoners depend on for health services, women prisoners are, in effect, coerced into pregnancy by this bill.

Let me talk just for a minute about the kinds of women who are entering prison today in this country. Most women entering prison are victims of physical and sexual abuse, some incest victims which would not be excluded by this bill, two-thirds of them are incarcerated for drug offenses, and many of them are HIV infected or have full-blown AIDS. Does Congress think that it is in this country's best interests to force these women against their will to carry these pregnancies to term? And what happens to the children of the women who are bearing these unwanted children in prison? These children are taken from their mothers at birth to an uncertain future. I do not see any provision in this bill that provides for quick adoption of these children or other means by which they can have a fulfilled life that would not follow in the tracks of their incarcerated parents.

This bill, make no mistake about it, is about forcing women against their will to have a child. It is downright foolish and cruel to force women in Federal prisons to bear children in prison when that child will be taken from them at birth to an uncertain future. In 1993, Congress did the right thing when it overturned this barbaric policy. I urge my colleagues to do the same today and to support the DeGette amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume. The provision in this bill the amendment seeks to strike does one thing only, it prohibits Federal tax dollars from paying for abortions for Federal prison inmates except in the case of rape or the life of the mother.

The bill requires that the Bureau of Prisons escort inmates to a private facility if they want abortion services. The provision that we have in the bill, Mr. Chairman, is a long-standing provision. It has been carried in nine of the last 10 bills that we have brought to the floor of the House. The House rejected this very same amendment to last year's appropriations bill by a vote of 155–264, the previous year by a voice vote, and two years ago by a vote of 146–281.

Time and again, the House has debated this issue of whether Federal tax dollars should pay for abortion. The answer has always been "no." I urge the House to say "no" again. I urge rejection of the gentlewoman's amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DEGETTE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the DeGette amendment to the Commerce, Justice, State appropriations bill, because this allows women in prison the option of abortion services. Quite simply the amendment offers the coverage of abortion services to women who are solely dependent on Federal resources.

Mr. Chairman, 6 percent of incarcerated women are pregnant when they enter prison. Many are victims of physical and sexual abuse. Women in prison have no resources. They usually have no means to borrow or little support from the outside. It is time to honor the Supreme Court's decision of Roe v. Wade by acknowledging it is every woman's right to have access to a safe, reliable abortion. Restrictions placed on incarcerated women are especially mean-spirited. These women are totally dependent on the Federal Government for all of their basics. Why should the government put a limit on what is constitutionally every woman's right?

Mr. Chairman, we must stop the rollbacks on women's reproductive freedoms. We must provide women with education and the resources to prevent unwanted pregnancies. Let us vote for the DeGette amendment and address the desperate conditions these women face.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the able gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the very good gentleman for yielding me this time.

Mr. Chairman, abortion is violence against children and in no way could be construed to be humane or compassionate. A child's worth and inherent dignity is not determined by who his or her mother happens to be. And the value of a baby is not diminished one iota because Mom happens to be an inmate. As a matter of fact, the woman's God-given value is not diminished, either. Yet the pending DeGette amendment would force taxpayers to subsidize violence against children, in this case the child of an inmate.

Mr. Chairman, I truly believe that many Americans are either uninformed or living in a state of denial on the issue of abortion, especially as it relates to the gruesome reality of abortion methods. Abortion methods are violence against children and include dismembering innocent children with razor blade tip suction devices that turn kids into a bloody pulp, or injections of chemical poisons designed to kill the baby, or the kids are executed by partial-birth abortion, a gruesome method that many Members are now familiar with.

Peel away the euphemisms that sanitize abortion and the cruelty to children and, yes, the cruelty to their mothers as well becomes readily apparent. The entire smoke screen of choice turns the baby into property, a thing, a commodity and not a someone. Truly a person is a person no matter how small. Thus the whole rhetoric of choice dehumanizes our brothers and sisters in the womb and puts them in the same category as junk cars, broken TV sets and busted stereos. They are throwaways. The whole rhetoric of choice reduces unborn babies to objects. The early feminists had it right: Do not treat women as objects. Unborn girls and boys are not objects, either.

Mr. Chairman, if you have ever watched an unborn child's image on an ultrasound or sonogram screen, you cannot help but be awed by the miracle of human life, by the preciousness of a child's being, and then be moved to pity by the helplessness and the vulnerability of that child, by the fragility of those tiny fingers and toes. To see an unborn child turning and kicking and sucking his or her thumb while still in utero shatters the myth that abortion merely removes tissue or the products of conception.

Mr. Chairman, abortion violence treats pregnancy as a sexually-transmitted disease. The growing child is viewed as a tumor, a wart, as I said, as garbage.

During the debate in 1995, the gentlewoman from the District of Columbia (Ms. NORTON), who was then the sponsor of this amendment, asked, "Who will speak for these children? We must speak for these children." Then the distinguished gentlewoman urged government subsidized abortion.

Mr. Chairman, it turns logic on its head to suggest that subsidizing violent acts of dismemberment and chemical poisoning to be somehow pro-child.

Finally, Mr. Chairman, Mother Teresa was right when she said, "The greatest destroyer of peace today is abortion because it is a war against the child, a direct killing of an innocent child. Any country that accepts abortion is not teaching its people to love but to use violence to get what they want. That is why it is the greatest destroyer of love and peace."

"Please don't kill the baby," she admonished.

Mr. Chairman, finally, the baby of an inmate is just as important as any other child on Earth. Reject government funding of violence against children. I urge the membership to vote "no" on the DeGette amendment.

Ms. DEGETTE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. I thank the gentlewoman for yielding me this time. Mr. Chairman, I rise in support of the DeGette amendment which would remove the ban on access to abortion services for incarcerated women except in cases of rape of life endangerment.

There are currently more than 8,000 women incarcerated in Federal Bureau of Prisons facilities. Most of the women are young, have been frequently unemployed, and many have been victims of physical or sexual abuse. According to a recent survey, 6 percent of women in prisons and 4 percent of women in jail were pregnant when admitted. Limited prenatal care, isolation from family and friends, and the certain loss of custody of the infant upon birth present unusual circumstances and exacerbate an already difficult situation if the pregnancy is unintended.

Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, this ban in effect prevents these women from exercising their constitutional right, their right to abortion. Most women prisoners were poor when they entered prison and they do not earn any meaningful compensation from prison jobs. This ban then closes off their only opportunity to receive such services, and thereby denies them their rights under the Constitution.

I urge my colleagues to support the DeGette amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in opposition to the DeGette amendment. This amendment would strike from the bill section 103 which prohibits Federal funding of abortions for Federal prisoners except for the life of the mother or in case of rape.

It is outrageous that the pro-abortion advocates want to force the American taxpayers to pay for the abortions of Federal prisoners. Instead of sending the message to Federal prisoners that the answer to their problem is to kill their unborn babies, let us urge them to take responsibility and consider what is best for the child they are carrying. Let us not compound the problem with an act of violence on top of an act of violence.

When this issue was debated in 1995, one of the supporters of this pro-abortion amendment asked the Members of the House, "Who will speak for these children?" Then she went on to declare, "We must speak for these children."

If this is true, we must speak for the children, then I guess those who support this amendment believe that the unborn children of Federal prisoners want to be killed by their mothers. We should not vote for the death of unborn children at the expense of all American taxpayers.

I urge a "no" vote on the DeGette amendment.

□ 2045

Ms. DEGETTE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Chairman, I rise in support of the DeGette amendment.

I rise to support the amendment authored by Congresswoman DeGette to strike language in the bill prohibiting federal funds from being used for abortions for women in prison.

A year ago, this issue made the headlines in Oregon when a woman who was arrested in McMinnville, OR requested an abortion. For personal reasons, this woman decided she would not become a mother. It is not for us to judge her on this decision or any other choice she made in her life that put her in jail.

Yamhill County's jail policy mandated that inmates must pay for the procedure themselves, and could have access to this service. Even though tax payer dollars were not used for this procedure, the county did allow this woman a release from jail to seek an abortion.

Mr. Chairman, this ban is wrong. How can we discriminate against those in jail?

The political agenda of politicians must not jeopardize the health of women. Access to abortion is a legal right. A woman should not lose access to reproductive health care, including abortions, because she is in jail.

I urge my colleagues to support the DeGette Amendment.

Ms. DEGETTE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise to support the DeGette amendment to strike the ban on abortion funding for women in Federal prisons. This ban is cruel and unwarranted.

Mr. Chairman, a woman's sentence to prison should not include forcing her to carry a pregnancy to term. Most women in prison are poor, have little or no access to outside financial help, and earn between 12 to 40 cents per hour at prison jobs. They are totally dependent on the prisons for their health services. They cannot possibly finance their own abortions, and therefore, without the passage of this amendment, they are in effect denied their constitutional right to an abortion.

Many women prisoners are victims of physical or sexual abuse and are pregnant before entering prison. They will almost certainly be forced to give up their children at birth. Why should we add to anguish by denying them access to reproductive services?

I know full well the authors of this bill would take away the right to choose from all American women if they could, but since they are prevented from doing so by the Supreme Court, they have instead targeted their restrictions on helpless women in prison.

Well, watch out, America. After they have denied reproductive health services to all women in prison, Federal employees, women in the armed forces and women on public assistance, then they will try again to ban all abortions in the United States. And they will not stop there. We know that many of them want to eliminate contraceptives as well.

Mr. Chairman, it is a slippery slope that denies the reality of today, punishes women, and threatens their health and safety. This radical agenda must be stopped now. I urge my colleagues to support the DeGette amendment.

Ms. DEGETTE. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I appreciate the gentlewoman from Colorado, the sponsor of this amendment, which I have sponsored in the past because a woman gives up many constitutional rights when she goes to prison, but not the right to have control over the most profound impact on her body. She does not, she must not, be said to submit herself to forced childbirth.

I have sponsored a GAO report, now in the making, because of the extraordinary rise of women in prison. The rate of HIV infections and AIDS for women in prison exceeds the rate for men, and 5 percent of women who enter Federal prisons are pregnant.

Why Federal dollars? Because these women are without any way to have an abortion. We would not come forward at this time or ever, given where this Congress has been, to ask for Federal funds for abortions unless we were dealing with helpless women who had no other way to get an abortion.

Not to allow this particularly, when we consider that we are talking about many women who have AIDS, who would be quite unfit as mothers, not to allow abortions in these circumstances would be entirely cruel, and I ask that an exception be made and that these Federal funds be allowed for women in prison.

Ms. DEGETTE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Colorado is recognized for 30 seconds.

Ms. DEGETTE. Mr. Chairman, my colleague from New Jersey talks about the terrible abortion procedures, and the truth is my colleague would ban all abortions, and I understand that. But that is not the law of this country. The law of this country is that women have a right to abortion.

But the way this bill is written, women in prison, because of the low amount they would make, would only be able to afford an abortion if they waited until the third trimester, which is a result no one in this room would like to have. It is much more compassionate for the prisoners, it is much better for everybody if it is done in the first trimester when it is safe and it protects the mother's health.

It is the right thing to do, it is the compassionate thing to do, and it is the legal thing to do. I urge support of the DeGette amendment.

Mr. ROGERS. Mr. Chairman, I yield the balance of the time to the gentleman from Illinois (Mr. HYDE), the very able chairman of the House Committee on the Judiciary.

The CHAIRMAN. The gentleman from Illinois is recognized for 4 minutes.

Mr. HYDE. Mr. Chairman, I thank my friend, the gentleman from Kentucky (Mr. ROGERS) for giving me this time.

Mr. Chairman, once again the solution to a problem is death, kill somebody.

If my colleague saw the movie, recent movie, Saving Private Ryan, there is a line in there where Tom Hanks, playing the captain in the infantry, says:

"Every time I kill somebody I feel farther away from home."

Why is it that we have to in this discussion never talk about the baby?

I listened to every word from the other side, and they drip with compassion, and rightly so, but only for the woman: the plight of the woman; the woman is being coerced by this law into having a baby; the woman, HIV cases. I understand that.

But do my colleagues not know there is a baby involved, too? Is that a cipher? A zero? Is that an used Kleenex to be thrown away? The whole question revolves around what my colleagues think of human life.

Now we could solve a lot of problems if we carry to the logical consequences this devaluation of life. We could empty the nursing homes. We could get rid of the incorrigibly poor. We could get rid of the useless eaters, as Hitler called them, the homeless people, the people who are not pulling their weight, who are not contributing to our society, the people who infect other people with diseases.

Get rid of the people.

So here, where the little child has been conceived unfortunately by a woman in prison, my colleagues' solution is to get rid of the child, the innocent human life.

Now, we can define that out of existence and say that is not alive, we do not know what that is, that is a cancerous tumor, that is a diseased appendix, they want to just excise it and throw it away. But it is not. That is self-deception. It is a tiny little member of the human family, and that little tiny member of the human family has a right to life, and that life is precious.

Yes, it is the most inauspicious, humble beginning anybody could have. Almost as bad as being born in a stable, being born in a jail of a mother who is incarcerated. But, by God, it is life, it is an opportunity. "Life" means hope, and give that little child his or her life. He or she did not ask for that humble, inauspicious beginning, but that does not mean that person is foreclosed from leading a full life later on.

There are hundreds of places that will take those children. Here is a directory of them all over the country. There are about four of them within walking distance of Capitol Hill. So, the child will not be abandoned or thrown away in a wastebasket. It is a human life, and it is precious, and human life ought to mean something in this country where our birth certificate says everyone is created equally and is endowed by their Creator with an inalienable right to life.

Think of the woman, yes. But think of the little baby, too. Do not throw that human life away.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes, I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Distinguished Chairman, I would just ask a question.

How does the gentleman from Illinois feel about that little baby which would be born against its mother's will, probably HIV positive, and ripped from the arms of its mother at birth only to be taken away to one of those agencies he points to?

Mr. HYDE. Better that than to be killed. Give that little baby a chance to enjoy a Christmas sometime, to enjoy the love of somebody who can love that child.

Mr. Chairman, let us give that little life the chance we had.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this important amendment. As an advocate for Women's Choice I strongly support Representative DEGETTE's amendment. Representative DEGETTE's amendment will strike the language in the Commerce Justice State Appropriations bill which would prohibit Federal funds from being used for abortions in prison.

Abortion is a legal health care option for American women, and has been for over 20 years. Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, the ban, in effect will prevent these women from seeking the needed reproductive health care that should be every woman's right—the right to choose an abortion.

We know that most women who enter prison are poor. Many of them are victims of physical and sexual abuse, and some of them are pregnant before entering prison. An unwanted pregnancy is a difficult issue in even the most supportive environs. However, limited prenatal care, isolation from family and friends and the certain custody loss of the infant upon birth present circumstances which only serve to worsen an already very dire situation.

In 1993, Congress lifted the funding restrictions that since 1987 had prohibited the use of federal funds to provide abortion services to women in federal prisons except during instances of rape and life endangerment. Women who seek abortions in prison must receive medical, religious, and/or social counseling sessions for women seeking abortion. There must be written documentation of these counseling sessions, and any staff member who morally or religiously objects to abortion need not participate in the prisoner's decision-making process.

There was a 75 percent growth in the number of women in Federal prisons over the last decade. Currently, the growth rate for women is twice that of men in prison. Yet, the rate of infection of HIV and AIDS in women exceeds the rate of infection for men in prison, and pregnant women are of course at risk of passing on this disease to their unborn children.

This ban on federal funds for women in prison is another direct assault on the right to choose. This ban is just one more step in the long line of rollbacks on women's reproductive freedoms. We must stop this assault on reproductive rights.

Ms. LEE. Mr. Chairman, I rise in strong support of the Degette amendment, which would strike language banning the use of federal funds for abortion services for women in federal prisons.

Women in prison have committed criminal activity, and through our judicial system we certainly need to seek appropriate responses to illegal actions. Women in prison are being punished for the crime that they committed. However, this is a separate issue from that which we are addressing. Today we discuss civil liberties and rights which are protected for all in America, and remain so even when an individual is incarcerated.

Abortion is a legal health care option for women in America. Since women in prison are completely dependent on the federal Bureau of Prisons for all of their health care services, the ban on the use of federal funds is a cruel policy that traps women by denying them all reproductive decision-making. The ban is unconstitutional because freedom of choice is a right that has been protected under our constitution for twenty-five years.

Furthermore, the great majority of women who enter our federal prison system are impoverished and often isolated from family, friends and resources. We are dealing with very complex histories that often, tragically, include drug abuse, homelessness, and physical and sexual abuse. Many women are pregnant upon entering the prison system. To deny basic reproductive choice would only make worse the crises faced by the women and the federal prison system.

The ban on the use of federal funds is a deliberate attack by the anti-choice movement to ultimately derail all reproductive options. As we begin chipping away basic reproductive services for women, I ask you, what is next? Denial of OBGYN examinations and mammograms for women inmates? Who is next? Women in the military, women who work for the government, or all women who are insured by the Federal Employees Health Benefits plan? Limiting choice for incarcerated women puts other populations at great risk. This dangerous, slippery-slope erodes the right to choose, little by little.

It is my undying belief that freedom of access must be unconditionally kept intact; therefore, I strongly urge my colleagues to protect this constitutional right for women in America and vote "Yes" on the Degette amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DEGETTE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. In fiscal year 1999 and thereafter, the Director of the Bureau of Prisons is authorized to make expenditures out of the Federal Prison System's Commissary Fund, Federal Prisons, for the installation, operation, and maintenance of the inmate telephone system, including, without limitation, the payment of all the equipment purchased or leased in connection with the inmate telephone system and the salaries, benefits, and other expenses of personnel who install, operate and maintain the inmate telephone system, regardless of whether these expenditures are security related.

SEC. 109. Section 524(c)(9)(B) of title 28, United States Code, is amended by striking "1997" and inserting "1999".

SEC. 110. (a) Section 3201 of the Crime Control Act of 1990 (28 U.S.C. 509 note) is amended to read as follows—

"Appropriations in this or any other Act hereafter for the Federal Bureau of Investigation, the Drug Enforcement Administration, or the Immigration and Naturalization Service are available, in an amount of not to exceed $25,000 each per fiscal year, to pay humanitarian expenses incurred by or for any employee thereof (or any member of the employee's immediate family) that results from or is incident to serious illness, serious injury, or death occurring to the employee while on official duty or business."

(b) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking section 626 (8 U.S.C. 1363b).

SEC. 111. Any amounts credited to the "Legalization Account" established under section 245(c)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(7)(B)) are transferred to the "Examinations Fee Account" established under section 286(m) of that Act (8 U.S.C. 1356(m)).

AMENDMENT NO. 30 OFFERED BY MR. METCALF

Mr. METCALF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. METCALF:

Page 38, after line 9, insert the following:

SEC. 112. Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is repealed.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment offered by the gentleman from Washington.

Mr. METCALF. Mr. Chairman, first I would like to congratulate the gentleman from Kentucky (Mr. ROGERS) on the legislation before us. He has, as always, found a way to adequately address the many competing priorities in this legislation, and I thank him for his effort.

Very simply, Mr. Chairman, my amendment would repeal section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

Mr. Chairman, section 110 is a bad provision. This section, if this section was implemented it would devastate our northern border communities, not only in my community but in many of the northern border communities.

In order to address this delay I secured $15 million in border infrastructure improvements in Blaine. While this will represent a major step towards reducing congestion, its benefit will have little if any effect if section 110 is fully implemented.

I notice that the distinguished chairman of the Subcommittee on Immigration and Claims is on the floor. I would like to request the gentleman's participation in a colloquy.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. METCALF. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I will be happy to engage in a colloquy.

Mr. METCALF. Mr. Chairman, as the gentleman knows, I have been a strong opponent of section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 because of the potential harm that could be inflicted on my district and across the entire northern border.

Is it the gentleman's position that section 110 should be delayed until the Immigration and Naturalization Service develops a system that will not significantly disrupt trade, tourism or other legitimate cross-border activity at the land border points of entry?

Mr. SMITH of Texas. Mr. Chairman, the gentleman is correct. This section should not be implemented if it would significantly disrupt legitimate border traffic. I will support going forward with this section only if it will not impede that cross-border travel and trade that I understand the gentleman from Washington has a legitimate concern about.

At the same time I must emphasize that section 110 was included in the 1996 act because a comprehensive and efficient entry/exit is vital for our national security.

□ 2100

Without such a system, our government has no idea who is coming to the United States and whether they leave when they are supposed to do so. It is particularly important that the United States protect its citizens from terrorism, drug smuggling and illegal aliens.

Mr. METCALF. Mr. Chairman, reclaiming my time, is it the gentleman's understanding that the INS is not yet prepared to implement section 110 at all ports this year?

Mr. SMITH of Texas. Mr. Chairman, if the gentleman will yield further, that is correct. It is my understanding that the INS will not be prepared to implement section 110 by the statutory deadline. Let me emphasize that section 110 should be implemented in a manner that will not have an adverse impact on trade, tourism or other legitimate traffic across our land borders.

Mr. METCALF. I thank the gentleman for his comments, and I look forward to working with him over the next year to find a solution to this section that will fulfill both of our priorities and ensure the economic success of our northern border communities.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT NO. 29 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment, which I intend to withdraw.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Ms. JACKSON-LEE of Texas:

Page 38, after line 9, insert the following:

PROHIBITION ON HANDGUN TRANSFER WITHOUT LOCKING DEVICE

SEC. 112. (a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(y)(1) It shall be unlawful, for any person to transfer a handgun to another person unless a locking device is attached to, or an integral part of, the handgun, or is sold or delivered to the transferee as part of the transfer.

"(2) Paragraph (1) shall not apply to the transfer of a handgun to the United States, or any department or agency of the United states, or a State, or a department, agency, or political subdivision of a State.".

(b) LOCKING DEVICE DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(34) The term 'locking device' means a device which, while attached to or part of a firearm, prevents the firearm from being discharged, and which can be removed or deactivated by means of a key or a mechanically, electronically, or electro-mechanically operated combination lock.".

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me acknowledge the good works of my friends in the United States Senate and my colleague on the Subcommittee on Crime, the gentleman from New York (Mr. SCHUMER), and the gentlewoman from New York (Mrs. MCCARTHY), and others who realize that there is much that we could come together on on an amendment dealing with a very simple technology, and that is a safety lock on a gun to protect our children.

Mr. Chairman, there has been much debate on this floor about how best to and who has the high moral ground on impacting our children. The amendment that I would have proposed would save children's lives.

Let me give you an example. So many years ago I was on the City Council and passed an ordinance dealing with gun safety and responsibility. That ordinance was to hold parents responsible for the accidental shootings by their children. It was not punitive to haul parents and adults into prison or to put them under a judge's order, but it was to save children's lives.

Now, today, in Houston, and in the State of Texas, we have seen a 50 percent decrease in the number of accidental shootings. In this country today, the firearm homicide rate among children across our country has tripled in the last 10 years. It is tragic and shocking that there were over 500 accidental deaths among children as a result of young and curious hands reaching for a gun as a toy and over 5,000 deaths related to youth and guns. In my home State of Texas, 32 children died as a result of accidentally fired guns last year, and that is down, and 500 children died in my State as a result of firearms in children total. This is unacceptable, even in spite of the numbers we have seen go down.

The high incidence of this lethal violence against youth demands a national response. The need for this type of legislation is even more critical because younger and younger children are accessing guns and becoming increasingly involved in violence and gang activity.

I am withdrawing this amendment, Mr. Chairman, only because I want this very simple technology to pass. I want us to educate parents and teachers and constituents and this Nation that this is not gun control, this is gun responsibility.

The recent rash of school shootings which occurred across several of our States are a manifestation of not only a disturbing trend of hostility among our young people, hostility and confusion, I might say, but also how accessible violent weapons are to our children. No matter how much we as adults protest and say we have had them locked up in a drawer, we did not know they had them, we did not know they went into our glove compartment, we did not know they went into our car, those weapons are still weapons of violence when they get in the hand of a child, either accidentally or intentionally.

Just think of the impact of a simple trigger lock, a safety lock. We must not only look at what leads children to kill other children, we must also take the responsibility for placing the tools of death outside of their reach and providing that safety measure, that trigger lock. This trigger lock amendment will prevent children from shooting guns, either accidently or purposefully.

It will help to save our young people's lives and protect our communities and our families from accidental gun violence.

Let me say, Mr. Chairman, that I look forward to working with the many allies around this Nation, PTOs, school districts, local governments, Handgun, Inc., and my colleagues in the United States Congress, to finally recognize that after we educate the public, we educate those who are perceived opponents, my good friends in the National Rifle Association, who have always argued that they believe in prevention. Well, what is the best way to have prevention? That is the trigger lock.

At this time, Mr. Chairman, I am not going to offer this amendment, because I am prepared for the long haul. I believe we are going to win this, and we are going to win it when we educate the American people that to save more of our children's lives, we need to implement the safety lock, the trigger lock, and bring an end to this ceaseless or unending devastation against our children.

Mr. Chairman, thank you for the opportunity to speak on this important amendment to H.R. 4276. I have proposed an amendment to H.R. 4276 which I urge all my colleagues to support. My amendment will save children's lives! In this country today the firearm homicide rate among children across our country has tripled in the last 10 years. It is tragic and shocking that there were over 500 accidental deaths among children as a result of young and curious hands reaching for a gun as a toy. In my home State of Texas, 32 children died as a result of accidentally fired handguns last year, and 500 children died in my State as a result of firearm deaths in total. This is unacceptable.

The high incidence of lethality of youth violence demands a major national response. The need for this type of legislation is even more critical because younger and younger children are accessing guns and becoming increasingly involved in violence and gang activity.

The rash of recent school shootings which occurred across several of our states are a manifestation of not only a disturbing trend of hostility among our young people, but also how accessible violent weapons are to our children.

We must not only look at what leads children to kill other children, we must also take responsibility for placing the tools of death within their reach.

The trigger lock amendment will prevent children from shooting guns, either accidentally or purposefully. It will help to save our young people's lives and protect our communities and our families from accidental gun violence.

Mr. Chairman, only at this time, I ask unanimous consent to withdraw this amendment in order to offer this amendment after we have fully educated the American people on this needed gun safety feature.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice and State, the Judiciary and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS AND DEBATE TIME THROUGH TITLE 6 DURING FURTHER CONSIDERATION OF H.R. 4276, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999, IN THE COMMITTEE OF THE WHOLE TODAY

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 4276 in the Committee of the Whole, pursuant to H. Res. 508; the remainder of the bill through title 6 be considered as read; and no amendment shall be in order thereto except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. TRAFICANT of Ohio related to a prison study for 5 minutes;

Mr. COLLINS of Georgia for a colloquy for 10 minutes;

Mr. SANDERS of Vermont related to SBA offsets for 5 minutes;

Mr. ENGEL of New York related to PTFP for 10 minutes;

Mr. ROYCE of California, to strike ATP for 10 minutes;

Mr. ROGERS of Kentucky related to NOAA for 10 minutes;

Mr. PALLONE of New Jersey related to NOAA for 15 minutes;

Mr. CALLAHAN of Alabama related to NOAA for 10 minutes;

Mr. FARR of California related to NOAA for 10 minutes;

Mr. CALLAHAN of Alabama related to a general provision regarding fisheries for 20 minutes under the rule;

Mr. GILCHREST of Maryland to strike section 210 for 15 minutes;

Mr. BARTLETT of Maryland regarding UN arrears for 15 minutes;

Mr. STEARNS of Florida regarding UN arrears for 15 minutes;

Ms. MILLENDER-MCDONALD of California regarding SBA for 5 minutes;

Mr. TALENT of Missouri regarding SBA for 10 minutes;

and Mr. MOLLOHAN of West Virginia regarding the census, made in order under the rule, to title 2 be in order at a later point in the reading of the bill, notwithstanding that title 2 may be closed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Mr. Speaker, reserving the right to object, engaging the chairman for a further understanding with regard to the postponement of the census debate, the chairman and I have discussed this matter, and I would simply like to confirm that understanding, that the census debate will be had after we have votes on those amendments that we are going to roll until tomorrow from debates we have tonight?

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, that would be my understanding, that we will continue proceeding this evening; that Members, after the four votes that have been called tonight, those four votes will take place immediately, after which there would be no further recorded votes for tonight, and we will proceed tonight with amendments and role those votes until tomorrow, in which case those votes would be taken tomorrow morning, and then proceed directly to the census amendment, if that is the gentleman's desire.

Mr. MOLLOHAN. It is, Mr. Speaker.

Mr. ROGERS. If the gentleman changes his mind between now and then and wants to do other amendments, that will be fine.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to inquire of the chair of the subcommittee, it is my understanding there are five pending recorded votes.

Mr. ROGERS. The gentleman is correct, there are five.

Mr. MOLLOHAN. Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–675) on the resolution (H. Res. 516) providing for consideration of the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4276.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice and State, the Judiciary and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE) had been disposed of.

Pursuant to the order of the House of earlier today, the remainder of the bill through title 6 is considered as read.

The text of the remainder of the bill through title 6 is as follows:

This title may be cited as the "Department of Justice Appropriations Act, 1999".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $24,000,000: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $44,200,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $284,123,000, to remain available until expended, of which $1,600,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That, of the $296,616,000 provided for in direct obligations (of which $282,523,000 is appropriated from the General Fund, $1,600,0000 is derived from fee collections, and $12,493,000 is derived from unobligated balances and deobligations from prior years), $49,225,000 shall be for Trade Development, $17,779,000 shall be for Market Access and Compliance, $31,047,000 shall be for the Import Administration, $186,650,000 shall be for the United States and Foreign Commercial Service, and $11,915,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $47,777,000, to remain available until expended, of which $3,877,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House and the Senate and other appropriate Committees of the Congress are notified of such proposed action.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $368,379,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $25,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,276,000.

Economic and Information Infrastructure

Economic and Statistical Analysis

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $48,000,000, to remain available until September 30, 2000.

Bureau of the Census

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $140,147,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $951,936,000 to remain available until expended: *Provided*, That, of this amount, $475,968,000 shall not be available for obligation or expenditure until after March 31, 1999, and until the following shall have occurred: (1) not later than March 15, 1999, the President has submitted a request to release the funds, and such request shall include the President's estimate of the expenditures required for the completion of the decennial census; and (2) the Congress has enacted legislation making available the unobligated and unexpended funds: *Provided further*, That the Congress is required to take legislative action on such legislation not later than March 31, 1999.

In addition, for necessary expenses of the Census Monitoring Board as authorized by section 210 of Public Law 105–119, $4,000,000, to remain available until expended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $155,951,000, to remain available until expended.

National Telecommunications and Information Administration

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,940,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $1,800,000, shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $16,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

Patent and Trademark Office

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $653,526,000, to remain available until expended: *Provided*, That, of this amount, $653,526,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1999, so as to result in final fiscal year 1999 appropriation from the General Fund estimated at $0: *Provided further*, That, during fiscal year 1999, should the total amount of offsetting fee collections be less than $653,526,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of $653,526,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

In addition, upon enactment of legislation to increase fees collected pursuant to 35 U.S.C. 41, such fees shall be collected and credited to this account as offsetting collections and shall remain available until expended: *Provided*, That not to exceed $102,000,000 of such amounts collected shall be available for obligation in fiscal year 1999 for purposes as authorized by law: *Provided further*, That any amount received in excess of $102,000,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

Science and Technology

Technology Administration

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $9,000,000, of which not to exceed $1,000,000 shall remain available until September 30, 2000.

National Institute of Standards and Technology

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $280,470,000, to remain available until expended, of which not to exceed $1,800,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,800,000, to remain available until expended: *Provided*, That, notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the Transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond 6 years and may be renewed for additional periods, not to exceed 1 year, at a rate not to exceed one-third of the Center's total annual costs or the level of funding in the sixth year, whichever is less, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the Transfer of Manufacturing Technology Program: *Provided further*, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $180,200,000, to remain available until expended, of which not to exceed $43,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $56,714,000, to remain available until expended: *Provided*, That of the amounts provided under this heading, $40,000,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 240 commissioned officers on the active list as of September 30, 1999; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,470,042,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That, in addition, $62,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further*, That, of the $1,578,933,000 provided for in direct obligations under this heading (of which $1,470,042,000 is appropriated from the general fund, $74,895,000 is provided by transfer, and $33,996,000 is derived from unobligated balances and deobligations from prior years), $244,933,000 shall be for the National Ocean Service, $339,732,000 shall be for the National Marine Fisheries Service, $254,830,000 shall be for Oceanic and Atmospheric Research, $551,747,000 shall be for the National Weather Service, $104,232,000 shall be for the National Environmental Satellite, Data, and Information Service, $63,894,000 shall be for Program Support, $6,300,000 shall be for Fleet Maintenance, and $13,265,000 shall be for Facilities Maintenance: *Provided further*, That, not to exceed $31,069,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Under Secretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That not to exceed $77,843,000 shall be expended for central administrative support and common services not otherwise provided for under "Program Support" except in accordance with the procedures set forth in section 605 of this Act: *Provided further*, That, except as provided for in the previous proviso, no additional administrative charge or other assessment shall be applied against any program, project, or activity for which funds are provided under this heading unless explicitly provided for in this Act: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $538,439,000, to remain available until expended: *Provided*, That not to exceed $67,667,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system through Build 4.2 and NOAA Port system, including program management, operations, and maintenance costs through deployment, will not exceed $71,790,000: *Provided further*, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $238,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $28,900,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $21,400,000.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, fees collected in this fiscal year, and balances of prior year fees, $41,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 1999 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 1999 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 210. Section 101 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1811) is amended—

(1) in subsection (a), by inserting "subsection (c) of this section and" after "Except as provided in"; and

(2) by adding at the end the following:

"(c) EXCLUSIVE STATE FISHERY MANAGEMENT AUTHORITY IN GULF OF MEXICO.—Each of the States of Alabama, Louisiana, and Mississippi has exclusive fishery management authority over all fish in the Gulf of Mexico within 9 miles of the coast of that State.".

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1999".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $31,095,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,400,000, of which $2,364,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $16,143,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and 8 judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,822,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,848,329,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,515,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $60,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $360,952,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $67,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $174,100,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $54,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,000,000; of which $1,800,000 shall remain available through September 30, 2000, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $27,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C.

376(c), $7,800,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,000,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,600,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as "The Judiciary Appropriations Act, 1999".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration; $1,641,000,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That notwithstanding any other provision of law, not to exceed $250,000,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) during fiscal year 1999 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of $250,000,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); in addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, $25,700,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $365,235,000: *Provided*, That, of this amount, $813,333 shall be transferred to the Presidential Advisory Commission on Holocaust Assets in the United States.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $80,000,000, to remain available until expended, as authorized in Public Law 103–236: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $28,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,100,000, to remain available until September 30, 2000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $396,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $15,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $132,500,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $915,000,000: *Provided*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States

Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: *Provided further*, That not to exceed $15,000,000 shall be transferred from funds made available under this heading to the "International Conferences and Contingencies" account for United States contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, except that such transferred funds may be obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally based monitoring systems involved in cooperative data sharing agreements with the United States as of the date of enactment of this Act, until the United States Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $220,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of membership in the United Nations, and to pay assessed expenses of international peacekeeping activities, $475,000,000, to remain available until expended: *Provided*, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by law: *Provided further*, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member, and the share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

International Commissions

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $18,490,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $7,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,490,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

Other

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,250,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

Arms Control and Disarmament Agency

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

United States Information Agency

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $457,146,000: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): *Provided further*, That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services: *Provided further*, That not to exceed $920,000, to remain available until expended, may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $200,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1999, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-Profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1999, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba; $383,957,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and, in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $25,308,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the amount of comparability payments under section 5304 of title 5, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term "employee" shall mean a person who—

(1) is an "employee" as defined under section 2105 of title 5, United States Code; and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (Public Law 96-465), section 3903 of title 22, United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title 5, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

SEC. 404. (a)(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b)(1) Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c)(1) Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

SEC. 405. The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 406. Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

SEC. 407. (a) Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99-399 if such special agent—

"(A) meets the definition of such terms under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

"(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to a special agent under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c)(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99-399)" and inserting "Public Law 99-399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1999".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $97,650,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $67,600,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $16,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $280,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of 4 full-time individuals under Schedule C of the Excepted Service exclusive of 1 special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson who is permitted 125 billable days.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,170,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $28,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $260,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $181,514,000, of which not to exceed $300,000 shall remain available until September 30, 2000, for research and policy studies: *Provided*, That $172,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation estimated at $8,991,000: *Provided further*, That any offsetting collections received in excess of $172,523,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999: *Provided further*, That none of the funds provided in this account shall be used for expenses for rental of headquarters space at the Portals II building assessed by the General Services Administration, or for any relocation expenses, until such time as ongoing investigations by the Congress and the Department of Justice determine that the lease agreement was lawfully entered into by the parties involved.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,000,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $80,490,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding any other provision of law, not to exceed $76,500,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1999, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than $3,990,000, to remain available until expended: *Provided further*, That any fees received in excess of $76,500,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $141,000,000, of which $134,575,000 is for basic field programs and required independent audits; $1,125,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $5,300,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

SEC. 501. None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1998 and 1999, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $1,240,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $23,000,000; and, in addition, to remain available until expended, from fees collected in fiscal year 1998, $87,000,000, and from fees collected in fiscal year 1999, $214,000,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $246,750,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That $78,800,000 shall be available to fund grants for performance in fiscal year 1999 or fiscal year 2000 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,300,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $2,000,000, to be available until expended; and for the cost of guaranteed loans, $132,540,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 1999, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financing authorized under section 20(d)(1)(B)ii of the Small Business Act, as amended: *Provided further*, That, during fiscal year 1999, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $100,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $116,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $3,300,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1999, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1999, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE

IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995; unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102-567.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997, and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1999 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 618. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 619. The Federal Communications Commission shall reinstate the license of radio station WXEE, 1340 AM, of Welch, West Virginia, notwithstanding the expiration of such license on February 1, 1998, pursuant to section 312(g) of the Communications Act of 1934 (47 U.S.C. 312(g)).

The CHAIRMAN. No amendment is in order except the amendments stated in the order of the House, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the House of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified in the order of the House, equally divided and controlled by a proponent and a Member opposed thereto.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 508, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Indiana (Mr. SOUDER); the amendment No. 10 offered by the gentleman from New Hampshire (Mr.

Bass); the amendment No. 9 offered by the gentleman from Virginia (Mr. Scott); the amendment offered by the gentleman from Minnesota (Mr. Gutknecht); and the amendment offered by the gentlewoman from Colorado (Ms. DeGette).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SOUDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. Souder) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 91, noes 327, not voting 16, as follows:

[Roll No. 383]

AYES—91

Armey
Bachus
Ballenger
Barr
Barrett (NE)
Barton
Bateman
Blunt
Boehner
Burton
Camp
Canady
Cannon
Chabot
Christensen
Coble
Coburn
Cox
Crane
Cubin
Davis (FL)
Deal
DeLay
Doggett
Doolittle
Ehrlich
Fawell
Foley
Fowler
Fox
Gilman
Goss
Gutknecht
Hall (TX)
Hastert
Hayworth
Hefley
Hobson
Hoekstra
Hostettler
Hunter
Inglis
Istook
Johnson, Sam
Kasich
Kolbe
Largent
Leach
Manzullo
McCollum
McIntosh
McKeon
Miller (FL)
Myrick
Neumann
Paul
Paxon
Pease
Pitts
Portman
Pryce (OH)
Ramstad
Riggs
Rogan
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Smith, Linda
Snowbarger
Solomon
Souder
Stearns
Stump
Sununu
Talent
Tauzin
Thornberry
Tiahrt
Upton
Weldon (FL)
Wolf

NOES—327

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Campbell
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spence
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Archer
Clay
Conyers
Cunningham
Gonzalez
Kilpatrick
McCarthy (MO)
McDade
McInnis
Millender-McDonald
Moakley
Oxley
Pickering
Stark
Towns
Yates

□ 2131

Messrs. BASS, ORTIZ, CRAPO, GREENWOOD, and KLECZKA changed their vote from "aye" to "no."

Messrs. BURTON of Indiana, INGLIS of South Carolina, and STUMP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Chairman, during rollcall vote No. 383 on (Souder Amendment) H.R. 4276 I was unavoidably detained. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 508, the Chair announces that he will reduce to minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 10 OFFERED BY MR. BASS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 10 offered by the gentleman from New Hampshire (Mr. Bass) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 267, not voting 12, as follows:

[Roll No. 384]

AYES—155

Andrews
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (WI)
Barton
Bass
Berry
Bilirakis
Blunt
Boehner
Boyd
Bryant
Bunning
Burton
Buyer
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Christensen
Coble
Coburn
Condit
Cox
Crane
Cubin
Deal
DeFazio
DeLay
Diaz-Balart
Doolittle
Duncan
Dunn
Ehrlich
Ensign
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gibbons
Gilman
Goodling
Goss
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Largent
Lazio
Leach
Lewis (KY)
Linder
Livingston
LoBiondo
Luther
Manzullo
McCollum
McCrery
McHugh
McIntyre
McKeon
McKinney
Metcalf
Miller (FL)
Mink
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Pappas

Pastor
Paul
Paxon
Pease
Peterson (MN)
Petri
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Rogan
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Shimkus
Shuster
Skelton
Smith (MI)
Smith, Linda
Snowbarger
Solomon
Souder
Stump
Sununu
Talent
Taylor (MS)
Thornberry
Thune
Tiahrt
Turner
Upton
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield

NOES—267

Abercrombie
Ackerman
Aderholt
Allen
Archer
Baldacci
Barcia
Barrett (NE)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Capps
Cardin
Castle
Chenoweth
Clayton
Clement
Clyburn
Collins
Combest
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntosh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pascrell
Payne
Pelosi
Peterson (PA)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Sessions
Sherman
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Torres
Traficant
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Clay
Conyers
Cunningham
Gonzalez
Kilpatrick
McCarthy (MO)
McInnis
Moakley
Oxley
Pickering
Towns
Yates

□ 2139

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 9 offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 271, not voting 14, as follows:

[Roll No. 385]

AYES—149

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Berman
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
Dicks
Dixon
Doggett
Dooley
Duncan
Edwards
Engel
Ensign
Eshoo
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gilman
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hefner
Hilliard
Hinchey
Hinojosa
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Manton
Markey
Matsui
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Pickett
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Stabenow
Stark
Stenholm
Stokes
Thompson
Tierney
Torres
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wicker
Woolsey
Wynn

NOES—271

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Danner
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McIntosh
McIntyre
McKeon
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)

Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Clay
Conyers
Cunningham
Gonzalez
Kilpatrick
McCarthy (MO)
McDade
McInnis
Millender-McDonald
Moakley
Oxley
Pickering
Towns
Yates

□ 2145

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Chairman, during rollcall vote No. 385, the Scott amendment to H.R. 4276, I was unavoidably detained. Had I been present, I would have voted yes.

PERSONAL EXPLANATION

Mr. GREENWOOD. Mr. Speaker, on rollcall vote No. 385, the Scott amendment to H.R. 4276, the fiscal 1999 Commerce, Justice, State and the Judiciary Appropriations Act, it was my intention to vote "no".

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 286, not voting 12, as follows:

[Roll No. 386]

AYES—136

Andrews
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Brady (TX)
Burton
Buyer
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cox
Crane
Crapo
Cubin
Deal
DeLay
Diaz-Balart
Doolittle
Duncan
Ehrlich
Emerson
Ensign
Foley
Fossella
Fowler
Fox
Gallegly
Gibbons
Gillmor
Gilman
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Hostettler
Hunter
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kingston
Klug
Largent
Lazio
Linder
LoBiondo
Manzullo
McCollum
McIntosh
Meehan
Meek (FL)
Meeks (NY)
Miller (FL)
Myrick
Neumann
Norwood
Ortiz
Pappas
Pastor
Paul
Paxon
Pease
Petri
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rangel
Redmond
Riggs
Riley
Rogan
Rohrabacher
Royce
Ryun
Sanford
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Thornberry
Thune
Tiahrt
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wicker

NOES—286

Abercrombie
Ackerman
Aderholt
Allen
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Callahan
Calvert
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Collins
Condit
Cooksey
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Goode
Goodlatte
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Owens
Packard
Pallone
Parker
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith, Adam
Snyder
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Torres
Traficant
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Clay
Conyers
Cunningham
Gonzalez
Kilpatrick
McCarthy (MO)
McInnis
Moakley
Oxley
Pickering
Towns
Yates

□ 2153

Mrs. KELLY changed her vote from "aye" to "no."

Mr. CRAPO and Mrs. JOHNSON of Connecticut changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. DEGETTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 271, not voting 15, as follows:

[Roll No. 387]

AYES—148

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clyburn
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (MA)

Kennedy (RI)
Kennelly
Kind (WI)
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Stabenow
Stark
Stokes
Tauscher
Thomas
Thompson
Tierney
Torres
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn

NOES—271

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Clay
Conyers
Cunningham
Gonzalez
Kilpatrick
McCarthy (MO)
McInnis
Moakley
Obey
Oxley
Pickering
Strickland
Towns
Weller
Yates

☐ 2159

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcalls No.'s 380–387, I was unavoidably detained participating in the primary elections in Missouri. Had I been present, I would have voted in the following manner: No. 380—H. Con. Res. 213, Yes; 381—Mollohan Amendment on Legal Services, Yes; 382—Skaggs Amendment on TV Marti, Yes; 383—Souder Amendment on drug counts, No; 384—Bass Amendment on ATP, No; 385—Scott on Truth in Sentencing, No; 386—Gutknecht on Public Broadcasting, No; and 387—DeGette on Abortion, Yes.

☐ 2200

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. TRAFICANT:
>
> Page 38, after line 9, insert the following:
>
> SEC. . The Director of the Bureau of Prisons shall conduct a study, not later than 270 days after the date of the enactment of this Act, of private prisons that evaluates the growth and development of the private prison industry during the past 15 years, training qualifications of personnel at private prisons, and the security procedures of such facilities, and compares the general standards and conditions between private prisons and Federal prisons. The results of such study shall be submitted to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate.

The CHAIRMAN. Pursuant to the previous order of the House of today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last week, six prisoners, most of them incarcerated for murder, escaped from a private for-profit prison in my congressional district. The development of private prisons for profit around America is a sign of the times, but in the contract that this private prison had these were to be medium security prisoner inmate risks. There is still one murderer at large.

The Traficant amendment simply calls for a study to evaluate the growth and development of private for-profit prisons, the training qualifications of their personnel, the security program and the quality of security programs that they offer and how their standards compare to those of the Federal Bureau of Prisons.

It requires that this study be completed in 9 months and that the fruits of this study shall be reported to both the Judiciary Committees of the House and Senate and the Appropriations Committees of the House and Senate. It is just the beginning, because on the D.C. appropriations bill, where this contract exists between D.C. prisons and the City of Youngstown, and I do not at this point support closing that prison, I just want to make sure that the guidelines and the contractual stipulations for the inmate risk is as it should be. This amendment does not deal with that. That will be handled in the D.C. appropriations bill.

This calls for a study, and with the development of these private for-profit prisons, we must make sure their standards are up to par, their training is up to par, they are certified. The Bureau of Prisons can evaluate them and make recommendations to Congress, because it is a sign of the times.

Mr. Chairman, with that, I yield to the distinguished chairman, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to claim the additional 2½ minutes that is allotted to this provision.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Each side is granted an additional 2½ minutes.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman brings a very somber and important point to the body, and he has crafted this amendment which we think is appropriate and are prepared and willing to accept.

I congratulate the gentleman from Ohio (Mr. TRAFICANT) for having the wisdom and the fortitude to persevere to be sure that there is something in this bill dealing with a very, very tragic problem in his State but potentially a problem in all the other States. I congratulate the gentleman on bringing the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from West Virginia (Mr. MOLLOHAN), the ranking member.

Mr. MOLLOHAN. Mr. Chairman, likewise, I echo the sentiments of the chairman. The gentleman, who rightly has a very serious concern about the situation in his congressional district, has I think approached it in the appropriate way.

The time frame in which he requested he gets a response from the Bureau of Prisons I think is appropriate, it is expeditious, and I think he is moving in a very smart way. So I support the amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I thank the gentleman for yielding the time.

I want to congratulate the ex-chair for coming forth with this amendment. I think it is very timely and very needed.

As my colleague knows, one of the things I hope will be in this study is that the Governor of the State of Ohio has been told that he does not have the power to shut this facility down. Here it is in our State, and we do not have the ability to have any control over what is going on there, except when they escape, we have got to go out and try to find them at the expense of the taxpayers of the State of Ohio and other States.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

I do not want to be misinterpreted here. But I think Governor Voinovich has done a good job. The State is looking at it and the Federal Government, as we are talking about today, is doing it with the Governor to improve matters.

Mr. ROGERS. Mr. Chairman, again we salute the gentleman from Ohio (Mr. TRAFICANT) for bringing this matter before us, and we want to be of assistance in trying to solve a problem that the Federal Government is a part of in a big way. I congratulate the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. COLLINS. Mr. Chairman, I rise to join in a colloquy with the subcommittee chairman.

The CHAIRMAN. Pursuant to the previous order of the House of today, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes for the purposes of a colloquy with the distinguished chairman of the subcommittee.

Mr. COLLINS. Mr. Chairman, I have serious concerns about whether the United States Trade Representative is actively enforcing the terms of existing trade agreements. Specifically, compelling evidence has been provided by the U.S. industry which indicates that actions by at least one Japanese company involved in selling insurance products in Japan's third sector insurance market are in direct violation of the U.S.-Japan insurance agreement.

For over a year I have asked the USTR to open an investigation into this matter, but until recently such acts has not been taken. However, in a recent meeting the USTR committed to several Members of Congress that she would hold an open, fair, and complete interagency review of this matter.

However, unofficial reports from the interagency meetings indicate that government officials outside of the USTR are calling for a full 30-day investigation of these allegations. Mr. Chairman, it is my hope that the USTR will hold a fair and open interagency review and will heed the advice of those agency officials calling for a full investigation.

As the chairman knows, I was prepared to offer an amendment to reduce funding for the USTR, but because of my concerns that existing trade agreements are not being enforced, I will not offer the amendment. And at this time, as the bill moves forward through the process, I would appreciate the support of the chairman in pursuing alternative remedies if the USTR fails to live by the commitment that she has made to the Members.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I understand the concerns that have been raised by the gentleman and others. I agree that the USTR should fully enforce existing trade agreements, and expect the USTR to fulfill the commitments she has made to the Members.

I will be glad to work with the gentleman and others in the future to ensure that this occurs.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I would like to stand and associate myself with the remarks of the gentleman from Georgia (Mr. COLLINS).

Mr. Chairman, I had intended to offer an amendment to H.R. 4276 which would have reduced funding for the Office of the United States Trade Representative.

A number of my colleagues and I have been deeply concerned that the USTR has not adequately enforced that U.S.-Japan insurance trade agreement. There is considerable material supporting the claim that Yasuda Fire and Marine, Japan's second largest insurance company, had entered the so-called third sector of Japan's insurance marketplace in violation of the agreement, which reserves this sector to American firms until the other insurance sectors are open to U.S. companies. There is considerable evidence, which was outlined last month in the CONGRESSIONAL RECORD, that Yasuda has circumvented the agreement.

Initially it was my view, and the view of a number of my colleagues, that the interagency review be undertaken as promptly as possible. Indeed, we had hoped it would be completed within a time frame that would afford members of the Appropriations Committee and others a chance to understand its conclusions prior to leaving for the August District Work Period. However, given the large volume of evidence that has been submitted, the expressed need among members of the interagency group to more closely focus on the activities of Yasuda, and the broad implications that matter has for the sustainability of the U.S.-Japan insurance agreement, it is now our view that the interagency process requires more time. In fact, a too quick review of this important matter would be a disservice to the aims and goals of the agreement.

With this in mind, Mr. Chairman, and trusting that sufficient time will be given to all participants in the interagency group to conduct a thorough review, I shall not offer my amendment at this time. However, I would encourage conferees on the bill to be aware of this situation and to be open to initiatives to address it if necessary. It is my hope that by then the agencies involved will have had an opportunity to study in depth, including an on ground study investigation to full insure that Yasuda is not violating the agreement, the critical situation faced by American companies wishing to remain and compete in Japan's third sector insurance market.

Mr. Chairman, I would be remiss if I did not commend the USTR, Ambassador Barshefsky and her Deputy Richard Fisher for their willingness to meet with members of Congress to hear our concerns. I was also very pleased she commenced a full interagency review of the case and the specific questions we have raised regarding this matter.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding.

I have a copy of the USTR letter of this date dealing with this whole issue. It appears that she is committed, one, to cooperate fully with the GAO review that will be looking at this entire issue, as well as reconvening, as I think the gentleman indicated, the interagency process.

I just wanted to be clear, based on the conversation of the gentleman from Georgia (Mr. COLLINS) with the chairman, that at this point we are not asking for yet another review of this, and we are relying on the USTR to follow through on that commitment.

Is that essentially correct?

Mr. COLLINS. Mr. Chairman, reclaiming my time, what we are asking for, and we have received cooperation from the trade representative, Ms.

Barshefsky, is for full interagency review. That is taking place today, and we are very appreciative of their cooperation in doing this.

It has come to our attention that some of the agencies that are involved in the review feel like it may be necessary for that agency involved in the review, not USTR, to do an investigation of their own for over a 30-day period, maybe even with involving a trip to Japan for some investigating procedures. That is what we are speaking of. There is nothing to mandate that they go along with that or that they do that.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, in response to the inquiry by the gentleman, I would just like to say that Ms. Barshefsky, as well as her Associate Deputy Representative Fisher, have done an outstanding job in responding to the Members of Congress in the last week and have done an outstanding job bringing together the various factions to discuss this issue.

But, in further response to the inquiry of the gentleman, I have requested that Mr. Fisher contact Ms. Barshefsky and ask her to do an on-ground investigation of Yasuda, because in my opinion, Yasuda, the Japanese insurance company, is trying to pull the wool over the eyes of the United States insurance industry by buying a 10-percent interest in an American company and contending that that is a foreign country when they already have an agreement, as soon as this thing is expiring, then they can take over that entire entity.

So I have asked for an on-ground investigation for further requests, but she has not committed to that. And she has been most cooperative in the last week or so.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. COLLINS) has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to claim an additional 5 minutes and to allot the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding the time.

I just was happy to hear the comments of the gentleman from Alabama (Mr. CALLAHAN) that USTR really is being forthcoming in trying to address this issue. I know the gentleman was very concerned about it when we marked up the bill in full committee, and I appreciate learning that she and her staff are being responsive to his concerns.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Chairman, while I have the highest respect for the colleagues who are involved and who have expressed these concerns, I would point out to these gentlemen that this insurance issue is not new. The Yasuda/INA venture, which is controlled by a Pennsylvania-based employer, was announced on July 7, 1993, well in advance of the 1994 and 1996 U.S.-Japan trade agreements.

Furthermore, by the very terms of those agreements, this venture, which is 90 percent owned by a Pennsylvania company, is permitted to compete in Japan. Indeed, there have been ongoing discussions between Committee on Ways and Means and Committee on Commerce staff with all three interested U.S. companies on this issue for some time now, and the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means has asked the GAO to review progress in opening up Japanese markets, including a review of the specific matter.

While I recognize that reasonable people can differ, one fact that is not disputed by any of the parties is that one U.S. company controls 80 percent of the Japanese third sector market, another U.S. company controls roughly 10 percent, and the Pennsylvania company controls about 3 percent of the market.

For these reasons, I feel strongly that we need to have an objective review. I think the USTR has done that so far, and I strongly support their effort.

Mr. Chairman, I know the committee recognizes the value of the work done by the Office of the United States Trade Representative, and that a reduction in that office's appropriation below your recommendation could have a profoundly negative affect on our ability to open foreign markets to U.S. products and services. Additionally budget reductions could damage pending international negotiations to further open foreign markets for our agricultural products—just as our farm communities are already suffering—as well as planned negotiations to allow U.S. financial companies to fairly compete overseas.

For these reasons, I must object to the gentleman's statements and object to any direction to the Administration with regard to their current review of the Japanese Insurance Agreement. My understanding is the gentlemen, and other Members, have requested the Administration to again review a prior interagency decision on this issue. Any Congressional direction would interfere with the very process the gentleman has requested, as well as disturb an ongoing substantive, legal process and I would ask the Chairman not to agree to any such legislative history.

I would like to commend the gentleman from Kentucky for the fair and evenhanded way he has approached this dispute between various U.S. companies and his willingness to see that all parties in this matter are treated fairly without bringing any undue pressure on the USTR to force them to advantage one American company at the expense of another. I look forward to working with the gentlemen on this issue in the future and I look forward to supporting the Committee's budget for the USTR.

□ 2215

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I want to compliment the gentleman for withdrawing the amendment. I think it was a bit heavy-handed and I think that they made their point.

I just want to clarify, in all this, the gentleman from Alabama (Mr. CALLAHAN) is trying to affect process here, not substance, as I understand it. Is the gentleman satisfied with the responsiveness?

Mr. CALLAHAN. If the gentleman will yield, yes, I am satisfied that the Trade Representative has responded to our initial request and, that is, to involve all of the agencies that have some jurisdiction over this issue. However, the Yasuda Insurance Company in Japan, it is true most of the insurance is controlled by one American firm, but by this insurance company who does about 3 percent of the business selling out to a Japanese firm and with an agreement to buy all of it after the expiration date of this treaty gives them a distinct advantage over American insurance interests. I further requested of the Trade Representative that she do an on-ground investigation into the Yasuda purchase of the 10 percent interest in the American company.

Mr. MOLLOHAN. The gentleman talks about substance when he gets into this issue, and I just want to clarify that what he is asking from the Trade Representative is that they have an exhaustive study and investigation of this. He is not asking for a particular result to come out of this.

Mr. CALLAHAN. I am not asking for a result. I am just asking that the Trade Representative look deeply into this issue to see whether or not the 10 percent acquisition by the Japanese firm of the American firm is violative of the agreement that is in existence. I have asked her for what they have termed as an on-ground investigation into the matter. But in defense of the Trade Representative, she has been most responsive in the last 2 weeks.

Mr. MOLLOHAN. Mr. Chairman, I include for the RECORD a letter from the Trade Representative on this subject to clarify her position.

The letter referred to is as follows:

U.S. TRADE REPRESENTATIVE,
Washington, DC, August 4, 1998.

Hon. ALAN MOLLOHAN,
Ranking Member, Subcommittee on Commerce, Justice, State and Judiciary, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MOLLOHAN: I am writing to express my strong opposition to the amendment filed by Rep. Collins, and any other proposal, to reduce appropriations for the Office of the United States Trade Representative for the next fiscal year. This amendment is ill-considered and would severely impair our ability to open markets around the world for U.S. workers and companies.

The amendment filed today is an effort to pressure USTR into reversing a recent decision involving complex factual and legal issues regarding the application of the U.S.-Japan Insurance Agreement. The dispute over this question has divided the U.S. insurance industry. The amendment is prompted by a single American insurance company that disagrees with the Administration's decision.

The underlying dispute in question involves three American insurance companies that compete against each other in the "third sector" of the Japanese insurance market, which has been set aside largely for U.S. and other non-Japanese firms. The disagreement concerns whether a subsidiary that is 90-percent-owned by one of the American companies should, despite its overwhelming American ownership, be deemed to be a Japanese company and whether the activities of this company therefore violate the U.S.-Japan insurance agreement. For obvious reasons, compelling evidence would be needed to find that a 90 percent American-owned subsidiary is in fact Japanese. USTR conducted an extensive review of the arguments made by the parties and of all of the facts presented. Moreover, USTR made certain that the arguments were presented to and the matter reviewed by the interagency process. The evidence provided did not demonstrate that the subsidiary in question is Japanese, and the decision the Administration reached reflected that fact.

Separate from this decision, the Administration told the Japanese Government that it has failed to comply with key aspects of the Agreement regarding access to its largely closed insurance sector (the so-called primary insurance sector). As a result, we have told the Japanese that they may not invoke those provisions of the Agreement that would otherwise have opened the third sector of the Japanese insurance market on January 1, 2001.

It would be highly inappropriate for USTR's funding—which we use to secure export opportunities for all of America's workers and firms—to be reduced based on the urging of one company, regarding one issue, in a single sector of one foreign market. This is especially true given that the U.S. insurance industry is split over the issue and that USTR has taken strong steps just this month to hold Japan to its commitments under the Insurance Agreement. Moreover, the General Accounting Office will shortly be undertaking a review of the operation of the entire Insurance Agreement, including the disputed issue. In addition, at the request of interested Members, we have reconvened the interagency process to again review the matter.

If enacted, the amendment introduced today would impair USTR's ability to reduce trade barriers around the world and to enforce the agreements we have already negotiated, including the Insurance Agreement itself. This Administration has a strong record of opening markets and enforcing our trade agreements. The Insurance Agreement is no exception.

The Insurance Agreement already has provided enormous benefits to the U.S. insurance industry, and USTR has worked diligently to make sure that Japan abides by the commitments it has made.

Sincerely,

CHARLENE BARSHEFSKY.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, let me just point out, we understand fully the ownership of INA in Japan. That is not the question. The question is in the activities of the Yasuda Insurance Company in Japan and what they are doing to affect the market of the third sector insurance market in Japan. As far as the investigations, we are very pleased that the Trade Representative is conducting a full interagency review. However, we would hope that the Trade Representative would not prohibit or try to discourage any agency that is in the interagency review from doing a further investigation as far as their agency is concerned. That is what we are speaking of.

AMENDMENT NO. 45 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 45 offered by Mr. SANDERS:
>
> Page 40, line 8 insert "(decreased by $1,000,000)" after the dollar amount.
>
> Page 40, line 12 insert "(decreased by $1,000,000)" after the dollar amount.
>
> Page 40, line 13 insert "(decreased by $1,000,000)" after the dollar amount.
>
> Page 40, line 16 insert "(decreased by $1,000,000)" after the dollar amount.
>
> Page 76, line 3 insert "(decreased by $1,000,000)" after the dollar amount.
>
> Page 101, line 21 insert "(increased by $2,000,000)" after the dollar amount.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and the gentleman from Kentucky (Mr. ROGERS) will each control 2½ minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 1¼ minutes. This amendment is cosponsored by the gentlewoman from New York (Ms. VELÁZQUEZ). It increases funding for the Women's Demonstration Projects, currently known as the Women's Business Centers, from $4 million to $6 million for fiscal year 1999.

The Women's Business Centers currently have more than 60 centers in over two-thirds of the States. The centers offer financial management, marketing and technical assistance to current and potential women business owners. Each center tailors its style and offerings to the particular needs of its community. The SBA with the support of the Congress and the Administration plans to expand the program adding 30 new centers so that there will be a center in every State, including the State of Vermont.

Fostering the growth of small, women-owned businesses is a smart investment. Women are starting new firms at twice the rate of all other businesses and own more than one-third of all firms in the United States. They contribute $2.3 trillion to the economy. The 8 million women-owned firms employ 18.5 million people, or one in every five U.S. worker, and 35 percent more people in the United States than the Fortune 500 companies employ worldwide.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume. We think the gentleman's amendment makes sense. We have conferred with him at some length on the matter, we think it is a good amendment, and we accept it.

Mr. SANDERS. Mr. Chairman, I yield the balance of my time to the gentlewoman from New York (Ms. VELÁZQUEZ), the cosponsor of this amendment.

The CHAIRMAN. The gentlewoman from New York is recognized for 1¼ minutes.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Sanders-Velázquez amendment. My colleagues, the face of business is changing. We are seeing a phenomenal growth in the number of women-owned businesses. In 1976, women owned just 6 percent of our Nation's businesses. Today, 20 years later, that number has grown to 36 percent. That is over 8 million businesses owned by women. By the year 2000 it is expected that one out of every two businesses will be owned by a woman.

These centers provide a broad range of training and counseling services to women in the areas of finance, management and marketing. By tailoring their services to the needs of the local community, Women's Business Development Centers have given women-owned businesses a fighting chance. They have also played an important role in amplifying the voice of women business owners.

In New York City, one center is working with women who are welfare recipients to start their own business, and they are succeeding. On the two-year anniversary of the President's signing the welfare bill into law, moving from welfare to work is still a great achievement. Moving from welfare to self-employment is pure inspiration. Women's Business Development Centers help make this dream possible. The Sanders-Velázquez amendment will ensure that this dream is a reality for many, many women. I urge the adoption of this amendment.

Mr. WATTS of Oklahoma. Mr. Chairman, I am proud to offer my support for the Women's Business Center program. This program has served the State of Oklahoma extremely well.

The Women's Business Center in Oklahoma City, serving all of central Oklahoma's women entrepreneurs, is a tremendous example of a public-private partnership. Not only does this very "entrepreneurial" non-profit organization leverage its federal grant 2:1 with community support, it has created a unique program offering a "support-system" to micro-entrepreneurs. First and foremost, the organization offers hands-on training led by successful entrepreneurs. Over the past 3 years more than 2,000 people have attended training workshops with more than 250 participating in an in-depth 45 hour business expansion course.

An example in my district is Rosemary Carslile, owner of Mattress and Furniture Direct in Norman, Oklahoma. She has been in business for more than 5 years, yet after training, coaching and mentoring from the Women's Business Center program her sales increased by 40%.

Another success story is Deborah Clark owner of Prarie Moons also of Norman. Deborah not only received business plan development assistance, but was able to secure start-up financing for her retail store thanks to connections made through the Women's Business Center.

Expanded funding for this program nationwide would achieve the Small Business Committee's goal of one women's business center in every state. Women Business owners represent the fastest growing segment of our economy, with more than two-thirds of all new businesses being started today by women. These programs focus on issues specific to micro-enterprise and the needs of emerging entrepreneurs.

I am delighted to support increased funding for this very important program.

Mr. ROGERS. Mr. Chairman, we accept the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT NO. 44 OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mr. PALLONE:

Page 52, line 13, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 52, line 25, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 53, line 1, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 53, line 5, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 54, line 18, after the dollar amount, insert the following: "(reduced by $15,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. ROGERS) each will control 7½ minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, polluted runoff into our bays, lakes, rivers and estuaries is the Nation's number one water pollution problem and affects over half of all Americans who live along the coast. It also impacts the 32 percent of the Nation's gross national product that is derived from coastal areas and resources.

This amendment, which is cosponsored by the gentleman from Maryland (Mr. GILCHREST), increases funding for the coastal nonpoint pollution program and the Coastal Zone Management Act to meet the levels in the Administration's Clean Water Action Plan. Both of these programs provide invaluable financial assistance to the States to deal with the problems of coastal nonpoint pollution. More specifically, the Pallone-Gilchrest amendment provides an additional $4 million for coastal States to complete their coastal nonpoint source pollution control programs.

Since 1995, only $1 million has been appropriated for this purpose. The amendment also adds $1 million in coastal zone management grants so that all eligible coastal States can receive maximum support from this program, including three newly eligible States, Minnesota, Ohio and Georgia. These grants are used for important projects such as waterfront revitalization, improving public access to beaches, and controlling coastal nonpoint source pollution, the country's leading cause of water quality problems.

Finally, the amendment increases funding for coastal zone management enhancement grants by $3 million. This funding is particularly important to those States which have already reached the existing cap in coastal zone management funding. This is a modest amendment, Mr. Chairman, $8 million in all, but it is an amendment that will have an enormous impact for 30 coastal States and four territories. It is money that can easily be leveraged. The coastal zone management program has a proven $2 return for every Federal dollar invested.

Mr. Chairman, clean water is not only important for our environment, it is important for our ports and tourism industry. I urge my colleagues to join the gentleman from Maryland and myself in casting a vote for clean water and adopting this important amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. I want to be sure that every Member knows what he or she is voting for if they vote for this amendment.

A vote for this amendment is a vote to cut critical Weather Service programs. Ninety-eight percent of the moneys the gentleman proposes to cut pays for the critical equipment and computer systems now being put in your local Weather Service offices as a part of the Weather Service modernization and for the weather satellites that these offices depend on to provide weather warnings and forecasts to your constituents. Fifteen million dollars worth.

The other program his amendment would cut is the construction of the National Marine Fisheries Service lab being constructed now at Santa Cruz, California. These are the cuts that are being made by this amendment.

I just cannot support cutting these important programs related to the National Weather Service. I appreciate the gentleman's support for clean water programs, and I would say to the gentleman that this subcommittee has been very supportive of these programs. Despite the very difficult funding constraints that we faced, we increase funding for clean water programs by over 17 percent. This bill provides over $70 million for these activities, including an 8 percent increase for grants to States under the Coastal Zone Management Act.

While I can appreciate that the gentleman would like to have seen more, I would have liked to have seen more, we simply had to make hard choices and prioritize, and this is the way it came out. Clearly clean water programs were a priority as evidenced by the significant increase that they received in this bill. But our other priority was ensuring that the National Weather Service was adequately funded and that the modernization of your local weather offices would be completed so that your constituents would have the best weather forecasting that we can afford. I think it is foolhardy to cut this priority in order to fund any other program.

Therefore, I urge rejection of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. JONES).

□ 2230

Mr. JONES. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise tonight in support of the Pallone-Gilchrest amendment. This amendment would add $8 million to the coastal nonpoint pollution program which is of vital importance to my coastal district in North Carolina and other coastal areas throughout the Nation that are faced with pollution threats daily.

Just last week a fish kill killing approximately 200,000 menhaden occurred along the Neuse River in North Carolina that can be attributed to the deadly toxin pfiesteria. The coastal nonpoint program has allowed North Carolina to adopt nutrient-sensitive waters strategies for the river.

The coastal nonpoint pollution program allows States to develop and implement plans to control coastal runoff. Each State may use the grant money to best fit its needs, if it be improving pesticide and nutrient management or improving storm water treatment. The program is flexible enough to help States solve the problems, the problems in each individual State.

The Pallone-Gilchrest amendment does three important things. First, it provides critical money for the States to draft these plans; second, it provides money for the implementation of these plans; and, third, it provides much-needed money for the new Coastal Zone Management programs.

As summer wears on, more and more constituents of ours will be vacationing along our oceans and waterways. It is important, even for non-coastal Members, that we fully fund these programs and address the needs of waterways.

I hope my colleagues will support the Pallone-Gilchrest amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN), my distinguished friend.

Mr. MOLLOHAN. Mr. Chairman, I rise in reluctant opposition to the Pallone amendment, reluctant because I strongly support the clean water initiative and would love to see $8 million more put into that account. Unfortunately, I cannot support the gentleman's amendment because of the offset, a $15 million reduction in NOAA procurement, acquisition and construction.

Now, first of all, why would we be taking $15 million from NOAA procurement, acquisition and construction when we are only increasing the clean water grants by $8 million? It is because we have an outlay problem with regard to it, and it takes more money out of NOAA construction to get $8 million for clean water grants. So we are not talking about an $8 million reduction, we are really talking about almost twice that much, a $15 million reduction in these accounts.

Mr. Chairman, these accounts can ill afford to be reduced. These are the NOAA weather accounts primarily. Ninety-eight percent of the money in NOAA procurement is for weather, either for satellites or for the Weather Service. We can ill afford to reduce that money, and this committee has already reduced the Weather Service by significant amounts, roughly $90 million below the President's request or thereabouts. We really cannot afford to take any more money out of there.

Mr. Chairman, we have had a satellite failure. We need desperately to spend money on satellites. We are behind there already. And, in addition, the second part of the NOAA procurement account, which this $15 million would come out of, is for systems and equipment for the National Weather Service. This category includes continued development, procurement and acquisition of the AWHPS system, the weather forecasting and warning system, which I do not think can afford at all to have this money taken out.

So, while the amendment is very worthy in terms of the account which it wants to increase, the offsets make it untenable, and I reluctantly oppose the amendment, Mr. Chairman.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST), the cosponsor of the amendment.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me.

I know the difficulty of transferring money from one account do another account, and I realize and understand the $8 million would account for close to, if not including, $15 million from these various accounts. It is my understanding, though, that there is a fairly large pot of money that is in unobligated funds carried over from one year to the next, but I do not want to get into a discussion about fine-tuning the amounts of how much money is available for satellites and Weather Service and how much money for other areas.

Mr. ROGERS. Mr. Chairman, will the gentleman yield on that point?

Mr. GILCHREST. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, funds have already been allocated. All the unobligated have now been taken.

Mr. GILCHREST. The point I would like to make, Mr. Chairman, is that there is a lot of money that is carried over from year to year. We have problems in numerous areas in the NOAA account.

The point is that this particular issue, which we would like to bring before the House tonight, is that there simply is not enough money to deal with the problems of nonpoint-source pollution among our coastal areas, including the Great Lakes. There simply is not enough money, since we realize that 100 percent of the Great Lakes are under a fish advisory for consumption by people. The Great Lakes will tell women that are pregnant, do not eat any fish. In the Delaware estuary and the Delaware River, in the coastal areas around Maryland and Delaware and New Jersey, women that are pregnant are told not to eat the fish.

I recognize the problems with not enough money, but we certainly need to understand the nature of the problem of nonpoint-source pollution in our coastal areas, and we need to recognize an even more serious problem of persistent toxic chemicals that not only are a problem of yesterday, are not only a problem of today, but unless these problems are dealt with they are a problem for generations to come.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SKAGGS), a member of the subcommittee.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for the time.

Both of the gentlemen, all three that have spoken in favor of this amendment, make very compelling cases, and I guess I am in the awkward position of wanting to help love their amendment to death, to acknowledge how meritorious their claim is for additional resources but then say, as the chairman has, "Not here." Because the account that they would be going after by this offset I think has an even more critical priority for the country, especially with the very tenuous status of our weather satellite system right now. It is already being stretched very thin by the constraints in this bill.

To further eat into this account I think really puts into severe jeopardy our overall capability to keep track of weather forecasting, severe weather events that carry even greater threat to the health and safety of the people of this country than do the risks that the gentlemen's amendment would be designed to address.

So, as with everyone else that has spoken against my colleagues, I do so reluctantly.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in support of the Pallone-Gilchrest amendment to provide full funding for the State Coastal Pollution Control Program. This amendment puts funds where they are needed most, at the State and local level.

A recent report by the Natural Resources Defense Council showed that pollution warnings for California beaches went up by almost 8 percent last year. In my district, Santa Barbara County issued beach advisories on 198 days during 1997, warning the public of elevated bacterial levels in the surf, and after the storms of this last year we know that the numbers will be even higher.

This amendment is supported by conservation, commercial and recreational fishing and business organizations, as well as many State associations and municipalities.

Mr. Chairman, we must remember that everything runs downstream and eventually into the ocean. We cannot continue to treat our waterways as a dumping ground for our wastes. Clean waterways are essential to our Nation's fishing, tourism and recreation industries, and I urge my colleagues to support the Pallone-Gilchrest amendment.

Mr. Chairman, I rise in support of the Pallone-Gilchrest Amendment to provide full funding for State Coastal Pollution Control programs.

This amendment would provide critically needed funding to protect our nation's waterways, oceans, and coastal regions. It would provide full funding for NOAA's Clean Water Initiative, a critical component to the President's Clean Water Action Plan.

I had the opportunity to participate in the historic National Ocean Conference in Monterey, CA where a variety of topics were discussed regarding ocean protection. At follow up conferences which I convened in my district, a reoccurring theme was the need to protect our oceans from non point sources of pollution.

Too much pollution from the land runs straight to the sea. Polluted runoff—from our nation's roads, farms, grazing, logging, mining, housing development, and other land uses, is the single largest threat to water quality in this courty. This runoff is a major cause of increased beach closures and of the current crisis in our fisheries. Polluted runoff threatens our ecosystems, our health, and indeed our economies.

This amendments puts funds where they are needed most—at the state and local level.

A recent report by the Natural Resources Defense Council showed that pollution warnings for California beaches went up by almost 8 percent last year. In my District, Santa Barbara County issued beach advisories warning the public of elevated bacterial level in the surf on 198 days during the year 1997. We know the numbers will be higher this year.

This amendment is supported by conservation, commercial and recreational fishing, and business organizations, as well as many State associations and municipalities.

Mr. Chairman, we must remember that everything runs downstream and eventually into the ocean. We cannot continue to treat or waterways as a dumping ground for our wastes.

Clean waterways are essential to our nation's fishing, tourism, and recreation industries.

I urge my colleagues to support the Pallone-Gilchrist amendment.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. ROGERS. Mr. Chairman, I have a letter in my hands from the Department of Commerce of the administration dated July 31 in which they say that they cannot support, in essence, this amendment. They say that we cannot support further reductions in this account or other Commerce programs, and they say that because they go ahead to say in the letter:

"The committee bill already reduces this account by $88.2 million, and a proposal to reduce PAC by another reduction of $15 million would cause delays and increase costs to the Federal Government for the remaining projects."

That is satellites, that is weather forecasting of the floods and the hurricanes and the tornadoes and all the other disasters that we are facing already.

And so I urge the committee not to yield to the temptation to put more money in clean water, which we would all like to do, but as the gentleman from Colorado says, this is an even higher priority, and that is forecasting the weather for our constituents.

So I urge a defeat of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY), a member of the Committee on Appropriations.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding this time to me, and with great respect for our chairman and our ranking member, I support the amendment of my colleague from New Jersey.

I would like to point out to my colleagues that I notice in one of our press releases that this bill does provide $439 million for weather satellites, which is a $110 million increase over fiscal year 1998. So although this is clearly an important need and we support it, I think the greater need here is to support the amendment of the gentleman from New Jersey (Mr. PALLONE), because from Long Island Sound to Chesapeake Bay, from the Gulf of Mexico to San Francisco Bay, nonpoint-source pollution is a major cause of water quality impairment.

In fact, polluted runoff is the number one water problem nationwide, causing beach closures, fish kills, oxygen depleting algae bloom, shellfish harvest restrictions. The pollution takes a significant toll both on the environment and the economies of our coastal areas, an area where more than 50 percent of the United States population lives.

To tackle this threat to our coastal areas, this bill is very, very important, Mr. Chairman, and I urge support for my colleague.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PALLONE. Mr. Chairman I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

Page 47, line 11, after the dollar amount insert the following: "(increased by $5,000,000)".

Page 92, line 25, after the dollar amount insert the following: "(reduced by $5,000,000)".

The CHAIRMAN. Pursuant to the previous order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed will each control 5 minutes.

The gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to increase funding for the Public Telecommunication Facilities Program, PTFP, by $5 million. I support public broadcasting, and I think this is a very important amendment to help public broadcasting.

I am offering this amendment because I believe we must address the daunting challenge that the public broadcasters are facing in the conversion to digital broadcast transmission. Additional funding for PTFP can help with this transition. PTFP is a success story that demonstrates what the government and the private sector can accomplish when they work together.

The facilities program is a matching grants plan for public radio and television stations. It helps stations purchase equipment to extend their signals to unserved areas as well as replace outdated hardware such as transmitters, master control rooms or towers. Many of these stations are in rural areas and do not have the resources to upgrade their systems or receive signals. The facilities program has been an unqualified success because it has helped extend public television and public radio services to most of the country, and certainly that is a very worthwhile endeavor.

PTFP is the sole program in the Federal Government that assists in the maintenance of the vast public broadcasting inventory, which now exceeds an estimated $1 billion in value. Since its inception, PTFP has invested $500 million in public telecommunication facilities that deliver informational, cultural and educational programming to the American people. That is a significant investment in a system that is now nearly universal, reaching communities as diverse as Point Barrow, Alaska; Jackson, Mississippi; and Los Angeles, California.

This universality provides an amazing potential for communication among Americans as we move further into a digital information age. The Federal Communications Commission has mandated that all public television stations be on the air with a digital signal by May 2003. Public radio stations face a similar transition, although no timetable has been set.

The industry has done extensive research and estimates the costs associated with the transition conversion to be $1.7 billion. Public broadcasting stations are facing huge financial obstacles with digital transition. Tower replacements costing $1 to $3 million are estimated for about one-third of public television stations.

□ 2245

In addition, each analog transmitter and antenna will have to be replicated in digital formats over the next seven years at high cost. Furthermore, the cost to displace radio stations could run from thousands to millions of dollars because of dislocations or structural problems with older towers.

We have an obligation to help public broadcasters finance this enormous venture. Public stations must have the ability to keep up with changing technologies. With proper resources, we can ensure that the public-private partnership between the Federal Government and public broadcasting will guarantee that all Americans will continue to benefit from the services and programming available through public broadcasting.

I am strongly supportive of a proposal put forth by the President that would create a new digital transition program that would help stations with digital conversion. While the Committee on Appropriations chose not to authorize the program, it is my hope that such a plan can be created in the future so that we can properly assist public broadcasters with their digital transmission needs.

This amendment is a modest attempt to help them adapt to the digital, and start a dialogue for future actions that can be taken. Let us fully support these efforts, so the American people can continue to receive the quality programming they deserve. I urge my colleagues to support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from West Virginia (Mr. MOLLOHAN).

The CHAIRMAN. The gentleman from West Virginia (Mr. MOLLOHAN) is recognized for one minute.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in support of his amendment.

I would like to compliment the gentleman on his fine work, both this year and in the past, on behalf of public radio and television. Our bill funds PTFP at last year's funding level of $21 million. The gentleman's amendment would provide an additional $5 million to help our public radio and TV stations convert to digital formatting. This is much less than is actually needed, but it represents a good first start.

I want to again rise in support of the amendment, and compliment the gentleman for his good efforts.

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Louisiana (Mr. LIVINGSTON), the distinguished chairman of the Committee on Appropriations, is recognized for 5 minutes.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by the gentleman from New York. I know the gentleman feels strongly about this subject and he would like to help the Public Television Facilities Program, but the fact is that that program has been funded at $6 million above the President's request. It is a level equal to last year. So it has gotten $6 million more than the President requested, and level-funded with what was appropriated in this act last year.

Now, public television is certainly popular throughout every region of this Nation, but, in the other bill, the Labor-Health-Education appropriations bill, we actually appropriate some hundreds of millions of dollars in one fashion or another to public television.

I dare say that as important as this project is, it is not so important that it should take $5 million from the already depleted funding of Title XI, which provides for maritime construction subsidies. That program provided initially, before we came to the floor in this bill, some $16 million, and $10 million of that $16 million was siphoned away to pay for the increase that Members wanted to apply to the Legal Services Corporation.

Now, our business on the Committee on Appropriations and here in the House is to assess priorities. It is obviously a priority of the House to meet the higher level funding demand for Legal Services. But the maritime subsidy program is not any less important today and at this moment than it was when it was written into the bill at $16 million. It is currently $6 million because of Legal Services.

The gentleman from New York (Mr. ENGEL) would like to take $5 million of the remaining $6 million out for the public television facilities grant program. That may be a meritorious program, but that leaves $1 million for the Maritime Title XI program, which is entirely inadequate.

That program basically is intended to provide guarantees, loan guarantees, for U.S. shipbuilders. The fact is we have shipbuilders all around this Nation who used to rely on a very robust Naval program, and cannot do that anymore because our Navy is not building any ships. If we build more than three or four ships in a single year, it is amazing. That is not enough to sustain our shipbuilders around this country.

If this country gets into a major conflict abroad and we need ships, we need supplies, we need to recreate the situation that we saw ourselves in in Desert Storm, we, quite frankly, could not build the ships fast enough to begin with, and, even if we could, we could not afford the demand.

This program allows us for every $1 million to shipbuilders, we can actually leverage that into $20 million of loan guarantees for U.S. ships, and that creates jobs in the shipbuilding industry.

I happen to represent a shipbuilding center in south Louisiana. Others represent shipbuilding centers around the coastal regions of this country. For those Members who represent shipbuilding communities, I would say that this is a very, very important program, no less important, in fact, a lot more important, than the public television facilities grant program. Mr. Chairman, I ask that Members consider that this program from which the gentleman hopes to take $5 million will be crippled if it loses five/sixths of what remains.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I stood up to support this amendment based upon the new estimates that there would be as much as $60 or $63 million carryover. I hope that that happens, and that that addresses some of the distinguished chairman's thoughts.

Mr. LIVINGSTON. Mr. Chairman, reclaiming my time, the gentleman is correct, there is carry-over, although I think the gentleman's figures are greatly inflated. I think it is about half of that.

I would simply say without those already obligated funds, the current contracts would have to be terminated and jobs would be immediately lost; and that is not a good idea.

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ENGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from New York (Mr. ENGEL) will be postponed.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FARR of California:

Page 52, line 19, after the dollar amount insert "(increased by $1,000,000)".

Page 52, line 25, after the dollar amount insert "(increased by $1,000,000)".

Page 53, line 2, after the dollar amount insert "(increased by $1,000,000)".

Page 53, line 5, after the dollar amount insert "(increased by $1,000,000)".

The CHAIRMAN. Pursuant to the previous order of the House today, the gentleman from California (Mr. FARR) and a Member opposed will each control 5 minutes.

The gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that would support an additional $1 million for the National Estuary and Research Reserve program. Our Nation's fishery nursery is in these estuaries, which supports 75 percent of the U.S. commercial fish catch. I offer the amendment by taking carry-over funds from the Saltonstall-Kennedy fund.

I ask that the gentleman from Kentucky (Mr. ROGERS) if he would accept the amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have worked with the gentleman on his amendment. We have no objection to the amendment.

Mr. FARR of California. Mr. Chairman, reclaiming my time, I have a question, if I may, on another issue.

Mr. Chairman, I would ask the distinguished gentleman from Kentucky (Chairman ROGERS) if he would respond to a question I have. I would like to ask the gentleman from Kentucky (Chairman ROGERS) to participate in a brief colloquy regarding the new National Marine Fisheries Lab in Santa Cruz, California.

Some concerns have been expressed regarding the current design of the seawater system as it relates to the ability of the laboratory to support live marine mammal research. I know on May 12, 1998, in a letter to the Department of Commerce, the committee addressed this issue and indicated that should additional funds above the current plan be necessary to address deficiencies in the system, the committee will be willing to entertain a reprogramming request from NOAA for no more than $600,000 to cover the costs of any necessary changes.

My question to the chairman is, does he believe that this is the appropriate way to address the issue of the seawater system at the Santa Cruz laboratory, and will the gentleman agree to do so?

Mr. ROGERS. If the gentleman will yield further, the answer is yes.

Mr. FARR of California. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from California (Mr. FARR).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ROYCE:

Page 51, line 9, insert "(reduced by $180,200,000)" after "$180,200,000".

Page 51, line 10, insert "(reduced by $43,000,000)" after "$43,000,000".

Page 51, line 12, insert "(reduced by $500,000)" after "$500,000".

The CHAIRMAN. Pursuant to the previous order of the House today, the gentleman from California (Mr. ROYCE) and a Member opposed to the amendment will each control 5 minutes.

The gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Advanced Technology Program provides subsidies to multimillion dollar corporations and joint ventures to fund high technology research and development. High-tech R&D has been central to our economy and continued economic growth, and I have the highest praise for these activities.

However, I take issue in asking the American taxpayers to foot the bill for these activities which should be left to the market free of politics and free of government meddling.

Private industry does not need this program and, quite frankly, competes unfairly, has to compete with these grants, and we have heard from Silicon Valley CEO's who have said that economic rivals, competing firms receive these grants, and then compete with them in the marketplace.

In studying ATP, the General Accounting Office found that 65 percent of ATP recipients did not even attempt to secure private funding for the projects before asking for taxpayer subsidies.

ATP has created a perverse incentive. Firms come to Washington to seek millions of dollars in subsidies provided by working families, instead of going first to the private market. Proponents of these subsidies claim that cooperation between government and industry is essential to compete in the global marketplace. Well, if this kind of cooperation were indeed the panacea they claim, then Eastern Europe would be the dominant economic superpower in the world. It is not.

We commend the American economy for being the most productive in the world. Our economy was not built on government subsidies and those socialist economies that are built on subsidies are economies that are failing and attempting to reform along the lines of a free market.

Now, high-tech R&D will continue if they are deemed worthy by those that choose to invest their own money. High definition TV is one of the clearest failures of government targeted handouts. Japanese businesses with subsidies that totalled $1 billion in the 1980's sought to help HDTV using existing analog technology. The French did the same. $1 billion of their taxpayers' money went into that.

Luckily, here in the U.S., our administration at the time took a pass at providing $1.2 billion in subsidies to compete with these foreign rivals. As a result of being denied massive subsidies, American companies were forced to develop an alternative with their own money.

The alternative that AT&T and Zenith developed was a fully digital system that made analog Japanese and European systems obsolete. Before they were ever put into production, the Japanese and European taxpayers lost $2 billion because their governments directed and handed out the subsidies. We relied on the market, and, again, it showed that the market works.

We are the economic leader of the world precisely because of the relative lack of government involvement in the economy, not because of centralization. The market where people choose to put their own money at risk should determine what activities should be funded, not bureaucrats in Washington using other people's money.

We have also heard the argument that ATP is the catalyst for high tech R&D and is therefore crucial. Well, ATP was appropriated $192 million, and, as of today, $23 million from last year has not been doled out yet. In contrast, over $133 billion was invested last year in industrial R&D by the private sector. Over $37 billion of this went to applied and basic research. It is obvious the engine driving America's dominance in high technology is the result of our vital private sector, not government picking winners and losers.

□ 2300

Many execs in the high tech industry do not support this corporate welfare. A Silicon Valley CEO told the Senate, I am here to say that such subsidies will hurt my company and our industry because they represent tax and spend economics. Another venture capitalist knows that ATP grants undercut his industry. He said, whenever the government doles out money, it is unfair. If money is being offered, you have to apply or else your competitors will get it. It took 9 months from when we applied to when we were answered, leaving the company in limbo. While his company waited, he said, the delay scared off private investors.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding me the time. He has already touched on the significance of markets. He has touched on the significance of fairness.

I would just add one little postscript to what has been already said on how important the Royce amendment is;

that is, simply the issue of effectiveness. If you think about effective individuals, they are individuals that actually focus. If you think about effective corporations, whether it is McDonald's or Holiday Inn or Sears & Roebuck, they focused.

The same can be said of governments, governments that try to do too many things ultimately are ineffective. If we are to get monetary policy right and defense policy right and Social Security checks on time, this government too has to be limited. And for that reason alone, I would stand in support of the Royce amendment.

Mr. ROYCE. Mr. Chairman, reclaiming my time, besides the question of the constitutionality of these types of subsidies, let us begin with the task of lifting this enormous burden, this enormous government off the backs of America's taxpayers by taking the small step to reduce wasteful subsidies.

I ask my colleagues to join Citizens Against Government Waste, the Competitive Enterprise Institute, Americans for Tax Reform and other groups in support of this amendment.

The CHAIRMAN. Is there a Member in opposition to the amendment?

The gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

We have had similar debate earlier today in which I pointed out that the ATP program is the centerpiece of the administration's research and its strategy to maintain its competitiveness in the global marketplace.

I also pointed out that this is in real competition with other countries around the world who are investing strategically, governments are investing strategically and far more deeply than the United States. Nevertheless, this program, however small relative to those other strategic investments by government and civilian technology research, it is an important program. It is a program that is getting better.

It has listened to its critics who have expressed concern about too much of the money going to large corporations. The program has been reconstituted by the Secretary of Commerce, taking into consideration those concerns, so that the grantees of these monies are increasingly consortium groups, including academia, small businesses, increasingly, and, of course, large businesses also, all of it directed at precompetitive, generic technology development, which would not otherwise be undertaken by private industry.

ATP is decidedly not corporate welfare. That is not what it is about. It is not about picking winners and losers. It is also not about product development. ATP is about funding the research and development efforts behind high risk technologies.

While the government provides a catalyst, industry can seize, manage and execute along with academician and nonprofit sector partners, these ATP projects. These funds are risky. ATP funds are risky. They are precompetitive technologies, and they are strategically picked out to ensure America's competitiveness in core sectors.

That has a big potential payoff for this country, as we are in competition with the world's economy. It is a program that was bipartisan in its initiation. Although it has become political, it has become a political issue, a partisan issue in recent years, less so maybe in the last several years, it was conceived in a very nonpartisan way under the President Reagan's administration and was authored by a former Republican member of Congress, the distinguished member from Pennsylvania, Don Ritter.

I remember well his support for this program. He particularly appreciated the benefits of the government being a strategic partner in ensuring America's competitiveness by focusing in these strategic areas and providing some seed catalyst money by the government to make sure that these precompetitive technology research efforts went forward.

I strongly support the program. I believe that the Congress increasingly is coming to support the program. I would hope that that would be expressed by defeating the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BARTLETT of Maryland:

Page 78, strike line 15, and all that follows through line 6 on page 79.

The CHAIRMAN. Pursuant to the previous order of the House of today, the gentleman from Maryland (Mr. BARTLETT) and a Member opposed, each will control 7½ minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment. It simply strikes the funding for the payment of U.N. debt arrearages, and I do this for several reasons.

First of all, whatever debt we owe for arrearages and dues has already been paid several times over by our participation in legitimate U.N. peacekeeping activities.

First of all, here is a GAO report that says that between 1992 and 1995, the United States spent $6.6 billion on legitimate U.N. peacekeeping activities. Recognizing the legitimacy of this, the U.N. has credited us with $1.8 billion of that against back dues, no credit for the remainder.

Secondly, here is a CRS report, more recently. This report covers from 1992 to May of last year. This report says that we have spent during that time period $11.1 billion on legitimate U.N. peacekeeping activities. This, of course, includes the monies that were in the GAO report.

In addition to that, the Pentagon itself, in two reports that I have, one for last year which says that just last year alone we spent $2.9 billion on U.N. peacekeeping activities, the other report says that the year before last we spent $3.3 billion on U.N. peacekeeping activities. So whatever back dues we might owe, we have paid them several times over as indicated by these reports by our participation in legitimate U.N. peacekeeping activities.

This past spring President Clinton requested $1.36 billion in emergency funds for the Department of Defense to pay for the ongoing mission in Iraq. Recognizing that this was a U.N. peacekeeping activity, the United States, Kofi Annan said, would be required to get U.N. approval prior to bombing Iraq.

These monies were spent in pursuit of a legitimate U.N. peacekeeping activity. The CRS reports that in 1995, the U.S. State Department estimated that the United States paid for 54 percent of all United Nations peacekeeping activities. We are required to pay for just over 30 percent; clearly, a big surplus that should be credited against our dues.

The second reason for striking this language is that the United Nations is not reforming. A year ago we put them on notice that they would get back dues when they had reformed. They are clearly not reforming. They are putting 100 new people on when they said they were going to reduce their staff. And a committee of the United Nations itself, the General Assembly's Advisory Committee on Administrative and Budgetary Questions said, and I quote, Mr. Kofi Annan's report was wrong to say U.N. headquarters staff had to support 4,921 troops. He wants a big headquarters staff to support nearly 5000 troops, but those troops are reduced to zero, this committee said, by July 1, 1998. He still has the staff there.

Another reason, a third reason for striking these funds is that we now have a major problem with the International Criminal Court. The Clinton administration was party to spawning this. Now it has become a major problem, because it is going to be an agency of the General Assembly in which we have no veto, rather than the Security Council where we do have a veto. As a matter of fact, the United Nations voted against us 120 to 7 relative to the International Criminal Court. And we want to give them $475? I think not.

□ 2310

In summary, we need to strike this language because we have already paid the dues, whatever they are, several times over with legitimate U.N. peacekeeping activities. Witness the four government reports. Secondly, the U.N. is not reforming, as they promised they would. And, thirdly, we have a major problem with the international criminal court.

Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman from Maryland (Mr. BARTLETT) for yielding me this time.

As we all know, the U.S. easily pays the lion's share of the burden for keeping the U.N. in operation. Each year the U.S. spends approximately $1 billion for the U.N.'s regular budget, peacekeeping operations, and various other U.N. programs. In addition, in 1995, the U.S. spent approximately $1 billion for U.N. peacekeeping operations above and beyond our assessed dues.

In fact, a recent GAO report documents that from 1992 to 1995 the U.S. supported the U.N. in its peacekeeping ventures to the tune of $6.6 billion, but only $1.8 billion of this was counted toward our assessed dues to the U.N. Of the remaining $4.8 billion, only $79 million has been reimbursed to the United States. If we deduct the $1.3 billion the U.N. claims we owe them from the $4.8 billion of nonreimbursed U.S. expenditures, the result is $3.5 billion that the U.N. still must pay or credit to the United States.

Perhaps the U.N. bureaucrats think this was a gift from American taxpayers, but it certainly was not. That is why 31 Members of Congress, myself included, sent a letter to President Clinton following his State of the Union address in February 1997. This letter voiced our disagreement with the President's statement that we owe money to the U.N.

Currently, we pay at least 25 percent of the U.N. regular budget through assessed dues. This is 2 to 3 percent below what the U.N. believes we should pay and 5 percent below what this administration wants us to pay.

Also, for peacekeeping operations, we contribute over 30 percent of the U.N.'s budget. On top of these assessed dues, the U.S. appropriates roughly $300 million as voluntary contributions for various U.N. programs, including $30 million in fiscal year 1998 for the U.N. population program, which we all know is a front for funding overseas abortions.

This Congress and the President need to realize we cannot provide any so-called back payments to the U.N. until the U.S. is properly reimbursed or credited for our contributions to the various peacekeeping ventures and until certain U.N. reforms have been implemented.

Let me just remind the House that, first, we do not owe the $1.3 billion in arrears, as the U.N. claims. Second, we do not owe $921 million in arrears, as the administration's request for fiscal year 1998 and 1999. And, thirdly, we do not owe $819 million in U.N. back dues, as H.R. 1757 authorizes for fiscal year 1998 and 2000.

Accordingly, we should not fund $475 in so-called unpaid arrears for fiscal year 1999, as proposed in this State Department appropriations bill. Equally important, we do not need to throw any extra chunk of the American taxpayers' hard earned money at an institution that, one, often contradicts U.S. national interest, fails to acknowledge the extent and significance of U.S. contributions, and fails to implement many of the badly needed U.N. reforms necessary to help the U.N.

Support the Bartlett amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) is recognized for 7½ minutes.

Mr. ROGERS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I think the Members know that I am no patsy for the United Nations. I believe the United Nations is a bloated organization, in need of terminating obsolete and duplicative functions, ridding itself of unneeded positions and unproductive employees, trimming its budget, reforming its procurement practices, crediting the United States for off-budget contributions, decreasing the lopsided amount of U.S. contributions, and burying any ambitions to be some kind of world government.

I have tried to use every piece of leverage at my disposal for years in this subcommittee, including conditioning payment of our assessment to insist on overall budget reductions, personnel reductions and the creation of an Inspector General to become an independent watchdog to sniff out waste, fraud and abuse. And that is exactly what the funding of arrearages in this bill, again, is meant to do. Not one penny of the $475 million for payment of arrearages in this bill will be spent, not one penny, unless and not until a series of conditions is met by the United Nations.

The first condition is: The State Department authorization bill by this Congress must be passed and signed into law. The United Nations' reforms that are contained in that regulation include: Reducing the U.S. assessment rate, reducing the number of personnel, reimbursement for U.S. goods and services, writing off arrears that the U.S. disavows, sunsetting U.N. programs, merit-based employment, a code of conduct, and a cap on payment to international organizations.

That is just the first condition, Mr. Chairman.

Condition two: The United Nations must actually implement those reforms. Once an authorization bill gets signed into law, still not a penny goes out. The U.N. has to implement these reforms. First, the assessment rate has to be reduced, sunsetting of U.N. programs has to be agreed to, and so on.

Condition three: The U.S. assessment rate must be reduced at least to 22 percent and 25 for peacekeeping, guaranteeing lower payments by our taxpayers from here on out. This $475 million is provided subject to authorization and subject to achievement of these reforms. It will be spent if and only if we get the kind of reform we want from the United Nations, and the money may never be spent.

But the choice will be up to the administration and to the U.N. There is one and only one true constituency for reform at the U.N., and that is this body: The United States Congress.

This is our best chance to change an institution that all of us believes desperately needs changing. This is no time to refrain from being bold. We must stick to our guns, and for that reason support this bill and reject the Bartlett amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from West Virginia (Mr. MOLLOHAN).

The CHAIRMAN. The gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 4 minutes.

Mr. MOLLOHAN. Mr. Chairman, I appreciate the distinguished chairman of the committee for yielding me this time and appreciate his very strong statement in opposition to this amendment. He is in a good position to make a strong statement on this issue because he has been at the forefront in trying to affect reforms at the United Nations, and has been very effective in doing so. I am pleased to have supported, as has been the minority on our committee has been pleased likewise to support him.

This is a very ill-advised amendment for two immediate reasons. First of all, we owe the money. We owe the United Nations money. Now, it is over a billion dollars, or less than a billion dollars, depending on how we count it. But we certainly owe the money, and we owe them as much money as is appropriated in this bill, $475 million, which is the subject of the gentleman's amendment.

Unless we want to be total pikers in the world community, we need to pay this money. Now, that is just what it boils down to. Are we going to be responsible partners in this international organization and pay the money, stand up, meet our obligations; or are we going to be pikers and not pay it; welch on our debts? That is what this amendment asks us to do.

Now, it is perfectly appropriate for the Congress of the United States, that holds the pursestrings, to say, yes, we owe this money; yes, we want to participate in this international organization, but international organization, United Nations, we have concerns about the way you operate and we think, in many ways, you are irresponsible and you need to reform.

□ 2320

So here is what you have to do in order to receive money from us. That is using our leverage, exactly the power of the purse that the United States Congress has, to effect reforms in this case or to effect policy in this country and as we relate to the world through this organization. That is very appropriate, and that is what we are doing here.

We have a bipartisan agreement which the Secretary of State, the United Nations ambassador, have worked extremely hard on during the last 2, 3 and 4 years. They have worked with Members of Congress, both on the House and the Senate side, both Democrats and Republicans, to effect this agreement. The linchpin is the leverage we have with withholding funding and doling it out in response to the United Nations being responsive for our demands for reforms. That is all responsible.

What is not responsible is for us to say we are just not going to pay it. The gentleman argues, as I understand his argument, that our contribution to peacekeeping efforts or to our military operations ought to offset this debt. Well, that is not a part of this deal. Countries that participate in this way militarily, in the ways we have, do not offset those military contributions against these peacekeeping and other U.N. funding programs.

So I simply say, this is the second year, and I think the gentleman was unsuccessful last year and I hope he is unsuccessful this year, it is just a totally irresponsible amendment to come here and suggest we should withdraw.

We do not have a authorization so this is subject to an authorization. This funding is subject to an authorization.

We are effecting reforms at the United Nations, which is what we ought to be doing with our money, leveraging our payment based upon their performance for reforms. Then we have achieved assessment rate reductions and this money is also contingent upon their accepting that.

I do not know how much more you can ask but what you cannot ask is for the United States of America to be pikers on this debt and the Members of the United States Congress to be accomplices in reneging on the obligation.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Maryland.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. MOLLOHAN. Mr. Chairman, my intentions were good but I just did not have enough time.

Mr. FARR of California. Mr. Chairman, earlier this year, Congress passed the State Department authorization bill which authorized $819 million to pay the United Nations back dues over the next two years. The Commerce, Justice, State, and Judiciary Appropriations bill includes $475 million of the $1.3 billion owed to the U.N. It is essential that this funding not be decreased or stricken.

Because of its large debt to the United Nations, the United States actually risks automatically losing its vote in the United Nations General Assembly early next year. We can not afford to lose our voting rights.

The United States has been trying to reduce its United Nations budget share, but negotiations ended last year when other members would not agree to pay more until the United States paid at least its current obligated share. Who can blame them.

Seven former Secretaries of State wrote Congress, telling Members that "without a U.S. commitment to pay arrears . . . U.S. efforts to consolidate and advance U.N. reforms and reduce U.S. assessments are not going to succeed." The continued failure of the United States to honor these obligations threatens the financial and political viability of the United Nations.

OPPONENTS ARGUE

The United Nations doesn't reimburse countries for their participation in U.N.-run peace operations. NOT True—The United Nations pays countries $998 per soldier per month in U.N. peace operations. The U.N. does not reimburse countries for operations which they conduct on their own, or outside the U.N. system.

The United Nations owes the U.S. $109 million for peacekeeping. True—The U.N. recognizes this fact, but has no money to pay the U.S. or others of the 70-plus countries that contribute to U.N. peacekeeping. Countries have failed to pay over $1 billion in peacekeeping assessments; currently the U.S. owes about $900 million in peacekeeping arrears.

The United States is relinquishing command of American soldiers. Not True—Presidential Decision Directive 25 (PDD–25) described the overall Clinton policy for using U.S. troops in peacekeeping operations. It is classified, but according to the declassified summary, participation in peacekeeping operations is contingent upon several factors, including command and control of U.S. troops by American commanders.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTLETT of Maryland. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 32 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 32 offered by Ms. MILLENDER-MCDONALD:
>
> Page 101, line 21 insert "(increased by $250,000 to be used for the National Women's Business Council as authorized by section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)" after the dollar amount.

The CHAIRMAN. Pursuant to the previous order of the House today, the gentlewoman from California (Ms. MILLENDER-MCDONALD), and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Millender-McDonald/Bartlett/Forbes amendment increases funding for the National Women's Business Council to the full amount that was authorized by Congress last year. I would like to thank the gentleman from Kentucky (Mr. ROGERS), the chairman, and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, the gentleman from Missouri (Mr. TALENT), for their support of women business owners and this amendment. I appreciate having their bipartisan support.

As a member the Committee on Small Business and co-chair of the Women's Business Legislative Team, I was actively involved in reauthorizing the Small Business Administration, including the Women's Business Centers and the National Women's Business Council under its jurisdiction.

The Small Business Programs Reauthorization and Amendments Act was unanimously passed by the Committee on Small Business and passed by the House on the Suspension Calendar by a vote of 397 to 17. Clearly, the programs authorized through this legislation, such as the National Women's Business Council, have strong bipartisan support. I am here today to ensure that this bipartisan authorization is matched with full appropriation.

The Senate passed the Commerce, Justice, State and Judiciary appropriations bill with the full appropriation and so should the House. This increase for the Women's Business Council is small and reasonable and the Congressional Budget Office has assured me that it does not increase the budget outlays and it does not need any offset.

The National Women's Business Council is a bipartisan advisory panel created in 1988 by Congress to provide advice and counsel to the President, Congress and the Interagency Committee on Women's Business Enterprise.

As many of my colleagues who are actively involved with women business owners in their districts know, the council has played an integral role in helping us meet the needs of women-owned businesses today. The council serves as a powerful voice for more than 8 million women-owned businesses in the country that are providing jobs for 15.5 million people and generating nearly $1.4 trillion in sales.

Mr. Chairman, how much time do I have left? Because I would like the gentleman from West Virginia (Mr. MOLLOHAN) to speak on the issue.

The CHAIRMAN. The gentlewoman from California has 30 seconds remaining.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield 30 seconds to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in strong support of the Millender-McDonald amendment, and I compliment her for her efforts in support of the National Women's Business Council.

Her increase is especially responsible because it raises the amount of money appropriated to this organization to the authorized and to that amount requested by the administration, and she did it in a way that did not require an offset. And I compliment her for her amendment and her support of the council and rise in strong support of her amendment.

Mr. ROGERS. Mr. Chairman, I rise to claim the remaining time.

The CHAIRMAN (Mr. HASTINGS of Washington). The gentleman from Kentucky (Mr. ROGERS) is recognized for 2½ minutes.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have had a chance to examine the amendment and in fact have worked with the gentlewoman from California (Ms. MILLENDER-McDONALD) on the amendment. We think it is a good amendment, and we compliment her, and we accept the amendment.

Mrs. CLAYTON. Mr. Chairman, small businesses have been at the very core of our commercial activities since our Nation's beginnings. In the last decade large numbers of women had the opportunity to become small business owners. However, as of about 1996, women owned a little less than 40 percent of all businesses.

In my own state of North Carolina, women own only 34 percent of the state's firms. The wonderful news is that, during this period, the number of North Carolina's women-owned businesses grew by 94 percent, employment grew by 140 percent, and sales rose 200 percent.

As a Congress, we must do all that we can to help women continue to cultivate these opportunities. The National Women's Business Council (NWBC) is an organization vital to this goal.

I urge my colleagues in the House to support the Millender-McDonald/Bartlett/Forbes Amendment of the Commerce-Justice-State Appropriations Bill to fully fund the Council for the $600,000 authorized by the Congress and targeted for appropriations by the Senate.

We encourage small business development through our commitment and investment. I believe strongly that we must continue to enable our communities' business people. That is why, today, I support the Millender-McDonald amendment on behalf of the National Women's Business Council and on behalf of current and prospective women business owners across the United States and in my own state of North Carolina.

NWBC is a bipartisan and independent source of advice to the President, the Congress, and the private sector's Interagency Committee on Women's Business Enterprise. Through its 15-member Board of prominent women and leaders in the business community, NWBC represents the voice of this nation's more than 8 million women-owned businesses.

The Council's critical mission also includes completing two research studies requested by the Congress: one on why women-owned businesses are awarded only 2 percent of federal contracts, and the other, on why women have accessed only 2 percent of all venture capital.

Most women entrepreneurs just don't know about the many local, state, and federal-level resources available to them. Women need to access capital, information, and markets in order to start and grow successful businesses. As policymakers, we have a responsibility to assist women access those services and build a public policy infrastructure that supports them. The National Women's Business Council is available to help us make this happen.

This summer I hosted a Roundtable discussion to connect women in the First District of North Carolina interested in starting or growing their businesses with some of the potential local and national resources available to assist them. We employed the latest technological advances. The first to use the North Carolina Information Highway System to its fullest capacity, we simultaneously linked and connected women at five different sites for satellite-fed and computer-delivered interactive discussions.

The Roundtable not only was a successful and energizing beginning, it marked the first meeting hosted by a member of Congress where the local input will feed directly into a national economic forum on women's entrepreneurship.

The Council will host a national-level "Summit '98" where women entrepreneurs and experts from around the country will develop action plans about how to address the four critical needs of women entrepreneurs, to build the 21st century economy, and grow women-owned businesses.

It is important to assist women business owners find ways to develop their businesses so that if they choose to, they can increase the scope, the employment rate, and profitability. This is the essence of our entrepreneual system.

I urge support for the Millender-McDonald/Bartlett/Forbes Amendment on behalf of the National Women's Business Council.

Ms. DEGETTE. Mr. Chairman, I rise in support of this important amendment to increase funding for the National Women's Business Council.

Last year, the National Women's Business Council was unanimously passed by the Small Business Committee and went on to pass the House by an overwhelming vote of 397 to 17. The Senate has already provided full funding for the Council in their CJS Appropriations bill. I urge the House to vote for this amendment and continue to support National Women's Business Council.

The National Women's Business Council is a bi-partisan Federal government advisory panel created to serve as an independent source of advice and council to the President and Congress. The Council consists of 15 prominent women business owners and leaders of Women's business organizations. It is essentially the voice of approximately 8 million women-owned businesses in the country.

The Council was recently instructed by Congress to complete a study on women's business participation in the federal government. The main goals are to find out why women-owned businesses continue to receive so few federal contracts, and do a study on women's access to capital.

Women-owned businesses play an increasingly more important role in our economy. Between 1987 and 1996 the number of firms owned by women grew by 78%, and the number of minority women-owned firms grew 206%. Current estimates are that the nearly eight million women-owned businesses in this country account for nearly $1.4 trillion in sales. And yet, women-owned businesses continue to receive just 2% of federal contracts, and just 2% of all venture capital.

In 1996, women-owned firms accounted for 40% of all businesses in Colorado, provided employment for 33% of Colorado's workers, and generated 19% of the state's business sales. During the entire 1987–1996 period, the National Foundation for Women Business owners estimates that the number of women-owned firms in Colorado has increased by 65%, that employment has grown by 235% and sales have risen 276%.

These astounding statistics underscore the importance of the studies conducted by the National Women's Business Council. The Council needs its full appropriation to be able to carry out these studies which are clearly of great importance to small businesswomen in my state and throughout this country.

I ask my colleagues to vote for small business in this country and pass this amendment.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. TALENT

Mr. TALENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 8 offered by Mr. TALENT:

Page 102, line 15 insert "(increased by $7,090,000)" after the dollar amount.

Page 103, line 7 insert "(decreased by $7,090,000)" after the dollar amount.

The CHAIRMAN. Pursuant to the previous order of the House of today, the gentleman from Missouri (Mr. Talent) and a Member opposed to the amendment each will control 5 minutes.

The gentleman from Missouri (Mr. Talent) is recognized for 5 minutes.

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will add slightly over $7 million to the Business Loan Program Account for the Small Business Administration. The purpose is to add that funding for the purpose of the Small Business Investment Program.

H.R. 4276 currently appropriates $13.1 million for the SBIC program, which is well below fiscal 1998. This amendment will raise funding to an amount equal to this year's level. That is necessary to create a level kind of funding stream. We anticipate, Mr. Chairman, increased demand for the program, and this amount guarantees that sufficient funding will be available for the SBIC program.

Mr. Chairman, the SBIC program is a Small Businesses Venture Capital program, really the only one that we have. It provides venture capital lenders with leverage funds for the purpose of equity and long-term investment in small business.

The participants in the SBIC program look to the Congress for clear signals of our support and consequently our commitment to funding venture capital for small businesses. By adding these funds, we will maintain this program at a level equal to that of previous years and send a clear message of our support for this program.

The gentleman from Kentucky (Mr. Rogers), the subcommittee chairman, has spoken with me about the program and understands our concern about possible serious negative impact on private capital commitments to the program. He has expressed his support for the program and my amendment and I want to thank him for his support.

I want to mention also at this point, before yielding to the chairman, that the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business, also supports the amendment. And I want to thank her for her help and her consistent aid on behalf of small business.

I will add also that the amendment is supported by the Small Business Legislative Council, an organization representing over 80 small business groups.

I ask my colleagues for their support for this amendment, as well.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Kentucky.

Mr. ROGERS. The gentleman from Missouri (Mr. Talent), the chairman of the SBA authorizing committee, is a talented chairman and has this very strongly on his mind, and he has conferred with me at great length and numerous times on the necessity of doing what his amendment achieves. He has convinced me of the need for that. And as chairman of the subcommittee, I am in agreement with the amendment and would urge Members to support it.

Mr. TALENT. Mr. Chairman, reclaiming my time, I appreciate the sentiments of the gentleman and the distinguished chairman of the subcommittee.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentlewoman from New York.

□ 2330

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in strong support of the amendment of gentleman from Missouri (Mr. TALENT).

Mr. Chairman, I rise today in strong support of Mr. TALENT'S amendment to increase funding for the Small Business Investment Company Program. I would like to thank the distinguished Chairman of the Small Business Committee for bringing this important issue to the floor. I urge my colleagues to support this amendment which provides critical funding for our nation's small business community.

There is no question that the value of Small Business Investment Companies has been felt across this nation. SBICs have invested nearly $15 billion in long-term debt and equity capital to over 90,000 small businesses. Over the years, SBICs have given companies like Intel Corporation, Federal Express and America Online the push they needed to succeed. The result has been the creation of millions of new jobs and billions of dollars in economic growth.

By restoring necessary levels of funding, Mr. Talent's amendment ensures that future Intels and Federal Expresses will have a fighting chance. Cutting funding for this program is short-sighted. Past experience has shown that failure to adequately fund SBICs has had a detrimental effect on our nation's small businesses. In FY 95 and FY 96 when Congress failed to show strong support for the SBIC program, private investors left. This caused investments in new SBICs to fall by 60 percent from FY 94 to FY 95. Investment fell by another 32 percent from FY 95 to FY 96. The reason for the drop in resources was clear—scarcity in funding and uncertainty regarding future Congressional intent caused private investors to put their money in other investment opportunities.

Fortunately, in recent years, this trend has been reversed. Congressional support for SBICs has dramatically improved the outlook for small business. Private capital invested in new SBICs has jumped 118 percent. Additionally, the SBIC program has been able to expand into new areas. This year we have witnessed the creation of two women owned SBIC's, and shortly we'll see the establishment of the first Hispanic owned SBIC. This is building on an important trend. The SBIC program is increasingly becoming a vehicle to assist historically under-served markets, namely, women, minorities and inner-cities. If this body fails to restore funding to the SBIC program, we risk losing many of these groups and blocking efforts to serve the small entrepreneur.

My colleagues, the benefits that SBICs provide are quite clear. Last year alone, SBIC's invested over $2.4 billion in more than 2,500 entrepreneurs allowing them—regardless of their chosen business form—to benefit from SBIC financing. Adoption of the Talent amendment will enable us to continue to build even further, allowing us to create more jobs and provide even greater economic opportunity to our nation's small entrepreneurs. I urge the adoption of this amendment.

Mr. TALENT. Mr. Chairman, I appreciate the support of the gentlewoman from New York and also of course the distinguished gentleman from Kentucky, the chairman of the subcommittee. I would ask my colleagues for their support of the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

Mr. TALENT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. TALENT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Missouri (Mr. TALENT) will be postponed.

Mr. SENSENBRENNER. Mr. Chairman, H.R. 4276, the Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill for Fiscal Year 1999, includes funding for the National Institute of Standards and Technology (NIST) and the National Oceanic and Atmospheric Administration (NOAA).

Last year the Science Committee and the full House passed H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997. H.R. 1274 includes authorizations of $621 million for NIST and $7 million for the Technology Administration (TA) for FY 1999. H.R. 4276 largely follows those authorizations by funding NIST at $624 million, and TA at $7 million for FY 1999.

As did the authorization, this bill gives priority to NIST's core laboratory functions, including a $4 million increase over the FY 1998 appropriated level for the Scientific and Technical Research and Services (STRS) account. STRS funds NIST's laboratories and the Baldrige Quality Awards. While the increase is less than the authorization, the increase is a recognition that running NIST's laboratory programs is the agency's most important function.

By contrast, H.R. 4276 includes a $12 million decrease in funding for the Advanced Technology Program (ATP), reducing the program to $180 million from the FY 1998 funding level of $192 million. While H.R. 1274 phased-down ATP funding from the $225 million appropriation in FY 1997 to $150 million in FY 1999, the trajectory of ATP's funding in H.R. 4276, if not the speed of its decline, is in keeping with the authorization.

With respect to the Technology Administration, H.R. 4276 includes funding for the Experimental Program to Stimulate Competitive Technology (EPSCoT) despite the fact that the program was specifically not authorized by H.R. 1274. As expressed in the Science Committee's report accompanying H.R. 1274, I continue to have concerns that once EPSCoT is established, it will grow substantially beyond the $2.1 million contained in H.R. 4276. The program, which was initiated last year and has done little with its $1.6 million FY 1998 appropriation, is now slated to receive a 31% increase. Even with the increased funding, it seems unlikely EPSCoT will be able to help the 18 states it is designed to assist. I hope that EPSCoT is not allowed to grow into another very expensive Administration technology initiative.

Mr. Chairman, H.R. 4276 also includes funding for the National Oceanic and Atmospheric Administration (NOAA).

Without the benefit of the increased revenues from a non-existent tobacco settlement, and notwithstanding the very tight budget caps, Chairman Rogers and the Appropriations Committee have managed to increase funding for high-priority programs, most importantly local warnings and forecasts within the National Weather Service.

This was made possible in part after an agreement was reached by the Appropriations Committee, the Science Committee and Secretary Daley to maintain the $550 million budget cap on the Advanced Weather Interactive Processing System (AWIPS) weather modernization program.

I am also pleased that report language in the bill echoes the Science Committee's concern over adequate weather radar coverage for northwest Pennsylvania. I hope during the new fiscal year that NOAA will see the light and place a National Environmental Satellite, Data and Information Service (NEXRAD) system in this area that is so obviously necessary.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TALENT) having assumed the chair, Mr. Hastings of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

CENSUS

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SAWYER. Mr. Speaker, later on today we are going to take up an issue of enormous importance to the Nation, and that is how we count and measure ourselves. Last week in a debate that was largely constructive on the floor, we had a discussion that was thoughtful and well informed. However, insofar as one of our Members, the gentleman from Florida (Mr. MILLER), suggested that there was a hand-picked nature of the scientific panels that recommended statistical sampling methods, I wanted to share with the Members the reply of the American Statistical Association, whose president wrote to me over the weekend and said that the members of the panel that made this recommendation are recognized by their peers as among the Nation's leading experts on sampling large human populations. It included Janet Norwood, who served three administrations, Carter and Reagan and Bush, with, as the New York Times put it, her near legendary reputation for nonpartisanship. Dr. Moore, the president of the American Statistical Association, went on to cite the extraordinary quality of the members of that panel.

Mr. Speaker, I would like to insert into the RECORD at this point the substance of his letter.

AMERICAN STATISTICAL ASSOCIATION,
Alexandria, VA, August 3, 1998.
Congressman THOMAS SAWYER,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN SAWYER: Thank you for sending me the CONGRESSIONAL RECORD account of debate on H. Res. 508, containing the remarks of several Members regarding the use of statistical sampling methods in the 2000 Census. Despite obvious differences in perspective, the discussion is thoughtful and well-informed, the sole major exception being the incorrect statement by Mr. Miller of California that the Census Bureau plans to intentionally not count 10 percent of the population. The overall level of the discussion does credit to the House of Representatives.

I do wish to respond on behalf of the American Statistical Association to the remarks of Mr. Miller of Florida concerning the "hand-picked" nature of the scientific panels that have recommended consideration of statistical sampling methods. I refer specifically to the Blue Ribbon Panel of the American Statistical Association. The members of this panel are recognized by their peers as among the nation's leading experts on sampling large human populations. They are certainly not identified with any political interest.

The ASA Blue Ribbon Panel included Janet Norwood, who served three administrations as Commissioner of Labor Statistics from 1979 to 1991. On her retirement, the New York Times (December 31, 1991) spoke of her "near-legendary reputation for nonpartisanship." Dr. Norwood is a past president of ASA, as is Dr. Neter of the University of Georgia, another panel member. Like these, the other members of the panel have been repeatedly elected by their peers to posts of professional responsibility. For example, Dr. Rubin of Harvard University is currently chair of ASA's Section on Survey Research Methods, the statistical specialty directly relevant to the census proposals. I assure you that this panel was selected solely on the basis of their widely recognized scientific expertise. Their judgment that "sampling has the potential to increase the quality and accuracy of the count and to reduce costs" is authoritative.

Mr. Miller, in hearings before his committee, has indeed produced reputable academics who disagree with the findings of the ASA Blue Ribbon Panel and the several National Research Council panels which reported similar conclusions. Those whose names I have seen lack the expertise and experience in sampling that characterize the panel members. Statistics, like medicine, has specialties: one does not seek out a proctologist for heart bypass surgery.

I do wish to make it clear that the American Statistical Association takes no position on the political or constitutional issues surrounding the census. We also express no opinion on details of the specific proposals put forth by the Census Bureau for employing statistical sampling. As the nation's primary professional association of statisticians and users of statistics, we wish to make only two points in this continuing debate:

- Estimation based on statistical sampling is a valid and widely-based scientific method. The general attacks on sampling that the census debate has called forth from some quarters are uninformed and unjustified.
- The non-partisan professional status of government statistical offices is a national asset that should be carefully guarded. We depend on the statistical professionals in these offices for information widely used in both government and private sector decisions. Attacks on these offices as "politicized" damage public confidence in vital data.

Thank you for the opportunity to make these comments.

Sincerely yours,
DAVID S. MOORE,
President.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, JULY 29, 1998

A portion of the following was omitted from the debate of the gentleman from Texas, Mr. FROST at page 17835 during consideration of H. Res. 510, providing for consideration of the H.R. 4328, Department of Transportation and related agencies appropriation Act 1999.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my intention to make a fairly brief opening statement and then to yield back all of our time in an effort to try and move this along.

Mr. Speaker, while I rise in support of this rule and this bill making appropriations for the Department of Transportation for fiscal year 1999. I am concerned that a point of order may lie against an amendment which seeks to limit expenditures of funds for a highway project funded in this bill. Mr. Speaker, should this point of order be pursued and ultimately upheld, the House will set a terrible precedent which may have ramifications far beyond this transportation appropriations.

The matter is now being negotiated, but I do want to express my concern that a major change in the rules that govern this House was included in T-21 and was never even considered by the Committee on Rules. That being said, Mr. Speaker, while the funding level of this appropriations bill is slightly below the levels requested by the President in several areas, overall, the Committee on Appropriations did a good job of providing adequate funding for most of the programs and services in the bill.

Mr. Speaker, while I rise in support of this rule and this bill making appropriations for the Department of Transportation for Fiscal Year 1999, I am concerned that a point of order may be against an amendment which seeks to limit expenditures of funds for a highway project funded in this bill. Mr. Speaker, should this point of order be pursued and ultimately upheld, the House will set a terrible precedent which may have ramifications far beyond this transportation appropriation. The matter is now being negotiated, but I do want to express my concern that a major change in the rules that govern this House were included in TEA–21 and were never even considered by the Committee on Rules. That being said, Mr. Speaker, while the funding level of this appropriations bill is slightly below the levels requested by the President in several area, overall the Appropriations Committee did a good job of providing adequate funding for most of the programs and services in the bill. The bill provides a total $46.9 billion, a nine percent increase over last year's funding levels, much of which is required for the new and guaranteed funding levels for highway and transit programs pursuant to the recently enacted TEA–21 bill.

I am particularly pleased that the Committee has provided $10.6 million for RAILTRAN funding for Phase II of a modern and efficient commuter rail connection between the cities of Dallas and Fort Worth. While funding for the Dallas Area Rapid Transit system North Central line is considerably less than the amount that had been requested, I remain hopeful that the Committee will, within the constraints imposed upon it by subcommittee allocations, be able to increase this funding when the bill goes to conference.

Mr. Speaker, I would like to express my concern about a particular problem that has been brought to my attention which affects a number of cities in the Dallas-Fort Worth metropolitan area. Because TEA–21 zeroed out operating assistance for transit systems in large urbanized areas, suburban cities within those metro areas have also found that they too have been restricted in the manner in which they can use federal transit funds. In my own congressional District, the cities of Arlington and Grand Prairie will be particularly hard hit by the elimination of operating assistance. In both instances, the suburban city transit systems are used exclusively to provide transportation for the elderly and the disabled but neither city has a dedicated sales tax to pay for such a system.

Consequently, Mr. Speaker, I am currently writing legislation that seeks to correct this problem now confronting cities like Grand Prairie and Arlington. I hope to be able to introduce this bill before the August recess and would urge the Transportation and Infrastructure Committee as well as the Transportation Committee to give this legislation careful consideration. If the Congress does not provide a remedy, cities like Grand Prairie which serve 3,500 disabled and elderly persons a year will most likely have to cut back their services by 50 percent next year.

Mr. Speaker, given the constraints with which the Committee must address the concerns of individual Members as well as the component parts of the Transportation Department, this is a good bill. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUNNINGHAM (at the request of Mr. ARMEY) for today after 2 p.m. and the balance of the week, on account of medical reasons.

Mr. MCINNIS (at the request of Mr. ARMEY) for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TALENT) to revise and extend their remarks and include extraneous material:)

Mr. SESSIONS, for 5 minutes, today.

Mr. BARR of Georgia, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TALENT) and to include extraneous material:)

Mr. HOYER.
Mrs. CAPPS.
Mr. KIND.
Ms. SANCHEZ.
Ms. SLAUGHTER.
Mr. SANDERS.
Mr. HAMILTON.
Mrs. MALONEY of New York.
Mr. TOWNS.
Mr. GEJDENSON.
Mr. ORTIZ.
Mr. WYNN.
Mr. LAFALCE.
Ms. VELÁZQUEZ.
Mr. SERRANO.
Mr. BERMAN.
Mr. FILNER.
Ms. NORTON.
Mr. BRADY of Pennsylvania.

(The following Members (at the request of Mr. TALENT) and to include extraneous material:)

Mr. LEWIS of California.
Mr. HUNTER.
Mr. PORTER.
Mr. SMITH of Oregon.
Mr. PAUL.
Mr. WATTS of Oklahoma.
Mr. COBLE.
Mr. SOLOMON.
Mrs. CUBIN.
Mr. PAPPAS.
Mr. CUNNINGHAM.
Mr. BARR of Georgia.
Mr. MICA.
Mr. BEREUTER.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4237. An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such Act, and for other purposes.

H.R. 3731. An act to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium."

H.R. 3504. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 3152. An act to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

H.R. 872. An act to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

H.R. 765. An act to ensure maintenance of a herd of wild horses on Cape Lookout National Seashore.

H.R. 643. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

H.R. 434. An act to provide for the conveyance of small parcels of land in the Carson

National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

H.R. 4354. An act to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police.

H.R. 1085. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations."

ADJOURNMENT

Mr. TALENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 5, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10490. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian Distict of the Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D, 071698A] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10491. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 071698H] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10492. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 071698E] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10493. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 071698I] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10494. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 071698G] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10495. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 070298A] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10496. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery off Alaska; Amendment 3 [Docket No. 980402084–8166–02; I.D. 032398B] (RIN: 0648–AJ51) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10497. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area [Docket No. 971208297–8054–02; I.D. 071398A] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10498. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 071698F] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10499. A communication from the President of the United States, transmitting notification of budget program revisions for the Commodity Credit Corporation for FY 1998 and FY 1999 totaling $600 million, pursuant to 15 U.S.C. 714c; (H. Doc. No. 105—296); to the Committee on Appropriations and ordered to be printed.

10500. A letter from the Acting Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation within seven days of enactment; to the Committee on the Budget.

10501. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Statement Of The Commission Regarding Disclosure Of Year 2000 Issues And Consequences By Public Companies, Investment Advisers, Investment Companies, And Municipal Securities Issuers [Release Nos. 33–7558; 34–40277; IA–1738; IC–23366; International Series Release No. 1149] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10502. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Federation of Bosnia and Herzegovina [DTC–71–98] received July 30, 1998, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10503. A letter from the Employee Benefits Manager, Farm Credit Bank, transmitting a report on the Annual Federal Pension Plans, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

10504. A letter from the Acting Executive Director, Interstate Commission On the Potomac River Basin, transmitting the Fifty-Seventh Financial Statement for the period October 1, 1996—September 30, 1997; to the Committee on Government Reform and Oversight.

10505. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 071798A] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10506. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 071698D] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10507. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Geographical Description Of Kodiak, Alaska Customs Port Of Entry [T.D. 98–65] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1865. A bill to designate certain lands in the San Isabel National Forest, in Colorado, as the Spanish Peaks Wilderness (Rept. 105–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3498. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the States of Washington, Oregon, and California to regulate the Dungeness crab fishery in the exclusive economic zone; with an amendment (Rept. 105–674). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 516. Resolution providing for consideration of the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes (Rept. 105–675). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAFALCE:

H.R. 4388. A bill to amend the Consumer Credit Protection Act to ensure financial institution privacy protections, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. DOOLITTLE:

H.R. 4389. A bill to provide for the conveyance of various reclamation project facilities to local water authorities, and for other purposes; to the Committee on Resources.

By Mr. ABERCROMBIE:

H.R. 4390. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself, Mr. GINGRICH, Mr. CHAMBLISS, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. LEWIS of Georgia, Mr. BISHOP, Mr. LINDER, and Mr. COLLINS):

H.R. 4391. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. CUNNINGHAM (for himself and Mr. PACKARD):

H.R. 4392. A bill to amend the San Luis Rey Indian Water Rights Settlement Act, and for other purposes; to the Committee on Resources.

By Mr. LEACH (for himself and Mr. LAFALCE):

H.R. 4393. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on the Judiciary, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 4394. A bill to establish temporary enrollment priorities for the conservation reserve program; to the Committee on Agriculture.

By Ms. RIVERS:

H.R. 4395. A bill to amend the Real Estate Settlement Procedures Act of 1974 to prohibit a lender from requiring a borrower in a residential mortgage transaction to provide the lender with unlimited access to the borrower's tax return information; to the Committee on Banking and Financial Services.

By Mr. SCHUMER:

H.R. 4396. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to protect the rights of participants and beneficiaries of terminated pension plans; to the Committee on Education and the Workforce.

By Mr. SCHUMER:

H.R. 4397. A bill to amend the Internal Revenue Code of 1986 to modify the rules for determining whether a corporation is a cooperative housing corporation for purposes of such Code; to the Committee on Ways and Means.

By Ms. SLAUGHTER (for herself, Mrs. MALONEY of New York, and Ms. WOOLSEY):

H.R. 4398. A bill to establish a commission, in honor of the 105th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women; to the Committee on Resources.

By Mr. SMITH of Michigan (for himself, Mr. SOLOMON, Mr. NETHERCUTT, Mrs. EMERSON, Mr. THORNBERRY, Mr. CHRISTENSEN, Mr. NUSSLE, Mr. EWING, and Mr. BOB SCHAFFER):

H.R. 4399. A bill to amend the Internal Revenue Code of 1986 to make permanent the income averaging rules for farmers; to the Committee on Ways and Means.

By Mr. GINGRICH (for himself, Mr. ARMEY, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BASS, Mr. BATEMAN, Mr. BLILEY, Mr. BOEHLERT, Mr. BRYANT, Mr. CALVERT, Mr. COX of California, Mr. DEAL of Georgia, Mr. DELAY, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. GIBBONS, Mr. GREENWOOD, Mr. HASTERT, Mr. HAYWORTH, Mr. HOBSON, Mr. KASICH, Mrs. KELLY, Mr. LINDER, Mr. MCINTOSH, Mr. METCALF, Mrs. MYRICK, Mrs. NORTHUP, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. PITTS, Ms. PRYCE of Ohio, Mr. REDMOND, Mr. SCARBOROUGH, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mr. WOLF):

H. Con. Res. 316. Concurrent resolution to express the sense of Congress that State and local governments and local educational agencies are encouraged to dedicate a day of learning to the study and understanding of the Declaration of Independence, the United States Constitution, and the Federalist Papers; to the Committee on Education and the Workforce.

By Mrs. MYRICK (for herself, Mr. DELAY, Mr. LEWIS of Georgia, Mr. GINGRICH, Mr. BLILEY, Mr. LIVINGSTON, Mr. COX of California, Mr. ARMEY, Mr. THUNE, Mr. BOEHNER, Mr. HOBSON, Mr. KASICH, Mr. DOOLITTLE, Mr. MCINTOSH, Mr. HASTERT, Mr. LAZIO of New York, Ms. PRYCE of Ohio, Mr. MCCRERY, Mr. THOMAS, Mr. LINDER, and Ms. DUNN of Washington):

H. Con. Res. 317. Concurrent resolution expressing the sense of Congress that Members of Congress should follow the examples of self-sacrifice and devotion to character displayed by Jacob Chestnut and John Gibson of the United States Capitol Police; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

388. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 60 memorializing the President and the Congress of the United States to endorse, support, and fund the 940th ARW as the next KC–135 unit to convert to KC135–R model aircraft, because that conversion would ensure that the 940th ARW remains a relevant, capable, and necessary part of the United States Air Force mission in the 21st century and a viable and productive asset to the Department of Defense, the State of California, and the nation; to the Committee on National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DEFAZIO introduced A bill (H.R. 4400) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel S.S.; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mrs. MALONEY of New York.

H.R. 218: Mr. BILIRAKIS.

H.R. 284: Ms. LEE.

H.R. 880: Mr. BONILLA.

H.R. 1126: Mrs. FOWLER, Mr. TIERNEY, Mr. STEARNS, and Ms. JACKSON-LEE of Texas.

H.R. 1231: Mr. DAVIS of Florida.

H.R. 1401: Mr. BECERRA.

H.R. 1450: Mr. BARRETT of Wisconsin.

H.R. 1560: Mrs. MALONEY of New York, Mr. BUYER, Mr. CRAPO, Mr. GILCHREST, Mr. HOEKSTRA, Mr. HOUGHTON, Mr. HUNTER, Mr. LUCAS of Oklahoma, Mr. PAXON, Mr. SMITH of New Jersey, Mr. TAYLOR of North Carolina, Mr. YOUNG of Alaska, Mr. ROGAN, Mr. POMBO, Mr. BARTON of Texas, Mr. DOOLITTLE, Mr. BOEHNER, Mr. HOBSON, Mr. HYDE, Mr. DREIER, Mr. SENSENBRENNER, Mr. TRAFICANT, Mr. PORTER, Mr. GALLEGLY, Mr. SAXTON, Mr. GILMAN, Mr. POSHARD, Mr. COLLINS, Mr. MCHUGH, Mr. OBEY, Mr. SAM JOHNSON, Mrs. MORELLA, Mr. ANDREWS, Mr. BALDACCI, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BOYD, Ms. CARSON, MR. DAVIS of Illinois, Mr. ETHERIDGE, Mr. GEJDENSON, Mr. GOODE, Mr. HALL of Texas, Mr. HOLDEN, Mr. JEFFERSON, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. LEVIN, Mrs. MCCARTHY of New York, Mr. OBERSTAR, Mr. PALLONE, Mr. PASCRELL, Mr. RAHALL, Mr. SANDLIN, Mr. WEXLER, Mr. VENTO, Mr. BURTON of Indiana, Mr. LINDER, Mr. GOODLATTE, Mr. QUINN, Mr. MARTINEZ, Mr. MORAN of Virginia, Mr. OLVER, Mr. PRICE of North Carolina, Mr. SAWYER, Mr. SHERMAN, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. DINGELL, and Mr. FATTAH.

H.R. 1773: Mrs. CAPPS.

H.R. 1995: Mr. FORBES and Mr. MEEKS of New York.

H.R. 2094: Mr. BORSKI and Mr. PASCRELL.

H.R. 2345: Mr. PORTER.

H.R. 2397: Mr. ENSIGN, Mr. BISHOP, Mr. DEUTSCH, Mr. ORTIZ, and Mr. CRAMER.

H.R. 2409: Ms. WOOLSEY.

H.R. 2450: Mr. ENGLISH of Pennsylvania and Mr. NEAL of Massachusetts.

H.R. 2612: Mr. CAMPBELL.

H.R. 2914: Mr. ALLEN.

H.R. 2955: Mr. WEXLER, Mr. SPENCE, and Mr. MALONEY of Connecticut.

H.R. 2990: Mr. STRICKLAND and Mr. BRADY of Texas.

H.R. 3014: Mr. PACKARD.

H.R. 3048: Mr. ACKERMAN and Mr. PETRI.

H.R. 3081: Mrs. CAPPS, Mr. KENNEDY of Rhode Island, and Ms. KILPATRICK.

H.R. 3148: Ms. CHRISTIAN-GREEN.

H.R. 3181: Mr. BORSKI.

H.R. 3217: Mr. WAXMAN.

H.R. 3376: Mr. COOK.

H.R. 3396: Mr. HINCHEY, Mr. FOX of Pennsylvania, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. BEREUTER, and Mr. COSTELLO.

H.R. 3610: Mr. MCINTYRE.

H.R. 3690: Mr. GOODLATTE.

H.R. 3702: Ms. LOFGREN and Ms. DANNER.

H.R. 3790: Mr. HYDE, Mr. GILMAN, Mr. KING of New York, Mr. WICKER, Mr. SERRANO, Mr. CLAY, Ms. MCCARTHY of Missouri, Ms. DANNER, and Mr. SESSIONS.

H.R. 3831: Mr. YATES.

H.R. 3865: Mr. SHADEGG, Mr. LEACH, Mr. EHLERS, Mr. BUYER, Mr. THUNE, Mr. SHUSTER, Mr. HILLEARY, Mr. SKEEN, Mr. TRAFICANT, Mr. GANSKE, Mrs. CUBIN, Mr. BURR of North Carolina, Mr. KINGSTON, Mr. FORBES, Mr. LATOURETTE, Mr. BILIRAKIS, Mr. ROGAN, Mr. HUTCHINSON, Mr. SAXTON, Mr. GREENWOOD, Mr. SAM JOHNSON, Mr. SMITH of Texas, Mr. GEKAS, Mr. BACHUS, Mr. FAWELL, Mrs. BONO, Mr. COX of California, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. FOX of Pennsylvania, and Mrs. FOWLER.

H.R. 3974: Mrs. THURMAN.

H.R. 3991: Mr. HEFLEY.

H.R. 4007: Ms. MCKINNEY and Mr. DAVIS of Illinois.

H.R. 4008: Ms. STABENOW and Mr. STUPAK.

H.R. 4013. HAYWORTH.

H.R. 4018 Ms. SLAUGHTER, Ms. HOOLEY of Oregon, Mr. TORRES, Ms. CARSON, Mrs. CAPPS, Mr. RANGEL, and Mr. MEEHAN.

H.R. 4031: Mr. HILLIARD.

H.R. 4034: Mr. MCNULTY.

H.R. 4069: Mr. SMITH of Michigan.

H.R. 4071: Mr. HAMILTON.

H.R. 4092: Mr. DICKS, Mr. ALLEN, and Mr. BAESLER.

H.R. 4151: Mr. SAM JOHNSON.

H.R. 4152: Mr. LAMPSON.

H.R. 4209: Mr. MANZULLO.

H.R. 4213: Mr. RAMSTAD, Mr. HOSTETTLER, Mr. BLAGOJEVICH, and Mr. RYUN.

H.R. 4219: Mr. GOODE.

H.R. 4224: Mr. GREEN.

H.R. 4232: Mr. MANZULLO and Mr. BONILLA.

H.R. 4233: Mr. MEEHAN, Mr. MILLER of California, Mr. CONYERS, Mr. MCGOVERN, Mr. UNDERWOOD, Mr. ANDREWS, Mr. BLUMENAUER, and Mr. BARRETT of Wisconsin.

H.R. 4235: Mrs. MINK of Hawaii and Mr. FORBES.

H.R. 4238: Mr. NEAL of Massachusetts and Mrs. THURMAN.

H.R. 4242: Mr. GOODE.

H.R. 4258: Mr. CHABOT.

H.R. 4265: Mr. BEREUTER.

H.R. 4266: Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. BROWN of California, and Mrs. LOWEY.

H.R. 4281: Mr. SAM JOHNSON.

H.R. 4283: Mr. KENNEDY of Massachusetts, Mr. SAWYER, Mr. COYNE, and Mr. DOOLEY of California.

H.R. 4293: Mr. FOSSELLA, Mrs. LOWEY, Mr. LAFALCE, Mr. GUTIERREZ, Ms. LEE, Mr. HINCHEY, and Mr. CALVERT.

H.R. 4339: Mr. BARRETT of Nebraska.

H.R. 4344: Mr. THOMPSON, Mr. MORAN of Virginia, Mr. MALONEY of Connecticut, Mr. PALLONE, Mr. DOOLEY of California, Mrs. ROUKEMA, and Mr. TAYLOR of North Carolina.

H.R. 4346: Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. CAMP, Mr. ENGLISH of Pennsylvania, Mr. FOX of Pennsylvania, Mr. FORBES, Mr. CALVERT, Mr. KING of New York, Mr. TRAFICANT, and Mr. UNDERWOOD.

H.R. 4358: Mr. LAFALCE.

H.R. 4362: Ms. DANNER and Ms. WOOLSEY.

H.R. 4363: Mr. SCHUMER.

H.R. 4370: Mr. FROST, Mr. LARGENT, and Mr. HINOJOSA.

H.J. Res. 66: Mr. BENTSEN.

H. Con. Res. 203: Mr. DAVIS of Florida.

H. Con. Res. 229: Mr. HAYWORTH and Mr. SNOWBARGER.

H. Con. Res. 264: Mr. SNYDER.

H. Con. Res. 274: Mr. BLILEY, Mrs. KENNELLY of Connecticut, Mr. HILLIARD, Mr. WAXMAN, Mr. TORRES, Mr. RANGEL, Mr. DEUTSCH, Mr. STEARNS, and Mr. GREEN.

H. Con. Res. 299: Mr. MANZULLO.

H. Res. 37: Mr. BARR of Georgia, Mr. UPTON, Ms. MCCARTHY of Missouri, and Mr. PAYNE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

71. The SPEAKER presented a petition of Mr. Gregory D. Watson of Austin, Texas, relative to expressing support for an amendment to the United States Constitution limiting to 12 the aggregate number of years which a person may serve as a member of the United States House of Representatives and limiting to 12 the aggregate number of years which a person may serve as a member of the United States Senate—and further providing that membership in the United States Senate be gained only by election and never via appointment; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3892

OFFERED BY: MR. RIGGS

AMENDMENT NO. 1: Page 5, line 17, strike "subpart," and insert "subpart (except for section 7124(a)(2)),".

Page 6, after line 2, insert the following:

"(c) AUTHORIZATION OF APPROPRIATIONS FOR SUPPLEMENTAL ALLOTMENTS.—For the purpose of carrying out section 7124(a)(2), there are authorized to be appropriated such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

Page 8, line 10, after "grant" insert "(excluding any amount allotted to the State under section 7124(a)(2))".

Page 13, after line 18, insert the following:

"(E) Developing tutoring programs for English language learners that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among English language learners, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for English language learners or immigrant children and youth.

Page 13, line 19, strike "(E)" and insert "(F)".

Page 17, line 17, strike "and"

Page 17, line 19, strike the period at the end and insert "; and".

Page 17, after line 19, insert the following:

"(C) the number and percentage of students in the programs and activities mastering the English language by the end of each school year.

Page 19, after line 2, insert the following:

"(4) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under paragraph (1), a State shall approve evaluation measures for use under paragraph (3) that are designed to assess—

"(A) oral language proficiency in kindergarten;

"(B) oral language proficiency, including speaking and listening skills, in first grade; and

"(C) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher.

Page 19, strike lines 4 through 15 and insert the following:

"(a) IN GENERAL.—

"(1) BASIC ALLOTMENTS.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this chapter for any fiscal year (excluding amounts made available under section 7111(c)), the Secretary shall allot to each State (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7122, submits to the Secretary an application for the year an amount which bears the same ratio to such sum as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the State bears to the total number of such children and youth residing in all such States.

"(2) SUPPLEMENTAL ALLOTMENTS FOR CERTAIN STATES WITH LARGE POPULATIONS OF AFFECTED CHILDREN AND YOUTH.—

"(A) IN GENERAL.—In addition to any amount allotted to a State under paragraph (1), from the sum made available for any fiscal year under section 7111(c), the Secretary shall allot to each State described in paragraph (1) that is a qualified State an amount which bears the same ratio to such sum as the number described in subparagraph (C)(i) with respect to the State bears to the total of such numbers with respect to all such qualified States.

"(B) REQUIRED EXPENDITURES.—The Secretary may make a grant to a State under section 7121(a) consisting, in part, of an allotment determined under subparagraph (A) only if the State agrees—

"(i) to expend 100 percent of the amount of such allotment for the purpose of making subgrants to local educational agencies to provide assistance to children and youth who are English language learners and immigrant children and youth in accordance with section 7123; and

"(ii) that, in making subgrants under clause (i), the State shall award funds only to those applicants that are local educational agencies with the highest ratios of—

"(I) the total number of children and youth who are English language learners and immigrant children and youth residing in the geographic area served by the agency; to

"(II) the total number of children and youth residing in such area.

"(C) QUALIFIED STATE DEFINED.—For purposes of this paragraph, the term 'qualified State' means a State (excluding the Commonwealth of Puerto Rico and the outlying areas) with respect to which the ratio (expressed as a percentage) of—

"(i) the total number of children and youth enrolled in public and private elementary and secondary schools in the State who are English language learners or immigrant children and youth; to

"(ii) the total number of children and youth enrolled in such schools in the State; equals or exceeds 10 percent (based on the most recent school enrollment data available to, and reported to the Secretary by, the State).

Page 19, line 19, strike "1.5" and insert ".025".

Page 20, after line 13, insert the following:

"(d) MINIMUM ALLOTMENT.—

"(1) IN GENERAL.—Notwithstanding subsections (a) through (c), the Secretary shall not allot to any State—

"(A) for fiscal years 1999 and 2000, an amount that is less than 100 percent of the baseline amount for the State;

"(B) for fiscal year 2001, an amount that is less than 95 percent of the baseline amount for the State;

"(C) for fiscal year 2002, an amount that is less than 90 percent of the baseline amount for the State; and

"(D) for fiscal year 2003, an amount that is less than 85 percent of the baseline amount for the State.

"(2) Baseline amount defined.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under parts A and C of this title for fiscal year 1998 by the State, the State educational agency, and all local educational agencies of the State.

"(3) Ratable reduction.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

Page 20, line 14, strike "'(d)" and insert "'(e)".

Page 20, line 15, strike "(a)" and insert "(a)(1)".

Page 20, line 24, strike "'(e)" and insert "'(f)".

H.R. 3892

Offered By: Mr. Riggs

Amendment No. 2: Page 16, line 16, strike "and".

Page 17, line 3, strike "students." and insert "students; and".

Page 17, after line 3, insert the following:

"(F) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English language learners.

H.R. 3892

Offered By: Mr. Bonilla

Amendment No. 3: Page 30, line 10, strike "(a)(3)." and insert "(a)(3).'.".

Beginning on page 30, strike line 11 through page 31, line 8.

H.R. 3892

Offered By: Mr. Hayworth

Amendment No. 4: Page 30, after line 10, insert the following (and redesignate any subsequent sections accordingly):

"SEC. 7406. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.".

H.R. 3892

Offered By: Mrs. Mink of Hawaii

Amendment No. 5: Page 24, line 21, strike "or".

Page 25, line 2, strike "program." and insert "program; or".

Page 25, after line 2, insert the following:

"(D) a State educational agency, in the case of a State educational agency that also serves as a local educational agency.

H.R. 3892

Offered By: Mr. Smith of Michigan

Amendment No. 6: Page 13, after line 18, insert the following:

"(E) Providing family literacy services to English language learners and immigrant children and youth and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

Page 13, line 19, strike "(E)" and insert "(F)".

Page 25, after line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

"(4) Family literacy services.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Equipping parents to partner with their children in learning.

"(C) Parent literacy training, including training that contributes to economic self-sufficiency.

"(D) Appropriate instruction for children of parents receiving parent literacy services."

H.R. 4274

Offered By: Mr. English of Pennsylvania

Amendment No. 3: Page 95, after line 17, insert the following new section:

Sec. 517. There are appropriated for carrying out the Low-Income Home Energy Assistance Act of 1981 $1,000,000,000, to be derived by hereby reducing by 2.817 percent each of the amounts appropriated by this Act that are not required by law to be appropriated.

H.R. 4276

Offered By: Mr. Blumenauer

Amendment No. 46: Page 96, line 6, after "studies" insert the following: "and of the amount so appropriated, the Commission shall expend such sums as may be necessary to implement a truth in billing rulemaking, pursuant to its authority under section 205 of the Communications Act of 1934 (47 U.S.C. 205), that will require any telecommunications carrier that includes on any of the bills sent to its customers a charge described in the next sentence shall (1) specify in the bill imposing such charge any reduction in charges or fees allocable to all classes of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers) by reason of any regulatory action of the Federal Government; and (2) submit to the Federal Communications Commission the reports required to be submitted by the carrier to the Securities and Exchange Commission under sections 13(a) and 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)). Clauses (1) and (2) of the preceding sentence shall apply in the case of the following charges: (A) any specific charge included after June 30, 1997, if the imposition of the charge is attributed to a regulatory action of the Federal Government; and (B) any specific charge included before that date if the description of the charge is changed after that date to attribute the imposition of the charge to a regulatory action of the Federal Government".

H.R. 4276

Offered By: Ms. Brown of Florida

Amendment No. 47: Page 63, after line 2, insert the following new section:

Sec. 211. It is the sense of Congress that the Secretary of Commerce, in carrying out the census for the year 2000, should consult with, and seek the assistance of, the Secretary of Veterans Affairs in finding ways to facilitate the enumeration of homeless veterans and their families, particularly through the use of Vet Centers operated under section 1712A of title 38, United States Code.

H.R. 4276

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 48: Page 11, line 14, insert "(increased by $500,000)" after "$6,699,000".

Page 2, line 7, insert "(decreased by $500,000)" after "$79,448,000".

H.R. 4276

Offered By: Mr. Kucinich

Amendment No. 49: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds made available in this Act may be used for the filing of a complaint, or any motion seeking declaratory or injunctive relief pursuant thereto, in any legal action brought under section 102(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3312(b)(2)) or section 102(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3512(b)(2)).

H.R. 4276

Offered By: Mr. McIntosh

Amendment No. 50: At the end of the bill (immediately before the short title), insert the following new section:

Sec. . None of the funds appropriated or otherwise made available by this Act may be used for any activity of the Standing Consultative Commission to implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

EXTENSIONS OF REMARKS

ENCOURAGING THE STUDY OF OUR FOUNDING DOCUMENTS BY SCHOOL CHILDREN

HON. NEWT GINGRICH

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OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. GINGRICH. Mr. Speaker, today I am introducing a House Concurrent Resolution encouraging schools to dedicate at least one day of learning during the school year to studying the founding documents of our great nation: the Declaration of Independence, the U.S. Constitution, and the Federalist Papers.

These works establish the fundamental principles upon which the American experiment in government is based. They are the core that makes America unique and different from the rest of the world. In Europe, power was bestowed from God to the King who ruled the people. In this model, the center of power is the state. However, in the American model, power comes from God to the citizen who then lends it to the state. Self governance requires very hard work, patience, and persistence, but it also guarantees us freedom.

Further, I think it would be very healthy for every teacher and every student in America to spend time wrestling with the question. "What did the Founding Fathers mean by the term "Creator"? The Declaration of Independence states: "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness." I believe that when children start to realize that each and every person is endowed by God, then they begin to understand that if you sell them drugs, you are corrupting a person endowed by God. In fact, every violation of a person's unalienable rights is a violation of a Creator endowed right. I believe this understanding of our relationship with each other reorients the way we view each other in and the American body politic.

These are fundamental concepts which need to be reinforced for every child in America. I want to commend Senator Grace Kearns from Ohio, Senator Don Benton from Washington, Senator Colin Bonini from Delaware, Georgia Senator Chuck Clay, State Representative Andre Bauer from South Carolina, and Alabama Representative Bob McKee for introducing bills to implement this idea at the state level and Assemblyman Keith Olberg from California for getting a similar bill passed in California in 1996 requiring these documents to be specifically taught in high schools. I hope that my colleague in the House will join me in encouraging more study of the founding documents by American school children.

ISSUES OF CONCERN TO TODAY'S YOUTH

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD statements by high school students from my home state of Vermont, who were speaking at my recent town meeting on issues facing young people today. I am asking that you please insert these statements in the CONGRESSIONAL RECORD as I believe that the views of these young people will benefit my colleagues.

STATEMENT BY ERICA LEWIS AND DAN JOHNSON REGARDING DRUNK DRIVING

ERICA LEWIS: We would like to express a concern that is becoming a big issue with teen Vermonters today. Our concern is probably the same as many others: Teen driving under the influence of alcohol.

Young adults are usually both inexperienced drivers as well as inexperienced drinkers. These two combined is a fatality waiting to happen. Alcohol, when consumed, decreases alertness, causes depression, nausea, unconsciousness, hangovers, and possible overdose, which could lead to death. We, as teenagers, should be aware of the serious risks that are involved when wrong choices are made and lives are at stake. Driving should be considered a privilege, not a right, for we all have the right to be safe while driving, and when alcohol is involved, no one can predict the outcome. Anyone of us here today could be driving down the road next week and, because of a drunk driver, never make it to where we were headed. Because of this increasing problem, there needs to be more awareness of alcohol and its effects. It is up to us, the younger generation, to make an impression on our peers and those that follow, and most of all to prove to our elders that we have what it takes to make the right decisions and follow through.

There is no overall solution to this problem, but we, as mature young adults, should make a strong effort to plan ahead before it gets to a point where it might be too late, whether that be make arrangements for a designated driver or staying until you are capable of driving.

DAN JOHNSON: A suggestion that we have and strongly agree with is a paper called a contract for life. It is an agreement between teenagers and their parents stating, if at any given time that either they feel incapable of driving, there will be transportation provided, and safe transportation, for them. This contract was given to us from our drivers ed teachers at the Essex Technical Center. Other suggestions that we agree with is larger penalties for adults in furnishing alcohol for minors at stores to sell this. Teen drinking and driving will always be a problem, but, hopefully, with our help, we can reduce it. Thank you for our time.

Congressman SANDERS: A very important contribution to this discussion. Thanks very much.

STATEMENT BY JESSE FIELD, RENAY THOMPSON AND ELAINE GRIFFEN REGARDING CAPITAL PUNISHMENT

JESSE FIELD: Last year, every U.S. citizen committed 45 homicides. None of them were ever prosecuted. These crimes were planned out at least ten years in advance, and the victim not only knew about the coming execution, but was kept in prison the entire time. How, you may ask, can this happen. Well, the answer is, these crimes were legal.

You may realize by now what we are talking about: Capital punishment. You may also be saying, but these people were the scum of the earth, they don't deserve to live after what they did. This statement raises a serious moral question. But there are other reasons, as well, to abolish capital punishing: High costs, increased murder rates, and discrimination.

ELAINE GRIFFEN: Many people often argue it takes a lot of their tax dollars to keep an inmate locked up, and why should they have to pay so he or she can live? The truth is, it does cost them a lot. A study from 1997 found that it costs $20,000 per year to keep a prisoner in jail. That's $800,000 to lock them up for forty years. However, the same source found that it costs taxpayers $2 million to execute someone. This is mostly because there are so many more appeals and Court costs attributed to an inmate on death row. So, in fact, taxpayers are not getting a break when they execute a criminal.

RENAY THOMPSON: Another common argument for the death penalty is capital punishment deters crime. This is not true at all. When a crime is committed, often the last thing on a potential criminal's, mind is what consequences they will suffer as a result of this.

And as George Bernard Shaw says, "It is the deed that teaches, not the name we give it." Murder and capital punishment are not opposites that cancel one another, but similars that breed their kind. Studies done have shown that, as the number of executions increase, so does the murder rate. Georgia, which reinstated capital punishment in 1983, saw an increase of 20 percent in their murder rate in the following year, also a year in which the national homicide rate fell 5 percent. When Florida started executing prisoners again in 1979, the 1980 murder rate went up 28 percent, and 1981 and 1982 were the highest in recent history. These incidents show, as Michael Godfried put it, that the state may be, tragically, leading by example.

JESSE FIELD: Discrimination is also a major issue in sentencings and executions. Poor people cannot afford lawyers, and their defense is not as good. They are convicted and given the death penalty more often. There are also issues of racial discrimination involved. While only 12 to 13 percent of our nation's population is African-American, 41 percent of people on death row are black. A study done by the New Jersey Supreme Court shows there is strong evidence of racial bias in jurors. They are more likely to give the death penalties to minorities than whites. New Jersey is considering abolishing capital punishment on this issue alone, because it leads to a constitutional violation.

Elaine Griffen: Despite the strong case both points make against capital punishment, the most important issue by far is that of morals. For some people, it takes the form of religion. For example, the brother of the woman who was murdered by Carla Fay Tucker is strongly against the death penalty for reasons of religion. He met with his sister's killer while she was on death row. He forgave her and she responded with tears and apologies. We killed this woman anyway. Bud Welch's daughter, Julie, died in the Oklahoma City bombing, and still he does not support the execution of Timothy McVay. He rejects legal murder for reasons of his religion, and also other moral issues such as the sanctity of life.

Another moral point that is important to make is the fact that we are trying to teach people that murder is wrong by committing it. By the logic of our government, we then killed and are wrong, and deserve to be killed as well.

Renay Thompson: It is interesting to note that the United States is the only developed country that still uses the death penalty. Other countries in the same category with the U.S. on this issue are China, Iraq, India, North Korea, and Cuba, among others.

We would like to see a Federal abolition of capital punishment like the one from 1972 to 1976. As an alternative to the death penalty, we suggest life penalties without parole. These would be less costly, and the millions of dollars per prisoner saved could be reallocated into a fund to build a greater quantity of more secure prisons.

Congressman Sanders: That is an excellent presentation.

Statement by Alia Stavrand Woolf Regarding Charter Schools

Alia Stavrand Woolf: For the record, my name is Alia Stavrand Woolf. I am a ninth grader at the Gailer School.

All right. I used to go to the Shelburne Community School, and it wasn't working for me. Classes had no depth, and math was going agonizingly slowly. The only school work I enjoyed was my independent study. Students generally weren't allowed to broaden their studies. So students who already "got it" were asked to help the other students in the class learn the material.

Well, this sounds great in principle, and does work up to a point. But after a while, it got to me. Think about what it would be like if all day, every day, you had to watch Jeopardy reruns and you couldn't turn the TV off because, during the commercials, you were expected to explain the answers to your nextdoor neighbor.

I became a difficult student because I felt like I was wasting my time in school and not learning nearly as much as I could. By the end of fifth grade, my parents and I were pretty tired of trying to work within the system. When we moved to Charlotte that year, we decided it was time to look at what educational options were open. We asked the Charlotte public school if I could skip a grade so I could be more challenged in school. They said no. We considered home schooling, but both my parents work.

After a lot of looking, we found a private school in Middlebury called the Gailer School. It integrates different disciplines and incorporates independent study and community service. We met with the headmaster, and he actually talked with me, not to me, about what I wanted to learn. But private school tuition was not in the budget. I would have to start doing a lot more chores around the house, like all of the laundry, vacuuming, lawn mowing, taking care of my brother, a lot of work, so my mom could work more hours. I would also have to get on the bus at 7:00 a.m. to ride to Middlebury and wouldn't get home until 5:00 at night. This was no easy decision for my parents or for me.

Most public school classes are aimed at the average student. When you think about it, only one percent of students will be perfectly average. There are always special education classes, but not nearly so often are there advanced placement offerings.

All ends of the spectrum need to be addressed. A student should not have to go to private school to have their needs addressed, and it is mainly the elite who can choose an appropriate education for their child. Shouldn't there be the opportunity for all students to be challenged?

Students now come from as far south as Rutland, as far north as Fairfax, and as far east as Rochester to go the Gailer School in Middlebury. This should send a clear message to lawmakers that many students care so deeply about their education that they are willing to make significant sacrifices.

There is simply not enough scholarship money out there so that all students who want to can go to private school. Frequently, students start at private schools, but then have to drop out for financial reasons. While I am fortunate that my family has been able to send me to private school, it should not be only the economically elite who have access to alternative education.

I think a solution to this problem is federal legislation encouraging states to institute charter schools. Options would then open up for disadvantaged students. Because charter schools are still technically public schools, any student could go to the school of their choice. Students, like adults, need options; no school fits all students, just like no company is right for all workers.

In our free-market society, students need the best grade school education they can get, because they will have to compete for good colleges and jobs. I do not understand why our system of public schools is set up like a protectorate. It seems like more effort goes into maintaining the status quo than offering kids like me an excellent education.

Students deserve the opportunity to attend charter schools that are innovative and visionary. I see charter schools as an especially exciting opportunity for all students who are not average to have their talents appreciated and their interests encouraged. I love learning, and I learn best when I love my school.

Congressman Sanders: Thank you very much for an excellent presentation.

A DEMOCRATIC TAIWAN WILL CONTINUE TO FLOURISH

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. SMITH of Oregon. Mr. Speaker, during President Clinton's visit to China, President Clinton mentioned that the United States would not support Taiwan independence, the "two Chinas" or "one China, one Taiwan" concepts and ROC's membership in organizations that require statehood.

Congress's reaction to Clinton's statement has been strong. The United States Senate passed a resolution 92–0 on July 10, reaffirming United States commitment to Taiwan in accordance with the Taiwan Relations Act. A similar resolution passed the House by a 390–1 vote on July 21. On the same day, Taiwan Foreign Minister Jason Hu thanked the United States lawmakers for their friendship and support.

In Washington, in a press interview prior to Clinton's Shanghai statement on the three no's, Taiwan Representative Stephen Chen said, "The Republic of China in 1998 is no longer the ROC of 1949. How many countries in the world can compare with the Republic of China in its development of freedom, democracy, equitable distribution of wealth and human rights? The Republic of China in 1998 will not be sacrificed by anyone." Chen expressed full confidence in Taiwan's future as long as the people in Taiwan rely upon themselves and adhere to the principles of full democratization. He concluded that a democratic Taiwan will continue to flourish.

Meanwhile President Lee Teng-hui has instructed the Foreign Ministry to evaluate the Clinton-Jiang summit's possible impact in the following areas: human rights, democracy, regional peace and stability, and further dialogue with the People's Republic of China on resolution of disputes between the two sides. On July 22, President Lee stated unequivocally that China must become unified. Unification, he said, must be under a system of democracy, freedom and equal prosperity to ensure the well being of the Chinese people on both sides of the Taiwan Strait.

TRIBUTE TO RICHARD C. COLLINS AND THE U.S. ARMED FORCES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the accomplishments of the United States Armed Forces, including Richard C. Collins, a World War II veteran of the United States Navy who resides in my congressional district in Yucca Valley, California. Mr. Collins served this nation honorably from October 1941 until the end of the war in 1945. While stationed at the Great Highway Loop Station near Golden Gate Park in San Francisco, he was a sonar man who helped ensure the safety of this Nation during the Pacific Campaign of World War II.

The work of Mr. Collins and the entire Armed Services during the War was admirable. It is my understanding that, while stationed in San Francisco, Mr. Collins was one of the men connected with breaking the Japanese intelligence code for the second time which enabled the Navy to interpret Japanese messages for the remainder of the War. This was a historically significant event as it helped put America on the course toward victory in the Pacific. Breaking the Japanese code helped shorten the War, thus saving thousands of American and Japanese lives. The efforts of the Navy and other services truly were heroic and all Americans are in their debt.

Being a citizen of the United States is a privilege that no one should take for granted. We all owe a great deal of gratitude and respect to the men and women of the Armed Forces who risk their lives every day to uphold the democratic principles of the United States and make this Nation safe. Without the service of men like Richard Collins and our other brave soldiers, America would not be the land of the free and we would not have the liberty that so many people around the world long for. Mr. Speaker, I ask that you join me in honoring Richard Collins and the entire Armed Forces for their admirable service in protecting this great Nation.

KINGDOM OF SAUDI ARABIA MUST SETTLE CLAIM OF HILL INTERNATIONAL, INC.

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. HUNTER. Mr. Speaker, I rise today to show my respect for the claim filed by Hill International, Inc. against the Kingdom of Saudi Arabia. Hill International is a New Jersey-based company located in the district of my friend and colleague, Representative Jim Saxon, and is one of nearly two dozen companies who filed claims against the Saudi government for tens of millions of dollars in uncompensated engineering work conducted in the late 1970's.

After years of trying to settle these claims, Congress was forced to set up a claims resolution process in 1993. Since then, the Kingdom has settled each claim save one—the $55.1 million debt owed to Hill International.

During the House consideration of the FY98 Defense Authorization Bill, I supported directive report language offered by Representative Saxon to commission a formal report on the status of remaining claims against the Kingdom of Saudi Arabia. Similar language was by included by Representative Chris Smith in the State Department Reauthorization Bill that passed the House and Senate earlier this year. These efforts are intended to illustrate the lengths to which the Saudi Ambassador to the United States, Prince Bander, has been willing to go to deny an American company payment for services rendered.

I am also interested in seeing this matter resolved in memory of the late Representative Bill Emerson, a dear friend of mine and someone who worked diligently on the Hill International claim prior to his passing. Bill Emerson successfully negotiated a claim against the Kingdom in his home district and graciously offered to broker a similar compromise on the Hill International matter. Despite six months of hard work by Representative Emerson and repeated assurances from Prince Bandar that Bill's good faith efforts would be honored, the Saudi's have yet to pay Hill International—full three years after Representative Emerson produced a fair settlement figure.

In that time, Congresswoman Jo Ann Emerson has tried to help Hill International implement her husband's compromise, yet repeated requests for a face-to-face meeting with Prince Bandar have gone unheeded.

No matter how large or small the debt, this behavior cannot be tolerated from one of our allies. Until Ambassador Bandar decides to play a leadership role in this matter and until the Hill International claim is settled, my House and Senate colleagues will continue to take to the floor and highlight the Kingdom's failure to honor its debts.

BUILDING FOUNDATIONS OF DEMOCRACY ON THE DOORSTEP OF THE CAPITOL

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mrs. CAPPS. Mr. Speaker, interest in the idea of a Visitor Center at the U.S. Capitol has increased dramatically as a result of the recent tragedy there. The revival of this interest has been linked closely to the need to improve security and manage the large numbers of guests who arrive every day at this shrine of American democracy.

Prior to the recent shooting incident I contacted Congressman John Mica and told him I would like to sponsor his bill to build a Visitor Center at the Capitol. My motivation was not security or visitor management, although these desirable purposes were compatible and complementary to my own interest. My interest was to pursue an idea that originated with my late husband, Congressman Walter Capps, to establish an exhibit and education center to explain, demonstrate, and involve visitors in gaining a better understanding of the "foundations of democracy."

During his short tenure in Congress, Walter became very interested in the fact that thousands of visitors from across the nation and all over the world flood the halls of the Capitol every day. These visitors are thrilled to pay homage to this shrine to the first successful experiment in a representative democratic government. Walter was struck by the fact that a visitor to the Capitol had very limited opportunities to learn about how our democracy works beyond how a bill becomes a law and what has made our own experiment so successful. He was also impressed that there were very few other opportunities in Washington, a city full of wonderful museums and exhibits on art, culture, technology, and history.

Walter and I shared a vision for a new educational center in Washington that would provide an interactive and multimedia exposure to the essential foundations of our American democracy. These foundations are, in fact, essential to any successful democratic society and perhaps taken for granted in our own country. What are these "foundations"? I am describing, among other elements, representative assemblies, individual freedoms, a free market economy, strong labor unions, vigorous political parties, a decentralized government with effective state and local units, and independent institutions such as academia, the judiciary, and the media.

As one crosses the spacious Eastern Plaza in the shadow of the U.S. Capitol in the middle of any day of the year, the dramatic white marble edifice looms over a cacophony of voices from all over the world, and every corner of our nation. Exotic clothing from other lands blends easily with groups sporting the ubiquitous blue jackets of the Future Farmers. I would love to see Walter's dream become a reality, so that these visitors to "the front door of democracy," the defense of which cost officers Chestnut and Gibson their lives, could return home with a better understanding and appreciation for the fundamental Foundations of that Democracy.

PERSONAL EXPLANATION

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. WYNN. Mr. Speaker, on July 31, 1998, I missed rollcall votes 367 through 376 on 10 amendments to the Shays-Meehan Substitute to H.R. 2183, the Bipartisan Campaign Integrity Act, because I attended the funeral services of the slain Capitol Hill Police Officer Jacob J. Chestnut. Had I been present I would have voted "no" on rollcall votes 367, 368, 370, 373, 374, 375, 376 and "aye" on votes 369, 371, 372.

IN MEMORY OF STEPHEN ABNER WEISMAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. PORTER. Mr. Speaker, when Stephen Weisman passed away this week, America lost more than a noted physician. We lost a man of ingenuity and foresight who dedicated his life to the needs of his country and his community. At the time of his death, Stephen was also a loyal resident of Northbrook in my congressional district, and I am very proud to have represented a physician of his caliber.

Stephen first dedicated a significant portion of his life to the United States Navy. His enlistment in August of 1964 was the springboard from which he rose through the ranks of the Navy, eventually reaching the position of Lt. Commander in just two years. His lifelong dedication to medicine was apparent even at this time, as he fulfilled his duties as the Great Lakes Naval Hospital Medical Corp with great pride and vigor.

After his stint in the armed forces, Stephen narrowed his focus in medicine and became Board certified in both the fields of Internal Medicine and Nephrology. He accepted a position at Highland Park Hospital and began a career that would touch the lives of countless patients in need of his expert care. By establishing himself as one of the most motivated and brightest in his field, Stephen's superiors promoted him to Chief of the Dialysis Unit. His peers at the hospital have already noted and honored his many great deeds at Highland Park Hospital.

Still, it seems the most incredible challenge in Stephen's life was yet to come. Ten years ago, Stephen was diagnosed with cancer, a disease that he so often had seen and diagnosed in his own patients. Instead of crumbling in the face of a life-threatening illness, Stephen rose to the challenge again and helped found the Cancer Wellness Center at Highland Park Hospital. He further decided to continue practicing medicine even in his weakened state. After ten years of fighting cancer, he finally had to cease treatment of his patients just one month ago when his cancer had become severe enough to put him in the hospital.

Mr. Speaker, Stephen Weisman set standards for all physicians to admire and a legacy of work that will long endure. I know that I speak for many when I say that we will miss him.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. ORTIZ. Mr. Speaker, because of a death in my family, I was absent for roll call votes 377, 378, and 379. If I had been present for these votes, I would have voted "yes" on all three.

IN HONOR OF RAY SHIPP

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Ms. SANCHEZ. Mr. Speaker, today I rise to honor Mr. Ray Shipp, Americanism Chairman for the Garden Grove Elks Lodge in Garden Grove, California.

Mr. Shipp grew up in Corpus Christi, Texas. In 1950 he enlisted in the Marine Corps Reserves. After his discharge in 1952, Mr. Shipp began working for the Long Beach Naval Shipyard where he worked in defense contract administrative services for 39 years.

Mr. Shipp has lived in Garden Grove for 42 years. As a member of the Garden Grove Elks Lodge, he is responsible for many projects including his role as publicity chairman for the Lodge. In addition to his public relations duties, Mr. Shipp devotes much of his time to youth oriented activities, such as Pop Warner football and Little League.

As the current Americanism Chairman for the Garden Grove Elks Lodge, Mr. Shipp is responsible for the following programs: National Patriotism Week, displaying the American Flag 24 hours a day, Flag Day Ceremonies, Heritage Corner display at City Hall, Police and Firefighters Night, Sixth Grade Flag Essay Contest, Lodge Americanism Brochure Competition, and the Flag Retirement Program. This year the Garden Grove Elks Lodge won first place in the National Lodge Americanism Brochure Competition!

Over the years, Mr. Shipp has devoted many years of hard work and has shown his loyalty to the United States of America, first as an employee of the federal government, and currently, as a volunteer for the Elks Lodge, promoting Americanism and upholding the symbol of American freedom, the American Flag.

I ask you all to join me today to salute Ray Shipp who has set an excellent example, through his deeds and actions, of what it means to be a true American.

EMERGENCY FARM FINANCIAL RELIEF ACT

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. KIND. Mr. Speaker, today I rise in support of S. 2344, the Emergency Farm Financial Relief Act. But I do so with a word of caution.

This legislation would allow certain farmers who have been hit hard by disastrous weather and crop disease to receive their 1999 Freedom to Farm market transition payments on October 1, 1998. It is important, however, that we not fool ourselves into thinking that this is a cure-all.

While the farm economy desperately needs this money, all this bill really does is permit needy farmers to receive the payments they would normally use to pay for their Spring planting early. The real question is, what happens next Spring?

While this bill is a first-step to help the depressed agriculture industry, this bill does not address the basic discrimination built into the 1996 Farm Bill. Instead it just postpones the inevitable. Unlike producers of most other commodities, dairy farmers did not receive seven-year transition payments. Like those other commodities, dairy is being asked to reform its outdated system and compete on the world market without the benefit of these payments.

Dairy prices are very volatile and the industry is undergoing tremendous structural change. Unfortunately, while I am happy to help hard-pressed farmers of other regions, I am very disappointed that this Congress is incapable of helping the American dairy farmer. This bill is yet another instance which points out the inequity of this country's agriculture policy.

Mr. Speaker, when considering farm emergency assistance, this Congress must not forget the plight of the American dairy farmer.

HONORING 4-H PROGRAMS AND GOLD STAR RECIPIENTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. PAUL. Mr. Speaker, the Brazoria County 4–H will hold an awards program on the 14th of August and this is a very important event Mr. Speaker. For those of us who were raised on farms and who represent agricultural communities it is well known how important an organization 4–H truly is.

Head, Hand, Hearts and Health, these are the "4–H's" and they are truly indicative of what this organization is all about. One of the primary missions that this organization undertakes is agricultural education. Earlier this year I introduced a bill which would exempt the sale of livestock by those involved in educational activities such as FFA and 4–H from federal income taxation. By making young men and women who participate in these activities hire a group of tax accountants and attorneys we are sending the wrong message. Young people who sell livestock at county fairs and the like should be rewarded for taking self initiative and allowed to keep the money they've earned to help pay for their education or to re-invest in other animals to raise. My bill would eliminate the current policy of forcing these youngsters to visit the tax man. Mr. Speaker, I want to commend the following winners of the Gold Star, the highest award possible at the county level, for achievements in competition at state levels, leadership ability, community service and years of service. They are: Deidrea Harris, Josh Weber, Amanda Tacquard, and Allison Sauer. Again, I want to commend these young people for their achievements.

WOMEN'S PROGRESS COMMEMORATION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise to announce the introduction of the Women's Progress Commemoration Act, an important bill to help our nation preserve the rich heritage of the women's movement.

Last month, this country marked the 150th anniversary of the first Women's Rights Convention in Seneca Falls, New York. Thousands of Americans traveled to Seneca Falls to participate in this celebration. We were honored to have First Lady Hillary Rodham Clinton help us inaugurate this anniversary, as well as having high-ranking women in government like Secretary of State Madeleine Albright and Secretary of Health and Human Services Donna Shalala participate in other aspects of the celebration. It is now our duty to ensure that the legacy of this event is not simply a week of activities, but a lifetime of education, preservation, and restoration.

Mr. Speaker, for too long, sites central to the history of the women's rights movement in our nation have been neglected. Important sites like the Susan B. Anthony House in Rochester, the Elizabeth Cady Stanton House in Seneca Falls, or the M'Clintock House in nearby Waterloo were neglected for years and are in need of restoration. Our nation is in danger of losing an irreplaceable chapter in our history if these sites are not identified and preserved.

I am therefore pleased to introduce the Women's Progress Commemoration Act. This legislation will establish a 15-person commission to review sites of historical significance to the women's movement. The commission is directed to identify sites important to the women's rights movement and make recommendations for their preservation. Within one year of its formation, the commission will provide the Secretary of Interior with a list of sites deserving recognition and in need of preservation. It will also recommend actions to rehabilitate the sites to protect for future generations the historical legacy of the movement.

I am proud to have Representatives CAROLYN MALONEY (D–NY) and LYNN WOOLSEY (D–CA) as original cosponsors of this legislation. Senators CHRISTOPHER DODD (D–CT) and TED STEVENS (R–AK) have introduced a companion bill with 18 bipartisan cosponsors.

As Susan B. Anthony herself noted, "Men have been faithful in noting every heroic act of their half of the race, and now it should be the duty, as well as the pleasure, of women to make for future generations a record of the heroic deeds of the other half." I hope my colleagues will join me in supporting this effort to preserve the history of the women's rights movement.

TRIBUTE TO DISTRICT RANGER CHUCK JONES

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mrs. CUBIN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to a dedicated member of the U.S. Forest Service as he concludes 32 years of service to his country. We are proud to have had this man serve as District Ranger in Jackson, Wyoming Ranger District for the past 10 years.

Mr. Charles G. Jones deserves this honor. We owe our gratitude for his contributions to the wise and sustainable use of our national forests and water resources.

Chuck Jones' personal and professional career accomplishments are as diverse as they are noteworthy. His loyal service and sacrifices for over three decades, working in the small communities of the Rocky Mountain west, are a testament to all who use and appreciate our public lands. I would like to take a moment to reflect on Chuck's career as he makes the transition to life beyond government service.

Upon graduation from Michigan Technological University in 1964, with a degree in forestry, Chuck moved west and began work as a timber forester with the Northern Pacific railroad and Seeley Lake, Montana. Two years later, and then married to the former Carolyne McCollum, he embarked on public service work as a forester with the Kaniksu National Forest in Newport, Washington.

Following a transfer to Noxon, Montana, and serving as a forestry specialist, he moved in 1971 to the Red Ives Ranger District in Saint Maries, Idaho, as a timber management officer. Helping further our nation's dependence on wood products from the national forests, he spent the next several years in Troy, Montana, and Mountain Home, Idaho, on the Boise National Forests respectively.

In 1982 Chuck was appointed as the District Ranger in Cascade, Idaho. Following five years of success in that position the Forest Service assigned Chuck as the District Ranger in Pinedale, Wyoming, a state where we appreciate his brand of leadership and his abundant talents. Quickly adapting to the unique life-style of rural Wyoming, he then became the ranger in Jackson where he has served with distinction for the past 10 years.

Chuck's last tour of duty has been as remarkable for its challenges as it has been for his ability to find solutions that mirror public interests. The Jackson Ranger District, located in close proximity to the Tetons and well known national parks, offers the most complex combination of multiple uses of the land and heavy public visitation of any district administered by the Forest Service. A well known and highly regarded member of the Jackson Hole community, Chuck's fairness and problem solving will be hard to replace.

Whether dealing with the catastrophic fires of 1988, coordinating with world class ski areas, managing heavy public use in the Snake River canyon, or hosting Presidential visits, Chuck always demonstrates the highest ideals of public service. I am especially proud to mention his initiative and compassion in bringing the nine families together for a memorial service the year after their loved ones perished on a tragic C–130 crash in the Gros Vente Wilderness.

Mr. Speaker, it is a great honor for me to present these credentials of Chuck Jones before the House today. It is clear through his stated, and unstated, accomplishments that he has dedicated himself to furthering the benefits we enjoy from our public lands. All of his actions reflect a true leader with a sense of purpose, commitment, and conscience.

As Chuck departs from public service I ask my colleagues to join with me in delivering an appreciative tribute from a grateful nation, and best wishes to he and Carol for a productive and rewarding retirement.

CONGRESS CALLS FOR RELEASE OF HUMAN-RIGHTS ACTIVISTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. TOWNS. Mr. Speaker, on July 31, several of my colleagues and I sent a letter to President Clinton asking him to get involved in trying to free some human-rights defenders in India. Those of us who signed the letter thank the Washington Times for its excellent coverage of it in the August 4 issue.

Jaspal Singh Dhillon helped Jaswant Singh Khalra put together his report on mass cremations in Punjab. He came to the United States in 1993 and visited the White House. The Indian government arrested him in 1993 but was forced by international pressure to release him. Now he has again been arrested on trumped-up charges. Not only that, but his attorney, Daljit Singh Rajput, has been arrested in the same case. It is virtually certain that they are being tortured.

Rajiv Singh Randhawa was kidnapped along with a friend of his in broad daylight. He was picked up because he saw the kidnapping of Mr. Khalra and had identified the police officers who were involved. This is what happens to you were you cross the police in democratic India.

Kuldip Singh is a former low-level police employee who heard the murder of Mr. Khalra. He reported the gruesome details to the press. He was getting some water for Mr. Khalra when he heard a shot and ran back. Khalra was bleeding and had stopped breathing. He, too, has to be protected from the police.

Human-rights worked like Jaspal Singh Dhillon and witnesses like Kuldip Singh should not live in fear of the police. The United States must take the strongest possible action to bring about the prompt release of these innocent Sikhs and to see to it that the Indian government prosecutes and punishes those responsible for these atrocities.

I am inserting the Congressional letter and the Washington Times article into the RECORD. I urge my colleagues to read them carefully.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1998.

Subject: Arrest and fear of disappearance and torture of human-rights activist Jaspal Singh Dhillon and others.

Hon. Bill Clinton,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are very disturbed by the July 23 abduction of Jaspal Singh Dhillon, who worked with human-rights activist Jaswant Singh Khalra on his report exposing the mass cremations of Sikhs by the Punjab police. Earlier the police abducted Rajiv Singh Randhawa, a key eyewitness to the kidnapping of Khalra. Dr. Gurmit Singh Aulakh, the President of the Council of Khalistan, informed us that these individuals may be in danger of being murdered and listed as "disappeared" like tens of thousands before him, as Mr. Khalra documented.

Jaspal Singh Dhillon was picked up on a false charge that he was involved in a conspiracy to blow up the Burail jail to free and alleged "militant." His vehicle was also seized. We are afraid that the police will plant false evidence in the vehicle. Jaspal Singh Dhillon has testified before the United Nations about the human-rights violations in Punjab. He has even been to the White House. Mr. Dhillon was picked up five years ago and severely tortured. It is only because you and other Western leaders intervened that Mr. Dhillon was released at that time.

Mr. Randhawa was picked up on July 15 from his home in Amritsar by plainclothes police who held a gun to his head, tied him up with his own turban, and took him away along with a friend of his. The police officials who kidnapped and murdered Khalra are due for a hearing on July 28. Clearly, the Randhawa kidnapping is an attempt to remove the one witness who can do the most damage to them.

In addition to these cases, a police witness, Kuldip Singh has had to turn to the Central Reserve Police Force for protection because he is afraid that the Punjab police will try to eliminate him. Kuldip Singh said that he was getting water for Jaswant Singh Khalra in the Chhabra police station when he heard a shot. He ran back and Khalra was bleeding. He had stopped breathing and he was dead. As you know Jaswant Singh Khalra was kidnapped in 1995 after he exposed India's policy of mass cremations of Sikhs.

In a democracy, human-rights activists like Jaspal Singh Dhillon and witnesses like Kuldip Singh and Rajiv Singh Randhawa should not have to live in fear of the police. We call on you to intervene with the government of India to ensure the release of Mr.

Dhillon and Mr. Randhawa immediately and call on them to begin an immediate prosecution of those who abducted them. We strongly urge you to protect these innocent Sikhs and to work with the Indian government to make sure that those responsible for the crimes against these Sikhs are punished.

Sincerely,

Edolphus Towns, M.C.; Dan Burton, M.C.; Dana Rohrabacher, M.C.; Richard Pombo, M.C.; Frank R. Wolf, M.C.; Jack Metcalf, M.C.; Bill Redmond, M.C.; Wm. J. Jefferson, M.C.; Sheila Jackson-Lee, M.C.; Peter T. King, M.C.; Donald M. Payne, M.C.; Roscoe Bartlett, M.C.; Lincoln Diaz-Balart, M.C.; John T. Doolittle, M.C.; Jerry Solomon, M.C.; Cynthia McKinney, M.C.; Barbara Kennedy, M.C.; Gregory Meeks, M.C.; Bernard Sanders, M.C.; Wally Herger, M.C.; Dale E. Kildee, M.C.; Esteban E. Torres, M.C.; J.C. Watts, Jr. M.C.; Merrill Cook, M.C.; "Duke" Cunningham, M.C.; Duncan Hunter, M.C.; Ileana Ros-Lehtinen, M.C.; Phil Crane, M.C.; Bill Paxon, M.C.; Ron Lewis, M.C.; Sandford D. Bishop, Jr., M.C.; Ron Packard, M.C.

[From The Washington Times, Aug. 4, 1998]

House Members of Both Parties Ask Clinton's Help in Freeing Four Sikhs

(By Tom Carter)

A bipartisan group of 33 legislators has written to President Clinton urging him to get involved in protecting four Sikh human rights activists arrested in India last month.

"There is reason for concern that their detention is without merit and that they are at risk of torture while in detention," wrote Rep. Constance A. Morella, Maryland Republican, in a letter dated July 30.

"I hope that your administration will urge Indian authorities to undertake an independent investigation of these cases, urging them to review these arrests and to act to protect the physical integrity of those detained," she wrote.

In a separate letter, sponsored by Edolphus Towns, New York Democrat, 32 members of Congress urged Mr. Clinton to involve the government of the United States in securing these men's release.

"In a democracy, human rights activists . . . should not have to live in fear of the police. We call on you to intervene with the government of India," said the letter dated July 31.

Others who added their names to the letter included Republicans Dan Burton of Indiana, Frank R. Wolf of Virginia, Peter T. King of New York, Philip M. Crane of Illinois and Ileana Ros-Lehtinen of Florida. Democrats who signed the letter included Reps. Esteban E. Torres of California, Cynthia A. McKinney of Georgia and Barbara B. Kennelly of Connecticut.

The Council of Khalistan, which advocates independence for Sikhs in Punjab, faxes copies of the congressional appeals to news organizations over the weekend.

The four human rights activists were arrested last month in Punjab on what Mr. Towns described as "false charges."

Jaspal Singh Dhillon, Rajinder Singh Neeta, Kulbir Kaur Dhami and Daljit Singh Rajput were arrested for what Indian authorities claimed was their involvement in an plan to help free "militants" by blowing up a jail.

A State Department official, asked to comment on the matter, said the U.S. Embassy in India was aware of Mr. Dhillon's case.

"They have made informal contact with the Indian authorities and they are monitoring it," the official said.

The Indian government yesterday had no comment on the specifics of the case.

"The police wouldn't have acted just like that. They will have done their work. There is rule of law in Punjab," said Amar Sinha, press spokesman of the Indian Embassy.

On July 24, Amnesty International issued an "urgent action" on the four men.

According to the Amnesty release, Mr. Dhillon worked with Jaswant Singh Khalra, a well-known human rights activist who "disappeared" in September 1995 after his arrest after exposing the mass cremations of unidentified Sikhs.

Nine police officials have been charged, but not prosecuted, in the arrest and "disappearance."

"There is a fear that [Mr. Dhillon] may disappear too," said Jurjit Chima of Amnesty International yesterday.

Gurmit Singh Aulakh, director of the Council of Khalistan, which advocates independence of Sikhs in Punjab, said the men were arrested to prevent them from testifying at a "People's Commission" human rights forum to be held Aug. 8 through 10.

TRIBUTE TO HARRIE PHILIP, WHO WILL BE CELEBRATING HER 105TH BIRTHDAY ON AUGUST 5, 1998

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise, to pay tribute to a kind and able woman, Harriet Philip. Harrie, as she is known by her friends, was born on the Caribbean island of Trinidad on August 5, 1893. Later in life, she immigrated to the United States and settled in Brooklyn where she is surrounded by friends and family members who love her sense of humor and her particular attitude about her needs and wants.

Harrie, an expert artist, crochets, knits, and designs exquisite articles for her loved ones without the use of patterns. She also loves to talk with her friends and family who admire her charming personality. Harrie's uplifting spirit and longevity have been an inspiration to all those around her.

Harrie, a follower of the Bahai religion, has raised three sons and one daughter. These children have blessed her with two beautiful grandchildren.

It is with great pleasure and personal regard that I ask my fellow colleagues to rise to pay tribute to Mrs. Harriet Philip on her 105th birthday, with wishes of many more to come.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mr. DELAHUNT. Mr. Chairman, I rise in strong support of the amendment, which would restore funding for the Legal Services Corporation to current levels.

The Legal Services Corporation is a lifeline for thousands of people with no other means of access to the legal system. Last year, LSC resolved 1.5 million civil cases, benefiting over four million indigent citizens from every county in America.

Who are these people? Over two-thirds are women, and most are mothers with children. Women seeking protection against abusive spouses. Children living in poverty and neglect. Elderly people threatened by eviction or victimized by consumer fraud. Veterans denied benefits, and small farmers facing foreclosure.

These are the people who will be hurt if this amendment is not adopted today. If LSC is forced to absorb the huge cuts made in committee, half of the 1,100 neighborhood legal services offices will have to be closed. This will leave a single lawyer to serve every 23,600 poor Americans. Over 700,000 people in need of legal services will have to be turned away.

We cannot—we must not—allow this to happen. I urge my colleagues to vote for this amendment. It's the decent thing to do.

RABBI AND MRS. MERVIN B. TOMSKY TO CELEBRATE THEIR 50TH WEDDING ANNIVERSARY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my friend, Rabbi Mervin B. Tomsky, and his wife, Helen, who are celebrating their 50th wedding anniversary on August 22, 1998. Though they are longtime residents of California, the story of the Tomsky's marriage actually begins in Minnesota. Mervin and Helen knew each other in Minnesota as children, attended the University of Minnesota together, and got married in Minnesota. A few years later the couple moved to New York, where Mervin attended the Jewish Theological Seminary of America. He was ordained as a rabbi in 1956.

Fifteen years later the Tomskys moved to Southern California, where they have lived ever since. I met Rabbi Tomsky after he became rabbi at Temple Emanu El in Burbank, California, and had the pleasure of speaking to his congregation on a couple of occasions. Today he holds the title of Rabbi Emeritus at Temple Emanu El, and he is the recipient of an honorary Doctor of Divinity Law from Jewish Theological Seminary.

Both Rabbi Tomsky and Helen are extremely active people, which may well be one of the reasons for their successful marriage. Helen was a public school teacher for many years and has been heavily involved in literacy programs. Rabbi Tomsky is on the Board of Directors for the University of Judaism, where his duties include interviewing candidates who wish to convert to Judaism.

For 22 years, the Tomskys have been active in Jewish Marriage Encounter, which stresses ways to enhance the marital bonds. It hardly needs to be said that the Tomskys are an ideal role model for younger couples who participate in the program.

I ask my colleagues to join me in saluting Rabbi Mervin and Helen Tomsky on the occasion of their 50th wedding anniversary. I join their children, David, Sharon and Judith, and grandchildren, Andrew and Daria, in wishing them all the best in the years to come.

COMMEMORATING THE 175TH ANNIVERSARY OF THE DELAWARE AND HUDSON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. SOLOMON. Mr. Speaker, the Delaware and Hudson, headquartered in Clifton Park, New York, is the oldest continuously operated transportation company in North America. The D&H has had many memorable events in its proud 175-year history;

The New York State Legislature authorized the Delaware and Hudson Canal Company to operate on April 23rd, 1823. By 1828 the D&H completed construction of a 108 mile canal. The D&H soon developed a revolutionary gravity railroad. In 1830, that 16-mile gravity railroad constituted two-thirds of America's 23 miles of rail track. On August 8, 1829 the D&H performed a test run of the first steam locomotive to operate in America.

In 1840 the D&H became the first transportation company traded on the New York Stock Exchange. In 1867 the New York State Legislature authorized the D&H to acquire and operate railroads in New York State. In 1870 the D&H extended the scope of its rail operation to the Port of Albany. By 1875 it had constructed a rail line to Canada along with west side of Lake Champlain.

As railroads expanded, the importance of canals diminished and in 1898 the D&H moved its last load of coal by canal. A year later the New York State Legislature changed D&H's charter deleting "Canal," signifying the end of a remarkable period in American transportation history. In the early years of the 1900s the D&H expanded its presence in New York through the operation of steamship lines on Lake George and Lake Champlain, through expanded rail passenger service, and through the purchase of two luxury hotels; the Ft. William Henry in Lake George and the Champlain Hotel south of Plattsburgh.

In September of 1901, Vice-President Theodore Roosevelt retreated to his beloved Adirondacks. He believed that President McKinley was well on his way to recovery from being shot in Buffalo five days earlier. While the Vice-President set up camp deep in the woods near Lake Colden, an urgent message was dispatched to North Creek by telegraph and from there, by horseman, that the President had suffered a relapse and was dying. The D&H dispatched a train from Saratoga to North Creek to await the Vice-President. When he arrived he was handed a telegram as he swung aboard the train. In the coach, Roosevelt tore open the telegram. President McKinley was dead. Roosevelt rode in silence along the curvy track to Saratoga, the 26th President of the United States.

The Golden Years of the D&H began in 1907 followed by 30 years of unparalleled success. The D&H rebuilt physical plant, reequipped the road with new and improved locomotives and filled its investment portfolio with blue chip stocks and bonds that provided financial stability throughout World War I and the Great Depression. The D&H's leadership and equipment experiments and locomotive design became the industry standard. In 1915 the Delaware and Hudson began construction of an ornate riverfront headquarters in Albany. Completed in 1918, this classic Flemish Gothic structure contains the largest working weathervane in the United States and is currently home to the administrative headquarters of the State University of New York.

Beginning in 1938 the D&H transformed itself from a slow moving coal line to a bridge route for fast-moving merchandise shipments. It ran a fleet of powerful, fast-running steam locomotives known as "Challengers." With the advent of World War II, a flood of freight and passenger traffic came to the nation's railroads. Distinguished passengers on the D&H line during this period included King George VI and Queen Elizabeth and Winston Churchill. In 1953 the last stream locomotive ran on the D&H line ending 134 years of steam operations that had begun with the historic test run of the Stourbridge Lion in 1829.

Passenger service, which suffered great declines after the War, resulted eventually in the creation of AMTRAK to replace the passenger operations run by the freight railroads. On May 1, 1971, the D&H made it last passenger run from New York to Montreal. In the early 1970s six of the seven freight railroads in the northeast were in bankruptcy. Only the D&H was not. Its commitment to efficiency allowed it to operate at a modest profit while all others failed. When Congress created Conrail from the ashes of the six bankrupt railroads, the D&H system was reconstituted in a manner that was ostensibly to provide competition to Conrail. However, the failure of Congress to provide access to key points in the northeast doomed the D&H to a non-competitive status that it could not sustain in the absence of a partnership with a railroad that could provide overhead traffic.

In 1991, the D&H was purchased by Canadian Pacific Railway. Its infrastructure was upgraded and it continues to exist as a separate New York corporation—uninterrupted for 175 years.

UNITED STATES COAST GUARD IS ALWAYS READY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. COBLE. Mr. Speaker, the United States Coast Guard has made America a better place to live for 208 years. As members of this country's oldest seagoing service, the men and women of our Coast Guard continue to do what they have always done; save lives and property at sea; ensure a safe, efficient maritime transportation system; protect and preserve our precious marine resources and environment; enforce laws and treaties in the maritime region; and defend our national security.

With a force smaller than the New York City Police Department, or Coast Guard carries out these vital missions in this country's ports and waterways, along its 47,000 miles of coastline, lakes and rivers, on international waters or in any maritime region as required to support national security.

On August 4, 1790, the Congress authorized 10 revenue cutters requested by Alexander Hamilton, our country's first Secretary of the Treasury, for the purpose of interdicting violators of U.S. customs laws. This was the birth of the essential and fiercely proud service that continues its 24-hour-a-day, seven-day-a-week vigilance against a host of transnational dangers, including pollution, illegal migration, international drug trafficking and terrorism.

From Medal of Honor winner Douglas Munro, who while manning the machine gun on his Higgins Boat, gave his life after saving more than 500 Marines off the beach at Guadalcanal, to Lieutenant Jack Rittichier, who received the Silver Star posthumously after his rescue helicopter was shot down by North Vietnamese automatic weapons fire during his attempts to rescue a downed American fighter pilot, to today's elite force ready to deploy on a moment's notice in support of our Unified Commanders-in-Chief; from 18th Century heroine Ida Lewis, who saved countless lives during nearly 50 years of keeping the lamp lit at Lime Rock lighthouse, to what is unquestionably the world's premier maritime life-saving and life-protecting service; from Hell Roarin' Mike Healy who patrolled Territorial Alaskan waters as Captain of the legendary Coast Guard Cutter Bear, stopping fur seal poachers and breaking arctic ice in order to survey unchartered waters, to cutters and aircraft pioneering the fight against water pollution and engaged in protecting the vital living marine resources within our country's 200-mile Exclusive Economic Zone, acts of heroism, courage and commitment symbolize what the U.S. Coast Guard is all about—and what the brave young men and women of this armed service mean to our freedom and security.

This essential government agency, which has ably served the American people in war as well as peacetime, will observe its 208th birthday on August 4, 1998. The Coast Guard's motto rings just as true today as it did in 1790, SEMPER PARATUS, ALWAYS READY!

Let us all share in the pride and satisfaction enjoyed by its dedicated members on this important occasion.

TRIBUTE TO REVEREND DR. ADOLFO CARRIÓN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Reverend Dr. Adolfo Carrión, Superintendent of the Spanish Eastern District, Assemblies of God, who will be retiring in October of this year after over 33 years of service.

Reverend Carrión has been an outstanding leader and a great role model, not only to the organization he served so well but also to the Hispanic community and other religious organizations.

Before becoming a Pastor of the Assemblies of God, he served in several different capacities: President of the youth organization, Deacon, Trustee, President of the Knights, and Superintendent of the Sunday School.

He first served as Secretary/Treasurer for the East Hispanic District of the Assemblies of God in Manhattan. Afterward, he was appointed Clergy and later on he became Assistant to the Superintendent for the District for two years. For the last 28, he served as the Superintendent.

Under his leadership, two new districts were created: one in Puerto Rico and one in South-East Florida. Today, the Assemblies of God has a total of 13 well organized districts with more than 275 affiliated churches.

In short, Reverend Dr. Adolfo Carrión lives to help other people. He has been diligent in providing spiritual guidance and support to the members of our community.

As it is written in Hebrews 6:10, "for God is not unjust; he will not forget your work and the love you have shown him as you have helped his people and continue to help them." the community, too, recognizes him and is honoring him.

Born in Juncos, Puerto Rico in 1934, Reverend Carrión has been married to Elisa Diaz for 39 years. They have four children: Elizabeth, Adolfo 3rd, Dámaris, and Lisette. Adolfo 3rd is the recently elected Councilman of the Bronx district 14.

Mr. Speaker, I ask my colleagues to join me in honoring Reverend Dr. Adolfo Carrión for his dedication to our community.

TRIBUTE TO W.W. "HOOTIE" JOHNSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. W.W. "Hootie" Johnson; a great American, an outstanding South Carolinian, and a good friend. Recently elected Chairman of the Augusta National Golf Club, "Hootie" Johnson has served his state and nation selflessly in various business, education, and civic sectors.

Mr. Johnson's accomplishments in the business arena are legendary. He currently serves as Chairman of the Executive Committee of NationsBank Corporation, one of America's largest banks, and was a key player in the recent merger between NationsBank and Bank America. He was the original proponent of the merger between NCNB and Bankers Trust, and was once called the "strategic father of NationsBank." Mr. Johnson is a member of the Board of Directors for Alltel Corporation, and Duke Energy Corporation. He has served as Chairman and member of The Liberty Corporation, and the South Carolina Ports Authority. He has also served on the board of the South Carolina Research Authority. A former governor of South Carolina, Robert E. McNair once said, "I don't know anyone who has meant more to South Carolina and development than has W.W. 'Hootie' Johnson."

Mr. Johnson has also played crucial roles in community affairs in the Palmetto State. He has never been content to just lending his name to various organizations and efforts. He has always been in the arena. In the early 1970s he appointed Dr. M. Maceo Nance, Jr. to the Board of Bankers Trust, the first African American to receive such an appointment in the State of South Carolina, or in the South. He is a former member of the Boards of the Columbia Urban League and the National Urban League. Former Executive Director of the Columbia Urban League, Elliott Franks once said, "In those times, it would have been far more convenient to pay lip service, and concentrate on building his bank. It took a certain amount of courage for him to be on the front lines."

Mr. Johnson's service to South Carolina also extends to the education community. It was my great honor to serve on the Higher Education Blue Ribbon Committee appointed by former South Carolina Governor Richard W. Riley which was chaired by "Hootie." It was in this setting that I got to witness first hand the extraordinary talents of this uncommon man. He is a member of the Board of Trustees of the University of South Carolina (USC) Business Partnership Foundation; the Hollings Cancer Center Advisory Council, Medical University of South Carolina; and Converse College. His influence was instrumental in the recent $25 million gift from Darla Moore to the USC business school. He has received an Honorary Doctor of Humanities Degree from the Medical University of South Carolina, Charleston; an Honorary Doctor of Laws Degree from the University of South Carolina, Columbia; and an Honorary Doctor of Humanities Degree from Lander College in Greenwood.

"Hootie" Johnson graduated from Greenwood High School where he established an outstanding athletic career in football. He matriculated at the University of South Carolina, where he won the state's Jacobs Blocking Trophy. His favorite pastime, however, has always been golf, a game to which he was introduced at an early age and has been integral part of his life ever since. "Hootie" became vice president of Augusta National in 1975 and forged close friendships with the past chairman Jackson Stephens and the first chairman, Clifford Roberts.

Mr. Speaker, this new honor for my friend "Hootie" is a rare one. In its 67 years, only five people have ever held the Chairmanship of Augusta National. I ask you, and my colleagues to join me in honoring W.W. "Hootie" Johnson for his outstanding contributions to South Carolina in the areas of business, civic and educational activities, and in wishing him good health and great success in his new role as Chairman of the Augusta National Golf Club.

INTRODUCTION OF THE SAN LUIS REY WATER RIGHTS SETTLEMENT ACT AMENDMENTS OF 1998

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation to complete a federal commitment to the San Luis Rey Indian Water Rights Settlement Act (P.L. 100–675).

In the late 1800's and early 1900's the United States Government and the State of California granted San Luis Rey River water rights to the City of Escondido and the Vista Irrigation District. Unfortunately, the right to that water was not the federal government's to give. It was rightfully held by five bands of Mission Indians (La Jolla, Rincon, Pala, Pauma, and San Pasqual).

Beginning in 1969, the City of Escondido and the Vista Irrigation District have been subject to litigation by the Indian bands over the rights to the San Luis Rey River water. In 1980, because the Secretary of the Interior had ceded the Indian bands' water rights to Escondido and Vista, the Indian bands brought suit against the federal government.

In 1984, in an effort to reach a settlement between the various parties, my California colleague, Rep. RON PACKARD, established the San Luis Rey Indian Water Settlement Task Force and charged it with the responsibility of negotiating the settlement of decades-old litigation between five bands of Mission Indians, the United States Government, the City of Escondido and the Vista Irrigation District. After lengthy negotiations with local, state and federal negotiators, the parties achieved an agreement on settlement principles that ultimately led to passage of the San Luis Rey Indian Water Rights Settlement Act in 1988 (P.L. 100–675).

Title I of the 1988 Act directs the Secretary of the Interior to supply of 16,000 acre feet of water per year to the Indian bands. This water was to be obtained from one or more sources, including the public lands within California outside the service area of the Central Valley project, or water conserved from the lining of the All-American Canal in the Imperial Valley as authorized in Title II of the 1988 Act.

Over the last decade, since the enactment of this Act, and despite the best good faith efforts of all the parties involved, the Indian bands are no closer to receiving the water due them. Moreover, during the last two years, efforts to develop a source of water for the Indian bands have been delayed while Colorado River water users grapple with drafting a consensus solution for the future use of California's portion of Colorado River water.

The Indian bands, the City of Escondido, and the Vista Irrigation District have pursued every potential source of water to fulfill the federal responsibility to the Indian bands water rights. I believe that the best option is to use a portion of the water conserved by lining the All-American Canal, in California's Imperial Valley.

The concrete lining of the All-American Canal will conserve an estimated 67,000 acre feet of water per year. This lining will preserve water that is currently leaking from the All-American Canal and flowing unused into Mexico. Of the total amount conserved, this bill would set aside 16,000 acre feet of water for the Secretary of the Interior to transfer to the Indian bands, fulfilling the terms of the 1988 Settlement Act. The federal government's share of the lining necessary to conserve 16,000 acre feet will amount to approximately $30,000,000. A private partner will assume the remaining cost for the lining. By assuming that cost on behalf of the San Luis Rey Indian Water Authority, the Secretary would be able to deliver the supplemental water, and the following benefits would accrue:

The current stalemate in the Colorado River water allocation discussions would no longer bar the efforts of the Settlement Parties to bring this matter to a final resolution;

A major contribution would be made to reduce California's historic use of Colorado River water;

The completed Environmental Impact Study for the All-American Canal lining project, which is now nearly five years old, could be utilized before so much time passes that it must be redone;

The cost of water to the San Luis Rey Indian Water Authority, including wheeling charges paid to Metropolitan Water District and the San Diego County Water Authority, would be low enough to accomplish the objectives of the Act; and

The largest single water conservation project within the Imperial Irrigation District which remains to be built—and the only one which would have absolutely no adverse impact on the Salton Sea—would be started.

The proposal currently being drafted by the Colorado River water users to distribute California's share of Colorado River water allocates 16,000 acre feet of water conserved from the lining of the All-American Canal for the San Luis Rey Water Rights Settlement. While this proposal is not final, I believe there is no reason to expect that this provision will not be in the final plan. Nor should the lack of comprehensive statewide Colorado River water use plan prohibit us from acting to settle what has now become a decades-old process to provide water rightfully due to the Indian bands. It should be noted that the 16,000 acre feet due to the Indian bands amounts to only 36/100ths of one percent of California's allocation of Colorado River water.

I am aware that concerns about this proposal have been expressed by both the Imperial Irrigation District and the Coachella Valley Water District. It is my expectation that the introduction of this legislation will further the objective of reaching consensus on the issue of lining the All-American Canal with these important California water agencies. I look forward to working with all interested parties to reach an accord.

I am proud to be joined in this effort by the original sponsor of the 1988 Act, Mr. PACKARD from California. I hope that all of my colleagues will join me in supporting this legislation and help me fulfill our responsibility to the La Jolla, Rincon, Pala, Pauma, and San Pasqual Indian bands.

HONORING BILL SIMON FORMER SECRETARY OF STATE FOR HIS SERVICE TO THE LESS FORTUNATE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. HOYER. Mr. Speaker, I rise today to honor former Secretary of the Treasury Bill Simon for his service and dedication to helping the poor. His commitment to the poor is unfortunately a rarely publicized aspect of an extraordinary man. He served the country under two administrations as Secretary of the Treasury but his greatest gift is the hope he has given the less fortunate. My friend Paul Harvey honored Bill Simon in an address he gave on ABC Radio Networks on July 25th. In that address Mr. Harvey said and I quote:

> You are likely carrying around in your pocket the autograph of a most extraordinary man. It's on your dollar bill. Because he was our nation's first Energy Czar and subsequently Secretary of the Treasury under two administrations.
>
> After serving his Country in public office, Bill Simon went back to the world of commerce and industry and got rich. Though his greatest wealth is not his hundreds of millions of dollars, but his family. His wife, two sons and five daughters.
>
> They remember from their earliest Christmases that dad would arise early and leave his New Jersey home to head off to volunteer at a shelter for runaway youths in New York City.
>
> As the children grew older he took them along. They'd work in the kitchen, they'd clean, serve meals, hand out Christmas presents—and sometimes—most important—just listen to the poor, the disabled, the unwed mothers, the lonely elderly.
>
> So the children matured responsibly respectful of their obligation to help others. Bill Junior now has his own charitable foundation. Sister Mary is much involved with the Kids in Crisis Shelter in Connecticut.
>
> The Simons believe as did Andrew Carnegie that people are helped best by helping them to help themselves. And each of the Simon siblings emulates the example of their parents.
>
> Today you might find Bill Simon in Harlem at the Terence Cardinal Cooke Health Center—Talking to an aids patient—praying with him—a procedure which he has repeated with literally thousands of terminally ill and destitute patients at that center. He calls this Eucharistic Ministry the most important thing that he has ever done.
>
> I've watched Bill Simon for thirty years—demonstrating that a good Businessman—can also be a Good businessman.
>
> Now preparing to give away most of the rest of his 350 million dollars, he says he hopes others who can, will.
>
> He calls giving 'the ultimately rewarding experience.

Paul Harvey's speech honoring Bill Simon for his service to the less fortunate is surely an accolade Mr. Simon has long deserved. I am glad I was able to share this speech with you and I hope we all can learn from the example Bill Simon has set.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Ms. DEGETTE. Mr. Chairman, I rise in strong support of Mr. MOLLOHAN's amendment to increase funding for federal legal services. The Legal Services Corporation is a successful public-private partnership that enables the poor and indigent to gain access to the civil court system. Today, some of my colleagues are proposing to fund this cooperative effort at only $141 million dollars, 43% less than last year and less than half the level that it was funded at 18 years ago. Let me be clear on this point. If we do not vote for the Mollohan amendment—which restores the funding of the Legal Service Corporation to its present level—we will deal a viscious blow to equal justice.

The truth is that Americans have long recognized the importance of fighting for the rights of people who cannot fight for themselves. Open and equal access to the courts is as old as the Republic itself. In criminal cases, defendants have been guaranteed the right to a court-appointed attorney since ratification of the Sixth Amendment in 1791. And in civil cases, organized civil legal assistance began as early as 1876, when the Legal Aid Society of New York first set up shop to protect the rights of New Yorkers.

Opponents of increased funding for legal services say that legal aid groups work against the will of the people by using taxpayer dollars to wage the frivolous legal battles of drug dealers and the like. Not only are these claims greatly exaggerated, but I would add that Congress has a duty to legislate and appropriate, not play judge and jury. Citizens of this country have a constitutional right to access the courts and to have their claims decided on their merits. The Constitution grants equal protection under the law to all people, providing no exceptions for those who are unpopular. By defunding legal services, we are saying that our justice is only available to those who can afford it.

In my district, the Legal Aid Society of Metropolitan Denver recently closed the case of a 74 year old nursing home resident who has suffered from heart failure, hypertension, chronic obstructive pulmonary disease, emphysema, coronary artery disease and chronic mood disorder. Needless to say, this gentleman requires special care 24 hours a day. He has a spouse, but she is herself a survivor of two cancer-related surgeries and has recently been instructed by a doctor not to let stress exacerbate her condition. My constituent, the nursing home resident, was recently deemed ineligible for nursing home care by the state agency responsible for administering Medicaid. After a doctor advised the state agency that moving my constituent from a nursing home would be "medically irresponsible," the state agency still did not change its decision. At this point, my constituent went to Legal Aid of Denver which represented him in an administrative law judge hearing. The state agency finally reversed its ruling and today my constituent is receiving the care that he needs and deserves.

Mr. Chairman, this is one small case. I assure you that there are many more cases like this one pending around the country. And one year from now, as millions of people leave the welfare rolls because of newly imposed time-limits, we absolutely must have a legal system in place for the poor, for the homeless, and for those children and families who have nowhere else to turn.

Take the Legal Services Corporation off the chopping block by voting yea on the Mollohan amendment.

24TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mrs. MALONEY of New York. Mr. Speaker, it is my distinct honor and privilege to once again stand with the gentleman from Florida and commemorate the anniversary of the 1974 illegal Turkish invasion of Cyprus. The continued presence of Turkish troops represents a gross violation of human rights and international law.

On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the North Coast of Cyprus and captured almost 40 percent of the Island. Today, there is still a barb-wired fence, known as the Green Line, that cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations.

Altogether, the illegal invasion and occupation by Turkey represents 24 years of unanswered questions, 24 years of division, 24 years of human rights violations, and 24 years of cultural destruction.

When the Turkish troops invaded the island, they took 1,614 Cypriots and five Americans and have never been seen or heard from since. For 24 years their families have had to wonder whether they are. This spring, the remains of Andrew Kassapis were brought home to his parents in Michigan. I was touched and honored to have had the opportunity to take part in a memorial service with his family and other Hellenic leaders on the steps of the Capitol. This report is only the beginning. We must find out the fates of the 1,614 Cypriots who have also been missing since 1974. I will continue my work in Congress to bring answers to the families and friends of the Cypriots who are still missing and to bring the remains of the other four Americans, including George Anastasiou and Christaci Loizoi, home to their families. The Kassapis family was able to experience some closure and I want to see these other families afforded the same right.

Others that must not be forgotten are the people detained in the enclaved areas of Northern Cyprus. In 1974, 20,000 Greek-Cypriots did not leave their homes after the Northern portion of the island was occupied. There are strict restrictions on where they are allowed to travel. If they leave their villages, they are no longer allowed to return. Those 20,000 people have been the victims of persecution and discrimination that has caused their depletion. Now only 540 people are left. And, Greek Cypriots that want to visit their family and friends in the enclaved area are forced to pay $30 for each visit.

Using Cyprus's European Union membership aspirations as a pretext, Turkey has recently embarked on an increasingly hostile pursuit of its long-standing objective to partition Cyprus.

Illegal military overflights of Cyprus have increased, Turkish occupation forces have brought new weaponry into the occupied area, and they have provoked incidents along the UN cease-fire line, killing four Greek Cypriots in 1996. Turkey has also made plans for the construction of two new naval bases and an air force base in the occupied area and has upgraded its bases on the southern coast of Turkey, which is only 50 miles from Cyprus.

Most ominous of all, Turkey has threatened to "integrate" the occupied area of Cyprus if Cyprus joins the EU, and the Turkish Cypriot leader has said that "there will be war if Cyprus joins the EU." Turkey has, in fact, already signed a number of "agreements" with the illegal Turkish Cypriot regime that lay the groundwork for an eventual annexation of the occupied area.

In August 1997, Cypriot President Clerides provided the Turkish Cypriot community's leader with a proposal to engage in a dialogue to resolve security concerns of all parties. On June 20 of this year, President Clerides requested U.N. Secretary General Annan to undertake a personal initiative to reduce military tensions. President Clerides reiterated to Annan his commitment to reconsider the acquisition of missiles if progress is made leading to the demilitarizations of Cyprus.

Last year, this Congress passed a resolution urging the Administration to launch an initiative to resolve the Cyprus problem, setting forth the parameters for such a solution, including demilitarization. The Turkish side, however, has refused to come to the negotiating table unless the occupied area is first recognized as an independent state and Cyprus withdraws its application to join the EU. The U.S. has opposed these conditions as unacceptable obstacles to progress in resolving the Cyprus problem.

We must stress that Turkey must come to the negotiating table with no preconditions and open to peace;

We must stress that demilitarization of the island is necessary to obtain peace;

And, we must stress that there will be severe consequences if further military action against Cyprus is taken.

We must take a firm stand in obtaining peace on Cyprus in the upcoming year so that next year we may celebrate peace instead of remembering war.

INTRODUCTION OF LEGISLATION TO AUTHORIZE A NATIONAL VETERANS CEMETERY TO BE CONSTRUCTED IN METROPOLITAN ATLANTA IN THE STATE OF GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. BARR of Georgia. Mr. Speaker, I rise today to announce to my colleagues in the House of Representatives that I am introducing legislation authorizing a national veteran's cemetery to be constructed in the metropolitan Atlanta area in the State of Georgia.

I urge my colleagues in the House to support this effort not just on behalf of the veterans in Georgia but veterans across our nation.

Our nation has a sacred obligation to fulfill the promises we made to our veterans when they agreed to risk and, in many cases, give their lives to protect the freedoms we all enjoy. One of those promises was a military burial in a national cemetery.

Speaker GINGRICH is an original cosponsor to this important piece of legislation. The Speaker has been a dedicated advocate of the veterans in the state of Georgia and of this country. In addition, I want to thank the other Members of the Georgia delegation for their support of our efforts. Congressmen COLLINS, KINGSTON, LINDER, CHAMBLISS, DEAL, LEWIS, and BISHOP realize the importance of the veterans in Georgia.

Sadly, the access of many veterans in Georgia to military burial has been blocked due to the lack of a national cemetery near their homes and the homes of their loved ones. Georgia has no National Cemetery space available. None. This situation is inexcusable, and we must take immediate steps to remedy it.

The legislation we are introducing today is an important first step in creating a new national veterans cemetery. Senators CLELAND and COVERDELL are introducing a companion measure in the United States Senate.

Establishing a national cemetery in Georgia would give veterans and their families accessibility and the recognition they deserve.

There are currently over 700,000 veterans living in Georgia. Some 450,000 of these veterans live in the Atlanta metropolitan area. Atlanta is the largest metropolitan area in the United States without a useable national cemetery.

Georgia currently has only one national cemetery located in Marietta. However, this resting area for so many veterans has been full since 1970. The nearest national cemeteries accepting burials are in Alabama and Tennessee; neither of which are accessible to

Georgia's 450,000 veterans who live in the Atlanta Metropolitan area.

Placing a national cemetery in the Atlanta area will alleviate the pressure on the cemeteries in Tennessee and Alabama.

According to a National Cemetery System report, Atlanta, Georgia was listed as one of the ten geographic areas in the United States in which a need for a burial space for veterans is the greatest. The Atlanta area has had this designation now for two decades.

This legislation is supported by Pete Wheeler, Commissioner of the Georgia Veteran's Association, and the Georgia Disabled American Veterans, the American Legion, and other veterans' groups. I ask all veterans groups to support this legislation because it is only appropriate for Georgia's heroes to be allowed to be laid to rest in their home state.

This has been a long awaited process for Georgia veterans. These men and women deserve a proper resting place. The legislation we are introducing today is an important first step in creating a new national cemetery.

ADDRESS OF JOHN BRADEMAS AT ROYAUMONT PROCESS CONFERENCE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. HAMILTON. Mr. Speaker, our distinguished former colleague in the House of Representatives from my native State of Indiana, Dr. John Brademas, who as Members know, served as Majority Whip of the House from 1977 to 1981 and then President of New York University, has since 1994 been Chairman of the Board of the National Endowment for Democracy.

Earlier this month, on July 9, 1998, Dr. Brademas delivered the Keynote Address at a conference in Salonika (Thessaloniki), Greece, sponsored by the European Union Royaumont Process for the "Promotion of Stability and Good-Neighborly Relations in Southeastern Europe."

Because I believe Members will read with interest Dr. Brademas' remarks on this occasion, I ask unanimous consent to insert his address at this point in the RECORD:

KEYNOTE ADDRESS OF DR. JOHN BRADEMAS

Distinguished guests and friends, I count it a great privilege to have been invited by the distinguished European Union Coordinator of the Royaumont Process, Dr. Panayotis Roumeliotis, and Professor Panayotis Korliras of the Lambrakis Foundation, to offer some remarks at the opening here of this important conference sponsored by the Royaumont Process to Promote Stability and Good-Neighborly Relations in Southeastern Europe.

In the first place, I feel at home here. My father was born in Kalamata, Greece, and I was the first native-born American of Greek origin elected to the Congress of the United States.

Second, I am glad to be back in the great city of Thessaloniki, one of the most important centers, culturally, economically, politically and religiously, in this part of the world. I've been in Thessaloniki several times in recent years and always rejoice at the prospect of returning.

Third, I applaud the purpose of this conference, and I salute not only the leaders of the Royaumont Process and the Lambrakis Foundation but the other sponsors as well, the University Research Institute of the University of Macedonia, the Association for Democracy in the Balkans and the Kokkalis Foundation.

And what is the purpose of our meeting in Thessaloniki?

It is to promote the objectives of a timely European Union initiative, the Royaumont Process, which are "stability and good neighborliness" in this region, and to do so by bringing together representatives of nongovernmental organizations who, if from different countries and backgrounds, have a common interest in the development of civil society.

The Royaumont Process concentrates on actions needed to spur civic structures and create effective means of communication across national boundaries, at both bilateral and multilateral levels, in Southeastern Europe.

The countries taking part in the Process are: Albania, Bosnia, Herzegovina, Bulgaria, the Federal Republic of Yugoslavia, the Former Yugoslav republic of Macedonia, Hungary and Turkey as well as European Union Members (like Greece), Russia and the United States.

The Royaumont Process lays special emphasis on both local citizen involvement and crossborder collaboration and its authors believe, rightly, that dialogue across ethnic lines and national boundaries is indispensable in developing the conditions of peace and stability.

I think it particularly significant that this conference will concentrate on the role of non-governmental organizations in building and sustaining institutions of democracy and stability in Southeastern Europe.

Certainly NGOs have played a crucial role in developing democracy in the Western world, they are, indeed, the vehicles of civil society.

To illustrate my point, only last month I spent several days in Cyprus where I talked with both President Glafkos Clerides of the Republic of Cyprus and with the Turkish Cypriot leader, Ralf Denktash. In my address at the University of Cyprus, I made clear my distress that Mr. Denktash had ordered a halt to contacts between the two communities and I urged a renewal.

By his action, Mr. Denktash has cut short a most promising practice whereby large numbers of both communities were meeting in regular and structured fashion.

I talked to a number of persons, not only Greek Cypriots but Turkish ones, who are anxious that such contacts be resumed not only between individuals but between NGOs on the island.

Indeed, as our meeting in Thessaloniki demonstrates, non-governmental organizations are at the forefront of efforts to create regional networks and foster citizen participation. The Association for Balkan Democracy, founded by Costa Carras, Nikos Efthimiades, Rigas Tzeleploglou and Petros Papasarantopoulos, and the Research Institute of the University of Macedonia are good examples.

I must note here yet another NGO, born in this region and certainly worthy of emulation, the Association of Interbalkan Women's Cooperation Societies. Ably led by its dynamic founder, Ketty Tzitzikosta, the Association brings together on a regular basis women from other NGOs in the region to discuss, teach and develop ways to promote peace and stability—often with a focus on the important areas of social development and environmental concerns.

Here let me speak to you not only as a former Member of Congress but also as Chairman of an American non-governmental entity, the National Endowment for Democracy.

NED, as we like to call it, is unusual in the United States, in that it is a non-governmental organization financed with government funds.

The purpose of NED is to make grants to private organizations in countries that do not enjoy democracy in order to encourage the institutions and practices of a free, open and democratic society—free and fair elections, independent media, the rule of the law and vigorous non-governmental organizations.

Albeit with modest funds, the National endowment has, among its programs in over 90 countries, sought to address some of the obstacles to democratization in Southeastern Europe. NED grants have encouraged the resolution of inter-ethnic conflict, greater political pluralism and economic reform as well as assisted the independent organizations necessary to form the basis of civil society in the region.

I cannot begin to list all the proposals the Board of NED Board has considered. But let me note a few of the countries for which grants have recently been approved.

In Bosnia-Hercegovina, with the continuing animosity between Muslims and Croats and where peace remains fragile, NED is helping an NGO in Livno, the Center for Civic Cooperation, in an effort to promote cross-cultural communication and better relations between these two ethnic communities.

In Bulgaria, despite the victory of noncommunist forces in presidential and parliamentary elections, genuine participatory democracy is far from reality. NED is assisting an NGO, the Balkan Forum Civil Association, that teaches people how to be politically active in their own communities.

In Kosovo NED has supported *Kota Ditore*, the only independent daily newspaper and one of the few reliable sources of information on political and economic developments in the Balkan countries where Albanians live. In Serbia, too, where Milosevic uses the official media to attack his opponents and to disseminate anti-Western propaganda, NED supports *Vreme*, a weekly magazine regarded as the number one chronicler of events in Yugoslavia and a leading critic of Milosevic.

To generalize, and as all of you know better than I, the advance of democracy has proceeded at a different pace in the various states of the region. Given the different circumstances in each, this is not surprising.

The countries of Southeastern Europe and the New Independent States continue to struggle, economically, politically and, as the strife in Kosovo illustrates, sometimes violently. What the National Endowment for Democracy, with its grants program, has demonstrated, that NGOs can play a crucial role in promoting stability and democracy.

This observation leads me to tell you of a project on which I have been working for the past two years with several colleagues, including, in the United States, President Clinton's Special Envoy for dealing with the dispute between Greece and the Former Yugoslav Republic of Macedonia, Matthew Nimetz, and in Greece, someone known to many of you here because of his long and constructive interest in Cyprus, Costa Carras, and a prominent citizen of Thessaloniki, Nikos Efthimiades, to establish a Center for Democracy and Reconciliation in Southeastern Europe.

I am pleased to say that our efforts are bearing fruit and that only this morning we had the first, informal, meeting of the Board of the Center.

To be located administratively in Thessaloniki, the Center, will devote attention to such fields as education, the environment and a market economy as well as to the practices of a pluralist, democratic society, that is to say, an independent judiciary, free and responsible media, healthy non-governmental organizations, efficient and accountable central administrations and local governments and effective parliamentary institutions.

Our Advisory Council includes persons from Bosnia, Bulgaria, Croatia, Cyprus, the Former Yugoslav Republic of Macedonia, Greece, the Netherlands, Rumania, Serbia, Turkey, the United Kingdom and the United States.

The purpose of the Center's multinational approach will be to foster greater interchange and understanding among the peoples of the area and to develop networks among individuals and groups committed to the democratic and peaceful development of Southeastern Europe.

The work of the Center will obviously reinforce the program of the Royaumont Process, and my colleagues and I hope that our two ventures will find ways of cooperating with each other.

We believe that the Center has now raised enough funds from individual benefactors to be able to employ an outstanding person to direct, in concert with the Board, the programs of the Center which, to reiterate, we want to see carried out throughout this region.

Of course, if we are to be able to mount a constructive program, we must raise additional funds—from individuals, business firms, foundations and, where appropriate, governmental and inter-governmental institutions such as the European Union.

Allow me to tell you about the first activity we intend the Center to undertake. To be called the Southeastern European Joint History Project, we want to approach professors at universities and research institutions in the region, secondary school teachers, representatives of the media and leaders from the different religious traditions.

For example, we should like to bring together professors of Balkan history for seminars, roundtables and other meetings not with the objective of producing a common history but rather better to understand each other's and thereby, as President Clinton said in Sarajevo, "to make history our friend and not our enemy."

I am very glad to say that a brilliant historian, of Bulgarian origin, now a professor of Balkan history at the University of Florida, Maria Todorova, has agreed to help organize the Joint History Project.

For those of you who have not read it, I commend to you Professor Todorova's splendid volume, published last year by Oxford University Press, USA, entitled *Imagining the Balkans.*

Here I observe that I was very pleased to learn from Ketty Tzitzikosta that the Association of the Interbalkans Women's Cooperation Societies will hold a conference in Thessaloniki next October on the theme, "The image of the 'other/the neighbor' in the school textbooks of the Balkan countries", and I trust that Professor Todorova and Ketty will this week compare notes on how their two efforts can reinforce each other.

In like fashion, I note that Association for Balkan Democracy is now publishing an impressive bimonthly newsletter, *Balkan Horizons,* under the editorship of Petros Papasarantopoulos, aimed at promoting political democracy, civil society and non-governmental organizations in the region.

A third example of the kind of leadership through NGOs that I believe characterizes the mission of the Royaumont Process is the statement adopted earlier this month in Oslo by business representatives from the Turkish-Cypriot and Greek-Cypriot communities.

The fundamental thrust of the declaration is to encourage "increased contact and cooperation between two communities", including the relaxation and eventual removal of all restrictions on the free movement of people, goods and service and the expansion of contacts in business, culture and sports.

I am sure that everyone attending this conference could offer other illustrations of how nongovernmental organizations are, in a variety of ways engaged in efforts that involve men and women of different ethnic, religious and national backgrounds and are thereby laying the building blocks of the peaceful, stable region we all want to see.

As I have said, the Board of the Center will certainly want to cooperate with the Royaumont Process, and I salute Dr. Roumeliotis, Dr. Korliras and the other organizers of this conference for bringing together so many representatives of NGOs from so many different countries and cultures but all with an interest in the development of a vigorous and vital civil society.

Allow me then to indicate what I believe should be three goals of non-governmental organizations in this region, three crucial elements in developing the institutions and practices of self government: civil society, security and economic development.

First, a healthy, vibrant civil society—that is to say, institutions, associations and organizations wholly independent of government, groups through which the bonds of social trust and collaboration are created—is imperative if people are peacefully to express their differences and resolve their disputes.

A second essential criterion for democracy to take hold is a regional security regime—meaning a cluster of agreements among states to consult with, and provide their neighbors information about, their defense practices, and to agree on principles on which their security policies should be based. Such agreements and assurances are imperative not only for the immediate task of crisis prevention but also for the longer-term goal of helping generate such effective dialogue and understanding among peoples as to diminish persistent stereotypes of one another. If extremely difficult to establish, this factor is nonetheless crucial because no enduring solution to the security problems of the area can rely solely on the continued presence of the United States or Western Europe.

Third, the growth across borders of economic ties and the integration of markets can be a powerful incentive to the construction of open, pluralistic relations both within countries and throughout Southeastern Europe.

Business and trade associations, for example, can promote legal reforms that are conducive to freer internal markets as well as stronger commercial ties across frontiers. For indispensable to the long-term growth of domestic economies and trade among nations is the rule of law. Business executives and investors must be able to depend on agreed rules and their effective enforcement.

I must in this connection, say a special word about corruption, which could be the subject of an entire speech! In the last few years, corruption, long tolerated with apathy, cynicism and denial, has become a target of serious action both national and international levels.

Theft, bribery and money-laundering are now more and more understood to be major obstacles to economic growth and genuine democracy. Even as 34 nations last year signed the OECD Convention on Combating Bribery of Foreign Public Officials, I believe attention must be paid to the challenge of corruption in the new democracies of Southeastern Europe. Another item for the agenda of our Center!

If I have not yet exhausted you, I shall conclude these remarks by proposing some questions for our discussion in the next two days:

What kinds of voluntary, non-governmental associations are most needed in your respective states in Southeastern Europe?

What is the role of the region's major religions with respect to crafting democracy here?

What about the obligation of the media—press, television, radio—in stimulating a sense of civic responsibility and genuine accountability by government to the citizenry? How can we assure media free of government control?

How can schools, colleges and universities encourage respect for people of different ethnic origins, nationalities and religions? How can educational institutions promote understanding of the nature of democracy?

How can new cultural, economic, educational and social linkages be created to replace old ethnic and religious divisions?

Ladies and gentlemen, I have spoken of some of the factors that seem to me essential to overcoming, or at least diminishing, the many conflicts in this region and to building societies at once peaceful, democratic and stable.

And allow me to say once more how deeply impressed I am by the initiative of the Royaumont Process and its collaborators in sponsoring this conference.

I hope that the Center for Democracy and Reconciliation of which I have told you will have a long and productive relationship not only with Royaumont, but also with the many non-governmental organizations represented here this week.

How splendid it would be, as we look to a new century and the next millennium, for all the peoples of Southeastern Europe to enjoy the fruits of freedom, democracy and the rule of law!

A SPECIAL TRIBUTE TO MARTHA L. BUTLER FOR HER EXEMPLARY SERVICE TO THE OHIO SENATE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay very special tribute to an outstanding individual from the Great State of Ohio, Martha L. Butler. Later this month, after thirteen years of service, Martha Butler will retire from her prestigious position of Clerk of the Ohio Senate.

Martha's initial service to the Ohio Senate began more than twenty-five years ago when she began working as an aide to the Honorable Max H. Dennis. During her early years in the Senate, her commitment to the institution of the Senate and professionalism she brought to her job were evident to all of those who had the opportunity to work with her. In 1977, she switched Senate offices and began working for the Honorable Paul E. Pfeifer as his Legislative Aide.

A short time later, Martha moved to the Senate Clerk's office where she became the Assistant Clerk of the Ohio Senate. Then, in 1985, Martha broke new ground and made history by becoming the first woman to hold the position of Clerk in the Ohio Senate. In fact, Martha is the only woman to hold this position in either chamber of the Ohio Legislature.

Mr. Speaker, during the time when I served as the President of the Ohio Senate and in most of my twenty-two years as a State Senator, I was very fortunate to have the opportunity to work closely with Martha. She approached her work in the Ohio Senate with the highest sense of honor, responsibility, and dedication. In the future, the unwavering commitment and professionalism that Martha brought to the Office of the Clerk will be the standard by which all others who hold that position will be judged.

Mr. Speaker, having had the pleasure of working with Martha Butler and seeing, first-hand, her commitment to the people of the state of Ohio, I know she will be sorely missed. Martha truly is a credit to the Ohio Senate, and to all of Ohio. I would urge my colleagues to stand and join me in paying special tribute to Martha Butler, and in wishing her well in all of her future endeavors.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

SPEECH OF

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mr. GEJDENSON. Mr. Chairman, on July 20, 1998, Mr. GOODLATTE of Virginia offered an amendment to the Shays-Meehan campaign finance reform substitute that proposed repealing important provisions of the 1993 National Voter Registration Act. Fortunately, this ill-considered amendment to gut what has become known as the "Motor Voter law" was defeated. In his remarks supporting Mr. GOODLATTE's amendment, Mr. DELAY of Texas cited Dr. Walter Dean Burnham, a professor of Government at the University of Texas at Austin and a nationally recognized expert on the history of American campaigns and elections. On page H5941, Mr. DELAY states: "Because of the lack of fraud provisions in the Motor Voter law, 'We have the modern world's sloppiest electoral systems,' according to political scientist Walter Dean Burnham."

In a letter to the Committee on House Oversight, Dr. Burnham writes that Mr. DELAY misquoted him and misrepresented the substance of his research on voting. His letter follows:

THE UNIVERSITY OF TEXAS AT AUSTIN, DEPARTMENT OF GOVERNMENT,
Austin, TX, July 27, 1998.

Dr. KEITH ABOUCHAR
Committee on Oversight, Democratic Staff, House of Representatives, Longworth House Office Bldg., Washington, DC.

DEAR KEITH: Thanks very much for the fax of July 21 and the enclosed CR remarks on the Goodlatte Amendment.

It will probably not surprise you to learn that I was grossly misquoted by Rep. DeLay. Some years ago, I was indiscreet enough to respond to a phone inquiry from some writer for the Readers' Digest who, it turned out, was a strong opponent of the Motor Voter Act—which of course I warmly supported. The slant given on my views there was bad enough, but I have to regard myself as an inadvertent unindicted co-conspirator in that case.

My major theme was—and is—that for a country which prides itself on its democratic institutions the United States (or, more precisely, the states and localities chiefly responsible for election laws) is remarkable for long adhering to the view, implicitly, that voting is a privilege requiring justification before some official rather than, as elsewhere in the Western world, a right which the state does its very best to protect. The theoretical issues here are thoroughly canvassed in any essay on a case from Texas involving that state's 1966 voter-registration act that I produced in the 1971 Washington University Law Quarterly.

The sloppiness in election administration to which I refer in particular has nothing to do with the Motor Voter Act as DeLay sloppily claims: it seems endemic in a great many locations (though by no means all), and it goes back a long way. We will leave aside cases of outright swamping of the process by massive corruption, of the sort that prompted a Republican Senate to refuse to seat two apparent Republican winners that year (Frank Smith of Illinois, William S. Vare of Pennsylvania). One sees examples of it most clearly, perhaps, when contested elections develop—such as the 1950 and 1952 gubernatorial races in Michigan; or the 1960 House race in the 5th Indiana, where the Democrat was finally declared the winner by a margin of 99 votes out of 214.5 thousand votes cast (the 1996 Sanchez-Dornan election in the 46th California has its precedents!); and some surveys of Texas elections as well, as *e.g.*, in 1968). From this record, one derives the general sense not that excessive corruption was in play (as in the 1926 Senate cases), but rather that administrative incompetence on a scale which W. Europe or Canada would not tolerate (and do not have) makes the results of a great many American elections mere approximations to the actual votes cast for the various candidates. Various misfires of punch-card and machine systems for casting votes in such places as Detroit and Cleveland in the 1970s merely reinforce this impression.

One obvious solution to this problem, so far as such efforts to ameliorate the turnout-depression caused by personal registration systems as the Motor Voter of 1993 are concerned, would be to say that you simply can't get there from here and to urge the view that it multiplies the occasions for unqualified people to cast ballots and should be repealed. Naturally, conservatives favor this, for they have systematically used the corruption/fraud argument for decades to defeat any efforts to make it easier for people to have access to the polls. One may note the roll-call votes on passage of this act as a recent example of this. Obviously, believing as I do that the European-British-Canadian arrangements for state enrollment of eligible voters correspond to my belief that voting is a right and not a privilege, if I had my way I would declare personal registration ipso facto as unconstitutional; but no Supreme Court I can imagine in my foreseeable future is likely to agree with me.

The alternative solution, it seems to me, is to invest in developing an election-administration bureaucracy which can competently and speedily count the votes cast and publish the results. This does not resolve the personal-registration problem, but if enforceably carried out should minimize the extent of sloppiness that evidently now exists.

That, and that alone, is my position. A nation will choose to make investments where the organized will to do so exists. So far as elections are concerned, it has to be said that there is no consensus at the end of the day that voting is properly regarded as an attribute of adult citizenship and thus as much of a civil right as those that have since 1954 been enforced by the courts. We are still, if obscurely, fighting the epic battle between General Ireton and Colonel Rainborough in the British Putney Debates of 1647. That battle was terminated ages ago in the rest of the Western world; and the contrasting modes of election administration simply attest on both sides to this fact.

It should go without saying that the ongoing collapse of voter participation in American elections outside of the South since 1960 has little enough to do with personal-registration requirements as such. For they were much less user-friendly in a great many states in 1960 than in 1996, and yet non-southern turnout topped 70% in the former year, compared with 53% or thereabouts in 1996. Given the general situation surrounding the 1998 election, I would guess that when we finally get the final totals sometime around April 1999, we will find that turnout for the US House will fall to somewhere around one-third of the potential electorate (from 38% in 1994) and, as such, will display the lowest level of participation among the potential electorate since 1798. All I can say in conclusion is that I like to do my little bit to make democracy live in the United States, and express my firm conviction that—whether we look at election administration or at the campaign-finance imbroglio—the present leadership and followership among the Republican majority in Congress seem to have other objectives.

Yours very truly,
WALTER DEAN BURNHAM,
Professor.

P.S.—Now this is something I would be happy to have entered in the CONGRESSIONAL RECORD!

"VI NGUYEN—THE FUTURE OF MEDICAL RESEARCH"

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. FILNER. Mr. Speaker and Colleagues, I rise before you today to praise Vi Nguyen from my district who recently completed the National Institutes of Health (NIH) Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds (UGSP). The NIH 10-week summer research program is open only to scholars who have either a 3.5 grade point average or are in the top 5 percent of their class. To be eligible, candidates must also be committed to pursuing a career in biomedical research. The UGSP was set up for students who might not traditionally have research training opportunities. It was designed to improve access to undergraduate education that leads to careers in biomedical research, and to nurture scholarship recipients' interest in the NIH for their research training after graduation.

Vi is only one of 24 scholars selected in a nationwide competition for this prestigious program, and her journey to NIH this summer has been a long one. Her parents immigrated from Vietnam to San Diego, where she graduated from Bonita Vista High School. Her interest in science lead her to Harvard University where she is studying the history and philosophy of science—much like I did years ago. She plans to apply to medical school and various international fellowships toward her eventual goal of a research and clinical career in pediatrics.

With scholars like Vi Nguyen as the future of our biomedical research community, I am confident that the children of tomorrow will have a much better chance at healthier lives.

SPOUSAL TRAVEL DEDUCTION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. ABERCROMBIE. Mr. Speaker, I am introducing legislation today which will help America's working individuals and families, particularly those associated with the travel and tourism industry.

My bill would re-instate the federal income tax deduction for expenses of persons traveling with spouses on business purposes. As you may know, the spousal travel deduction was a long established part of the tax code until 1993. At that time, President Clinton, as a part of his first budget to Congress proposed repeal of the deduction, along with many other tax changes. I supported his budget, despite reservations about some of the tax proposals, such as cutting the business meal and entertainment expense deduction from 80 per cent to 50 per cent, because they would have detrimental impact on the travel and tourism industry. Nonetheless, the need to reorder the nation's priorities was essential and overwhelming, and I voted in favor of the legislation.

Supporting the 1993 budget was a difficult decision, but it was the correct one. It set the basis for rapid decline in the budget deficits which have plagued the nation for decades. We now have a budget surplus projected to be in excess of $50.0 billion. The travel industry and those states and localities dependent on the industry have sacrificed substantially in order to get our financial house in order.

There is growing support for Congress enacting tax cut and reform legislation before we adjourn in October. I have worked closely in a bipartisan manner with the Congressional leadership, members of the Ways and Means Committee and with the Administration to generate support reinstating the deduction, and many have been encouraging on the proposal's merits and the beneficial impact that it will have on the economy.

This bill is important to the working men and women of our country. The travel and tourism industry generates millions of jobs for our economy, and importantly, many of those jobs are entry level and give a first employment chance to less skilled workers, immigrants and those entering the job market for the first time. It provides an entry into the job market and opportunities for skill development, training and advancement. Representing a state and city very heavily dependent on travel and tourism, I have seen first-hand individual get a first break in the hotel and restaurant industries and advance in responsibility into management and supervisory positions. This is repeated throughout the country, but it is particularly apparent in areas with significant numbers of tourists, such as Honolulu, Las Vegas, Orlando, Los Angeles, New Orleans, San Francisco, Miami and countless other communities across the nation.

I also believe that there are significant misconceptions about the spousal travel deduction. It has been unfairly characterized as wealthy businessmen traveling to exotic locations and deducting the expenses of the wife. The reality is the deduction has been much more frequently taken by traveling salesmen and saleswomen and small business owners attending trade shows or soliciting business in trips across the around the nation. It was a middle-income tax, not an abuse exploited by the wealthiest. The wealthy have tax shelters that pale the spousal travel deduction, shelters not available to the working men and women of our country. The vast majority of beneficiaries solid, hard-working, tax-paying Americans with a couple of kids, trying to make ends meet. Those are the people we should be designing the tax system to give a fair shake.

I will be working in the next weeks and months in this Congress to move this legislation forward. Any tax reform or reduction legislation should address this issue. I look forward to continuing to work with my colleagues in Congress to making enactment of this bill a reality.

CONGRATULATING SHERIFF TIM HUTCHISON

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. HILLEARY. Mr. Speaker, I rise today to congratulate Knox County Sheriff Tim Hutchison on being named National Sheriff of the Year by the National Sheriff's Association.

A twenty-three year veteran of the Knox County Sheriff's Department, Sheriff Hutchison became sheriff in 1990, the first time a person within the department has been elected to the top position.

Mr. Speaker, Sheriff Hutchison has done an outstanding job bringing national recognition to the largest law enforcement agency in east Tennessee. Along with the fine men and women of the Knox County Sheriff's Department, he has done much to modernize the agency. The number of department employees has grown to nearly 1,000, including three hundred sworn officers and four hundred correctional officers.

Under Sheriff Hutchison's tenure, a new residential training facility was built using inmate labor and drug seizure money, virtually eliminating any expense to the taxpayer. This facility has graduated more than 120 certified officers from Knox and surrounding counties, easing the backlog at the state law enforcement training facility.

Sheriff Hutchison is quick to share this honor with the men and women of the Knox County Sheriff's Department. Knox County has become one of the best law enforcement agencies in the country and it is without a doubt a credit to the vision and leadership of Tim Hutchison.

CELEBRATING THE INCORPORATION OF LAKE MARY, FLORIDA

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. MICA. Mr. Speaker, It is my pleasure to congratulate the City of Lake Mary, Florida on its twenty fifth anniversary of incorporation.

The City of Lake Mary began in the 1800's as two settlements on the shore of the lake for which it is named. The area was originally know as Bent's Station, named after a man who lived there and planted several large orange groves. Later, a minister, J. F. Sundell, moved to the area with the lake's namesake, his wife Mary. The first seeds of the city that now prospers there were planted in Seminole County, whose history dates back to the Seminole Indian wars in the 1800's.

The town was built between Sanford and Orlando along the route of a narrow gauge railroad. While Lake Mary's beginnings date back to the 19th century it was officially incorporated as a city on August 7, 1973. In 1923 the first Lake Mary Chamber of Commerce was established. By the 1960's the area was being surrounded by new developments. To establish its distinct personality as a community the Chamber of Commerce successfully passed a referendum establishing the City of Lake Mary in 1973.

Today the City has grown beyond its original scope as a citrus and agriculture community to become the corporate home for some of America's largest companies. Lake Mary has preserved much of the natural beauty that intermingles with handsome residential neighborhoods of the City even in the midst of growth. I am extremely pleased to watch Lake Mary blossom as it provides an outstanding locale for people to live, work and retire. Lake Mary is a great example of an American community with citizens, municipal leaders and local businessmen and women coming together over the years to make their city outstanding in every respect.

It is my distinct honor to represent such a model community as the City of Lake Mary.

Congratulations Lake Mary on your first twenty five years!

GEANNCARLO LUGO—THE FUTURE OF MEDICAL RESEARCH

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. FILNER. Mr. Speaker and Colleagues, I rise before you today to praise Geanncarlo Lugo from my district who recently completed the National Institutes of Health (NIH) Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds (UGSP). The NIH 10-week summer research program is open only to scholars who have either a 3.5 grade point average or are in the top 5 percent of their class. To be eligible, candidates must also be committed to pursuing a career in biomedical research. The UGSP was set up for students who might not traditionally have research training opportunities. It was designed to improve access to undergraduate education that leads to careers in biomedical research, and to nurture scholarship recipients' interest in the NIH for their research training after graduation.

Geanncarlo is only one of 24 scholars selected in a nationwide competition for this prestigious program, and his journey to NIH this summer has been a long one. He put himself through Southwestern College and then San Diego State University (SDSU), even working on immunological research at the Scripps Research Institute while attending school. He graduated from SDSU with his bachelor's degree in molecular and cellular biology and plans to pursue his doctorate in immunology at the University of California at Berkeley, where he has been accepted. But first, he will spend a year at NIH, continuing his immunological studies and repaying his debt to the federal government for his participation in the program.

With scholars like Geanncarlo Lugo as the future of our biomedical research community, I am confident that many of our immunological mysteries will be solved.

A TRIBUTE TO JEROME ROBBINS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. NADLER. Mr. Speaker, I would like to take this opportunity to mark the passing of one of the greatest, most innovative, and diversely talented artists of our time. Jerome Robbins, age 79, passed away last Wednesday night in his apartment in New York after suffering a stroke earlier last week.

Jerome Robbins loved the stage. From his early years in dance, to his illustrious and well marked career in choreography and directing, he put his entire self into his work. The integrity of his productions, the ability to roam the expanse of artistic expression without boundaries is what helped him make his mark. While his theater credits include such well known productions as "Gyspy," "West Side Story," and "Fiddler on the Roof," it was in ballet that he felt the freedom in which to create.

It was through this freedom that he helped give America its own identity in the world of ballet. His first ballet, "Fancy Free," later adapted into the Broadway musical "On the Town," was Jerome's attempt to create a style of dance belonging to the United States. The youthful spirit of the show combined traditional ballet with more popular dances like the Lindie. Jerome created a dance that was the face of America.

Jerome captured the spirit of the country and proudly displayed it on stage. He was an innovator, a paradigm, a great artist whose absence will be felt in the ballet and theater community for a long, long time.

WELFARE REFORM ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. PACKARD. Mr. Speaker, I rise today to acknowledge the success of one of the Republican Congress' greatest achievements, the Welfare Reform Act. As you know, we will soon be celebrating the second anniversary of the Welfare Reform Act, which was signed into law on August 22, 1996. Today, we can proudly proclaim that our critics could not have been more wrong about the effect of this legislation. Despite the predictions of many of our colleagues from across the aisle and those in the administration who insisted we were wrong, our plan to end welfare has proved successful beyond all expectations.

Mr. Speaker, the numbers speak for themselves. Welfare rolls have dropped 37 percent since their peak in 1994 and 27 percent since enactment of the Welfare Reform Plan. More importantly, we've ended the old practice of rewarding people for doing the wrong thing. Today's welfare recipients are required to work and enter job placement programs. Gone are the days when an able-bodied person could sit at home and collect a bigger check each time they added another dependent child to their family.

We have not only changed an unhealthy mind-set in America, we've save taxpayers endless amounts of money. In the 30 years before a Republican Congress reformed welfare, American taxpayers spent $5 trillion on a program that had virtually no effect in reducing poverty or improving lives.

Mr. Speaker, Americans want to lead productive lives. We've not only given the thousands of people on welfare rolls the benefit of the doubt, we've given them a chance. Our efforts have helped end a viscious cycle that trapped people into dependency. I am proud to have been a part of this historic effort and I commend my colleagues for helping to make welfare reform a reality.

TRIBUTE TO THOMAS V. KARABAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. PALLONE. Mr. Speaker, last week, our community lost one of its brightest lights with the passing of Thomas V. Karaban of Atlantic Highlands, NJ. Mr. Karaban, who died on Saturday, August 1, 1998, at the age of 53, gave up a lucrative career on Wall Street to found a children's charity, the Rainbow Foundation. Since its founding in 1984, the Rainbow Foundation has provided 3,000 children in New Jersey with wheelchairs, Christmas presents, air fare to hospitals and other needs. While we mourn his loss, Mr. Karaban's life is a cause for great celebration. His legacy of trying to ease the sorrow of gravely ill children will endure for years to come.

Mr. Speaker, the story of Tom Karaban is one of those inspirational, "only in America" success stories—but, in the case of Mr. Karaban, success is measured in terms of what he gave back and how he enriched others. A native of Brooklyn, NY, Mr. Karaban worked for Chase Manhattan Bank and Eastman Dillion Union Securities before becoming Deputy Fiscal Agent for Fannie Mae, the federal national mortgage association. In 1983, while serving as a senior partner at Chapdelaine Government Securities, he became seriously ill and took a one-year medical leave. It was during that year that he got involved in fundraising for a child from Colts Neck, NJ, who was seriously ill. As his son, Edward, recalled in The Asbury Park Press, "He found his calling then." The following year, he started up the Rainbow Foundation, working out of an empty bedroom in his family's Middletown, NJ, home. The first donation to the Foundation was $200,000 from the Karaban family's savings account. Eventually, Mr. Karaban devoted himself full-time to the administration of the Rainbow Foundation, leaving behind his Wall Street career.

Mr. Karaban was widely honored for his years of dedication and devoted service to children in need. In 1995, Governor Whitman honored him with the Madeline Worthy Williams Youth Advocacy Award, one of the annual Governor's Awards, which are the highest honor the state can bestow on an individual. He has also been honored by the Veterans of Foreign Wars, the Middletown Chamber of

Commerce, the New Jersey National Association of Social Workers, and New Jersey Monthly Magazine, among others. He served on a variety of organizations, including the Governor's Task Force on Child Abuse and Neglect, to which he was appointed in 1990 by former Governor Thomas Kean, the Knights of Columbus, Vince Lombardi Council, Middletown, the Bishop McFaul Assembly, the Middletown Police Department Advisory Board and he was an honorary chairperson of Catholic Schools Week at St. Mary's Grammar School, New Monmouth. He was a member of St. Agnes Roman Catholic Church, where he was a lector and Eucharistic minister.

Mr. Speaker, it was about two years ago that Mr. Karaban began treatment for cancer. Throughout this personal ordeal, Mr. Karaban retained his optimism and his deep religious faith never wavered. Indeed, as his family and his many, many friends were aware, it was his abiding faith that sustained Mr. Karaban's tireless and selfless dedication to helping children. When he passed away, Mr. Karaban was surrounded by his family and at peace.

Perhaps Mr. Karaban himself best summed up the motivation behind his inspiring commitment to serving others: "They say the greatest legacy anyone can leave is to leave the world a better place than you found it. I try very, very hard to practice faith. When you try to practice your faith, you want to love God. The easiest way I can love God is to love children. I can't put my arms around God, but I can put my arms around a kid."

Mr. Karaban leaves behind a loving family, including his wife, Margaret, two sons and a daughter, and many other relatives, as well as countless loyal friends who have been touched by his kindness, generosity and warmth. In what Tom would no doubt consider a fitting tribute, the Karaban family has asked that, in lieu of flowers, contributions be made to the Rainbow Foundation. To keep the Rainbow Foundation going strong would be the best tribute we could make to the life and work of Mr. Thomas V. Karaban.

RECOGNIZING THE 70TH ANNIVERSARY OF THE EASTERN MONMOUTH AREA CHAMBER OF COMMERCE

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. PAPPAS. Mr. Speaker, it is my privilege to congratulate the members of the Eastern Monmouth Area Chamber of Commerce as they commemorate seventy years of service to Monmouth County and the local business community. An organization rich in history and deep in tradition, the Eastern Monmouth Area Chamber of Commerce is deserving of many well wishes as they celebrate this special event.

In June of 1928, twelve businessmen from Red Bank, New Jersey formed the Chamber of Commerce of Red Bank. Thanks to a continued history of dedicated leadership, this organization has grown far beyond the borders of Red Bank to become the Eastern Monmouth Area Chamber of Commerce.

Today, the organization serves the ten town area of Eatontown, Fair Haven, Little Silver, Monmouth Beach, Oceanport, Rumson, Sea Bright, Shrewsbury and Tinton Falls, as well as the original town, Red Bank. The Chamber draws its membership from all over Central New Jersey and beyond. In 1991 the group officially changed its name from the Red Bank Area Chamber of Commerce to the Eastern Monmouth Area Chamber of Commerce, signifying the organizations continuing expansion.

The Chamber has not only served local businesses, but it has also served the entire county at large with excellence, exhibiting an admirable sense of community involvement. Some of the Chamber's most significant events include a celebration of Food and Jazz held every June in Marine Park and the Spinnaker Awards which honor local citizens who have worked hard for the betterment of the communities in which they reside. This dedicated group of business leaders has also worked tirelessly for the expansion and improvement of local business through events such as Expo-Net, which allows local businesspeople to make the connections they need in order to thrive in today's market economy.

During the past two years, Money Magazine has rated Monmouth County as one of the best places in America to live. Without reservation, I believe that the role that the Chamber has played in the county has made a significant contribution in the county receiving that recognition. I again offer my congratulations to the Eastern Monmouth Area Chamber of Commerce for its seventy years of service to local communities and businesses and express my best wishes that this organization continue to grow and succeed in its pursuits throughout Monmouth County.

IN TRIBUTE

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to echo all the remarks made by my colleagues. My father was a police officer and I know how our family felt every time he went to work protecting the people under his jurisdiction. I can only imagine what the families of Officer Jacob J. Chestnut and Special Agent John M. Gibson are going through right now, the emptiness, the pain and the sorrow.

I can only hope that the bravery and the distinguished act of courage by these two outstanding police officers—and the more than appropriate tribute being paid to them will ease just a little of their pain and make the days pass a little easier for the Chestnut and Gibson families.

IN MEMORY OF MS. SHARI LEWIS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. MARKEY. Mr. Speaker, I rise to honor the memory of Ms. Shari Lewis, America's Gentle Giant of Children's TV.

This child of a magician who wove so much TV magic in the minds of America's young people died last Sunday after a tough battle with cancer. To everyone who knew Shari, to everyone she may have come in contact with however briefly, she was warm and generous and curious and spirited, leaving you with the feeling that someone special had just treated you as someone special.

This talent for spreading kindness was so powerful that it translated perfectly through television to the enormous delight of America's children. She gave her voice, literally, to her famous companion Lamb Chop, a sock puppet with spunk and wisdom, and the two of them created a world of learning, thought and fun on public television.

In 1993, I held an oversight hearing to examine broadcaster compliance with the Children's Television Act of 1990. Shari Lewis was kind enough to testify, and Lamb Chop provided a separate statement. In honor of this wonderful woman, the world she helped create for our children, and the angel-on-the-shoulder quality of her plea to the broadcasting community for a higher commitment to educational programming for children, I ask the concluding words of Shari's statement, in which she challenges the industry to step up to its educational programming obligations for children, as well as the entire statement of "Miss Lamb Chop," be inserted in the RECORD, as follows:

PARTIAL STATEMENT OF MS. SHARI LEWIS

But the commitment to accept the challenge, the very real challenge, should be at the heart of the industry and the basis for broadcast renewal. If all broadcasters were regulated so they had to provide good stuff equally, perhaps there would be a race for quality, just as there now is a race for market share.

If each broadcaster had to provide a minimum amount of educational, information stuff, stations would boast of what they were doing for the community's children as they now boast of ratings. And advertisers would be very pleased to be seen as servicing the community.

It comes down to responsibility. I have deep convictions, and I know that there is in the human spirit hate and violence and other dark emotions. It is right that we should acknowledge them on TV in responsible ways.

We should also acknowledge that in every human spirit there is the desire to learn and laugh and do good and help other people.

I wanted to end here. Unfortunately, Lamb Chop has insisted on being heard today. This was not my idea. I do not approve of it. My mother says it is not dignified. However, Lamb Chop insisted. So if you will excuse me, I will get her.

Lamb Chop, come on.

STATEMENT OF LAMB CHOP

Miss LAMB CHOP. Mr. Chairman, I would like to know, am I on my own time, or do I get only part of Shari's?

Mr. MARKEY. You get your own time, Lamb Chop.

Miss LAMB CHOP. Thank you, sir.

Mr. Chairman——

Ms. LEWIS. What do you have on your mind?

Miss LAMB CHOP. It is not what is on my mind, it is what is in my heart.

Ms. LEWIS. All right.

What do you have to say?

Miss LAMB CHOP. I want to say——

Ms. LEWIS. All right. Go ahead. Speak from your little lamb heart.

Miss LAMB CHOP. I can't do it with you sitting there. Go away.

Ms. LEWIS. No, darling, I can't go away. If I am not here, you can't talk at all. Talk.

Miss LAMB CHOP. All right, but if you want to interrupt, lift your hand. Your left hand.

Mr. Chairman, I have been entertaining children for 35 years, which is a long time in the life of a 6 year old.

I would like to say that we really need your help and your care and concern, and we need the best that you grown-ups have to offer. And if you give it to us, we will give the good stuff back. Not only to you, but to our own children as well.

Ms. LEWIS. Lamb Chop, I couldn't have said that better myself.

Miss LAMB CHOP. I know.

Ms. LEWIS. Say good-bye, Lamb Chop.

Miss LAMB CHOP. Good-bye, Lamb Chop.

Ms. LEWIS. Good-bye, everybody.

Thank you.

THE FOURTH QUARTERLY REPORT OF THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. BEREUTER. Mr. Speaker, this Member rises today to submit the Fourth Quarterly Report of the Speaker's Task Force on the Hong Kong Transition. It has been slightly more than one year since Hong Kong reverted to Chinese sovereignty on July 1, 1997. Prior to that historic event, and at your request, Mr. Speaker, this Member formed the House Task Force on Hong Kong's Transition. In addition to myself as chairman, the Task Force is bipartisanly balanced in its membership, including Representative HOWARD BERMAN (D–CA). Representative SHERROD BROWN (D–OH), Representative ENI FALEOMAVAEGA (D–AS), Representative ALCEE HASTINGS (D–FL), Representative JAY KIM (R–CA), Representative DONALD MANZULLO (R–IL) and Representative MATT SALMON (R–AZ).

To date, the task force has prepared four quarterly reports assessing how the reversion has affected Honk Kong. The fourth report, which I submit today, covers the period of April through June, 1998, during which there was no actual visit to Hong Kong by the Task Force. (A visit had been scheduled during the July 4th district work period, but scheduling difficulties forced cancellation of the visit.) Despite a number of concerns about the ailing economy, as well as concerns in the areas of freedom of expression, the independence of the media, and the protection of intellectual property rights, we continue to describe the situation as "so far, so good." Most notably, Hong Kong held remarkably successful elections for the first post-reversion Legislative Council.

Mr. Speaker, this Member submits the Task Force report and asks that it be printed in full in the RECORD.

THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION: FOURTH REPORT, JULY 23, 1998

(Presented by Hon. Doug Bereuter, Chairman)

The following is the fourth quarterly report of the Task Force on the Hong Kong Transition. It follows the first report dated October 1, 1997, the second report dated February 25, 1998, and the third report dated May 22, 1998. This report focuses on events and development relevant to United States interests in Hong Kong between April 1, 1998, and June 30, 1998—the fourth quarter following Hong Kong's reversion to China.

It has been one year since Hong Kong reverted to Chinese sovereignty on July 1, 1997. Looking back at those last few weeks of June, 1997, we recall that the reversion was viewed with a mixture of excitement and trepidation. Many observers, both in Hong Kong and abroad, worried aloud that Beijing might be unable to resist the temptation to meddle in Hong Kong's internal affairs, despite China's commitment in the Joint Declaration to "one-country, two-systems" and its agreements to grant Hong Kong autonomy over all matters except foreign affairs and defense for fifty years. Skeptics questioned whether Hong Kong would continue its traditions of freedom of expression and were concerned about the apparent roll back in democratization of the new electoral system. Businessmen wondered whether Hong Kong would maintain the rule of law upon which its international commercial prominence is based. Other observers, concerned with security issues, questioned Hong Kong's continued ability to maintain effective export controls.

The fourth quarter following revision can briefly be summed up as both "good news and bad news." The good news was that Hong Kong's citizens confounded political pundits by turning out in record numbers for the first post-reversion election of its Legislative Council. The bad news was that the financial crisis which had engulfed much of southeast Asia from mid-1997 finally, unfortunately, made its impact on Hong Kong.

POLITICAL PARTICIPATION—A SURPRISINGLY ENTHUSIASTIC POPULACE

On May 24, Hong Kong held its first election for its Legislative Council (LegCo) under the new, controversial election law adopted by the post-reversion, Beijing-appointed legislature. The new law rolled back key provisions of election reforms finally instituted by the last British colonial governor, Chris Patten, in 1995. For example, it maintained the original formula of twenty LegCo members to be directly elected by popular vote, thirty to be elected by "functional constituencies" (initiated by the British in 1985), and ten to be chosen by an Election Committee. However, the "functional constituent" electorate was reduced from approximately 2.7 million voters under the 1995 British reforms to about 180,000 voters. Of course, the widespread view in Congress is that direct election is preferable to functional constituencies and that the members elected by the special Election Commission make the process less than fully democratic.

Because of the complex and cumbersome electoral system, many observers predicted voter apathy and a low turnout. Happily, these predications proved wrong. Despite torrential rains, a record 53.3 percent of eligible voters cast ballots, compared to 35.8 percent in 1995. The Democratic Party and its allies won 65 percent of the popular vote, but were held to only 20 of the 60 seats because of the complex elections rules. The Democratic Party alone won 43 percent of the popular vote and will be the largest party in the new LegCo. In effect, Hong Kong's voters have created the first opposition bloc in the history of communist-ruled China.

Following the election, seven parties crossing ideological lines and representing 41 of the 60 members of the new legislature agreed on a blueprint to create jobs and revive Hong Kong's ailing economy. In an extraordinary challenge to C.H. Tung's notion of executive-led government, the coalition threatened to block all of the administration's legislation and funding unless it played ball. The two sides averted a showdown by agreeing to a dialogue aimed at finding solutions to Hong Kong's economic troubles.

Many Hong Kongers now hope that the high voter turnout and strong showing of the Democrats and their allies will hasten the pace toward full universal suffrage. President Clinton buoyed those hopes during his July 1–3 visit to Hong Kong (the first by a sitting president), when he called for "more democracy, not less, and faster, not slower, strides toward political freedom." Accelerating the pace toward universal suffrage, however, would require amendment of the Basic Law, Hong Kong's mini-constitution, which stipulates that a fully directly elected LegCo will not be considered before the year 2007. Amendment, however, requires approval by both the chief executive and China's National People's Congress, and thus is viewed as highly unlikely.

RULE OF LAW—FREEDOM OF EXPRESSION

As we have noted in earlier reports, international confidence in Hong Kong is based on the commitment of Hong Kong's authorities to the rule of law inherited from the British. An integral part of this is the "check" on the abuse of authority provided by the free expression of opinion. During this quarter, we find again that the people of Hong Kong largely continue to express themselves without restraint. On June 4, for example, more than 16,000 protesters held the first commemoration of the Tiananmen Incident since reversion. While the crowd was lower in number than in 1997, the high turnout belied skeptics who had predicted interference. Similarly, political activists protesting Japan's occupation of the Diaoyu Islands (Senkakus) have operated freely. Hong Kong authorities report that it has not denied any application for a demonstration permit since reversion and that the number of demonstrations has actually increased from an average of 80 per month prior to reversion to between 150 and 160 per month.

Hong Kong's media also continues to practice its traditional vibrant style of journalism without overt interference from authorities in Hong Kong or Beijing. Nonetheless, concerns of self-censorship continue. The Hong Kong Journalists Association, in its recently issued annual report, noted that self-censorship was "nor worse" than in the year prior to reversion. It noted, however, that concerns were on the rise about the self-censorship of reporting on independence-related activities in Tibet, Taiwan or Xinjiang. Recently, for example, the Western media gave considerable attention to a local Hong Kong television reporter who claimed that his report on the independent movement in Xinjiang was kept off the air for political reasons.

This aspect of freedom of expression and how it applies to expressions about certain sovereignty issues in China is especially important because Hong Kong's Legislative Council will soon be considering a measure to define subversion. Moreover, Chief Executive Tung has widely stated that he believes Hong Kong people should not be freely expressing their support for independence for places like Taiwan, Tibet and Xinjiang. Therefore, a crucial test of Hong Kong's adherence to free expression will be whether mere expressions of support for independence for those areas will be punishable under law.

Beijing authorities, however, continue to bend over backward to avoid the appearance of direct interference. At the time of Chinese Prime Minister Zhu Rongji's early April visit to France, a senior Chinese foreign,minister official rebuked a Hong Kong television reporter accompanying the visit after the reported asked Zhu what he felt about the demonstrators. The subsequent uproar over this perceived threat to press freedom led premier Zhu to publically criticize the Chinese diplomat for having a "bad attitude." The controversy eventually died down.

A fair and independent judiciary is another critical element of international confidence in Hong Kong. In general, the Hong Kong judiciary continues to operate independently and without taint of political influence. During the past quarter, we noted no new instances, as we did in the previous quarter, which would call into question the judiciary's independence or its vulnerability to Chinese influence.

On a more positive note, the Hong Kong government clarified in April that the first official post-handover human rights report to be submitted to the United Nations by the SAR government will not be amended by Beijing. This report is submitted under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The report will be submitted through Beijing, but will not be subject to Beijing's review.

ECONOMIC DEVELOPMENTS

Ironically, the greatest immediate threat to Hong Kong's prosperity stems not from its reversion to China but from the external events of the Asian Financial Crisis. It just posted its second quarter of negative growth following a 2% contraction in the first quarter of 1998. It is now clear that Hong Kong is in a recession for the first time in 13 years. Almost no one (including Hong Kong officials) predicts an early turnaround.

This negative growth led to an unemployment rate of 4.5 percent in for the months April-June, a 15 year high, concentrated in the retail, restaurant and transport sectors. Retail sales dropped 16 percent in April over April 1997, due largely to reduced tourism, a marked correction in the asset markets and reduce local consumer demand. Additionally, Hong Kong's real estate bubble has burst and commercial and residential property prices at the end of June were 40% below their bubble-priced highs of 1997, returning to their 1996 levels. The Hang Seng Index has followed the real estate downward slide, falling at one point to 40% below its all time high of August last year. It ended June at 8,543 points. The market did not respond positively to the government's stimulus package (described below), and also remained concerned about the Japanese economy, China's commitment to maintaining the renminbi, and regional economic woes. Finally, Hong Kong's tourism industry has been badly affected by the decline in visitors from the flagging economies of East Asia, and Hong Kong is now projecting a minus six percent growth in tourist arrivals and a decline of eight percent in tourism revenues in 1998.

The positive news in Hong Kong is that the Hong Kong Government is responding. Chief Executive Tung proposed a stimulus package of $5.67 billion U.S. dollars in June. The multi-part package is aimed in part at easing the credit and liquidity crunch by immediately exempting interest income earned locally from profits tax and setting up a credit guarantee system for small to medium businesses. The government also suspended all land sales until next March—thus reducing the downward pressure on the real estate market—while at the same time increasing assistance for new home buyers. It also imposed a freeze on pay raises for top civil servants. The stimulus package will force the highly efficient civil service to wipe out an anticipated budget surplus and to run a deficit of $2.7 billion U.S. dollars in 1998–1999—the largest deficit since the early 1980s. In earlier measures, the government eased travel requirements for travelers from both Taiwan and the mainland in an effort to boost tourism. Confidence in the Hong Kong dollar remained high, with the ratio of Hong Kong dollars to total bank deposits in May unchanged from April's 57.7 percent, and the ratio of foreign currency to total bank deposits ending the month of May at a healthy 42.3 percent.

Despite its considerable economic woes, Hong Kong still maintains the third largest holding of foreign currency reserves in the world. With $96.2 billion U.S. dollars, they are behind only Japan and China in that category. Moreover, Hong Kong has not jettisoned its free market ideology and ranks 2d on the competitiveness rankings of the World Economic Forum and 1st in the Heritage Foundation's ranking. Negative economic growth and rising unemployment has put strong pressure on authorities to "untie" the "peg" that has bound the Hong Kong dollar to the U.S. dollar at HK $7.8 to one U.S. dollar for the past 15 years. Hong Kong authorities have repeatedly assured skeptics that they have both the foreign exchange reserves and the political will to maintain the U.S./Hong Kong dollar linked exchange rate system.

TRADE ISSUES

While the Asian Financial Crisis has seriously jolted and hurt Hong Kong's economy, it has also highlighted Hong Kong's serious and unhealthy dependence on entreport trade between the United States and China. Entreport trade is one of the few economic areas still registering positive growth as compared, for example, to exports from domestic manufacturing in Hong Kong.

For Hong Kong, its reliance on entreport trade is both good and bad. The United States is still growing and buying more and more Chinese manufactured goods. This provides an excellent export market for Hong Kong. Nevertheless, the bad news for Hong Kong is that our current trade deficit with China ($50 billion last year and projected to be $60 billion this year) is politically and economically unsustainable. And if the China trade deficit issue is not addressed by increased market access for U.S. firms to China, then Hong Kong could get hit with collateral damage from a frustrated America and the U.S. Government—even if it does everything right.

The pirating of movies, audio and software compact discs continues to be the most serious bilateral trade issue between the United States and Honk Kong. In recent months. Hong Kong has stepped up its anti-piracy enforcement efforts and implemented a new copyright law. The new law, among other things, gives officials greater enforcement capabilities against illicit production facilities. Hong Kong customs authorities, which have had primary jurisdiction for enforcing IPR legislation, were recently joined by Hong Kong's highly respected Independent Commission Against Corruption (ICAC), which combats corruption and triad-related crime. The ICAC in April carried out a "mega-raid" that netted over eight million video compact discs in the course of an investigation against one of Hong Kong's most senior customs officials (subsequently charged with tipping off a pirating syndicate about planned raids). Not long after, customs followed with a raid which yielded an additional 2.2 million compact discs. Further productive raids were made in June.

Despite these efforts, the intellectual property rights (IPR) situation in Hong Kong remained sufficiently troublesome of warrant its designation by USTR on the Special 301 Watch List for the third year in a row on may 1, 1998. The ongoing IPR problem was demonstrated again when a pirated pre-release version ("beta version") of "Windows 98" appeared on Hong Kong streets well before the official release of the software in the United States. The local media reports that Hong Kong authorities are considering stronger measures to combat piracy, including applying the Organized and Serious Crime Ordinance to violators (which would allow their assets to be seized) and punishing landlords who lease shops to retailers of pirated material.

Money laundering also remains a very serious concern in U.S. bilateral relations with Hong Kong. As we have noted in earlier reports, the same favorable factors that make Hong Kong one of Asia's most important financial centers also make it attractive to criminals wishing to conceal the source of their funds through money laundering. It is important that Hong Kong work harder with the international community to improve its laws and enforcement in this vital area. We note, in that regard, that Hong Kong is a member of the Egmont Group (the international group which combats money laundering) and that Taiwan joined in June. Some observers expect Taiwan's inclusion to create a new dynamic in East Asian efforts to fight money laundering.

SECURITY AND RELATED ISSUES

There are three primary security related issues with Hong Kong—ship visits, PLA activities and export controls. First, the U.S. Navy continues to enjoy an excellent relationship with Hong Kong in terms of ships visit. With the loss of Subic Bay as a major installation, these port-of-call visits have become extremely important for the effective functioning of our naval forces in East and Southeast Asia. The relationship with Hong Kong port authorities since the reversion has been outstanding. We are unaware of any security problems in the 65 port calls since the reversion. As an added benefit, the resident People's Liberation Army (PLA) officials certainly have developed a better appreciation of the power and flexibility of the U.S. Navy.

The second security concern is related to the influence of the PLA and the Chinese defense industries in Hong Kong business. Certainly, there is concern regarding the PLA's surreptitious acquisition of militarily sensitive technologies. We have no evidence to date of direct involvement by PLA entities in Hong Kong (estimated at nearly 200 companies) in acquisition of sensitive technology. Yet to the extent that PLA entities operating in Hong Kong are engaged in arms trading or acquisition of Western technology, Hong Kong's relations with the U.S. will be put at risk. Their activity, or lack thereof, will be an important determinant in future congressional attitudes.

The implementation of export controls is a third area of security-related concern. We are pleased to note no new incidents of export control violations to report this quarter. Hong Kong continues to exercise autonomy as a separate customs territory within China and to demonstrate vigorous enforcement of its strict export control regime. United States officials continue to conduct pre-license and post-shipment inspections. Moreover, U.S. and Hong Kong customs officials continue their close cooperation and, in July, will hold the second in the most recent series of consultations on licensing, enforcement and the exchange of information.

MACAO

The Portuguese colony of Macao will revert to Chinese rule on December 20, 1999, after 442 years. Like Hong Kong, this territory of 500,000 people, 95 percent of whom are ethnic Chinese, will become a Special Administrative Region with a "one country, two systems" formula for the next 50 years. As we noted in our previous quarterly report, however, a number of the transition issues for Macao are very different from those faced by Hong kong. Unlike Hong Kong, for instance, the legislature elected under colonial rule will remain in place.

While U.S. interests in Macao are not nearly as large as those in Hong Kong, they nonetheless require our continued attention. For example, the transhipment of textiles through Macao continues. But primary among our economic concerns is Macao's role as a manufacturing center for pirated goods, particularly pirated compact discs. To date, Macao has yet to develop adequate legislation, enforcement mechanisms and manpower to tackle this problem. Macao also lacks legislation on money laundering. It is in U.S. interests to press Macao's authorities to move forward expeditiously to correct those shortcomings.

As we noted in our third quarterly report, Macao's Portuguese administrators have still not made adequate arrangements to replace themselves with local Macanese officials and are well behind where the British were 18 months before the handover of Hong Kong. They have also allowed the law and order situation to deteriorate. Throughout the spring, news reports of gangland slayings and attacks on public officials repeatedly filled the news, seriously affecting Macao's tourism. China and Portugal exchanged frequent barbs accusing each other of contributing to the growing spiral of public violence. Finally, following the early May firebombing of police chief's car, authorities performed a massive crackdown, netting two dozen suspected triad society members, including Macao's most notorious gangster, "Broken Tooth" Wan. Local police have now been reinforced by 20 criminal investigation experts from Portugal. We applaud strengthened measures against organized crime. It will be difficult for the territory to complete smooth transition unless it brings the intolerable situation under control.

CONCLUSION

The Hong Kong Transition Task Force has ended our previous three quarterly reports with the assessment "so far, so good." This time, we cautiously repeat that assessment, but with a few caveats. On the economic front, we recognize that the external forces affecting Hong Kong are beyond its control and complicate the transition in unexpected and unpredictable ways. We were encouraged by the demonstration of support for democratic institutions shown in the May election and applaud those elements pressing to accelerate the move toward universal suffrage. We continue to be satisfied with the restraint shown by the Chinese government in its handling of Hong Kong, at least to the extent visible to outside observers. We are concerned, however, by what appears to be growing self-censorship, although we admit that the phenomenon of self-censorship is difficult to document or quantify. Undoubtedly, the coming months will bring new challenges to Hong Kong and the region. It is important that the international community and Congress continue to closely monitor developments there.

HOUSE OF REPRESENTATIVES—*Wednesday, August 5, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PETERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 5, 1998.

I hereby designate the Honorable JOHN E. PETERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

With all the tasks before us and the competing voices that demand attention, may we hear Your still, small voice, O God, that calls us to lift our eyes to see Your vision and to hold fast to our faith to see each day through. We pray, O loving God, that Your grace will be sufficient for all our needs and Your promises will lead us in the way of truth and righteousness. Guide us in the day and protect us all the night through so that we will be good stewards of Your gifts to us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes per side.

TRIBUTE TO ILLINOIS VFW MAN OF THE YEAR JOE BERG

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, today I rise in tribute to Illinois VFW Man of the Year, and Collinsville native, Joe Berg. Mr. Berg was selected from nearly 100,000 Illinois Veterans of Foreign Wars to be named the 1997–98 Man of the Year and has been a dedicated leader in both his post and the state VFW organization.

Mr. Berg has held numerous positions with the VFW, most recently serving as a state public relations director, district commander, and chaplain in local post 5691.

Joe also has served the Holy Cross Lutheran Church in many positions and has balanced his life between his church, family, and the VFW. I am proud to recognize this veteran who has answered the call to serve in so many ways throughout his life, and I offer him congratulations and thanks on behalf of all veterans.

It is with the tireless efforts of people like Joe Berg that the memories and deeds of those who fought on foreign soil will not be forgotten.

HOUSE TASK FORCE ON SERIOUS MENTAL ILLNESS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, we all know the name Russell Weston, Jr., and we all know that he tragically took the lives of two fine Americans, Officers Jacob J. Chestnut and John Gibson. But many Americans still do not know that this tragedy could have been avoided, not by installing even more security here, but by improving the state of health care available to the seriously mentally ill among our citizens.

The state of psychiatric care in our country has spawned growing homelessness, more neglect, as well as increasing violence since deinstitutionalization of mental patients occurred over 2 decades ago with no community follow-up.

The gentlewoman from New Jersey (Mrs. ROUKEMA) and I are working hard to establish a special House task force on serious mental illness. This task force would be responsible for examining the state of our mental health system, especially those who are not being adequately treated. This task force would gather testimony about what America can and should do.

Please support our effort to establish a task force on mental illness. Contact the leadership. Urge them to move so we can begin to repair the tattered dreams of millions of American families.

NATIONAL GAMING IMPACT STUDY COMMISSION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, well, here we go again. The counterfeit logic of some Washington bureaucrats is once again putting the sovereignty of every state in this Nation at risk.

On January 22 of this year, the Secretary of the Interior unilaterally made a regulatory decision that would literally strip every state of their most fundamental rights, rights established under the Tenth Amendment to the Constitution. It seems the Secretary's new regulation would give him the sole individual authority to approve Indian gaming in any state. Not the voters, not even the governor, nor the elected officials of that state would have a decision.

This unconscionable trampling of the Tenth Amendment is taking reserved rights from us, from our states, from our governor, from our elected officials and unilaterally vesting them in some Washington bureaucrat.

Fortunately, the nonpartisan National Gaming Impact Study Commission, which was created by Congress to study the impacts of gaming, made a bold but necessary policy decision telling the Secretary to rein in his proposed Indian gaming rules and to reestablish fair and equitable relationships between the States and respective Indian tribes.

DRACULA OF CANVAS LAST OFFERING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, David Bowie and Yoko Ono have sponsored Herman Nish's 6-day Orgy Mystery Theater. In the name of art, 3 bulls and 6 pigs will be castrated, disemboweled, then eaten by a live audience.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A press release says Nish's students will not only paint with the fresh blood of these sacrificed beasts but also their entrails.

Who is this guy teaching? Jeffrey Dahmer? Ridiculous. If that is not enough to massage your Mona Lisa, art critics say this is an improvement over this Dracula of canvas last offering.

My colleagues, this guy decorated beautiful, naked women with the bowels of dead animals. Beam me up. What is next, folks? The Lorena Bobbitt do-it-yourself art expo?

This art business is out of control. We have gone from Michelangelo and Picasso to Herman Nish and Charlie Kruger. I yield back any body parts left after this expo.

PLIGHT OF PRAIRIE DOGS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, this week the National Wildlife Federation of Vienna, Virginia has petitioned to have the Black Tail Prairie Dog listed as an endangered species in 10 western states.

Understand, this was not your run-of-the-mill petition but a request for an emergency listing due to the loss of habitat. While supporters of the petition admit that the prairie dog population is not critically low, the logic seems to be that we should protect them now because some day they might be endangered.

Let me tell my colleagues about the prairie dog. They are everywhere in the West. If they want habitat, come west, we specialize in habitat for prairie dogs. With all the growth we have had along the front range of Colorado, they are still in abundance.

If we fly over the West, we see the ground plowed as if it were plowed by a steel plow. But it is not. It is by prairie dogs. If my colleagues are familiar with the West, they know that the prairie dog is no more endangered than the fly or the gopher.

Maybe we should arrange a trade: We will protect the prairie dog if the East Coast agrees to protect the gopher and the terribly endangered house fly.

By the way, prairie dogs, not dogs. They are rats.

RENO THREE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, yesterday the House Government Reform and Oversight Committee asked questions about a scandal that is even more serious than Filegate, even more outrageous than Travelgate, and even more troubling than Whitewater.

This Oversight Committee asked the Justice Department's two top investigators why an independent counsel has not been named to investigate mountains of evidence that the Democrat Party took nearly $3 million in illegal campaign contributions from Communist China.

One would think that the penetration of the American electoral system by a foreign power, a communist dictatorship with 13 nuclear missiles aimed at our shores no less, would not be a partisan issue.

What are we to conclude from the other side's total lack of interest in getting to the bottom of this shocking scandal? What are we to conclude from the other side's silence, total silence, in the face of FBI Director Louis Freeh and Justice Department investigator Charles LaBella's public pleas for an independent counsel to investigate this matter?

I really would hate to even speculate.

WESTERN SAHARA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to urge all parties involved in the 20-year conflict over Western Sahara to fulfill their commitments under the Houston Agreement and the United Nations mandate.

The parties negotiated a cease-fire with the understanding that the people of Western Sahara themselves could participate in a free, fair, and transparent referendum to decide their own future either as a part of Morocco or as an independent country.

However, the July 10 report by Secretary General Kofi Annan raises particular issues of concern about the referendum process: Obstructions to the UN opening an office in the territory, the lack of progress in the demining of the territory, and the refusal of Morocco to identify 2,000 individuals to vote in the referendum.

Mr. Speaker, a free, fair and transparent referendum is vital to lasting peace and increased stability in North Africa. All parties involved in the referendum process should maintain their commitments to the utmost.

A failure to hold a referendum would be a failure to all parties involved, including the international community.

VIOLATED CAMPAIGN FINANCE LAWS

(Mr. COOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOK. Mr. Speaker, I am not in the habit of always quoting from the New York Times editorials because they are often reliably hostile to conservative values and to the Republican Party. But I think that is what makes this New York Times July 23 editorial so remarkable, which I invite everyone to consider carefully.

Charles LaBella, Attorney General Janet Reno's hand-picked investigator to oversee the campaign finance probe, has joined FBI Director Louis Freeh in calling for an independent counsel to find out the truth about Communist Chinese money funneled into the Democratic Party during the 1996 elections.

Of all the independent counsel matters currently under investigation, this particular allegation is perhaps the most serious one of all. If one party systematically violates the campaign finance laws, compromised national security with respect to our relations with Communist China, and then lied about doing any such thing, that is an attack on democracy.

If Janet Reno continues to block this investigation, in the words of the New York Times, "this will go down as a black mark against justice every bit as historic as any in our history."

JANET RENO'S FAILURE TO UPHOLD THE LAW

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I think most of us can agree this morning that the one basic task for the Attorney General is to uphold the Nation's laws. Yet, Janet Reno is refusing to do that by not appointing an independent prosecutor to investigate campaign abuses by officials in the Clinton administration.

She is acting a lot like Rip Van Winkle, who was asleep for over a year. She has been asleep for the last year as her two top investigators, FBI Director Louis Freeh and the head of the Justice Task Force Charles LaBella have recommended an appointment of an independent prosecutor.

The law is clear. The appointment of an independent counsel should be automatically triggered with just the hint of laws being broken by such officials. What more does she need?

But meanwhile, the Attorney General Janet Reno keeps sitting on her hands blind to the evidence and, Mr. Speaker, blind to the law.

ONE-YEAR ANNIVERSARY OF TAXPAYER RELIEF ACT

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, today marks the 1-year anniversary of the Taxpayer Relief Act, an historic piece of legislation that consisted of the first significant tax cut since the Reagan tax cuts of the early 1980s.

Let us face it, the Taxpayer Relief Act would never have passed had it not been for a Republican Congress. Let us remember that the idea we could balance the budget and pass tax relief was ridiculed by our worthy opponents on the other side right here in this body almost daily not too long ago.

Let us also remember that welfare reform would never have happened had it not been for the Republican takeover of Congress in 1994. The IRS reform bill passed this summer. Not a chance if the Republicans had not held the majority. And last summer's Medicare reform legislation, which postponed bankruptcy from 2001 and 2010, it took a Republican Congress to push for Medicare reform in the face of the most constant, shameless demagoguery about good-faith efforts to reform Medicare.

Mr. Speaker, elections do matter. Balanced budgets, tax cuts, welfare reform, IRS reform, and Medicare reform. That is the reality of the Republican Congress.

□ 1015

NATIONAL TRUCK DRIVER APPRECIATION WEEK

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I hope Americans will take time during the week of August 9 to note the accomplishments and contributions that truck drivers and the trucking industry have made to our lives and the prosperity of the American economy.

Consider:

From 1986 to 1996, the fatality rate for large trucks fell by 35 percent, while large truck mileage increased by 40 percent. The trucking industry employs nearly 9.5 million Americans. More than 423,000 companies in the United States are involved in trucking. In 1996 the trucking industry generated $346 billion in gross revenues, hauling 6.5 billion tons of freight. Incidentally, that represents 82 percent of the Nation's freight bill.

I encourage everyone to celebrate the great safety record and the contribution to our well-being of America's truckers by making August 9 to August 15 National Truck Driver Appreciation Week.

MENTAL HEALTH

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, last week two members of the Capitol Police force here were killed in the line of duty here at the Capitol. The senseless death of those two police officers has proved to the world what many of us already knew namely that there are gaping holes in the network of services designed to identify and treat people with mental illness. But I tell my colleagues something good must come from this tragedy, and we must work towards a lasting memorial for these valiant officers.

More and more Americans are witnessing in their communities every day the violence resulting from the failed policy of deinstitutionalization and untreated mental illness. Last year alone, over 1,000 homicides were directly attributable to improperly treated mental illness.

I therefore call the attention of my colleagues to the initiative that the gentlewoman from Ohio (Ms. KAPTUR) and I are taking, urging that Speaker GINGRICH and the House leadership appoint a task force to have a serious evaluation, including public hearings, on the failures of the system that result in violence in every community in this country that results from untreated mental illness.

I ask again, join us. Something good must come from this tragedy.

MANAGED CARE REFORM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, today the Committee on Commerce will consider legislation reauthorizing the Mammography Quality Standards Act, a program which has saved countless lives by improving the quality and accuracy of life-saving breast cancer screenings. While we improve early detection and screening of this deadly disease, women who suffer from breast cancer continue to be denied the best medical treatments available because medical decisions are too often made by insurance company HMO bureaucrats.

The bipartisan Patients Bill of Rights would ensure that women could stay in the hospital overnight following radical breast surgery. The Republican bill does not. The bipartisan Patients Bill of Rights would ensure that women can receive reconstructive surgery following mastectomy. The Republican bill does not.

This House has passed the Republican Insurance Company Bill of Rights. I urge my colleagues to do the right thing. Insist on a real Patients Bill of Rights, legislation which provides real protections for women.

2000 CENSUS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I rise today to ask a simple question: Why would the President want to shut down the government over the census? He once said, "It is deeply wrong to shut down the government while we negotiate." Now he says he will veto a bill that would in fact close down the FBI, close down the courts, and bring home the Border Patrol unless Congress gives him his plan for the 2000 census. That plan is one to be done by polling, not counting individual citizens. We all know the margin of error in polling.

Mr. Speaker, the Republican Congress wants to save the 2000 census. The GAO and the Commerce Department's own Inspectors General have warned that we are headed toward a failure in the census. We believe that before America spends $4 billion on the census done by polling, we should find a way to do it the way we have for 200 years, by counting each American.

MANAGED CARE REFORM

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I want to share with my colleagues a letter I recently received from two Republican State legislators from Texas.

Representative John Smithee, Chairman of the House Committee on Insurance, and Senator David Sibley, Chairman of the Committee on Economic Development opened their letter with a plea to Congress not to disturb the substantial progress already achieved in Texas on managed care reform. Their letter is written because the two Republican leaders of the legislature in Texas read the Gingrich Insurance Protection Act that was passed by the House and they know what it would do to the protections already passed by the Texas legislature. It would render them useless.

In place of the strong patient protections passed in Texas, which include HMO accountability, binding independent reviews, coverage for emergency care and the elimination of gag clauses, Texas would be left with a sham bill that for every patient protection, it gives the insurance companies a loophole they can drive a truck through because of the bill that passed on this floor.

Like many States around the country, Texas has passed laws that meet the needs of its citizens to deal with insurance companies licensed by the State. We should not undermine their work, we should complement it on a national basis.

THE FIRESTORM COMETH

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, a lot of people criticize the current scandal, the most visible, the most popular scandal at the White House as being overblown and overdiscussed and so forth. I think perhaps that they have something to say. I think there is a lot of validity in that statement.

I for one frankly am a lot more concerned about why the Chinese communists funneled into the Democrat National Party $3 million in illegal contributions during the last election. What was that all about? And why suddenly after that did we give them unprecedented missile technology, transfers from Loral Corporation, whose CEO Bernie Schwartz gave $600,000 personally to the reelection efforts of the Democrats and the President.

But this is something that is not just Republicans getting mad at Democrats. This is what the liberal-leaning, Democrat-endorsing New York Times said, that Charles LaBella, who has been leading the Department of Justice campaign finance investigation, has now advised Attorney General Janet Reno that under both the mandatory and discretionary provisions of the Independent Counsel Act, she must appoint an outside prosecutor to take over this.

I agree with Mr. LaBella. It is time to have an outside prosecutor to figure out why 3 million illegal contribution dollars went to the Democrat Party.

CENSUS

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, later this morning we will be having a debate over the upcoming decennial census concerning an amendment by the gentleman from West Virginia (Mr. MOLLOHAN). Unfortunately this issue has become very politicized, and that is wrong because the census should not be part of the political debate here, it should be just counting people in this country, not speculating and guesstimating by utilizing polling techniques. That is what exactly has been proposed by the President.

What the gentleman from Kentucky (Mr. ROGERS), the chairman of the committee, has proposed is that the decision be made next spring. That is under agreement by the President, by the Census Bureau, the decision should be made next spring. That is when we should face the decision.

Unfortunately the gentleman from West Virginia (Mr. MOLLOHAN) says, "Congress, you're not relevant in this decision. We think only the President knows best to decide and we'll let the President decide next spring and we're not interested in what Congress has to say on the issue." What we believe is it should be a bipartisan decision next spring when all the facts are in, we can make the decision, not now, and we should have an agreement with Congress, the Democrats and the Republicans and the Administration. That is what we want to do. I hope everybody will vote down the Mollohan amendment.

PROVIDING AMOUNTS FOR FURTHER EXPENSES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the resolution (H. Res. 506) providing amounts for further expenses of the Committee on Standards of Official Conduct in the second session of the One Hundred Fifth Congress, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 506

Resolved,

SECTION 1. FURTHER EXPENSES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

For further expenses of the Committee on Standards of Official Conduct (hereafter in this resolution referred to as the "committee"), there shall be paid out of the applicable accounts of the House of Representatives not more than $200,000.

SEC. 2. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee, signed by the chairman of the committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 3. LIMITATION.

Amounts shall be available under this resolution for expenses incurred during the period beginning at noon on January 3, 1998, and ending immediately before noon on January 3, 1999.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 5. ADJUSTMENT AUTHORITY.

The Committee on House Oversight shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of the bill, H.R. 4276, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4276.

□ 1025

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, August 4, 1998, a request for a recorded vote on amendment No. 8 by the gentleman from Missouri (Mr. TALENT) had been postponed and the bill was open from page 38, line 4 through page 115, line 8.

Pursuant to the order of the House of that day, no further amendment to this portion of the bill is in order except:

(1) an amendment by the gentleman from Kentucky (Mr. ROGERS) related to NOAA for 10 minutes;

(2) an amendment by the gentleman from Alabama (Mr. CALLAHAN) related to NOAA for 10 minutes;

(3) an amendment by the gentleman from Alabama (Mr. CALLAHAN) related to a general provision regarding fisheries for 20 minutes;

(4) an amendment by the gentleman from Maryland (Mr. GILCHREST) to strike section 210 for 15 minutes;

(5) an amendment by the gentleman from Florida (Mr. STEARNS) relating to U.N. arrears for 15 minutes; and

(6) an amendment by the gentleman from West Virginia (Mr. MOLLOHAN) regarding the census for 2 hours.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105-641 offered by Mr. MOLLOHAN:

Page 45, strike lines 9 through 19 and insert the following: *Provided,* That the Bureau of the Census may use funds appropriated in this Act to continue to plan, test, and prepare to implement a 2000 decennial census that uses statistical sampling methods to improve the accuracy of the enumeration, consistent with the recommendations of the National Academy of Sciences made in response to Public Law 102–135, unless the Supreme Court of the United States rules that these methods are contrary to the Constitution of the United States or title 13 of the United States Code: *Provided further*, That the Bureau of the Census shall also continue to plan, test, and become prepared to implement a 2000 decennial census without using statistical methods, in accordance with the first sentence of section 209(j) of Public Law 105–119, until the Supreme Court has issued decisions in or otherwise disposed of all cases brought pursuant to section 209(b) of Public Law 105–119 and pending as of July 15, 1998 (or the time for appealing such cases to the Supreme Court has expired), and shall continue such preparations beyond that date only if the Supreme Court has held statistical sampling methods to be contrary to the Constitution or such title 13: *Provided further*, That the National Academy of Sciences is requested to review the current plans of the Bureau of the Census to conduct the decennial census using statistical sampling methods and report to the Congress, not later than March 1, 1999, regarding whether these plans are consistent with past recommendations made by the Academy, and whether, in the judgment of the Academy (or an appropriate expert committee thereof), these plans represent the most feasible means of producing the most accurate determination possible of the actual population.

The CHAIRMAN. Pursuant to House Resolution 508 and the order of the House of Thursday, July 30, 1998, the gentleman from West Virginia (Mr. MOLLOHAN) and a Member opposed each will control 1 hour.

The Chair recognizes the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of my amendment is to again focus the census debate on the issues of science and accuracy and remove, to the extent possible, the political influences which have become so overbearing with regard to this issue.

The bill before us today would seriously jeopardize the 2000 census. The good news is that the bill provides $107 million more for census preparation than the President requested. The bad news is that what the bill gives with one hand, it takes away with the other. How?

First, it cuts off funding for the preparation of the 2000 census in the middle of the fiscal year, and any expenditure thereafter would be dependent upon passage of additional legislation. This language could cause a sudden shutdown of census preparations with irreversible consequences, in the not unlikely event that Congress and the President are unable to agree on the terms of that subsequent legislation.

Second, the reason this bill takes away from the census is it only allows for half of the funds to be spent till the cutoff period. By dividing the appropriation in half, the majority withholds funds which must be obligated during the first 6 months of the fiscal year. In fact, the Census Bureau needs to obligate about $644 million of the $952 million appropriation during that first half time period. This creates a shortfall of about $169 million.

Why has the Republican majority proposed such a disruptive funding scheme? At the heart of this matter is a major dispute over the use of a population counting technique commonly referred to as "scientific statistical sampling" which is a method recommended by the National Academy of Sciences.

□ 1030

It has been adopted by the Census Bureau because it would guarantee that the 4 million people who were not counted in the 1990 Census, of which 50 percent were children, would be counted in the 2000 Census. It is opposed by the Republican majority because of their belief that including these undercounted groups will somehow disadvantage Republican majority control of the United States House of Representatives.

We cannot allow this political debate over scientific sampling to kill the 2000 Census. The on-again-off-again census funding in this bill would be fatally destabilizing, and it is for this reason that I feel compelled to offer an alternative solution.

In summary, my amendment does the following:

First, it provides uninterrupted full funding for the 2000 Census, removing the language that threatens a shutdown of the Census.

Second, it provides that the Bureau proceed to prepare for the 2000 Census on a dual track, preparing for both a sampling and a nonsampling census until the Supreme Court disposes of the sampling cases currently pending, whereupon the Census Bureau would be allowed to move forward with a census incorporating sampling unless sampling has been declared unconstitutional by the Supreme Court.

Finally, and I think most importantly in some ways, this amendment enlists experts rather than politicians to help resolve the technical and statistical issues involved by asking the National Academy of Sciences to become involved.

It is important to note, and let me emphasize, that as we stand here today scientific sampling is both legal and authorized by Congress. Therefore, my amendment does provide that the current Census Bureau sampling plan will move forward unless the Supreme Court specifically rules that sampling is unconstitutional. If the Supreme Court finds that sampling is allowable under the Constitution or does not make a clear determination, then sampling will be allowed to proceed and funding will be cut off for the dual track.

Mr. Chairman, I feel that my amendment represents a compromise that all parties should be able to support. There are three main arguments used in opposition to scientific sampling in the Census. My amendment sincerely attempts to adequately address all three.

In their first argument opponents of sampling cite the Constitution. They assert that the Constitution requires an actual head count of the population. I disagree. In fact, separate opinions issued by the Department of Justice under President Carter, President Bush and President Clinton all concluded that the Constitution permits the use of scientific sampling and statistical methods as a part of the Census. But whatever my opinion, whatever the opinion of Justice Department officials, and whatever the opinion of my Republican colleagues, this issue is now before the courts, and my amendment provides for the courts to decide whether we can go forward with sampling in the Census. We should all be able to agree on that.

In the second argument opponents of sampling say that it is bad science. I simply defer to the experts on this matter: The National Academy of Sciences, the American Statistical Association, the Council of Professional Associations on Federal Statistics, the National Association of Business Economists, just to name a few professional organizations that have all endorsed the use of scientific sampling in the 2000 Census. To ensure that the scientific community stays involved in this process my amendment asks the National Academy of Sciences to take yet another look at the Census Bureau's plans and to recertify that they are indeed the best way to achieve an accurate 2000 Census.

In the third argument, Mr. Chairman, opponents of sampling say that the Commerce Department will politicize the results of the Census. Well, I do not share this view. Its nature makes it impossible to refute through fact or expert opinion. But this concern was addressed last year with the creation of the Census Monitoring Board. This entity is already in place and will be the eyes and ears of Congress as plans for the Census move forward.

In addition, I do not know of any better way to create confidence in the methodology that we are going to use to conduct the 2000 Census than by an active involvement of the National Academy of Sciences which is provided for in my amendment. Certainly we can all agree that the reputation of the National Academy of Sciences is such that the great majority of fair minded people would accept their opinion on a matter such as this.

Mr. Chairman, having addressed the three most expressed concerns against sampling, only one remains: fear, fear that using sampling will affect the political makeup of the United States House of Representatives. Well, we must be careful in ascribing motives to people for their actions. In this case, the Republican concern about the consequences of an accurate census is well understood. As an example, be sure to read any one of the following editorials:

The Christian Science Monitor dated April 28, 1998; the Buffalo News, June 15, 1998; Newsday, June 16, 1997, or the Houston Chronicle, June 4, 1998, and these are just a few examples of a long list of editorials that all endorse the use of scientific sampling as the way to count that 1.6 percent of our population, those 4 million people who were not counted in 1990, and each editorial in its own way criticizes the Republican majority for its political motives for opposing sampling.

To the extent that anyone is opposing sampling because of potential political consequences I would only say that such motives are truly unworthy and misplaced in the world's greatest democracy which absolutely requires fair representation for all of its constituent groups. Well, Mr. Chairman, that can only be achieved through the most accurate census possible, a principle clearly understood by the framers of the Constitution and a goal which every nonbiased expert who has spoken on the matter says can best be achieved in the modern era through the use of scientific sampling.

Mr. Chairman, I urge my colleagues to vote for my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN).

The CHAIRMAN. For purposes of controlling time, the gentleman from Kentucky is recognized for 60 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, let me start by reminding the Members what this bill does with respect to the decennial census and why.

Last year on this bill the Congress and the White House agreed to disagree on whether the census would be conducted using a hard count or using an untested and legally questionable method known as sampling. My colleague always refers to it as scientific sampling. It is sort of like a toothpaste or patent medicine, scientifically proven to prevent cavities and so forth, all this scientific sampling, as we hear.

So there is a temporary agreement between the President and the Speaker of the House, and what did it say? The agreement said, "We will hold off on a final decision on whether or not to use sampling until the spring of 1999." At that time it was agreed that Congress and the White House would elect the method of counting in time for the Census Bureau to finish its final plans for the Year 2000 count.

What did we agree would occur in the meantime? One, we agreed to test each method using dress rehearsals in three cities this year; it is going on right now. Two, the parties on each side would have the opportunity to test the legality and constitutionality of sampling in the federal courts in an expedited fashion. The Supreme Court has never ruled on this question, and those cases, by the way, are now going on. Three, we would appoint a bipartisan census monitoring board to oversee all aspects of the decennial census, as is being planned and carried out. That monitoring board now is in session, is meeting regularly.

That, in essence, was the agreement, the President and the Speaker: Let us have a cooling-off period, let us proceed with plans to use both methods, let us let the courts rule as they may with a D-Day of next spring to make the final decision when hopefully all three of those conditions would have matured.

So what does the bill do that we drafted?

My colleagues, it simply implements the agreement the President wanted us to do. We provide a total of $956 million to fund preparations for the Census. That is $566 million over current spending. We added $107 million on top of what the President requested in order to have the staff and resources that the Bureau later admitted it needed to be fully prepared regardless of which method they eventually settled upon. So, we gave them more money than they asked for so they can prepare for both practices. We allow the first half of the money in the bill, $475 million, to be spent immediately so that necessary census preparations can continue through March 31, 1999. This is pursuant to the agreement the President asked us to do:

Second, we provide the second half of the money, $475 million, once a final decision on a counting method is agreed to by the Congress and the administration as they agreed last year to do.

To ensure that the Congress and the administration reach an agreement the bill requires the following:

By March 15, 1999, the President must request the funds that he needs to be released and must tell Congress how much the census at that time will cost, after we have heard the court, hopefully, after we have heard the monitoring board, hopefully, and after the dress rehearsals in three cities around the country have been completed.

The Congress must enact, and the President must sign, a bill to release the money, and the bill states that Congress shall act on the President's request by March 31. We bind ourselves. Submit the request to us by March 15, 1999, we guarantee we will act on that request 2 weeks later, by March 31, and off we go doing the census.

We have done everything in this bill we can, Mr. Chairman, to facilitate, to live up to the agreement the President asked us to do last year. It is all there, plus some.

The Mollohan amendment on the other hand would strike the very provisions in the bill that the President asked us to put in the bill last year and instead gives the administration complete authority over how the Census is conducted contrary to the Constitution and the Federal statutes which give the Congress control over how the census is conducted.

Neither his amendment, nor the administration which now supports it, seeks to live up to the agreement of last year. They are abandoning the agreement the President solemnly committed to last year. In fact, the administration supports something far more destructive than the amendment the gentleman from West Virginia is advocating, advocating a complete cutoff of funds for every other agency in this bill next spring until we agree to use sampling, as he wants to in the Census.

Yes, this President says:

"Oh no, don't give us half the money for the Census and fund all the other agencies in this bill all the whole year. Cut off all the agencies along with the Census in March," the President says, "and let's shut down the Drug Enforcement Administration, let's shut down the FBI and the War on Drugs and the War on Crime, let's shut down the State Department around the world and all of the sensitive things that are going on around the world in America's national security interests."

□ 1045

"Let us shut down the Federal courts, the Supreme Court, all the way through to the U.S. Marshal's Office. Shut them all down," he says. "Let us shut down the Commerce Department. Let us shut down the National Weather Service. Let us shut down all of the institutions in the Commerce Department, the NOAA, the Small Business Administration, all of the agencies that help Americans live a better life."

The President says, "Let us shut them all down so that I can have my way on sampling in the census." He says, "Trust me. Trust me, just as you trusted me with the FBI files, and I pilfered through them. Trust me on this." He says, "Trust me, even though we may have naturalized tens of thousands of felons so they could vote in the election of 1996. We gave away America's most precious gift, American citizenship, for the vote, but trust me." That is what this amendment would do, Mr. Chairman.

Could it be that the administration is afraid that this radical plan for polling instead of counting in the 2000 Census, that he knows it cannot be held up to public or Congressional scrutiny? I can certainly see where they might be nervous, given that the last attempt they had to use statistical sampling in the 1990 census was an absolute failure. In the 1990 census the experts in 1990 pushed to statistically manipulate the statistical count. The Secretary of Commerce refused, because he thought it might be wrong. Guess who was right? Ask the people of Pennsylvania, for example, who would have lost a congressman in this House if the experts had prevailed last time, as they want to do this time.

To be fair, the administration and the experts assure us that this time it will be different, just trust us. They say that the bugs have been removed from statistical sampling. Not so, says the GAO, and the Commerce Department's own Inspector General, in fact, both have said that every major component of the Census Bureau's 2000 census plan is at risk for quality problems and cost and growth.

Even more disturbing, they both raise serious questions about how the Census Bureau plans to use a statistical manipulation of the census count. The IG says it is long, complex, and operating under such a tight time schedule that there will be many opportunities for operational and statistical errors.

The GAO said "The Bureau has made several misssteps in drawing the statistical sample because these errors went undetected until relatively late. GAO is concerned about the Bureau's ability to catch and correct problems."

In fact, the title of the GAO report says it all: "Preparations for the Dress Rehearsal Leave Many Unanswered Questions." That is what GAO titles their report. Maybe that is why the administration no longer wants to wait until next spring to work with the Congress on a final decision.

Or maybe it is because the administration is afraid the courts will rule sampling to be illegal or unconstitutional. That would explain why the Administration's own lawyers have been fighting vigorously in Federal court to get the pending lawsuits thrown out on procedural grounds, so that the courts will not rule on the merits of this issue in time for next spring's decision.

Mr. Chairman, I tell my colleagues, make no mistake about it, if the Mollohan amendment is adopted, the very success of the 2000 Census is in jeopardy for the first time in America's history. If the Mollohan amendment is adopted, the Congress will have no say in the conduct of the census, contrary to the Constitution.

We will not get to make a decision based on the dress rehearsal results or the reports from the bipartisan, independent Census Monitoring Board. We will not get to make a decision based on the court rulings. In fact, we will not make a decision at all. Instead, the Mollohan amendment asks us to trust the Clinton White House; defer to the same Clinton administration which pilfered through the FBI confidential files, which naturalized thousands of felons so they could vote; the most investigated administration in the history of the country; they say, trust us again.

Mr. Chairman, there is an old saying back in Kentucky, "There ain't no education in the second kick of the mule." We have learned a bit about this White House. "Trust us," they say. We say, "Okay, we will trust you, but we are going to verify. We are going to verify with an actual count. We do not trust you to guess on the numbers of people in the country for the purposes of deciding who can represent us in this Congress." That is all we are saying. They may sample if they will on the number of people with blue eyes, but actually count the people when it comes to making up this body that represents all the American people for all that is in the Constitution.

The American people have a right to expect that this Congress will ensure the integrity of the very process that determines the nature of their representation in the House.

For that reason, Mr. Chairman, I urge the House to live up to the agreement we reached with the White House. I urge the White House to live up to the agreement they reached with us, and vote down the Mollohan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), ranking Democrat on the Committee on Government Reform and Oversight, who has worked incredibly hard on this issue. She has been at the forefront of ensuring that we have a fair 2000 Census.

Mrs. MALONEY of New York. I thank the gentleman for yielding time to me, Mr. Chairman, and congratulate him on his outstanding leadership on this job.

Mr. Chairman, I rise in support of the Mollohan amendment, which will fully fund the Census 2000 so that they can merely get the job done. We should let the Census Bureau be the Census Bureau, and the Republican majority should stop interfering with the Census Bureau doing their job. The Nation needs an accurate count of our population, one that includes everyone.

In 1990 the Census missed 8.4 million people. one in 10 black males, one in 10 Hispanics, and one in 20 Asians was missed. Conducting a fair and accurate Census has become the civil rights issue of the nineties. The Census Bureau is working to implement a plan that is inclusive. It is modern, cost-effective, and comprehensive, and it will eliminate the undercount.

The House leadership will say that the 1990 Census was not so bad. They say that missing 8.4 million people and counting 4.5 million people twice was okay by them. They will tell us that everyone will be counted if they just do more counting.

However, the truth is, the old methods just do not work anymore. They will tell us that the Census plan is unconstitutional and illegal, but the truth is, every court that has ruled on the use of statistical methods in the Census has found them both legal and constitutional. They will tell us that the Census plan is subject to political manipulation. The truth is that real manipulation is doing nothing about the undercount.

They will tell us that this is President Clinton's plan, but the truth is that Congress ordered this plan and President George Bush signed it into law, a mandate that the National Academy of Sciences come up with a plan to correct the undercount. This plan is supported by every major statistical organization.

The House leadership will tell us that the plan is partisan. However, the truth is that nonpartisan editorial boards across this country, the New York Times, the L.A. Times, the Washington Post, have all endorsed the use of modern statistical methods in the year 2000 Census.

Guess who does not support modern statistical methods: the Republican National Committee. The Republican leadership should not be afraid of counting blacks, Hispanics, and Asians. What they should be afraid of is repeating the errors of 1990 while the Nation's minorities look on, knowing those mistakes could have been prevented, knowing they were intentionally left out.

The year 2000 Census must be about policy, not politics. It is the right thing to do. It is right for America. I urge my colleagues to support full funding for the Census Bureau. Support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 7 minutes to the gentleman from Florida (Mr. MILLER), the chairman of the Subcommittee on the Census, who happens to also be a doctor in statistics and marketing, and taught for the MBA program at his university, who is an expert on this topic.

Mr. MILLER of Florida. Mr. Chairman, let me congratulate the chairman for his treatment of the Census in this appropriation bill, because what he proposes is basically that the President and Congress, the Democrats and Republicans, need to work together next spring, when the decision needs to be made, and this has to be done in a nonpartisan fashion. This is not something we can delegate to some hand-picked panel. This is something we need to work together on.

The reason that this is so political is that the President has proposed a radically different approach, an untested type idea of using polling, because it is the way to go. He loves polling. He polls every day. Every decision is made based on polling. If it works for him, it should work for the Census.

Many of the Members on that side were in Houston this past June. Let me quote what the President said about the Census when he talked about polling and sampling. Most people understand that a poll taken before an election is a statistical sample. Sometimes it is wrong, but more often than not, it is right. The President compares it with polling. This is what we are talking about.

The American people are not going to trust polling to do something that we only do once a decade. The Constitution only requires it every 10 years. Sampling is very appropriate in between the Census, when we take it every 10 years, but it is too critical an issue to be addressed by polling techniques at this time.

Let me take a minute to explain the difference in the two proposals, because there is confusion. What we propose is basically improving upon the 1990 model, where we counted 98.4 percent of the people. We went out and counted, and enumerated fairly successfully 98.4 percent of the people. Yes, we did miss some people.

Then, the second part was we did a polling sampling technique to try to see if we could adjust the numbers for full enumeration based on sampling and polling. That failed. The one attempt to use a large sampling model on the Census was a failure in 1990. It was not used.

When the Census Bureau tried to adjust the data, in fact, they tried to adjust it three different times and never got it right. They were wrong. They were going to wrongly take a congressional seat away from the State of Pennsylvania and shift it to Arizona, and take a seat away from the State of Wisconsin.

It also came out that data is less accurate for a less than 100,000 population. So for towns and cities all across America with less than 100,000 population, it is less accurate, on average. So if we are talking about accuracy, it is less accurate.

Also, we work with Census tracts, where there are only about 4,000 people in a tract. There is no question it is less accurate when we get down to that kind of data.

What has the President proposed in the Clinton Census issue? Instead of trying to count everybody, what he only wants to do is count 90 percent of the people. He wants to intentionally not count 26 or 27 million people. We agree to count everybody, yet the Clinton plan says, we are not going to count 26 million or 27 million people, because what we are going to do is have these computer-generated people. We are going to have this virtual population of 26 million or 27 million people. That is what we are talking about, not counting 26 or 27 million, and letting the computer come up with these people by cloning techniques. That is a little scary, what we are talking about doing.

This plan, as the gentleman from Kentucky (Chairman ROGERS) talked about, is a very risky plan. There is a high risk of failure. It is not as accurate to conduct this. The purpose of a Census is for apportionment of representatives.

What are we recommending? Let us improve upon the 1990 model. There is there are a number of things we can do. For example, 50 percent of the mistake in 1990 they say was the mailing list, the address list, so we need to do a much better job. I commend the Census Bureau for moving in the direction of doing that. In fact, there is $100 million in additional funding for address list development. The Census Bureau is going to go out and verify the addresses. That is exactly what we need to do is get a better mailing list. That will help address 50 percent of the problem there.

We are going to used paid advertising, instead of using free advertising, as we relied on back in 1990. Instead of having ads at 2 o'clock in the morning, we can run them where it is appropriate to the undercounted population. We can target our advertising.

We also should use local people working with the Census. The gentlewoman from Florida (Mrs. MEEK) and I are working on legislation to make it easier, so people can work part-time and not lose any Federal Government benefits, to work on the Census.

For example, the gentlewoman from Florida (Mrs. MEEK) represents a large Haitian population. We should have Haitians living in that community working on the Census. We need to provide whatever legislation is necessary. We also need to work with outreach. That is something that was very successful in Cincinnati, Indianapolis, Milwaukee last year. We need to do it throughout the country this time around.

This past week's newspaper in Northern Virginia, the Hispanic newspaper, the cover page talks about the United States Census 2000. It is talking about how we need to have a partnership, where we need to work together. It is talking about Census partnerships: "We cannot do it without you."

□ 1100

It talks about how there are jobs, census jobs, an equal employment opportunity employer. We need to work together in communities, in the undercounted areas, and do everything to concentrate on getting everybody counted, not creating these statistically or computer-generated artifacts.

We also should make use of whatever administrative records are available. If necessary, we need to pass legislation. The WIC program, for example, a mother may not want to fill out a form but she wants to get formula for her children. We should do everything we can to make records where there is Medicaid, WIC or what have you available.

So what we have is a choice of whether we want a census that can be trusted, and working together, or we want to trust only the President to make that decision. Now the President is threatening to shut down the entire Commerce, Justice and State Departments over this issue. That is irresponsible. This is a President that said it was terrible to shut down the government back in 1995, is already threatening it today over this issue if he does not get his way.

So it is wrong to try to threaten to shut down the government. We should not allow that to happen. Let us work together and get the most accurate census possible, where we count everyone, everyone counts. This is the plan, full enumeration, and let us do it together this spring.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I yield to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I simply want to point out here that the only shutdown associated with this issue is the shutdown that is contained in this bill, the shutdown that is threatened by the language which limits the appropriation for census to midyear. That is the only shutdown we are talking about.

The President had an agreement with the Republican majority. That agreement was untenable. That agreement is not even a part of this debate. I do not know why we have even alluded to it.

The fact is the only shutdown that we are looking at is the language in this bill that would shut down the census at midyear next year and that threatens a viable census.

I think it is important to understand that, that the threat to the 2000 census is contained in the bill, and the Mollohan amendment would free that up, allow it to be funded for the whole year.

Mr. WATT of North Carolina. Mr. Chairman, I want to address one of the legal issues that has been raised by the Republican majority.

The gentleman from Colorado (Mr. SKAGGS) will talk about the constitutional issue, but one of the issues that the majority has raised is that the constitutional power of Congress to determine how the census will be conducted is being somehow undermined by the administration. Of course, nothing could be further from the truth.

The Constitution, as the gentleman from Colorado (Mr. SKAGGS) will point out, clearly says that the census will be taken in such a manner as Congress shall by law direct, and the Congress has passed a law, title 13 of the United States Code, which governs the way the census will be taken. And that title, section 141, says that the 'Secretary of Commerce shall take a census of population in such form and content as he may determine, including the use of sampling procedures and statistical surveys.

The Republicans seem to have a different interpretation of that. But clearly, the statute that is on the books allows, directs the administration and the census body to take this census with the use of statistical sampling. They seem to think that that is unconstitutional, and that case is going up to the Supreme Court. But several courts have held it constitutional and as long as the law is on the books, that is the law that we are obligated to follow and comply with. That is what we are doing.

That is why we are here today, trying to debate this issue on an appropriations bill, rather than trying to attack this frontally. We have got a law on the books that everybody is trying to follow. They have no capacity to repeal the law so they are trying to do by indirection what they cannot accomplish directly.

The language in the statute clearly allows, one would argue mandates, the use of statistical sampling. And the Republican majority is trying to undermine that because they cannot pass a law that repeals that law. They are trying to do this indirectly. We should not allow them to do this. We should pass the Mollohan amendment and move on with the census as the law now currently authorizes us to do.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a very able and hardworking member of the subcommittee.

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in strong opposition to this amendment from the gentleman from West Virginia. Former Prime Minister Harold MacMillan once remarked that the English people did not throw off the yoke of the divine right of kings in order to bow before the divine right of experts. I think there is some truth in that.

In Congress here we have rules that we go by procedurally, but the ultimate rule that we have in Congress is the Constitution of the United States. This is the ultimate rule. Let us just see what the Constitution says about the idea of guessing at how many people are in the United States.

Article I, section 2 of the Constitution says: "The actual enumeration shall be made within 3 years after the first meeting of Congress of the United States and within every subsequent term of 10 years in such a manner as they shall by law direct."

Let us look at the definition of what "enumeration" is.

This is the dictionary that we use here. To enumerate: to mention separately, as if in counting; name one by one; specify, as in a list. I think that is pretty clear as to what enumeration stands for.

Also in the Constitution it refers to the census. Article XIV of the 14th Amendment, section 2, very clearly says, "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed."

Okay. If there is any question as to what that means, I think we can also take the dictionary and look at what it is to count. To count: to check over, one by one, to determine the total number; add up; enumerate.

When we were elected or sworn in to this Congress, we stood here and raised our hands that we would uphold the Constitution of the United States. I do not think that there is really a question as to what the Founding Fathers said. It is very clear. It is defined by Webster exactly what the words are.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Indeed, the gentleman has referenced the source, the dictionary. Has the gentleman referenced any court decisions on the subject?

Mr. Chairman, the real meaning of the Constitution is defined through our court process, through the appeal process. And every court decision on the subject has ruled sampling constitutional, with all due respect to the gentleman's dictionary interpretation.

Mr. LATHAM. That simply is not the case. I think anyone who is sworn to uphold the Constitution should maybe read it.

Mr. MOLLOHAN. Mr. Chairman, on point, I yield 4 minutes to the distinguished gentleman from Colorado (Mr. SKAGGS), a member of our subcommittee.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me the time and for his leadership on this issue.

This is not the first census debate. It is not the first decade in which the methodology has been called into question. This is not even the first century in which the census has been controversial.

President Washington was concerned about the results of the first census in 1790 because he thought there was an undercount.

Let us look at some relevant history here rather than sort of a Sesame Street reading of words.

The census has its origin in the Constitutional Convention. There, Article I, section 2, clause 3 of the Constitution was drafted, and it requires that "The actual enumeration shall be made within 3 years after the first meeting of the Congress and within every subsequent term of 10 years, in such manner as they," referring to Congress, "shall by law direct."

According to our Congressional Research Service, examination of the debates and documents of that Constitutional Convention show that earlier reference to a "census" was dropped and "enumeration" was used instead, but there is no suggestion that that was intended to reflect any change in meaning.

The significance of the term "actual enumeration" may be discovered from its context. The same clause of the Constitution goes on to provide for specified numbers of Members from each of the original 13 States "until such enumeration shall be made." It seems clear therefore that the term "actual enumeration" was intended to distinguish between the rough reckonings of the then-current populations of the original colonies that informed the size of the first House prescribed in clause 3 and the later need for a real count.

The Supreme Court has never determined whether the requirement of an "actual enumeration" precludes sampling or other adjustment, or whether it simply contemplates achieving the most accurate count of the population by whatever method.

As recently as 1996, however, in the case of Wisconsin versus New York, the court came very close. There, relying on the constitutional phrase "in such manner as they shall by law direct," the court held that "the text of the Constitution vests Congress with virtually unlimited discretion in conducting the decennial 'actual enumeration.'"

The lower courts that have addressed the issue all have concluded that the requirement of an "actual enumeration" means an accurate count, and that sampling is consistent with the Constitution if its purpose and its effect is to improve accuracy.

For example, in the 1990 ruling, the U.S. District Court in New York concluded "that because Article I, section 2 requires the census to be as accurate as possible, the Constitution is not a bar to statistical adjustment."

A decade earlier, the Sixth Circuit determined that "although the Constitution prohibits subterfuge in adjustment of census figures for purposes of redistricting, it does not constrain adjustment of census figures if thoroughly documented and applied in a systematic manner."

So there can be no real question about the constitutionality of using sampling to improve the accuracy of the actual enumeration. It is for us to decide "in what manner" we "shall by law direct."

As the gentleman from North Carolina (Mr. WATT) has pointed out, we have done that. The census statute already contemplates the use of sampling and adjustment in order to improve accuracy. That is what this is all about. We should pass the Mollohan amendment.

Aside from the constitutional question, history shows us that the level of controversy around the census waxes and wanes as a result of larger, social and demographic shifts and the political pain associated with adjusting to those changes. For example, the census was controversial and prone to political manipulation in the decades before and after the civil war, when there were issues about counting African Americans.

Population counts again became controversial in the 1920's, when census figures showed more people living in cities than in rural areas for the first time. In fact, those results were so alarming to the party in power at the time that they simply ignored the census and delayed reapportioning the House.

In short, Mr. Chairman, while this may not be quite deja vu all over again it's certainly not unprecedented—and it's not hard to figure out what's going on. Some of the changes in our country's demographics are uncomfortable for those defending certain conservative interests here.

It's projected that by the year 2020, hispanic and African American populations will grow to represent 30% of our total populace. Current census methodology takes us further and further from getting an accurate count of these populations. This is not news. The problem has been known for decades. Yet when methods are proposed to get a more accurate count of minorities, some try to delay or prevent a better count for fear of losing political power.

This year, Republicans are replaying this political battle in a way that is guaranteed not just to undermine progressive census reforms, but in a way that's likely to undermine the census itself. They have misguidedly decided to require an overworked group of folks over at the Census Bureau to plan for not just one but for two means of collecting population data. And then they want to cut off the Bureau's funds in the middle of the year, calling for a political decision at that time.

Let me restate this crucial point: the majority party in Congress is saying that they middle of the most critical census-planning year, 1999, the Census Bureau has to lurch along with half steps rather than do any full-year planning for a $4 billion, half-million-person project.

Would any CEO of any business agree to take on a critical project under these terms? If this bill passes in its current form, does anyone doubt that Republicans next year will find and be able to document Census Bureau organizational problems in putting this so-called plan into effect?

We should not do this, Mr. Chairman, Instead, we should do our duty. We should give the Census Bureau the tools it needs to do its job right—we should give the funds and the flexibility to produce the best, most accurate count possible.

Pass the Mollahan amendment.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes and 30 seconds to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the committee.

Mr. MOLLOHAN. Mr. Chairman, I yield 15 seconds to the gentleman from Michigan (Mr. KNOLLENBERG).

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 3 minutes and 45 seconds.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise today in opposition to this amendment. While I have worked with my distinguished colleague from West Virginia and found common ground on some significant issues, I must disagree with him on this issue because, based on solid numerical evidence which is against sampling, and the Census Bureau's own research after the 1990 Census Bureau enumeration surveys, sampling did not work in the 1990 census post-enumeration surveys, so why would we expect a similar plan to work for the 2000 census?

□ 1115

Merely increasing the sample size will not improve the accuracy of the survey, it will only increase the possibility of error.

The Census Bureau's own 1992 CAPE report, Committee on Adjustment of Postcensal Estimates, indicated that after the second post enumeration survey, using the improved so-called grouping method, that sampling was inaccurate for areas under 100,000. Many of us have districts with no single area over 100,000. How can we misrepresent such a large percentage of our population? Furthermore, Mr. Chairman, the Secretary of Commerce concluded in 1991, that while 29 States would benefit from adjusted counts, 21 would be less accurate, or lose population.

We cannot support a plan that is good for some and not for others. Because these numbers are used for apportionment, failing to ensure equal representation is a serious threat to our democracy. Enumerate, not polling, not computer models. Sampling does not equal accuracy.

Not only is sampling numerically unreliable, it is inconsistent, as has been pointed out by my friend from Iowa, with the Constitution, which does require actual enumeration. Nowhere in the Constitution does it state that the President has a right to decide how the census should be directed, which is what he is trying to do.

And despite his statement that it was deeply wrong to shut the government down, that was back in 1996, the President has threatened to shut down the Commerce Department, the Justice Department and the State Department in order to implement his administration's plan. However, we should not support political threats with bad policy.

Congress and the administration must work together to create a plan that the American people will trust. We must listen to the warnings, as the chairman has pointed out, of the GAO and the Inspector General and create a bilateral plan with the administration that will accurately represent the American people.

Mr. Chairman, I firmly suggest we oppose this amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, the gentleman talked about the President saying how we are going to conduct the census, and then he said that it is the Congress' job to do that. I totally agree it is the Congress' job to do that, and we have defined in 13 USC section 141, in pertinent part, the Congress, in this law, has given the Secretary of Commerce the responsibility to conduct a "decennial census in such form and content as he may determine, including the use of sampling procedures and special surveys."

Mr. KNOLLENBERG. Reclaiming my time, Mr. Chairman, sampling simply does not produce the accuracy, as has been pointed out. So I would say to the gentleman that it is not a substitute. Sampling is not a substitute for accuracy.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, does the gentleman also know that the Federal statute says, "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling'?" but otherwise prohibited. "Except for the apportionment of the House" is in the Federal statute passed by the U.S. Congress.

Is the gentleman aware of this statute?

Mr. KNOLLENBERG. I am.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. SAWYER), who has been such a leader on this issue, again ensuring that the 2000 census is a fair one.

Mr. SAWYER. Mr. Chairman, we learned a great deal from the 1990 census, but one thing was crystal clear: Our changing Nation had outgrown past counting techniques and the traditional censuses are full of mistakes. The idea that traditional counting techniques are more accurate is simply a myth, and the longer the door-to-door counting process goes on, the more the mistakes are made.

More than 11 percent of the information collected door-to-door in 1990 was wrong. Of the 4.6 million people collected based on information from neighbors or building managers, over one-third, 38 percent, was wrong. Nearly 20 percent of the traditional subsequent coverage programs was wrong. A half million people added based on administrative records, 53 percent were wrong.

These are traditional counting techniques. Information collected in May was wrong, 6.6 percent of the time. By June, it had doubled to 13.8. By July, it was 18.8. And from August onward, nearly 30 percent were counted wrong. Because of all these mistakes, census numbers at the block level were off by 10 to 20 percent. So let us not pretend that a census without scientific methods is in any way an improvement.

We knew that in 1991, and so I joined with two of my distinguished Republican colleagues in asking the National Academy of Sciences to review census methods and recommend ways to improve accuracy. One of those colleagues, the gentleman from Kentucky (Mr. ROGERS), testified eloquently. Of the 1990 census, he asked, "Were the methods for counting our population, while learning more about it, outmoded? In light of existing sampling techniques, I think they were," he concluded. What we needed, he said, was an independent review of the census to determine how to meet our data needs, in his words, "in an accurate and cost effective way." He said that the National Academy was "credible, experienced and, more importantly, independent."

I agreed with him then, and I urge all of us to carefully consider the decision we are making now. It comes down to this: Will we take a census in 2000, using methods recommended by those "credible, experienced and independent experts" that the gentleman from Kentucky recommended in 1991, or will we settle again for methods that he called "outmoded and dusty"?

The gentleman from Kentucky was right in 1991 when he said that, "It has become increasingly clear that we cannot repeat last year's decennial census process 9 years from now." The Mollohan amendment preserves the chance to take a more accurate and fair census in 2000. If we reject it out of hand today, we are headed for a repeat of 1990, and that would be tragic: A use of counting techniques that have been demonstrated to be clearly inaccurate.

The census has changed dozens and dozens of times over the course of its 210-year history. As the Nation has changed, our ability and techniques for measuring ourselves has changed with it. It is critically important to recognize that in a time of change, such as the one we are in now, we need to come to grips with that change. It has never been more important to understand that change, to measure it, and to come to grips with the techniques necessary to make a count of our Nation accurate and, most importantly, fair.

NATIONAL ACADEMY OF SCIENCES,
OFFICE OF THE PRESIDENT,
Washington, DC, August 4, 1998.

Hon. THOMAS C. SAWYER,
House of Representatives,
Longworth HOB, Washington, DC.

DEAR CONGRESSMAN SAWYER: As you requested, I am providing information on studies of the national census that have been conducted by the National Research Council, which is the operating arm of the National Academy of Sciences and the National Academy of Engineering. Three different Academy panels have examined the issue of the use of statistical sampling in the census. All three distinguished panels, chaired by three different individuals, have reached the conclusion that the accuracy of the census count can be improved by supplementing traditional enumeration with statistical estimates of the number and characteristics of those not directly enumerated. The membership of these committees is attached.

I would also like to emphasize the process that the Academy uses in the conduct of studies. Since 1863, the Academy's most valuable contribution to the Federal Government and the public has been to provide unbiased, high-quality scientific advice on controversial, complex issues. The process by which the Academy conducts its work ensures its independence from potential outside influences and political pressures from government officials, lobbying groups, or others. Committee appointments are made by the President of the Academy following careful review of the nominees by many experts in the field of study. Committee members are nationally-recognized experts in their fields, and they serve without compensation. The Academy balances the membership of each committee to ensure that the study is carried out in an objective and unbiased manner with conclusions based solely on the scientific evidence. Moreover, the committee's draft report is reviewed by a set of independent reviewers, revised based on an evaluation of the reviewers' comments, and released in final form only after meeting the standards of quality and objectivity set by the Academy.

We can assure you that the Academy's studies of the census have followed these traditional procedures to ensure high-quality and objective scientific advice independent of political influence. We hope that our advice is helpful for decision-makers as they grapple with the complex issues concerning the conduct of the next census.

Sincerely,

BRUCE ALBERTS,
President, NAS; Chairman, NRC.

AMERICAN STATISTICAL ASSOCIATION,
Alexandria, VA, August 3, 1998.

Congressman THOMAS SAWYER,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN SAWYER: Thank you for sending me the Congressional Record account of debate on H. Res. 508, containing the remarks of several Members regarding the use of statistical sampling methods in the 2000 Census. Despite obvious differences in perspective, the discussion is thoughtful and well-informed, the sole major exception being the incorrect statement by Mr. Miller of California that the Census Bureau plans to intentionally not count 10 percent of the population. The overall level of the discussion does credit to the House of Representatives.

I do wish to respond on behalf of the American Statistical Association to the remarks of Mr. Miller of Florida concerning the "hand-picked" nature of the scientific panels that have recommended consideration of statistical sampling methods. I refer specifically to the Blue Ribbon Panel of the American Statistical Association. The members of this panel are recognized by their peers as among the nation's leading experts on sampling large human populations. They are certainly not identified with any political interest.

The ASA Blue Ribbon Panel included Janet Norwood, who served three administrations as Commissioner of Labor Statistics from 1979 to 1991. On her retirement, the New York Times (December 31, 1991) spoke of her "near-legendary reputation for nonpartisanship." Dr. Norwood is a past president of ASA, as is Dr. Neter of the University of Georgia, another panel member. Like these, the other members of the panel have been repeatedly elected by their peers to posts of professional responsibility. For example, Dr. Rubin of Harvard University is currently chair of ASA's Section on Survey Research Methods, the statistical specialty directly relevant to the census proposals. I assure you that this panel was selected solely on the basis of their widely recognized scientific expertise. Their judgment that "sampling has the potential to increase the quality and accuracy of the count and to reduce costs" is authoritative.

Mr. Miller, in hearings before his committee, has indeed produced reputable academics who disagree with the findings of the ASA Blue Ribbon Panel and the several National Research Council panels which reported similar conclusions. Those whose names I have seen lack the expertise and experience in sampling that characterize the panel members. Statistics, like medicine, has specialties: one does not seek out a proctologist for heart bypass surgery.

I do wish to make it clear that the American Statistical Association takes no position on the political or constitutional issues surrounding the census. We also express no opinion on details of the specific proposals put forth by the Census Bureau for employing statistical sampling. As the nation's primary professional association of statisticians and users of statistics, we wish to make only two points in this continuing debate:

Estimation based on statistical sampling is a valid and widely-used scientific method. The general attacks on sampling that the census debate has called forth from some quarters are uninformed and unjustified.

The non-partisan professional status of government statistical offices is a national asset that should be carefully guarded. We depend on the statistical professionals in these offices for information widely used in both government and private sector decisions. Attacks on these offices as "politicized" damage public confidence in vital data.

Thank you for the opportunity to make these comments.

Sincerely yours,

DAVID S. MOORE,
President, American Statistical Association.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. SNOWBARGER).

Mr. SNOWBARGER. Mr. Chairman, I thank the chairman for yielding me this time.

I want to come at this in a little different approach. In 1992, I was the user of census products in the reapportionment in our State legislature in Kansas. We have talked about an accuracy rate back in 1990 of 98.4 percent. I think that is pretty significant.

What people need to understand is that when you are using this census today to develop districts, we are looking on a block-by-block basis. We take one block, add it to another block, we aggregate those blocks together and, sooner or later, we have a Representative district or a Senate district or even a Congressional District. Right now, by the census's own numbers, the accuracy rate at the block level is plus or minus 35 percent. Thirty-five percent.

It has been mentioned here several times this morning that sampling is inaccurate at the town and local level. Even the Census Bureau reports that sampling counts are less accurate than an actual head count. It is inaccurate because of this polling scheme. Small towns, including the majority of Kansas, are going to be at risk, and that is a fact.

The Census Bureau's own studies prove this. The 1991 Undercount Steering Committee said, "It is understood that for smaller areas, those with less than 100,000 population, proportionately more units would have less accurately adjusted counts than unadjusted counts."

We just cannot use this polling method that penalizes small cities and towns. Not only does this undercount or miscount small towns and cities, but the current scheme also eliminates the right of those cities to contest the numbering. The adjustments are going to occur so late that there is no way for the census Local Review Program to be carried out, which would allow the cities to see if the counts are accurate and make their own input into the Bureau. That has all been taken out because of the timing of this program.

Frankly, the polling population scheme shuts out small town America and denies them the right to challenge. Enumeration is essential, and I would urge my colleagues to defeat the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong support of the Mollohan amendment to restore full funding for the Census Bureau so that the agency can get on with the business of conducting an accurate census that includes everybody. Placing a 6-month cap on the funding of the Census Bureau and making only one-half of the funds available is an obstruction to an accurate and efficient census.

We have heard by now that the 1990 census was the first in this Nation's history to be less accurate than the preceding census. Mr. Chairman, in particular, 834,000 people were never counted in the State of California. African Americans were undercounted by 7.6 percent and Hispanics by 4.9 percent compared to the 2.3 percent undercount for whites. In fact, the City of Inglewood, a city in my Congressional district, had the State's highest undercount rate among major cities. In addition, 342,095 of California's children were missed altogether by the last census.

In the last census the monies allocated for schools, school lunches, Head Start, senior citizens centers, health care facilities, and transportation never reached the communities where people were not counted. Simply put, if individuals were not counted in the last census, they did not receive their fair share of Federal fundings for public services.

We have a chance to correct the errors of the past census by employing modern techniques that have been proven to be efficient and cost effective. It is illogical for this body to profess to be a democratic institution but, at the same time, refuse to adequately fund a census which employs a method which counts everyone. It seems the right wing faction of the party would prefer to have no census rather than have an accurate census.

The Mollohan amendment is a reasonable one. It would restore the full funding to the Census Bureau so that it may do its job without interruption. The amendment further provides that funds for a statistical counting will be cut off if the Supreme Court finds sampling unconstitutional.

Mr. Chairman, it is unreasonable not to proceed without this kind of obstruction.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in opposition to the Mollohan amendment. I do not believe politics should play a part in the 2000 census. It is too important to our country.

We all know how important polls are to the Clinton administration. They base most of their decisions on polls. But do we want them to base the 2000 census on a poll? I think not. The American people understand that polls are not very accurate and, as we have heard, even President Clinton understands that. He has called the 2000 census scheme a poll. Sometimes it is wrong, he has said.

Do we really want to use an inaccurate poll as the basis for representation of all levels of government for the next 10 years? Can the American people really trust a census that is based on a poll taken by the Clinton administration? Mr. Chairman, the American people deserve a census that is honest and reliable, one they can trust, not a population poll.

Let me show my colleagues a poll conducted last week by McLaughlin & Associates. People were asked in a scientific survey, a national survey, "Do you approve or disapprove of the Clinton administration's plan to replace an actual head count with statistical sampling in order to conduct the 2000 census?"

Here are the results. Overall, 19 percent approved, 66 percent disapproved, 14 do not know. Black, 33 percent approved, 52 percent disapprove and 14 do not know. Hispanic, 22 percent approve, 62 percent disapprove, 15 percent do not know.

We can see the results.

□ 1130

The bottom line is all groups in society, over 50 percent, disapprove. If the Clinton administration likes polling, if they believe polling, he ought to listen to the people. This is an updated, recent poll.

I urge my colleagues to defeat the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am amazed that my Republican colleagues are saying it is the President and the administration who are politicizing the census. That is not true. But do not take my word for it.

I would like to borrow some of the words from editorials published all across this Nation which make it crystal clear who is interjecting politics into the census debate.

The Christian Science Monitor, April 28, 1998. It says,

> The real issue is political, not constitutional. Some of the GOP party don't really want a more accurate count on the hardest-to-find Americans, the poor and new immigrants, larger numbers in those categories could affect the political character of congressional districts. Specifically, it might become harder to create "safe" Republican seats.

Consider this. Buffalo News, June 15, 1998:

> The argument really is more about political power than logic. Republicans privately fear that a census that reveals more minorities and poor people could lead to a redrawing of legislative districts in ways that threaten GOP office holders.

Consider this also. Newsday, June 16, 1997:

> Republicans, panicked they might lose congressional seats with a more accurate inner-city count, intend to fight again. They are acting out of self-interest, not the national interest.

Consider the Houston Chronicle, June 4, 1998:

The purpose of the U.S. Census is to get the most accurate count possible. If using modern statistical sampling to augment the actual head count makes the census more accurate, who could reasonably object? No one, but then politicians who are afraid of losing power do not always act reasonably.

There you have it, from many different sources. It is my Republican colleagues, not the President, not the administration, who are trying to manipulate the census count for political advantage and not for the Nation's interest.

Mr. Chairman, I rise in support of the Mollohan Amendment.

The year 2000 will usher in a new decade, a new century and, for the first time in at least ten generations, a new millennium.

Perhaps more than any other time in history, every citizen should be counted, and the count should be accurate.

The Mollohan Amendment will ensure that every citizen is counted.

On the other hand, the Bill, as written, will cost more and count less.

Do we really want a repeat of 1990, Mr. Speaker, when millions were double counted and millions more were not counted at all?

Do we really want to once again exclude poor people, minorities and rural residents? There is an under count in rural areas contrary to some in the majority.

The 1990 undercount of 4 million people also had a disproportionate impact on women and their children, particularly women on ranches and farms.

If small farmers and ranchers are struggling to survive, and they are, think of what is happening today to women on those ranches and farms.

If we accept the current census count, of the nearly 2 million farms in the United States, only six percent are operated by women.

According to the current census data, among all the farms in my state, North Carolina, only three-fourths of one percent are held by women.

And, because of the current data, in 1992, women in North Carolina received only twelve percent of the loans from the Commodity Credit Corporation and only about one-half of one percent of Government Payments.

The data collected by the year 2000 Census will affect social, economic, and political decisions for years and years to come.

The current census data simply does not include many of the women who actually own farms.

This low count can be corrected, in part, but using sampling techniques to supplement the actual count.

The inaccurate picture of women on ranches and farms is also due to the type of information collected by the Census Bureau and the Agriculture Department in their yearly count.

Currently, federal forms allow only one individual to be listed as the "primary producer"—or "owner" of the farm.

If a man and woman jointly own a farm, usually it is the male whose name is on the census form.

If a woman's name is not on the form, the woman in not counted.

These uncounted women, then, did not have the opportunity to benefit farm training, technical assistance, loans, and other programs that can help farm women.

These women farm owners were not factors in funding decision, setting agricultural policy, and forecasting markets and future needs.

The Mollohan Amendment will give the professional counting experts the resources they need to do the job they must do.

The Mollohan Amendment will ensure that we have a fair count in 2000, a count that treats every American the same.

Mr. Chairman, the Census determines representation and taxation in America. Women farmers and ranchers deserve to be counted. They too are American. I urge support for the Mollohan Amendment.

Census Data in the United States Do Not Adequately Capture the Number of Citizens in Rural Areas Including Minorities and Women Who Own and Work on Farms

THAT IS WHY WE NEED SAMPLING!

Some women jointly own farms with their husbands, because of the way the data are collected, they are not counted.

In 1992, women received only 12% of the Commodity Credit Corporation Loans and .06% of Government Payments.

Additionally, women who work on farms are not adequately counted either because they work one part of the day in one location and the other part in another location.

Without accurate census data, such as that achieved with sampling, in 1990 millions of citizens were counted twice and millions more were not counted at all.

Without accurate census data, such as that achieved with sampling, in 1992 of the 1.9 million farmers counted nationally: Only 18,816—(less than 1%) were Afro-American; only 29,956—(less than 1.5%) were Hispanic; only 8,346—(less than ½%) were Native American; and only 145,000—(less than 7%) were women farmers.

Without accurate census data, such as that achieved with sampling, in 1992, of the approximately 2,500 farms counted in North Carolina, .075—(less than 1%) were reported as being controlled by women.

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. THOMAS), chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Chairman, I find it interesting that the only way in which anyone can have a disagreement on the question of the census is that Republicans are purely political and the Democrats take the usual high moral ground, they are right and we are wrong. That is interesting.

I love the quote about "telling the truth is a political, not a moral matter," which was in today's Washington Post, and I think that sums up a lot of the response of my colleagues on the Democratic side. We are playing politics, they are not.

The Chief of Staff sent a letter saying, "There is no need for a Government shutdown. But if there is one, it will be because Republicans have either not done their job on time and finished the budget or have decided to short-change critical investments in our Nation's future."

The gentleman from Kentucky (Mr. ROGERS) clearly outlined the President's position. That is, he wants to shut the entire Department of Commerce, Department of State, Department of Justice down over this vote.

Now, I can understand why he wants to shut down the Federal Judiciary. We know that when he reappointed Janet Reno that the Department of Justice was pretty well shut down. But clearly, the Department of State, the first department created, that department which deals with international relations, ought to at least extend the full year given the President's emphasis on international relations. Now his statement and White House Chief of Staff Bowles' is not a political statement that he wants to shut those down for 6 months.

The gentleman from West Virginia (Mr. MOLLOHAN) I am sure offers a well-intentioned amendment. If you have read it carefully, what it does is it locks in the sampling position. Why does he have to lock it in in his amendment? Because, frankly, the Constitution is on our side, the laws are on our side, history and precedent are on our side.

But, no, the Democrats cannot make this an argument over the Constitution, article I, section 2; it has to be about race baiting, it has to be about political advantage. It is not possible that Republicans believe the Constitution says what it says.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. Mr. Chairman, no, I do not have time to yield. I do not even have enough time to go through the points that I think absolutely need to be made.

If my colleagues will examine what they are asking to do, contrary to current law, is to poll. They use the term "sampling." Sampling is polling. It is creating a piece and then extrapolating to the whole.

Their argument is that is more accurate than counting. Have we had infallible counts in the past? No. Are we bound and determined to do a good job? Yes. Is there disagreement right now? Yes. Will we have more information in February and March? Yes. Should we make a decision now? No.

When we take a look at polling, sampling simply fills in the blanks. Probably my colleagues saw Jurassic Park, in which they had most of the DNA code, but they had to fill in the blanks with what they thought was the appropriate profile on the DNA code.

What these people are asking us to do is to count some Americans and then fill in the rest. But it is more insidious than that, because sampling does not just do that. It is not like normal polling, where they take a random sample and assume the universe from that random sample.

What they actually are going to do is count people and then not count them. They are going to replace people who have actually been counted with virtual people that the statisticians make up. And that is not political?

Let me talk about politics. We created a bipartisan census oversight board to assist us in trying to come to a very difficult, very complex constitutional decision. Guess who they appointed? They appointed a fellow by the name of Tony Coehlo. A lot of people do not know Tony Coehlo.

In 1988, a book was written by Brooks Jackson, who was then a Wall Street Journal reporter, called Honest Graft. What he did was follow Tony Coehlo around for a year and then wrote a book about what he saw.

He says in the introduction, "Congressman Tony Coehlo runs a modern-day political machine, a sort of new Tammany Hall, in which money and pork barrel legislation have become the new patronage."

Tony Coehlo did it better than anyone else. He moved rapidly through the ranks of Democratic leadership, became Majority Whip; and then in the words of those famous poet songwriters, Paul Simon & Garfunkel, he was "one step ahead of the shoe shine, two steps away from the county line; he was just trying to keep his customers satisfied, satisfied."

He resigned from the House of Representatives. He is the one that they chose out of everybody in the world to be the key person on this oversight board. Talk about politics.

What the chairman is advocating in this proposal, fund it for a year, fence it for the last 6 months, get better information, and then make a solid constitutional decision is exactly the right thing to do. Vote down the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD), who also has been a real leader on this issue.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise to support the Mollohan amendment.

The census is critical to our country as it is the basis upon which decisions are made that directly impact every community in our Nation.

Without a fair and accurate census, States lose their fair share of an annual $170 billion in Federal funds that could support children's education, senior health services, and job training programs. Communities could also lose state and local government funds for services and infrastructure, and many communities will lose jobs and economic opportunities since businesses use census data to make decisions like the hiring and the firing of employees and the opening of new businesses.

Mr. Chairman, the American people cannot afford to have us repeat the grievous mistake of the 1990 census when 4 million people were missed, 80 percent of whom were urban Americans, 50 percent of whom were children, and 80 percent of whom were Latinos, African-Americans, Asian-Americans, and American Indians living on reservations.

And many States lost as a result of the 1990 undercount, as well. For example, the 1 million Californians that were not counted resulted in the State of California losing 1 congressional seat and at least $1 billion in Federal funds.

Mr. Chairman, the stakes are very high. It is outrageous that the Republicans are forcing the Census Bureau to use outdated technology that will again miss millions of Americans. If we are willing to ignore communities of people and make then victims of neglect, what does that say about us as a country?

I ask the Republican leadership to put the interest of the country ahead of politics and support the Mollohan amendment to make every person in the country count.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to comment on some of the language being used by the opposition.

Tony Coehlo. I do not know how Tony Coehlo gets in this debate. I guess if on the merits they do not have anything more to say that they start ad hominem discourse or even attack somebody who is not even here. So I hope we do not continue doing that.

Also, I would like to comment about the use of words like "polling" and "cloning" techniques. These are very unscientific terms. They are disparaging terms. It just makes me have to ask, why does every statistical association, professional association line up in favor of statistical sampling, they do not use words like "polling" and "cloning." These words are not a part of the vernacular of these professionals who recommend statistical sampling in this context.

Finally, Mr. Chairman, I would simply comment on the repeated references to the unconstitutionality of sampling or the court's ruling that sampling is not valid.

That is absolutely the opposite. Every Federal district court, circuit court that has looked at this has said that sampling is constitutional and lawful.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I rise in opposition to the Mollohan amendment.

Mr. Chairman, I rise in opposition to the Mollohan Amendment. The Constitution provides for an actual enumeration of our nation's population every ten years.

Speaking of possible tax levies on the states, Alexander Hamilton said in "The Federalist 36," "the proportion of these taxes is not to be left to the discretion of the national Legislature: but is to be determined by the numbers of each State as described in the second section of the first article. An actual census or enumeration of the people must furnish the rule; a circumstance which effectually shuts the door to partiality or oppression." Hamilton was wise. We open ourselves to partiality and oppression if we open the census to manipulation.

From the first constitutionally mandated census in 1790 to the most recent in 1990, our government has used the most modern means available to perform as complete an actual head count of our population as possible. Now, for the first time, our census bureau proposes to undertake less than a complete census and then to adjust its count to what experts estimate to be a complete count. One reason advanced for this departure from 200 years of practice is that an incomplete count would save money. Well, this Congress is prepared to spend the money necessary for a first class full enumeration. And, I dare say, recent advances in communications and data technology should enable the bureau to successfully complete a more accurate actual enumeration than ever before in our nation's history.

"But doing a 90% count and then adjusting it will be cheaper, more accurate, and fairer," says the census bureau. Leaving aside the fact that you can't possibly know when you have completed 90% because you don't know what 100% is; and leaving aside the fact that the Congress is manifestly prepared to appropriate the funds required for a first class census rather than an economy model; what's wrong with adjusting the numbers to reflect estimated non-participation in the census process by residents who, for whatever reason, fail to participate? What's wrong is that this is a zero sum game. To the extent the census bureau adjusts the figures to increase the numbers for non-participants, it reduces the representation and flow of federal funds for others who discharge their civic responsibility to participate in the census process.

And there will be a tremendous price to pay in civic morale if this unprecedented change if forced into effect on a partisan basis.

First of all, whether warranted or not, the fact that this change is insisted upon and forced into effect along largely political party lines will give rise to the belief that the census adjustment is being implemented for partisan advantage.

Secondly, the fact that the change to an administratively determined adjusted census figure is most strongly advocated by those whose power and authority will be increased by this new approach, will give rise to the conviction that the adjusted figure is the result not of a search for greater truth, but rather of the pursuit of advantage for those in control of the adjustment process.

And thirdly, the fact that actual participation in the census will no longer really affect the count will result in a decline in participation and in an increase in skepticism, and public cynicism, toward basic institutions of govemment.

Finally, I plead with my colleagues not to play partisan games that could jeopardize the census. Do not insist, on a partisan basis, for the first time, on an incomplete count and adjustment. Let us go forward, as we always have in the past, with a complete enumeration and do all that we can to make it as complete as is humanly possible. Then adjust if you think it improves things and we will settle it in court.

But to do a partial count and adjustment going in, without even attempting a complete count, will confront our people and the courts with a fait-accompli. If the courts then throw out that sampling-based census, we'll have to do it all over again, at tremendous cost, possibly delaying redistricting, and inviting public disgust.

Defeat the Mollohan Amendment!

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I find it curious how many times the Constitution seems to get in the way of this administration. It did so in Kyoto, when rather than get a treaty agreed to by the Senate, they are trying to put it in effect by regulation. They did it with the INS during the last election.

Now the Constitution is in the way again because they want a poll to find out who lives in America, count 90 percent of them and poll the rest. And guess who they are?

Polling is what statistical sampling is. I know my colleagues do not want to use that word because the President sent a memo saying do not use that word. They tested it and it does not test very well. But statistical sampling is polling.

I oppose the Mollohan amendment. I support the carefully crafted bill of the gentleman from Kentucky (Mr. ROGERS). The chairman has succeeded in crafting an effective plan to ensure that the administration and the Congress jointly decide how to conduct the 2000 Census.

Unfortunately, the Mollohan amendment undermines their plan in favor of an untested, unproven population polling scheme. Supporters of the Mollohan amendment are always quick to cite the National Academy of Sciences as a supporter of their population polling ideas. Unfortunately, much like sampling, the statement appears true in the abstract but falls apart under scrutiny.

Is it true that the National Academy of Sciences has created an ad hoc committee to study the census? Absolutely. Is it true that these committees are composed of National Academy member scholars? Absolutely not. In fact, only one Academy member serves on the 15-member committee looking at the 2000 census.

Are the committee members carefully selected for service? Absolutely not. Are they carefully selected to get a broad range of views? Absolutely not. The panel members come from liberal think tanks and Democrat politics and are chosen because of their pro-polling views.

In my review of the panel members, I could not find a single neutral thinker, much less a conservative one. How easy it must be to get a favorable report from a hand-picked panel stacked with sympathetic thinkers.

When your panel believes in population polling as a concept, the only question they are left with is how, not why or whether.

□ 1145

Mr. Speaker, when answering why or whether to engage in this population estimation, even this much-trumpeted, hand-picked, Democrat-defined pro-population polling panel would agree with me that even if sampling works in theory, it can fail in practice. It can, it has, and it will. I urge my colleagues to oppose the Mollohan amendment and support the base bill.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Ohio.

Mr. SAWYER. Let me just offer a rejoinder on behalf of the National Academy of Sciences from its president in a letter sent to me yesterday:

> Since 1863, the Academy's most valuable contribution to the Federal Government has been to provide unbiased, high-quality scientific advice on controversial, complex issues. Committee members are nationally recognized experts in their fields, and they serve without compensation. The Academy balances the membership of each committee to ensure that the study is carried out in an objective and unbiased manner with conclusions based solely on the scientific evidence. The committee's draft is then reviewed by independent reviewers, released in final form only after meeting the standards of quality and objectivity set by the Academy.

Mr. LINDER. I have no doubt that the chairman thinks he is a fine person.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ),

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Mollohan amendment. Not long ago, minority communities were prevented from being represented through violence and repression. Today's method is far more subtle.

Let us be honest. Today's debate is not about the way we should conduct the census. This is a debate about whose voice will be heard and whose voice will be silenced. By not counting minorities, opponents of a fair census can justify slashing resources to these communities. In New York City alone, just looking at seven Federal programs, including Head Start, the city lost more than $400 million as a result of the 1990 undercount.

Worst of all, political representation will be denied at every level. Think of the message you are sending to minority communities. You are telling the American people that these communities do not deserve proper representation.

My colleagues, conducting an accurate census is a matter of basic fairness and democracy. I urge everyone to vote "yes" on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in support of the Mollohan amendment, quite simply because it would allow the Census Bureau to continue preparation for the 2000 census without the risk of funding disruptions in the middle of their crucial planning process.

We all remember the impossible situation the government shutdown of 3 years ago placed on the ability of government agencies to continue necessary work. I believe it is important that we not place the Census Bureau in that position again as it prepares for one of the most important government functions outlined by the Constitution: obtaining an accurate count of all Americans.

I want to emphasize that accuracy is critical, in fact, the only relevant issue as we prepare for the 2000 census. We all acknowledge that millions of people were missed in the 1990 census. While much of the debate on correcting the undercount of the census is centered around the number of people not counted in urban areas, as one who represents a rural district I want to highlight the fact that people in rural areas of the country are missed as well. In fact, some rural areas are undercounted to a greater degree than the entire country.

According to the Census Bureau, the net undercount for the Nation in 1990 was 1.6 percent, while renters in rural areas were undercounted at a rate of 5.9 percent. That means rural renters were undercounted nearly four times the national average. It is important that we give the Census Bureau the resources necessary to ensure an accurate count for all Americans in rural and urban areas.

The Mollohan amendment ensures the Census Bureau will be able to obtain the most accurate count possible in a cost-efficient manner. In a time when we have such pressing budget needs like home health care, independent oil and gas needs, drought assistance and many other crucial areas, it is not responsible to restrict the Census Bureau from using a cost-efficient plan that utilizes sound science.

The Census Bureau, under the direction of President George Bush appointee Barbara Bryant and the National Academy of Sciences, developed the Census Bureau's plan to use modern scientific methods to obtain the most accurate count possible; not all of the other allegations we have heard today. This came from that individual and that plan and that is the way it should be. This plan is supported by scientists and statistical experts in the field. The plan uses the same methods that determine the gross national product and the national unemployment rate.

On Friday national figures on unemployment rates will be released. I cannot imagine that anyone will rise up in outrage questioning the validity of those numbers. Why is it that in so many other government functions, such as unemployment rates, that science is not questioned? Why should we abandon science for partisanship in this issue?

I urge my colleagues to support the Mollohan amendment so the Census Bureau can use its cost-efficient plan to obtain an accurate count in 2000.

Mr. ROGERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time and I rise in very strong opposition to the Mollohan amendment. I oppose it because it is dangerous, I oppose it because it is fundamentally unfair to minorities, and particularly to the most undercounted minority in the last census, and I speak from experience.

In the 1990 census I worked as a lawyer in the Arizona legislature advising the legislature on restricting. I worked every day on census tracks and census blocks. I can tell Members that while sampling, or polling, as the proponents of the Mollohan amendment want, may work in theory, in practice it will not work. And beyond that, the census sampling proposal by the Census Bureau this year is fundamentally unfair to minorities.

Let us start with the beginning. Number one, many of my colleagues have pointed out that sampling is less accurate in small areas. The most important part of sampling is redistricting.

Redistricting is built from very small census blocks, which can be as small as 10 or 20 people or as large as thousands of people. But when you go and work on the maps as I did in 1990, and you are working with tiny little blocks that have 200 or 300 people in them or less, guessing, or sampling, will produce incredible inaccuracies. It is in that regard less accurate.

Second, they propose that we are going to do an actual count of 90 percent and then guess the last 27 million people, another 10 percent. My 12-year-old son can tell me, "Dad, how do I know if I've got 90 percent if I don't know what 100 percent is?" Their answer to that is, "We're going to guess at what 100 percent is." Therefore when we say we have gotten to 90 percent, that will be a guess. That is a massive invitation for fraud and problems.

But let us talk about the human motivations. Since the founding of this country, we have told Americans, "It is your duty to turn in your form and to tell the government about your family, fill out your census form." This year we are going to send a very different message under the Mollohan amendment. We are going to tell people, "Send in your form but, oh, by the way, it doesn't matter because we're not going to count you." As a matter of fact, as was pointed out earlier by the gentleman from California (Mr. THOMAS), we may even take you when you turn in your form and reject your form.

But let us talk about the most important issue, fundamental fairness to Native Americans. Their proposal, if they were concerned about fairness, is insane. They say that the current system undercounts minorities. The single most undercounted minority in the last census was Native Americans. Yet under the Census Bureau plan, for no rational reason, Native Americans will not be sampled.

We will sample Hispanics, we will sample blacks, we will sample inner cities, but Native Americans we are going to actually count. We will not even sample for them, yet they were the most undercounted in the last census. Their proposal is fundamentally unfair to the most undercounted Americans in this Nation.

I urge my colleagues to reject the Mollohan amendment as unfair and flawed.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am not a statistician. It just amazes me that some Members in this debate would kind of hold themselves out to making final conclusions about methods of conducting the census and disparaging statistical sampling when they are not experts, I do not think they have been qualified as experts, and they are really going up against the major statistical professional associations in the country, and they are opposing their view that sampling is valid and the best technique to get a real count of the number of people in our country.

Let me just list them again. Recommending the use of statistical sampling in the 2000 census to get an accurate count of the number of people in this country are none less than the American Statistical Association, the Population Association of America, American Sociological Association, the Council of Professional Associations on Federal Statistics, the Consortium of Social Science Associations, and the National Academy of Sciences rounds out that very distinguished group, just so folks understand what they are coming up against.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, much has been said about this debate. Much is going to be said. But after all is said and done, there are some facts that will remain the same. Fact number one, African-Americans and the poor have been undercounted in this country since 1790. Even the Constitution allowed for African-Americans, for blacks, to be counted as three-fifths of a person. Now there are those who would tell us 200 years later that it is all right for the poor to be undercounted because they are hard to find. It is all right because you do not know where they are. It is all right because they live way out in rural America. It is all right because they live under the viaducts in the big urban cities.

The only way that the people of this country will be counted is to pass the Mollohan amendment. We missed almost 9 million people the last time, 9 million of the poorest people in America. Millions of dollars of entitlement moneys should have gone to them and to their cities. It is amazing to me that someone could come to the floor of this House and suggest that sampling is unfair to the minorities in this country.

Mr. Chairman, I would urge, let us be real, let us be serious. Every newspaper in America, and we do not live by newspapers, but the Chicago Tribune, the Sun Times, New York Times, Los Angeles Times, Buffalo Times, Commercial Appeal, from Memphis to Maine, all of the newspapers have said that scientific sampling and full funding of the census is the way to go.

Mr. Chairman, I rise today to support the Mollohan amendment for two reasons. First, this amendment strikes language in the bill that restricts funding for the Census Bureau. The amendment allows the Census Bureau to proceed with its plan to conduct the fairest and most accurate Census to date.

The 2000 Census is perhaps one of the most important issues of our day. We are charged with the responsibility to ensure that everybody is counted. Because if you are not counted you do not count. Since the first Census in 1790, there was a significant undercount especially among the poor and disenfranchised. 200 years later in 1990, it is estimated that the census missed 8.8 million people.

In Chicago, the City of the big shoulders, the 3rd largest City in the nation, a city with one of the largest concentrations of poverty in urban America, the undercount was about 2.4 percent, or about 68,000 people which translates into at least 2 million dollars of entitlement money which could have and should have been used to feed the hungry, clothe the naked and provide shelter for the homeless. It is inconceivable that we could allow this to happen again and that is exactly what will happen unless we fully fund and implement a scientific approach to the census. The African American undercount in Chicago was between 5 and 6 percent. Most of those who were not counted were people living in cities and rural communities, African Americans, Latinos, Asians, and the poor.

None of us believe that newspapers are always right, but we must admit that a cross section of them often have their fingers on the pulse of the people and all the way across

America, Roll Call here in D.C., the Chicago Sun Times, the Buffalo News, the Chicago Tribune, the Christian Science Monitor, the New York Times, the Los Angeles Times, the Atlanta Constitution, the Bangor Maine Daily News, the St. Louis Post Dispatch, the Commercial Appeal in Memphis, the Houston Chronicle, the Dallas Morning News and others have all written about scientific sampling and full funding for the Census.

They knew that when every American is not counted America loses, cities lose and people are denied valuable resources and representation in Congress, State Legislatures, County Boards and City Councils.

Secondly, I am supporting this amendrhent because it avoids the risk of a census shutdown and serious disruptions to census preparation. This amendment ensures that the census bureau has sufficient funding to carry out its plan.

This is a common sense amendment that allows the census bureau to move forward with their important work of making sure that we have the most accurate census possible. I urge my colleagues to support accuracy and support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Chairman, I rise today in support of the Constitution and our Founding Fathers' wisdom to call for a "full enumeration" census and not a statistical sample that is bound to be flawed.

Mr. Chairman, the census is one of the most important activities our government undertakes each decade and we should take it very seriously.

The U.S. Constitution requires that a census be conducted every ten years in order to apportion the House of Representatives among the 50 states. The entire configuration and redrawing of legislative districts from federal to state to local jurisdictions is based on the census and helps ensure the democratic principle of equal representation.

But despite the seriousness of the census, the Administration has moved to ensure we have a failed census. Listen to the Government Accounting Office and even the Administration's own Commerce Department's Inspector General who have stated this sampling plan is "high risk."

Mr. Chairman, it is time to get serious about the census and follow the Constitution of the United States of America. I certainly have faith in our founding fathers belief in the importance of conducting an accurate census and we should as well. We should work for nothing less.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. HASTERT), the chief deputy whip of the House.

Mr. HASTERT. Mr. Chairman, I am convinced that we are at the crossroads at the terms of the decennial census. Either we will pursue a census with the goal of actual enumeration or we will allow the Clinton administration to gamble on a population polling scheme with the stated aim of not even trying to count everyone in the system.

I am sorry my good colleague from Illinois talks about bringing in racism in this thing. Not at all. What we really need to do is to look at this issue and make sure that every American is counted. We need to make an extraordinary effort to make sure that every American is counted. Every American should stand up and be counted in this country, not to be some statistic.

What really happens in actuality, you take 90 percent of the people, those people who turn in their forms, that do the things they were requested to do, and then if you have 95 percent of the people that turn this in, you throw away 5 percent. You uncount people. That is wrong. That is absolutely wrong. It should not be done.

□ 1200

Then they take a statistical guess at who makes up the rest of that 10 percent.

Mr. Chairman, as my colleagues know, what we need to do is what is right for the American people. We need to count the American people, we may need to make an extraordinary effort so that every American is counted, and that is in the cities and countryside and suburbs and everywhere, that we have a true representation of who the American people are, who that American portrait is, because it is tied to something else. It ties the representation of this House. And, if we guess who the American people are, then we guess who should be represented in this House of Representatives.

Mr. Chairman, that is not good enough for the American people.

We need to move forward, we need to not take the advice of Barbara Bryant, who was the person who headed the 1990 Census that some people say 5 million miscounted or 9 million miscounted. We need to go forward and count and do the job that cities like Milwaukee and Indianapolis and Cincinnati did do, and even the guesstimate of the 5 million people was wrong.

Mr. Chairman, we cannot afford to be wrong on the 2000 Census.

Mr. Chairman, as the Chairman of the House Subcommittee which formerly had jurisdiction over the Census Bureau, I rise in opposition to the Mollohan amendment. I am convinced we are at the crossroads in terms of the decennial Census. Either we will pursue a Census with the goal of actual enumeration; or we will allow the Clinton Administration to gamble on a population polling scheme with the stated aim of not even trying to count everyone.

I think it is important that the American people understand how the Clinton Administration is proposing to conduct our Census. Rather than trying to count people one-by-one, the Census Bureau is proposing a complicated, and highly risky, population polling scheme. In essence, they propose to count 90 percent and guess the rest. Why do they favor such a risky scheme?

When asked, the Census Bureau claims "trust us" it will be more accurate and cost less. I beg to differ.

While I wholeheartedly support both these goals of saving taxpayer dollars and making sure everyone is counted, I am not convinced that polling is the solution. In fact, the more I understand about the Administration's plan, the more I am convinced that polling will lead to a less accurate and ultimately more costly Census. Or, more likely, a failed Census.

We have a basis to judge the Bureau's claim that polling will lead to a more accurate Census—the Post Enumeration Survey conducted during the 1990 Census. The results of this guesstimate suggested that 5 million persons were not "counted." The only problem is that these so-called "scientific" calculations were wrong. Because of a glitch in the computer software, 2,500 cases were misidentified. While 2,500 cases in a census of 250 million seems trivial, because of the use of sampling this mistake was magnified many times. In 1990, once the error was identified, the Census Bureau reduced it's estimate of the undercount by a million persons. As the Las Vegas Review-Journal noted just last week, "garbage in, garbage out."

As disturbing as the potential for technical errors is—and the General Accounting Office noted that similar software problems persist—I am particularly concerned about what will happen to Census forms turned in on time, by real people. Because of the use of statistical adjustment, real people will be deleted from the Census. Let me repeat—the Clinton Administration proposes to delete real people from the Census. Once again the 1990 Census poll illustrates this point. Had we used statistical adjustment for the 1990 Census, people in 9 counties in my home State of Illinois would have been deleted from the Census. Yes, Mr. Chairman, they would have been dropped from the Census because some poll said they did not exist, even though they turned in their forms—this is wrong. But don't take my word for it, Howard Hogan, the Acting Chief of the Decennial Statistical Studies Division, admitted that nearly 1.5 million records would have been subtracted had adjustment been used.

To me, the Census is not just a process. It is a decennial portrait of the Nation. Every 10 years, each person has the affirmative right to be counted. What do we say to the person who lives in Elgin, IL, who says "I am a 24-year-old American of Irish descent, who lives in an apartment with my husband and 3-year-old son, and my form was deleted from the sample?" I, for one, am not willing to tell her: "Don't worry. Although, we did not count you, we polled people like you and our odds of guessing your information correctly are quite good." I ask you, how can this be more accurate?

I have pointed to several problems I see with the Bureau's plan to supplant enumeration with polling. I also have pointed out that our experience with polling during the 1990 Census was not a good one. Although the Census Bureau assures us that we should not worry, that the problems of 1990 are in the past, I remain unconvinced for a variety of reasons:

First, the Census Bureau has not solved many of the operational problems which plagued the 1990 sampling plan. During the 2000 Census, the Bureau plans to poll 750,000 households in less time than it took them to poll only ⅕ of that number in 1990. And, given the strict deadlines that the Bureau faces to get the population numbers reported—at the same time Americans will be struggling with their tax forms—shouldn't we be concerned about quick fixes, made on-the-fly, to the adjustment models in order to get the results done? Do we really want this much power in the hands of a dozen people at the Census Bureau?

Further, a critical element of the population polling scheme, the Master Address File, is seriously flawed. The GAO pointed out that, for two test locations in 1995, the Master Address File did not include about six percent of the addresses identified through field verifications; and that some of the addresses belong to commercial buildings, not households. How can the Census Bureau conduct a random poll of all the households in America if it can't even identify where people live?

Finally Mr. Chairman, I am concerned about the potential for political manipulation in this plan. Although the Clinton Administration has assured us that politics will not be part of this census, I am not convinced. They have said "trust us" before, remember Citizenship USA. For instance, the decision to count only 90 percent of the population is itself an arbitrary figure. I have heard no scientific rationale why 90 percent is the magic number. What if they are not able to reach this goal? Does this mean that the Census will have failed? Not according to the Census Bureau. The dirty little secret of this plan is that the poll, not actual enumeration, is their first priority. In short, under the Census scheme proposed by this Administration, actually counting people is incidental to the final count—our population, and it's characteristics, will be determined by polling guesstimates. Why did the Census Bureau decide that they needed to count 90 percent of the population? Mr. Chairman, it is my belief that this figure itself was chosen for political reasons—it was the smallest number they felt the Congress and the American people could swallow. The plan to count 90 percent is a fig leaf, a subterfuge, a sham designed to cover-up their population polling scheme. Make no mistake about it, the final numbers will be determined by a poll and they will not be dependent in any way, shape, or form upon actual enumeration. Furthermore, if for any reason the polling scheme fails, we are up the proverbial creek because the Census Bureau will have stopped counting at 90 percent.

Let me be clear, I strongly support the goal of a more-accurate census. However, I believe we can accomplish this using methods we know work. First, the linchpin of any good census plan, is to insure that the Master Address File is accurate. As of this date, we have no assurance that this will be done in time. Secondly, we need to engage in a significant outreach program to get local and state officials, as well as community leaders, involved in the census. Finally, we need to engage our local communities. We need to organize census events and educational programs. We need to reach out to minority leaders. We need to assure people who, for whatever reason view participation in the Census with suspicion, that all their specific information is confidential.

Mr. Chairman, I know we can do an accurate Census; one in which the goal is to count everyone—certainly not count some and guess about others. As Chairman of the Subcommittee formerly with jurisdiction over the Census, I asked the Commerce Department's Under Secretary in charge of the Census a simple question: If a bank teller gave you a stack of one dollar bills and told you that he thought that there were $1,000 there, how would you react? Would you accept the guess, or would you count them? With reluctance, the Under Secretary finally admitted that in order to be sure he got all his money, he would count it.

Mr. Chairman, I couldn't agree more. In order to be accurate, let's count all the people in 2000 and not bank our future on a population polling scheme. I urge my colleagues to defeat the Mollohan Amendment and to support an accurate count.

Mr. MOLLOHAN. Mr. Chairman, we all agree on that.

Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, the opponents of a fair and accurate census have implied that both the Inspector General and the GAO have said that the 2000 Census is headed toward failure because of the use of statistical methods. In fact, just the opposite is true. The Inspector General said in testimony before Congress:

> I have fully supported and have been recommending sampling for some time. In fact, the Bureau needs to increase the amount of sampling over that presently planned.

Nye Stevens, who directs this issue at the GAO, also testified before a Republican controlled Congress and said:

> We are particularly encouraged by the decision to adopt sampling among the nonresponse population. We have long advocated this step.

Both the GAO and the Commerce I.G. have endorsed the use of statistical methods in the census and have criticized the Census Bureau for not using them more.

Mr. Chairman, the risk of a failed census is increased by those who want to cut off funding for the census in midyear. Earlier this year the GAO said the longer this disagreement between Congress and the administration continues, the greater the risk of a failed 2000 Census.

The American people deserve an accurate count.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the House.

Mr. DELAY. Mr. Chairman, I have to rise in opposition to this amendment, and the question today is quite simple to me: Do we decide to use polls to conduct the census, or do we actually count the people as required under the Constitution? Can we trust this President to do what is right?

Now this amendment makes it easier for this administration to use polls to conduct the census. As the President said in Houston, if I can have that brought over here:

> Most people understand that a poll taken before an election is a statistical sample, and sometimes it's wrong, but often, more often than not, it's right.

So, every time the Mollohan amendment supporters say "sampling," have the word "poll" in mind, because, Mr. Chairman, this is taking polling to a very new level.

What is next? Should we poll to see if the Clinton campaign broke the law in the last election? Should we poll to see if Ken Starr is doing his job? Well, Mr. Chairman, the President is a master when it comes to manipulating the polls, but sometimes polls are not enough. Sometimes the American people need to know the truth. And when it comes to the census, the Constitution requires that we know the truth.

The most amazing thing about this polling scheme is that it will delete real people who happen to be members of a demographic group who are over-represented. Can my colleagues imagine that? Deleting real people? Do my colleagues think that the Founding Fathers ever imagined a census count that actually uncounted citizens of this country? That is what they are proposing: uncounting citizens of this Nation.

So, Mr. Chairman, we have to defeat this amendment and stop this polling madness. The Constitution requires a count of the people, not a poll of the people.

Mr. MOLLOHAN. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, it is becoming very clear that there is a real fright in this House among some Members if we go out and truly count all of the American people, something we have never been able to do. The 1990 Census, as we know, undercounted about 4 or 5 percent of Americans, and that is as close as we have ever come in trying to head count people. But there is a real concern on this side of the aisle in going after those groups that are traditionally undercounted, so much so that this House is preparing to pass legislation that would provide half-year funding for a whole host of agencies, not the least of which is the Department of Justice, the Department of Commerce.

Mr. Chairman, no American would go out and shop for half a house. No American would go out there and buy half a car. No American would plan for half an education for his or her children. No American would buy half a loaf of bread. What we want is something that we can plan for in the future, and we do not have it in this bill.

That is why the Mollohan amendment says:

Let us fund the Department of Commerce, the Department of Justice and certainly the Bureau of Census all the way through, and if the courts should say that we are wrong in going with statistical sampling, and I cannot yield to the gentleman although I would love to yield if he yielded me time to do so.

Mr. ROGERS. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. BECERRA), and, Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, does the gentleman understand that this bill funds the entire year for all these agencies and only half a year for the Census Bureau?

Mr. BECERRA. Mr. Chairman, that is not the way I see it. But I see what this majority has done is funded.

Mr. ROGERS. Mr. Chairman, I tell the gentleman that that is not so.

The gentleman is completely uninformed about what the bill does. We fund all of these agencies for the full year. The White House wants to cut it off after 6 months.

Mr. BECERRA. And the chairman was very artful in the way he describes this.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield so I can straighten this out?

Mr. BECERRA. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. The gentleman is absolutely correct with regard to the important pertinent part of this bill, and that is the Census Bureau. Indeed the Republican leadership in the House and the administration were, previous to our marking up the bill, talking about not funding the whole bill but only half the year. Well, that was nonsense. We did not do that. We funded the whole bill for half the year, except we carried on the nonsense with regard to the census, so in this bill only the census is not funded for the whole year. It stops at half a year, and it creates the same kind of malarkey and nonsense and instability in the census that we would have created with the whole bill if we had done the same thing.

It is a bad thing to do. We just did it with the census and not the rest of the bill, which is horrible, and that is the reason the census is threatened, the very point the gentleman makes, that we are only funding the census for half a year, and that is why the 2000 Census is at risk. I thank the gentleman for making the point.

Mr. BECERRA. Mr. Chairman, in 1991 then Congressman NEWT GINGRICH, now Speaker NEWT GINGRICH, said: "Use statistical sampling to adjust the count from 1990 because my State of Georgia is not going to have everyone counted."

1998, the Republicans under the gentleman from Georgia (Mr. GINGRICH) are trying to stop what he asked for in 1991. Why? Because there is such fright out there.

Now who are we going to trust? The National Academy of Sciences and the scientists, the experts, who do counting? Who? President Bush?

Then President Bush, said: "Please tell us how best to do this."

He said: "Let us use statistical sampling."

Or folks who said, "We want you to use statistical sampling," when it benefited them but now are concerned about it?

I will tell my colleagues this: Who should the American people trust? I would trust those who are devoted and have devoted a career to science, not to people who are devoted to a career of politics. That is what we have today.

Mr. Chairman, I would hope that the American people could see through the charade and understand that there are some political risks that some folks are very concerned about, and, as a result, they are willing to play with the lives of American people who have never had a chance to participate in this process.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding this time to me.

The Commerce, State and Justice bill has become part of the Clinton regain-credibility-by-shutting-down-the-government strategy.

We have a disagreement, or let us say Clinton has a disagreement. He wants to renege on last year's promise and shut down the government using any excuse to do it. And what was last year's bipartisan agreement? To maintain two tracks on the census:

Number one, the constitutional route. Remember that little rule book so carefully crafted by our Founding Fathers which many on this side and the administration consider a suggestion book, but the Constitution says, "You will count people head by head to make sure no one is left out and no one, wink wink, is put in who doesn't exist."

And then the Number Two: There is the polling method advocated by the President. The polling method is where we simply go out and we sample some of the population, we fill in the blanks on whatever discretion or whatever numbers we need.

That is what this argument is about.

Now think about this administration who has politicized the FBI, the BATF, the Immigration Service, the National Park Service, the Travel Service, the USDA and the EPA. Now they are doing the census service by bringing them into politics. And where is this Census Bureau who is so worried about their budget, so worried about the census crisis; where are they?

Well, we have done a little investigation, Mr. Chairman, and here is where they are:

Number one, the itinerary for the executives and the head bureaucrats over at the Census Bureau, they have got a busy month coming up:

Rome, Italy, Trevoli Fountain, the Coliseum by moonlight. Paris, France, Champs Elysee by summer. Wiesbaden, Germany. I am getting ready for Octoberfest, beat the rush on the beer. Armenia. Well, everybody knows Armenians are experts in the census and then of course there is Malawi and Zomba, Malawi, which, as my colleagues know, I do not know exactly what they are, but I know they are real good at counting people and we need to go down there. And of course Rio de Janeiro. In case we miss Carnivale, we can go down there in the summertime. And then Taiwan. Of course. Census crisis, go to Taiwan. Makes sense to me. Will not have problems with missile technology transfers with their neighbor.

The point is, if Clinton decides to shut down the government over this legislation, at least the Census Bureau will have enough frequent flyer points in the bank to keep running around the globe for another 3 months.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentlewoman from Florida (Mrs. MEEK), who I am sure will speak to the issues in this debate.

Mrs. MEEK of Florida. Mr. Chairman, I just want to ask the Repubs one question: What is this? Some kind of a treatise on the Clinton administration? What is it? An inquiry on the Clinton administration? Or is it a dissertation on the census? That is what we are here for. We are here to talk about the census.

And I want to tell my colleagues something. It is not funny to me. It is not funny because they have undercounted the people I represent, and they not only undercounted them, they did it in the last census and they are doing it again.

□ 1215

But it is funny to you. But it is not funny to me, because since the beginning of this country, you have grinned and scoffed at freedom for the people I represent.

There are a lot of things in this census that you are not even thinking about. The Voting Rights Act is in there. My people died for the right to vote. If you are going to skew the figures because you do not want to count them correctly, that removes the humor from this situation for me. For the past six censuses you have undercounted African-Americans. It is time to tell this country we want everybody counted.

I have been working on this census issue since the 104th Congress. Mr. CLINGER was the chairman of the committee at that time. I could not get a sentence to the front. Once we got a sentence to the front, we could not get a hearing. So it has been just a sequential means of gagging the Democrats about the census.

Now the time for this gag is over. You may as well cut it out, because we are going to let the American public know that you are taking the right that the Constitution gave us, enumeration. Define it for me. I have never seen it defined in the Constitution. It does not say that you count every head, that that is enumeration. Enumeration could include sampling. You cannot prove to me through any kind of empirical observation that it means what you are saying it means.

Now you are telling me today that you know that there will be an inadequate count, you know there is going to be an undercount, yet you are taking the risk to say so.

My good friend the gentleman from Florida (Mr. MILLER), and we are good friends, but he discussed this morning that we are working on something to help this counting, this regular enumeration.

How are we going to do it? I offered an amendment to the Republicans. They hardly let me get in the door of the Committee on Rules, let alone let the amendment be declared eligible for the floor.

There is no way we are going to be able to use these people who work in the neighborhoods to help bring about an adequate count, even by their own best estimate, and that is using enumerators. I have not been able to get that through the census.

I want to say one more thing, and then I am going to yield, because I know the gentleman is frustrated. What you have been doing is saying we are going to throw a pile of money at the census just so we can utilize these old, worn-out, tired methods. You are going to put as much megabucks in there as you can.

But I do not care how much money you put there, you are not going to be able to count them all. You have got to use some method to count them. But that is not why I am here. I am saying again, use the best method you can.

Mr. MILLER of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, I completely agree with the gentlewoman that we need to get people. When I was on the floor earlier, I spoke about how we need to work together to get people in the local communities. In the Haitian community in Miami, we need to get Haitians. We will get legislation to give the government all the possibilities. That is exactly what we need to do.

Mrs. MEEK of Florida. Mr. Chairman, reclaiming my time, I trust the gentleman, but I do not trust those other people helping you make these decisions, because if we do not use some people in the neighborhood, we will not get an accurate count. It is fruitless to try to count every person with that old traditional method. It did not work before, it is not going to work now. My appeal to you, to this Congress, is that it is impossible.

So I draw one conclusion, and I will sit down: There are some that do not want an adequate census.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS), a member of the Subcommittee on Census.

Mr. DAVIS of Virginia. Mr. Chairman, I rise in opposition to the Mollohan amendment.

We have heard a great deal about the National Academy of Sciences and their endorsement of the population polling scheme for Census 2000. Let me let you in on a little secret: The distinguished members of the National Academy of Sciences have not endorsed the plan. Indeed, the entire membership of the National Academy never endorses anything.

So what then are these three blue ribbon panels at the National Academy? The NAS regularly convenes these panels to study important problems facing the country or government, but members of the committees need not be members of the National Academy of Sciences. Indeed, most of the time there are very few National Academy of Sciences members on the committee at all.

Let me give an example. One of the three panels endorsing the use of polling to adjust the census was called the Panel on Census Requirements for the Year 2000 and Beyond. There were 20 people working on that committee. How many actual members of the National Academy of Sciences? One. That is right, just one.

The other 19 members were handpicked so that the panel would know what the answer was before they even asked the question. We are dealing with a stacked deck, Mr. Chairman. I, for one, am not buying it.

After the panel finished its work and delivered the inevitable report, did the entire National Academy of Sciences address the report? Of course not. There are members of the National Academy of Sciences who oppose the projected polling scheme. There are other panels you can say the same kind of thing for.

The American Statistical Association created a handpicked blue ribbon panel to inform the public about sampling. While all the members of this panel may have been members of the American Statistical Association, again, the horse was put before the cart. The answer the panel would have delivered was known ahead of time.

These phony panels are akin to asking Popeye if spinach should be the national vegetable. Do we ask the Seven Dwarfs to be objective about Snow White? Of course not.

Do not believe the hype. If you have no objective scientific evidence for the reliability of the population polling scheme, then we have to reject it. The GAO has already expressed their doubts about this scheme.

There is too much at stake here. We think that this amendment should be defeated. During the dress rehearsal, the GAO discovered that the Master Address File did not include between 3 and 6 percent of the households. It is fatally flawed. Reject the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Chairman, there is a great saying by a great person who once said, "Those who cannot remember the past are condemned to repeat it." Republicans have failed to learn from our past experiences with the 1990 census, at the cost of leaving out millions of Americans in the year 2000 count.

We are here today debating the Mollohan amendment simply because our Republican colleagues have forgotten about what happened in 1990, when the census failed to count over 6 million people in this country. Their collective amnesia will condemn us to repeat another failed census which disproportionately undercounts Hispanic and African Americans, children and rural residents.

Republicans like to act like they have learned the lesson of past mistakes on the great civil rights issues of our generation, when many in their party were on the wrong side of efforts to extend voting rights and desegregate public places in our country.

The census is today's great civil rights issue, and once again Republicans are standing against what is right and what will give us an accurate census. They are determined to ensure that the 2000 census has an even greater undercount by limiting funding to the Census Bureau in the Commerce-State-Justice appropriations bill to only six months.

The Republicans' action in this legislation would directly undermine the ability of the Census Bureau to plan and prepare for the year 2000 census, and it would undermine the constitutional responsibility that James Madison laid before this body to use the best data available to conduct the decennial census.

Rather than providing the Census Bureau the full funding it requires to ensure that every American is counted, the Republicans have decided to place their own partisan political interests above a fair and accurate count of every person in this Nation.

The Census Bureau has created a plan that will count everyone. It is a plan that relies on the most modern scientific methods to supplement the traditional head count, and will save us hundreds of millions of dollars in costs.

Not only does the overwhelming majority of the scientific community support the Census Bureau's plan, the National Academy of Sciences has concluded that using scientific statistical methods is the most valid and cost effective way to count the population. Most importantly, the Federal courts have given the Commerce Department and the Census Bureau the authority to determine what are the best methods for conducting the census. Republicans ignore the expertise of the scientific community and the decisions of the courts. Their political position flies in the face of the facts.

Republicans are repeating the mistakes of the past. Democrats have learned from these mistakes and are working towards achieving a better census and a more accurate count of all Americans.

The Mollohan amendment would require the Census Bureau to continue planning for the 2000 census until the Supreme Court makes the final determination of what is constitutional. It is the only logical choice for Democrats and Republicans alike who want to see preparation and planning for the 2000 census proceed without political interruptions.

Let me add one further point. If we do not get an accurate census, it will have enormous economic implications for every community in this country. I have had both Republican and Democratic mayors say to me that this issue is the most important economic issue for their city, their town, their county, their village.

This is not just about politics, although, unfortunately, it has become that. It is about the economic future of every city, village and town in this country. Democratic and Republican mayors alike want sampling because they realize it is the only way we are going to get an accurate census.

Vote for the Mollohan amendment. Let us keep the promise of the Constitution. Let us get an accurate count. Let us do the right thing for the American people.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, this is not a complex issue. This is an issue about the very basis of our representative form of government. You do not have to have a Harvard degree to understand what the Constitution says. Article I, Section 2, says the actual enumeration shall be made. The 14th Amendment says counting the whole number of persons in each State.

I defy anyone to come and show me where the Constitution, this is the Constitution, where it says we conduct polling, we conduct statistical sampling, we conduct statistical methods.

We are spending $4 billion to conduct the census to determine our representative form of government and who comes here and represents the people, the very foundation of our democracy. The very least we can do is count each and every individual.

Two thousand years ago, citing Luke 2, Verses 1 through 7, in those days Caesar Augustus published a decree ordaining a census of the world, and then they counted, 2,000 years ago, every person. Today we can do at least the very same for representative government.

Mr. MOLLOHAN. Mr. Chairman, we have come a long way in 2000 years.

Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from New York (Mrs. MALONEY)

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, earlier my colleague from Florida mentioned to the gentleman from Florida (Mr. MILLER), "I do not trust you."

I would like to really respond to some of the statements that the gentleman from Florida (Mr. MILLER) has made on this floor and in the many meetings we have had in the Committee on Census. He has often referred to a book called "How to Lie about Statistics" written by Darrell Huff, and he uses this as an example in his arguments against the use of modern scientific methods.

Well, I decided not only to read the book, but to call the author. And, guess what? He supports modern scientific methods. I quote from Darrell Huff: "I do not think there is any controversy among professionals about the validity of sampling studies or statistical methods. They are universally used and in some cases they are the only methods possible."

Mr. Chairman, I will put into the RECORD quotes from leading experts on statistics and quotes from editorial boards across the Nation, including Barbara Bryant, former Director of the Census Bureau.

CENSUS 2000: EXPERTS SUPPORT AN ACCURATE CENSUS USING STATISTICAL SAMPLING

The National Academy of Sciences resolved in 1995 that, "[P]hysical enumeration or pure 'counting' has been pushed well beyond the point at which it adds to the overall accuracy of census. . . . Techniques of statistical estimation can be used, in combination with the mail questionnaire and reduced scale of follow-up of nonrespondents, to produce a better census at reduced costs." And again in 1997, the National Academy of Sciences concluded, "It is fruitless to continue trying to count every last person with traditional census methods of physical enumeration." [Report of the Panel on Census Requirements in the Year 2000 and Beyond, Committee on National Statistics, 1995; U.S. Department of Commerce, Bureau of Census, Report to Congress "The Plan for Census 2000," August 1997]

Dr. Barbara Bryant, Director of the Census Bureau under Former President Bush wrote in a letter to Speaker Gingrich, "[O]ur social and economic development as a nation will be served best by striving for the most accurate census possible. In every decade, that will be one which combines the best techniques for direct enumeration with the best known technology for sampling and estimating the unenumerated." [Dr Barbara Bryant of the University of Michigan Business School's National Quality Research Center in a letter to Speaker Gingrich, 5/12/97]

The American Statistical Association stated, "It is unwise to prevent the use of 'statistical sampling,' which is a long established and fundamental component of statistical science . . . it is essential to obtain as accurate a measure as is possible using the best statistical tools available at the time of a census. The environment and methodologies are different today from those 200 years ago, and they will be different again in the 21st century. We urge you to support using the latest scientific methods to assure that the Census 2000 results are the best current knowledge and science can provide." [ASA Letter, 6/13/97]

The General Accounting Office said it is "encouraged that the Bureau has decided to sample those households failing to respond to census questionnaires rather than conducting a 100-percent follow-up as it has in the past . . . Sampline households that fail to respond to questionnaires produces substantial cost savings and should improve final data quality." [1997]

Department of Commerce's Inspector General, Frank DeGeorge, remarked, "The Census Bureau has adopted a number of innovations to address the problems of past censuses—declining accuracy and rising costs. One innovation, which we fully support, is the use of statistical sampling for non-response follow-up." [October 1995]

The National Research Council concluded, "Change is not the enemy of an accurate and useful census; rather, not changing methods as the United States changes would inevitably result in a seriously degraded census." [The Panel to Evaluate Alternative Census Metholoigies, "Preparing for the 2000 Census: Interim Report II," June 1997]

The Population Association of America's President, Douglas S. Massey, asserted, "The planned and tested statistical innovations [in the census] . . . have the overwhelming support of members of the scientific community who have carefully reviewed and considered them. If their use is severely limited or prohibited, the 2000 Census planning process will be obstructed, and the result could be a failed census." [June 1996]

[From Roll Call, July 16, 1998]

Y2K II

There'll certainly be hell to pay if the nation's banking, power and communication systems shut down because computers confuse the year 2000 with the year 1900. Government will get blamed for not doing enough in advance to handle the problem. But at least public officials will be able to say that the disaster was not originally of their making. That's not the case with the second Y2K meltdown that's impending: a failed 2000 Census, which took another step toward reality yesterday in the House Appropriations Committee.

On a party-line vote the committee's Republicans moved to give the Census Bureau only half of its funding for next year and to release the rest next March—if and when Congress has voted on how the census should be conducted. This was a blatant and dangerous move to keep the bureau from even planning to implement statistical sampling as a counting method.

It's important that the Census Bureau be fully funded from the get-go in fiscal 1999 because much of the agency's vital preparatory work for 2000 needs to be done early in the year—regardless of how the sampling issue finally gets decided. Offices must be leased, employees hired, questionnaires printed and computers bought—which can't happen efficiently without full funding. Moreover, if there are delays approving a second tranche of funding in March, offices will have to be closed and employees let go, making a botched census even more likely—again, regardless of how the sampling issue is resolved.

The responsible way to handle the sampling issue is to let the Supreme Court decide whether or not use of modern statistical methods violates the constitutional mandate of an "actual enumeration" of the population each decade. We do not see how the Court can possibly decide that it does in view of the changes that have previously been made in the census. Until 1970, census-takers actually went around counting the number of persons in households. Since then, written questionnaires have been the main counting method, supplemented by personal visits. It's been conclusively determined that both methods systematically undercount the population, especially in minority and poor communities. So the Census Bureau wants to supplement visits and mailers with sampling to achieve a more accurate count.

We'd bet that the Court will find that what the Framers meant by "actual enumeration" was "a real count" of the population—as opposed to guesswork or political logrolling—to determine distribution of Congressional seats and government benefits. But we could be wrong. If so, there won't be sampling in 2000. If the court decides that sampling is OK, though. Republicans will have no legitimate reason to oppose the practice. To block it, they'd have to say they want minorities to be undercounted—a disgraceful proposition that's unsustainable politically or morally. The GOP has every right to want sampling to be conducted in an honest, professional manner. But it's covered this problem by creating a bipartisan census oversight board.

So, we urge the full House—or the Senate—to assure full funding for census preparations. One Y2K problem is plenty.

[From the Washington Post, July 15, 1998]

Games With the Census

The House Appropriations Committee is scheduled today to take up the bill that contains funds for the year 2000 census. It ought to provide full funding for the kind of census the administration has proposed—first a normal count, then the use of sampling and other statistical techniques to determine how many people were missed and adjust the final figures accordingly. That's the only way to combat the increasing undercount of lower-income people and minority groups especially that has skewed the census in recent years.

But the Republican leadership doesn't want to do it. They argue that sampling is illegal, in that the Constitution requires an "actual enumeration," and that even if not illegal it is suspect and susceptible to manipulation. They also worry that a census adjusted to eliminate the undercount could cost them seats and, conceivably, even control of the House in the next redistricting. On the other hand, they don't want to be put in the position of seeming in an election year to advocate less than full rights for minority groups and the poor.

To avoid that, they worked out a deal last year with the administration. This year's appropriations bill would be for six months only. They would thus be ensured of another chance to vote on the issue after the election; meanwhile they would have more time to seek a ruling from the courts. At the same time, preparations for a census including sampling could go forward, and when the big vote finally came, the administration would have a hostage—both sides would, in a sense—in that the census issue, because of the appropriations' placement in a bill funding three departments, would be intertwined with those three departments (State, Justice, Commerce), and thus the conduct of foreign affairs and most federal law enforcement. A veto over the census issue would involve a broader government shutdown for which neither party would want to be responsible.

That was the deal. The Republicans now propose to get out from under it by putting just the funding for the decennial census on a six-month basis. Nor would they provide even all the funding needed for the six months. Next spring they'd be able to hand the president a take-it-or-leave-it proposition—fund the census on their terms or not at all—with no cost to themselves in terms of shutting down other functions of government. In the meantime, they would foul up, for lack of sufficient funding, the normal preparations for the census. This would be to avoid the awful prospect of an accurate count two years from now. Administration officials say the president will veto the current bill if it deviates from last year's understanding. So he should.

[From the Scranton Times, June 27, 1998]

Keep Politics Out of Census

Samuel J. Tilden surely wished there had been an accurate census way back in 1870. If there had, you see, he would have been elected president of the United States in 1876.

Mr. Tilden, who had broken up the Tweed Ring in New York City, went on to become governor of New York (and later, the chief benefactor of the New York Public Library). And, in the presidential election of 1876, he actually received more popular votes than his Republican opponent, Rutherford B. Hayes.

In the Electoral College, however, Mr. Hayes received one more vote than Mr. Tilden, and became president. Only later did scholars discover that, because of an error in the 1870 census, the Electoral College votes had not been properly distributed, and that Mr. Tilden should have been elected.

That is a dramatic example of the impact of the census, even 122 years ago. Today, the census retains the potential for those kinds of problems but it is even more important, affecting the life of virtually every American. Census data are used for everything from establishing congressional districts, to distributing federal funds, to controlling the test-marketing of new products.

GOP WORRIED ABOUT CONGRESSIONAL SEATS

Unfortunately, as the 2000 Census draws near, the only issue that matters in Congress is the determination of congressional districts. Republicans who now control Congress actually are arguing against accuracy in the 2000 count, with largely spurious claims.

It is now known that the 1990 Census was the first one since 1940 to be less accurate than the one before it. In 1980, the census missed about 1.2 percent of the population. In 1990, it missed 1.8 percent. That would not be particularly alarming but for the fact that the count consistently missed certain groups more than others. It undercounted blacks by a whopping 4.4 percent, for example. Republicans in Congress worry that actually counting those folks next time would result in some congressional districts more likely to vote Democratic.

CONSTITUTION PROVIDES FOR INNOVATION

The National Science Foundation and a host of experts on the census have recommended the use of sophisticated statistical sampling methods to complement actual enumeration in order to achieve a more accurate count, and the administration plans to do that.

Republicans have raised the spurious claim that the Constitution requires actual enumeration. The Constitution mandated actual enumeration only in the first census, however. It states: "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct." The manner that Congress by law should direct should be enumeration plus statistical sampling, using every proven statistical technique at the government's disposal.

[From the Buffalo News, June 15, 1998]

Make the Census an Accurate Count

Why are Republicans afraid of a more accurate census?

It's the question that remains after the courtroom wrangling the other day between lawyers for House Speaker Newt Gingrich and those representing cities like Buffalo that have significant numbers of minorities and poor people.

Gingrich was in federal court trying to block the Census Bureau's plans to use statistical sampling methods that almost all experts agree would make the 2000 headcount far more accurate than the 1990 attempt.

For reasons having to do with everything from distrust of government to the transiency rates of the poor, the traditional door-to-door effort to count people every 10 years misses lots of minority and poor Americans. Most of them live in urban cities like Buffalo and New York. With a variety of federal and state aid programs pegged to population figures, cities and states that are the victims of census undercounts miss out on money they need and deserve.

Equally important, the census counts also affect the drawing of congressional districts. That, in turn, impacts on elections and helps determine which party controls the House and state legislatures.

The technical dispute is over the "enumeration" called for in the U.S. Constitution. Republicans insist that the term means there must be an actual head count and no sampling.

The Census Bureau, cities and minority groups, arguing the other side point to accompanying language saying the census shall be conducted "in such manner" as Congress directs. Logic dictates that the framers would never have included that language if they were mandating only one way to conduct the census and meant to leave no room for improvements, such as through sampling.

But the argument really is more about political power than logic. Republicans privately fear that a census that reveals more minorities and poor people could lead to a redrawing of legislative districts in ways that threaten GOP office holders. That could shift the balance of power in the House or in some state legislatures.

Of course, such a fear seems to assume that Republicans feel they have nothing to say to minorities or poor people. Is that what GOP leaders mean to concede? Any party that feels it has ideas that can compete for the minds of voters shouldn't worry about the prospect of having more Americans counted, no matter where they live.

The bottom line is that the census should be as accurate as possible. Instead of fighting to cheat cities like Buffalo by perpetuating undercounts of certain populations, the GOP should be fighting with ideas that can attract those newly-counted Americans.

[From the Pittsburgh Post-Gazette, June 14, 1998]

CENSUS SENSE—THE USE OF "SAMPLING" IS SCIENTIFIC AND CONSTITUTIONAL

Since 1790, the United States has conducted a census every 10 years as required by the Constitution. As difficult and error-prone as this process always has been—George Washington and Thomas Jefferson thought the first count was too low—the task has become more difficult as the nation has become bigger and more mobile. Unless an adjustment is made, the 2000 census threatens to be the most inaccurate yet.

The record for error was set in 1990—the first census in recent history to be less accurate than the one before. The Census Bureau estimates that 10 million people were missed in the 1990 census and 6 million were double counted. Thus the census undercounted approximately 4 million people. The Bush administration rejected requests to adjust the figures.

Republicans are again resisting adjustments, this time in the method to be used for the 2000 census. They oppose using sampling, which the Census Bureau, the National Academy of Sciences and the Clinton administration say will make the count more accurate—and cheaper.

The issue may seem arcane but the stakes are high. Of the $125 billion that went to state and local governments in 1990, about half involved calculations based on census data. And, of course, the census is used to determine the apportionment of U.S. House seats, a fact that worries the GOP because the census disproportionately undercounts pro-Democratic minorities.

Naked self-interest, however, is dressed up in respectable arguments. Two lawsuits have been filed to prevent census sampling, one of them brought by House Speaker Newt Gingrich. The main contention is that sampling is unconstitutional, because Article 1, Section 2, of the Constitution requires that an "actual enumeration" be made.

To read this section as saying that sampling is banned as a supplement to actual counting is absurd. As the Census Bureau itself notes, the Justice Department has given an opinion on sampling on three occasions—during the Carter, Bush and Clinton administrations—each time concluding that sampling is constitutional.

Because the opposition has been so overstated, the average American could be forgiven for assuming that the Census Bureau intends to go out and use a few strategic samples in lieu of a count, much like public opinion or TV rating pollsters. That is far from truth.

Census forms will still be mailed out—short forms to five out of six households and a long form for the sixth. Just as in 1990, when only 65 percent of the forms were returned, census workers will go out and try and reach those who did not respond.

But because experience shows that it is impossible to contact everyone (and expensive to try), the census workers will aim to reach a minimum of 90 percent of the households in each census tract. The difference will be imputed on the basis of the data of those who were reached in follow-up visits. In addition, a sample of 750,000 households nationwide will be made as a safety check on the calculations.

Sampling is not weird science; many experts in the field favor the method. It also has ample precedent. As it is, the Census Bureau takes 200 sample surveys each year. Some sampling in a major census was done as long ago as 1940.

As a panel from the National Research Council observed, "It is fruitless to continue trying to count every last person with traditional census methods of physical enumeration." Census day 2000 is April 1. The nation will be ill-served if partisan politics obstructs the use of the best way to get the most accurate count.

[From the Chicago Tribune, June 6, 1998]

THE WISDOM OF CENSUS SAMPLING

Trying to count every one of the 260 million-plus people who reside in the United States is a literally impossible task. No matter how much time, money and effort the Census Bureau expends, it can never hope to get a perfectly accurate count. In the 1990 effort, the bureau concluded, it missed some 8.4 million people and counted 4.4 million people not once but twice. And relying on old techniques, the count is getting steadily less accurate.

That's of some importance, since congressional seats and federal money are divided up by population. but it is a deeply divisive issue in Washington.

The Clinton administration and its allies in Congress, along with the National Academy of Sciences and the great majority of experts in the field, favor a census Bureau plan to use a statistical method known as "sampling" to estimate the millions of people who escape the old-fashioned head count. Republicans, fearful that most of these people are the sort who tend to vote Democratic, are resisting that suggestion. They have filed a lawsuit challenging the method on constitutional grounds and, if they lost in court, they hope to block it with legislation.

The president raised the volume on the issue last week with a speech in Houston—where, he said, the last census missed some 67,000 people. By this estimate, sampling would cut the number of people which are missed by the census to just 300,000. It would also save money.

Republicans claim the use of this method would violate the Constitution, which calls for "actual enumeration" of the population. But the full provision says, "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct"—which suggests that legislators have considerable latitude.

Nor is it obvious that "actual enumeration" means individually counting every person, particularly when that is known to be a seriously inadequate measure. George Bush's Justice Department issued an opinion that sampling is constitutional. A federal court is expected to issue a decision on these questions next month.

But Republicans have not made the case that a ban on sampling would make for the most accurate count possible. However inconvenient its political consequences for some, that goal has to take priority over everything else.

[From the Christian Science Monitor, Apr. 28, 1998]

DOWN FOR THE COUNT?

Every census of a vast country like the United States is an estimate. Millions don't respond to the mailed census forms, and every front door can't be visited by follow-up head counters, particularly in tightly packed urban areas.

The count came up so short in 1990 (at least 10 million) that the Census Bureau devised a plan for using sampling methods to arrive at a more accurate estimate next time around, in 2000. Sampling is an almost universally accepted statistical tool. But Republicans in Congress have dug their heels in—no sampling!

Why? Sampling's critics may say it's because the Constitution specifies an "actual enumeration." But the Constitution also says that the counting shall be done "in such manner" as Congress directs. There's nothing barring techniques like sampling. The real issue here is political, not constitutional. Some in the GOP don't really want a more accurate count of the hardest-to-find Americans, the poor and new immigrants who typically vote Democratic. Larger numbers in those categories could affect the political character of congressional districts allotted to states after 2000, when the new census becomes the basis for reapportionment. Specifically, it might become harder to create "safe" Republican House seats.

But the effects of an undercount go beyond representation. They can slow the distribution of a range of federal assistance programs, since localities partake according to their populations. Beyond governmental concerns, businesses assessing markets and researchers analyzing society rely on census numbers.

After 1990, the calls for improvement were loud. The sampling procedures drawn up by the Census Bureau are a far cry from "guessing," as some charge. The counting process would begin with the traditional mailed census questionnaire, sent to every dwelling on a master address list for the country. In 1990, about 65 percent of households responded. Follow-up interviewers will contact a large number of those who don't respond, with an emphasis on areas with high rates of non-response. The bureau hopes this will boost the total contacted to 90 percent.

But that leaves 10 percent uncounted, and now the going gets tougher. This is where sampling would have its biggest impact. A sample of 25,000 census "blocks" would be chosen for a second close, physical canvassing of every residence—a step that wouldn't be practical for the whole country. The results of this canvass would be compared to the earlier head count. "Estimation factors" would emerge that could be used to correct counts in all blocks, with a close eye to corresponding demographic features like homeownership, race, and age of residents.

This spring, the bureau will conduct some dress rehearsals of this system in geographically varied parts of the country. Congress allowed for that much. But a full-scale gearing up for 2000 remains problematic.

Preparations for the dress rehearsals have underscored another problem facing the census: It's difficult to find workers to conduct the count. With today's very low unemployment, few jump at the short-term, no-benefits census jobs. This problem will be exacerbated if Congress orders a labor-intensive, no-sampling national head count.

Meanwhile, the Census Bureau is having to split its management—one part moving ahead with the sampling plan, another working on contingency plans in case Congress flatly rules out sampling. Congress's own General Accounting Office just issued a report warning that continuing indecision over census methods could imperil the 2000 count.

One other note: If the GOP leadership in Congress has its way and demands an "actual" count, the price could be at least $1 billion higher than the sampling approach.

For a more sensible, and accurate census, Washington's politicians should back off and let the experts in the Census Bureau apply their apolitical expertise.

[From the New York Times, Jan. 17, 1998]

Taking Leave of the Census

The resignation of the Census Bureau's Director, Martha Farnsworth Riche, does not bode well for hopes that the 2000 Census will be more accurate than the flawed effort in 1990. Ms. Riche, a respected professional demographer, says she has accomplished her goal of redesigning the census process, but regrettably she will not see the difficult task to completion. Her departure robs the agency of the leadership needed to resist political efforts to hijack the census.

Ms. Riche has had to battle fierce political opposition from Republicans on the use of statistical sampling to supplement the traditional head count in the upcoming census. The 1990 Census, which did not use sampling, was the most costly in history and yet missed 10 million Americans and counted 6 million twice or in the wrong place, according to analyses by the National Academy of Sciences. That is because census counts depend entirely on locating people at specific addresses. New immigrants, those in shared housing, migrant workers, the homeless, the poor and young people tend to be undercounted. As these populations grow, particularly in larger cities, the traditional counting approach has become less and less accurate.

Professional statisticians and economists, including experts convened by the National Academy, have said that taking a sampling of those who do not return their census forms by mail and using that sample to estimate the uncounted population would be far more accurate than sending field workers out to make fruitless door-to-door counts. Ms. Riche has been a sensible proponent of this plan.

But Republicans have fought sampling because they believe that the missing millions could turn out to be minorities living in areas that vote Democratic, possibly giving Democrats an advantage since census figures are used to draw state and Federal legislative districts. In a compromise deal hammered out between the White House and Republican leaders last November, the Census Bureau was allowed to go forward with a small dress rehearsal using both sampling and traditional counting techniques this year. In exchange, House Speaker Newt Gingrich will be allowed to use government money to bring a lawsuit to stop the use of sampling in the actual census in 2000.

Ms. Riche's departure could leave the Census Bureau without a guiding force when the sampling battle resumes in Congress after this testing period. It appears unlikely that the Republicans will approve a nominee to the post who supports sampling. Yet Ms. Riche bluntly says there is probably no one in the professional community who thinks an accurate census can be taken without sampling. The Administration may decide to shy away from a confirmation battle by naming an acting director to the agency instead. The politics that drives this debate now threatens to undermine what should be a politically neutral government task.

[From the Los Angeles Times, Oct. 2, 1997]

If the Census Is Faulty, the Cities Will Pay Dearly—GOP Opposition to Sampling Could Hit California Hard

When a congressional conference committee takes up the debate in coming days over how to conduct the 2000 census, the Senate version of the bill should prevail. That version would sensibly permit the Census Bureau to use scientifically sound sampling methods to augment the direct count, thus avoiding an undercount like the 1990 fiasco that probably cost California a couple of seats in the House of Representatives and up to $1 billion in federal population-based funding.

If conference action fails to eliminate the House ban on funding for statistical sampling, President Clinton needs to make good on his threat to veto the appropriations bill that funds the Commerce, State and Justice departments, a measure to which the House attached its sampling ban. House Republicans let the government shut down in a similar standoff last year. Are they prepared to do that again?

The Constitution requires a decennial census. This head count, which is nearly as old as this nation, is becoming increasingly inaccurate because of the changing face of America. The growth of hard-to-count populations such as immigrants, the urban poor and, in some areas, the rural poor frustrates an accurate tally where individuals are physically counted. The 1990 census missed 834,000 residents of California, according to a census study completed after the official count. That costly failure also denied many Californians the fundamental right to equal representation in Congress. That's unjust.

The House GOP leadership opposes sampling, which is commonly used in public opinion polling, on the grounds that it falls short in terms of accuracy, constitutionality and safeguarding against political manipulation. In taking that position, the GOP disregards the scholarly assessment of the National Academy of Sciences.

Republicans call for a physical head count, which tends to favor affluent, married suburbanites—the traditional Republican voter base—over the poor, minorities, single people and transients who dominate many cities. Although the Justice Department in the last three administrations has interpreted the Constitution as allowing sampling, GOP leaders insist that the document specifies an actual enumeration and they refuse to proceed without a constitutional test in the Supreme Court.

On this issue, the Republicans aren't constitutional purists, they're partisans. The only heads they are counting are those in the GOP column. Ultimately this debate is not about population figures, it's about politics. If all Americans are counted, according to some projections, additional congressional districts will be required in areas dominated by minorities and the poor, who traditionally vote Democratic. Changes in political boundaries could cost the GOP up to a dozen seats—and perhaps its majority in the House—some analysts say. Those are the numbers that fuel this partisan controversy.

If the Republican majority succeeds in forcing the Census Bureau to rely on outdated methods, the GOP will probably save several seats. But that victory would be achieved at the expense of a level playing field, especially in California. The California congressional delegation, Democrats and Republicans alike, should support the census takers in the effort to gain a complete count. Democracy is not served if the numbers don't add up.

[From the Los Angeles Times, Sept. 4, 1997]

The Next Census Has To Seek Accuracy, Not Political Gain—Modern Techniques Can Ensure Fairness for California

California lost, big time, in the 1990 census. The Census Bureau believes that a severe undercount missed 834,000 residents, costing the state a House seat and billions of federal dollars.

To prevent another huge undercount in 2000 and to take a more accurate measurement, the Census Bureau wants to use scientific, statistical, computer sampling techniques to augment the traditional head count. The National Academy of Sciences supports this approach. So does the Clinton administration. But House Republicans plan to block the reform when the census spending bill comes up for a vote later this month. At stake is the potential loss of up to 24 Republican seats in the House, some political analysts say. But the fundamental right to equal representation should not rise or fall on such political stakes.

If all California residents are counted in the next census, the state could gain one or two congressional seats and a larger, fairer share of the billions in federal funds that are parceled out on the basis of population.

Undercounts tend to miss immigrants and ethnic and racial minorities, poor people and children. Transiency is a problem. To count more of the hard-to-reach population, the Census Bureau plans to send out thousands of human counters and four mailings, including forms and reminders. Forms will also be available at post offices, churches, conveniences stores, homeless shelters and other public places and through community groups. A toll-free telephone line will serve people who prefer to call in. Census officials claim sophisticated computer software should eliminate double counting caused by duplicate forms. This new community-oriented approach would work even better in tandem with computer sampling.

The House Republican leadership opposes the proposed methodology, which is commonly used in public opinion polling, on the grounds of accuracy, constitutionality and potential for political manipulation. They prefer a physical head count only, which tends to favor married homeowners who live in suburbs—the traditional Republican voter vase—over single, transient, minority renters who live in cities. The critics insist that the Constitution specifies an actual enumeration, although the Justice Department in the three past administrations has interpreted that language to allow sampling and the National Academy of Sciences offers scholarly approval.

The purely political stakes are high for both critics and supporters of sampling. The heads the Democrats and Republicans want counted are those represented on their side of the aisle. Still, accuracy, not politics, should be the key test for the 2000 census. Sampling is part of a sound strategy for gaining an accurate count.

[From the Atlanta Constitution, Aug. 1997]

Power Struggle Behind Census Debate

A long-simmering fight on Capitol Hill over how the United States counts its citizens in 2000 may strike many Americans as arcane. What difference does it make, they may wonder, whether the Census Bureau tries to count every nose or instead uses statistical sampling techniques to fill in the gaps in its tallies?

It could make a big difference. The census of 1990 undercounted U.S. population by an estimated 4.7 million people, the majority of whom are poor people in urban or rural areas and often are hard to detect through traditional means of census-taking. A more accurate census would have required federal programs to redistribute funds in proportion to the population findings.

More to the point, an exact count would have meant changing the political map of U.S. House districts—probably to the advantage of Democratic candidates because the undercounted Americans—the poor and minorities—are typically Democratic constituencies.

And that is the crux of the dispute over the methods of the next census. Some Republicans on Capitol Hill are dead-set against procedural changes they think could cost them control of the U.S. House.

The arguments against changing the current system are flimsy. They contend the U.S. Constitution's mandate of an "enumeration" of Americans every 10 years implies "counting one by one." U.S. courts have ruled otherwise, maintaining that enumeration means making the most accurate count possible, period.

Some Republicans also suggest that statistical sampling could be subject to manipulation by the Clinton administration in 2000. That is irresponsible fearmongering. The Census Bureau has a proud history of statistical professionalism and independence from politics, and should be relied on to resist any attempt to undermine its accuracy.

The limited use of statistical sampling planned by the Census Bureau has the enthusiastic backing of the National Academy of Sciences, the community of statisticians and demographers and even President George Bush's director of the census in 1990, Barbara Bryant, a respected Republican pollster. Undoubtedly, Republicans who oppose the technique for the 2000 census use it themselves to get the most precise political data they can lay their hands on.

When Congress reconvenes next month, these naysayers will do their darnedest to deny this tool to the Census Bureau. Fair-minded Republicans and Democrats must resist them. Statistical sampling is a proven and efficient way to assure the most accurate and honest count of Americans humanly possible.

[From Newsday, June 16, 1997]

THE NEXT CENSUS OUGHT TO COUNT ALL AMERICANS

The political truce that has finally allowed the flood-relief measure to move through Congress despite Republican objections over statistical methods to be used in the 2000 Census was only temporary. The census fight won't go away because it isn't really about statistics. It's about politics, of the worst kind.

For years, census officials and other statistical experts have agreed the census has undercounted minorities, immigrants and poor people in the nation's inner cities and rural areas. But Republicans have long opposed techniques to get a more accurate measure: They believe the people who would be counted would likely be Democrats, or at the least would enhance cities' political strength relative to more Republican-oriented suburbs.

That's why, before the 1990 Census, then-Commerce Secretary Robert Mosbacher overruled the census director and ordered that there be no adjustment for the undercount. The result: The 1990 Census was the least accurate ever, with upwards of 200,000 uncounted in New York City alone and the loss of billions of dollars in federal aid to some states, localities and school districts.

Now the bureau is preparing for the next census, and intends to use some statistical sampling techniques to take a better measure. The approach has been endorsed by three separate panels of the National Academy of Sciences and several groups of professional statisticians.

The Clinton administration is backing the numbers crunchers, and it is right. Republicans, panicked they might lose congressional seats with a more accurate inner-city count, intend to fight again. They are acting out of self-interest, not the national interest.

[From the Bangor Daily News, July 27, 1997]

2000 AND COUNTING

To many Americans, one of the most puzzling things about the Beltway brawl last month over disaster relief was the insistence by Republican leadership that help for flooded North Dakotans be tied to Census 2000.

The census? That boring decennial national head count? That mundane, constitutionally mandated enumeration of every man, woman and child? What's the big deal and what's the problem?

Well, the big deal is the census is a very big deal, if for no other reason than that it determines how many members of Congress, and thus how much clout, each state gets. The problem is that the 1990 census, while respectably accurate overall, revealed a continuing and unacceptable trend: certain groups, rural Americans and blacks especially, are habitually undercounted and the gap is growing.

And, the census is getting extraordinary expensive. The last one cost $2.6 billion, with much of that going to conduct house-to-house follow-ups on the 35 percent of Americans who did not mail back their initial forms. The Census Bureau estimates Census 2000, if done with 1990 techniques and if it attempts to correct the chronic undercount, could run as high as $4.8 billion.

Congressional leadership has made it clear there is no way they'll spend that much, yet, paradoxically, leadership also is staunchly opposed to a proposal the Census Bureau has to save as much as $1 billion by augmenting the follow-up with sampling and statistical analysis.

With overblown rhetoric that would cause most folks to blush, opponents call the plan, which has the endorsement of the esteemed National Academy of Sciences, a "risky scheme of statistical guessing." This from the same politicians who use sampling and statistical analysis to gauge the public's mood before every election, who use these proven and finely boned techniques to declare victory five minutes after the polls close.

Unconstitutional, they say. That sacred document requires an actual enumeration. Yes, it does, but if the Constitution were followed to the letter, felons could buy machine guns off the shelf and any Mormon male with enough hair on his chest could have 16 wives. Were they to speak today, the Founders might say "Golly, we had no idea the country would get so big, the population so mobile and so suspicious of government. Just get most accurate tally possible."

The most undercounted segment of the population is black America and, as the recent revisitation of the abominable Tuskegee Syphilis Study reminded us, blacks have just cause to be wary when someone from the government comes knocking on the door to ask a lot of personal questions. Reluctance to count them better raises a spectre of racism the GOP doesn't need and the nation can't abide.

GOP leadership says the main reasons they're against sampling is that the census is used to determine everything from congressional districts and the distribution of federal money to the makeup of state legislatures and local school boards, so the Clinton administration will find a way to manipulate the numbers to its advantage.

Certainly, this administration is no stranger to the concept of manipulation, but the charge is a little hard to take from the Party of Watergate, the mother of all manipulations. A bipartisan approach to funding the census and a nonpartisan approach to overseeing it is the logical solution.

But logic is exactly what's missing here. Rep. Christopher Shays of Connecticut is one Republican who's appalled at his leadership's stubbornness and shortsightedness.

"It's embarrassing to have my party opposed, supposedly on scientific grounds, to something scientists support," Shays said the other day. "Politically, it's a mistake. The big gainers from a better 1990 census would have been the West and the South—defintely not Democratic strongholds. Leadership is dead wrong on this."

Dead wrong, but there's time to get right. The Census Bureau will stage a dress rehearsal of the new techniques in a few selected regions next year. Congress should give the trial run a fair hearing and then decide either to go with a head count that is accurate and affordable or to stick with the exorbitant and flawed. As it stands, Census 2000 is a disaster waiting to happen.

[From the St. Louis Post-Dispatch, July 19, 1997]

GOP PLAYS GAMES WITH THE CENSUS

The battle over the 2000 census is heating up again in Congress. Republicans insist on an actual count of each and every American—something that has long proved to be impossible. The Census Bureau wants to use statistical sampling to account for the last 10 percent of the population that's hard to find and routinely missed. The bureau is right.

But this week, the House Government Reform and Oversight Committee issued a statement attacking statistical sampling, while a House Appropriations subcommittee in funding the bureau's normal operations for next year prohibited any of the money being used for statistical sampling.

This is just plain bad faith. Earlier this year, Republicans tried to force President Bill Clinton to accept a ban on statistical sampling by including it in a disaster relief bill. Mr. Clinton parried and forced them to drop it. In return, the Census Bureau promised to report in 30 days the details of just how statistical sampling would work. That deadline hasn't yet arrived, but Republicans are going ahead with their prohibition anyway, making the matter a clearly partisan issue, which it is, of course, since Democrats might benefit by statistical sampling while Republicans won't.

So Republicans don't care about the facts. But they do care about losing congressional seats if those people who are routinely missed—mainly minorities and children—are fully counted. There's no question that an actual body count will miss some of them, as it did in 1990, when 4.7 million people or 1.8 percent of the population wasn't counted, including 67,000 Missourians and 162,000 Illinoisans. Some 5 percent each were Hispanics, African-Americans and Indians.

Statistical sampling, widely used by pollsters, marketers and sociologists, can overcome this problem. Several committees of the National Academy of Science have endorsed it, and the bureau is eager to use it. It may be reasonable for Congress to wait for a detailed explanation of how statistical sampling will be applied. It is unreasonable to rush to judgment now. An accurate count is too important to be jeopardized by partisan politics.

[From the Memphis Commercial Appeal, July 19, 1997]

National Head Count

To insist that the nation's census in 2000 be done by tapping every American on the head, so to speak, is to ensure a deliberate undercount.

Yet that's the position of some conservative Republicans—for a not very honorable reason. They fear a more accurate count would favor the Democrats.

Counting every American is physically and financially impossible. The census is conducted largely by mail backed by enumerators pounding the streets. Even so, many are still missed, largely among city dwellers, the poor and minorities, who are presumed to be Democrats.

No one really knows. Some Republicans believe a more accurate count would actually favor the GOP by catching up with the explosive growth of the Sun Belt.

The count is critical because the decennial census determines who gets how many House seats and who gets what percentage of federal aid.

To ensure a more accurate count, the Census Bureau plans to use statistical samples, revisiting some of the households that fail to answer mail questionnaires and revisiting certain neighborhoods. The bureau says the extrapolations will produce a count that misses only 0.1 percent of the population.

Statistical sampling is a tested technique, refined to a level of great accuracy, and its use in other surveys, both private and government, goes unremarked.

However, a group of congressional Republicans is determined to block any use of statistical sampling. In this, they are wrong—"dead wrong," says Rep. Christopher Shays (R-Conn.), co-chairman of the census caucus.

In one other respect, they are right: Statistical sampling can be prone to political manipulation, and certainly the stakes are high enough to make it worthwhile for someone to try.

Better their efforts be directed to ensure that the statistical sampling is subject to stern, independent, outside scientific scrutiny and audit. The census must not only be accurate but must be seen to be fair and accurate.

[From the Houston Chronicle, June 23, 1997]

Accuracy a Must—Much Riding on Correct Census Count for Houston

In Congress, even the method for counting the American people is regrettably politicized. With the 2000 Census approaching, Republicans and Democrats are at odds, imagine that, over what methòd the Census Bureau should use to count the nation's population.

Republicans want to physically count each and every one, while the Democrats favor using statistical sampling, a method never before used but one Census officials believe will yield a more accurate count.

For years, the Census Bureau has infamously undercounted the population, particularly in Texas. In the 1990 count, more than 4 million people in the country—an estimated 500,000 in Texas—were missed.

Undercounting the population is not inconsequential. Texas and other states where undercounts were greatest lost out on additional House seats and, more important, billions of federal dollars ranging from Medicaid to highway construction funds. State officials believe missed heads in the 1980 Census cost Texas roughly $600 million in federal money. That is funding that, in fairness, the state of Texas cannot afford to concede again.

The Census has been particularly inept at counting inner-city minorities and the poor. An estimated 5 percent of all Hispanics and blacks were not counted in 1990. In Houston, where Hispanics and blacks account for more than half of the population, that's a major problem.

Republicans argue that the Constitution mandates that every American be physically counted. However, doing so is a practical impossibility. As well, maintaining the status quo with the traditional count contradicts the GOP's movement to make government more accountable.

Understandably, House Republicans are being dutifully protectionist about their slight seat margin, one that they feel will be threatened by more minorities being counted.

But Texas Republicans should know better than most the stakes riding on an accurate count. Houston has a great deal at stake with the accuracy of the next Census, and political party interests shouldn't take a front seat over the greater interests of the community as a whole.

[From the Houston Chronicle, June 4, 1998]

Counting Heads—No Reason To Keep U.S. Census Inaccurate

The purpose of the U.S. census is to get the most accurate count possible. If using modern statistical sampling to augment the actual head count makes the census more accurate, who could reasonably object?

No one, but then politicians afraid of losing power do not always act reasonably.

Since Thomas Jefferson conducted the first U.S. census in 1790, census takers have known that there are discrepancies between the actual number of residents and the number counted in the census. Some people are not counted; some are counted twice.

Statistical sampling is nothing more than counting some neighborhoods twice to measure accuracy. It's not a guesstimate that can be manipulated for partisan advantage. It serves the same useful purpose as an audit of financial records to make sure the numbers are correct.

In his visit to Houston Tuesday, President Clinton was right to say that the issue transcends partisan politics: "We should all want the most accurate method."

However, some Republicans believe, without much evidence or logic, that a more accurate count would significantly favor Democrats by counting urban residents that have been missed in the past. Congressional Republicans therefore oppose using statistical sampling to make the count more accurate.

They have little to fear from census accuracy. Only a couple of states might lose one congressional seat each, and the number of residents who show up at the polls and vote Democratic will not increase no matter how many residents are counted.

An accurate census serves all Americans and harms no political party. True, state and federal funding formulas would be significantly affected, but wouldn't the nation be better off if government spending were based upon accurate rather than grossly inaccurate population numbers?

Politicians who argue for keeping the census inaccurate place themselves in an untenable position. In another context they would insist the sailors compute their approximate position with a sextant and reject satellite technology accurate to a few yards.

[From the Dallas Morning News, May 29, 1997]

Census—Congress Needs To Fund New Approaches

Ah, spring, and a census taker's fancy turns to . . . statistical sampling methodologies conducive to enhanced accuracy in the decennial enumeration. How exciting.

But hold on there. Knowing the actual population of the United States is very important indeed. Census figures serve as a basis for the allocation of congressional seats and the lines for congressional and state legislative districts. In a democratic republic, how much more important can things get? Not much.

Yet civil service professionals at the Census Bureau are warning that unless Congress extends the necessary funding to upgrade the government's demographic techniques, the 2000 census could be the least accurate to date. Inner cities and rural areas will be particularly susceptible to a worsening undercount.

Capitol Hill Republicans aren't fazed. They fear that changing the status quo could undermine them and help the Democrats—which is why the disaster relief funding bill, the larger piece of legislation in which the sampling proposal is hidden, did not come up for a vote before Congress adjourned for the Memorial Day recess.

To be sure, The Dallas Morning News has in the past registered its concern over "census adjustments." Still, concerns such as the following have been answered one by one:

Accuracy. The 1990 census was the first to be less accurate than its predecessor. Now, even the Bush administration appointee who oversaw the 1990 census has endorsed sampling as promoting accuracy.

Constitutionality. The Constitution says that all people shall be counted. But numerous legal experts believe that sampling is a reasonable option that would pass muster with the Supreme Court.

Politicization. Could sampling be susceptible to political manipulation by one party or the other? That's a risk anywhere in government. Trust has to be placed in the professionalism and integrity of civil service professionals at the Census Bureau.

The most important issue in this debate over how to conduct the census should be achieving the most accurate census possible. That will promote fairness and confidence in our political system. Toward this end—whether on the basis of scientific accuracy or cost—objections to sampling are falling by the wayside, and rightly so.

[From the Bakersfield Californian, May 28, 1997]

New Census Supplement Good

The plan by the federal Bureau of the Census to supplement the actual national population count in the year 2000 with statistical projections is a good one. The purpose is to make up for people who are missed.

The problem of under-representation of significant numbers of people has been consistent and growing in recent census counts.

The primary purpose of the decennial census that is mandated by the U.S. Constitution is to apportion the 450 seats in the House of Representatives among the states proportionally by population. An undercount concentrated in a few areas could result in a change in congressional representation.

But the data from the census also is used as the basis on which federal funds for a wide variety of programs worth an estimated $100 billion are distributed to states and localities. Areas with large, traditionally undercounted populations—often moniorities and immigrants—such as California and Kern County could lose millions of dollars of federal program funds to which they are entitled.

States also use the information for how they distribute funds locally, and the private sector uses the information extensively for marketing research.

It is estimated that the error rate in the 1990 census averaged 1.6 percent nationally, but was higher on average in California at 2.7 percent. It was higher than that in some areas of the state.

Although the undercount among whites nationally was less than 1 percent, for minorities it ranged between 2.5 percent and 5 percent (for Latinos). Thus, for areas with readily growing minority and immigrant populations like Kern County, the error can be costly.

The problem is compounded because of a decreasing rate of voluntary compliance with the census. Following the main head count in the year 2000, special census takers will go into selected census tracts to determine how many people were missed. Then the Census Bureau will make adjustments.

Already the decision is being swamped in phony constitutional and mathematical arguments, mostly made by congressional Republicans.

Contrary to their claim, the Constitution does not bar use of techniques to supplement means normally used to take the census. Thus the year 2000 census should be no different legally than past ones.

Mathematically, the science of statistics can be extraordinarily accurate. Much of science, medicine and commerce depend on it.

The fact that much of the objection is partisan is telling. It is based on the assumption that the majority of the undercounted populations are among minorities who are presumptively Democrats. If so, a few congressional seats might shift to democrats.

Whether that is true or not, we would rather have an accurate national profile than a count that is incorrect by errors of omission for the sake of partisanship.

[From the Ft. Worth Star Telegram, May 14, 1997]

CENSUS POLITICS

In case you don't understand why there should be a flap about how to conduct the national census in 2000, it's because of two factors:

1. The nation's nose-counters apparently have never been able to count everyone—not even in 1790, when America's population was less than 4 million. Oddly enough, the best guess is that the 1990 Census failed to find approximately 4 million residents. The problem is that census-takers seem to be undercounting more each decade.

2. Politics, plain and simple. More than 10 years ago it became evident to professional politicians that the people the census was missing were mostly urban minorities who might be counted upon to vote Democratic. As a result, Democrats generally favor using scientific techniques ("statistical sampling") to make up for the undercount. Republicans generally oppose it, insisting upon an "accurate" head count that the National Academy of Science says is impossible.

According to one political newsletter, Republicans fear they might lose as many as 24 House seats to redistricting if statistical sampling is used.

The Constitution requires an "enumeration," period.

So the question seems to be: Do we use scientific sampling in an effort to come closer to the actual number of Americans, or do we count heads and settle for knowing that the census is as much as 2 percent off?

It is well to remember that the politicians who decry using a scientific sampling based on 10 percent of the uncounted homes are happy to stake their political futures on polls that are based on much smaller samplings. As we said, this is now mostly about partisan politics rather than "enumerating" the population.

[From the Boston Globe, May 13, 1997]

For the first time in history, the 1990 Census was less accurate than its predecessor, failing to find about 4 million Americans—roughly a million more than were undercounted in 1980.

The Census Bureau's plans to rectify this problem have suddenly become a hot issue in Washington, not because of the proposed sampling technique—professionals say it is sensible and conservative—but because of politics.

Most of those missed by the Census are poor, both urban and rural; many are minorities. They are not fictitious people whom bureaucrats theorize must exist; they are real people who live in real dwellings that the bureau knows to be occupied, but they have failed to return mailed Census forms or answer the knock of enumerators.

Although many of them are not registered to vote, they are individuals who deserve to be counted, to be recognized, and to be represented in public life. It is this last consideration that has caused a flap in Washington. If a significant portion of the undercount is restored, a number of congressional districts—perhaps as many as two dozen—may be redrawn in a way that is likely to benefit Democrats.

Republicans, led by Senate majority leader Trent Lott and House Speaker Newt Gingrich, have asked Census director Martha Farnsworth Riche to abandon the proposed sampling, but she has responded that it is the best hope for an accurate count. Congress will not and should not pay for a massive personal enumeration that would track down every last individual.

House Republicans may move this week to attach a prohibition against this technique to a supplementary appropriation for disaster relief. The Senate backed off a similar attachment, and the House should do the same.

The goal should be clear: the most accurate account possible, without excessive made-up estimates that would help Democrats and without an acknowledged undercount that helps Republicans. The country needs an accurate count of its residents regardless of political considerations.

□ 1230

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. LIVINGSTON), the very able and distinguished chairman of the full Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, hearing some of these speeches from the Democrat side, I have to believe that I am in George Orwell's "Animal Farm," and I am hearing doublespeak. A real count equals polling estimates. Yet, the words "enumeration" and "actual head counting" means undercounting. Up is down, down is up. Nonsense reigns. If they counted by head 2,000 years ago, we have come a long way, baby. We can estimate how many people are out there in the world.

Mr. Chairman, 200 years ago they were a little behind the times, too. They used the word "enumeration," "actual enumeration" every 10 years to determine congressional seats and shape the districts for elected officials, both in Congress and all around the country in local offices, State legislatures and local school boards.

They knew what they were talking about. They knew they had to go around and count people. But that is passe, because we are above that. According to the arguments by the minority, the Administration's polling plan for the year 2000 Census is fine. It would count 90 percent of the population, and estimate, estimate by polling, the remaining population. We can be sure we are right.

How can we be sure we are right when we are not counting people? What statistics reveal is very interesting, but what they conceal is vital. A central problem with polling is the political temptation, which we have seen a lot of in recent years, to adjust the results. Political objectives can shape the assumptions that must be made to frame any formula for making final rulings. That is why we are opposed to it.

Michael Barone, the author of the "Almanac of American Politics," says, "This is a White House that had no scruples about getting the INS to drop criminal checks on applicants for citizenship so that more Democrats could be naturalized in time for the 1996 elections; why would it suddenly develop scruples about adjusting Census numbers for political purposes?"

George Will, in an op-ed piece, said "Clinton's proposal for sampling—forever severing this constitutionally mandated exercise from its anchor against politicization—comes in the context of Clinton's lawlessness. Regarding the undeniable potential for political abuse of sampling, Clinton's position is: "Trust me."" That is George Will, and both he and I say, no, thank you. We have tried that before.

The Clinton polling proposition will not work. The GAO and the Commerce Inspector General said that, The President's sampling plan, his polling plan, is "high risk." The Census Bureau tried polling in the 1990 Census and it failed. Despite this failure, the Clinton administration is proceeding with a polling plan that is five times as large as 1990, and which must be accomplished in half the time.

The Census Bureau's own study shows polling is less accurate for cities and towns under 100,000 people, where the majority of Americans live. The President has threatened to shut down the entire appropriations for the Departments of Commerce, Justice, and State, unless he gets his way.

That is a blatent attempt by the President to gain political leverage, but of course that is a trick that he has not employed before, by some accounts. The fact is, it is a violation of the agreement reached between the Speaker and the President last year. We should not take cops off the beat. We should not shut down the courts. We should not hamstring our Nation's foreign policy over this problem.

Republicans want and have provided the resources to count everyone, to count everyone. How clear does it have to be? That is not Orwellian, that is not doublespeak; to provide the resources to count everyone.

We have provided $107 million more than the President's fiscal 1999 request. We fenced off the last 6 months of Census funding so that a decision on polling can and will be made in the spring of 1999. That was the deal that the Speaker and the President agreed to last fall. Is there an undercount? Was there an undercount in 1990? We can address that, too.

Kenneth Blackwell, the cochairman of the U.S. Census Monitoring Board, Treasurer for the State of Ohio, argues that a better way than polling to reduce the undercount is to use administrative forms to fill in the gaps. Forms filed with the government agencies that administer public programs are available with up-to-date information.

For example, children under 18 represent 52 percent of the undercount in 1990. Yet, as of 1996, Medicaid had records on 18.3 million people 20 years of age and under. A single mother struggling to make ends meet might not have time to fill out her Census form, but would certainly take the time to fill out Medicaid forms. We do not need polling, we need to count people.

Mr. MOLLOHAN. Mr. Chairman, I am very pleased to yield 2 minutes to the very distinguished gentleman from Ohio (Mr. SAWYER) to speak to this horse and buggy versus modern transportation debate that we have going on here today.

Mr. SAWYER. Mr. Chairman, let me clarify. Within just this past week, the GAO has testified before the Senate Governmental Affairs Committee that the Census Bureau's plan will improve the accuracy of census counts for the Nation, for States, for counties, for cities, and even census tracts, which are the basic building blocks of our democracy. They come to that conclusion because they know this has nothing to do with a poll.

The plan is very different from a poll. The Census Bureau will be making an unprecedented effort to contact virtually every household in the United States to fill out and return the Census questionnaire, and everyone who responds in all of the different ways, the unprecedented number of ways, will be counted. They will not be thrown out.

Beyond that, then, finally, sampling and statistical techniques would be used to supplement that effort in two ways. First is in following up on those households that do not respond, and sending people to them. Then, sampling will also be used to help check on those who might still have been missed or miscounted, even with those new procedures.

If polls were taken in this way, with a major effort to contact everyone in the country, followed by a very large sample to account for those who did not respond, followed by another large quality check, the results would be vastly more accurate, not only than any poll, but certainly than the 1990 Census.

None of this bears any resemblance to the way public opinion polls are taken. That is why the American Statistical Association has been so adamant in their finding that estimation based on statistical sampling, the use of these techniques to improve counts, is a valid and widely used scientific method. The President of that organization wrote that "The general attacks on sampling that the Census debate has called forth * * * are uninformed and unjustified. The truth is the Members of these panels are pulled together by their peers among the Nation's leading experts on sampling large human populations."

My friend, the gentleman from Florida (Mr. MILLER), has said that he can produce reliable and reputable academics who disagree. The chairman and the president of the American Statistical Association agrees that that is the case.

But he writes that "Those whose names I have seen lack the expertise and experience in sampling that characterize the panel members. Statistics, like medicine, has specialties; one does not seek out a proctologist for heart bypass surgery."

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL), who has worked so hard on this issue.

Mr. PASCRELL. Mr. Chairman, I have heard pretty horrible things on this floor, but I just heard the worst that I have ever heard. To say that someone has the time to fill out a Medicaid form but does not have the time to fill out a census questionnaire misses the whole point. What if you never got a questionnaire in the first place? Oh, there is the rub.

I have heard on this floor a tremendous amount of discussion with little anchor in reality. I have been in two censuses. The enumerators worked very hard to find those people who either, one, did not fill out their questionnaire, or two, never got one in the first place. But in order to get to those people, you have to know where they live. You have to have a housing unit on your form.

The secret, by both Democrats and Republicans, and past administrations have admitted this, the secret to getting an accurate census is to have accurate addresses. In a five-family house, if we have 22 mailboxes, that should give us a clue that we are not going to be able to do this by questionnaire alone. They missed the whole point, and they do it deliberately. They do it deliberately.

This is serious business we are talking about. We cannot call someone who ran the Census under President Bush out of a Democratic liberal think tank. Give me a break. She believes that there is a way, through statistical methods, to come up with an accurate sample. We need to count as many as we can possibly find, and as possibly have filled out census forms, but there will always be those groups or families within units who are never contacted; who do not even know, perhaps, that a census is even going on, for all kinds of reasons, some real and some unreal. But get to the heart and the practice of doing a census. Then we can come to an agreement on what is acceptable and what is not acceptable.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, cities and counties cannot afford an undercount in the next Census. I know that from personal experience. Before coming to the Congress 3 years ago, I served on the Board of Supervisors for Santa Clara County for 14 years. We worked hard during times of declining county revenues to maintain vital services like health care for poor children.

Every city and county needs an accurate Census that counts everybody in order to serve everybody, because each year Census data determines $180 billion in Federal spending. It helps determine money that goes into schools, transit systems, senior citizens' centers, and health care facilities.

People do not disappear when they are not counted. When there is an undercount, as there was in 1990, local taxpayers end up paying for Federal programs. That is why lawsuits were filed in California after the 1990 Census by both Democratic and Republican local officials, because an inaccurate census is not fair to local taxpayers.

In 1990, the undercount in the State of California was estimated to be over 834,000 people. After the last Census we put our thinking caps on. The scientists came together and they came up with a scientific recommendation for a scientific count.

I have heard a lot of discussion here today, but I think the American people are going to be able to figure out what is going on. Some people here are concerned that the people found through scientific methods might vote for Democrats. I do not know whether they will or not, but out in the real world, real local government officials of both parties want an accurate count that the scientists can provide us, so we can be fair to local taxpayers. I urge support of the Mollohan amendment for that reason.

Mr. ROGERS. Mr. Chairman, I yield 2¼ minutes to the very able gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, there is no one I respect more in the House than the gentleman from West Virginia (Mr. ALAN MOLLOHAN). He is one of our great Members. I disagree with him on this.

This debate is about the Constitution. If the Congress of the United States wants to conduct the Census by sampling, sampling, the Congress of the United States should be able to pass a two-thirds amendment vote to the Constitution of the United States.

I chose to come to the floor for several reasons. Number one, I am hearing all these plaudits about scientists. If the Founders thought so much about scientists, we would be electing scientists, not citizen politicians. People should start being proud of being a politician. We do the work of the people in America.

Let me remind this Congress about a recent study. Ninety-three percent of scientists in America do not believe in God. They said scientists do not believe in God because they are superintelligent, they are so smart. Beam me up, Mr. Chairman. Many of these scientists cannot find a toilet.

The bottom line is this: Every community should be assisting to help conduct a reliable head count Census.

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Let me warn the Democrats, sampling is an axe that can cut both ways. Those in fact who support it one day may oppose it another. Those who may benefit one day may get ripped off the other day.

I just want to close out by saying Congress should confine itself to some basic parameters, which include following the Constitution. We were elected and we took an oath to uphold the Constitution, not the charter of the United Nations or some scientific methodology by a group of scientists who, in fact, are not aligned with mainstream America in just their matters of theology. The world was once flat, all the scientists told us that.

My community, they say, will be hurt without sampling. My community will be hurt if we do not have an honest head count because, in the final analysis, whoever is doing that sampling some day might not like the makeup of my district.

I oppose this amendment. I urge that we defeat it.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, I thank my colleague from West Virginia for yielding me this time.

I rise in support of the Mollohan amendment to ensure an accurate count and the most cost-effective census in the year 2000. I am glad to follow my good friend from Ohio, because I pray that we will have an accurate count so we are on the right side of theology. That is why this amendment is so important.

I am glad the chairman of the Committee on Appropriations agreed that in 1990 there was an undercount. There was, not only in my district in Houston but in the State of Texas and around the country.

In its current form the Commerce, State, Justice appropriations act would hinder the 2000 census. It funds the census only for 6 months and it continues the funding only after Congress determines the counting method to be used. We are not going to be here from October, November or December, maybe half of January, so we are going to set back the census planning even in the year 1999.

This action is shortsighted and will hinder the Bureau's attempt to plan and prepare for the census. The Mollohan amendment will strike that restriction.

It has been estimated that the 1990 census undercounted my home town of Houston by 67,000 people. It is unfair that these people were not counted. The State of Texas lost a billion dollars in Federal funds because of the undercount. That is a billion dollars in title I funding, road construction, senior citizen services. The undercount was so severe that President Clinton actually came in June to the district that I am honored to represent to highlight the needs of an accurate census count.

Dr. Mary Kendrick, Director of the City of Houston Health Department, said at that meeting that accurate census count data is critical to public health. She noted that the census data on child poverty helps determine nutrition and children's nutrition health programs.

Many people are not easily counted, whether they are in an urban area like mine because sometimes they fear the government, or maybe in a rural area like Montana they may not want to send back that form that the government sent, they may not want to answer that door when that enumerator comes by and knocks on that door. But they still deserve to be counted, even if they do not want to be. That is why this amendment is so important.

The Houston Chronicle, on two separate occasions, reported on the need for a fair and accurate census in their editorial. The June 23 editorial said, "But Texas Republicans should know better than most the stakes riding on a fair and accurate count. Houston has a great deal at stake with the accuracy of the next census."

Mr. Chairman, I include for the RECORD the following editorials:

[From the Houston Chronicle, June 23, 1997]

ACCURACY A MUST—MUCH RIDING ON CORRECT CENSUS COUNT FOR HOUSTON

In Congress, even the method for counting the American people is regrettably politicized. With the 2000 Census approaching, Republicans and Democrats are at odds, imagine that, over what method the Census Bureau should use to count the nation's population.

Republicans want to physically count each and every one, while the Democrats favor using statistical sampling a method never before used but one Census officials believe will yield a more accurate count.

For years the Census Bureau has infamously undercounted the population, particularly in Texas. In the 1990 count, more than 4 million people in the country—an estimated 500,000 in Texas—were missed.

Undercounting the population is not inconsequential. Texas and other states where undercounts were greatest lost out on additional House seats and, more important, billions of federal dollars ranging from Medicaid to highway construction funds. State officials believe missed heads in the 1980 Census cost Texas roughly $600 million in federal money. That is funding that, in fairness, the state of Texas cannot afford to concede again.

The Census has been particularly inept at counting inner-city minorities and the poor. An estimated 5 percent of all Hispanics and blacks were not counted in 1990. In Houston, where Hispanics and blacks account for more than half of the population, that's a major problem.

Republicans argue that the Constitution mandates that every American be physically counted. However, doing so is a practical impossibility. As well, maintaining the status quo with the traditional count contradicts the GOP's movement to make government more accountable.

Understandably, House Republicans are being dutifully protectionist about their slight seat margin, one that they feel will be threatened by more minorities being counted.

But Texas Republicans should know better than most the stakes riding on an accurate count. Houston has a great deal at stake with the accuracy of the next Census, and political party interest shouldn't take a front seat over the greater interests of the community as a whole.

[From the Houston Chronicle, June 4, 1998]

COUNTING HEADS—NO REASON TO KEEP U.S. CENSUS INACCURATE

The purpose of the U.S. census is to get the most accurate count possible. If using modern statistical sampling to augment the actual head count makes the census more accurate, who could reasonably object?

No one, but then politicians afraid of losing power do not always act reasonably.

Since Thomas Jefferson conducted the first U.S. census in 1790, census takers have known that there are discrepancies between the actual number of residents and the number counted in the census. Some people are not counted; some are counted twice.

Statistical sampling is nothing more than counting some neighborhoods twice to measure accuracy. It's not a guesstimate that can be manipulated for partisan advantage. It serves the same useful purpose as an audit of financial records to make sure the numbers are correct.

In his visit to Houston Tuesday, President Clinton was right to say that the issue transcends partisan politics: "We should all want the most accurate method."

However, some Republicans believe, without much evidence or logic, that a more accurate count would significantly favor Democrats by counting urban residents that have been missed in the past. Congressional Republicans therefore oppose using statistical sampling to make the count more accurate.

They have little to fear from census accuracy. Only a couple of states might lose one congressional seat each, and the number of residents who show up at the polls and vote Democratic will not increase no matter how many residents are counted.

An accurate census serves all Americans and harms no political party. True, state and federal funding formulas would be significantly affected, but wouldn't the nation be better off if government spending were based upon accurate rather than grossly inaccurate population numbers?

Politicians who argue for keeping the census inaccurate place themselves in an untenable position. In another context they would insist that sailors compute their approximate position with a sextant and reject satellite technology accurate to a few yards.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, the 1990 census was the first U.S. census to be less accurate than the one before it. Approximately 6 million people were not counted in the 1990 census. In the City of Chicago 68,000 people were missed. That is enough people to fill every seat at Soldier Field in Chicago. Those empty seats in our census cost Chicago hundreds of millions of dollars in Federal assistance. It costs your community millions of dollars, too.

Three presidential administrations, the National Academy of Sciences and the General Accounting Office, all looked at the problem of undercounts and determined that using modern statistical methods would help eliminate these mistakes in the future and avoid the kinds of undercounts that resulted by using the old model.

The reasonable approach is to use the same methods that we use when we compute agricultural production, crime statistics, unemployment figures, as well as countless other governmental statistics.

Let us use common sense. Support the Mollohan amendment which does not place restrictions on its ability to provide a fair and accurate count.

Mr. MOLLOHAN. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Kentucky for yielding me the time.

I stand with the children. I support the Mollohan amendment. And then I would like to convey to all of us words:

"I respectfully request that the census numbers for the State of Georgia be readjusted to reflect the accurate population of the State so as to include the over 300,000 which were not previously included. Without the adjustment, minority voting strength in Georgia will be seriously diluted. Based on available information, without an adjustment to compensate for the undercount, minorities in Georgia could lose two State Senate seats and 4 to 5 House seats. As a result of conversations with black legislators, it is my understanding that they have not only concurred with this request but stated that they believe it is required under the Voting Rights Act."

Representative NEWT GINGRICH's letter to Robert Mosbacher, Secretary of Commerce, April 30, 1991.

Let us get away from Republican politics. Vote for statistical methods and the Mollohan amendment. Let us count every single American, no matter who they are, and count the children.

Mr. Chairman, I rise to speak on the rule which will govern how we proceed on H.R. 4276, the Commerce Justice, State Appropriations bill. I am grateful to the Rules Committee for allowing the Mollohan amendment to be considered which would restore full funding for a fair and accurate census.

The subject of the Census was addressed in Article I Section 2 of the Constitution of the United States as it states, "The actual Enumeration shall be made within three years after the first Meeting of the Congress of the United States, and within every subsequent Term of Ten Years."

With that goal in mind the Bureau of the Census conducted the first National Census in 1790. The census also places our population in a particular location as of census day so Congress can be reapportioned and the state and local governments redistricted while federal monies can be apportioned.

The ability to use scientific methods during the 2000 Census will insure that any undercounting which may occur in this census because of sparsely populated regions of states like Texas or hard to count urban populated areas like Houston, can be held to a minimum.

Undercounting the results of the 2000 Census would negatively impact Texas' share of federal funds for block grants, housing, education, health, transportation and numerous other federally funded programs.

In 1990, the city of Houston was undercounted by 3.9 percent in that year's Census using the current "head count" method which only recorded 1,630,553 residents. That is why I have personally joined a lawsuit along with the mayor of Houston to allow statistical methods to be utilized by the census bureau to be able to count every person.

Based on the scientific method that was prepared for that Census, but never used it is estimated that over 66,000 Houstonians were missed by the 1990 Census.

African-Americans, Hispanics, Asians, and American Indians were missed at a much greater rate than whites. The 1990 Census undercounted approximately 4 million people, about the same number who were counted all together in the first census 200 years ago. Even more troubling, this last census was, for the first time in history, less accurate than its predecessor. The use of modern statistical methods to count in the 2000 census will eliminate undercounting the poor children by 52% and Hispanics and African-Americans.

The undercount was 33 percent greater than the undercount in the 1980 census.

Every American deserves to be counted in the Census. We must have the most accurate census possible. The 1990 census was the first in history to be less accurate than its predecessor. It missed millions of Americans—predominantly children and minorities. In fact, homeless children are particularly vulnerable; without counting them there will be no seats in school for them, no immunizations for them and no housing for them.

Virtually every expert agrees that the way to get the most accurate census possible is by using modern scientific methods to supplement the traditional head count. The Census Bureau's plan will not only produce the most accurate census—it will save literally hundreds of millions of dollars. The Republican plan is geared to undercount the people to their advantage.

Using the 1990 methods will cost close to a billion dollars more and still miss millions of Americans.

Funding the Census Bureau for only six months will cripple its ability to adequately plan and prepare for the largest peace-time mobilization undertaken by the U.S. Government.

The Mollohan amendment requires the Bureau to continue planning for a Census whether it uses modern statistical methods, or the older, less accurate ones, until there is a definitive ruling from the Supreme Court. We need a statistical method, we need an accurate Census in 2000.

Finally, the Constitution states specifically, "the actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall direct by Law." If the Republicans would step aside from politics, clothed in the Constitution we could all absolutely support the Mollohan amendment and support statistical methods for the count.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I rise in opposition to this bill. I do not think there is a single Member of this House that would allow polling to be used to decide election results. We should not allow it to be used for this purpose either.

I rise today in strong opposition to the Mollohan amendment.

Republicans are prepared to fund an unprecedented effort to count all Americans because we believe that every American counts.

In fact, Chairman ROGERS has provided $100 million more than the President requested to help ensure that every American is counted.

The Clinton administration plan will delete millions of people who turn in their census forms on time. These people will be removed at random because population polling indicates that their demographic group is overrepresented.

Americans have the right to participate in the census and have their completed census form included in the count. The Clinton administration cannot arbitrarily decide to delete millions of people from the counts based on population guesstimates.

The Clinton administration wants to play politics with the census. I urge you to oppose the Mollohan amendment and support an accurate and honest census.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MILLER), chairman of the Committee on the Census.

Mr. MILLER of Florida. Mr. Chairman, there has been a lot of exaggeration on the other side about what has been done with the census. Let us make sure we understand.

First of all, the plan proposed by the President does not count 26 to 27 million people; does not count 26 to 27 million people. These are going to be computer-generated people, that they have some smart computers and these smart scientists over at the National Academy of Sciences. The National Academy of Sciences has a theory. The plan requires hundreds of thousands of people to implement.

We need a General Schwarzkopf to run this issue, not a bunch of academics. That is what our goal is, to have an accurate census, to count everybody.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. GINGRICH), distinguished Speaker of the House.

The CHAIRMAN. The gentleman from Georgia (Mr. GINGRICH) is recognized for 4¼ minutes.

Mr. GINGRICH. Mr. Chairman, I thank my friend from Kentucky for yielding time to me, and I commend him for the very hard work he has done working with the gentleman from Florida to develop an honest and a direct approach to a very serious problem.

Let me say to my colleagues in the Democratic Party, I am really puzzled by what has happened on the issue of the census, because I think it comes from a complete misunderstanding of what we are trying to accomplish.

The census is at the center of the American political system. It is the device which came out of the Constitutional Convention by which the Founding Fathers said the House of Representatives would represent people. And they then faced the challenge in 1787, but how do you represent people unless you know where they are? And they then faced the challenge in a very primitive country of how do you find all these people who are scattered, without telephones, without e-mail, without faxes, without a U.S. Postal Service as of 1787. They said, well, once every 10 years we will organize a mass effort and we will count every person. The term in the Constitution was "actual enumeration."

Now, they went through actual enumerations in 1790, 1800, 1810, 1820. This went up every decade. It was required. It is actually written in the Constitution that we shall have an actual enumeration. And somehow in the most primitive of circumstances, without Xeroxes, without fax machines, they managed to count people.

Then in the modern era several things happened. One is, big government became so incompetent, so bureaucratic, that in fact it broke down. The census of 1990 was the first time in many years that we actually did an inadequate job of counting.

The second thing happened. We developed much higher standards of accuracy.

A third thing happened, which is that some neighborhoods became harder to count, largely for two reasons: one, because some neighborhoods seemed dangerous and people were reluctant to go back in them on a regular basis; and, second, because some neighborhoods had substantial numbers of people who were illegally here and it was tricky to go and knock on the door and say, "Hi, I am from the government," because people then tended to not answer the door.

So there were undercounts to some degree. We are also now dramatically more mobile, although the truth is, if you went back to 1790 or 1830, this has always been a remarkably mobile country, but we are now even more mobile. People move around a lot. You see this, for example, in school registrations where kids will come and go in three month cycles rather than year long cycles.

Having said all that, I want to make clear what our position is. We are prepared to work with the Democratic Caucus to provide the resources to count accurately every person in America. We are prepared, if necessary, to hire the Post Office, which has the highest level of accuracy in knowing neighborhoods. We are prepared to start by counting the poorest neighborhoods first so we have the highest level of controlled, managed accuracy. We want to ensure that every single American is counted, every American.

But here is the danger. There is a theory. The theory is you could take polls. First of all, if you look at the accuracy of the polls taken last year in the Presidential campaign, they were often off by as much as 10 points. Most of you have been elected in races where you know from your own polling you were often off, up or down, by 5 or 10 points in the poll. You can take polls theoretically.

But there are two dangers with taking polls. The first is, what works in aggregate at a national level is absurd at a local level. The mathematician at the National Academy of Sciences could say, gee, on aggregate if you are trying to measure 262 million people, artificially do not count people, so you create an artificial universe to get an accurate count of 262 million. That sounds theoretically fine.

The flaw is, if you are trying to count Cambodians, Serbians, and El Salvadorans in Los Angeles, polling is the worst possible way to do it because you get grotesquely inaccurate numbers. So you do not get an actual count. You do not know who is actually there. What you get is some mathematical theory that works nationally and is grotesquely distorted at the local level.

There is a second problem. Who is going to be in charge of the polling? This is the whole base of the Founding Fathers in the Federalist Papers and the Constitution. The current Secretary of Commerce, who is a man I admire a great deal and worked with in passing the North American Free Trade Agreement, represents a family who for many years had held office in Chicago based on a machine. Chicago is a city with a great history that you could vote for several lifetimes because you could vote long after you passed away. But at least in Chicago you had to have lived; that is, you were in the cemetery because you had once been alive.

Now we have this new theory, which is that politicians could simulate a virtual reality of virtual citizens who have a virtual existence, except they would be translated by law so that you literally would undercount real citizens in order to invent virtual citizens. I think that transfers to politicians a level of power which none of the Founding Fathers would agree with.

So here is my offer to the President and the Democratic Caucus. You work with us and we will meet whatever standard is humanly attainable of accurately counting every person of every ethnic background in every neighborhood in the entire country.

We will design it so we use, if necessary, postal employees. We will design it so we start with the poorest neighborhoods. We will design it so we overachieve and we double, triple and quadruple count, if necessary, but we will get it done. But that would be fair.

That would be accurate. That would ensure we actually had enumerated real people.

But please do not ask the people of the United States to rely on politicians controlling pollsters to invent virtual people to get a grossly inaccurate count on behalf of some political party, because that undermines the Constitution and that undermines the very political process.

I urge a "no" vote on the Mollohan amendment.

Mr. STARK. Mr. Chairman, I rise today in support of the Mollohan amendment to H.R. 4276, the Commerce-Justice-State Appropriations for FY 1999. The Mollohan amendment removes funding restrictions from the Census Bureau so that they may continue with the task at hand—providing a fair and accurate Census 2000 for the American people.

The goal is clear. The only way to provide a fair and accurate count for the 2000 census is through statistical sampling. The Republican-led Congress insists on full enumeration without the use of sampling. In addition, they are obstructing the success of the entire 2000 census by limiting its funds to only half of the appropriated amount. This in turn may cause irreparable damage to the entire census, leaving an accurate count beyond the realm of possibility.

One might wonder why the majority party insists on wasting taxpayer's money to hinder such a vital component of the democratic process. Understandably, the majority party is afraid of losing control over the House of Representatives as we enter a new millennium. Our Founding Fathers intended for population enumeration to provide for fair representation of the American people in the House of Representatives. This did not happen in the 1990 Census and now we must take steps to correct the problem.

In the 1990, the Census numbers were over 10 percent in error. This translates to 26 million mistakes. The 1990 Census under-counted 8.4 million people and 4.4 million people were double-counted in the United States. In California alone, 834,516 people were not counted. This was the highest under-count in the nation!! The people of California have been deprived of fair representation for the past eight years.

Of the various racial groups, the largest to be under-counted were amongst the Hispanic population with 5% of this group under-counted. In addition, 4.4% of blacks and 4.5% of Indian Americans were under-counted due to errors that statistical sampling can adjust for in the future. The economically disadvantaged and minorities are being excluded from valuable federal programs. Under-counting means millions of federal dollars are lost for California's 13th District as well as for districts across the nation.

I am not suggesting we replace direct counting methods with modern statistical techniques. We should, however, supplement direct counting with sampling to ensure an accurate count. Two very reputable groups agree that statistical sampling should be used in the upcoming census. The General Accounting Office and the National Academy of Sciences both endorse statistical sampling to avoid an inaccurate census. Memos from the Department of Justice under both Presidents Bush and Clinton state that the use of sampling is both Constitutional and legal. The only major organization that opposes statistical methods in the 2000 census is the Republican National Committee.

Partisan politics cannot play a role in Census 2000. We must prevent the majority party from attempting to strip the American people from their Constitutional right to equal representation. We can start by supporting the Mollohan amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman. I urge all my colleagues to support the Mollohan amendment. A fair and accurate census is necessary if we are to be a country which stands for inclusion over exclusion.

The infamous census of 1990 missed 4.7 million people—1.8 percent of the population, compared with 1.2 percent in 1980 and 2.7 percent in 1970.

This undercount was not evenly distributed—a disproportionate number of minorities, children and renters in urban and rural areas were missed.

In addition, the census cost us an exorbitant amount of money—$2.6 million dollars—for a faulty, inaccurate count of Americans.

This is upper income people are over-counted by an unknown number because of completing their forms at their second homes as well as their primary residences. I support the methodology of statistical sampling. The American Statistical Association and the National Academy of Sciences has recommended this methodology as the best and cheapest way to count 90 percent of U.S. residents.

In Texas, we need all our residents counted, specially the Latino population.

IN the Latino community, there was a 5% undercount in the 1990 census. this undercount has had significant negative effects on Latino access to resources.

I urge my colleagues to support the Mollohan amendment so that all our residents are counted, and not missed by the blinded eye.

Mr. THOMPSON. Mr. Chairman, the 2000 census must be the most accurate census ever taken in American history. Period. I can not understand the controversy that surrounds this issue. Everyone seems to agree that the most relevant, current scientific methods should be used to count every single man, woman, and child in this country.

So what is the problem? Why can certain members come to the floor and make the claim, "we want to count everyone," when in actuality they have made no efforts to recommend a method of enumeration that works better than the statistical methods supported by the American Academy of Sciences, the American Statistical Association, the Population Association of America, and the Panel to Evaluate Alternative Census Methodologies at the National Research Council.

The facts surrounding the 2000 census are simple and conclusive. We know that the 1990 census resulted in over one million Americans not being counted. Most of those individuals were people of African American, Latino, and Asian descent. They were urban, poor and rural. We know that a large portion of the undercount consisted of children. We know that the 1990 census was not nearly as accurate or representative as it should have been.

As Members of Congress, it is our responsibility to work with the Census Bureau—not against them—to develop a method that will count every American in this nation. Holding the 2000 census hostage to ridiculous partisan game will do nothing but undermine the legitimate efforts being made to accurately enumerate American citizens.

Personally, I'm less concerned with the partisan tone this debate has taken than I am with counting the Mississippians who were missed in the 1990 census. More than 21,000 of the 55,500 Mississippian who were missed in the last Census, 38%, were from Mississippi's Second Congressional District, the District I represent. Let's look at who they were: 1.3% were White; 3.5% were African American; 3.6% were Asian; 7.3% were Native American; 4.8% were Hispanic; and 4.5% were children.

The real, tangible impact of this debate has been glossed over. According to the Census Bureau, my District has the third highest percentage of people in poverty (37.7%). It has the fifth highest percentage of families in poverty (31%), and the third highest percentage of households in poverty (35.2%). This year, some of the counties in my District have had unemployment rates of 20% and higher. What we are really talking about here, is that the 55,500 people in my state who were not counted, represent children who were turned away form HeadStart, poor families who could not get public housing, and other vulnerable constituencies who were turned away from receiving forms of invaluable financial aid.

I know that many Members of Congress have adopted a real "slash and burn" mentality when it comes to budgetary spending, but I refuse to be a hypocrite. I will say right here, right now that if families and children in my District will positively benefit from federal spending, then show me where to sign up.

If there is a better method out there to conduct the census, then let's see it. Otherwise, let's put an end to the grandstanding and the pontificating and count Americans. The time for the Census Bureau to determine logistical specifics for the next census is rapidly approaching, and in layman's terms, "it's time to put up or shut up." If there is another plan that enjoys the wide spread support of the scientific community, It's see it. If there is another way of counting Americans at has been endorsed by the Carter, Bush, and Clinton Administrations, please bring it forward.

Once again, Mr. Speaker, I do not understand how anyone could be opposed to correcting the undercounts that occurred during the last census in minority, poor, urban and rural communities. How can anyone be opposed to counting the one-in-ten African-America males who were missed in the last census, or support turning poor children away from public housing? Therein, Mr. Speaker, lies the real debate.

Mr. FAZIO of California. Mr. Chairman, I rise in support of Mr. MOLLOHAN's amendment. I am sure all of us can agree that the 2000 Census should be fair and accurate and include everybody. But, for the past two years the majority party has played politics with the

Census and not allowed the Census Bureau to get on with their plan.

Tragically, the 1990 Census had the largest undercount in history. It is estimated that 10 million citizens were counted incorrectly, with a total of 4 million Americans not accounted for at all.

The Republicans are scared that accounting for all Americans will affect their chances at the polls. They would rather deny Federal funding to those in our country who need it most—young children and the poor, who are the most hard-hit groups in an undercount—than get an accurate picture for the next congressional redistricting.

Now that the majority party has put the sampling debate into the jurisdiction of the courts, the political arguments have become all but academic. Yet we still have language in this bill that withholds half of the funding needed by the Census Bureau to prepare for the 2000 Census.

What are the Republicans afraid of? Are they worried that the courts won't rule in their favor?

Join me in putting politics aside and allowing the Census Bureau to go forward. I urge you to support Mr. MOLLOHAN's amendment.

☐ 1300

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 508, the Chair will reduce to 5 minutes the minimum time for each electronic vote on the amendments that were debated last evening, on which proceedings will resume immediately after this 15-minute vote on the Mollohan amendment.

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 7, as follows:

[Roll No. 388]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Clay
Cunningham
Gonzalez
McInnis
Pickering
Waters
Weldon (PA)

☐ 1320

Ms. RIVERS and Mr. OWENS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 508, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 44 offered by the gentleman from New Jersey (Mr. PALLONE); the amendment offered by the gentleman from New York (Mr. ENGEL); amendment No. 15 offered by the gentleman from California (Mr. ROYCE); amendment No. 3 offered by the gentleman from Maryland (Mr. BARTLETT); and amendment No. 8 offered by the gentleman from Missouri (Mr. TALENT).

AMENDMENT NO. 44 OFFERED BY MR. PALLONE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mr. PALLONE:

Page 52, line 13, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 52, line 25, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 53, line 1, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 53, line 5, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 54 line 18, after the dollar amount, insert the following: "(reduced by $15,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 267, not voting 9, as follows:

[Roll No. 389]

AYES—158

Ackerman
Allen
Andrews
Baldacci
Ballenger
Barcia
Bass
Becerra
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (OH)
Burr
Campbell
Capps
Cardin
Carson
Castle
Clement
Costello
Cummings
DeGette
Delahunt
DeLauro
Dingell
Doggett
Ehlers
Engel
Ensign
Eshoo
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Graham
Gutierrez
Hall (OH)
Hamilton
Harman
Hefley
Hinchey
Hinojosa
Hoekstra
Hooley
Hoyer
Hulshof
Jackson (IL)
Johnson (CT)
Johnson (WI)
Jones
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Klink
LaFalce
Lampson
LaTourette
Lazio
Leach
Lee
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney (CT)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Miller (CA)
Mink
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Payne
Pelosi
Poshard
Rahall
Ramstad
Rangel
Reyes
Rivers
Roemer
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sanchez
Sawyer
Saxton
Schumer
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Stabenow
Stark
Strickland
Sununu
Tierney
Towns
Turner
Upton
Vento
Visclosky
Walsh
Waxman
Weller
Weygand
White
Wynn

NOES—267

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Crane
Crapo
Cubin
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Fowler
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Largent
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Manton
Manzullo
Martinez
Mascara
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Velazquez
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOT VOTING—9

Clay
Cox
Cunningham
Fazio
Ford
Gonzalez
Maloney (NY)
Pickering
Weldon (PA)

☐ 1328

Mr. KENNEDY of Massachusetts and Mr. FOLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MALONEY of New York. Mr. Speaker, on Wednesday, August 5, I was unavoidably detained and missed rollcall vote 389. Had I been present, I would have voted "yes".

AMENDMENT OFFERED BY MR. ENGEL

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ENGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

Page 47, line 11, after the dollar amount insert the following: "(increased by $5,000,000)".

Page 92, line 25, after the dollar amount insert the following: "(reduced by $5,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 259, not voting 7, as follows:

[Roll No. 390]

AYES—168

Baesler
Barcia
Barrett (WI)
Bass
Becerra
Bereuter
Berman
Berry
Bilbray
Bishop
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Castle
Clement
Clyburn
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Farr
Fawell
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gordon
Hall (OH)
Hamilton
Harman
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kelly
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
LaHood
Largent
Lazio
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Riley
Rivers
Rodriguez
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Serrano
Sherman
Skaggs
Slaughter
Snowbarger
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tiahrt
Tierney
Towns
Velazquez
Vento
Visclosky
Wamp
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—259

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Brady (PA)

Brady (TX)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fattah
Fazio
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kim
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Lampson
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McDade
McDermott
McHugh
McIntosh
McIntyre
McKeon
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Moakley
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Torres
Traficant
Turner
Upton
Walsh
Waters
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Clay
Cunningham
Gonzalez
Kingston
McInnis
Pickering
Weldon (PA)

□ 1336

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. ROYCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ROYCE:

Page 51, line 9, insert "(reduced by $180,200,000)" after "$180,200,000".

Page 51, line 10, insert "(reduced by $43,000,000)" after "$43,000,000".

Page 51, line 12, insert "(reduced by $500,000)" after "$500,000".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 291, not voting 6, as follows:

[Roll No. 391]

AYES—137

Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (WI)
Bass
Berry
Bilirakis
Boehner
Camp
Campbell
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Cooksey
Cox
Crane
Crapo
Cubin
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Foley
Fossella
Fox
Frelinghuysen
Ganske
Gibbons
Goodlatte
Goodling
Goss
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jenkins
Johnson (WI)
Johnson, Sam
Kasich
Klug
Knollenberg
Kolbe
Largent
Latham
Leach
Linder
Livingston
LoBiondo
Lucas
Luther
Manzullo
McCollum
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Pappas
Paul
Paxon
Pease
Peterson (MN)
Petri
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Riggs
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Smith (NJ)
Smith, Linda
Snowbarger
Stearns
Strickland
Stump
Sununu
Talent
Thornberry
Thune
Tiahrt
Upton
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield

NOES—291

Abercrombie
Ackerman
Aderholt
Allen
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Serrano
Shaw
Sherman
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—6

Clay
Cunningham
Gonzalez
Pickering
Skaggs
Slaughter

□ 1344

Mr. SESSIONS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY BARTLETT OF MARYLAND

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. BARTLETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BARTLETT of Maryland:

Page 78, strike line 15, and all that follows through line 6 on page 79.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 279, not voting 4, as follows:

[Roll No. 392]

AYES—151

Aderholt
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bilirakis
Bliley
Blunt
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Ehrlich
Emerson
Ensign
Everett
Foley
Fossella
Gekas
Gibbons
Goode
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kaptur
Kingston
Largent
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Radanovich
Rangel
Redmond
Riley
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Smith (MI)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Thornberry
Thune
Tiahrt
Traficant
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Young (AK)

NOES—279

Abercrombie
Ackerman
Allen
Andrews
Archer
Baesler
Baldacci
Ballenger
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Campbell
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—4

Clay
Cunningham
Gonzalez
Pickering

□ 1354

Mr. KINGSTON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. TALENT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the Amendment No. 8 offered by the gentleman from Missouri (Mr. TALENT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TALENT:

Page 102, line 15 insert "(increased by $7,090,000)" after the dollar amount.

Page 103, line 7 insert "(decreased by $7,090,000)" after the dollar amount.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes, 114, not voting 8, as follows:

[Roll No. 393]

AYES—312

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Brady (TX)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
Kind (WI)
King (NY)

Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moran (KS)
Morella
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—114

Abercrombie
Andrews
Becerra
Berman
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (OH)
Cardin
Carson
Clayton
Clyburn
Coyne
Cummings
Davis (FL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gekas
Green
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Houghton
Hoyer
Jefferson
Johnson, E. B.
Johnson, Sam
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lantos
Lee
Lofgren
Lowey
Markey
Mascara
Matsui
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Towns
Vento
Visclosky
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Clay
Clement
Crapo
Cunningham
Gonzalez
Lewis (GA)
Myrick
Pickering

☐ 1401

Ms. LEE changed her vote from "aye" to "no."

Ms. BROWN of Florida changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. PEASE). Are there further amendments?

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STEARNS:

Page 78, line 19, strike "$475,000,000," and insert "$365,800,000,".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, August 4, 1998, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 7½ minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would strike $109.2 million in the bill for United States arrears to the United Nations. Now, earlier we had an amendment from the gentleman from Maryland (Mr. BARTLETT) which struck all the money. I am striking less than 25 percent. So this is a modest proposal, and I hope my colleagues will take that into consideration, because I saw that the gentleman from Maryland (Mr. BARTLETT) lost on his amendment.

According to the GAO study released in June of 1998, the United Nations itself recognizes that the UN owes the United States about $109.2 million for reimbursement for U.S. contributions for peacekeeping. The chart I have here on my left from the GAO study shows that the United States is owed the second highest amount of reimbursement for peacekeeping operations, second, of course, only to France, at $151.2 million.

Of course, the $109.2 million that I propose in my amendment the UN does recognize does not take into account the multimillions we have spent in various peacekeeping operations, as my good friend from Maryland (Mr. BARTLETT) has already pointed out.

Mr. Chairman, I personally applaud the Committee on Appropriations for what they are doing, trying to pare down the U.S. arrears amount, specifically in regard to the peacekeeping effort. The appropriators have provided a reduced amount of $475 million from what the accounting-impaired United Nations claims is owed, and the appropriators are appropriating this appropriation to actual authorization legislation that is intended to push reform at the United Nations.

The GAO report indicates that the UN even calculates peacekeeping arrears amounts that we are intentionally withholding for legislative and policy reasons. For instance, Congress placed a cap on the peacekeeping assessment charged by the UN. The UN at that time assessed a peacekeeping charge to the U.S. at an exaggerated 31.7 percent rate that was set by the General Assembly to cover peacekeeping contribution shortfalls following the breakup of the Soviet Union.

Congress thought that the assessment rate was too high and implemented a policy cap for the peacekeeping at 30.4 percent, which was still too high, in my opinion. But even this reduction reduced our financial obligation to the UN for peacekeeping by $123 million.

After the UN peacekeeping fiasco in Somalia, in which 19 heroic American service members lost their lives, Congress in 1995 further pursued a legislative cap on peacekeeping assessments at 25 percent after October 1, 1995. This lower assessment pursued by Congress has led to an additional $128 million in American taxpayer savings. But instead of recognizing that the U.S. has chosen for valid policy and legislative reasons to permanently withhold $251 million from the UN for peacekeeping assessments, the UN is still maintaining, is still maintaining, Mr. Chairman, we owe them an additional $251 million.

I strongly believe that we need to further reduce this funding for peacekeeping arrears, to continue sending to the Secretary General and the rest of the United Nations a message that dramatic, widespread reform has to be implemented, including significant bureaucratic staff cuts and budget reductions.

My continued problem with the United Nations is its refusal to implement such reforms, although the U.S. has been breathing down its neck for some time.

Mr. Chairman, the Washington Post quoted the former UN Secretary General Boutros Boutros-Ghali as saying that, "Perhaps half the United Nations staff does nothing useful."

Congress has consistently demanded reductions in the UN worldwide staff of 53,000 people, not including 10,000 consultants or the peacekeeping forces which reached 80,000 in 1993. As you saw in the Washington Times yesterday, they have the most generous salary and benefits package in public life. In fact, the United Nations donates 16 percent of your salary in your thrift savings accounts, in addition to your 7.5, and you are almost up to 24 percent of your salary. Plus, as you saw, the Secretary General makes $300,000, and there are roughly 3,622 of these people who range from almost $50,000 to $300,000 in salary.

Most UN salaries are tax-free. Many employees have rent subsidies up to $3,800 a month and also have annual education grants of $12,675 per child. We could perhaps argue on the floor today about these perks, and colleagues on this side or that side that defend the UN will say "Well, Cliff, you are exaggerating." I would just like to say that if you read the Washington Times article, it is pretty clear that all of us would agree it is pretty generous.

What is the solution? Well, the Secretary General says we are going to do reform. He plans to consolidate 12 secretarial departments into five. Remember now, he is just taking these 12 departments and making five of them, but he is not reducing, not cutting, any employee in these 12 departments. He has a 9,000-strong secretarial staff.

The Secretary General also proposes three economic development departments representing $122 million of the Secretary's budget and employing 700 people be reduced to one department. Again, he is talking about reform but there is no reduction in employees or expenditures. No reduction in people, no reduction in expenditures, and he calls that reform. Any of the Fortune 500 companies who did that would be laughed out of the convention center by their stockholders.

Also two human rights offices in Geneva are merged into one. That sounds good. But, again, no reduction in employees.

Mr. Chairman, I do not think there has been any reform by the Secretary General, and I would be glad to hear if my opponents disagree. But I say we must continue in Congress to limit any appropriations for alleged U.S. arrears until a comprehensive reform plan is in place at the United Nations. As a responsible representative of these great American people, we can do nothing less this afternoon.

So I urge my colleagues to support my modest amendment, modest amendment, to reduce the money from the appropriators, roughly $475 million, just reduce it by $109.2 million.

Mr. Chairman, I will conclude by saying that regardless of what side you are on in this debate, you have to understand that any bureaucratic institution can reform itself and reduce its staff, but this body is not doing it. I urge Members to support my amendment.

The CHAIRMAN pro tempore. Does any Member seek time in opposition to the amendment?

Mr. ROGERS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Kentucky is recognized for 7½ minutes.

Mr. ROGERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the notion of reducing arrearages at the United Nations is a good idea. The only problem is that in the Gilman-Helms authorization conference report which we refer to, this credit has already been used to reduce the amount of arrearages that will be paid, so these funds have already been used up.

Agreeing to this amendment will do nothing more than undermine the authorization bill that is currently pending. So it puts at risk the entire scheme to obtain reforms, reduce the U.S. assessment rate, write off remaining arrears, and cap appropriations to international organizations, which this subcommittee has been trying to do for many years.

So the gentleman's idea is a good idea. In fact, it is such a good idea, we have already done it. It assures that the U.N. makes good on what it owes the U.S., but it has already been done. So, consequently, I oppose the amendment and urge Members to vote "no".

Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN.)

Mr. MOLLOHAN. Mr. Chairman, I guess I, in a way, am repeating some of the sentiments the chairman expressed. I do not understand the theory of this amendment. As I understood it, we have used these strong negotiations and the leverage of the Committee on Appropriations to effect significant reforms at the United Nations. And while the gentleman, as I understood his statement, represented that we have not effected reforms, that is not my understanding.

We have a budget cap at the UN. We have reduced employment by 1,000. I am advised at the United Nations we have a Secretary General function operating and we have new financial management, and we have combined departments.

Now, one might draw a bottom line on all that and say it equals zero. I would draw a bottom line on it and say we have been pretty darn successful in moving a large organization in the right direction. I think this effort to cut the appropriation, which is the very incentive to effect these reforms, is the exact wrong thing to do.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Florida (Mr. STEARNS). I believe the adoption of this Stearns amendment would undercut our efforts to achieve meaningful permanent reforms at the UN, and would actually prevent the U.S. from reducing our annual assessments to the UN.

The UN has already instituted a series of so-called Track-2 reforms that will streamline their departments, reduce staffing and improve the efficiency of their operations based upon our initial discussions with them about the amount due from the United States. For a largely token reduction in our arrearage payments to the UN of $109 million, we would be jeopardizing our efforts to lower our assessments from 25 to 22 and actually 20 percent, and, in the process, would prevent us from realizing taxpayer savings of up to $1 billion over a 10-year time frame.

Moreover, on March 26 of this year, by voice vote, the House passed an authorization measure authorizing the payment of UN arrearages in exchange for the implementation of a comprehensive package of reforms which are already under way.

☐ 1415

We should not be taking any nickel and dime approaches embodied in this amendment. As the chairman of the Committee on International Relations, I will be working with our colleagues on the Committee on Appropriations to assure timely and prompt reimbursement and repayment of U.S. costs associated with U.S. peacekeeping operations. Moreover, over the past 5 years our overall peacekeeping costs have dropped by over 60 percent.

My colleagues should be aware that the adoption of this amendment would prevent our Nation from, one, putting a cap on our contribution to all international organizations at $900 million per year; secondly, assuring that we will retain our voting rights at the U.N. General Assembly; and third, mandating that the U.N. has instituted a procurement system prohibiting punitive actions against contractors that challenge contract awards and complain about delayed payments.

Accordingly, Mr. Chairman, this amendment is counterproductive. I urge my colleagues to vote no on the Stearns amendment.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. BERMAN), ranking member of the Committee on International Relations.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Kentucky (Chairman ROGERS) for yielding time to me.

To my distinguished colleague, the gentleman from Florida (Mr. STEARNS), I would recommend he go see a movie called The Producers, a Mel Brooks film, where two guys are putting together a play they were sure would be a flop. It was called Springtime for Hitler. They sold 1,000 percent of the play, knowing it would fail, but it turned out the play was a big hit, and now they have to deal with all the people they had promised this.

As the gentleman from Kentucky (Mr. ROGERS) pointed out, a deal was made between the authorizers of both Houses in the majority party and the appropriators to deduct $109 million because of the offsets of the money that we have paid. We can get into a great debate about whether we should have done that, but it was done.

The authorization plan lays out in tranches, contingent on certain reforms, this payment schedule. Last year the gentleman from Kentucky (Chairman ROGERS) appropriated $100 million as the first tranche. Now we are having the second tranche. Next year will be the third tranche. The total figure comes to somewhere around $800 and something million. I do not remember the exact dollar amount. It already deducts the $109 million.

To do this now is to sell the same deal once again, double the amount of the offset, over what it legitimately should be. So even on the mathematics, even if we accept every premise of everything the gentleman has said, and even if we ignore the fact that all this money is contingent on, one, the passage of an authorization bill, if I am correct, and secondly, the implementation of reforms, which the authorization is geared to, even if we accept all of that, this amendment should still be voted down because we have already deducted the $109 million from the total amount that we are authorizing and appropriating, according to this 3-year schedule.

This amendment should really be withdrawn. If it is not going to be, I would urge my colleagues to reject it, because the whole logic of it is faulty. The money has been taken. The money will be contingent on the reforms the gentleman seeks, and the whole appropriation is contingent on the passage of an already-agreed upon authorization amount which has been left hanging only because of a dispute about the family planning monies and the Mexico City policy. So I urge a no vote.

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to the Stearns amendment.

Congressman STEARNS and I agree on one thing: The provisions relating to the United Nations in the bill before us are unacceptable. Unfortunately, that is where our agreement on this issue ends.

I believe the funding level this bill includes for the U.N. is woefully inadequate. The United States owes more than $1 billion to the U.N. in arrears. But this bill provides just $475 million—less than half—of our debt. And it makes even that small amount contingent upon the enactment of legislation authorizing this funding, which, conveniently enough, is lying dead in a dormant conference committee.

So I too think that we need to change the U.N. provisions included in this bill. But Mr. STEARNS' amendment goes in exactly the wrong direction.

This amendment hinders the United States from taking even the first, paltry step included in this bill toward fulfilling its debt to the U.N.

Mr. STEARNS cloaks his amendment in the rhetoric of reform, and claims that his amendment will somehow take us down that path.

But let's be very clear, Mr. Chairman. This amendment is not about U.N. reform. This amendment is simply about blocking the United States from fulfilling its financial obligations to the U.N.

I don't think there is anyone in this House who is not supportive of further U.N. reform. That is why we worked to elect Secretary General Kofi Annan. That is why the U.N. has begun to implement reforms developed and demanded by the United States. And that is why we will continue to advocate far-reaching reforms throughout the U.N. system.

The United States has a tremendous amount of influence within the U.N., but that level of influence is rapidly decreasing.

Our debt to the U.N. is draining our power in the organization, creating a climate of resistance to U.S. proposals and even endangering our vote in the General Assembly.

The U.N. has historically served U.S. interests, but our debt is making it hard for the organization to carry out its activities. The Stearns amendment will only make this situation worse.

In the interest of U.S. national security and in the interest of reforming the U.N., I urge my colleagues to vote "no" on the Stearns amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, on that I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 28 OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. CALLAHAN:

Page 53, line 6, after the dollar amount insert "(reduced by $29,000,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, August 4, 1998, the gentleman from Alabama (Mr. CALLAHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I have introduced a bill to reduce the appropriations to the National Marine Fisheries by $29 million. It is my ultimate intention to withdraw this amendment, but it gives me the opportunity to bring to the Members' attention something that I think is a very serious thing facing this Nation.

The United States Coast Guard is obligated to enforce all of the rules and regulations that are implemented and adopted by the National Marine Fisheries. So the scenario is that the National Marine Fisheries Service, without a word, without anything else, one bureaucrat, can issue a rule or regulation and pick up the telephone and call the Commandant of the Coast Guard and say, tomorrow morning send your people out and enforce this new rule we have implemented.

The administration this year has asked for more money, believe it or not, to enforce fisheries laws than they have requested for drug interdiction activities. That, Mr. Chairman, is misplaced priorities at its greatest possible moment.

Let me just give a scenario of something that conceivably could take place. We have a young man who wants to be in the United States Coast Guard. He goes to high school, he goes to college. Then he goes to the Coast Guard Academy. He gets his commission. He marries his childhood sweetheart. They move into a nice little bungalow. Lo and behold, he is called on his first tour of duty. He has to leave his wife and his bungalow. He has to go do what he is commissioned to do, and that is to protect the shores of the United States of America.

Can we imagine what happens when he comes back 10 days later and docks his ship and gets off the ship, runs home, he kisses his wife, and says, honey, I am back. She is happy to see him. He says, honey, you are not going to believe what happened this week, my first week asea in the United States Coast Guard.

Would you believe, he tells his wife, that I actually caught a fellow out in the Gulf of Mexico with a 10-inch snapper; and the violation of the law, because it has to be about 15 inches? So I took my multi-million dollar cutter, after I saw him with my field glasses, and I rushed over there with my 15-member crew and we boarded this boat. Not only did he violate that one-snapper regulation by it being too small, he also found out that the guy had five snappers. Can you imagine that, he says? And we arrested that guy and confiscated his boat.

His wife said, "Oh, honey I am so proud of you. But I saw the darnedest thing on television today. I saw where 500 children died this week because they were using drugs, drugs that probably came through the Gulf of Mexico."

We have misplaced priorities, Mr. Chairman, with respect to how we fund the United States Coast Guard. The Commandant of the Coast Guard has told us that he has an insufficient amount of money to even implement the activities that they did this year, much less increase the activities that need to be done to eliminate the drug infusion into the United States of America.

The National Marine Fisheries Service is out of control. We need to send them a message. I would not be able to successfully cut their appropriation. I never thought that I could. I just wanted to use this opportunity to bring to Members' attention, to bring to light, to the light of day, something that explains that the United States Fisheries Association, the National Marine Fisheries, is a bureaucratic, overzealous agency that is out of control, and that we ought not to be spending the hundreds of millions of dollars that we are spending to fund this agency, only to let the Coast Guard go wanting.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Kentucky, a landlocked State, I might add, who recognizes the importance of the United States Coast Guard.

Mr. ROGERS. Mr. Chairman, I want to commend the gentleman for bringing this matter before the House. He did so in the Subcommittee on Transportation of the Committee on Appropriations, on which he and I are both members. He did so before the full committee and now before the full House, so I want to commend the gentleman for pointing out that this administration has cut the number of hours that they are allowing the Coast Guard to patrol for drugs coming through the Caribbean, and are increasing the number of hours that they require the Coast Guard to patrol for violations of the fisheries laws.

We all want the fisheries laws enforced, but which is more important to us, keeping our kids from dying, or catching somebody with a fish an inch too long? I commend the gentleman.

Mr. CALLAHAN. The gentleman is absolutely right, they have turned the Coast Guard into the meter maids of the Gulf of Mexico.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105-641 offered by Mr. CALLAHAN:

Page 62, beginning at line 15, strike section 210 and insert the following:

SEC. 210. (a) IN GENERAL.—Each of the States of Alabama, Louisiana, and Mississippi has exclusive fishery management authority over all fish in the Gulf of Mexico within 3 leagues of the coast of that State, effective July 1, 1999.

(b) FISH DEFINED.—In this section, the term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

The CHAIRMAN pro tempore. Pursuant to House Resolution 508, the gentleman from Alabama (Mr. CALLAHAN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the language included in my amendment is an effort to provide jurisdictional parity for fisheries enforcement for the States of Alabama, Louisiana, Mississippi, with the States of Florida and Texas. These jurisdictions were originally agreed to as part of the treaty agreements which brought each State into the Federal union.

The amendment which I am proposing today would clarify some technical concerns, and allow that date certain implementation of July 1, 1999, which would allow the States of Alabama, Louisiana, and Mississippi an appropriate amount of time, timetable for the execution of this jurisdictional provision.

It would replace the nine mile provision contained in the bill as passed by the full Committee on Appropriations with three marine leagues. It is a technical amendment amending language that is in the bill. It simply amends the language to make absolutely certain that we are only talking about fisheries, and it changes three miles, or nine miles, to three leagues, which is a term we need to do that.

So it is a very simple, clarifying amendment to an amendment that was unanimously adopted by the Committee on Appropriations, and also was agreed upon by the chairman of the Committee on Resources, the gentleman from Alaska (MR. YOUNG).

Mr. Chairman, I reserve the balance of my time.

Mr. GILCHREST. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. GILCHREST) is recognized for 10 minutes in opposition.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition, because I think the motivations on the part of the people that want to extend the State jurisdiction for Mississippi, Alabama, and Louisiana are of the highest, and I think they want to do their best for people that they represent in this particular area.

My opposition comes in three areas. One is an area that we always discuss here on the House floor, the difference between an appropriation jurisdiction and an authorization jurisdiction.

There were no hearings held in this particular legislation. We do not know its impact on the States. We do not know its impact on the commercial fishery. We do not know its impact on the charter boat fishery. We do not know its impact on the shrimp fishery. There is a whole range of questions that are still out there that we do not have any real answers for that could be resolved through hearings.

Let me discuss briefly some of the volatile debates we have had around here that have been resolved during the course of hearings. We have always had problems with logging issues. Through the course of hearings, we came up with, in northern California, the Quincy Library solution, with the gentleman from California (Mr. WALLY HERGER).

We have seen solutions with the Committee on Agriculture on logging and grazing. A couple of years ago this Congress, in a bipartisan way, came together to deal with the Magnuson Act, which was to have a plan across State boundaries, across the wide oceans of the jurisdiction that the United States has in its coastal areas, to understand the need for good, science-based management plans on a resource that can be overfished.

So, number one, it is really important, it is vital, not only for this Congress but for the very fishermen in the Gulf of Mexico, for us to understand the full ramifications of what this amendment will do, what this rider will do, without any hearings.

Number two, this, I guess, could be stated as an unfunded mandate. I want to read two short paragraphs, one from the Governor of Louisiana and one from the Department of Marine Resources in Mississippi. The Governor of Louisiana says: "I am also advised that the bill is an unfunded mandate, and provides no funds for Louisiana's Department of Wildlife and Fisheries to perform the functions required," and that the bill may be effective as early as, and we now know it would not be effective until July 1, 1999.

☐ 1430

We are looking into the issue of an unfunded mandate. Basically Mr. Woods from Mississippi says the same thing. How will they develop their management plan? What will that cost? What are the costs of enforcement?

I would like to make a quick comment about the Coast Guard in response to my good friend, the gentleman from Alabama (Mr. CALLAHAN). While the Coast Guard is out there monitoring the fisheries, they are also monitoring illegal immigrants to our country. They are also checking out drug interdiction. They are also looking into environmental pollution.

There is a whole range of things that the Coast Guard does with fisheries enforcement, not to mention the fact it is a huge, many multibillion dollar industry, that the Coast Guard is out there preventing many other countries from illegally fishing in our waters.

The last comment I want to make is about conservation. I want to focus on the red snapper in particular. The red snapper, mature red snapper fish are for the most part caught outside State waters. That is outside of 9 miles if this passes. That is fine. But the immature red snapper, 80 percent of the immature red snapper fish are within State waters. Many of those red snappers, without bycatch reduction devices, are lost to bycatch. That means they never grow up and they can never be caught by the commercial fishermen outside these territorial waters who, by the way, the commercial fishing communities, the red snapper commercial fishermen are opposed to this amendment.

If we do not have some sense of where the waters flow, about how to consistently manage and sustain these resources, we are going to lose these resources. So for a conservation effort to increase the stock of red snapper, to find the way to manage the shrimp trawling industry, we need to defeat this particular amendment by the gentleman from Alabama.

Mr. Chairman, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, in deference to the arguments advanced by my former shipmate, the gentleman from Maryland (Mr. GILCHREST), an outstanding Congressman, an ex-marine and a great American hero, I would simply say that I respectfully disagree with him on this point.

We are always hearing about federalism, restoring the power to the States. I think that means equal power to the States and that all Americans stand equally under the eyes of the law. That is not the case when it comes to limits for fisheries or for any other purposes of the Outer Continental Shelf.

The fact is, as my friend, the gentleman from Louisiana (Mr. TAUZIN) will say, red snapper are doing fine. There are plenty of red snapper. And the unfunded mandates, I do not think that is a problem because the Federal Government did not worry about that when they made the shrimpers carry BRDs or TEDs or any of the other excluder devices that they mandated from here in Washington, so the unfunded mandates really is not an issue.

What is an issue is federalism, equal opportunity for States. In Alaska, they have a 12-mile limit, extending their jurisdiction out 12 miles for the supervision of some of their fisheries. In the States of California and Oregon and Washington, for the purpose of supervising the development of a particular species of crab they are talking about 200 miles, 200 miles reaching out beyond the borders of their shorelines.

In Texas and in Florida, which the last time I looked at my map bounded the States of Alabama, Mississippi and Louisiana, the outreach is 9 to 10 miles. But for whatever reason, and I did inquire of my friend from Maryland the other day what the reason was, he says, you guys came into the country under different circumstances, almost 200 years ago, whatever reason it is, we have got a 3-mile limit in Louisiana. Mississippi and Alabama have a 3-mile limit.

If Texas and Florida are on either sides of us on the Gulf of Mexico and if they have to live by certain fisheries rules, I think the fish swim in the same water. They do not stop at the border and check, am I in a Texas border or am I in a Florida border, and then I can swim out 10 miles, but I am in the Louisiana border, I can only swim out 3 miles. That is ridiculous.

We ought to have the same rules, the same laws for the fish and the people. The outreach ought to be the same number of miles, whether it is 3 miles or 10 miles, it ought to be the same. Texas and Florida do not want to go to 3 miles. They want to stay at 10 miles. So it seems only proper that Mississippi, Alabama and Louisiana ought to be 10 miles as well.

The opponents of this amendment do not want this extension of fishery rights for our states but, just the past Monday under suspension vote as part of H.R. 3460, they granted the states of California, Oregon, and Washington state jurisdiction for a major crab fishery out to 200 miles!

Opponents are trying to claim in the "Dear Colleagues" that the states of LA and Mississippi are opposed to these extensions, that they are an unfunded mandate.

But, if you read the letters from these two states you will see that they support extending jurisdiction out to 9 miles if the extension is delayed and if we provide Federal funds to implement state jurisdiction.

The revised Callahan amendment provides this extension by not implementing an extension of the state boundary for fisheries until July, 1999.

And, while direct funding to the states is not provided in this amendment—the Federal government already has grant programs, enforcement dollars and mechanisms in place through the Dingell-Johnson act and this very bill to provide states assistance in managing their fishery resources.

Opponents claim that the Callahan amendment will mean that some fishermen, particularly shrimp fishermen, will have an easier time in Louisiana, Mississippi and Alabama because their state laws or regulations do not yet require that Fish Excluder Devices (FEDs) or Bycatch Reduction Devices (BRDs) be put in their nets.

Again, the Callahan amendment is not effective until July 10 1999, so it will give the states plenty of time to require BRDs or FEDs, if they desire.

The Callahan amendment would leave management of red snapper and other resources to the states where it will be more consistent and fair.

The Commerce Department's National Marine and Fisheries Service (NMFS) and NOAA have consistently failed to develop fair and practical regulations based on all the available scientific data and economic impacts to fishermen.

NMFS consistently has used "selectively" chosen data to mandate new regulations like BRDs or FEDs that are advocated by so many here today.

Remember, this (BRD) or Bycatch Reduction Device is really a fancy name coined by the National Marine Fisheries Services (NMFS) so they would not have to call these devices FEDs, Fish Excluder Devices.

These BRDs or FEDs are an un-funded mandate implemented by the Dept. of Commerce and NMFS last April and May for well over 3,000 shrimp fishermen in the Gulf of Mexico to put in his or her shrimp nets because NMFS "claims" its "scientific data" proved that these devices will help prevent what they termed was significant red snapper bycatch.

When these FEDs or BRDs were mandated by the Federal Government in April of this year, there was no Federal funding that came with this mandate for the over 3,000 shrimp fishermen throughout the Gulf of Mexico.

Between the equipment you have to buy, the number of nets you have to modify, and the labor, these FEDs cost each shrimp fishermen an average of nearly $200—and this does not take into account the extra fuel and other expenses they have to consume to make up for the shrimp lost because the shrimp fishermen now have a TED and a FED in their nets.

And, when the FED/BRD mandate came out earlier this year, there was only one NMFS or Government approved device that the fishermen were allowed to use. It was not until opening day of shrimp season that NMFS approved a second version.

At the same time NMFS was mandating a FED/BRD requirement they said in the same rulemaking that they would conduct a "four month, intensive research effort * * * at sea to test the effectiveness of BRDs at reducing the mortality of juvenile red snapper. The research will conclusively determine the effectiveness of BRDs under actual operating conditions."

If they did not have the data and proof, under actual working conditions, why didn't NMFS implement a voluntary program with fishermen as opposed to a Federal un-funded mandate?

Also, talk about selective use of data, just 5 months earlier (in December, 1997) NMFS officials, based on the "science they developed", mandated that shrimp fishermen could no longer use certain types of NMFS previously approved "soft" TEDs, turtle excluder devices.

NMFS mandated this because they had new "science" that indicated that soft TEDs were not as effective as "hard" TEDs in releasing endangered sea turtles.

For the uninitiated, "soft" TEDs use rope or flexible rigging as opposed to "hard" TEDs that use metal or firm rigging.

NMFS went ahead with the mandate to eliminate previously approved NMFS soft TEDs despite the fact: (1) Most Gulf shrimpers used soft TEDs and would have to replace those TEDs with new ones (In fact shrimper compliance with all TEDs was over 97%); (2) That NMFS was already planning to require BRDs or FEDs; (3) And, that NMFS' own "scientific" data and other science strongly indicated that most of the soft TEDs used by shrimpers also happened to be excellent Bycatch Reduction or Fish Excluder Devices; and (4) And, that NMFS' "science" and "data" justifying the elimination of soft TEDs was only based on 2 small tests.

NMFS takes away one device, soft TEDs, they mandated years ago and that shrimpers were complying with at a 97% compliance rate, even though they had enough science to show that they helped reduce bycatch—something they several months later fishermen must use totally different devices for.

All these inconsistent and irrational Federal policies and regulations in the name of protecting the red snapper.

A species, despite what many claim, is not declining.

The same Gulf of Mexico Fishery Management Council, that opponents say oppose the Callahan amendment, said last February, when it approved a 9.12 million pound catch for red snapper for this year, that the "red snapper is in a recovery phase. . . .

"(and) positive growth indicators include 5 years of increasing recruitment, increasing numbers of older fish, increasing size of fish harvested, increasing catch rates in the fishery, and expanding juvenile distribution. . . ."

An independent red snapper stock assessment sanctioned by NMFS, and that was conducted by a Dr. Rothschild and the University of Massachusetts, concluded that the red snapper stock appears to be "healthy" and that "recruitment" is increasing.

NMFS chose not to use this stock assessment. They used their "own developed science" to conclude that the red snapper stock was still threatened enough to require the mandatory use of BRDs or FEDs.

Again, extending this fish boundary for our states does not make it easier on fishermen.

Louisiana has as tough or comparable fisheries enforcement laws in almost every area that the Feds do.

In cases where someone catches beyond their limit or is a consistent violator, Louisiana, like the Feds, requires criminal fines, allows for confiscation of property and other penalties.

But, Louisiana goes further—they allow, unlike the Feds in most cases, for additional fines to be paid to the state to help towards restoration of the impacted fishery.

And, Louisiana, I am told, has tougher laws on gill nets. Unlike Federal waters, there is a total ban on gill nets in LA waters except for allowing a special type of strike net, that cannot be left unattended, for only 2 limited species.

Louisiana is properly managing their fisheries and has been for years—if that were not the case Louisiana would not annually be ranked as the top 1, 2, or 3 nationwide producer of blue crabs, oysters and shrimp in the U.S.

According to the Commerce Dept's own figures Louisiana has had 4 of the top 10 port cities with the highest volume of fish and shellfish landings from 1994 through 1996 (the latest figures available).

This is despite the fact that Louisiana is responsible for over 75% of our entire nation's OCS oil and gas production.

I can tell you that we are environmentally sensitive—our state leadership is known for its track record for helping our fisheries, especially recreational fisheries.

If it is good enough for Alaska, Texas, Florida, Oregon, California and Washington—it should be good enough for LA, Alabama and Mississippi.

Mr. GILCHREST. Mr. Chairman, Alaska has a 3-mile jurisdiction, not a 12-mile jurisdiction, and there is only one other situation, that is the State of California, where we have had hearings, and they are managing the Dungeness crab.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment. I think I represent a sense of some fishermen who I represent, and knowledge of the California coastline and essentially West Coast coastlines. This is not good law. This is not good precedent.

As has been stated, the fish stocks do not respect political boundaries, whether they are near shore waters, offshore waters, State waters or exclusive economic zone.

One of the things that we have been trying to do with our management councils is to develop that kind of uniform practice of how you can best fish a fishery without catching in the process what they call the bycatch, which are also, and when you are fishing for shrimp, you are catching three times as much bycatch as you are fish. That bycatch has an economic value. If you are going to wipe out a species by it as a bycatch, you are going to be wiping out somebody else's business.

So in the best economic interest, it does not make sense to essentially give States this exclusive jurisdiction at the expense of other fishermen in the ocean. That is why the council of this jurisdiction is opposed to this. The States indicate they do not have the resources to manage it, have the patrol boats and so on.

It really does makes sense to keep these jurisdictions as they have. These States have coastal Zone Management Plans. They have exclusive authority that has been granted them to regulate in certain instances activities in these zones. So there is essentially a local, State, Federal cooperation that has been working well all these years.

The only reason you want to extend this jurisdiction is to take away Federal Government authority and give it to the States, and that might be in the best interest of some commercial interests in that State, but it will not be in the best interest of all the commercial fisheries interests. It will certainly not be in the best interest of sustaining.

Our most important issue in respect here in making laws is to sustain so future generations can have access to these fisheries.

Mr. CALLAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, let me first tell you that as far as this unfunded mandate argument goes, we have discussed personally this issue with our governor, the head of our natural resources in Louisiana. They tell us it is certainly right and fitting that Louisiana and Mississippi and Alabama should have the same jurisdictional enforcement capacities that Texas and Florida have, and they would be very willing to accept that responsibility if the State was accorded that responsibility in this bill. They are prepared for it.

Of course, our fisheries and wildlife department would love to have more money. That is the reason he mentioned that in his letter. But the truth of the matter is that they want parity of jurisdiction, just as much as the gentleman from Louisiana (Mr. LIVINGSTON) and I, who represent Louisiana, would love our State to have parity of jurisdiction.

I appreciate the gentleman from Maryland about the fiscal state of affairs in Louisiana. I assure you, our State officials are one with us in this request.

Secondly, let me point out that the Callahan amendment makes no change substantively in the fisheries laws. The laws are going to be enforced, whether by the Federal authorities or the State authorities, the same.

Thirdly, the gentleman from Louisiana (Mr. LIVINGSTON) made the point, the fact that in Louisiana, Mississippi and Alabama there is a 3-mile fisheries limit enforcement for State authorities, and in Texas and Florida, 3 leagues enforcement authority. Literally, it sets up a crazy boundary line for enforcement.

It does not mean the Coast Guard is not going to be out there. The Coast Guard will still enforce the laws outside the 3 leagues. It will still be there to protect against drug induction into our country. It will still be there protecting the fisheries laws on its side of that 3 leagues.

This amendment simply means that Louisiana and Mississippi and Alabama would enjoy the same enforcement jurisdictional authority that Texas and Florida have in the same Gulf waters.

Finally, let me point out that the Gulf Fisheries Council finds itself in great problems with our own NMFS authority here in Washington. National

Marine Fisheries consistently overrules the Gulf Council. The Gulf Council has great problems with our own authority here in Washington, D.C. But let me assure you of one thing, we in Louisiana are as sincerely interested in maintaining a red snapper population as any of you, believe me, from California or Maryland may be.

Red snapper are important to our commercial industry. It is also important to our sports fisheries industry. If the commercial red snapper industry is at all worried, it is not worried about who enforces the laws 3 miles or 9 miles or 12 miles outside of our boundaries. They are more concerned that the sports fishermen do not get a bigger share of the quota.

That is the real battle. Right now the few boats who fish commercially take 51 percent of the red snapper quotas right now. Sports fishermen would love to have a bigger share of that. That is a battle they fight at the council level. It has nothing to do with what authority enforces the law.

I can assure you, red snapper is critical to the sportsmen and to the commercial interests in our State and those of us who want to see that wonderful species of fish preserved. We do our job in Louisiana and Mississippi and Alabama to preserve them. We simply want the same authority that is accorded Florida and Texas in that regard.

The CHAIRMAN. The gentleman from Maryland (Mr. GILCHREST) has 2½ minutes remaining, and the gentleman from Alabama (Mr. CALLAHAN) has 2½ minutes remaining and the right to close.

Mr. GILCHREST. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, let me point out to my colleagues that this is not a new issue. In 1995 the Republican-controlled Congress spoke loud and clear on the need for bycatch devices. By a vote of 294 to 129 during reauthorization of the Magnuson Act, the House voted to allow the bycatch devices regulations to move forward.

I suggest that Members go back and check their vote in the 104th Congress and be consistent, because absolutely nothing has changed since that time. The red snapper and other fish are just as vulnerable to poor shrimping practices, the bycatch devices are just as effective in reducing the problem.

I urge my colleagues not to be fooled. This is not an amendment to protect States' rights. This is an amendment to undermine environmental protection. This is not an amendment that will correct language in the bill. This is an attempt to block efforts to strike the very damaging language in the bill.

The Gulf of Mexico Fishery Management Council, Gulf charter boat fishermen and red snapper fishermen, as well as environmental groups and the governor of Louisiana, are all adamantly opposed.

Mr. GILCHREST. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I rise in opposition to the Callahan amendment. It is my opinion that this amendment would have a devastating effect on many Gulf of Mexico fisheries.

Let me just say, Mr. Chairman, that I have the utmost regard for the gentleman from Alabama and for his constituents. I would like to point out that we have heard from some of them who oppose the gentleman's amendment. For example, the Gulf of Mexico Fisheries Management Council voted 9 to 2 to oppose the gentleman's amendment.

I also have a communication here from the Clark Seafood Company from Pascagoula, Mississippi. Let me quote from their letter:

"I think Congressman Callahan was probably trying to do something helpful for commercial and recreational fishing when he wrote" his proposal, "but his proposal, a rider on the appropriations bill, leaves an awful lot of questions unanswered and could cause some big problems for Gulf fishermen."

I also have a letter from the Orange County Fishing Association from Orange County, Alabama: "We fully support the Gulf of Mexico Fishery Management Council's position" in opposition to the Callahan amendment, they say. "The National Marine Fisheries Service states that if they lose the valuable miles for bycatch reduction, their only alternative would be to lower the allowable catch for red snapper and thereby extend the closure considerably."

We have a letter from the Destin Charter Boats Association to the same effect. We have a letter from the Galveston Party Boats, Inc. to the same effect. We have a letter from the Panama Boatman Association and they say, "This rider will be devastating to the hook and line fishermen in the Gulf of Mexico."

Mr. Chairman, I include for the RECORD the following correspondence:

CLARK SEAFOOD COMPANY, INC.,
Pascagoula, MS, July 29, 1998.

Hon. TRENT LOTT,
Russell Building,
Washington, DC.

DEAR SENATOR LOTT: I apologize for waiting this late to contact your office about Sonny Callahan's bill to extend the state waters of Mississippi, Alabama and Louisiana out to nine miles.

I think Congressman Callahan was probably trying to do something helpful for commercial and recreational fishing when he wrote his proposed law extending the fisheries jurisdiction in the Gulf out to nine miles. But his proposal, a rider on the appropriations bill, leaves an awful lot of questions unanswered and could cause some big problems for Gulf fishermen and for people like me in the commercial fishing business.

I don't think a law that makes such big changes in the way we operate and that could cost a lot of fishermen a large amount of money should be passed without giving all of us a chance to ask questions about it and at least try to make changes where we see problems. Congressman Goss has tried to make changes to minimize the problems but his efforts raise other questions for us.

I would appreciate it if you would ask Congressman Callahan to remove his rider on the appropriations bill and bring his proposal back to Congress next year as a regular bill. That way we in the fishing industry can study and comment on the bill. If he is unwilling to do that, I would ask you to vote against Congressman Callahan's rider on the appropriations bill.

Thank you for your consideration of my comments on this issue and for your work supporting our seafood businesses.

Sincerely,

PHIL HORN.

ORANGE BEACH FISHING ASSOCIATION,
Orange Beach, AL, July 27, 1998.

U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN, We fully support the Gulf of Mexico Fishery Management Council's position to oppose the rider attached to H.R. 4276 by Congressman Sonny Callahan. It would extend state waters for Alabama, Mississippi and Louisiana from 3 to 9 miles out. Although we believe the primary reason for introducing this rider was intended to support the fishery, ramifications have since been identified that would make the adoption of this rider extremely detrimental to the fishery.

Ten million dollars in studies, funded by Congress, show that reducing shrimp trawl bycatch is the single most important element in the recovery of the red snapper fishery. Studies indicate that the stock could not recover in the allotted time allowed under the Magnuson Act even with a complete closure of the directed red snapper fishery (charter/recreational and commercial) without bycatch reduction. Without 50% reduction in bycatch the fishery cannot recover.

The state of Louisiana has a law that prohibits enforcing bycatch reduction devices or turtle excluder devices in state waters. Last week at the Gulf of Mexico Fishery Management Council Meeting the state of Mississippi's representative stated that they have no intention of requiring bycatch reduction devices in state waters, as did the representative from the State of Alabama.

The National Marine Fisheries Service states that if they lose these valuable miles for bycatch reduction their only alternative would be to lower the total allowable catch for red snapper and thereby extend the closure considerably. Recreational saltwater fishing contributes a $7 billion dollar impact annually to these five states. The consequences of adoption of this rider would destroy the ability to preserve this industry and the impacts associated with it. When you include the economic impact of the commercial fishery as well, the impact of closures is staggering.

Numerous delays (since 1990) on implementing bycatch reduction devices (BRD's) have been granted to the shrimping industry to accommodate design and minimize shrimp loss. During this same period, the directed recreational/charter red snapper fishery has given up 60% of their bag limit and suffered through a 5 week closure. We urge you to oppose this rider so that ALL industries contribute to saving this valuable resource.

Best Regards,

BOBBI M. WALKER,
President.

DESTIN CHARTER BOAT ASSOCIATION,
Destin, FL, July 27, 1998.

The 100 members and families of the Destin Charter Boat 'Association stand adamantly opposed to the Callahan rider that has been attached to the appropriations bill H.R. 4276. This bill will be a disaster for the red snappers fisheries and the lives that depend on the recreational and commercial catch of red snappers. The red snapper fisheries will soon close because the shrimping industry is catching and killing millions of pounds of juvenile red snappers as by-catch to their shrimp catch. These juvenile red snappers are inadvertently caught in the shrimp net and are discarded back into the water dead.

The N.M.F.S. has recognized that the killing of juvenile red snappers as by-catch is one of the leading major causes of the decline of red snapper stocks. N.M.F.S. has recently ordered all shrimp boats in federal waters to utilize a proven and well tested by-catch reduction device (BRD).

The problem is, the shrimping industry is being allowed to kill a large portion of the snapper population as a useless by-catch that they discard and has no value to them whatsoever, while the red snapper fisheries is having their limits and quota's reduced to compensate for the juvenile red snappers that the shrimp industry kills.

The Callahan rider will change the state water boundary lines to 9 miles from 3 miles for all Gulf coast states (except FL where it already is 9 miles). This change will allow the shrimping industry to fish in what was once protected federal waters without the required use of the BRD. Not only will this accelerate the catch of juvenile red snappers, these inshore waters are the main breeding groung for the red snappers stocks. This rider is the worst case scenario for the red snapper fisheries, we are currently facing a Sept. 1st closure because of the large number of red snappers killed as a result of shrimp trawl by-catch.

Everything possible must be done to defeat the Callahan rider to H.R. 4276. The future of our multi million dollar recreational, commercial and charter fishing industry is depended on it. The red snappers that are being killed and discarded as trash, are the life blood of the red snapper fisheries as well as the commercial and recreational fishing industry.

Your help is needed now.

Sincerely,

MIKE ELLER,
President, D.C.B.A.

GALVESTON PARTY BOATS, INC.,
Galveston, TX, July 31, 1998.

Hon. NICHOLAS V. LAMPSON,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LAMPSON: I am writing to ask your help in defeating a rider attached to H.R. 4276. This rider, sponsored by Rep. Callahan will extend the state waters of Louisiana, Mississippi and Alabama out to nine miles. Newly mandated by-catch reduction devices designed to save juvenile red snapper are not required in state waters, including new areas added as a result of this bill. As such, the National Marine Fisheries Service has stated that extending state waters would require a severe reduction or complete closure of the red snapper fishery in the Gulf of Mexico. As I am sure you already know, our industry is already fighting an uphill battle for survival. The last thing we need is for NMFS to be provided with more ammunition to use as justification for reducing our bag limit and season. Please note in the attached letter from Dr. Kemmerer to Mr. Swingle of the Gulf Council, that NMFS is already pressuring the Gulf Council to reduce our bag limit.

Our information indicates this bill will be voted on this Tuesday, (August 4). Thank you for your time and consideration in this urgent matter.

Sincerely,

ED SCHROEDER.

PANAMA CITY BOATMAN ASSOCIATION,
Panama City, FL, July 27, 1998.

DEAR CONGRESSMAN: The Panama City Boatman Association is extremely concerned about a rider to the Appropriations Bill which has been attached by Congressman Callahan from Alabama. This rider will be devastating to the hook and line fishermen in the Gulf of Mexico. If the Appropriations Bill is passed with this rider, we will be faced with the very real possibility of a recreational red snapper fishery closure this year and a possible continued closure for the next several years. Any recreational fishery closure has severe detrimental social and economic consequences to the local fishing communities and the citizens in general along the Gulf Coast. In fact, this closure and its impact might be something from which many residents of those coastal areas might never fully recover. We implore you to act now to prevent this disaster! The problem is confusing and complex, but perhaps the following explanation of the status of mandatory bycatch reduction in some of the Gulf Coast states will help you see the urgent need for quick action to kill this rider.

Currently the states of Alabama, Mississippi, and Louisiana have state water jurisdiction up to three miles offshore. The states of Florida and Texas have state water jurisdiction up to nine miles offshore. Florida and Texas have state requirements regulating the commercial and recreational red snapper fishery, and Florida requires bycatch reduction devices (BRDs) to be installed in shrimp nets. The National Marine Fisheries Service has required BRDs in federal waters of the Gulf of Mexico since May 14, 1998. The states of Alabama, Mississippi, and Louisiana do not require BRDs in their state waters. Presently, with Alabama, Mississippi and Louisiana extending their state waters to nine miles offshore, the area off their coasts between three and nine miles would not be subjected to the BRD requirement. Thus, those states would not be participating in required bycatch mortality reduction, and consequently, they would sustain the massive killing of juvenile red snapper. Since the hook and line fishery is directly dependent on the percentage of bycatch mortality reduction, it is very clear that the elimination of required bycatch mortality reduction in such a vast area would be deadly to the hook and line red snapper fishery. Something must be done to save these fish.

We plead with you to kill this rider. We are very concerned and conscientious about our fisheries and how they are managed; this rider will cause severe problems and greatly hamper current management efforts to rebuild the currently overfished red snapper fishery. Please insist this rider be removed from the Appropriations Bill!

Thank You,

R.F. ZALES II,
President.

Mr. Chairman, I rise in opposition to the Callahan amendment. This amendment would have a devastating effect on Gulf of Mexico fisheries. It would effectively eliminate the requirement to reduce shrimp trawl bycatch in the Gulf of Mexico. It would undermine the ability of the National Marine Fisheries Service to manage Gulf fisheries. It would set a disastrous precedent for changing jurisdictional boundaries as a means for avoiding necessary marine fisheries conservation and management measures. This amendment would overturn a significant fisheries management decision, made based on science for the benefit of the Gulf's fisheries. Finally, it will place an unfunded mandate on the states, which will presumably be charged with enforcement in the state waters which will be increased threefold.

In addition to the conservation arguments against this amendment, it is the simple truth that not one hearing has been held on the effects of this change. Mr. CALLAHAN's amendment was granted a waiver for authorizing on an appropriations bill, and neither the Committee on Resources or its Subcommittee on Fisheries Conservation, Wildlife and Oceans, which have authorizing jurisdiction over fisheries issues, have had the opportunity to examine this issue. It would be ill-advised to give this amendment the force of law without knowing its effects.

I have letters here from recreational and commercial fishermen from the Gulf of Mexico, most of which implore Congress to reject this amendment until a hearing is held, so that their concerns can be addressed. Also, here is the roll call vote taken by the Gulf of Mexico Fishery Management Council opposing the Callahan amendment. This council was established by the direction of Congress to help conserve fish stocks, so it would be ill-advised to ignore their advice. Finally, I have a copy of the Statement of Administration Policy which clearly states the strong opposition to this measure.

Until the effects of this amendment can be examined, I must strongly oppose the Callahan amendment. I urge all Members concerned about conservation to do the same.

□ 1445

Mr. Chairman, I ask all my colleagues to oppose the Callahan amendment.

Mr. CALLAHAN. Mr. Chairman, I yield myself the balance of my time just to respond to some of the speakers.

First of all, to the gentleman from New York. This has zero, nothing, to do with the bycatch device. Zero. Period. That is a myth, and I think Members should be aware of that.

Number two, the gentleman from Maryland. I doubt if he has even seen the Gulf of Mexico. I know he has not been shrimping there. I know he has not been fishing there. But I do know that they spend more money in the Chesapeake Bay, in his district, than they do for all of the Gulf of Mexico for research.

Maybe it is time for some parity in that appropriation process. Maybe we ought to take half of the $21 million a year they spend in the Chesapeake and spend it in the Gulf of Mexico. That is an issue we will have to face later.

The gentleman from New Jersey read all of those letters. Now, he read a letter from Orange County, Alabama. Mr. Chairman, there is no Orange County, Alabama. They are fabricating a lot of these things simply to mislead my colleagues.

My amendment does two very simple things: Number one, the National Marine Fisheries is implementing rules and regulations over the objections of the State of Alabama and the States of Louisiana and Mississippi. But, nevertheless, Mr. Chairman, most important, my amendment says that the law that is in the appropriation bill will not be effective until July 1999.

I ask Members to read the amendment. It simply defines fisheries. We wanted to limit it to fisheries only because they were passing out rumors that it had something to do with oil, which it has nothing to do with oil. So the correcting amendment just delays the effective date until July 1, 1999, and it defines fisheries.

The gentleman from California was very eloquent. But they have a bill in that will be on the floor, probably next week, to extend the boundaries of California. So it is all right for California but it is not all right for Louisiana, Alabama and Mississippi.

Mr. Chairman, I ask that the Members read the amendment and to keep in mind that it simply says that the effective date of the language in the appropriation bill is delayed until July 1, 1999, and it defines fish, meaning fin fish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. So read the amendment, and I would urge my colleagues to vote for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. CALLAHAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CALLAHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Alabama (Mr. CALLAHAN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 508, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: The amendment offered by the gentleman from Florida (Mr. STEARNS) and the amendment offered by the gentleman from Alabama (Mr. CALLAHAN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

The vote was taken by electronic device, and there were—ayes 165, noes 261, not voting 8, as follows:

[Roll No. 394]

AYES—165

Aderholt
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bilirakis
Bliley
Blunt
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Fossella
Fowler
Gallegly
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kingston
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Portman
Radanovich
Redmond
Riley
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wilson
Young (FL)

NOES—261

Abercrombie
Allen
Andrews
Archer
Baesler
Baldacci
Ballenger
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Campbell
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—8

Ackerman
Blagojevich
Clay
Cunningham
Gilman
Gonzalez
McHale
Pickering

□ 1513

Mr. KLINK changed his vote from "aye" to "no."

Messrs. BAKER, ROEMER, GALLEGLY and Mrs. CUBIN changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Chairman, on rollcall 394, the amendment by the gentleman from Florida (Mr. STEARNS), I was inadvertently detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. CALLAHAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. CALLAHAN) on which further proceedings were postponed on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 141, noes 283, not voting 10, as follows:

[Roll No. 395]

AYES—141

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Davis (IL)
Davis (VA)
Deal
DeLay
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hansen
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hilliard
Hostettler
Hunter
Hyde
Istook
Jefferson
Jenkins
John
Johnson, Sam
King (NY)
Kingston
Knollenberg
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manton
McCrery
McIntosh
McKeon
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Ortiz
Oxley
Packard
Parker
Paul
Paxon
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pombo
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Ryun
Salmon
Sessions
Shadegg
Shimkus
Shuster
Sisisky
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Tiahrt
Torres
Wamp
Watts (OK)
White
Wicker
Young (AK)

NOES—283

Abercrombie
Allen
Andrews
Archer
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Christensen
Clayton
Clement
Clyburn
Conyers
Costello
Cox
Coyne
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hefley
Hefner
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Sununu
Talent
Tanner
Tauscher
Thune
Thurman
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—10

Ackerman
Buyer
Clay
Coburn
Cunningham
Gonzalez
McDade
McHale
Pickering
Stupak

☐ 1520

Mr. CAMP and Mr. FROST changed their vote from "aye" to "no."

Mr. SKELTON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 24 offered by Mr. GILCHREST:
>
> Page 62, beginning at line 15, strike section 210.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, August 4, 1998, the gentleman from Maryland (Mr. GILCHREST) and a Member opposed will each control 7½ minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume. The issue that we are dealing with right now, this motion to strike, is to take the language out of the appropriations bill dealing with extending the State jurisdiction in the Gulf of Mexico of Mississippi, Louisiana, and Alabama from 3 miles to 3 leagues, or 9.2 miles.

I have grave reservations about this language in the appropriations bill. Number one, mainly because it has not gone through a process, it has not gone through the authorizing committees. We do not know the kinds of management plans that we will deal with in these that are now presently Federal waters. There are a whole host of other problems that I think the authorizing committees could deal with and in the next session of Congress we may, and I feel fairly confident could come up with a way to find a compromise or a solution to this particular problem.

The other issue here is an issue, and I recognize this is an issue in dispute, but it deals with unfunded mandates. If these State waters are extended out to three leagues, the Governor of Louisiana has told us that he does not have the money to create a fisheries management plan and he does not have the money for enforcement. The Secretary of Marine Resources in the State of Mississippi has said basically the same thing. So this is going to cost those States a little money.

The other issue is conservation. The conservation issues which deal with these are Federal waters. The Gulf of Mexico, these waters, do not recognize any kind of boundaries. It is inherent in the marine ecosystem that these fish swim from one place to another. There are no barriers. There are no political boundary lines. There is just a fishery. So to ensure a sustainable fishery, we have created basically through the Magnuson-Stevens Act a method by which the Federal Government works with the States to sustain these fisheries. If we carve up these waters, especially the waters in these particular sensitive areas, that fisheries management plan to sustain the fisheries will not work and will basically collapse in my judgment.

I feel that we should hold hearings on this issue. I know it is important to the people in the region, many people depend on jobs in this particular area, but the process is to go through the committee, the questions will be answered about conservation, unfunded mandates, the State synchronizing their management plans, and I feel the process will work a lot better.

I urge my colleagues to vote "yes" on this motion to strike.

Mr. Chairman, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) is recognized for 7½ minutes.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume. In 1861, the State of Alabama joined with a bunch of other States and we tried to move our boundaries a little north. The people in New Jersey and California and New York fought us and pushed us back, so we lost that battle to expand our boundaries north.

This year we decided to expand our boundaries south, thinking no one would be opposed to Alabama extending its boundaries out into the Gulf of Mexico like the State of California is going to do next week, extending their boundaries out into the Pacific Ocean. But once again, we were beat 2–1.

There is no sense in taking this body through another debate on the same issue. At the time of the vote, I am not going to ask for a recorded vote and will accept defeat with humility.

Mr. Chairman, I yield back the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume. I want to say also with great humility that the gentleman from Alabama has expressed himself extremely well. This is an issue that we will revisit. I would look forward to working with him and the other gentleman on this amendment in the future very closely.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I just might remind him that while New York and New Jersey and California were not on our side in the battle that took place in the last century, most of the people from Maryland were. But this year things have changed. I thank the gentleman for yielding.

Mr. GILCHREST. The gentleman from Alabama's words are well spoken. Maryland was a border State. We stayed with the union. But this is not about a fight between the North and the South. This is about a battle that all of us take together to sustain the resources of this great country for future generations.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. GILCHREST).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 124, line 2, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1998, $45,326,000 are rescinded.

LEGAL ACTIVITIES

UNITED STATES TRUSTEE SYSTEM FUND

(RESCISSION)

Of the unobligated balances available from offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b), $17,000,000 are rescinded.

TITLE VIII—CITIZENS PROTECTION

SHORT TITLE

SEC. 801. This title may be cited as the "Citizens Protection Act of 1998".

AMENDMENT NO. 11 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HUTCHINSON: Strike title VIII.

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The CHAIRMAN. Does the gentleman from Arkansas (Mr. HUTCHINSON) ask unanimous consent to have the amendment considered now?

Mr. HUTCHINSON. Mr. Chairman, I ask unanimous consent that this amendment be considered.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. McDADE. Reserving the right to object, Mr. Chairman, and I shall not object; I just want to assure that I get the time. There is 20 minutes, I believe, on each side, we have an agreement, and I rise in opposition to the gentleman's amendment and request the opportunity to control the 20 minutes.

PARLIAMENTARY INQUIRY

Mr. MOLLOHAN. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. Is there objection to the amendment to strike title VIII at this time?

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman.

The CHAIRMAN. The gentleman from West Virginia reserves the right to object and will state his reservation.

Mr. MOLLOHAN. Mr. Chairman, where are we? What are we doing right now?

The CHAIRMAN. The Clerk has just read section 801.

Mr. MOLLOHAN. Mr. Chairman, the gentleman from Michigan (Mr. CONYERS) was standing and was not recognized.

Mr. CONYERS. Mr. Chairman, I believe my amendment was pending at the desk and was preferential, and with the cooperation of my colleague on the Committee on the Judiciary I ask that it be called up.

PARLIAMENTARY INQUIRY

Mr. HUTCHINSON. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HUTCHINSON. The parliamentary inquiry is that I have an amendment at the desk, I was recognized, there was a unanimous-consent request that I be allowed to proceed with my amendment, and I ask the Chair to rule on that.

The CHAIRMAN. The gentleman will suspend.

The gentleman did ask for unanimous consent to consider an amendment striking all of title VIII that has not been granted at this time. There has been reservations against that at this time.

So the question is:

Is there objection to the gentleman considering his amendment at this time?

Mr. CONYERS. Reserving the right to object, Mr. Chairman, all I ask my colleague:

I have a preferential motion, and his is one to strike, that it go at the proper time. I mean what is the problem?

Mr. McDADE. Mr. Chairman, I say to my colleagues that when the gentleman from Arkansas made his request, I reserved to claim the 20 minutes time in opposition that has been agreed to as the original drafter of the amendment that is in the bill.

I would suggest the gentleman from Arkansas be permitted to go forward. It is a straight up-or-down motion on whether or not we should strike the title.

The CHAIRMAN. The Chair just reminds the gentleman from Pennsylvania that the Committee is not at that point yet. At the appropriate time there may be a time limitation.

The Chair might make the recommendation that the gentleman from Arkansas (Mr. HUTCHINSON) wait until the title is considered as read, and he can offer his amendment so that the gentleman from Michigan (Mr. CONYERS), whose amendment would be in order when section 802 is read, can make it. That way we would follow order.

Mr. ROGERS. Mr. Chairman, may I ask what paragraph we are on at this moment?

The CHAIRMAN. The Clerk has read section 801.

Mr. ROGERS. And, Mr. Chairman, if the gentleman from Arkansas (Mr. HUTCHINSON) moves to strike section 801——

Mr. HUTCHINSON. Mr. Chairman, I move to strike section 801.

Mr. ROGERS. Would that be in order, and would that supersede the Conyers amendment?

The CHAIRMAN. The gentleman could withdraw his request and offer another amendment to section 801, in which case it would be in order.

Mr. CONYERS. Reserving the right to object, Mr. Chairman, may I explain to the distinguished chairman and my friend from Pennsylvania that this is a preferential motion? It is a motion, a perfecting motion that takes precedence over a motion to strike, and it is not inconsistent with anything that any of my colleagues are trying to do.

PARLIAMENTARY INQUIRY

Mr. ROGERS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROGERS. If the gentleman from Michigan (Mr. CONYERS) would listen, I think if the gentleman from Arkansas' motion is related to section 801, the Conyers amendment, I think, relates to section 802, if I am not mistaken.

If that is correct, Mr. Chairman, would it not be that the Hutchinson motion would come first?

The CHAIRMAN. That is correct.

Mr. CONYERS. Continuing to reserve the right to object, Mr. Chairman, this is not about this bill or anything else. This is the rules of the House. A preferential, a perfecting, amendment has preference over a motion to strike. This is not just for my colleague's bill or this moment. That is the way the House runs. And to my good friend from Pennsylvania, his right to control time is in no way impeded or blocked by what I am doing. When it comes up, that will still be in order.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I think it works both ways.

Mr. CONYERS. No, it is not both ways. This is the rules of the House, and I ask the Chair to give me a little assistance here.

I was on my feet, and we have not approved of the right of my dear friend from Arkansas (Mr. HUTCHINSON) to go forward.

I reserve the right to object, and it looks like I am not going to have much alternative.

The CHAIRMAN. The Chair is prepared to try to straighten this out.

The Chair is advised that a motion to strike the title which is what the gentleman from Arkansas is preparing to do, and a preferential motion to amend section 802, which the gentleman from Michigan has, could both be pending at the same time, which then would lead the Chair to make a decision.

Mr. CONYERS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas to strike title VIII?

There was no objection.

Without objection, title VIII is considered read.

There was no objection.

The text of title VIII is as follows:

INTERPRETATION

SEC. 802. As used in this title and the amendments made by this title, the term "employee" includes an attorney, investigator, or other employee of the Department of Justice as well as an attorney, investigator, or accountant, acting under the authority of the Department of Justice.

SUBTITLE A—ETHICAL STANDARDS FOR FEDERAL PROSECUTORS

ETHICAL STANDARDS FOR FEDERAL PROSECUTORS

SEC. 811. (a) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

"ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT

"SEC. 530B. (a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.

"(b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.

"(c) As used in this section, the term 'attorney for the Government' includes any attorney described in section 77.2(a) of part 77 of title 28 of the Code of Federal Regulations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"530B. Ethical standards for attorneys for the Government.".

SUBTITLE B—PUNISHABLE CONDUCT

PUNISHABLE CONDUCT

SEC. 821. (a) VIOLATIONS.—The Attorney General shall establish, by plain rule, that it shall be punishable conduct for any Department of Justice employee to—

(1) in the absence of probable cause seek the indictment of any person;

(2) fail promptly to release information that would exonerate a person under indictment;

(3) intentionally mislead a court as to the guilt of any person;

(4) intentionally or knowingly misstate evidence;

(5) intentionally or knowingly alter evidence;

(6) attempt to influence or color a witness' testimony;

(7) act to frustrate or impede a defendant's right to discovery;

(8) offer or provide sexual activities to any government witness or potential witness;

(9) leak or otherwise improperly disseminate information to any person during an investigation; or

(10) engage in conduct that discredits the Department.

(b) PENALTIES.—The Attorney General shall establish penalties for engaging in conduct described in subsection (a) that shall include—

(1) probation;

(2) demotion;

(3) dismissal;

(4) referral of ethical charges to the bar;

(5) loss of pension or other retirement benefits;

(6) suspension from employment; and

(7) referral of the allegations, if appropriate, to a grand jury for possible criminal prosecution.

COMPLAINTS

SEC. 822. (a) WRITTEN STATEMENT.—A person who believes that an employee of the Department of Justice has engaged in conduct described in section 821(a) may submit a written statement, in such form as the Attorney General may require, describing the alleged conduct.

(b) PRELIMINARY INVESTIGATION.—Not later than 30 days after receipt of a written statement submitted under subsection (a), the Attorney General shall conduct a preliminary investigation and determine whether the allegations contained in such written statement warrant further investigation.

(c) INVESTIGATION AND PENALTY.—If the Attorney General determines after conducting a preliminary investigation under subsection (a) that further investigation is warranted, the Attorney General shall within 90 days further investigate the allegations and, if the Attorney General determines that a preponderance of the evidence supports the allegations, impose an appropriate penalty.

MISCONDUCT REVIEW BOARD

SEC. 823. (a) ESTABLISHMENT.—There is established as an independent establishment a board to be known as the "Misconduct Review Board" (hereinafter in this title referred to as the "Board").

(b) MEMBERSHIP.—The Board shall consist of—

(1) three voting members appointed by the President, one of whom the President shall designate as Chairperson;

(2) two non-voting members appointed by the Speaker of the House of Representatives, one of whom shall be a Republican and one of whom shall be a Democrat; and

(3) two non-voting members appointed by the Majority Leader of the Senate, one of whom shall be a Republican and one of whom shall be a Democrat.

(c) NON-VOTING MEMBERS SERVE ADVISORY ROLE ONLY.—The non-voting members shall serve on the Board in an advisory capacity only and shall not take part in any decisions of the Board.

(d) SUBMISSION OF WRITTEN STATEMENT TO BOARD.—If the Attorney General makes no determination pursuant to section 822(b) or imposes no penalty under section 822(c), a person who submitted a written statement under section 822(a) may submit such written statement to the Board.

(e) REVIEW OF ATTORNEY GENERAL DETERMINATION.—The Board shall review all determinations made by the Attorney General under sections 822(b) or 822(c).

(f) BOARD INVESTIGATION.—In reviewing a determination with respect to a written statement under subsection (e), or a written statement submitted under subsection (d), the Board may investigate the allegations made in the written statement as the Board considers appropriate.

(g) SUBPOENA POWER.—

(1) IN GENERAL.—The Board may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Board. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Board may apply to a United States district court for an order requiring that person to appear before the Board to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(h) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of its voting members. All meetings shall be open to the public. The Board is authorized to sit where the Board considers most convenient given the facts of a particular complaint, but shall give due consideration to conducting its activities in the judicial district where the complainant resides.

(i) DECISIONS.—Decisions of the Board shall be made by majority vote of the voting members.

(j) AUTHORITY TO IMPOSE PENALTY.—After conducting such independent review and investigation as it deems appropriate, the Board by a majority vote of its voting members may impose a penalty, including dismissal, as provided in section 821(b) as it considers appropriate.

(k) COMPENSATION.—

(1) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Board who are full-time officers or employees of the United States, including Members of Congress, may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(l) EXPERTS AND CONSULTANTS.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed $200 per day.

(m) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Board to assist it in carrying out its duties under this title.

(n) OBTAINING OFFICIAL DATA.—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairperson of the Board, the head of that department or agency shall furnish that information to the Board.

(o) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(p) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Board, the Administrator of General Services shall provide to the Board, on a reimbursable basis, the administrative support services necessary for the Board to carry out its responsibilities under this title.

(q) CONTRACT AUTHORITY.—The Board may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

The CHAIRMAN. The gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes. The gentleman from Pennsylvania (Mr. MCDADE) has requested time in opposition and, therefore, will be recognized for a like time.

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman?

The CHAIRMAN. The gentleman will state his reservation.

Mr. MOLLOHAN. Mr. Chairman, reserving the right to object, there is no time agreement being offered, proposed, on this amendment?

The CHAIRMAN. The gentleman is correct. There is no time agreement at this point.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, this gentleman would be amenable to such a request.

Mr. MOLLOHAN. Mr. Chairman, we cannot.

Mr. ROGERS. The gentleman from West Virginia cannot agree to a time?

Mr. MOLLOHAN. We cannot agree to a time.

The CHAIRMAN. Without objection, the title is considereed read and the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes on his motion.

PARLIAMENTARY INQUIRY

Mr. MCDADE. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MCDADE. I just need to be clear, Mr. Chairman.

I believe the Chair said to the gentleman from Arkansas that he gets 5 minutes.

The CHAIRMAN. The Chair advises the gentleman the Committee is under the 5-minute rule, so the gentleman is recognized for 5 minutes on his amendment.

Mr. MCDADE. And how much time am I allowed, may I ask the Chair?

The CHAIRMAN. Does the gentleman stand in opposition?

Mr. MCDADE. I did.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. MCDADE) will be recognized for 5 minutes at the end of Mr. HUTCHINSON's debate.

Mr. MCDADE. Everybody gets 5 minutes?

The CHAIRMAN. That is correct, the 5-minute rule.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the Hutchinson-Barr-Bryant amendment.

The distinguished gentleman from Kentucky (Mr. ROGERS) has done a masterful job in developing this appropriations bill. The title VIII, which our amendment would strike, goes far afield from the ordinary requirements of the spending bill. It includes almost verbatim the well intentioned, but ill advised, Citizen Protection Act. Including this legislative title in the bill violates the normal process in this House by bypassing committee hearings and markups, but even more importantly, it is wrong on substance. The proposed title VIII, which is the subject of our amendment, would cut to the heart of our Federal system of justice and would cripple the war on drugs, and for that reason it is understandable that the National Director of Drug Control Policy, Barry McCaffrey, opposes this provision as well as the DEA, the FBI and the National Sheriffs Association. Even though the authors of title VIII are sincere in their efforts, the effect would be devastating and demoralizing to our agents and officers risking their lives each day to fight crime. I know that is why all former United States Attorneys now serving in Congress are cosponsors of this amendment and are leading this effort.

Now we all agree on one thing, and that is that our Federal prosecutors should live up to the highest ethical standards. The proponents of title VIII say that they just want government attorneys to be subject to States ethics laws. The fact is they already are. Every government attorney is required to abide by the rules and ethical guidelines in the State they are licensed to practice law. This means the ethical conduct of Federal prosecutors are reviewed by the State in which they are licensed, at the federal level by the Office of Professional Responsibility within the Department of Justice, the Inspector General of the Department of Justice and the federal courts.

In addition, we just passed a law that said that if any prosecution is brought in a frivolous fashion, then the acquitted defendant could recover attorney fees from the government. But the proposed legislation goes way too far. It would subject all attorneys, Federal attorneys and the State and local attorneys with whom they work, to conflicting State conduct rules.

For example, if a federal prosecutor licensed in Virginia had to interview a cooperating witness in a drug case in Florida and then oversee the use of a confidential informant in California, then he would have to worry about the rules of each State because he is engaging in his duties in those States. And multiply this by the number of investigations during the course of the year, we can have the attorneys for the government spending all their time.

Mr. Chairman, I want to be able to complete my statement, and I will be happy to yield at the conclusion.

The second problem is that the proposed legislation would allow criminal defense attorneys to bring frivolous ethics complaints against Federal, State and local prosecutors, creates a new federal bureaucracy called the Misconduct Review Board to try ethics complaints under vague standards like, quote, bringing discredit to the department, end quote. This board, the Misconduct Review Board, will have access, they will have subpoena power, and they will have access to pending criminal investigations. All their hearings will be public and open to review. They can subpoena the names of witnesses and informants, the identities of under cover law enforcement officials who have infiltrated the operations of the criminal subjects.

If Congress passes this legislation, then the public will suffer. The winners would be the drug cartels, fraudulent telemarketing operations that prey on the sick and elderly and Internet pornographers who prey on children. Why do I say that? Because all of these crimes involve multi-State investigations that would be hampered by the newly created ethics bureaucracy.

For example, in the days following the Oklahoma City bombing Federal prosecutors' agents conducted simultaneous investigations in several States. Under the proposal the laws and rules of each State would have governed the conduct of department prosecutors no matter how inconsistent those rules might have been. What was permitted in one State might not have been permitted in another State, and because of the far-reaching and crushing impact of this proposal in law enforcement, it is understandable that so many in the law enforcement community have opposed this bill, from the National Sheriffs Association to the National District Attorneys Associations, State prosecutors, FBI, the National Association of Attorney Generals, the National Black Prosecutors Association, the New York State District Attorneys Association, the FBI, the DEA, the Fraternal Order of Police.

But what was significant, that six former attorney generals of the United States from Benjamin Civiletti to Edmond Meese, from Democrats to Republicans, all six have urged this House to reject this proposal and to support this amendment.

I urge my colleagues to support the amendment and not give way to the drug dealers and the defense attorneys, another weapon to use against law enforcement in our vital efforts on the War on Drugs.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I think it is important that, because the gentleman refers to the National Sheriffs Association, the FBI and the DEA, I think it is important for the Members to understand that the code of ethics that the gentleman is referring to does not apply to investigatory agents.

Mr. HUTCHINSON. Reclaiming the time, the gentleman is correct that these ethical standards apply to government attorneys, but if we have a State prosecutor who is cross designated to be a special Assistant United States Attorney, then that State prosecutor would be subject to these rules and the Misconduct Review Board bureaucracy that is established under this rule.

So I urge my colleagues to support this amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. Chairman, I just want the Members of this House to know that I sat beside the gentleman from Pennsylvania (Mr. JOE MCDADE), a Member of Congress for 8 years, while he was investigated for 6 years; the most insidious tactics that could possibly have been against him.

The appeals process, which is supposed to make sure that the Federal prosecutors do not get out of control, the Federal appeal process ruled two to one. He went 2 years under indictment. The Federal jury, which came from an area that said 70 percent of the politicians are crooks, ruled in 3 hours. He was acquitted.

□ 1545

In the indictment they said campaign contributions are bribes. The rules of the House are clear about the legality of campaign contributions, that honorariums are legal gratuities. That is what they charged him with. They were trying to intimidate a Member of the House of Representatives.

In addition to that, in addition to trying to intimidate the House of Representatives and ignore the rules of the House, which the public saw immediately, he was reelected three times during this period, when they leaked everything that could possibly be leaked, using those unethical tactics we are talking about during this period of time. Then, after this is all over, they tried to promote the prosecutor to judge.

Now, this is a Member of Congress who was able to raise $1 million to defend himself. The ordinary citizen, the ordinary person, cannot raise $1 million. The ordinary citizen cannot even raise money to defend himself. The public at one time used to think that a person was innocent until guilty. Now they get the impression, because of the leaks, the unethical leaks that come from the prosecutor, that the individual is guilty.

I cannot tell you the physical and mental distress that the gentleman from Pennsylvania (Mr. MCDADE) went through. Now, I see what you are talking about, and maybe we have to look in conference at some exemptions in drug cartels and things like that, but I think this is a ploy by the prosecutors to continue their unethical conduct without any kind of regard to the ordinary citizen.

We call this the Citizens Protection Act because we feel so strongly that the gentleman from Pennsylvania (Mr. MCDADE) is just an example. What he did for the House of Representatives is absolutely essential to our independence. But what we are trying to do for the ordinary citizen is absolutely important to their individual protection. We believe we need an independent body to watch over them, to give them some sort of controls so that they do not go off without control and then be promoted, as somebody was after Waco, and the terrible, terrible injustice they did to the individual in Atlanta with the leaks that came out of the Justice Department.

So I feel very strongly that we have to get some kind of control. The legislation that we drew we hoped would come through the authorizing committee. We could not work it out at this late date.

I just hope that the Members, and we have almost 200 cosponsors of this legislation, we have said to the Justice Department, if you have individual situations that you would like us to look at, we would be glad to look at that. They have not come back with anything. They just want to take this out. They want no kind of controls from the outside.

So we believe that it is important to put some kind of controls over the unethical conduct of the Justice Department. As a matter of fact, we have 50 chief justices of the United States that have said that they believe that the Justice Department of the United States should fall under the ethical rules of each of the States.

I feel very strongly about this, and I would urge Members to vote against this amendment. If there is something that has to be adjusted, we are glad to work with them in trying to adjust this when we get to conference.

PERFECTING AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. CONYERS:

Page 116, line 5, after "Justice" insert "(including any independent counsel appointed under title 28 of the United States Code and any employees of such independent counsel acting under the authority of the Attorney General),".

Page 116, line 6, strike the period and insert "(including any independent counsel appointed under title 28 of the United States Code and any employees of such independent counsel acting under the authority of the Attorney General).".

Mr. HUTCHINSON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arkansas reserves a point of order.

The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I offer this amendment because it goes to the heart of what the McDade provision is designed to do. I want all my friends on the other side of the aisle to understand that this just is an important part of fleshing out the concept that has been brought forward here. In fact, for those who support the McDade amendment, there should not be any trouble supporting this provision that really perfects it.

Now, as we have seen, the present independent counsel, perhaps more than anyone else, should be subject to each and every stringent provision that is included in this measure. As a matter of fact, I presume that it is an accident that the measure was drafted so that this was left out. If anybody has any information to the contrary, I would sure like to know about it.

Not only has the present independent counsel demonstrated a number of conflicts of interest in carrying out his duties, the person that he is investigating has been under investigation for almost 5 years, with hundreds of lawyers and investigators, with 17 congressional committees.

Now, there have also been questions about the independent counsel having violated the First Amendment protections, the principles of fairness, and engaged in the use of coercive investigative techniques. Familiar, Mr. MCDADE? Sound familiar with your case? And trampled over important privileges between attorneys and their client. As a matter of fact, going into court saying the attorney-client does not even involve or affect the President of the United States, as well as between the Secret Service.

A great idea. Let us have the President decide whether he wants to have his life protected, or talk about the issues in his job.

For example, the independent counsel to whom I refer has chosen to continue representing clients, the tobacco interests; at one time, if not presently, the National Republican Party. How about knocking out the class action representation in the tobacco suits? He went into the Federal Circuit Court in person to knock out their certification of a class action suit, and guess what? He succeeded. I wonder why?

So he has issued subpoenas to book stores, "What is she reading?" He subpoenaed a former staffer of mine who now works in the Drug Policy Office, who suggested that maybe Linda Tripp was violating the wiretap laws. He subpoenaed him. Remember that, Bob Wiener?

Well, it goes on and on. The whole problem is that this provision, whether it is struck or kept, should not be examined without us including the independent counsel.

Does anybody have any reasonable objection to that? We want to include all these prosecutors, all these Department of Justice types, but not the independent counsel, the one who is maybe doing more of this than anybody else that we know. He is under four investigations; the court, the Department of Justice, the D.C. Bar, and even he promised to have his own independent counsel office investigate the leaks.

So, in all appropriateness, we ask that this perfecting amendment to my friend from Arkansas's amendment be included in their consideration.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to the Hutchinson-Barr-Bryant amendment and rise in strong support of including the Conyers amendment, the Conyers perfecting amendment.

I would say that I bring a bit of personal experience to this as well. I am saddened to have heard what happened to my new friend and my father's friend over the years, the gentleman from Pennsylvania (Mr. MCDADE).

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. As a matter of fact, my father was indicted some several years back by one of the prosecutors working with counsel Starr, Hickman Ewing. After 5 years of investigating, several years, one trial, a second trial, abuse by the Justice Department, simply trampling the rights of an individual, another Member of Congress, I cannot tell you the pain that it exacted on my family and my father personally.

Fortunately and blessedly, we were able to survive. But plentiful and often times it seemed exhaustless resources of the Federal Government, for prosecutors not to be reined in, not to have to comply with some sense of ethical conduct, Mr. Chairman, I submit to you it is un-American. I submit to my friends on the other side, no matter how noble their wanting to strike this provision might be, we have American rights, we have American liberties. And whether or not they choose to agree with the person's politics, whether it is on President Clinton's part with Ken Starr, whether it is a Republican that disagrees with a Republican or a Democrat with a Republican, it is unfair to trample people's lives.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I hope the sponsors of this amendment will not object to this provision.

POINT OF ORDER

The CHAIRMAN. The gentleman from Arkansas (Mr. HUTCHINSON) is recognized on his point of order.

Mr. HUTCHINSON. Mr. Chairman, my point of order goes to the fact that the gentleman's perfecting amendment that he is offering is not a proper perfecting amendment because it expands the scope of the provision in question to add legislative language not covered in title VIII of the bill before us. It is not a perfecting amendment, a proper perfecting amendment, because it opens up new legislative language amending 28 U.S.C. Section 591, which is the independent counsel law, and that is not covered under title VIII of the existing bill. Therefore, it is not a proper perfecting amendment.

The CHAIRMAN. Do other Members wish to speak on the point of order?

Mr. CONYERS. Mr. Chairman, this should not be too difficult. The amendment should be made in order because it reiterates that the independent counsel is included in the group of individuals covered under the McDade amendment, specifying that the definition of employee or other attorney acting under the authority of the Attorney General shall include the independent counsel.

House rule XXI(2)(c) provides that, "No amendment to a general appropriation shall be in order changing the existing law." This amendment does not change existing law; it is a perfecting amendment.

My amendment does not create additional legislation nor does it extend the range of the term "employee" in the amendment. It simply reiterates the fact that under the current law, the independent counsel under Section 28 of the U.S. Code is appropriate.

There are several supporting sources in current law supporting the clarification, 28 U.S.C. 594(a), 28 U.S.C. 596(a), and the Supreme Court decision in Morrison v. Olsen. We have all kinds of cases that I presume that the distinguished chairman and his able Parliamentarian have found.

I urge that this perfecting amendment be considered in order.

□ 1600

The CHAIRMAN. Do the other Members wish to speak on the point of order?

Mr. BARR of Georgia. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia (Mr. BARR) is recognized.

Mr. BARR of Georgia. Mr. Chairman, this is almost as bizarre as the words we heard earlier in opposition to the Hutchinson-Barr-Bryant amendment.

What we are witnessing here, under the guise of the usual flowery language emanating forth from proponents of this latest foray, is really precisely what they purport to be against; and that is, a back door effort to do something that they do not often have the——

Mr. McDADE. Mr. Chairman, the gentleman is not addressing a point of order, Mr. Chairman. I demand regular order.

The CHAIRMAN. In the opinion of the Chair, the gentleman is addressing the point of order.

Mr. BARR of Georgia. Mr. Chairman, what this amendment purports to do is to amend the independent counsel statute to make a political point about the independent counsel statute not allowable under the rules of the House as an amendment to an appropriations bill. It purports, therefore, to legislate substantively, and the words of the gentleman from Illinois make this very clear. He is launching a political attack on the statutory authority of the independent counsel, something which is not the subject matter of this appropriations bill, and certainly is not the subject matter of this amendment, the Hutchinson-Barr-Bryant amendment.

Therefore, I would urge the Chair to sustain the point of order, as this is an effort by the gentleman from Michigan (Mr. CONYERS) to legislate, and not only to legislate on an appropriations bill, but in a way that goes far beyond the language and subject matter of the underlying amendment itself.

The CHAIRMAN. The gentleman from Tennessee will suspend.

Do other Members wish to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. ROHRABACHER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. ROHRABACHER. Mr. Chairman, I have a point of information.

Under the 5-minute rule, Mr. Chairman, do we have 5 minutes that we can talk on this situation, as well as on the underlying bill or underlying amendment that is before us?

We have an amendment to an amendment, now. The 5-minute rule, does that mean that we can ask for 5 minutes on the Conyers proposal to Hutchinson, and then go on as well to speak 5 minutes on Hutchinson?

The CHAIRMAN. The Chair would remind the gentleman that we are discussing the pending point of order by the gentleman from Arkansas (Mr. HUTCHINSON). As soon as that is disposed of, we will be under the 5-minute rule, in which any Member can stand and debate the underlying issue.

The Chair will inquire further, is there any Member who wishes to speak on the point of order?

Mr. WATT of North Carolina. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I think that the underlying legislation legislating on an appropriations bill is inappropriate. I am opposed to the underlying legislation. But if the underlying legislation on an appropriations bill is appropriate, then so would the amendment be appropriate. We cannot say we are going to waive the rule and allow legislation on an appropriations bill, and then say or make a point of order that an amendment to that legislation is nongermane. That is the perspective I bring.

Mr. Chairman, I would join other Members who would say that the underlying legislation itself should not be on this bill. But if the underlying legislation should be on the bill, then this amendment ought to be allowed to be on the bill, and ought to be found to be germane.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. MEEHAN. Mr. Chairman, I wish to be heard.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) is recognized to speak on the point of order.

Mr. MEEHAN. Mr. Chairman, this bill applies to all Department of Justice employees, or those who are acting under the Department of Justice authority. In this instance, the independent counsel is both.

We all know when the independent counsel seeks to expand his jurisdiction, who does he go to see? He goes in to see the Attorney General and he expands his jurisdiction. When he needs to get his budget squared away, when he needs additional resources, who did he go to see? He goes in to see the Department of Justice and talks to the employees. That is why this amendment is in order.

Let me just, for the purposes of people on the other side of the aisle, provide some supporting sources in current law to support this clarification.

Mr. Chairman, 28 U.S.C. 594(a) provides that an independent counsel appointed under this chapter shall have full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, or any other officer or employee of the Department of Justice.

Or let us take 28 U.S. 596, Section A. It provides that an independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, by who? By only the personal action of the Attorney General of the United States.

Or let us look at Section 3, the Supreme Court, in Morrison versus Olson, at 487 U.S.C. 654. It held that an independent counsel is subject to removal by the Attorney General.

Or let us look at the appeals court in the D.C. Circuit, a case holding that the independent counsel is generally covered by rule XVI(e) of the Federal Rules of Criminal Procedure.

So under the independent counsel statute there is little doubt, Mr. Chairman, that this is covered under the statute, and is wholly appropriate to be offered at this time and at this place.

The CHAIRMAN. Are there further Members who wish to be heard on the point of order?

Ms. WATERS. I wish to speak on the point of order, Mr. Chairman.

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) is recognized.

Ms. WATERS. Mr. Chairman, I rise to the point of order. I would like to reiterate the point that was made by the gentleman from North Carolina (Mr. WATT). We cannot in fact have an underlying piece of legislation that is in order that is legislating on an appropriation, and then even discuss the possibility that an amendment to that is out of order because it is legislating on an appropriation and it does not fit, for any reason.

I think it is important that this debate not be stymied by any attempt to manipulate the rules. This may be one of the most important debates we will have in this House. It is not just about the basic questions that are being raised in the underlying legislation. The amendment that is being offered by the gentleman from Michigan (Mr. CONYERS) fits so well in this discussion.

We are watching unfold before our very eyes a violation of the Constitution of the United States of America. If there is one thing I cherish, it is my privacy. We cannot have a special prosecutor who will go to a bookstore and demand to know what books someone purchased in America. That is unacceptable.

But there are other questions that are being raised as it relates to the special prosecutor that deal with the violation of the Constitution of the United States, not only the violation of privacy that I just alluded to. We have questions of wiretap and wiretapping. We are looking at a whole new debate about attorney-client privileges. This is too important to be sidelined by someone who does not want to hear it because they have got another agenda.

Mr. Chairman, there should be no question that this is in order. I hope we do not have to get to the point that the chairman will even have to rule on this. I do not want this body divided on a partisan basis on this issue.

This is not about partisan politics at this moment. This is about the Constitution of the United States of America, and whether or not citizens are going to have basic protections that we thought were guaranteed to us by the Constitution.

So whether we are talking about the special prosecutor or whether we are talking about the underlying legislation, what we are talking about is individuals who have run wild, who are tramping on our rights, who have gone absolutely too far. It does not matter whether they are from the right or they are from the left, or where they live in this country, what color they are.

The fact of the matter is that we have violations of the Constitution being perpetrated on us by those who work in the Justice Department, and it is off the scale when we look at this special prosecutor. He has gone too far. This should be ruled in order.

The CHAIRMAN. Are there further Members who wish to be heard on this?

Mr. ROHRABACHER. Mr. Chairman, I wish to speak on the point of order.

The CHAIRMAN. The gentleman from California (Mr. ROHRABACHER) is recognized.

Mr. ROHRABACHER. Mr. Chairman, let me just say, and I understand the passion, I have a little passion myself when I get up and have these discussions, but I think the underlying arguments that the gentlewoman just made are correct. If this is in the appropriations bill, there should be an amendment that is permitted. If we are concerned about the abuse of power of prosecutors, we have to be concerned about the abuse of power of special prosecutors.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Arkansas (Mr. HUTCHINSON) makes a point of order that the amendment offered by the gentleman from Michigan (Mr. CONYERS) is legislation in violation of clause 2 of rule XXI.

The gentleman from Michigan seeks to amend certain legislative language permitted to remain in the bill. The relevant provision defines the term "employee" as used in title 8 of the bill. The provision would denote the term "employee" to include an attorney, investigator, or other employee of the Department of Justice, and an attorney, investigator, or accountant acting under the authority of the Department of Justice.

The amendment offered by the gentleman from Michigan seeks to particularize that the term "employee" also includes any independent counsel appointed under title 28 of the United States Code and any employees of such independent counsel who is under the authority of the Department of Justice.

The amendment does not propose a change in title 28. Rather, it identifies one particular category of official as included in the classes of officials covered by the legislative language already in the bill.

As recorded on page 663 of the House Rules and Manual, where legislative language is permitted to remain in a general appropriation bill, a germane amendment merely perfecting that language and not adding further legislation is in order, but an amendment effecting further legislation is not in order.

In the opinion of the Chair, the amendment offered by the gentleman from Michigan (Mr. CONYERS) merely perfects the legislative language permitted to remain in the bill, and refrains from adding further legislation.

Accordingly, the point of order is overruled.

Mr. KANJORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to compliment my two colleagues, the gentlemen from Pennsylvania, Mr. MCDADE and Mr. MURTHA, for coming before the Congress in a timely fashion and raising a question that is very important. I want to say to my colleagues on both sides of the aisle, this is not a political issue. This is an issue of fundamental fairness.

I occupy the District immediately south of the gentleman from Pennsylvania (Mr. JOE MCDADE). Members cannot imagine what this government and those prosecutors did to that Member of Congress. I do not know of any other Member of Congress who could have withstood the leaks and the poisonous spirit in which the public persecution, not prosecution, occurred. Yes, it was lucky that JOE MCDADE had $1 million, or could raise $1 million, but how many more Americans could raise that amount? That is the substantive question, here.

On the amendment offered by the gentleman from Michigan (Mr. CONYERS), does anyone in their right mind not understand that at some point, and certainly next year, this Congress is going to have to decide what conduct we are going to allow prosecutors or special counsels to engage in? How far afield can they go from their assignment? What can they do?

I am sort of embarrassed to bring up another issue, but we had a prosecution in Pennsylvania, and the gentlemen from Pennsylvania, Mr. JOE MCDADE and Mr. JACK MURTHA, will remember this. There was a treasurer of the commonwealth of Pennsylvania, where a prosecutor was prosecuting the improper award of a contract and brought a criminal action. The witnesses in that case testified against the contractor and the contractor was convicted of bribery.

Within one month, the prosecutors in that case had those very same witnesses change their story 180 degrees to now testify against the treasurer of the Commonwealth of Pennsylvania, and threatened those witnesses with prosecution of their wives and their children. It is a famous story across this country. It was witnessed on television.

The only way that treasurer could protect the future of his family and maintain his pension was to commit suicide before sentencing, and he did.

Mr. Chairman, if that is not extreme, extraordinary prosecutorial activity, I do not know what is. I have witnessed it in the case of the gentleman from Pennsylvania (Mr. JOE MCDADE). I am witnessing it with this special counsel.

There are statistics now available that, in the White House alone, the individuals working there have had to spend more than $12 million in hiring lawyers to appear in depositions and before grand juries who are not in any way substantively involved. We are going on and on.

What this ends up doing, and the American people know this, is destroying respect for the American judicial system, all with the idea that every now and then some prosecutor who wears a pearl handled 45 revolver can find somebody who has a grudge against an elected official, Republican or Democrat, who can make a point to bring a charge, and substantiate that charge by just marginal testimony, sufficient to get an indictment, but not sufficient to convict.

□ 1615

But you can take that public official down the road to ruination, that family down the road to ruination, our system down the road to ruination. Why? Why do we sit here? Why are we so innocent? Why have we not recognized that this has been happening over and over and over again? Why are we asking for the McDade-Murtha language?

It was an understanding in the bar and in the prosecutorial field and in the defense field that there were certain standards of ethics and honor, certain things you did not do, an unwritten code. Well, the prosecutors in the United States today, whether they be special counsels or regular prosecutors, have shown us that they are going to push it to the end of the envelope and beyond. They are going to write their own definition of what standards are.

So it is incumbent upon this House, the people's House, to determine that if you are going to push it to the edge of the envelope and you are going to destroy lives and you are going to prosecute people unreasonably at high expense and at a detriment to both, the family and this democracy, then this public House should take action.

We are saying we want to codify the code of standards. We want to say what they have to do and what they do not have to do, and we want to make them subject to a review board. Why should not public officials and all Americans know that when they get taken by their government for hundreds of billions of dollars, hundreds of prosecutors, thousands of FBI agents, that they have a right not to be ruined. That is what the McDade-Murtha language and the perfecting amendment of the gentleman from Michigan is going to accomplish.

I urge my colleagues to vote for justice.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

I have the greatest respect for the gentleman from Pennsylvania (Mr. McDADE) and the gentleman from Pennsylvania (Mr. MURTHA) and the cause that they are out here about today.

I happen to have counseled the gentleman from Pennsylvania (Mr. McDADE) back when he had the problems that I know he did, which I think were wrong. I believe he was taken through hell, and I think it was a very improper methodology being used by that prosecutor from all I knew about it at the time, and I knew a great deal.

But, unfortunately, I cannot agree with the proposal that is in the bill today and that is being amended or attempting to be amended by the gentleman from Michigan (Mr. CONYERS). I cannot agree with that. I have to support the Hutchinson amendment to strike all of this and urge that all of it be taken out of this bill, because I do not think we can simply go to conference and perfect something that is as bad, unfortunately, as the way this is crafted.

I would hope that we could come back at some point as a body, through the Committee on the Judiciary or otherwise, and craft something that would address the problems that I think are genuine, that the Members from Pennsylvania, in particular, of both parties have brought to our attention today and so forcefully and rightfully.

But what the underlying provision that we are talking about striking would do would be in essence to permit anybody who has some prosecutor who goes after them to complain to the Attorney General, and the Attorney General is going to have to respond with as vague a standard as bringing discredit on the department within 30 days. That could cause untold delays in hundreds and thousands of prosecutions across the country.

It is an enormous cost in bureaucracy that we would be setting up in the process of doing this. Then if you did not agree, of course, with the result of what the Attorney General decided in 30 days, you would have a 7-member board that has been created, that sits in essence outside of the body politic of the Justice Department, to review the questions that may be raised by somebody who might be the subject of indictment or prosecution.

It is not that you may be should not have some review in very limited circumstances, but they are not defined well in the proposal, unfortunately, not very narrow at all. The most dangerous provision, from my perspective as the chairman of the Subcommittee on Crime in the House, is the fact that information could be obtained by this board from anywhere in the government, including criminal investigation files, information about informants and potential witnesses, classified documents, or information covered by the Privacy Act. And things that are required, all of these things that would be required could be revealed in public, since apparently the board operates in public. There is nothing in this provision that would prohibit the information that I just described from becoming public.

Indeed the difficulties that exist with this provision are myriad. I hope that today this debate on the amendment of the gentleman from Michigan (Mr. CONYERS) does not deteriorate into a debate over a question about a special prosecutor. We can debate that until the cows come home. That is a highly political debate.

Obviously, if you are going to cover prosecutors, you should be covering probably all prosecutors, but we should not be debating the merits or the pros and cons of the independent counsel out here today. We should be debating the merits and the pros and cons of the underlying premise that everything would be covered by this, all prosecutors, in essence, in a fashion that is unworkable and unmanageable and impossible to cope with as a practical matter.

So I strongly urge the Members, however passionate you may be, and I am passionate about my good friend, the gentleman from Pennsylvania (Mr. McDADE) and about the improprieties that do go on from time to time with overzealous prosecutors who are out of control in our system, I do not believe that the underlying matter here today, the part that is in the bill today that we are trying to strike, is the solution. It is not the solution. Unfortunately, it makes things more difficult than it cures.

In the strongest of terms, I urge Members' deliberate consideration of this, and I would urge Members ultimately, after dispensing with the Conyers amendment, to vote to strike, to support the efforts of the gentleman from Arkansas (Mr. HUTCHINSON) to do that.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his presentation. Right now we are debating this small provision, not the whole thrust of the measure. Do you not agree with me that there have been more than sufficient leaks under the independent counsel to include him in this measure?

Mr. McCOLLUM. I do not believe the debate should be on the question of what is going on with the special prosecutor or with what is going on with the Clinton investigation or any of that. The focus of this debate today, you are distracting by your amendment and debate on it to try to get at Ken Starr. I think that is wrong.

The issue underlying this today is not that question, however volatile that is. That will be dealt with in due course by the Committee on the Judiciary, if Ken Starr sends anything up here or when we debate independent counsel. But what we are debating today, and should be, is that the underlying premise you are trying to amend is fatally flawed.

The board structure that the gentleman from Pennsylvania (Mr. McDADE) and the gentleman from Pennsylvania (Mr. MURTHA) have worked into this bill unfortunately will not work, even though we want to have oversight. It will not operate correctly. It cannot operate, and I urge in the end that it be stricken.

Mr. KING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong opposition to the Hutchinson amendment and in strong support of the Citizens Protection Act of my good friend, the gentleman from Pennsylvania (Mr. McDADE).

I think it is time to put a human face on the abuses that are carried out by prosecutors in this country, prosecutors who consistently violate the rights of innocent human beings, innocent citizens and their families, friends and relatives.

By putting a human face on it, I would like to refer to a predecessor that I had here in the Congress, Angelo Roncallo, a man who a number of years ago sat in the very seat that I occupy today. And what went on in his case has happened in so many other cases over the years.

He was a man who was brought in by the United States Attorney and told he had to deliver a political leader. When he refused to do that, he was called before the grand jury. His family was harassed. He was indicted. His friends were indicted. Everything was leaked to the newspapers. This man's career was destroyed. He was defeated here in the United States Congress.

Finally his case went to trial. The jury was out 30 minutes and he was acquitted. It came out during that case that all throughout, from day one, the prosecutors had evidence that would have completely exonerated this defendant. They knew it from day one. Throughout the trial, they had U.S. Marshals stand around the U.S. Attorney's office because they had convinced the judge that this Congressman, Angelo Roncallo, was somehow going to have them killed during the trial. The jury had to witness this, marshals in the courtroom day in and day out.

When the trial was over the judge said it was a disgrace. He referred it to the Justice Department to have it investigated. What was done? Nothing. That is what always happens. Nothing.

The gentleman from Georgia said it is bizarre. He said that opposition to the Hutchinson amendment is bizarre. He said the comments of the gentleman from Pennsylvania (Mr. MURTHA) were bizarre. I would say to the gentleman from Georgia, if he were targeted by a prosecutor, if they tried to destroy his reputation, he would find that bizarre.

I think it is important for all of us in this Chamber, those of us who are self-righteous, those of us who say it could never happen to us, let you be the target of an unscrupulous prosecutor, and you will see how fast you will change your tune when you see your wife harassed and your children. And I can go on and on with case after case. I remember I was once negotiating with the United States Attorney in a case and he ended the discussion, ended the negotiation by telling me that he was the United States of America, it was time that I realized it.

The fact is, no prosecutor in this country is the United States of America. The United States of America is the people. We represent the people. It is time for us to stand up and say no to these prosecutors, no matter where they are coming from.

Prosecutors are out of control. They are ruining the civil liberties of people in this country. I am a Republican. I cannot understand how Members in my party who say they support individual rights could ever allow a prosecutor to trample upon the rights of innocent people, the abuses that they are guilty of.

And I just want to concur in what the gentleman from Pennsylvania (Mr. MURTHA) said. I do not know how the gentleman from Pennsylvania (Mr. McDADE) went through what he went through over the years and stood tall and survived it. He is a man of courage. He is a man who had the guts to stand up. But you think of the average citizen in your home town, if they went after him, would he have that same guts? Would he have that stamina? Would his family be able to resist it?

I again urge and implore all of my colleagues to defeat the Hutchinson amendment, stand with the gentleman from Pennsylvania (Mr. McDADE), stand with the Constitution and say no to this untrammeled abuse of power by the prosecutors and our Justice Department today.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just want to respond to my dear friend, the chairman of the Subcommittee on Crime, the gentleman from Florida (Mr. McCOLLUM).

My amendment is not about Kenneth Starr and his investigations. It is about whether or not the office of special prosecutor, who is employed by the Department of Justice, is considered to be an employee. The answer is perfectly obvious. I can only gather that it may have been a mistake that it was not included in here.

Starr is going to be investigated. There is plenty of time for him. But this is to include this in the provision of the McDade measure.

I thank the gentleman for yielding to me.

Mr. STUPAK. Mr. Chairman, I rise in support of this amendment, the Conyers amendment. Whether we agree or not with the underlying provision of the bill, the Murtha amendment, I do believe and I do not see any reason why we should exclude any branch of the Justice Department or any employee. What the Murtha-McDade language establishes is an ethical standard for Federal prosecutors.

If we take a look at the independent prosecutor right now, we have given the individual unfettered subpoena power and about $40 million.

What does the Murtha-McDade language say? It says prosecutors and employees of the Justice Department shall not seek indictment of any person without probable cause. It says that they shall not fail to promptly release information that would exonerate a person under indictment, intentionally mislead a court regarding the guilt of a person, intentionally or knowingly misstate or alter evidence, I know that has never happened in the current investigation, attempt to influence a witness' testimony, frustrate or impede the defendant's right to discover evidence, offer or provide sexual activities to any government witness, leak or improperly disseminate information during an investigation, or engage in conduct that discredits the Justice Department. If that does not sound like what has been happening with this special investigation, this special prosecutor, and what has happened on the McDade case and some of these other cases, that is why we need this provision.

This is not a political debate. This is what happens in prosecutions. That is why the McDade and Murtha language has come before us. So what the Conyers amendment says is that the independent counsels exercise their authority on behalf of the Attorney General and the Department of Justice, and that we must ensure that all prosecutors are held to the same standard no matter who they are investigating, whether it is the President or the person on the street.

We cannot create a special class of Federal prosecutors. That is what we do if we defeat this amendment. This perfecting amendment needs to be passed. We cannot create a special class of Federal prosecutors that is not subject to Justice Department ethical standards.

I urge all Members to support the Conyers amendment and rein in the prosecutors across the United States and especially the independent, so-called special prosecutors.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us just kind of sit back for just a moment here, now that we have at least gotten some of the other Members that think that if you talk loud enough and bang on the lectern and talk fast enough you will get applause and that really means something. Let us alternatively focus on exactly what is going on here.

All of the points that the gentleman just made, and he has extensive background in law enforcement and I respect that, all of those things are already encompassed in both the internal rules and procedures of the Department of Justice. They are already encompassed indirectly and directly in those rules that pertain to every lawyer in the U.S. Attorney's office who has to be a member of the bar of the jurisdiction in which that office is located.

□ 1630

If there are, in fact, problems from time to time with prosecutors, as there will be with any profession, then there are already very clear, very well time-tested mechanisms, including prosecution of a prosecutor for violation of civil rights or other violations of Federal law, ethical proceedings, disbarment proceedings that can be brought against that assistant U.S. attorney or that government attorney or that United States attorney, if need be.

The problem with this language, the underlying language, and I am not even going to bother talking about the amendment to the amendment so much. We know what that is. That is an anti-Ken Starr amendment. The problem is the mechanism that the underlying language in title VIII, which we seek to remove, purports to do. It will, make no mistake about it, wreak havoc on very important prosecutions.

I am somewhat amused. We sit in the Committee on the Judiciary frequently and, if we come up with an example of how a law has been abused or why a law is necessary, many of those same folks, including the distinguished gentleman who offers the amendment to the amendment, immediately say, oh, we are trying to legislate by example; oh, what we are talking about are just examples of something; show us the law. Well, of course, now what they are doing is they are raising one example and they are saying we have to throw the baby out with the bath water.

There are mechanisms already in place to address prosecutorial abuse and prosecutorial misconduct. Those mechanisms are used day in and day out whenever there is substantial evidence of abuse. Defense attorneys file motions constantly. There are ethical proceedings brought. The problem with the mechanism set up under this, is this review panel would have access to the whole range of the prosecution's case, including names of witnesses, theories of prosecution, undercover material. It would be, in effect, Mr. Chairman, a defense attorney's dream, which is why the defense attorneys like it.

We have an oath of office that is taken by prosecutors, Federal prosecutors. They do represent the people of this country. I know my friend from New York sort of denigrated that, but prosecutors do speak for and they protect the rights of the people of this country. And if we allowed the language, as amended, or even without the amendment by the gentleman from Michigan, of title VIII to remain, then we will be severely hampering the ability of Federal prosecutors to represent properly and to protect the people of this country.

The gentleman from New York (Mr. KING) apparently paid close attention to my words, because earlier, on my point of order, I used the word bizarre. It brings to mind something else. It brings to mind the Bizarro World. There used to be a comic book called the Bizarro World. And I suppose in the Bizarro World we can have people taking the well of the House, while they are seeking to dismantle the prosecutorial mechanisms of this country seeking to uphold the laws of this country, and say that an effort made to sustain and protect those mechanisms is somehow un-American.

The most appropriate legal theory here is let us not throw the baby out with the bath water. There are mechanisms to protect against abuse. Let us use them and let us do away with this sham amendment to the amendment, which is an attack on the independent counsel and has nothing to do with the underlying amendment.

Mrs. FOWLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Hutchinson amendment. I see this as an issue of accountability. Department of Justice attorneys should be required to abide by the same ethics rules as all other attorneys. These attorneys should be held accountable to the same standards set by the State Supreme Court that granted each lawyer his or her license to practice law in that State.

As most of my colleagues know, I have always been a supporter of congressional accountability. And in 1995, when the Republicans took control of Congress, one of our first orders of business was to make this institution abide by the same laws we make for everybody else. Well, my colleagues, we are facing the same issue of accountability here.

Our Founding Fathers wisely rejected the notion of kings and dictators and, instead, they formed this experimental government called a democracy. Well, in our system of government no one is above the law. No civil servant, no law enforcement official, no Congressman, not even the President of the United States is above the law in our country. But over the past decade, the Department of Justice has made every attempt to exempt its own attorneys from the ethical rules of the States granting them their licenses. Should the Department of Justice be above the State laws of ethics? I do not see any reason why they should.

Time and time again it has come to my attention that Department of Justice lawyers have conducted themselves in a questionable manner while representing the Federal Government without any penalty or oversight. What happened to our good friend and colleague, the gentleman from Pennsylvania (Mr. JOE MCDADE), could happen to any citizen in this country, and they would not have possibly the courage or the resources that the gentleman from Pennsylvania did to fight it and win.

U.S. District Court Judge George Dunn, Jr., summed it up best when he said,

> Congress intended Federal lawyers to be subject to regulation by the State boards of which they are members and to comply with the appropriate ethical standards.

I urge my fellow Members to oppose this amendment and to oppose the Justice Department's attempt to create one set of standards for their attorneys and another set for the other attorneys in this country.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding to me.

My colleagues, we want to keep this in order and proportional. This is not a referendum on Kenneth Starr or the investigation he is conducting or the leaks, real or alleged, that are being investigated. This is an amendment that makes it clear to all to whom it had not previously been clear that all independent counsel, whatever their names, are employees of the Department of Justice. No more, no less. Does not implicate Kenneth Starr as a malefactor. It does not praise him. It does not say anything about where we come down on the investigation. We can be for or against the President or anything in between.

All we are making clear to everybody that has brought this measure, and it would be nice for some of the sponsors of this amendment, well, some of them already have agreed with this amendment, but we cannot have an amendment that covers the Department of Justice U.S. attorneys and leave out the independent counsel, who is a U.S. attorney. All the laws that govern the U.S. prosecutors apply to the independent counsel. It should be obvious without the amendment that he is included. But since a few do not have this clear, I introduced the perfecting amendment. That is all this is about.

Mr. Chairman, I thank my distinguished colleague from Massachusetts, who serves with me on the Committee on the Judiciary, for allowing me this time.

Mr. DELAHUNT. Reclaiming my time, Mr. Chairman, I was not present, nor did I serve in this body when the gentleman from Pennsylvania (Mr. JOE MCDADE) went through the troubles that have been related to during the course of this particular debate.

Just let me say this, as a former prosecutor and as an elected representative of the people of the 10th District of Massachusetts, I have got to know the gentleman from Pennsylvania (Mr. MCDADE), I know him well, and I know of no one who has such unimpeachable integrity as the gentleman from Pennsylvania, and I just simply want to make that statement for the RECORD.

I listened to the debate, and I think we have got to step back and reflect. This is really rather simple. It is about ethics. That is what it is about. It is about ethics, and the existing code of ethics that every single state prosecutor subscribes to ought to be applied to Department of Justice attorneys.

I do not think that is asking too much. We have heard a lot about law enforcement concerns, but that should not justify the creation of a lesser standard of ethics for Federal prosecutors. It just does not work.

We should pause and think about the power of the prosecutor, and I know that power. I was an elected prosecutor for more than 20 years. I understand that power. I know what it can do to individuals. I know what it can do to families, and it should be exercised judiciously. I submit that most prosecutors, Federal and State, do that.

The single admonition that I would instruct each and every assistant district attorney was to never abuse the power of that office, never abuse the power of that office, because it is an enormous power.

There is no power greater in a democracy where you have the capacity to take the individual liberties away from an individual. That is the ultimate power, and if that power is abused, it begins the process of the erosion of a healthy democracy.

I dare say the prosecutor should be held to the highest possible standards, the highest code of ethics, because the American people have given them an extraordinary power, whether they are independent counsels, whether they are State prosecutors, whether they are United States Attorneys.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, all of the legal arguments have been stated quite coherently and cogently by members of the Committee on the Judiciary and even have been challenged by Members on the other side of the aisle.

I would side with those who support the McDade-Murtha provision and certainly even side with the ranking member on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), in his efforts to perfect the provision.

I would say in addition to all that has been said, and not to be redundant, not to repeat what has been said by those who spoke so eloquently, including my dear friends the gentleman from New York (Mr. KING) and the gentleman from Pennsylvania (Mr. KANJORSKI), that we are also faced with a public relations challenge as well.

One of the reasons that so many around this Nation distrust and mistrust politicians, the gentleman from Pennsylvania (Mr. MURTHA) spoke about the district in which the jurors were pooled from in the trial of the gentleman from Pennsylvania (Mr. MCDADE), where 70 percent of those in that area thought that we were all crooks or thought that politicians were crooks, when you look at a Justice Department that is allowed to really run amuck, to trample the rights of individuals, to trample the civil liberties of individuals all in the quest for a conviction, all in the quest for fulfilling an agenda that they may have personally set and that they personally believe that this person or group of persons might be guilty of a crime, which sometimes might be the case, all we are asking for, Mr. Chairman, and I say to my friends who are sponsoring this amendment and those who I have a personal relationship with who are sponsoring the striking of this provision, is that our prosecutors have to behave and have to follow a certain set of ethical standards.

There is nothing unusual, nothing bizarre, nothing un-American, about what is being asked, for all that we are asking for prosecutors, Federal and State, around this Nation to do is follow a set of standards, the highest set of standards.

My dear friend, the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor and a dear freshman colleague, I think stated it perhaps best. There is no greater power in this democracy than the power that our prosecutors in this great America have; for they deserve it but they should also be checked and it also should be tempered.

□ 1645

For the individual cases and examples, we have heard the gentleman from Pennsylvania (Mr. MCDADE) and my father and others here in this body. But let us protect every American, not just those in this House of Representatives. And certainly this provision allows us to do that.

Mr. COX of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know my colleague from California (Ms. WATERS) will be recognized immediately because we are going back and forth, and in fact, having spoken with her about this, I know that we agree on our conclusion on the merits of this legislation.

Reform of our justice system, civil and criminal, is a top priority of this Congress. The low reputation of the legal profession is of greatest concern to ethical lawyers. I rise in support of America's prosecutors, the overwhelming percentage of whom already follow the rules written out in this legislation. In fact, I dare say virtually all of them do every day.

Citizens need to understand that they have a legal right to have these rules followed, and that is the purpose of this today.

Reputable lawyers know better than anyone else that all too often the courts today are too slow; that all too often justice is delayed or, because of delay, denied; all too often the justice system does not ultimately deliver what all of us intend it to deliver.

Because I have so much faith in America's prosecutors, because I want to support our criminal justice system, I want the American people to support that justice system as well. I want everybody to understand that when they go to court and they are accused of a crime or their family member is accused of a crime or when they are a victim and the perpetrator of that crime is accused that justice will be done and that it will be fair and on the level.

There are 10 commandments in this bill. The 10 commandments are already observed by good prosecutors everywhere and certainly by good prosecutors in our Department of Justice and those who work in the Offices of Independent Counsels appointed pursuant to statute.

Let me just read these 10 commandments, because it is so self-evident we must stand in support of them.

Commandment number one, just reading from the 10 provisions of the McDade-Murtha bill, says: Thou shalt not indict without probable cause. Who here today says it should be otherwise? Of course, this is a rule that must bind prosecutors throughout the Government.

Number two: Prosecutors cannot hide information that would exonerate a person who has been indicted. They cannot hide information that would exonerate someone who might not be guilty of the crime with which they have been charged. That is a rule that good prosecutors already live by.

A prosecutor must not intentionally mislead a court as to the guilt of the accused. Of course he or she must not do that.

A prosecutor must not intentionally or knowingly alter evidence or intentionally or knowingly misstate evidence.

Number six: A prosecutor must not try to color a witness' testimony.

Number seven: A prosecutor must not prevent a defendant from obtaining evidence that he or she is entitled to.

Number eight: A prosecutor must not offer or provide sex as an inducement to any government witness or potential witness.

Number nine: The prosecutor should not leak information improperly during the course of an investigation.

We all know about the importance of grand jury secrecy to the ultimate successful prosecution, because if witnesses are tipped off in advance they cannot convict the guilty.

And number 10: Prosecutors should not engage in conduct that discredits the Department of Justice.

These 10 commandments in this legislation are not controversial. They are not controversial if applied to any prosecutor within the Department of Justice or within the office of any independent counsel. Every lawyer, certainly every Government lawyer should follow these rules.

I urge my colleagues to vote yes on McDade-Murtha and yes on the perfecting amendment offered by the former chairman the gentleman from Michigan (Mr. CONYERS).

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate is long overdue. It is about time we dealt with what is wrong with the Justice Department and with unethical prosecutors in this Nation.

Legislators at the state level, at the federal level have been absolutely supportive of the criminal justice system. They have done everything to give law enforcement the ability to apprehend criminals. They have done everything to be supportive of the Justice Department.

When we look at the generosity of public policy makers on wire tapping, no-knock, search and seizure, all of that, when we look at mandatory minimums, three-strikes-and-you-are-out conspiracy laws, we have been very generous, sending a message to the people of this Nation, we want criminals locked up.

We never knew that they would take the generosity of good public policy makers and turn it on its head. We never knew that they would take out after innocent people in so many different ways.

I cannot even get into telling my colleagues how they use conspiracy laws. No evidence, no documentation. These conspiracy laws are filling up the prisons.

I do not know all of the details of the case of the gentleman from Pennsylvania (Mr. McDADE). I have heard about it. But I want to tell my colleagues, I know thousands of Mr. McDades who do not have any money, who do not have any attorneys, whose grandmothers and mothers come crying to my office for me to help them and I cannot do anything because my powerful government, prosecutors, have run amuck.

Let me tell my colleagues, my hat is off, my hat is off to the ranking member of the Committee on the Judiciary, my friend from Detroit, Michigan, for this amendment.

But I want to tell my colleagues, I want to make it very clear, he is talking about a generic prosecutor. I am talking about generic prosecutors, but I am talking about Ken Starr also. I want to tell my colleagues, he is under investigation. He is the poster boy for unethical prosecutors. I want to tell my colleagues he is under investigation because he has leaks about Hillary Clinton getting indicted, leaks about Bruce Lindsey getting indicted, leaks about Monica Lewinsky meeting with Ken Starr in New York City, leaks about Betty Currie's testimony, leaks about FBI wire conversations at the Ritz Carlton hotel. Even the Republicans have said he should be investigated.

So let me make it clear. We would not be in this debate today, we would not have this amendment today if this poster boy for unethical prosecutors had not violated all of us in the way he has done.

I am so glad this debate is taking place. I wish we had this in our committee. It should have been in subcommittee. It should be in full committee. We should bring people in here to tell their stories about what has happened to them.

I should be able to tell my colleagues about a young woman named Kimber Smith, who is 19 years old who is sitting in a federal penitentiary today.

And so I do not know all of the details about the gentleman from Pennsylvania (Mr. McDADE). I have heard some. But I want to tell my colleagues, indeed, I know many because I have heard the stories and I have seen the devastation of unethical prosecutors.

It is time for America to believe that even though we want criminals prosecuted, indicted and locked up, we do not intend for them to be violated and run over and disrespected by anybody's prosecutor.

I want to tell my colleagues something. No matter what they think about the gentlewoman from California (Ms. WATERS) on the left or somebody on the right, there is one thing that I hold dear that was drummed in my head as a student, and that was the Constitution of the United States of America.

I was made to believe that I would be protected. Even when things were going wrong, there would be some hope because we had a system of justice that would make sure that the average person, in the final analysis, would have an opportunity for redress. And I believed in this Constitution. They taught it to me too well. And that is why I can stand here and fight for it and feel very comfortable with it.

I do not care about some other prosecutor who is a prosecutor in a state somewhere in Georgia who gets up and defends all prosecutors. I know the reputation of some prosecutors. I know the lives that have been ruined by some state prosecutors. They are no better than these federal ones that we are talking about.

I want criminals to be apprehended, to be investigated, to be locked up. But I want people to have a chance to have their voices heard and to have a chance to be innocent until proven guilty, and that is why we have got to go after this special prosecutor.

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Conyers perfecting amendment, and I also rise in opposition to the motion to strike the McDade language that is in this bill.

Quite simply, the issue before us is whether the Government attorneys at the Department of Justice should abide by ethical rules that all other attorneys have to abide by, or can they make up their own standards of conduct.

Title VIII of the bill before us requires that federal prosecutors comply with the same state laws and the rules of ethics as other attorneys. In 1980, Congress passed legislation that has required that each Department of Justice lawyer to be "duly licensed and authorized to practice as an attorney under the laws of a state, territory, or the District of Columbia."

The courts have held that the statute requires the Federal Government lawyers to comply with the ethics rules of their respective states of admission. I believe this is very reasonable. This is not a burdensome nor onerous requirement. The attorneys for the Federal Government should comply with the ethics standards in the states in which they are duly licensed.

The gentleman from Arkansas (Mr. HUTCHINSON) in his arguments presented an example whereby an assistant United States attorney might find himself litigating in one state and through the discovery process find himself in two other states. And it says that if in fact that assistant U.S. Attorney is faced then with inconsistent rules on ethics, what should he do? We seek the higher standard. That is an easy one. We should always be for the higher standard.

So when ethics conflict, do not go to the floor and figure out how we can maneuver through it. Seek the higher standard. So I do not see the inconsistency. If in fact you set your life to live by the higher standard, it is an easy question.

I also want to comment, the Department of Justice, I think unfortunately, has repeatedly attempted to thwart I think this bill and those who believe that Government attorneys should be held accountable and be held to the highest standard.

Government prosecutors, they hold tremendous power over life and liberty of our citizens. I have been one, so I understand the power out of the U.S. Attorney's Office.

Title VIII of the bill will hold these Government attorneys, paid for by the tax dollars, to the same standards of those attorneys and create a system whereby they will be held accountable to the regulations and in fact to the highest standard.

Under title VIII, the Department of Justice employees, they are held to such actions. And I sat down here as I was listening to the debate and thought I would make a list of all types of things: Whether their statements and actions by these prosecutors in due process; whether it is through the process of filing criminal information, grand jury, the discovery process, the jury alone, the judge alone; whether their actions are misleading in evidence or by the witness or by the law; whether their statements are inaccurate or they use inflammatory actions or use disparaging statements; or whether their actions are meant to harass or use threats or verbal abuse of a witness or of a defense counsel; if their actions are inflammatory or they use false accusations, they use threatening language or they ridicule a defendant or witness or the defense counsel; or if in fact that their actions are arbitrary or capricious, held without any forms of standards; if in fact they are faced with a conflict of interest; whether their actions are based on a vindication; whether they operate in bad faith; whether they have abusive or overzealous misconduct; whether in fact they are leaking information or unauthorized disclosure of grand jury testimony or materials; or in fact they are abusing the legal process to harass or threaten another; or if they begin to withhold exculpatory evidence, whether it is in favor of a defendant or to impeach a particular witness; in fact, where there are issues of conflict of interest, whether they are personal, pecuniary, or in fact political.

So the list goes on and on, and I think that, in fact, these attorneys should be held to the same standards whatever jurisdiction for which they are in.

When we look at the symbol of lady justice, lady justice is blind. Lady justice is blind. And what it means to the prosecutors are that they are not to litigate a case based on an unjustified standard, whether it is picking on an individual because of their age, race, gender, national origin, or the station of life. The process is meant to be fair.

But lady justice is neither blind, nor does she give a wink to unethical or abusive behavior or conduct.

□ 1700

What I would ask Members to do is to oppose the motion to strike and to support the gentleman from Pennsylvania's legislation. With regard to the first vote that will come up, the Conyers amendment, this one is really simple. When you have about eight or so or now maybe approaching nine independent counsels investigating the President, whether this move to go to the higher standard is good, what is obvious about this amendment as I listen to some of my colleagues speak, this is more about politics than substance. You should stop and ask yourself here, does good politics make good law? No, it does not.

So you are having fun. What fun are you having is attacking Ken Starr. What makes me most disappointed is to hear members on the Committee on the Judiciary who must sit in judgment and receive this report already prejudging their decisions to attack the independent counsel. I am extraordinarily disappointed in my colleagues.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. I say to my dear colleague on the Committee on the Judiciary from Indiana, we just want to make clear that the U.S. attorneys have one standard and the Conyers amendment wants that standard to include the independent counsel, whatever they may be named, right?

Mr. BUYER. I understand your amendment, yes.

Mr. CONYERS. Right, okay. But you do not support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me respond to many of the issues that have been expressed on this floor. I would say to the gentleman from Pennsylvania (Mr. McDADE) that it is my view that no one deserves to be put on the trash heap of life. That sounds like a very harsh statement, harsh in that that is not your destiny. But I do believe that we have an opportunity today to maybe speak for many across this country who unfortunately were caught in the web of someone's misdirections and someone's abuse of power. I think it is appropriate for those of us who are members of the Committee on the Judiciary to say first of all that prosecutors across this Nation have done good by the people of the United States of America. They have prosecuted those well deserving of being prosecuted. They are by and large officers of the court who have upheld the highest standards.

But why are we arguing against prosecutors being subject to the same State laws and rules and local court rules and State bar rules of ethics of any other series of lawyers? Why are we suggesting to our constituents that there is something wrong with requiring prosecutors, Federal prosecutors, to not seek an indictment against you with no probable cause, to fail to promptly release information that may exonerate you, to attempt to alter or misstate evidence, to attempt to influence or color a witness's testimony, to act to frustrate or impede a defendant's right to discovery. Yes, the scale of justice is balanced and blind, and that is what we are speaking of, to be able to equalize you in a court of law against a Federal prosecutor representing the United States of America.

Let me thank the prosecutors for going into the deep South in the 1960s and raising up issues of civil rights that other local attorneys could not raise up. Let me thank them. The Department of Justice did an amazing job in dealing with those issues. So we realize the uniqueness of the Federal prosecutor system. But does that mean that we throw people to the trash heap of life? Do you lose all of your rights because you go into a Federal courtroom and a prosecutor says, "I have all of the rights"? I believe that we are doing nothing here that is against the boundaries of respect for our Federal system.

Let me say as a member again of the Committee on the Judiciary, yes, I think our job might have been better if we had had hearings. In fact, I do not think we are finished. I think we must proceed and investigate even more whether there are abuses across the country. But today we are where we are. We have an opportunity not to attack but to make better.

This underlying amendment and, of course, the amendment by the gentleman from Michigan that includes the independent counsel, which is very clear, an employee of the Department of Justice is the independent counsel, will protect you the citizen against the kinds of abuses which we face every day.

There is something that is scripturally based. When the woman touched the hem of the garment of Jesus in Christian doctrine, it was said she was healed. It is difficult, of course, to perceive prosecutors along those lines. But they say touch their garment and get no justice. That is the tragedy of what we face.

There is no disgrace for those of us who are members of the Committee on the Judiciary to be able to say that Ken Starr has abused the process, for I am glad the President is going to the grand jury. I am glad Monica Lewinsky. We have no quarrel with the process of justice. But we do have a quarrel with an independent counsel who leaks and leaks and leaks. These amendments will make it better for all Americans. For that reason I think that we should support the perfecting amendment and support the Martha-McDade amendment.

PARLIAMENTARY INQUIRY

Mr. McDADE. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McDADE. Mr. Chairman, we have been on the amendment for quite some time. I was going to see at 5:05 if we could get some kind of agreement on a time limit. Members have social engagements, most of them, beginning about 6 o'clock. I do not think we would take much time on the next amendment. I wanted to see if it was possible to get an agreement on time on the Conyers amendment and any amendment thereto.

Mr. MOLLOHAN. Mr. Chairman, we are not in a position to make any agreements on time at this time.

Mr. BRYANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment and in further support of the underlying amendment that I cosponsored in opposition to the provision in the base bill which would unduly, in my opinion, hamper our prosecutors.

I stand today to support our prosecutors. I guess I am somewhat surprised as I sit and listen to all the bashing that is going on about our prosecutors, our Federal prosecutors, the people who are presidentially appointed and confirmed by the Senate who serve in our 93 positions as U.S. attorneys as well as our assistant U.S. attorneys, the people who prosecute day in and day out throughout this country the people that need to be prosecuted, not in a perfect way and as we hear anecdotal stories of perhaps cases that should not have been prosecuted, and I have great respect for the gentleman from Pennsylvania, I know very little about his case, and mistakes have been made, I am sure, throughout the history of prosecution.

But, as has been said, by and large these are good prosecutors trying to do the right thing in many cases and in very dangerous, very tough situations. What I want to guard against here today is an overreaction to these anecdotal cases. What I want to prevent is the handcuffing of our prosecutors by requiring them as the underlying bill does to submit to the rules and regulations and disciplinary proceedings of the various States in which they prosecute. These 50 States have enacted individually their own rules and regulations for disciplinary procedures for their attorneys and rightfully so, because they practice in their State courts.

The U.S. attorney, and let me be clear on this, the U.S. attorney and the assistants practice at the Federal courts. They already are obligated to stand behind Federal guidelines in terms of their disciplinary behavior, their ethical conduct as established by the Attorney General of the United States. But what you do in this bill, and I believe in overreaction fashion, is make those U.S. attorneys, those Federal prosecutors, submit to various State regulations on their conduct.

Let us take, for example, the Oklahoma situation. Because so many times, the Federal prosecutor, not the State prosecutor like my colleague from Massachusetts was, but the Federal prosecutors that we talk about in this bill work in multistate litigation, pornography, interstate theft of automobiles, drug cases, where you are working with folks all over the country. In Oklahoma City, you had a tragic bombing, an instance where in that investigation they gathered evidence in Michigan and in New York and other States and brought that together in Oklahoma City for coordination. They would have had to track every piece of evidence in that case, where it came from, to ensure that it did not violate that particular State ethics and disciplinary law. That is an impossible burden for prosecutors who prosecute multistate litigation to have to do.

Let us take another State, I believe, I could be corrected, but I think Massachusetts. In that State, if you arrest a low level drug dealer and you want to, as so often happens in drug cases, you start at the bottom and work your way up to the kingpin. If you arrest a low level drug dealer in that State, the kingpin can hire a lawyer for that low level drug dealer and as a prosecutor, you cannot talk to that low level drug dealer without that lawyer being present who is actually hired by the kingpin. You know what plays out in that situation. If that person talks to you, he may well be dead the next day.

Those are examples of how in reality this bill will play out. It will hamstring Federal prosecutors in a very inappropriate way and it will affect the administration of justice in our Federal courts and the victims of these crimes over and over.

Again, I have great respect for the people who are on the other side of this issue and who have been involved in the system. But yet I cannot help but believe we are literally throwing out the baby with the bath water here. This is totally, totally unnecessary. For instance, it creates a misconduct board which is constituted by appointments from the President and from the House. That in and of itself violates the very sacred separation of powers doctrine.

I would encourage people to stand back from the emotion and look at the overall interest of justice here, not just a few very bad cases, and stand behind our prosecutors who already subscribe to these ethical laws and oppose this amendment.

Mr. McDADE. Mr. Chairman, I am advised that there may be some accommodation with respect to the limitation on time if it is limited to the amendment offered by the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary.

The CHAIRMAN. The Chair would eagerly await that.

Mr. McDADE. Am I accurate in that? I understand that is acceptable.

Mr. MOLLOHAN. Could the gentleman outline his proposal?

Mr. McDADE. Yes. May I say to my friend from West Virginia that my understanding is that if we limit the limitation on time, if we can get one, to the Conyers amendment, that that is an acceptable proposal to be made. And if that is the case, I would inquire how many speakers there are that remain that would like to be heard on the Conyers amendment.

Mr. MOLLOHAN. We have several. Does the gentleman have a time proposal?

Mr. McDADE. My understanding on this side is that we have but two, each five minutes. I would suggest 20 minutes, 10 per side, and then vote on the Conyers amendment.

PARLIAMENTARY INQUIRY

Mr. MOLLOHAN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MOLLOHAN. Can we limit time on the Conyers amendment and not on the underlying amendment?

The CHAIRMAN. Yes, that would be the understanding of the chair.

Mr. McDADE. May I say to my friend, I find that there are some others on my side who also wish to speak on the Conyers amendment. Four members, five minutes apiece is 20, and you have two. Twenty and 20. Is that acceptable to the gentleman?

□ 1715

May I inquire of the gentleman, how about 15 and 15 per side? I am advised that Members over here do not intend to take the full time, that they can get their remarks in the RECORD, and then the amendment would be ripe.

Mr. MOLLOHAN. I think we can agree to that on the Conyers amendment, 15 on each side.

Mr. McDADE. Mr. Chairman, I ask unanimous consent the debate on the Conyers amendment and the amendments thereto cease in 30 minutes, equally divided.

The CHAIRMAN. And all amendments thereto? Equally divided?

Mr. McDADE. Yes, Mr. Chairman.

Is there objection to the request of the gentleman from Pennsylvania?

PARLIAMENTARY INQUIRY

Mr. MOLLOHAN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MOLLOHAN. Are there any amendments to the Conyers amendment in order?

The CHAIRMAN. In theory there would be, but if the request is granted, of course they would be debatable within that time.

Mr. MOLLOHAN. Mr. Chairman, we would not want to make the agreement if it were to include time limit on any potential amendments on the Conyers amendment.

The CHAIRMAN. That is the understanding of the Chair.

Mr. MOLLOHAN. That we would not have any amendments on the Conyers amendment that would become a part of the time agreement?

The CHAIRMAN. The request would only impact the Conyers amendment itself.

Mr. McDADE. Mr. Chairman, I renew my unanimous-consent request.

The CHAIRMAN. Would the gentleman restate his unanimous-consent request?

Mr. McDADE. Mr. Chairman, I ask that all debate on the Conyers amendment cease in 30 minutes, equally divided on each side, that I control time here and the gentleman from Michigan control the time on that side.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HUTCHINSON. Reserving the right to object, Mr. Chairman, it appears to me that the request has two people controlling time that are both in favor of the Conyers amendment. I would like to claim time in opposition.

Mr. Chairman, I trust the gentleman from Pennsylvania to control it. I just would like to make sure that it is controlled.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Without objection, the unanimous-consent request is granted whereby debate will cease in 30 minutes, 15 minutes controlled by the gentleman from Michigan (Mr. CONYERS) and 15 minutes controlled by the gentleman from Pennsylvania (Mr. MCDADE).

Mr. MCDADE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I think the Conyers amendment is inappropriate, but I do not disagree with the underlying thought, which is that independent counsels ought to be accountable.

I go back to the Iran-Contra days when Elliot Abrams was destroyed by an independent counsel, I thought very unjustly, when Caspar Weinberger was indicted three days before an election, and there is just no accountability; so there ought to be. This is not the time to do it. The time to do it is when we reauthorize the bill next year.

In 1994, when we reauthorized the independent counsel, I had some suggestions for accountability. They were shot down by the chairman of the House Committee on the Judiciary then, they were shot down by the chairman of the Senate Judiciary Committee. They were perfectly happy with the language of the bill as it then existed.

Now, of course, experience has changed their mind. So I agree, but never forget the ultimate discipline is with the Attorney General. She can dismiss the independent counsel, and if he is half as bad as people say, I wonder why she has not dismissed him. But that is a question for another day.

But any lesser sanction would erode the independence of the independent counsel, and we must keep the independent counsel independent.

So I think the gentleman's amendment is mis-timed, overshoots the mark and ought to be defeated.

Mr. CONYERS. Mr. Chairman I yield such time as she may consume to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I especially thank the gentleman from Michigan (Mr. CONYERS) for his leadership in bringing this amendment to the floor, which I wholeheartedly support and consider a breath of fresh air. I also rise in support of the underlying McDade-Murtha bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Conyers amendment as well as in opposition to the Hutchinson amendment, which would then strike the McDade-Murtha provision of this bill. In essence, McDade-Murtha codifies the long-recognized, but recently-ignored principles that U.S. Attorneys must abide by the same rules of ethics as all other practicing lawyers. The Conyers amendment says that this includes special counsel as well, not just the people who are currently employed by the Department of Justice, and that makes all the sense in the world.

Limited government is the prerequisite for liberty and justice. That is what we are talking about today, limiting government power to what is a reasonable power to maintain order in our society.

Well, however, over the last three decades, because of the fear of crime we have ended up granting enormous power with very few checks and balances to prosecutors. We have just been expanding their power, and yours truly is just as guilty as anybody else out of fear of crime to give prosecutors power without having any checks and balances. Now we are surprised to see that big government with lots of power, people in that government tend to abuse that power.

Our Founding Fathers would not be surprised at that. The fact is every time we expand power we have to put checks in place or there will be abuses of power. For far too many times we have seen out-of-control prosecutors who now have all this more power to attack the bad guys, not seeking truth or not trying to protect the innocent but instead engaging themselves in self-aggrandizing, targeted attacks, often pushing relentlessly for some kind of prosecutorial victory regardless of the cost and, at times, regardless of the cost and, at times, regardless of the actual guilt or innocence of the target.

I and other supporters of the McDade-Murtha provision, and we are advocates of law and order, take this stand today to protect freedom and liberty threatened by prosecutors who are not being held to the same standards as other people in the legal profession. The gentleman from Indiana (Mr. BUYER) answered these charges, that there is going to be confusion, that we have different standards at the local level. The fact is that we expect our prosecutors to be at the highest level because we are protecting the rights of our citizens, the freedom of the people of the United States of America.

Far too often we have seen cases like the gentleman from Pennsylvania (Mr. MCDADE) where prosecutors are out of control and politically motivated. They go out and destroy public officials and public people. But what about the little guys? The little guys who have no money to defend themselves and are faced by these same abusive prosecutors?

No, putting down a code of conduct, if my colleagues will, a standard of ethics for the prosecutors, is something good. It is totally consistent with freedom in our country, with what our Founding Fathers wanted, with the concepts of limited government. Why should prosecutors be exempt from the ethics standards that the rest of us have?

Vote yes on the Conyers amendment to make sure all of the people who are involved in prosecution in our country have these standards and no on Hutchinson.

Mr. MCDADE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I am not a lawyer, and I do not apologize for that, I am just not. But I do have a legal question that I would like for some of the legalese Members who are so educated in the law to inform me.

The Mobile Press Register, my hometown newspaper, recently published a story where it says a former Internal Revenue informant in a Mobile diesel fraud case claims the IRS paid him to skip town during the May trial where his testimony could have helped the defense.

When we questioned, or when the press questioned, the IRS and the Defense Department as to whether or not it took place, they admitted that they gave the man $2,500 to leave town during the trial so he could not testify against the defense or for the defense.

The FBI then said, well, this guy is a liar and that he cannot be trusted. Well, if he is a liar and he cannot be trusted, why did they give him $2,500?

Does the Federal Government have the authority, any of the legalese Members can tell me, to pay a defense witness to leave town if he agrees not to be there during the trial and testify, and, if that is the case, does the underlying amendment offered by the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from Pennsylvania (Mr. MURTHA), does it help correct a situation taking place like that in the future?

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Illinois.

Mr. HYDE. The answer is absolutely not. That is obstruction of justice and was a crime.

Mr. CALLAHAN. Then in the gentleman's opinion, as a prosecutor and as a man learned in the law, should the Justice Department in that district indict the IRS individual who gave him this money?

Mr. HYDE. If the version that the gentleman read is accurate, there is a lot of work for the Justice Department to do right down there where that happened.

Mr. CALLAHAN. Mr. Chairman, I assume everything we read in the newspaper is factual, but giving the benefit of the doubt that it might not be factual, I think that the investigator, the defense attorney in Mobile, who incidentally has called me because Janet Reno told him to and asked me to vote against the underlying bill, which I intend to do anyway.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN), a distinguished member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Michigan for yielding this time to me.

I listened with great interest to the comments of the very distinguished gentleman from Illinois (Mr. HYDE), the chairman of our Committee on the Judiciary, and I would say every argument he gave against the Conyers amendment applies just as forcefully in support of the Hutchinson amendment and for striking the underlying provision, and that is going through the regular order either in the context of an independent counsel law or in the context of a Justice Department reauthorization we could look at this proposal, look at the question of improper prosecutorial tactics and fashion an appropriate remedy.

But if there is going to be the McDade-Murtha language in this bill, then I cannot think of a reason in the world why those same restrictions should not apply to staff and to an independent counsel or to the independent counsel himself.

Independent counsel working in a State, if the Justice Department lawyer should be complying with the local bar rules, then the independent counsel lawyer should be complying with the local bar rules. If improper overzealous prosecution tactics, the kinds of stories that the gentleman from Alabama (Mr. CALLAHAN) told us about, are going on, then an independent review board should be reviewing those tactics as well as the tactics of Justice Department lawyers.

I have some concerns about the base proposal, and I will speak to that when the Hutchinson amendment comes up, but we should support the Conyers amendment and then treat everybody in the similar situation the same way.

Mr. Chairman, I urge an aye vote on the Conyers amendment.

Mr. McDADE. Mr. Chairman, I yield 6 minutes to the gentleman from Arkansas (Mr. HUTCHINSON), a distinguished Member.

□ 1730

Mr. HUTCHINSON. Mr. Chairman, I thank the distinguished gentleman from Pennsylvania (Mr. McDADE) for the courtesies that he has extended to me. He has been in this body some time longer than I have, and he has taught me a few things. I have the utmost regard and high respect for the gentleman.

There has been some mention today about unfairness in prosecution, and I do not dispute that it happens, that it has happened in this body. The gentleman from Pennsylvania (Mr. McDADE) has referred to a case; others have.

I have made mention of the fact I am a former Federal prosecutor, and that is true. I was a prosecutor in the mid-80's, but after I left that, I became a defense attorney. So I have sat in that courtroom and I have heard a jury come back with an acquittal, and I realized an acquittal does not remedy everything because an individual defendant who has been through an enormous Federal criminal trial still suffers consequences.

But I believe that we took a big step in this Congress in remedying and curtailing and striking a better balance, and that was when we passed and it was signed into law the provision that said that if there is a frivolous prosecution, then the acquitted defendant can recover attorney's fees from the government.

I think we need to have time for that to work. I think it strikes a better balance. I think that prosecutors were concerned about that, that that is a chilling effect. Well, I hope it is a remedial effect. I hope that it strikes a better balance. So I am very pleased with that.

But I do want to say also that a number of Members have said, why in the world should we have Federal prosecutors who should be exempt from the State ethics law? And that is just not the case that we have presently.

Presently, as a Federal prosecutor, every Federal prosecutor has to be licensed to practice law, are subject to the state licensure laws of their state, whether it is Virginia, whether it is Arkansas. They have to abide by those ethics laws. That is the current law.

What the present proposal is, whether it is the independent counsel under the Conyers amendment or whether it is the underlying bill, it would bring all Federal prosecutors subject not to the ethics laws of their State, but to every State in which they engage in their duties, and that is the point that my good friend the gentleman from Tennessee (Mr. BRYANT) was making.

In the multistate investigations we have, when you are traveling down to Florida to interview a witness, when you are going to Louisiana, when you have multistates involved, you have conflicting laws with different States. My good friend from Massachusetts has some very stringent bar rules that are in conflict with the ethics laws in our State and hamstring what a prosecutor might be trying to do and what could be perceived as unfair.

In addition to the reviews of the State ethics laws, you presently have the Office of Professional Responsibility. You have the inspector general that will have review over these Federal prosecutors, in addition to the Federal courts.

But let me say in reference to the Conyers amendment on the independent counsel, the essence of the Conyers amendment brings the independent counsel under the Misconduct Review Board of title VIII. The Misconduct Review Board is, first of all, a board composed of three members. Those three members are appointed by the President of the United States.

The whole idea of the independent counsel law, and I agree with the gentleman from Illinois (Chairman HYDE) that we need to reevaluate this in the reauthorization next year, but do we want to bring somebody who is supposed to be independent of the administration under the review of the Misconduct Review Board of three people appointed by the President? It makes no sense.

The Misconduct Review Board, if there is any complaint made by any citizen, can subpoena evidence, can subpoena records, can subpoena witnesses and bring them before them with a public show that would compromise confidential informants, whether it is a drug case or something the independent counsel is doing. So the Misconduct Review Board is a bureaucracy that is duplicative of what we have now. It is not needed; it takes us in the wrong direction.

The gentleman from California (Mr. COX) says we have 10 rules that ought to be obeyed by Federal prosecutors. We already have ethical rules for our Federal prosecutors and State prosecutors. But those 10 rules have to be interpreted by a Misconduct Review Board. So when it says you cannot bring charges without probable cause, that is what a grand jury determines.

Now we are going to have a Misconduct Review Board determine whether there is probable cause or not. That is second guessing, that is an impossible burden put on prosecutors, and it is a chilling effect. I believe we should have a higher standard, but that is a higher standard that is imposed by our State ethics laws, that is applied by the present system.

Let me end with two points: First of all is a letter that was signed by Democrat and Republican former Attorneys General. They said in their letter in opposition to the proposal that the department's policy already requires its attorneys comply with the ethical rules of the States in which they are licensed and practice. So it is already the rule. Across the board they have opposition to this.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from California.

Mr. ROHRABACHER. Does the gentleman believe if a prosecutor, for example, encourages a witness to commit perjury or breaks the law in some other way, that that prosecutor should himself or herself be prosecuted for violating the law for doing something like that?

Mr. HUTCHINSON. Reclaiming my time, absolutely. That is obstruction of justice.

Mr. ROHRABACHER. How many prosecutors have been prosecuted? Almost none, is that right? Instead, like in the case of the gentleman from Pennsylvania (Mr. MCDADE), they get promotions.

Mr. HUTCHINSON. Mr. Chairman, reclaiming my time, under the present situation, that is misconduct that is subject to prosecution as well as ethical investigation. When I talk to people who are in hearings that are involved with the drug cartel, I ask them the question, do those in law enforcement have greater resources, or those in the drug business? And whether it is the DEA or those in the cartels, they say the other side have more weapons.

What we are trying to do by this proposal in this bill is to give more weapons and more tools to those on the other side. We need to strengthen law enforcement, not strengthen the drug cartels.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman from Arkansas (Mr. HUTCHINSON) is a great member of the Committee on the Judiciary and he is a great lawyer and was a good prosecutor, a good defense man, but what he needs to understand is that we are not revising or dealing with the independent counsel statute. That comes up next year, and, brother, we have plenty to say about that.

All we are doing now is making the very elementary, simple, nonlegal assertion that the independent counsel is an employee of the U.S. Department of Justice and is subject to the same rules, 6(e) and everything else, that U.S. Attorneys are. That. Nothing more.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I thank the gentleman for making that point. It seems to me that in the context of this debate, which is an extraordinarily important one, that there is one basic point that we need to focus on, and that is a very simple one: The underlying principles of this Republic, the founding and sustaining principle, is that government draws its just authority from the consent of the governed. We all know that. We all learned that in grammar school.

You cannot have the consent of the governed unless you have their confidence. The governed cannot give their consent unless they have confidence in that which they are giving consent to.

Nowhere in the government is that more stringently important than with regard to the activities of the Department of Justice. And the reason for that is obvious, because the Department of Justice has extraordinary power over individual Americans, over life, liberty and property of every single citizen of every State.

Therefore, particularly the Department of Justice must be held under strict constraint. Nowhere else in the government is it as important as in the Department of Justice. That is why the McDade language in the Commerce-Justice bill is so important, and we owe the gentlemen a debt of gratitude, the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from Pennsylvania (Mr. MURTHA), for bringing this language to us in the context of this bill.

However, it is also clearly just as important that every employee of the Justice Department ought to be covered by this language, without exception. There should be no exception because every employee of the Justice Department has this prosecutorial power, the right, the ability to deprive Americans of life, liberty and property. Therefore, we need this perfecting amendment to make more powerful, more straightforward, more direct the underlying principles of the McDade language.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the gentleman both for his clarification and his passion. I think we would be doing a great disservice to this debate if we did not clarify that this is not a pointed and singular attack on anyone. It is simply to provide the cover of ethics and of certain legal standards that all lawyers across the Nation have to abide by to all lawyers that are under the Constitution and governing laws of the United States of America.

What I hear the gentleman saying is ethics for you, ethics for me, ethics for everyone, and that includes, as the Conyers amendment has so aptly indicated, an independent counsel that is an employee of the Department of Justice, so that no one's rights are violated.

I ask the gentleman, are we simply engaging in a discussion of fairness, that ethics is the creed, if you will, the oath, if you will, the guiding force that should guide all of us as we relate to those Americans who come under the system of justice?

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I would say absolutely right. Every citizen of this Republic has the right to expect ethical behavior from every other citizen, but particularly every citizen of this Republic has the right to expect ethical behavior from everyone who is placed in a position of prosecutorial responsibility. Nowhere else in the system of government is the requirement to adhere to a strict, clear specified code of ethics more important than those who have been entrusted with prosecutorial responsibilities.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I think it is important, given the statements by my friend from Arkansas, whom I have great respect for, that if somehow you support McDade and Murtha you are somehow assisting or abetting drug cartels in the United States. That simply is not the case.

State prosecutors historically have conducted investigations that are multistate in nature, whether it be organized crime, whether it be drug trafficking, whether it be white collar crime. They adjust. As the gentleman from Arkansas indicated, Massachusetts has a very stringent standard in terms of prosecutorial ethics, but it has not caused a problem.

It is reminiscent of when the Warren Court issued the landmark cases in Mapp and Miranda. It was going to impede and be the end in terms of law enforcement. I dare say now we have better and more professional law enforcement that is more ethical than ever before.

Mr. McDADE. Mr. Chairman, I am delighted to yield 1 minute to the able gentleman from California (Mr. HUNTER).

HONORABLE RANDY "DUKE" CUNNINGHAM DOING WELL FOLLOWING SURGERY

Mr. HUNTER. Mr. Chairman, I wish to announce to my colleagues that our good friend, our Top Gun "DUKE" CUNNINGHAM, who underwent surgery today, has come through that surgery successfully. He is doing great. He has already made one attempt to sneak past a corpsman and get back to work, but they apprehended him and he is back in bed to rest for a little bit. He just wishes all of you well.

It would be great, if anybody would like, we would love to have you come to the Republican cloakroom, Democrats and Republicans, and sign the get-well card that we put together for DUKE. He is doing well and he is going to be back shortly.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

□ 1745

Mr. BRYANT. Mr. Chairman, under the circumstances, I think the gentleman has been extremely gracious.

I certainly I want to, I am sure, speak for my colleagues who oppose this bill, this portion of the bill, that we have obviously nothing personal against the gentleman and his situation. It is just that we have, we believe, legitimate differences in this particular bill.

Mr. Chairman, I would stand up tonight and argue against the issue at hand, and that is, the amendment offered by the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, which would bring into this bill the independent counsel.

As my colleague, the gentleman from Arkansas (Mr. HUTCHINSON) has so well pointed out, it is almost ludicrous when we envision the aspects of this bill as it might be applicable to the special prosecutor, especially when we consider the Conduct Review Board, which is made up of three members appointed by the White House, and also members appointed in an advisory fashion by the Members of Congress.

It certainly would thwart not only any color of independence, but any independence, or any ability of the independent counsel to exercise independence. It would do that, as well as impede, very clearly, the investigation by being able to come forward at any point and make objections to unfair prosecutions in very vague, very broad terms, that would draw to a halt that independent investigation while this disciplinary action against the independent prosecutor would have to be investigated.

I would point out to my colleagues on both sides that the Attorney General, Janet Reno, opposes this bill in total, and states, in regard to the disruptions that would occur in the U.S. Attorney General's office, as well as, we would speculate, in the independent prosecutor's office, that that would devastate their ability to do the job.

She says, for example, and this is Janet Reno talking, "For example, a grand jury target could allege the prosecutor was 'bringing discredit on the Department.'" That is an allegation that could stop the prosecution, they are bringing discredit on the department. "The Attorney General would then be required to complete a preliminary investigation within thirty days." They have to stop and do this within 30 days. "The prosecutor would be forced to devote his or her attention to the misconduct claim rather than . . ." the underlying criminal investigation.

It is just amazing, if one sits down and thinks about, I believe, the unintended, very sincerely, consequences of this bill in terms of how it will disrupt our very good prosecutors and their effort to stand in that gap between the law-abiding citizens of America and the criminals of America.

I point out that there are mistakes made. In those cases, the system does work. There is a system out there for the gentleman from Pennsylvania (Mr. JOE MCDADE). It must work. I know he would quarrel with that, but it should work.

I urge Members to oppose the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank all the Members on both sides of the aisle for a very constructive debate. I think this is very important, and I appreciate the fair discussion under which this amendment has been considered.

I would point out to the last speaker, an able member on the Committee on the Judiciary, the gentleman from Tennessee (Mr. BRYANT), that he is arguing the underlying bill, but the vote that is now coming up is merely whether or not independent counsel are included in the provisions that apply to U.S. attorneys.

If we do not do that we have made an incredibly large error, and I think it was inadvertent when this bill was drafted sometime ago. I am pleased that many of the authors of the bill are supporting this amendment.

I urge its support, Mr. Chairman, and I yield back the balance of my time.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to my colleagues, I had not intended to speak on this aspect of the bill, but in view of the comments that were made a few moments ago, I am compelled to.

Under the current system that we heard described by my colleagues, the gentlemen from Tennessee and from Arkansas, there is a remedy for a citizen, once convicted. They can appeal to another court, a higher court. They can make a recommendation or an argument at OPM, the Office of Professional Responsibility in the Department of Justice, after they have been convicted; lives ruined, bankrupt. If they can prove something, they might get a reversal of their case.

Let me be specific. In the case of United States versus Taylor about a year ago, the Department of Justice twisted the testimony of an individual and convicted him on perjurous testimony. If we read the case, we will read that the judge that tried it found the employees of the Department guilty of obstruction of justice. What a charge, corrupting the system that they are are supposed to be defending.

What did the Office of Professional Responsibility do after the judge made that finding? Mr. Chairman, they gave the people who corrupted that system a 5-day suspension from their jobs, a 5-day suspension for corrupting the system of justice in this country. No better example exists as to why we need to empower a citizen to have the right to have his case heard in front of the conviction and away from the OPM by an independent body.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUTCHINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 182, not voting 3, as follows:

[Roll No. 396]

AYES—249

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Cox
Coyne
Cramer
Cummings
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gillmor
Gilman
Goode
Goodlatte
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wicker
Wise
Woolsey
Wynn
Yates

NOES—182

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Davis (FL)
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Goodling
Goss
Graham
Granger
Greenwood
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Livingston
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McDade
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Parker
Paxon
Pease
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Clay
Cunningham
Gonzalez

□ 1811

Messrs. DAVIS of Florida, BAKER, WAMP, BURTON of Indiana, WELDON of Pennsylvania, and LAZIO of New York changed their vote from "aye" to "no."

Messrs. RAMSTAD, FRANKS of New Jersey, KASICH, GALLEGLY, FOX of Pennsylvania, PORTER, and UPTON changed their vote from "no" to "aye."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Is there further discussion on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON)?

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

For the purpose of trying to inform the Members of the evening's schedule so they may plan their activities accordingly, I am hoping that in a few minutes we can get a unanimous consent request to end the debate on the Hutchinson amendment with 5 minutes per side and then a vote on that amendment, which we would request be rolled until a later time so that Members would be able to attend the evening activities during the dinner hour.

I would hope in due course of time, which we are now working with the gentleman from West Virginia (Mr. MOLLOHAN) and others on, to obtain a time limit on all remaining amendments, in which case votes could be postponed until around 8:00 at the earliest and give Members a chance to be with their families during the dinner hour.

□ 1815

With that in mind, I would propose a unanimous consent request that all debate on the Hutchinson amendment be concluded in 10 minutes, 5 minutes per side, after which the vote would be taken on the Hutchinson amendment, but postponed if a recorded vote is requested, to a later time.

And then I would hope that I would be able to discuss with the gentleman from West Virginia (Mr. MOLLOHAN) and others limitations on the other amendments that are attached to the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman, just to clarify with the chairman that he is proposing that we do a unanimous consent request on the Hutchinson amendment now; roll that vote until after 8 p.m., giving Members a chance to go to this event; and then, in the meantime, do a unanimous consent with regard to as many other amendments as we can, and I know we have some concern about maybe one amendment on our side maybe not being included in that; and roll all those votes likewise until after 8 p.m. and then consider all votes. So Members could actually leave right now and not be concerned about votes until after 8 p.m.

Mr. ROGERS. That is correct.

Mr. MOLLOHAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. ROHRABACHER. Mr. Chairman, reserving the right to object. We have a lot of Members right here, right now. We have already debated this issue, it is in everybody's mind, and I do not see any reason why we should not vote on this and then go forward with the rest of the evening with time with our families. We have just debated this, we are right here, let us vote on it now.

Mr. ROGERS. Mr. Chairman, there are Members who wish the 5-minute discussion time. I would again request unanimous consent for 5 minutes per side, after which we vote, and then roll the vote until after 8 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman. I have been advised on my side that we would probably agree with that proposal and do not have any requests for time, at least if it were agreed upon by the other side.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MCDADE. Mr. Chairman, I simply want to state on behalf of my colleague, the gentleman from Pennsylvania (Mr. MURTHA), and myself, who worked this originally, and the 200 of our colleagues who have cosponsored this bill, that we are ready to vote right now. It has been debated and I think we ought to vote.

The CHAIRMAN. Is there any objection to the request of the gentleman from Kentucky?

Hearing no objection, the unanimous consent request is granted. The gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Pennsylvania (Mr. MCDADE) will each control 5 minutes.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume to simply say that the amendment that is before this body, the Hutchinson-Barr-Bryant amendment, would delete title VIII of the appropriations bill, which is called the Citizen Protection Act.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

PARLIAMENTARY INQUIRY

Mr. ROGERS. Mr. Chairman, Members are asking about whether or not we will postpone this vote. The answer is we will recommend the vote be postponed until at least 8 p.m.

The CHAIRMAN. The Chair has that discretion when the request for a recorded vote is made we will take that under advisement.

Mr. BARR of Georgia. Mr. Chairman, as with most pieces of legislation, it is as important to raise what a proposal does not do as it is what it does do, and I urge all of my colleagues to listen very carefully to these final minutes of debate.

This is a very emotional issue because people who are well-known to us are in favor of it. But this bill should not go forward. This amendment that we have should go forward, and the underlying title VIII stricken, because it will do tremendous injustice to the fabric of how United States attorneys conduct very sophisticated, very complex, very far-reaching multi-state investigations.

There is plenty of mechanisms already in place to address the occasional bad apple, if there is a prosecutor that practices misconduct. Notwithstanding that, if we have a problem with a particular U.S. attorney, then we should take action against that U.S. attorney. We can do that under current law and procedures. If we do not like the standards set by an Attorney General, then we should take action against that Attorney General, but we should not throw out the ability, as title VIII would do, of United States attorneys to conduct multistate investigations, such as RICO, public corruption, drug cases or fraud cases.

If, in fact, the law in one particular State is different from the law in another particular State, both involved in that multi-State investigation, action could be brought against that United States attorney for doing something that is perfectly legal under Federal law and under the law of a State in which they are operating just because it might happen that part of a case falls over into another State where that sort of action, such as consulting with a defendant's attorney, such as conducting electronic eavesdropping, might be against the law in that one State.

Also, title VIII would allow an outside panel, not composed of prosecutors, to have full access to every bit of the prosecutor's case. That would be outrageous and it would, in effect, stop important prosecutions.

Let us not throw the baby out with the bath water. If there have been abuses, then let us address those particular abuses, but not change and take away the ability of Federal prosecutors to conduct multi-State investigations.

I urge the adoption of the amendment.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the coauthor of the bill.

Mr. MURTHA. Mr. Chairman, if the Members think I am excited about this, they are right. If they think I am sincere and focused on this issue, I am.

I sat beside the gentleman from Pennsylvania for 8 years, 8 years while he was under persecution by the Justice Department: 6 years investigation, 2 years intimidation, under indictment. I watched the gentleman decline physically, mentally and emotionally from the strain of the Justice Department.

We were able to raise $1 million to defend the gentleman from Pennsylvania. The Justice Department system leaked information that was erroneous, leaked continually, did everything that could be unethical; charged him with campaign contributions being bribes, completely within the rules of the House; charged him with honoraria being illegal gratuities; tried to intimidate the House of Representatives which furnishes the money for the Justice Department.

Now, what chance would an individual have against the Justice Department if they would go after one of the most prominent Members in the House of Representatives? A jury, which came from an area that the public opinion said 70 percent of the public in that area thought that all politicians were crooks, he was acquitted in 3 hours by a jury picked at random from that area.

I feel strongly about this because it would protect the individual citizen from prosecution by not every prosecutor; I have no question that most prosecutors are above board and most prosecutors abide by the ethics rules. What we are saying in this legislation, when we defeat the Hutchinson amendment, is that they must abide by the ethics rules of the State involved.

The chief justices of the entire United States, fifty of them, all agree with us and say they ought to abide by the rules. They do not abide not only by their own ethics, they do not abide by the ethics of the States they are practicing in, and we say a special citizens commission should do just exactly that as they are doing for the IRS.

So I would hope that the House would rise up and show the prosecutors who are out of control, not all of them, just the ones out of control, that they need some sort of oversight and that this House will send a clear signal to the rest of the country that we will not stand by citizens to be persecuted by a prosecution.

The gentleman from Massachusetts (Mr. DELAHUNT) said it probably better than anybody else. They have a tremendous power, the prosecutors in this country, to withhold the liberty of individual citizens. We want to make sure that prosecution is done ethically, and I would ask all of the Members of the House to vote against the Hutchinson amendment.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Chairman, it is a difficult task to stand up here and follow the fine gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Pennsylvania (Mr. McDADE), and I can in no way empathize with what he has gone through because I have not done that.

The three former U.S. attorneys in this body have stood up and told my colleagues, as I tell you today, being one of those, let us not overreact. As the gentleman from Pennsylvania (Mr. MURTHA) said, the United States attorneys have tremendous power.

We, as Members of Congress, have tremendous power beyond that and let us do not abuse this situation. It was a terrible situation with the gentleman from Pennsylvania (Mr. McDADE). I wish it could be corrected. It is not a perfect situation, but the U.S. attorneys are under the ethics rules of their States.

Fortunately, they do many multistate prosecutions, and as the gentleman from Georgia (Mr. BARR) said, these prosecutions will be literally handcuffed if we pass this bill and make them comply with every local ethics disciplinary board proceeding which they go into, whether it is Florida, Louisiana or wherever.

I know it is tough, but let us do the right thing and vote for this amendment.

Mr. HUTCHINSON. Mr. Chairman, what is the time balance for each side?

The CHAIRMAN. The gentleman from Arkansas (Mr. HUTCHINSON) has 1½ minutes remaining and the gentleman from Pennsylvania (Mr. McDADE) has 2 minutes remaining and the right to close as a member of the committee.

Mr. HUTCHINSON. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Arkansas is recognized for 1½ minutes.

Mr. HUTCHINSON. Mr. Chairman, I have a short amount of time but let me just say that I do believe this is a law enforcement issue. You look at the groups that are concerned about this, that support the Hutchinson-Bryant-Barr amendment: The National Sheriffs Association have endorsed this; the Fraternal Order of Police; the FBI Agents Association. None of these are attorneys.

These are not attorneys. These are people who work with prosecutors who know what is needed in the war against drugs. The Federal Criminal Investigators Association, the National District Attorneys Association, who are state prosecutors, the DEA Administrator Tom Constantine, the Office of Drug Control Policy Director Barry McCaffrey, each one of these have written letters supporting this amendment that we are asking the Members to vote on because it is a law enforcement issue, and even though we have a great deal of sympathy and compassion for bad cases, bad cases can give us a bad precedent here.

We have to be careful not to adopt bad policy because we are sorry for what has happened in the past. We have to adopt good policy, and the amendment that is being offered here my colleagues need to vote for because it will preserve a balance in our system.

Six former attorneys general of the United States, both Democrat and Republican, have come out in opposition to the underlying bill that we are trying to strike. They have done that because this would jeopardize our fight in the war against drugs. When you are talking about a battle of saving our streets, we cannot take weapons away, we cannot give weapons to the defense attorneys that are subject to the abuse in the middle of a prosecution, but we have to help law enforcement.

□ 1830

A misconduct review board appoints 3 people who are going to be reviewing what decisions a prosecutor makes in the heat of a court room whether it is reasonable or not.

I ask my colleagues to support the Hutchinson-Barr-Bryant amendment.

Mr. McDADE. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I do not have much time, but I just want to say I spent 7½ years as a criminal court judge in Tennessee prior to coming to Congress, trying primarily felony criminal cases, and I rise in strong opposition to the Hutchinson amendment and in strong support of the gentleman from Pennsylvania (Mr. McDADE).

Our Government has become far too big and far too powerful, and too many individual citizens are being run roughshod by prosecutors that are totally out of control. We need to defeat this amendment.

Mr. Chairman, I think I am the only Member of this Congress who has ever sentenced anyone to the electric chair.

I believe in being very tough on crime, and I especially have been a strong supporter of local law enforcement—the people on the front lines who are fighting the real crime, the violent crime that everyone is so concerned about.

But I remember in late 1993 reading an article in Forbes magazine, one of the most conservative magazines in the Nation.

This article said that we had quadrupled the Justice Department just since 1980 and that Federal prosecutors were falling all over themselves trying to find cases to prosecute.

We have had far too many cases where overzealous prosecutors have presented high profile defendants just so that prosecutor could make a name for himself. I remember the totally unjustified case against President Reagan's Secretary of Labor, Ray Donovan, in which, after he was acquitted, made the famous statement, "Where do I go to get my reputation back?"

Our Federal Government has become far too big—it is far too powerful. We all have heard how, particularly the IRS is running roughshod over individual citizens.

Newsweek magazine recently had on its cover—the IRS Lawless, Abusive; Out of Control.

Unfortunately while there are good federal prosecutors, there are far too many who are, like the IRS, lawless, abusive, and out-of-control.

Almost no one, except extremely wealthy people, can take on the Federal Government.

To require Federal prosecutors to have to follow the same ethical rules as other lawyers is a very minimal step in the right direction and toward helping to preserve at least a semblance of freedom in this Nation.

Mr. McDADE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise of course in unequivocal opposition to the amendment of the gentleman from Arkansas (Mr. HUTCHINSON).

Sometimes in this House we forget the watersheds that come our way and the moments of history that arrive here sometimes not of our own making. That is the kind of a night we face tonight because the question we are about to vote on involves the liberty of every citizen of this country.

The bill is simple. Title I simply says be ethical. Who supports it? All the chief justices of all the 50 states, the American Bar Association, every legal organization besides that who has taken a position of course supports the proposition, abide by the ethics rules.

Title II. My Lord, my colleagues, what clarity. Listen to all it says. It is not hostile to a prosecutor or to the effort to prosecution. It simply says, and listen to this, if my colleagues consider this hostile, tell me, do not lie to the court. Oh, that is hostile to prosecution. Do not intimidate a witness or attempt to color their testimony. Hostile to the court. Hostile to the prosecutors. Do not leak information. Do not withhold exculpatory evidence on the person you are trying that may exonerate him or her. Hostile. Do not bring an indictment against a citizen of this country unless you have probable cause to prove that they have committed a crime.

Those are the guidelines we set down for every citizen in this Nation. I hope we will all vote against the Hutchinson amendment.

Mr. BRADY of Pennsylvania. Mr. Chairman, I rise in support of the McDade/Murtha amendment to the Commerce-State-Justice appropriations bill, a provision also known as the Citizens Protection Act.

Mr. Chairman, very alarming information concerning alleged abuses and misconduct on the part of career prosecutors employed by the U.S. Department of Justice, has been brought to my attention by State Representative Harold James, who is Chairman of the Pennsylvania Legislative Black Caucus, and Representative Leanna Washington, Secretary of the Pennsylvania Legislative Black Caucus.

Both Representative James and Representative Washington requested my support for the Citizens Protection Act, which I have subsequently co-sponsored.

They informed me of the results of independent hearings, endorsed by the National Black Caucus of State Legislators, which raised grave questions about misconduct by prosecutors. The Caucus, the Nation's largest organization of African-American elected officials, in 1995 called for Congressional Hearings To Investigate Misconduct by the U.S. Department of Justice.

Mr. Chairman, the McDade/Murtha amendment addresses every area of concern expressed by my constituents. I urge its adoption.

Mr. DELAHUNT. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment seeks to strike title VIII of the bill, which consists of the legislation known as the Citizens Protection Act, authorized by my colleagues form Pennsylvania, Mr. McDADE and Mr. MURTHA.

Let me say at the outset that I have reservations about a number of aspects of this legislation. I am also uncomfortable with the process by which it has come before the House. Matters of this complexity and importance ought to be addressed through the normal process of committee deliberation, so that the legislation can be fully examined and perfected before being brought to the floor.

Among the aspects of this legislation which I find problematic are the provisions establishing an independent "misconduct review board"—an entity which I believe could unnecessarily complicate and politicize the law enforcement mission.

Nevertheless, I support the ethical standards which comprise the core of this legislation, and I cannot support an amendment to strip it from the bill. Mr. Hutchinson's amendment does not seek to remedy any particular shortcomings of the measure; instead, it seeks to delete it entirely. Given this "all-or-nothing" proposition, I would prefer to allow the legislation to go to conference, where those of us who have concerns would have an opportunity to have them addressed.

I oppose the Hutchinson amendment and support the underlying legislation for one simple reason: as a former district attorney, I understand the truly awesome power that has become concentrated in the hands of the prosecutor. When abused, that power can and does destroy innocent lives and reputations. And the system provides few checks and balances to prevent such abuse.

When I was a district attorney, I hired many brilliant, ambitious young lawyers. I gave them a single admonition: "understand the power of your office, and do not abuse it. Understand that being a prosecutor is not about winning and losing. It is about seeing that justice is done."

Most of the prosecutors I have known in the course of my career have wielded their authority with integrity and restraint. But those who fail to do so can be as dangerous to the health of our society as the criminals they pursue.

Given this danger, it is necessary and appropriate that prosecutors be held to the standards of professional conduct to which other attorneys are subject. I do not accept the assertion of the Department of Justice that their attorneys should be immune from these ethical rules whenever they find them unduly confining. That is what ethical rules are for. And—whatever its other flaws—the Citizens Protection Act would ensure that prosecutors follow the rules.

For these reasons, Mr. Chairman, I support the legislation and urge defeat of the amendment.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the gentleman from Arkansas's amendment.

When we get a letter from the Attorney General of the United States, stating that certain legislative language would "chill law enforcement and impede the ability of the [Justice] Department to enforce the laws that Congress has mandated it enforce," you would think that it would give us pause.

When we get a letter from the National District Attorneys Association, calling certain legislative language "extremely counter-productive," you would think that we would at least want to take the time to analyze the implications of that language carefully before proceeding.

And when we get a letter from the National Association of Assistant United States Attorneys, characterizing certain legislative language as "ill-conceived and unnecessary," you would think that we would want the committee with oversight jurisdiction to hold hearings on that language and then debate amendments during mark-up, before we passed on it.

But here we are, set to pass a Commerce-Justice-State Appropriations bill containing far-reaching language scorned by much of the law enforcement community, and the House Judiciary Committee hasn't held a hearing or mark-up on it during this Congress!

That is simply not the way to deal with the complex and controversial subject of prosecutorial ethics.

If we're hearing in letters and phone calls from prosecutors that the language struck by the Hutchinson amendment would result in the disruption of multi-jurisdictional drug and gang cases and the disclosure of confidential information about ongoing investigations, then I think that the Judiciary Committee should be hearing from them in actual hearings during this Congress before we proceed.

We owe at least that courtesy to the people whom we charge with putting away gang lords, drug dealers, and white-collar scam artists.

Perhaps no one here has clean hands with respect to legislating in appropriations bills. But the language in this bill regarding prosecutorial ethics clearly crosses the line between the procedurally acceptable and unacceptable.

I urge my colleagues to support the Hutchinson amendment.

Ms. HARMAN. Mr. Chairman, I rise in strong support of the amendment offered by the distinguished gentleman from Arkansas (Mr. HUTCHINSON) to strike the text of H.R. 3396 from the Commerce-Justice-State Appropriations bill.

I do not doubt the proponents' intent to ensure that federal prosecutors are held to the highest standards of professional conduct. Indeed, as an attorney myself and member of several bars, I fully appreciate the importance of "bright line" rules governing ethical behavior, as well as the difficulty in applying them to the complex realities of practicing law.

But the bill presumes that federal prosecutors are not subject to stringent rules of conduct. In fact, they are. They are subject to disciplinary investigations and actions brought by the Office of Professional Responsibility, the Department's Inspector General and the Office of Public Integrity. In addition, it is the Department's policy that its attorneys comply with the ethical requirements of the state in which they are licensed and where they practice, unless those requirements are in conflict with federal duties and responsibilities. But, most importantly, in appropriate cases, the matter is referred to the state bar disciplinary authorities for further action.

If there is a problem with prosecutorial misconduct, it should certainly be addressed. But is it better to address it by requiring federal prosecutors adhere to a single, high standard of conduct, or to 50 different sets of ethics rules? Indeed, some of the state rules may be contrary to the obligations and responsibilities we may require of federal prosecutors. And, as importantly, a federal system requires an even-handed application of justice—an application that, in my mind, is more difficult if appropriate investigative techniques and prosecutorial actions are called into question under one state's set of rules but permitted by another.

More troubling, however, is the fact that the provisions have serious, and perhaps unintended, consequences which could cripple federal enforcement of our laws. In particular, the bill would permit defendants and their lawyers to disrupt ongoing investigations of illegal activity by raising claims of misconduct which, under the bill, would require immediate investigation by the Attorney General. Nora M. Manella, the U.S. Attorney for the Central District of California, which includes my district, wrote me to say that such allegations threatened the disclosure of sensitive and confidential information and could jeopardize the safety of witnesses and the integrity of investigations. The bill's "misconduct review board" would be given authority to inject itself into ongoing criminal investigations, demanding confidential and privileged material, and interfering with a cabinet officer's management of the internal affairs of a department.

As a result, Manella writes, "in all but the simplest of cases, prosecutors will face the risk of triggering at least some of the bill's provisions. Far from protecting the public from misguided Department employees, the proposed bill would inhibit vigorous investigation and prosecution of criminals, thus crippling the ability of federal prosecutors to enforce the very laws Congress has enacted.

"Enacting a bill which virtually invites frivolous complaints designed to obstruct and impede legitimate law enforcement investigations will do nothing to ensure professional conduct of Department employees, but will, instead, discourage lawyers from carrying out their lawful duties."

The bill's provision may also lead to an exodus of experienced and qualified federal attorneys. According to Manella, senior managers in her office have expressed the view that they would be reluctant to continue their federal service if the provision was enacted. If this were to happen, our federal criminal justice system would be weakened, perhaps permanently, and the vigorous enforcement of our laws both Congress and the people expect will be reduced.

Mr. Chairman, we have to remember that our legal system is dependent on both the law enforcement officers who make arrests, and the federal prosecutors who try the cases. Let's not hamstring our fight against crime by imposing an unnecessary set of rules on prosecutors or unintentionally giving criminals a tool with which to stall investigations.

This provision and its full implications have not been fully examined and, in my view, it behooves this chamber to approve the amendment to strike it until that examination has taken place.

I urge my colleagues to support the Hutchinson amendment, and insert the full text of U.S. Attorney Manella's letter in the RECORD at this point.

U.S. DEPARTMENT OF JUSTICE,
NORA M. MANELLA,
U.S. Attorney, Central District of California.
Hon. JANE L. HARMAN,
U.S. House of Representatives,
Washington, DC, July 24, 1998.

Re: H.R. 3396: Citizens Protection Act of 1998

DEAR CONGRESSWOMAN HARMAN: As United States Attorney for the largest district in the country, encompassing 40,000 square miles with a population of 16 million, I write to urge your opposition to H.R. 3396, the "Citizens Protection Act of 1998." I understand H.R. 3396 has been attached to the Commerce, State, Justice Appropriations bill, with a proviso that it be voted upon separately. As you may know, H.R. 3396 is strongly opposed by the Department of Justice and by the 94 United States Attorneys nationwide whose responsibility it is to enforce federal law. It is also opposed by the National District Attorneys Association, which has written separately to voice its objections. A copy of that letter is enclosed.

There is no dispute that employees of the Department of Justice should be held to the highest standards of professional conduct. Indeed, the Office of Professional Responsibility and the Inspector General's Office already have broad authority to investigate allegations of professional misconduct and to take appropriate action. In addition, the Department's Public Integrity Section can and does investigate potentially criminal conduct. Thus, there is no need for additional legislation.

More troubling, however, are the unintended consequences of H.R. 3396. It would, *inter alia*, subject Department of Justice attorneys to multiple and conflicting rules of 50 different state bar associations. (Had the Oklahoma City bombing team been subject to the provisions of this bill, the results could have been a virtual nightmare.) In addition, the bill would permit defendants and their lawyers to disrupt ongoing investigations of illegal activity by raising claims of misconduct which, under the bill, would require immediate investigation by the Attorney General, threatening the disclosure of sensitive and confidential information that could jeopardize the safety of witnesses and the integrity of investigations.

Finally, the proposed bill would subject Department attorneys and employees to sanctions—including loss of pension—without the procedural safeguards for disciplining other federal employees. A "Misconduct Review Board" would be given authority to inject itself into ongoing criminal investigations, demanding confidential and classified material, and interfering with a cabinet officer's management of the internal affairs of a department. In all but the simplest of cases, prosecutors will face the risk of triggering at least some of the bill's provisions. Far from protecting the public from misguided Department employees, the proposed bill would inhibit vigorous investigation and prosecution of criminals, thus crippling the ability of federal prosecutors to enforce the very laws Congress has enacted.

On a practical level, I can say this proposed bill has created greater concern in my office than any piece of legislation I can recall throughout my more than a dozen years as a federal prosecutor. Senior managers in my office—outstanding and experienced prosecutors and civil litigators—have expressed the view that they would be reluctant to continue their federal service were this bill enacted. Similarly, District Attorneys have indicated they would be leery of cross-designating local prosecutors to assist in federal prosecutions, were they subject to the bill's provisions. Should this bill pass, there is a very real prospect of a significant loss of experienced lawyers from this office, leaving the public with talented but less experienced lawyers, willing to run the risk of operating under this bill (when their pension benefits are few), and determined to leave after fulfilling their minimum commitment. I cannot believe this what the bill's sponsors intended.

As noted above, Department of Justice employees are already subject to multiple disciplinary mechanisms to ensure their adherence to the highest standards of professional conduct. Enacting a bill which virtually invites frivolous complaints designed to obstruct and impede legitimate law enforcement investigations will do nothing to ensure professional conduct of Department employees, but will, instead, discourage lawyers from carrying out their lawful duties. In the end, the unfortunate and unintended result will be a reduction in appropriately vigorous enforcement of Congress' laws, and the weakening of our federal criminal justice system.

Please feel free to call me, should you have any questions concerning the above.

Sincerely,

NORA M. MANELLA,
United States Attorney.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HUTCHINSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON) will be postponed.

PARLIAMENTARY INQUIRY

Mr. MCDADE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MCDADE. Mr. Chairman, I simply request that we reconsider the rolling of the vote and vote on this amendment right now instead of postponing it. The Members are here.

The CHAIRMAN. Under the rule the Chair has the discretion on this and the Chair has exercised that prerogative, and the vote will be postponed.

Are there further amendments to this section?

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, parliamentary inquiry.

May I inquire as to where we are in terms of amendments?

The CHAIRMAN. Title VIII has been considered read pursuant to the earlier unanimous consent request.

Mr. KOLBE. Mr. Chairman, are you then asking if there are further amendments to title VIII?

The CHAIRMAN. Are there further amendments to title VIII?

Title VIII has been considered read.

Are there amendments to this part of the bill?

Mr. KOLBE. Mr. Chairman, my inquiry was has the Chair asked for further amendments to title VIII? Is it now appropriate for me to ask for other amendments?

The CHAIRMAN. If the inquiry is, is it appropriate for the gentleman from Arizona (Mr. KOLBE) to offer amendments following title VIII, the answer to that is yes.

AMENDMENT NO. 19 OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. KOLBE:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this or any other Act may be used to implement, administer, or enforce Executive Order 13083 (titled "Federalism" and dated May 14, 1998).

Mr. KOLBE. Mr. Chairman, quoting from the Constitution of the United States: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

That is the 10th Amendment to the Constitution of the United States.

My amendment today goes to the very heart of that and would say that the executive order issued 2 months ago by the President, Executive Order No. 13083, could significantly expand the role and power of the Federal Government.

Mr. Chairman, a couple of examples of what this executive order would do: It justifies the creation of a national standards "when there is a need" as determined by the Federal Government.

Second, it would eliminate language in President Reagan's federalism executive order regarding preemption of state law by the Federal Government.

Third, it puts the Federal Government in the position of determining when States have not adequately protected individual rights.

Even though the President has talked about suspending this executive order and may have done so today, I have not had it confirmed that the order suspending it was signed. I believe that Congress needs to speak very effectively to this issue, as the mayors and the governors, and county officials have done. We must say that we should kill this executive order to make sure that it does not raise its head again.

Even the President's chief of staff colorfully described the administration as having messed up by not consulting with governors, mayors, and other state and local government leaders before they issued this executive order.

I applaud the efforts of the gentleman from Indiana (Mr. MCINTOSH), who has already begun to hold some hearings on this matter, and I know that the Committee on the Judiciary is going to examine what the effects of this executive order, if it is reinstituted, would be.

Hopefully, the administration will consult with them in addition to the state and local officials that were left out of the process. But by suspending Executive Order 13083, the administration has already demonstrated that it was premature and ill-advised. And I say it is time to put this House on the record as saying we agree and we do not expect you to implement that executive order, Mr. President. We should act now because we do not know when he might act to put it back in place and we would not have an opportunity then to offer that.

That brings me to another reason for offering this amendment at this time. There is an amendment which will follow this offered by the gentleman from Colorado (Mr. HEFLEY) that would prohibit funding both for this executive order and the executive order that codifies administration policy, does not change Federal law or create any affirmative action program, but would codify the current Federal practices with respect to discrimination based on sexual orientation.

Unfortunately, because this amendment is protected by the rule, it cannot be divided. There is no way to get a vote separately on these two totally different issues that are out there. I think most Members in this House want to have a clean vote on these two issues separately.

Now, let me just take a moment of my time, since only 20 minutes is permitted under the rule to debate the Hefley amendment, to say why I think that we should vote aye on this, on federalism, and no on the one dealing with sexual orientation.

By passing the Kolbe amendment, it would make it clear in the next debate when we get to the Hefley debate that there is one subject and one subject only that is under discussion; and that is this simple question: Should discrimination be permitted in the Federal workplace based on sexual orientation. And that should be and will be the only question that is involved.

The debate on that amendment is not going to be about affirmative action. It is not going to be about quotas. It should not be about giving the right to sue. It is not about giving the access of any individual to the EEOC or the Civil Rights Commission, because the executive order and the law does none of those things. Individuals have no such right, no such access under current law.

So when my colleagues vote on Hefley, they have to ask themselves the very simple question: Do they believe that Federal employment supervisors and managers, those who have the responsibility for hiring and firing and promoting individuals, should be able to hire, to not hire, or to fire, or to fail to promote solely on the basis of sexual orientation?

Members need to ask themselves would they fire someone in their office solely because they learned that that individual was a homosexual, or conversely, that they were heterosexual?

Now, many in this body, in fact well over half of this body, have signed their own pledge of nondiscrimination within their offices. So I would ask this question of all of those who have signed that pledge: Do they believe that if a manager in a Federal executive agency in the branch of the Federal Government should be held to a lesser standard than they are willing to hold themselves to? Think about it.

An aye vote on Hefley after we have disposed of this amendment, the Kolbe amendment, which would say no money shall be spent to implement the Federal executive order on federalism, that after we have voted to dispose of that, a vote on Hefley would be simply putting this body, the House, on record as saying that discrimination on sexual orientation solely because of an individual's sexual orientation is okay.

Do we want that? Do my colleagues want that? I do not think so. I urge Members to vote aye on Kolbe and no on Hefley.

Mr. LEACH. Mr. Chairman, I rise in support of the Kolbe amendment and in opposition to the Hefley amendment to follow.

Mr. Chairman, I would like to speak principally to the reasons behind the amendment being offered today by the gentleman from Arizona (Mr. KOLBE).

□ 1845

The history of America is the story of individual rights. It begins with a country founded on principles which had never been manifest in any society and which were not comprehensively instituted at the founding of the Republic. It has taken two centuries of struggle which have included a Civil War, a suffrage and civil rights movement to ensure the rights of minorities and women. In the context of our history, it is common sense and common decency that no one today be allowed to be prejudiced against simply because of their sexual orientation.

The executive order which will shortly be under review has nothing to do with the creation of special privileges, special preferences, quotas or affirmative action in any form, nor does it endorse any so-called life-style.

What it does is ensure equality and fairness to a group of individuals by bringing uniformity to already existing Federal nondiscrimination policies. Equal protection under the law is not a privilege to be enjoyed by some; it is a basic right to which every American is entitled.

If anyone in this favored land is discriminated against, civil society is weakened and we are all diminished. Bigotry has no place in America and should have no sanction of even the most covert sort.

Here let me be clear. If nondiscrimination precepts cannot be sanctioned for men and women who are gay and lesbian, does this not implicitly legitimize discrimination? And if lawmakers assert that equal protection under the law should not be available to one group of Americans, could this not result in actions that none of us could conceivably endorse, the possibility that some Americans could be shunned and perhaps, metaphorically, stoned?

Executive orders of this nature and civil rights laws in general cannot by presidential signature or majority vote change people's attitudes, but they can help protect individual rights and remove impediments to the exercise of individual aptitudes.

Political leadership involves more than the crafting and execution of laws. An essential role of leadership is to do everything possible to bring people together rather than accentuate differences which have the effect of rupturing society. That is why it is so important for elected officials to appeal to what Abraham Lincoln called "the better angels of our nature."

Political debate should thus be measured as to whether it is directed to the best or the least in all of us.

In this context, Mr. Chairman, I am concerned that the party to which I belong which sprang out of an individual rights tradition, preeminently a crusade to end slavery, may be in the process of rejecting part of its own heritage. In the American creed, individual rights are not selective. They do not apply to some people and not others. Equal opportunity and protection under the law cannot be denied any law-abiding American no matter how controversial his or her life-style may be.

Accordingly, I urge intraparty reconsideration of legislative initiatives of the nature of that which will follow this one, a "yes" vote on the Kolbe amendment and a "no" on the Hefley amendment.

Mr. CAMPBELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the 10th amendment that our colleague from Arizona quoted concluded that the rights not given to the Federal Government or to the States are reserved to the people—the people.

To me, one of the most important of those rights is the right of privacy, the right of individual privacy, that unless the government has a reason, a very strong reason to find out matters of one's personal life, the government has no business inquiring into those matters, and certainly no business denying somebody a position in government because of what an individual might characterize as his or her own private life.

Mr. Chairman, Federal law already prohibits discriminating in Federal employment on any basis other than the conduct of one's actual performance on the job. This is in title V of the United States Code, section 2302, paragraph 10. Federal law prohibits discrimination "on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others."

Accordingly, the executive order by President Clinton which added sexual orientation to the list of prohibited considerations for advancing or inhibiting a person's individual employment prospects in Federal Government is a simple application of what is already Federal law, namely, conduct that does not adversely affect the performance of the employee or applicant or the performance of others cannot be used as the basis of discrimination.

Case law under this existing statutory provision also supports this point of view, both from the Fifth Circuit and from the Merit System Protection Board, that conduct outside of the workplace may not be the basis of discrimination as to an employee in the Federal service. And so existing law creates a very solid basis for what President Clinton did in his executive order. But so also does personal freedom and individual liberty, the provisions of the 10th amendment to which my colleague from Arizona's motion speaks.

The executive order is alleged to lead to quotas or some form of affirmative action and the use of numbers. Here I must make a substantial point of disagreement. First of all, the origin of affirmative action under title VII in discrimination law was as follows: People observed a workplace and in observing that workplace said, "Well, we don't see that many African-Americans, or we don't see that many women. From that we derive an inference perhaps that there might be something wrong with your hiring program, wrong with your employment methods." But orientation is not observable. It is really quite a stretch to make the argument that this prohibition on discrimination will lead to affirmative action quotas, set-asides, or numerical goals for the very reason that one cannot look at the workforce and say an employer does not have the right number of a particular group when the issue in question is orientation.

Secondly, the words of the executive order are that "an affirmative program of equal employment opportunity for all civilian employees and applicants for employment" must be followed. I emphasize just that phrase. The executive order speaks of an affirmative program. It does not use that catch word "affirmative action." The origin of the catch word "affirmative action" was a 1961 executive order by President Kennedy. In 1965 it was applied to equal housing. And in 1969 it was applied to Federal employment with regard to gender and with regard to discrimination on the basis of religion.

In the order in 1965, there was a careful distinction, in my judgment, in using the word "program," as separate from the phrase "affirmative action," which was well known at that time. But even if that phrase were not different (and it is and that is an important point), I strongly believe that no one should take a statute which says "you shall not discriminate" and use it as the basis of discriminating. It is for that reason that I have always opposed the use of race by government. It is for that reason that I supported Proposition 209 in my State of California. It is wrong, morally wrong, for the government to look at somebody's skin color, to look at somebody's gender and to say, "That is a basis for you getting a job or you getting into a university."

And so tonight, Mr. Chairman, I will not surrender the argument to the other side. I will not say that because this executive order bans discrimination, it therefore must lead to quotas. We are right in saying that antidiscrimination is not the same thing as an obligation to use numbers. We are right in the Fifth Circuit, we are right in the Ninth Circuit and in my judgment we will very soon be justified by the Supreme Court. To every fellow conservative on this issue, I urge you, do not give in to the argument that antidiscrimination means affirmative action.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California.

Mr. CAMPBELL. I will only use 30 seconds, and I most appreciate my colleague for yielding.

We need to therefore observe the distinction in the language that affirmative action is not in this executive order, that it is absurd to consider that this executive order will lead to affirmative action because one would have to observe the characteristic. And nobody, nobody, including the worst critics of this President, are saying that he is ordering the ascertainment of whether one is gay or straight in the Federal employment sector.

Lastly and most importantly, although my good friend from Massachusetts and I may part company on this, I appreciate his kindness in yielding to me to make this point once again to those of us who believe there should never be the use of race or gender to distinguish among American citizens by their government, that if you buy the argument that this executive order leads to the use of orientation by the government and leads to quotas, you are giving up the argument on every other aspect that we are fighting so hard to establish in title VII law.

Mr. FRANK of Massachusetts. I thank the gentleman. I did take my time now because I wanted the gentleman to complete this very important statement. And he is right. Some of us do differ on the role of affirmative action with regard to race and gender. But I know of no advocate of affirmative action with regard to sexual orientation nor, by the way, with religion and age, and I cite that because this particular executive order, which is going to be the subject of a later amendment, deals not just with race and gender but with religion and age and it has never given rise to affirmative action. The notion that because a category is in this executive order it will lead to affirmative action is belied by the fact that over many, many years no one has ever seen an affirmative action, an affirmative outreach, an affirmative anything program with regard to many of the categories covered. The President has specifically disavowed any intention of affirmative action with regard to sexual orientation, and as one of the drafters of the Employment Nondiscrimination Act dealing with sexual orientation, I would alert Members to read that. It again specifically disavows affirmative action. We are not arguing for affirmative action in that context.

I think the gentleman from California, and I would be glad to yield him again, has made a very important point. Those of us who have a disagreement about affirmative action have it with regard to race and with gender, but no one is an advocate of it being used here. And in no case, let me just close with this, in no case have State laws on this subject given rise to affirmative action based on sexual orientation. That is a nonissue.

I yield to the gentleman from California.

Mr. CAMPBELL. I thank the gentleman for yielding one more time. First of all I think his point is very insightful. No one has ever had an affirmative action quota, minimum hire for religion or on the basis of age. But the phrase in this executive order is "affirmative program" I quoted, "an affirmative program of equal employment opportunity for all civilian employees and applicants for employment."

I note that the phrase "an affirmative program" was used in the 1965 executive order to deal with the obligations of government, namely, that the government must adopt a program to root out discrimination. The phrase affirmative action was used as to the contractor, and that, to my judgment erroneously but nevertheless by some, is argued to lead to the hiring or the promoting according to numbers. But the word "program" is a key phrase here. It means the government must root out discrimination, and then affirmative action was used to refer, at least by some, to the additional obligations on which people of good will have differed.

Mr. FRANK of Massachusetts. I thank the gentleman. I again want to stress that. Because from any angle you look at it, the affirmative action issue is not part of this. The President is not seeking it. This executive order does not trigger it automatically. Advocates of nondiscrimination in the sexual orientation context oppose affirmative action, and most tellingly, as the gentleman from California has said, it is indeed precisely those who are most critical of affirmative action who insist that you can have a nondiscrimination policy without affirmative action. That is what this is.

Those who argue that articulating a nondiscrimination policy automatically engender affirmative action are undercutting the anti-affirmative action argument because they are then saying, and I never know what the converse or the reverse or the adverse is, but the opposite. They are then saying that if you have one, you have to have the other. Those who want to kill affirmative action are bound to argue that you may have nondiscrimination without affirmative action.

The other thing is, I do want to thank the gentleman from Arizona for bringing up this so we can once again vote on the federalism order. The gentleman from Florida did it first. So we have already had a unanimous House vote to kill the executive order on federalism, then the President suspended it, then he withdrew it, now we are going to vote against it again. We are killing a dead man that committed suicide before he was born. This executive order on federalism if it was a cat it would be dead, because it is going to be killed about nine times.

PARLIAMENTARY INQUIRY

Mr. HEFLEY. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLEY. Mr. Chairman, as I understand clause 1 of rule XIV of the rules of the House, we are supposed to debate the subject of the amendment that is before us. It seems to me most of these gentlemen are debating the next amendment and not this amendment. I would like to ask the Chair if that is correct and if we should refrain from that.

The CHAIRMAN. Members must confine their remarks to the pending amendment that is before the Committee.

Mr. McINTOSH. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the pending amendment by the gentleman from Arizona (Mr. KOLBE).

Mr. Chairman, so everybody knows and the record is clear, if I refer to executive order, I am referring to the President's federalism executive order, 13083.

Frankly I was outraged when President Clintòn issued that executive order revoking President Reagan's historic executive order on federalism issued in 1987. President Reagan's executive order provided many protections for and reflected great deference to State and local governments.

By stark contrast, President Clinton's new executive order, issued without prior consultation with State and local governments, betrays and repudiates an 11-year tradition of trust and mutual consultation between the States and the executive branch. In its place, the order laid out the groundwork for an unprecedented Federal power grab in virtually every area of policy previously reserved to the States under the 10th amendment.

On June 8, I wrote to President Clinton that "I could not understand how you, as a former governor, could willingly abandon the protections accorded the States since 1987 from unwarranted federal regulatory burdens."

□ 1900

Then on June 10 my subcommittee called the National Governors' Association to ascertain their view of this new executive order. Shockingly, their Executive Director was totally unaware that this order had been issued. They learned about it first from Members of Congress, not the White House. Apparently the Clinton-Gore White House has neither consulted with any of the principal State and local government interest groups prior to issuing this order, nor notified them about it after it had been issued.

Now on July 17 the leadership of the Big 7 requested that the President revoke this executive order. As the gentleman from Massachusetts (Mr. FRANK) has pointed out, he has done that today. What I think is important is that we make it very clear that the trust that had been built up is no longer there, that this President, quite frankly, does not have that credibility with the State and local officials because of that stealthy action to revoke that provision.

Now I think it is the height of irony, frankly, that the President while out of the country issued an order that reversed that 11-year commitment with no advanced notice, no opportunity to comment, no voice for the States in the decision that will drastically upset the constitutional balance of power between the States and the Executive Branch.

On July 28 I chaired a hearing to examine first the potential impacts of the new executive order, and second, the need for possible legislation to address the concerns of the State and local government. This hearing allowed the States and elected officials to voice their concern and former and current administration officials to express their rationales for the federalism executive orders. Quite frankly, the State and local officials were, let us say, at least as perturbed with Congress as they were with the Executive Branch for our failure to be consistent in respecting federalism.

Now on July 30 I again wrote the President as a result of that hearing and Mr. DeSeve, saying that they wanted to start over from ground zero based on the Reagan executive order, asking him to definitively withdraw that, and I understand through news reports that today he has done so and suspended Executive Order 13083.

But I think the Kolbe amendment is absolutely necessary to make it clear that the agencies cannot spend any funds pursuant to that executive order or any executive order that does not fully defer to the States. So I want to commend the gentleman for offering this amendment.

Mr. Chairman, I yield the remainder of my time to the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Chairman, I wanted to make it clear that I oppose affirmative action. I think it divides us rather than brings us together. I would oppose any effort to add sexual orientation as a protected class under the Federal affirmative action program.

That being said, I unequivocally oppose discrimination. When I hire someone in my office, I do not ask the prospective employee their sexual orientation.

PARLIAMENTARY INQUIRY

Mr. HEFLEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HEFLEY. Mr. Chairman, I believe the gentleman is debating the next amendment, not this amendment. My parliamentary inquiry is, Mr. Chairman, that I believe the gentleman is debating the next amendment, not the federalism amendment. We have federalism in the next amendment, but he is debating a part of the amendment that will follow this one.

The CHAIRMAN. The Chair asks Members to confine their remarks to the amendment at hand.

Mr. BLILEY. Mr. Chairman, I am sorry the gentleman rose to that, but it does not alter my feelings whatsoever. I think his amendment is a mistake, and I would hope that all Members would oppose it.

Mr. Chairman, this is ill considered. It is a wrong amendment.

Mr. SCARBOROUGH. Mr. Chairman, I move to strike the requisite number of words.

I would like to thank the gentleman from Arizona (Mr. KOLBE) for bringing up this amendment. I may not agree with all the arguments that have been put forward thus far, but we are talking about in the next amendment, and I am not going to be going to the actual substance of that amendment but rather the procedure under which that amendment is going to be debated; we are going to be talking about two extraordinarily complex issues: federalism, which is the issue that probably more than any other issue got me here back in 1994, and outside my door I have a copy of the 10th Amendment written. We could talk for hours and hours about a billion different issues relating to the Clinton executive order, to the 10th Amendment, to the constitutional ramifications of that executive order, and we can spend as many hours talking about an issue that will continue to follow everybody in this Chamber for as long as we live, and that is the rights of homosexuals in American civilization. Those two debates are as contentious as any debates that we could bring up, and for a rule to be drafted that would require us to speak on the rights of homosexuals in the Federal workplace as well as federalism in 20 minutes is absolutely not shocking, but it is a joke.

The gentleman from Massachusetts (Mr. FRANK) said earlier, was talking about how many times this has been killed, and he talked about Rasputin, said he did not think that Rasputin had been shot and killed as many times as this executive order. I concur, but I would like to kick it one more time just for the heck of it. It was put to death earlier today.

The gentleman from Indiana (Mr. MCINTOSH) had some hearings on the issue, we had some fascinating testimony on it, and most of the people agreed that reversing Ronald Reagan's Executive Order in 1987, and again the President's Executive Order in 1993, was dangerous. The Reagan Executive Order stated that the constitutional relationship among sovereign States, State and national, is formalized and protected by the 10th Amendment to the Constitution. But this is what some of the State and local officials said about the President's Executive Order:

Mike Leavitt, the Executive Committee Chairman of the National Governors' Association, said, "Executive Order 13083 repudiates the masterful wisdom of our founders and is now inconsistent with the United States Constitution. The Governors seek your assistance to halt that course."

The North Carolina State Representative, Daniel Blue, the President of the National Conference of State Legislatures, said Executive Order 13083 must be revoked.

Democratic Mayor Edward Rendell from Philadelphia, the Chairman of the

U.S. Conference of Mayors, said it is essential that federalism policy reflect a proper balance of authority be developed in cooperation with and supported by the State and local governments.

The President of the National League of Cities concurred and said we join in by requesting the rescinding of the new executive order on federalism, and jointly the Conference wrote a letter to the President, and said:

"We believe it is especially critical for you to consider and act upon now our request to withdraw the order as quickly as possible."

That came out in our hearing in the McIntosh subcommittee and I thank the President today from the House floor for rescinding that order. I think it was an important thing to do, and I hope over the next 90 days, as he talks to State and local officials, that he will pay special attention to their concerns and their needs and recognize the need for reinstating the Reagan Executive Order in 1987 and also reinstating his order in 1993.

Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for bringing this very important amendment to the floor.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

We have not seen the stroke of the pen yet that Paul Begala spoke about, Mr. Chairman. Recently Clinton political adviser, Mr. Paul Begala, was quoted as saying, and I quote these immortal words:

Stroke of the pen, law of the land, kind of cool, close quote.

Yes, that is really cool.

Mr. Chairman, we have heard a lot of talk over the last few days, including right here on the floor, that champagne bottles are being cracked open because the President has stroked that pen one more time and made a new law of the land. I am going to reserve judgment, Mr. Chairman. I "ain't" breaking my bottle of champagne open yet, not with the track record of this administration.

The only way that an executive order can be rescinded or altered or mended in any way, including its operative date, which in the case of Executive Order 13083 is August 12 of this year, is by another executive order or by legislation. Now until we see that dried ink on the new executive order which rescinds Executive Order 13083, Executive Order 13083 remains operative.

So I think that this amendment offered by the gentleman from Arizona this evening is very much relevant, very much on point, very much apropos and ought to go forward. It sends not only an important message, as several of the speakers have already said, to let the White House know that at least here in the halls of this Congress the 10th Amendment does have some meaning. It also, I believe, Mr. Chairman, is very important because it will stop funding for this executive order if, in fact, that pen that Mr. Begala loves so much hesitated at the last moment. We will see.

I would also like to urge my colleagues to take a close look at Executive Order 13083 and note the nine categories, count them, nine, categories of activities of State, Federal, State and local government that will be swept away by that stroke of the pen that Mr. Begala thinks is just oh so cool.

The list of activities of which this executive order purports to give jurisdiction any Federal agency or department is as vast as any activity of which it purports to give a Federal agency or department jurisdiction, including if there is some ill-defined or perhaps even not defined international obligation. It goes far beyond even the expanse of reading of the Interstate Commerce Clause of the Constitution which has provided the basis for so much Federal intrusion in the lives of our citizens, our schools, our businesses, our local governments and our State governments. It simply says as the A-No. 1 reason why Federal agencies or departments may supersede State or local action, quote, when the matter to be addressed by Federal action occurs interstate as opposed to being contained within one State's boundaries, close quote. Do not even have to have the commerce nexus.

One can go on and see how expansive and indeed how expansive and indeed how frightening this executive order is, and it is because of that scope, that breathtaking scope of this executive order, why it is important this evening to go on record to say that we in the Congress continue to believe in the Constitution, we continue to believe in separation of powers, we continue to believe in the 10th Amendment, and until we see, until we see the actual signature, we will not rest and we should not rest. We must be vigilant. It will be kind of cool if that happens, but let us wait and see.

Mr. Chairman, I urge adoption of the amendment offered by the gentleman from Arizona (Mr. KOLBE).

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arizona (Mr. KOLBE), and I want to take this opportunity to speak against another version of this amendment that may soon be offered to also overturn the executive order regarding discrimination in the Federal work force.

At the heart of the debate over Executive Order 13087 is one of the most basic rights in any civil society, to be judged in the workplace on the content of one's character, not on one's race, religion, gender or sexual orientation.

Mr. Chairman, this is a question of civil rights, not special rights, and the sad truth is that the radical right cannot tolerate a society in which all Americans are afforded the same basic rights.

PARLIAMENTARY INQUIRIES

Mr. HEFLEY. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HEFLEY. Is it true that we should stick to the subject of the amendment we are dealing with and not debate another amendment?

The CHAIRMAN. The Chair would remind Members that the debate should be on the amendment that is pending in the Committee and confine remarks to that.

Mr. SHAYS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, is it not true that a Member can compare one amendment with another when one amendment seeks to deal with one executive order and another amendment seeks to deal with that executive order in another? And is it not true that we have the ability and right as Members of this floor to be able to compare one amendment versus another and why we support one amendment versus another?

The CHAIRMAN. The Chair would remind Members that if the debate lends itself that way, then the debate ought to connect both amendments in that regard. But the Chair would ask Members, and the Chair would remind Members, that their remarks should be confined to the amendment pending before the committee.

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Mr. HEFLEY. Mr. Chairman, further parliamentary inquiry.

Mr. Chairman, there is nothing in this amendment that has to do with sexual orientation or carving out special privileges for any group in the workforce, and yet that is what the gentlewoman is debating. It would seem to me that under the rules cited earlier in Section 14, that that is not appropriate, and that the gentlewoman should wait and seek time under the following amendment.

The CHAIRMAN. The Chair would ask Members to confine their remarks to the amendment at hand.

Mrs. LOWEY. Mr. Chairman, I want to thank the gentleman from Connecticut for making that point. I am leading up to that argument.

Frankly, I have been serving in this House for 10 years, and I cannot remember a time when someone was arguing an amendment and someone was so concerned that speakers were going to challenge their arguments that they would silence Members in proceeding and arguing their point. So I am leading up to the point made by the gentleman from Connecticut.

Mr. Chairman, I just want to say, it is really sad that the radical right cannot tolerate a society in which all Americans are afforded the same basic rights, and in this election season, the Republican leadership has decided that it is in their political interests to side with the ignorance and bigotry of the radical right.

The fact is it is still legal in this day and age to fire someone simply because they are gay or lesbian. That is outrageous, and the majority of Americans agree it is an outrage. But an overwhelming majority of Americans believe that gays and lesbians in the workplace deserve the same basic rights.

It is terribly ironic, Mr. Chairman, that the very same people who tout the virtues of running the Federal Government like a corporation are leading the fight against this executive order. The list of companies that prohibit job discrimination based on sexual orientation is a "Who's Who" of corporate America: IBM, Microsoft, Xerox, AT&T, Coca-Cola, Home Depot, and the list goes on and on. Numerous State and local governments also provide these protections for their employees.

Mr. Chairman, the executive order is very modest, it is long overdue, and yet here we are voting whether to deny more than 2 million employees this most basic protection. What a sad commentary on this institution.

I urge my colleagues to vote "no" on the Kolbe amendment, and I also urge my colleagues to defeat the Hefley amendment to repeal Executive Order 13087.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise strongly to oppose this Kolbe amendment and the Hefley amendment. The amendment is an attempt to gut the recent executive order issued by President Clinton which added sexual orientation to the nondiscrimination policy of the Federal Government. That executive order was not about special privileges, it was about fairness and equality.

Many departments in the Federal Civil Service have already implemented their own policies against discrimination on the basis of sexual orientation. These policies, however, lack uniformity and consistency. This executive order is necessary to remedy these inconsistencies by promoting uniformity in nondiscrimination policies in the Federal Government with respect to sexual orientation.

It is time for Congress to stand up for the basic American value of a worker or anyone else being judged in the workplace on the basis of job performance, not on an irrelevant factor, whether that irrelevant factor be race or color or creed or religion or national origin or sex or gender or sexual orientation.

Poll after poll has shown overwhelming support in the American public for the basic premise that lesbian and gay workers should be treated fairly in the workplace. One poll recently indicated that 80 percent of the American public believes that homosexuals should have equal rights in terms of job opportunities. It is elementary, Mr. Chairman, that people should be treated fairly and equally regardless of factors over which they have no control, such as race or color or creed or national origin or sex or sexual orientation.

Mr. Chairman, we talk a lot here about American ideals and American values, and one of the chief American values was set forth in the Declaration of Independence, where it says we hold these truths to be self-evident, that all men are created equal, that they are endowed with certain inalienable rights, and so forth.

The history of the United States is a history of the expansion of the definition of that phrase, that all men are created equal. In 1776 that did not mean women, did not mean black people, did not mean Native Americans, did not mean anyone other than white males. We have spent 200 years expanding that definition. Before the Civil War we had 100 years of turmoil and politics and riots to expand that to include people of different races. We have now at least professed to include women.

The only group which someone can still stand up and say, without being ridiculed off the stage, is not included in the definition of equality are people of different sexual orientation, are gays and lesbians and transgender individuals.

Mr. Chairman, it is imperative that we begin the process of expanding the promise of the Declaration of Independence to include the last unincluded group, gays and lesbians and transgender people. I think the American people support fairness and equality. It makes sense, if someone is qualified to do a job, he or she should not be denied a job based on irrelevant factors.

More than half of the Fortune 500 companies and most Members of Congress already have their own policies to prevent discrimination on the basis of sexual orientation. It is about time that the Federal Government as a whole follows suit.

That is the bottom line, and after we deal with discrimination in employment, then we will deal with discrimination in public accommodation, housing and other things. Right now it is elemental that this executive order is the least thing to do.

So I urge that the amendment be defeated. The President should be commended for the executive order. I urge my colleagues to reject the Hefley amendment.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment the gentleman from Arizona for offering this amendment. While I cannot support it, I appreciate his effort to ensure that Members have the opportunity to vote on the federalism issue alone, so that when the debate comes in the next amendment, the amendment of the gentleman from Colorado (Mr. HEFLEY), it will not color that particular debate, because it is my understanding that the Hefley amendment was rewritten at the last moment to also prohibit implementation of the executive order on federalism but it really was not about Federalism, it was about denying Federal workers protection from discrimination based upon sexual orientation. So I thank the gentleman from Arizona (Mr. KOLBE), who allows Members who want to express their views on that subject to do so without voting for the Hefley amendment.

The executive order is not about special rights, it is about equal rights; and it is not about quotas, it is about fairness. It certainly is not about affirmative action. It is about protection from discrimination, as both the gentleman from California and my friend and colleague from Massachusetts have already gone over.

In fact, the executive order no more requires affirmative action based on sexual orientation than the original executive order that it amends, which, by the way, was promulgated by President Nixon back in 1969, requiring affirmative action based on race, religion, gender, age or disability.

Not once has the gentleman from Massachusetts stated that the executive order that was issued in 1969 by President Nixon has ever been interpreted to require affirmative action or to confer special rights of any kind. These arguments, if they are made, are, at best, disingenuous.

This amendment to the Nixon executive order simply extends protection from discrimination when it comes to hiring, firing and promotion to gay men and women if you work for the Federal Government. Nothing more, nothing else.

Basically it means that Federal agencies must be fair in their employment practices. It is only about fairness, and insisting that the Federal Government, the executive branch, treat everyone the same, that is, on the merits.

Some would suggest that amendment to the Nixon executive order is unnecessary, that gay men and women do not need to be protected in the workplace. I submit that is wrong. Look at this Chamber. Approximately 190 Members of this body declined to sign a pledge that sexual orientation is not and would not be a consideration in the employment practices in their congressional offices. Let us start there.

For many gay Americans, losing a job is the least of it. Some statistics to reflect on, if you believe that gay men and women are not discriminated against: In 1995, 29 men and women were murder victims either because they were gay, or some thug at least thought they were gay. In 1996, the FBI reported over 1,000 hate crimes motivated by sexual orientation.

The evidence is clear, unequivocal and overwhelming: Discrimination against gay men and women exists in our society. Let us remember, when a qualified person is denied an opportunity because of discrimination, we all lose. We lose the benefits that we might have gained from that individual's services. And, even more importantly, when we tolerate discrimination against anyone or any group, we are diminished as a society and as a Nation, and this Chamber ought not to be about division and discrimination.

So I would submit we are simply better than that. Let us prove it tonight. Let us defeat the Kolbe amendment and the Hefley amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes, and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KUCINICH. Mr. Chairman, does this relate solely to Kolbe amendment?

The CHAIRMAN. That is correct.

Mr. KUCINICH. And not the Hefley amendment or any other amendment?

The CHAIRMAN. This relates to just the Kolbe amendment at hand.

The gentleman from Arizona (Mr. KOLBE) will control 7½ minutes and a Member in opposition will control 7½ minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

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Mr. SHAYS. Mr. Chairman, I rise in support of the Kolbe amendment, which prohibits funds from being spent to implement the President's Executive Order 13083 on federalism.

I rise to support this amendment because I believe that this President's Executive Order should be repealed. This amendment also gives us the option to oppose the Hefley amendment, which repeals both Executive Order 13083 on federalism and the Executive Order on nondiscrimination based on sexual orientation, 13087.

Therefore, I support the Kolbe amendment and I oppose the Hefley amendment, because the Hefley amendment does more than the Kolbe amendment. It repeals the Executive Order on nondiscrimination based on sexual orientation.

I do not believe we should discriminate. I do not believe we should discriminate based on someone's sexual preference. I think it is irrelevant, I think it is wrong, and I speak strongly in my outrage that some on my side of the aisle, my leaders in particular, have sought to make this a political issue.

The CHAIRMAN. Does the gentleman from West Virginia (Mr. MOLLOHAN) seek time in opposition to this amendment?

Mr. MOLLOHAN. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 7 and a half minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the Kolbe amendment and in opposition to the Hefley amendment which follows, which contains the material of the Kolbe amendment but also goes beyond that material.

In the difference between the two, the Hefley amendment is an attack upon all our friends in the gay and lesbian community. The Hefley amendment is one more example of unabashed homophobia on the part of some Members of this body.

Nondiscrimination in the workplace for gays and lesbians is fundamental. Yet, under current Federal law it is perfectly legal to fire a person from their job in 40 States because of their sexual orientation, and that alone. No person should have their work judged or their opportunity to work denied on the basis of anything but their ability to successfully perform their job.

We should not be misled that nondiscrimination in civilian Federal employment for gays and lesbians is somehow granting special or unique rights. Nondiscrimination in employment is already assured to Americans, regardless of race, color, religion, ethnicity, gender, handicap, age. Those are not special or unique rights, they are fundamental. Job performance and job performance alone should be the measure of success in the civil service.

By adopting the Hefley amendment, which would deny gays and lesbians the nondiscrimination policy afforded to everyone else, this House would deliberately encourage job discrimination against gays and lesbians.

History has been unkind, Mr. Chairman, to those who have tried to stop the march towards equality. All of us have family, friends, or acquaintances who are gay. They are Republicans or Democrats, doctors and lawyers, teachers and corporate CEOs, our brothers and sisters, our daughters and sons.

To those who insist on continuing job discrimination against the gay community, I urge them, do not be on the wrong side of history. Let us defeat the Hefley amendment. Vote no on the Hefley amendment and for the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman from Arizona for yielding time to me, and I rise in strong support of his amendment to prohibit the implementation of federalism order 13083, which is an extraordinary extension of Federal authority, and an order developed without any collaboration with the States for the purposes of governing Federal-State relations. There is certainly a better way to do it, a better process and a better outcome, and I rise in strong support of the Kolbe amendment.

I also appreciate the fact that the Kolbe amendment is focused on federalism order 13083 and does not include federalism order 13087. As the chief executive of the Federal civilian work force, it is absolutely within the President's responsibility to make clear that the Federal Government does not discriminate on the basis of sexual orientation.

I voted for welfare reform because I believe work is a healthy, responsible, fulfilling, and necessary commitment in life. Why should Republicans, who fought so hard to open up work for welfare recipients, now vote to deny work to a dedicated, capable, high quality person because of that person's personal, private choice regarding friends and partners?

Have Members ever sat and visited with the parents of a gay and lesbian young person? They will tell you, they loved their baby. They cared for their child. They have saved their money and educated their daughter or son, and they are proud that their child is a good, effective worker. All they are asking of government is that we not allow an employer to arbitrarily fire or arbitrarily deny a promotion to someone who is working hard and doing a good job.

We certainly owe at least that much, equal opportunity, to every American.

Mr. MOLLOHAN. Mr. Chairman, I have accepted the responsibility to manage this time technically in opposition to the Kolbe amendment. I am not in opposition to the Kolbe amendment, and if there is somebody now who would like to manage the time who is against the Kolbe amendment, I would certainly yield this time to them.

The CHAIRMAN. Does the gentleman from West Virginia (Mr. MOLLOHAN) ask unanimous consent to control the time in opposition?

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Kolbe and Hefley amendment. The United States is an inclusive country. It is built upon the thoughts, beliefs, practices, of many countries. I am almost embarrassed that any Member of Congress would attempt such a slap in the face against any one segment of the American population.

Do gay people not pay taxes? Do gay people not participate in this Nation's economic growth? Do gay people not make creative, intelligent, thoughtful, and important contributions to America as a whole? Why would we then single them out as a particular group not worthy of common courtesy, decency, and fairness?

Two hundred and forty-five Members of this House and 65 Senators have in place proper nondiscrimination policies. More than half of the Fortune 500 companies have similar policies in place. The Federal Government should not be the exception. In fact, it should be setting the right example.

No one is asking for any special privileges, quotas, or preferences. The President's Executive Order asks only for basic human rights for everyone. It simply clarifies existing nondiscrimination policies of Federal agencies and offices. I urge a no vote against both amendments.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, on September 18, 1996, President Clinton sat on the South Side of the Grand Canyon in Arizona, where he commandeered 1.7 million acres in Utah. The citizens and elected officials of Utah were shocked, without any advance notice and without asking for input, that the President took away a whole chunk of land the size of Delaware and Rhode Island.

Frankly, Mr. Chairman, the White House is busy expanding its powers throughout the Nation at the expense of State and local governments. So I think what the gentleman from Arizona (Mr. KOLBE) is trying to do is prohibit, through his amendment, the execution of the Executive Order 13083.

For those who keep talking about the Hefley amendment, this has nothing to do with the Hefley amendment. I appreciate what they are trying to do. Frankly, I support the Hefley amendment, but I also support the Kolbe amendment, and also believe that the President has to realize that all the Governors do not support what he is doing, either through his Executive Orders. We will have to wait to see if he is actually going to rescind these Executive Orders or not.

I stand up in support of the Kolbe amendment and in support of the Hefley amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman for yielding me the time.

I rise to oppose both amendments pending here on the floor of the House. I ask my friend, the gentleman from Colorado (Mr. HEFLEY), does he discriminate, and would he be willing to acknowledge under oath or on the floor of the United States Congress that he willingly and openly discriminates? Would he ask the President of the United States to openly and willingly discriminate against people within the boundaries of this Nation?

This is a ludicrous and outrageous discussion that we are having today. Flying in the face of equality and opportunity, we want to deny those who are gays and lesbians the rights to a simple job. I would like the gentleman from Colorado (Mr. HEFLEY) to travel with me and meet with the organization P-FLAG, Parents of Gays and Lesbians; parents who work every day, who simply want for their children the dreams and aspirations of the Declaration of Independence, that says we are all created equal, with certain inalienable rights of life, liberty, and the pursuit of happiness.

Seventy-two percent of our Nation's citizens that were polled in the Wall Street Journal support President Clinton's anti-gay bias in Federal agencies, which simply means, you cannot be fired.

In 1997 the American Psychological Association report found that many employers openly admit they would discriminate against a homosexual employee. Just a couple of weeks ago I held in my district a hearing on the Hate Crimes Prevention Act. The outpouring of tears and hurt that was evidenced by those who experienced in the gay and lesbian community outright hatred and discrimination, outright violence; the actual pain of a man who was not gay, who was perceived to be gay, who was beaten brutally; the absolute violence against someone in my district who went into a bar to have a simple, friendly drink, and he was beaten to death. So we are not talking, Mr. Chairman, about giving away the store.

I imagine it is equal to the debate we had on the 13th and 14th Amendment in the 1800's. I wonder if I had been a simple fly on the wall, what someone would have said about African-Americans not being freed in this country. This is a disgrace on America, it is a disgrace on this flag, and both of these amendments should be defeated.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise today to speak in strong opposition to any amendment which would pave the way for continued discrimination against gay and lesbian Federal employees.

When President Clinton passed Executive Order 13087, he did so with the support of the vast majority of Americans who believe, as I do, that an employer should not be allowed to fire gay and lesbian employees simply because of their sexual orientation. Nonetheless, some in America have worked hard to prevent gays and lesbians from receiving the same basic protections that most Americans enjoy and take for granted.

As a black woman who was forbidden from enrolling in public schools because of the color of my skin, I am especially troubled to witness this divisive, unfair, and un-American attack on the civil rights of our fellow citizens and our constituents.

In a very high profile case in 1991 Cracker Barrel Restaurants fired several gay employees simply because they were gay. The employees had no legal recourse, because, according to the laws at that point and now, discrimination against gay and lesbian Americans is totally legal. Right now it is legal to discriminate against gays and lesbians in 40 of our States.

Mr. Chairman, I encourage all of my fair-minded colleagues to stand on the right side of history.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I want to speak to an issue of individual liberty, an issue at the heart of the amendment offered by my friend, the gentleman from Arizona (Mr. KOLBE). Specifically, I want to talk about the liberty to pursue any field of employment at which one excels.

Some people around here seem to believe that this liberty should not exist with respect to gays, lesbians and bisexuals. This belief is so misguided, so contrary to our Nation's ideals, and so outside the mainstream, that its proponents have felt the need to justify it with untruth after red herring after misrepresentation.

We hear that forbidding discrimination against Federal civilian workers on the basis of their sexual orientation grants special rights to homosexuals. We hear that forbidding such discrimination protects misconduct on the job.

I half expect to soon hear that protecting gays and lesbians from discrimination in the workplace is responsible for global warming and ethnic conflict in the Middle East. All of these claims are designed to distract us from the key question at hand.

□ 1945

Do Members believe it is acceptable for gays and lesbians and bisexuals who perform their jobs well to be fired from their jobs solely on the basis of their sexual orientation? I say absolutely not.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, a couple of things that I want to clarify. Earlier the gentleman from Massachusetts (Mr. FRANK) referred to the amendment offered by the gentleman from Florida (Mr. SCARBOROUGH). That amendment was offered last week on VA-HUD dealing with the Federalism issue. That was absolutely correct.

The gentleman from Massachusetts went on to say how this is a stake through the heart, that we are going to drive it through again and again and again.

There is a difference between what was offered last week and this one. My amendment makes it clear that no funds in this or any other act; while the amendment last week applied only to the single bill under consideration—VA-HUD—this applies to any funds that are appropriated in any act. So this really does cover the whole issue of Federalism. It puts it to rest once and for all.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for making that correction. I want to acknowledge that the gentleman does stand as the superior executioner of this particular dragon.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for recognizing my skills in that area.

I also want to correct one comment that was made, I think erroneously, by the gentleman from New York (Mr. NADLER) when he was speaking not about this amendment in particular but about the amendment which is going to be offered by the gentleman from Colorado (Mr. HEFLEY) and which includes this provision on Federalism. The gentleman from New York made reference to the fact that defeat of this amendment could be a step towards expanding rights for individuals who are homosexual.

This act, this executive order has nothing, nothing to do with that. It has only to do with the hiring practices of Federal employment managers. It does not give anybody a right to sue. It does not give anybody a right to go to the EEOC or the Civil Rights Commission. It does not grant any right which is not in law now. It does not create any protected class. It in no way expands any rights whatsoever. This only codifies what are currently the employment practices now in the Federal agencies and codifies them in a single place. It does nothing to change the law as it exists today.

Let me come back to the Federalism issue here. I mentioned earlier that the chief of staff of the White House said it was a mistake. "We screwed up," that was his quote there. And good reason that he said that, because indeed, when President Reagan issued his executive order on affirmative action in 1987, he took several specific steps, steps that placed the onus on Federal agencies to consult the Constitution to make certain that "an action does not encroach upon the authority reserved for the States."

He made sure that it said that they must adhere to the notion that Federal actions are not superior to State actions and that exemptions to Federal regulations should be granted on that basis.

That same Reagan Executive Order also said that "Federal regulations should not preempt State law unless the statute contains an express preemption provision or there is some other firm and palpable evidence that the Congress intended preemption of State law."

Let me just conclude by saying this executive order from President Clinton is quite different than that previously issued. It fundamentally alters the Federal relationship that has been developed through the years. These changes were made without consultation with governors, mayors, or county commissioners. We should make it clear that this revision should not be the law of the land.

I urge an "aye" vote on the amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS AND DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 4276, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999, IN THE COMMITTEE OF THE WHOLE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 4276 in the Committee of the Whole, pursuant to H. Res. 508: no amendment shall be in order thereto except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. HEFLEY of Colorado, the amendment made in order under the rule, for 20 minutes;

Mr. SAXTON of New Jersey, a limitation regarding foreign assets litigation, for 10 minutes;

Mr. HOLDEN of Pennsylvania, amendment numbered 23, for 5 minutes;

Mr. STEARNS of Florida, numbered 35, for 5 minutes;

Mr. MCINTOSH of Indiana, either No. 50 or an amendment regarding the Standing Consultative Committee, for 20 minutes;

And Mr. KUCINICH of Ohio, numbered 49, under the 5-minute rule;

And that the managers of the bill may make pro forma amendments to strike the last word for the purpose of engaging in colloquies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Mr. Speaker, reserving the right to object, I ask the gentleman to give us a clarification of the McIntosh amendment. I do not believe that we have seen that.

Mr. ROGERS. Mr. Speaker, if the gentleman will yield, it is either numbered 50, or we understand there could be a different version of that that would be offered.

Mr. MOLLOHAN. Mr. Speaker, could we see a copy of the modified amendment?

Mr. ROGERS. It is being delivered to the gentleman as I speak.

Mr. MOLLOHAN. Mr. Speaker, continuing my reservation of objection, we have just had an opportunity to look at this. It is considerably different than previous versions. We would like an opportunity to reserve judgment on this amendment and this UC, pending a review.

If the gentleman wants to move forward quickly on the UC, maybe we can pull this out, look at it and deal with this in a few minutes. We can come back to it as soon as we have a chance to review it, which we have not had a chance to do.

Mr. ROGERS. Mr. Speaker, the only difficulty is, this must be done in the full House, which we will not be in shortly.

Mr. MOLLOHAN. Mr. Speaker, as we move forward on this or at the time we get to it, perhaps we can make an agreement.

Mr. ROGERS. I would point out to the gentleman, we are under an open rule.

Mr. MOLLOHAN. Mr. Speaker, I fully appreciate that, but I am having expressions of concern by Members who are interested in this amendment. I think we can resolve it and agree to it when we get down to it. I just cannot include that in the UC right now.

Mr. ROGERS. Mr. Speaker, if the gentleman will continue to yield, what I am asking is, could the gentleman agree that whatever the amendment is, that the time limit would be 20 minutes as the UC states?

Mr. MOLLOHAN. No, Mr. Speaker, I cannot. I understand the proposal, and I simply suggest to the gentleman that until Members who have an interest in this have an opportunity to review it, I cannot agree to the time limit as set forth in the UC. We could break that out and when we get down to it, I am sure we could work something out for Members who are interested in the amendment.

Mr. ROGERS. Mr. Speaker, I would withdraw the unanimous consent request until a further time, but while we are in the full House, could I propose that the debate on the Hefley amendment be limited to 20 minutes?

Mr. MOLLOHAN. I believe it is limited under the rule, Mr. Speaker.

The SPEAKER pro tempore. The Hefley amendment already is 20 minutes under the rule.

Does the gentleman withdraw his request?

Mr. ROGERS. Mr. Speaker, I withdraw the unanimous consent request.

Mr. MOLLOHAN. Mr. Speaker, I withdraw my reservation of objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4276.

□ 1955

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 19 offered by the gentleman from Arizona (Mr. KOLBE) had been disposed of, and the bill was open for amendment from page 115, line 23 through page 124, line 2.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105-641 offered by Mr. HEFLEY:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901.—None of the funds made available in this or any other Act may be used to implement, administer, or enforce Executive Order 13087 of May 28, 1998 (63 Fed. Reg. 30097) or Executive Order 13083 of May 14, 1998 (63 Fed. Reg. 27651).

The CHAIRMAN. Pursuant to House Resolution 508, the gentleman from Colorado (Mr. HEFLEY), and a Member opposed, each will control 10 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in opposition and claim the 10 minutes in opposition.

The CHAIRMAN. The gentleman from Massachusetts (Mr. FRANK) will be recognized for 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Earlier this year Bill Clinton issued two executive orders that mandate profound policy changes. Neither of these executive orders received public input and as a result, both orders contained policy decisions which, if left unchallenged, will have far-reaching implications. I oppose these orders and am offering an amendment that would prohibit the use of funds to implement, enforce or administer either of these orders.

This President has issued 254 orders since he has been President of the United States. Other Presidents have overdone it, too. I think it is time Congress questioned his use of the executive order process. Tonight we are going after the misuse of two executive orders, but we will be back to go after others.

The first executive order, issued on May 14, virtually ignores the Tenth Amendment to the U.S. Constitution. This executive order, titled Federalism, establishes broad and ambiguous circumstances in which the Federal Government could intervene in matters that have traditionally been left to State and local governments.

This executive order, which reverses a 1987 executive order by President Ronald Reagan, is nothing more than a power grab from the States. Adding insult to injury, the administration never consulted the major organizations that represent State and local government officials and entities. The executive order greatly impacts those constituencies and yet they were never consulted or warned.

The President says that he will suspend that executive order and rewrite it, but "suspend" is very different from "revoke".

The President issued another executive order in May that would amend the Nation's civil rights laws as they pertain to Federal civilian employees. This executive order would require all Federal agencies to apply affirmative action policies on the basis of sexual orientation.

This action amends President Richard Nixon's 1969 executive order by adding sexual orientation to the race, color, religion, sex, disability, age, and national origin as classes of Federal employees which are entitled to affirmative action programs.

This amendment that I am offering tonight, in spite of all that was said on the previous amendment, is not about homosexuality. This amendment is not about discrimination, as the gentleman from California (Mr. CAMPBELL) said in his comments on the previous amendment. We have Federal law which says you cannot discriminate. No one is encouraging discrimination here.

It is about the misuse of the executive order process. The process is not designed to circumvent the Congress. This President has tried repeatedly to come to Congress and add a special set-aside or carve-out for sexual orientation in the civil rights laws. Congress has repeatedly said no. Now the President just goes around us. That is what this is about.

Supporters of the executive order argue that the President's mandate only prohibits discrimination based on sexual orientation in the Federal civilian work force. I support efforts to ban discrimination, but this executive order does much more than simply address discrimination policies.

President Nixon's executive order set forth the policy of government of the United States to promote the full realization of equal employment opportunity through, and listen, I quote, through a continuing affirmative program in each executive department and agency.

The Nixon order further provides that the head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees.

□ 2000

Now, CRS says that that means affirmative action program. History shows us that this means quotas and set-asides to measure whether they have an affirmative program.

Mr. Chairman, by amending the Nixon order, President Clinton's Executive Order does, in fact, expand our country's civil rights laws as they apply to Federal employees. This is a flagrant misapplication of Presidential power. The creation of Federal law or amending Federal law is the power properly invested in the legislative branch. Congress was ignored, and we have spoken many times about this effort.

Furthermore, the administration's own leading civil rights official was not consulted. In testimony before the House Subcommittee on the Constitution of the Committee on the Judiciary, Acting Assistant Attorney General for Civil Rights Bill Lann Lee admitted that neither he nor his staff had reviewed, approved or been consulted on the decision to add sexual orientation to the Federal affirmative action laws.

Mr. Chairman, we need to stop this President, who is trying to legislate and govern by executive fiat. While my amendment alone will not overrule the President's orders, it will help restore the current Federal policies regarding Federalism and affirmative action and nondiscrimination.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2¼ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I got all the prosecutors mad at me earlier; I might as well get everybody else mad at me.

Mr. Chairman, I rise in opposition to my good friend, and he is my good friend, the gentleman from Colorado (Mr. HEFLEY). We probably have a voting record that is so equivalent that we almost never disagree, but I do disagree with him on this amendment.

I do so because, after close examination, I have determined that the Clinton Executive Order, 13087, will not lead to quotas or affirmative action plans for homosexuality; nor will this Executive Order give homosexuals any special rights or a protected status under the Civil Rights Act. Some of the others who spoke earlier, who tried to indicate that, did not know what they were talking about, and they should read what we are referring to here.

It simply states that the Federal Government, this Executive Order, will not consider sexual orientation when making hiring, firing and promotion decisions. And homosexuals are taxpayers, too, and deserve an even break in terms of fairness in employment in a Federal Government that they pay taxes to. There is no reason for the Federal Government to discriminate for or against individuals of whatever sexual preference in civilian employment. In fact, the Federal Government has no need to inquire into this aspect of a Federal employee's private life.

Mr. Chairman, I am firmly committed to protecting the rights of those with strong moral or religious objections to homosexuality, and I resent some of the statements made here earlier that people who believe or who are against homosexuality for religious reasons are some kind of bigots or whatever. They have every right to those religious and moral beliefs and they should not be forced or pressured to accept something that they believe is immoral.

That is the reason I supported the Riggs amendment to the VA-HUD appropriations bill that is using Federal funds to threaten these people into accepting that a local domestic partner law was wrong, just as adding sexual orientation as a category to civil rights is wrong.

That is not what this amendment is all about, however. In short, the government should neither persecute homosexuals nor promote homosexuality. That is a fair and honest standard, and that is why I oppose the Hefley amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, the gentleman from California (Mr. ROHRABACHER) gave his speech, and I have great respect for him, but I ask him later to come back and define what sexual orientation is. I am not sure he can define it, or anyone else in this House, yet the President, in Executive Order 13087, adds behavioral characteristics of sexual orientation to the immutable characteristics of race, color, religion, sex, and national origin, even though the term sexual orientation has never really been defined.

Now, what the gentleman from Colorado (Mr. HEFLEY) is trying to do is he is trying to roll back some of these executives orders from the President. Whenever he feels he has to, he starts to move his agenda through an Executive Order. His proposals make social reforms that he deems necessary despite the will of this body. And the gentleman from Colorado is saying tonight that let us stop funding these executive orders. That is all he is trying to say. This is not a debate about anything other than to try to stop the President from issuing executive orders that go against the will of Congress.

Let me just give my colleagues a thought in closing, and this is from the History of the Decline and Fall of the Roman Empire by Edward Gibbon. "The principles of a free constitution are irrevocably lost when the legislative power is dominated by the executive branch." Now, this is right from history, 2000 years ago, so I suggest we listen to it.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BLILEY), an eminent historian.

Mr. BLILEY. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time, whom I might add, when I was a freshman and he was a freshman, and I had an amendment on the floor, he supported me against the chairman of the Subcommittee on Health and Environment of the Committee on Commerce, and I appreciate that.

But, look, I oppose affirmative action. I think it divides us rather than joins us. I would oppose any effort to add sexual orientation as a protected class under the Federal affirmative action programs. That being said, I unequivocally oppose discrimination.

When I hire somebody in my office, as I suspect most of my colleagues when they hire somebody in their office, I do not ask their sexual orientation when I hire them. I feel that if a person can do the job and give me an honest day's work for a day's pay, that is all I have to ask, unless, in his off time or her off time, they do something that brings disgrace on this great institution or on my office. Then that is another matter.

I hope we will oppose this ill-guided amendment.

If the Executive Order issued by President Clinton mandated affirmative action based on sexual orientation, I would support the Hefley amendment. This is not the case.

All the Executive order says is the Federal government will not discriminate based upon a person's sexual orientation.

I urge my colleagues to oppose the Hefley Amendment. The sexual orientation of our Federal employees is none of our business.

Qualifications for the job should be our concern—nothing more, nothing less.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Colorado (Mr. HEFLEY) has 4 minutes remaining, and the gentleman from Massachusetts (Mr. FRANK) has 6½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS) in the interest of fairness.

Mr. LEWIS of Georgia. Mr. Chairman, during the Civil Rights movement, thousands upon thousands of Americans joined together for a single cause: To fight discrimination and have all Americans treated equally under the law. Discrimination was not right then and it is not right now. Excluding someone from the workplace because of their sexual orientation is discrimination, plain and simple. It is wrong. It is dead wrong.

The President's executive orders strengthens our Nation's commitment to equality. It bans discrimination based on sexual orientation. It is a simple thing to do. It is the right thing to do.

Why? Why must we come to this floor again and again to demand equality for all Americans? What could be more American? It is unbelievable to me that 33 years after Selma and the signing of the Voting Rights Act we must still battle the forces of bigotry, discrimination and intolerance. I have fought too long and too hard against discrimination all of my life to go back now. We cannot go back. We will not go back. We must never go back.

I urge all of my colleagues to stand for fairness, stand for justice, stand up for what is right. Oppose discrimination and vote against this misguided amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I rise in support of the Hefley amendment and urge my colleagues to support it, and because I only have 1 minute, I am going to try to condense my points as quickly as possible.

This is not really an issue, in my mind, of sexual orientation or not. There are two basic issues here: One is this President of the United States is legislating by Executive Order. He has instructed the entire bureaucracy to promulgate regulations that have no authority in law, and he is writing executive order after executive order against the Constitution of the United States and the concept of checks and balances.

Under our Constitution, the President cannot legislate by executive order, and he is doing so. The gentleman from Colorado (Mr. HEFLEY) is trying to strike down some executive orders to bring attention to the American people that he is doing so.

It is, therefore, conceivable that the implementation of this particular executive order might require that the Federal Government inquire into the private lives and practices of Federal employees to accurately assess their sexual orientations.

Now, most Americans believe that every human being has basic rights, and the American people stand for fairness, not for special breaks or special interests.

I support the Hefley amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, first, I must say, with all regret to my friend, the gentleman from Texas (Mr. DELAY), probably no more hugs for awhile.

Secondly, the President has explicitly disavowed any intention of this leading to this kind of inquiry based on sexual orientation. Under the existing executive order, it covers religion, it covers AIDS. There have been no such inquiries.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Chairman, as I look around this room I see only a couple of people that are older than I am, and I want to talk about discrimination. I know discrimination when I see discrimination.

When I was a small boy, growing up in rural Alabama, we used to go to the grocery store. Some of my black friends, they would stand at the back door and the clerk would have to come and ask them what they wanted and they would bring it to them. I could go in the front door. That is discrimination.

I have never been in the marches like the gentleman from Georgia (Mr. LEWIS) has been. I do not know what it is like to be in the minority. I do not know the life-style of gay people, but I can tell you this: Discrimination is wrong. It is totally wrong and we should not be participating in anything that discriminates against anybody going out and making a living for their family.

It is absolutely ludicrous for us to be considering this amendment tonight, because it is about discrimination, pure and simple discrimination.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I rise in strong support of the Hefley amendment. The extension of new civil rights deserves to be debated openly, before the American people, and not implemented by an executive order.

I believe that all Americans should receive fair and equal treatment under the law, but I fundamentally oppose granting special rights or privilege based on sexual orientation. The new executive order undermines the enforcement of legitimate civil rights based on immutable characteristics that have been established as requiring protection.

Furthermore, this executive order would be an administrative nightmare. It could require Federal employees to ask applicants what their sexual orientation is. The thought of that is wrong and it is also unconstitutional.

This executive order does not create equal employment. It creates an unnecessary, unwarranted and unconstitutional preference in the workplace.

Mr. Chairman, I do not believe the American people support the granting of a special privilege and I urge my colleagues to defeat the executive order and vote for the Hefley amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in strong opposition to the Hefley amendment.

Let us be very clear, folks. This Executive Order 13087 simply extends to gay and lesbian employees the very same employment protections long provided to women, to disabled seniors, racial, ethnic, religious minorities by an executive order that was issued by President Nixon in 1969.

The executive order does not provide any special protected status to gay and lesbian employees. It simply protects the fundamental right to be judged on one's own merits.

This is a policy that is embraced by over 300 Members of the House and the Senate who have stated in writing that sexual orientation is not a consideration in the hiring, promoting or terminating of an employee in their congressional offices, and the executive order simply applies the same policy to Federal agencies.

Most Federal agencies, incidentally, already have their own policies preventing employment discrimination based on sexual orientation, and through this revised executive order the President has properly provided a uniform policy for all agencies.

□ 2015

The executive order applies only to Federal civilian employees.

Our country is founded on a basic tenet that all individuals should be treated equally and fairly. Vote against the Hefley amendment.

Mr. HEFLEY. Mr. Chairman, how much time do we have remaining on both sides?

The CHAIRMAN. The gentleman from Colorado (Mr. HEFLEY) has 2 minutes remaining. The gentleman from Massachusetts (Mr. FRANK) has 2¾ minutes remaining.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in support of the Hefley amendment.

The President's position is an extreme special interest position. He has taken the back-door approach, not going through the legislative process. We should maintain the proper balance between the legislative and executive branches of government.

President Clinton is out of step with the majority of Americans who oppose quotas based on one's behavior or lifestyle. This executive order would have an impact on the private sector. Companies seeking to contract with the Federal Government or grant recipients would be required to submit to this new Federal edict.

To protect themselves from costly lawsuits, companies will have the burden of proving that they do not discriminate on the basis of sexual orientation.

What the President has done is extend the hand of the Federal Government to an interest group with a powerful, well-funded lobby, an interest group that believes that non-job-related behavior should be the deciding factor in hiring or promotion policies in our Government.

Let us support the Hefley amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding the time.

When one has been in this business for a little while, one learns that if one does not really have much going for them on the merits, they argue process. And so, I understand why my friend the gentleman from Colorado (Mr. HEFLEY) is styling this as a question of an overreaching of executive order powers.

PARLIAMENTARY INQUIRY

Mr. HEFLEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Point of order, Mr. Chairman. The gentleman does not have to yield. It is up to the gentleman with the microphone to yield for a parliamentary inquiry.

Mr. HEFLEY. Mr. Chairman, I have a parliamentary inquiry.

Mr. SKAGGS. Regular order, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman has not yielded for a parliamentary inquiry.

The CHAIRMAN. Would the gentleman from Colorado (Mr. SKAGGS) yield for a parliamentary inquiry?

Mr. SKAGGS. Mr. Chairman, if it does not count against my time.

The CHAIRMAN. It does count against the gentleman's time.

Mr. SKAGGS. Then I do not yield.

Mr. Chairman, continuing, what this is really about on the merits is whether we want a country in which all Americans have access to fair employment treatment by their Federal Government. It is as simple as that.

It is not about quotas, not about affirmative action. It is about whether or not we get judged on the merits of the kind of job we can do.

I think it is entirely proper for the chief executive officer of the Federal branch of the Government, the President, to make clear that that is the standard for this Federal Government, for the executive branch. He is the CEO. It is clearly within his authority.

And what kind of country do we really want? Do we really want to make it permissible for this to be the basis for the denial of jobs by the Federal Government to our fellow citizens? I hope not.

The CHAIRMAN. The gentleman from Colorado (Mr. HEFLEY) has 1 minute remaining. The gentleman from Massachusetts (Mr. FRANK) has 1¾ minutes remaining. The gentleman from Colorado has the right to close.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the remaining time to the gentleman from California (Mr. CAMPBELL), a constitutional scholar who opposes discrimination and also opposes affirmative action and will point out the difference as embodied in this executive order.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for yielding.

The Executive order's prohibition that I profoundly believe in goes to the question of fairness, that we ought not discriminate against people on the basis of their race or their gender, and least of all should the Federal Government make such distinctions.

And so, it is deeply hurtful to those of us who believe that gevernment should not make these distinctions to hear the argument made that to ban discrimination necessarily leads to affirmative action. Because if we hold that, we give the strength to the argument on the other side of all of these arguments that I, and our good friend and colleague the gentleman from Florida (Mr. CANADY), have been attempting: namely, to end the use of race, to end the use of gender, to end quotas and timetables and numerical goals on race and gender, by the federal government.

The argument other people make is to say, "Well, you know, if we ban discrimination, then we have got to require hiring certain numbers or we will never get rid of discrimination." I profoundly say to them, that is false, that I can and am against discrimination, but I will not tolerate the Federal Government deciding who gets a job because of the color of their skin.

And so, it is profoundly disturbing and disappointing that my good friend offers this amendment suggesting that by banning discrimination on the basis of orientation, we must necessarily be leading to the use of quotas and affirmative action and numbers.

To all of my friends who are colleagues in this battle against the rule that Government looks at the color of our skin, think about how wrong it is to say that the Government should look and ban us from opportunities on the basis of our orientation as well.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I rise in strong opposition to the Hefley amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I rise in strong opposition to the Hefley amendment.

I rise in strong opposition to the Hefley amendment.

Executive Orders 11478 and 13087 are based on the notion that job performance should be the sole measure of a person's fitness to work. Supporters of this amendment want us to believe that this fundamental tenet of our American culture is radical and subversive. Somehow, they want us to believe, making it clear that the Administration will hire and retain the best people for the job is dangerous.

By adding sexual orientation to the list of factors irrelevant to hiring and promotion decisions, President Clinton simply clarifies a longstanding interpretation of an Executive Order issued thirty years ago by President Nixon. This is hardly a change in policy, but if this small clarification improves the comfort and morale of one federal employee, it is worth our fervent support.

I believe this Executive Order will have a more tangible impact, as well. Anyone who has ever run a business knows that good morale improves productivity and attracts the brightest, best people.

I am proud to say that throughout my public service career, at Multnomah County, and in the City of Portland, we have had similar policies of non-discrimination. In 1991, the Portland City Council, believing that what was good for workers was good for work, prohibited discrimination based on sexual orientation. I believe that policy had a significant impact on the effectiveness of employees throughout the City.

The continuing assault on gay and lesbian citizens by some of my colleagues is unfortunate and undeserved. No employee should be discriminated against because of sexual orientation. The government should lead by example. I applaud Executive Order 13087 and urge rejection of the Hefley amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I oppose the Hefley amendment.

Mr. Chairman, I appreciate the opportunity to speak on this issue tonight. Representative HEFLEY's amendment attempts to nullify the effect of President Clinton's May 28, 1998 Executive Order which added sexual orientation to the nondiscrimination policy of the Federal Government.

President Clinton's executive order broke no new ground and did not create new law. It simply amended the existing federal executive order governing equal employment opportunity by adding the term sexual orientation and therefore including gays and lesbians within the nondiscrimination policies of Federal agencies and offices.

Mr. Chairman, I am sure that my colleagues would agree that we should base our review of federal employees on their job performance, not their sexual orientation. And like my colleagues, I believe in fairness. All of us are diminished when individuals are prevented from contributing the full measure of their talent and ability to society. Those of us who oppose the Hefley amendment are not alone. 72% of our nation's citizens as polled in the Wall Street Journal support President Clinton's anti-gay bias in federal agencies.

That gays and lesbians face a hostile climate at their jobs and elsewhere is undisputed. In 1997, an American Psychological Association report found that many employers openly admit they would discriminate against a homosexual employee. A survey of 91 employers demonstrated that 18% would fire, 27% would refuse to hire, and 26% would refuse to promote a person perceived to be gay.

In my own home State of Texas, two former employees of the Texas governor's office filed a lawsuit in Austin alleging that their former supervisor used hostile language to describe victims assistance language and attitudes towards gays and lesbians by the division's executive director. This type of discrimination should shock all of us, but unfortunately, gays and lesbians are still openly discriminated against in our society.

Not only will President Clinton's Executive Order 13087 help end discrimination against federal workers, it will set an example that will help combat employment discrimination everywhere. No person should be denied a job or fired because he or she is gay. 84% of our citizens support equal rights in employment. Shouldn't we? I urge my colleagues to oppose this bill and to work to end discrimination against gays and lesbians across our country.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise to oppose the Hefley amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I rise to oppose the Hefley amendment.

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I ask unanimous consent that my amendment No. 39, which would have covered the same grounds precisely that we are covering here this evening with regard to the Hefley amendment and which was covered in large part during the previous debate on Executive Order 13083 by the gentleman from Arizona (Mr. KOLBE) be rescinded.

I urge all Members to support the gentleman from Colorado (Mr. HEFLEY), who would have supported my stand-alone amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I yield the balance of my time to the gentleman from Arkansas (Mr. HUTCHINSON).

The CHAIRMAN. The gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 1 minute.

Mr. HUTCHINSON. Mr. Chairman, I believe that everyone today is agreed that we do not want to have discrimination in our country and particularly by the Federal Government. I fought that as a prosecutor, as a private attorney, and I think we agree that should not take place.

But there is a legitimate concern that this goes beyond consideration, there is more there. The gentleman from California raised a question. Well, it does not.

But I look at the executive order very simply that this is the Nixon executive order that was amended to include sexual orientation. If we include that, section 1 says that part of this is policy of government to promote the full realization of equal employment opportunities through a continuing and affirmative action program in each executive department and agency.

The good lawyer understands that this can be interpreted to say that we are going to have an affirmative action program for these categories. It might not be the case.

The second point is that when I asked the Acting Attorney General Bill Lann Lee on Civil Rights, "were you ever asked to review this by the Clinton administration prior to the adoption, this dramatic change?" and his answer was, "I was never consulted. I was never asked to review this change in the civil rights policy of our Federal Government."

I think that this major change deserves some hearings in Congress, deserves some thought, and certainly deserves some debate about this executive order. I support the Hefley amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in strong opposition to the Hefley amendment. Don't let proponents of this amendment deceive you into thinking this is a complicated issue. It is very straightforward. It is simply about equal opportunity. Equal rights. Anti-discrimination. The President's executive order provides no additional "special privileges" for any "special interest group." It clearly prohibits the federal government from considering sexual orientation in employment decisions.

This has been the policy for most federal agencies and offices but has not been uniformly stated for all federal employment agencies. As the body charged with determining terms of employment for federal employees, we have a grave responsibility in leading the effort to break down the walls of discrimination in employment. The fact that we are charged with legislating equal opportunity labor practices for all employers throughout the United States and policies that affect international employment practices makes this an even greater responsibility.

Fortunately, this is not a complicated issue as so many that we consider here are. Discrimination is wrong in any form. Discrimination on the basis of sexual orientation is just as wrong as discrimination on the basis of race, religion, or sex. We shouldn't discriminate in federal government employment practices. It is that simple.

The Hefley amendment would deny the use of funds for the implementation, enforcement, or administration of the executive order to include sexual orientation in the federal government's anti-discrimination employment policy. It would allow the Federal Government to discriminate in its employment practices and it would show private employers that the federal government does not enforce its own anti-discrimination policies. This is not the way we should treat our own employees and not the message we should be sending to employers in the United States and internationally. I urge you to support equal opportunity employment and the end of discrimination in the workplace by opposing the Hefley amendment.

Mr. STARK. Mr. Chairman, I rise today to oppose the Hefley Amendment to the FY99 Commerce, Justice, State Appropriations bill, which seeks to block the implementation of an executive order prohibiting discrimination based on sexual orientation in the federal civilian workforce.

Many Federal civil employers have adopted individual policies prohibiting employment discrimination on the basis of sexual orientation. Executive Order 13087 amends the existing federal executive order governing equal employment opportunity by adding the term "sexual orientation"—thereby uniting the many existing nondiscrimination policies of Federal agencies.

In short, the order extends to gay and lesbian employees the same equal opportunity long-afforded to women, seniors, persons with disabilities, and racial, ethnic and religious minorities.

Not only do I oppose this harmful amendment, I believe Congress should take the issue of discrimination in the workplace a step further by passing the long-overdue Employment Non-Discrimination Act. ENDA would provide protection against employment discrimination based on sexual orientation at businesses with more than 15 employees by creating new enforcement rights, such as the ability to proceed before the Equal Employment Opportunity Commission. The need for the passage of ENDA presents itself daily as promotions are rescinded, chances for employment are lost, and harassment on the job abounds.

No one should be judged on the irrational prejudice. Congress has no right to prevent these individuals the opportunity to contribute the full measure of their talent and ability to America's workforce.

I ask my colleagues to join with me to defend equal rights—and to send the strong message to the majority that discrimination in the workplace based on sexual orientation is wrong.

Ms. NORTON. Mr. Chairman, representative HEFLEY'S amendment to the Commerce, Justice and State Appropriations for FY 1999 would prohibit any of the funds in this bill or any other act from being used to implement, administer or enforce Executive Order 13087, which prohibits federal agencies from discriminating against individuals in federal hiring or in the receipt of federal grants because of their sexual orientation. This is an unabashed and bald pro-discrimination provision. It has no place in federal law, and all who have worked for equality or even paid lip service to the notion should be offended that this amendment has been offered.

Every employer in the United States has the responsibility to be proactive in removing discrimination. The President has acted responsibly as the CEO of the federal workplace. Unfortunately, there is great confusion among some Americans about homosexuality and, astonishingly, there are some who would deny people ordinary rights because of their sexual orientation. I had hoped that by now Americans could at least agree that private consensual sexual relationships bear no relationship to job performance and that even those who adopt the unscientific view that it is appropriate to manipulate sexual orientation in order to change it (imagine what most of us who are heterosexual would think if someone tried to change our sexual orientation) would agree that discrimination is always wrong and should be off limits. The official expression of bias in our law through the repeal of an anti-discrimination provision should be as unthinkable as to gay men and lesbians as to other Americans.

The last few months have seen an outpouring of homophobic proposals that insult people based on their sexual orientation. Sexual choice goes to the core of a person's being. Issues of sexual orientation are no place for amateurs acting out their sexual biases in public policy. History will look back on this amendment and shake its head, even as black people look back on similar proposals that were fraught with racism. Let us not replay that history with a new set of discredited proposals against a new group of Americans.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Hefley Amendment. It is a sad day for the House when undermining equal rights for one group becomes the primary social cause for leading members. Unfortunately, this Summer we have witnessed a rising tide of verbal and legislative attacks on the lesbian and gay Americans among us. They have become the easy target of this legislative season.

But let us put the rhetoric aside for a moment and say what this amendment really does. If you vote for this amendment, you are sending a message to federal managers and agency chiefs that it is acceptable to disregard talent and determination, intelligence and integrity, and hire or fire someone based on their sexual orientation. It is ironic that my colleagues, who are often so ready to criticize the work of federal agencies, are willing to vote that the right to discriminate is more important than the need for competence.

The President's Executive order provides no special rights, no affirmative action, and no quotas for any group. President Nixon's non discrimination Executive Order did not require affirmative action based on age or religion, and neither does this one. This Executive Order is not about quotas, this is about saying discrimination has no place in our country. It says federal workers who happen to be lesbian or gay must simply be allowed to go to work every day to do their jobs just like the rest of us.

I am proud to represent a city with many lesbians and gays who have courageously stood up for their right to equality. When an amendment like this is offered in the House, I think of the many able federal workers I have had the privilege to know and work with who are gay or lesbian. This bill would allow them to be fired on a whim, based on prejudice.

An amendment which removes equal rights for these and other individuals defies logic and is without merit. And when we disregard merit on issues like this, we do more than affect the rights of federal employees. The words we speak and votes we cast in this chamber have broad impact—and when we send messages of prejudice and intolerance, we give licence to hatred.

There have been proud days in this House when we have passed legislation establishing equal rights and protections. Today, unfortunately, we debate whether to take a step backward, and side with discrimination and prejudice.

This Summer, some members of Congress have compared homosexuality with a disease. But the real disease is ignorance. The real sin is judging people solely by their group status.

I urge my colleagues to vote against the Hefley Amendment.

Ms. WOOLSEY. Mr. Chairman, this amendment is nothing more than an effort to use the Federal Government to enforce the narrow views shared by a few members of the radical right.

Two months ago the civil rights movement in this country took a major step forward when President Clinton signed an Executive order to prevent the Federal Government from discriminating against employees on the basis of sexual orientation.

Mr. HEFLEY's amendment would negate this expansion of civil rights by blocking the President's Executive order.

There is a lot of misinformation being offered about the President's effort to extend civil rights to all Americans, so let me start by telling you what the Executive Order does not do:

It does not establish "affirmative action" for gays and lesbians. Simply put, it does not require Federal agencies to hire gays.

It does not apply to private companies. Only Federal civilian employees are covered by the order.

It does not condone incest or pedophilia. "Sexual orientation" is defined as "heterosexuality, homosexuality, or bisexuality."

Now that we've got that clear, let me go on to tell you what this Executive order does do:

This order prevents sexual orientation from being used to deny Federal employees a job or promotion.

This means that Federal employees must be evaluated on the basis of their performance on the job—not by their sexual orientation.

Whatever reasoning the radical right uses in support of this amendment, I think their real motives are abundantly clear:

They want to promote discrimination against gays and lesbians.

To make matters worse, they are willing to sacrifice the appropriations process in an attempt to further this narrow cultural war.

The fact is, sexual orientation is not a choice any more than skin color, gender or ethnicity.

And despite what some might think, the Federal Government does not have the right to dictate how people should live their lives or who they choose their partners to be.

I urge my colleagues to support civil rights by voting against this amendment.

Mr. FILNER. Mr. Chairman, we start business in this House every day by pledging allegiance to a nation with liberty and justice for all.

Without qualification, without pre-requisite, without restriction, "all" means no one is excluded, and everyone is included—and that means gay and lesbian Americans too.

Despite this good intention, however, our reality too often falls short of the ideal, and laws prohibiting discrimination in employment do not offer the same protections to lesbian and gay Americans in forty states.

In Executive Order 13087, the Clinton Administration took an important and justified step to correct this inequity in the federal workforce. The Executive Order ensures liberty and justice for lesbian and gay federal employees by amending a Nixon Administration Executive Order to also prohibit discrimination based on sexual orientation.

By defeating the Hefley Amendment, we will affirm for lesbian and gay employees of the federal government the same liberty and justice enjoyed by their co-workers: the justice of equality; the justice of protection from discrimination; and the liberty to love and live without fear of job-loss or punishment.

A bi-partisan majority of our colleagues in this House already have policies prohibiting discrimination based on sexual orientation—gay or straight. We know this protection is good enough for our offices and staffs, and I hope a majority will determine it's good enough for federal employees as well.

Mr. Chairman, the economy is humming along; America is at peace; and the Communist threat is gone. We don't have an evil enemy lurking in the dark and plotting our nation's downfall—and we don't need to create one.

Let's resist the temptation to demonize segments of our own society again by resurrecting the politics of fear and division. Let's not make our gay and lesbian children the new nemesis.

Mr. Chairman, I am not gay, but people I know, love, trust and respect are gay. Today, I stand here today for them and for all lesbian and gay federal employees, and I will vote against the Hefley Amendment.

This debate is not about quotas, nor affirmative action, nor secret agendas. It's just about liberty and justice for all.

I urge my colleagues to defeat the Hefley Amendment.

Ms. DEGETTE. Mr. Chairman, I am disappointed to rise today in opposition to the Hefley amendment.

At a time when more HMO patients are denied the care they deserve and three thousand more children become addicted to tobacco products every day, I am outraged that this Congress wastes another day of its limited schedule on punitive and hate-based legislation that encourages discrimination against other Americans.

I resent the recent escalation of anti-gay rhetoric we are hearing out of Washington. That to be gay or to support gay-rights is somehow an anti-Christian value is absurd. One's religious beliefs should be based on our peaceful co-existence with, and mutual respect for, our fellow human beings. I am proud to call myself a Christian and I am proud to stand up against this discrimination.

Mr. Chairman, allow me to remind my fellow Members about a little recent Colorado history. In 1992 the State of Colorado passed

Amendment 2 which would have eradicated basic protections for gays. If passed into law, it would have had the same effect as my fellow colleague from Colorado's amendment today. When Amendment 2 passed we became known as the Hate State, a moniker that still sticks today even though the Supreme Court overturned this law declaring it unconstitutional. My esteemed colleagues, do not let us become the Hate Congress!

I urge a vote against this amendment.

Mr. GEPHARDT. Mr. Chairman, the Executive Order Mr. HEFLEY seeks to nullify is not about providing special status to gay and lesbian Americans in federal hiring and employment. It's simply about providing them with the same protections against discrimination that are already in place for other Americans who have suffered from discrimination.

Complaints about the quality of public servants are unfortunately all too commonplace. Surely, this amendment will drive away many applicants from pubic service at a time when our challenges as a nation are too great to justify excluding even one qualified American from helping us solve these problems.

Sexual orientation should not be considered in the hiring, promoting, or termination of an employee in the federal government. You would think that this would be something we could all agree on.

But sadly, the supporters of this amendment are making a statement that they tolerate bigotry and they condone arbitrary firings. This is but the latest of several mean-spirited efforts by the Republican leadership against the gay and lesbian community.

But the vast majority of Americans disagree with the Republican leadership. Seventy-five percent believe that gays and lesbians should have the same employment opportunities as all other Americans. That's all the Executive Order does, despite the protestations of its opponents.

Why, when we have so much important work left to address over the next several weeks, are we considering this issue here today? At the very least, this is a case of misplaced priorities. At worst, it's a misguided effort to condone discrimination.

Vote against discrimination and bigotry. Vote against this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS AND DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 4276, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999, IN THE COMMITTEE OF THE WHOLE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 4276, in the Committee of the Whole, pursuant to H.Res. 508, no amendment shall be in order thereto except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. SAXTON, a limitation regarding foreign assets litigation, for 10 minutes;

Mr. HOLDEN, amendment numbered 23, for 5 minutes;

Mr. STEARNS, amendment numbered 35, for 5 minutes;

Mr. MCINTOSH, either amendment numbered 50 or an amendment regarding the Standing Consultative Committee, for 20 minutes; and

Mr. KUCINICH, amendment numbered 49, under the 5-minute rule;

and that the managers of the bill may make pro forma amendments to strike the last word for the purpose of engaging in colloquies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Reserving the right to object, Mr. Speaker, it is my understanding that points of order will still lie against these amendments?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MOLLOHAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4276.

□ 2028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) had been postponed and the bill was open for amendment from page 115, line 23, through page 124, line 2.

Pursuant to the order of the House of today, no amendments shall be in order except for the amendments previously specified in that order, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for the time specified, equally divided and controlled by a proponent and a Member opposed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 508, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 11 by the gentleman from Arkansas (Mr. HUTCHINSON); and the amendment by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for the second electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. HUTCHINSON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 11 offered by the gentleman from Arkansas (Mr. HUTCHINSON) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 82, noes 345, not voting 7, as follows:

[Roll No. 397]

AYES—82

Armey
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Berman
Bilbray

Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Canady
Capps
Chabot
Christensen
Clayton
Coburn
Combest
Conyers
Cooksey
Cramer
Cubin
Davis (FL)
Davis (VA)
Dunn
Ehrlich
Etheridge
Goode
Granger
Harman
Hastings (WA)
Hulshof
Hutchinson
Inglis
Jefferson
Jenkins
John
Jones
Kennelly
Kind (WI)
LaFalce
Latham
Levin
Lewis (KY)
Maloney (CT)
Maloney (NY)
McCollum
Meehan
Morella
Myrick
Nethercutt
Nussle
Portman
Price (NC)
Redmond
Reyes
Riggs
Rogan
Rogers
Rothman
Ryun
Salmon
Sandlin
Schaffer, Bob
Sessions
Smith (MI)
Snowbarger
Souder
Sununu
Thornberry
Thune
Watt (NC)
Watts (OK)
Waxman
Whitfield
Wilson
Wolf

NOES—345

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baldacci
Barcia
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Collins
Condit
Cook
Costello
Cox
Coyne
Crane
Crapo
Cummings
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Cunningham
Gonzalez
Goodling
Moakley
Moran (VA)
Paxon
Yates

□ 2048

Messrs. GANSKE, SPENCE, CRANE and SCHUMER changed their vote from "aye" to "no."

Mr. JOHN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as an above recorded.

RESCINDING VOICE VOTE ON KOLBE AMENDMENT NO. 19

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the voice vote on amendment No. 19 offered by the gentleman from Arizona (Mr. KOLBE) be rescinded, and I demand a recorded vote on that amendment to be taken immediately following the vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Without objection, a recorded vote on amendment No. 19 offered by the gentleman from Arizona (Mr. KOLBE) will occur immediately after the recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 252, not voting 6, as follows:

[Roll No. 398]

AYES—176

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cramer
Crane
Crapo
Cubin
Deal
DeLay
Dickey
Doolittle
Duncan
Dunn
Emerson
Ensign
Everett
Ewing
Fawell
Fossella
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
King (NY)
Kingston
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Royce
Ryun
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Turner
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—252

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Bilbray

Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wilson
Wise
Woolsey
Wynn

NOT VOTING—6

Barr
Cunningham
Gonzalez
Goodling
Moakley
Yates

□ 2057

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. KOLBE

The CHAIRMAN. Pursuant to the order of the committee, the pending business is the recorded vote ordered on the Amendment No. 19 offered by the gentleman from Arizona (Mr. KOLBE).

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 2, not voting 15, as follows:

[Roll No. 399]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—2

Carson
Jackson-Lee (TX)

NOT VOTING—15

Clay
Coburn
Condit
Cox
Crane
Cunningham
Gonzalez
Goodling
Hinojosa
Hutchinson
Lampson
Moakley
Reyes
Weldon (PA)
Yates

□ 2104

Ms. McKINNEY changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, I missed the vote on rollcall No. 399. I strongly support the Kolbe amendment, and had I been present, I would have voted "aye."

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purpose of informing Members of the schedule for the evening. We propose to proceed with the continuation and conclusion of the bill. There will likely be at least two more recorded votes, plus final passage; there could be three. We hope to speed the process to where we will get the Members out for a reasonably early evening, not too late a meeting. So we would say to the Members that we propose to roll these votes until final passage, so that hopefully they will come to the floor one more time for a couple of amendment votes, or perhaps three, then final passage, and hopefully be concluded.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thank the gentleman for the opportunity to discuss with the chairman the importance of funds for the National Marine Fisheries Service's Endangered Species Recovery Plan in this year's budget. I know the chairman is aware of the tremendous salmon problem facing the West Coast, including the proposed endangered species listing of West Coast salmon.

It is my understanding that the administration requested an additional $7.3 million over last year's request specifically to address these listings on the West Coast by providing funds for planning and implementation of necessary protective actions for newly listed species of salmon.

Is it correct that the committee was unable to provide the requested increases?

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, the gentleman is correct. I certainly appreciate the significance of salmon problems which exist on the West Coast. In fact, because of these problems, funding for endangered species programs has been increased by almost 200 percent over the last 3 years.

Unfortunately, the administration's fiscal 1999 budget proposed to pay for additional increases in fisheries programs through controversial new fisheries fees which the Congress already has rejected. Given this problem, as well as the funding constraints faced by the committee, we did the best we could within the funds available.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, I am sure I do not need to tell the chairman how vital these salmon stocks are to the States of Washington, Oregon and California. Currently we are working together on a recovery strategy, but we desperately need the Federal assistance.

I can assure the gentleman that all three of our States will make the necessary sacrifices as well by matching any Federal funds. I respectfully ask the chairman if he will pledge to work with me and the other Members from my region to address the needs of our region as the bill moves to conference?

Mr. ROGERS. If the gentleman will yield further, knowing how important this matter is to the gentleman and others, I would be happy to continue to work with him and the other West Coast Members as the bill moves through the process.

Mr. DICKS. Mr. Chairman, I appreciate the chairman's courtesy.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Montana.

Mr. HILL. Mr. Chairman, I am concerned about two programs that are not funded in this bill but are included in the Senate version of the bill. Last year my amendment to the Small Business Reauthorization Act was adopted, authorizing $2 million for technical assistance to help small R&D businesses compete for SBIR and STTR awards. Eligible States could receive $100,000, with a $50,000 State match to assist small businesses in applying for these awards and establishing performance goals.

As this bill moves towards conference, I request that the chairman consider providing $2 million for technical assistance to the 23 States that receive the fewest small business innovation research grants.

Secondly, I would like to bring to the Chairman's attention the Mike Mansfield Fellowship Program. This program was created by Congress in 1994 to honor the distinguished former Senator and Majority Leader from Montana, Mike Mansfield, who also served for 12 years as our Ambassador to Japan. The program builds a core of U.S. officials with proficiency in the Japanese language, a network of contacts inside the government of Japan, and an in-depth knowledge of Japan's policy-making process.

As the bill goes forward to conference, I ask that the chairman include the Mansfield program among the exchange programs supported by the conferees.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman for bringing these very important matters to our attention. I would be happy to work with the gentleman and other interested Members to try to address their concerns as we move into the conference with the Senate on this bill.

Mr. HILL. Mr. Chairman, if the gentleman will continue to yield, these programs are of particular importance to me, and I am pleased the Chairman and the Committee will work to ensure that the funds are provided for both of these. I appreciate the Chairman's and the Committee's indulgence.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. DEUTSCH. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Florida.

Mr. DEUTSCH. Mr. Chairman, I would like to discuss NOAA's South Florida Ecosystem Restoration Initiative. Because of NOAA's scientific management capabilities, the agency plays a critical role in this massive restoration effort. Ten Members of the Florida delegation wrote to the committee on May 11 supporting NOAA's programs.

Mr. Chairman, I rise to address two points. First, it is my understanding that the House will provide $2.6 million for this initiative and $1.3 million to the National Marine Fisheries Service to continue its restoration efforts. Second, I would ask the chairman if he would consider in conference the request of the National Ocean Service for a coral reef monitoring program.

Mr. ROGERS. Mr. Chairman, if the gentleman from West Virginia (Mr. MOLLOHAN) would yield, the gentleman from Florida (Mr. DEUTSCH) is correct that the bill includes no less than $2.6 million in NOAA for this initiative, including $1.3 under the National Marine Fisheries Service to continue ongoing activities.

In addition, the bill provides a $5 million increase for NMFS for high-priority programs. It is the committee's intention that NMFS consider using a portion of this increase to augment its activities in this area.

Further, I will be happy to look at the issue regarding additional efforts for this initiative as we move to conference with the Senate.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I yield to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today to enter into a colloquy with the subcommittee chairman regarding a program that is important to the coastal communities in this Nation.

Mr. Chairman, less than three weeks ago the world witnessed one of the most devastating natural disasters in history. A giant wave known as a tsunami struck the shore of northwestern New Guinea, killing over 2,000 people and injuring thousands more. Some of us in this body may recall the tsunami that struck Alaska, California, Oregon and Hawaii in 1964, that killed over 120 Americans. Tsunamis are a real and extremely dangerous threat to life in the United States, as well as other countries.

In light of the recent New Guinea incident, it is essential that our Nation evaluate its preparedness for a similar event. Over the last 2 years, NOAA has been developing a plan to mitigate the effects of such an event. I look forward to working with the chairman to see that the Federal Government is prepared for such an event.

□ 2115

Mr. ROGERS. Mr. Chairman, I appreciate the gentlewoman's concern for this very serious problem, and will be pleased to work with her as we move through the process to ensure that the Federal government is taking the necessary steps to be prepared for such a disaster.

Ms. HOOLEY of Oregon. I thank the chairman for the willingness to study this problem, and am anxious to work with him in conference on this issue.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the gentlewoman from Washington (Ms. DUNN) and I were going to enter an amendment today to create an incentive program for States to implement a 24-hour holding period for a psychological evaluation for juveniles who bring firearms to school.

That amendment would have been subject to a point of order and we will not offer it, but I wonder if the chairman would be willing to engage in a brief colloquy.

Mr. ROGERS. Mr. Chairman, if the gentleman from West Virginia would yield, I would tell the gentleman, yes, of course I would.

Mr. DEFAZIO. Mr. Chairman, as we know, the Senate adopted an amendment to the Commerce, Justice, State appropriations bill which is identical to the amendment the gentlewoman from Washington (Ms. DUNN) and I had planned to offer.

We intended to introduce that amendment as a stand-alone bill before we adjourn this week. However, in light of the recent outbreak of school shootings this year, I ask for the chairman's support as we work to make this bill law, and create new ways to prevent youth violence in our schools and give our communities the tools they need in that effort.

Mr. ROGERS. Mr. Chairman, I would be happy to work with the gentleman and the gentlewoman from Washington (Ms. DUNN) on this legislation over the coming months.

Mr. DEFAZIO. I thank the chairman for that.

Mr. Chairman, this country has been rocked by the outbreak of violent shootings and the senseless loss of life in our schools this past year. My hometown of Springfield, OR is still struggling with the pain and devastation of one of those shootings. Like my friends and neighbors, I've looked for answers and solutions to these tragic events. It's clear there's no single, or simple, solutions to prevent these acts from re-occurring when school starts in the fall. But the circumstances around the Springfield incident has focused attention on a shortcoming in current law.

When a student takes a gun to school, it should set-off alarm bells. Someone should take a look at that student's life and see what would be causing that type of behavior, but instead, police officers are asked to make a judgment call about the youth's state of mind and determine whether, or not, they pose a threat to themselves or the community. But may law enforcement officials don't want that discretion. Many law enforcement officials feel these students should be detained and evaluated by a professional before being released back into the community.

Bobby Moody, President of the International Association of Chiefs of Police wrote, "As recent events have shown, a mechanism must be developed which temporarily pulls children found with guns out of the school system so that a thorough psychological examination can be performed to determine the danger such a child presents to others."

Paul Barnett, President of the Oregon State Sheriff's Association wrote, "Oregon's recent tragedy in Springfield has been a devastating and unnecessary reminder of the urgent need for new legislation to address the obvious inadequacies of our current policy regarding school violence. Over 100 Oregon students were caught bringing guns to school last year, each representing the potential for yet another tragedy. Oregon State Sheriff's Association urges the U.S. Congress to act quickly to deliver this important tool to communities and schools throughout the nation by providing incentives to states willing to implement the provisions of the 72 hour hold legislation."

And Springfield Mayor Bill Morrisette wrote, "I recently attended a debriefing conference in Memphis, TN convened by Mayor Jimmy Foster of Pearl, MS and attended by representatives of Paduca, KY, Jonesboro and Stgamps, AK, Edinboro, PA and Keokuk, IA. It was the consensus that the 72-hour mandatory holding period for guns on school campuses was a necessary first step. If we don't even allow joking about having a weapon in an airport, why should we give a kid a slap on the wrist for bringing a gun to school."

Guns in schools is too common. A study of the Department of Education on implementation of the Gun-Free-Schools Act found that more than 6,000 students were expelled for bringing a firearm to school in the 1996–97 school year. Thirty-four percent of those students were in junior high school, and nine percent were in elementary school. Communities want and need more tools and resources to deal with these situations.

This amendment is not a panacea, and we can't second guess what would have happened if this law had been in effect and Kip Kinkle had been detained and evaluated by a judge rather than released into the community. But, this law would give local law enforcement officials one more tool to use to reduce the incidence of gun violence in our schools.

Mr. ROGERS. I move to strike the last word, Mr. Chairman.

Mr. HULSHOF. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Missouri.

Mr. HULSHOF. Mr. Chairman, I would ask to enter into a colloquy with the Chairman of the Subcommittee.

First of all, I want to commend the Chairman. I also want to commend the ranking member, the gentleman from West Virginia, and other members of the Subcommittee for their commitment to address the methamphetamine problem in the United States, and specifically to provide $50 million of unused funds to the methamphetamine program within the community-oriented policing program.

Tragically, Mr. Chairman, over the last couple of years, my home State of Missouri has ranked among the top three methamphetamine-producing States in the Nation. We have seen in our State investigations seizures double in recent years. I can tell the gentleman that law enforcement in Missouri is waging a war against methamphetamine production, and they closed over 310 labs last year. Unfortunately, a lot of work yet remains to be done.

Demonstrating the problems methamphetamine is causing in Missouri, I got a letter from a constituent of mine, Linwood Willis Carman, Jr., who happens to work for the Wellsville Police Department in Montgomery County in suburban St. Louis. He asked for my help so his police department can continue to employ officers to combat meth.

He says: "Sir, I ask you for a helping hand to help me do what I love to do and was trained to do. I want to stop the meth makers of Missouri, and help the countless that fall victim to the temptation. I don't want to see Missouri ranked number one in the meth business anymore."

Mr. Chairman, I understand the Senate provided $15.5 million for the methamphetamine program, well below the House level of $50 million. As we move to conference with the Senate, I ask for the Chairman's support in retaining the House funding level for this vital program in directing necessary funds to combat the methamphetamine problem in Missouri, so we can give local law enforcement officials the tools necessary to wage a winning battle over this highly addictive and destructive drug.

Mr. ROGERS. Mr. Chairman, I would like to congratulate the gentleman for his input on this tragic and important matter. I look forward to working with the gentleman and our Senate counterparts to move towards the House position certainly on the COPS methamphetamine funding.

Mr. HULSHOF. I thank the chairman.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Arkansas.

Mr. DICKEY. Mr. Chairman, I want to show my concern about a provision in the chairman's bill that allows an increase of $18.5 million for the EEOC. I want to do so by drawing attention to a circumstance in Miami, Florida, that I think is worthy of the gentleman's attention and the attention of my colleagues. It has to do with Joe's Stone Crab in Miami Beach.

That is a well-known, world-renowned restaurant. It has been owned for 85 years by the same Jewish family. It has had diversity practices in its hiring practices long before it was required by law. It has been targeted and victimized by the EEOC, not because there are too few female employees. The owner is a female, and 22 percent of the employees are female. The heads of the departments of the restaurant, Mr. Chairman, are females, but there are too few female servers, according to the EEOC.

This is in contrast to what is happening with Hooters. Hooters has only female servers. They are a chain. The EEOC has targeted just one restaurant.

The reign of terror of the EEOC against Joe's Stone Crab began on April 27, 1992. The charge was a failure to actively recruit female servers. This was done without a female filing a complaint, and it was done without complying with the law that 300 days prior to such a ruling, that there had to be a complaint filed. There was no complaint filed. They went on their own.

On July 3, 1997, there was a ruling by Judge Daniel T. K. Early. In his findings he said that Joe's Stone Crab was guilty; those were his words, even though it is a civil action, that they were guilty of hiring discrimination.

There was no finding of any intended discrimination, Mr. Chairman. They took it on themselves, or the court took it on itself at that point to take over the hiring practices of Joe's Stone Crab, a small business in the United States. They required that the roll call, which had been word of mouth, be publicized, and required them to spend $125,000 in ads in the papers that they specified.

As a result of that, a fewer percent of applicants of women were brought in. They hired more than the percentage of applicants that came in as far as females were concerned, and again, no female complained at any time.

When confronted with the 22 percent female hiring that had occurred between 1991 and 1995, the court then just changed the statistical reference. They then looked at the total of the female food servers in Dade County, and that was 32 percent, so they just moved the target so they could do what they wanted to do.

The bottom line is that this restaurant has spent 6 years, over $1 million; they have had bad publicity; they have had lower morale; they have had the court come in and take over their operations and examine it from every angle. Then we are giving them $18.5 million in increase. I think they do not have enough to do. If they claim there is a backlog, it is because they are spending time on such frivolous litigation. They should be examined very carefully.

Small businesses all across the country are being victimized by the EEOC. They are at the point where they cannot complain because they think retaliation will come. Joe's Stone Crab is a story of one owner saying, I will take on the government for the sake of the small businesses.

My last comment, Mr. Chairman, is that I urge, as this bill moves forward and in the years to come, that the chairman address the issue of frivolous litigation and damages that the EEOC brings upon the small businesses in America.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing up this problem. The increase in the bill is targeted at resolving the backlog of individual charges of discrimination, charges brought by actual individuals claiming discrimination. These are actual employers and employees who deserve prompt and fair resolutions. A major part of the increase is for alternative dispute resolution to avoid the costs and delays of litigation, which the gentleman has mentioned.

At the same time, we have included report language that tells the EEOC to give priority to the backlog over litigation. The report language requires the EEOC to track and report the resources spent on litigation compared to resources spent on clearing the backlog, so we can make sure they are adhering to our guidance.

I would be happy to work with the gentleman as the bill moves to conference and beyond.

Mr. DICKEY. I thank the gentleman.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Pennsylvania for the purposes of a colloquy.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to engage the chairman in a colloquy. I have offered and subsequently withdrawn an amendment that would have ensured that none of the funds provided in this act may be used by the Department of State or the United States Information Agency to provide any form of assistance to the Palestinian Broadcast Corporation.

The Palestinian Broadcast Corporation is the official broadcasting arm of the Palestinian Authority. It has been receiving assistance from the United States while engaging in a campaign in support of violence and hatred against the United States and her interests. This campaign is fostering an atmosphere sympathetic to violence and terrorism in the region.

I believe the United States should do everything possible to support a free and independent media, but I say to the gentleman from Kentucky (Chairman ROGERS), this is not media, this is propaganda. I do not believe United States taxpayer dollars should be spent to sustain it.

I understand the committee has included report language addressing this issue. In addition, I understand the Senate has passed legislative language similar to the committee's report language. I would hope that the chairman would consider this favorably when addressing the issue in conference.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for raising the issue. As the gentleman mentioned, we have included report language urging the USIA to refrain from assisting the Palestinian Broadcasting Corporation in any way which could further the restriction of press freedoms or the broadcasting of inaccurate, inflammatory messages.

It is my understanding that the Department of State and USIA currently have a policy of not providing such assistance to the Palestinian Broadcasting Corporation, based on the types of behaviors that the gentleman has just described. I support that policy.

As the bill moves into conference, I will be happy to work with the gentleman and other interested Members.

Mr. FOX of Pennsylvania. I thank the gentleman. I appreciate his assurances and assistance in this regard.

AMENDMENT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SAXTON:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available in this Act may be used by the United States to intervene against a claim for attachment in aid of execution, or execution, of property of a foreign state upon a judgment relating to a claim brought under section 1605(a)(7) of title 28, United States Code.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SAXTON) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON) for 5 minutes.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

This amendment is known as the International Terrorist Must Pay amendment. In 1996, the Congress passed and the President signed the Antiterrorism and Effective Death Penalty Act of 1996. This Act allowed victims of State-sponsored terrorism to sue foreign governments in Federal court for damages arising from terrorism.

In 1995, a young New Jersey woman named Alysa Flatow was killed in Israel by a suicide bomber from the Islamic Jihad, a terrorist operation financed by and sponsored by Iran. Her family sued under the aforementioned statutes and proved that Iran had financed the activities of the Islamic Jihad, and received a judgment of $247 million in damages.

Needless to say, Iran did not voluntarily step forward to pay the judgment. As a result, the Flatows sought to locate Iranian-owned property in the United States. Recently they located three properties in Washington, D.C. owned by the Iranian government. They proceeded to go to court to have the court attach the properties for subsequent sale.

The court issued the writs of attachment, and the Federal Marshals were ordered to serve Iran with the papers. The State Department at that time stepped in and raised objections to the sale, in effect taking the side of Iran, and asked the Justice Department to intervene on the side of Iran.

The Justice Department subsequently made an appearance in the trial and argued that the property should not be seized, their argument being that it would allow the seizure of Iranian assets. Of course, if their argument holds, this would defeat the purpose of the bill that Members on both sides of the aisle voted in favor of in 1996, the Antiterrorism and Effective Death Penalty Act of 1996. Iran therefore would be allowed to continue to finance terrorist activity without a price to pay. This amendment finalizes the process and creates a price for international terrorism.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I do not really want to oppose the amendment, but I ask unanimous consent to claim the time so we can explain why we are accepting it.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) will control the time.

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Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

It is my understanding that the committee intends to accept this amendment on both sides. I would simply like to say that, as some Members may remember, this matter was brought up before the House once before several weeks ago on a previous appropriation bill. It was then offered in a form which was technically not germane to the bill and was subject to a point of order.

We felt that the Congress had not had sufficient time to examine the amendment and to understand its implications in terms of the administration's ability to negotiate and to conduct foreign policy. So we were concerned at that time.

We have now learned a bit more about the status of the law. There are still, frankly, some questions about the advisability of going exactly this route, but, frankly, the State Department has not been as clear as we would like in laying out what other options might be available.

So under these circumstances, I think it is advisable for the committee to accept the amendment with the understanding that it will need to be worked on in conference to make certain that it is consistent with U.S. national interests.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in strong support of the amendment of the gentleman from New Jersey. This will help American victims of terrorism collect on judgments they have been awarded against state sponsors of terrorism.

As the gentleman from New Jersey pointed out, the Flatow family has gotten a judgment against the government of Iran, which sponsors terrorism. It is absolutely obscene that we would be in a position of taking the side of Iran. Iran must understand, as an outlaw nation, that we will never stop in trying to combat terrorism. This is certainly justice for the Flatow family.

By allowing this seizure of Iranian assets, this is something that teaches Iran, hits them where it hurts and let us them understand, again, that we will not accept state-sponsored terrorism.

It is ludicrous that the State Department had opposed this. Iran must pay a price for the continuing support of terrorism. I compliment my friend from New Jersey.

Mr. OBEY. Mr. Chairman, I would simply say that there are some questions, also, the State Department has with respect to who should be ahead of whom in being able to make claims against countries like Iran.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I want to rise in strong support of the Saxton amendment.

We clearly gave the right to victims of terrorists to sue foreign entities for compensation as a Congress. That is what the Congress passed in the law. And it is right for us to do so, to give a victim with a court-ordered judgment, to be allowed to enforce that judgment against any and all assets of a country in the United States.

It is offensive, in my view, that any department or entity of the United States Government would actively seek to inhibit such a judgment. This amendment would allow the family of Alysa Flatow, who is someone who in fact died at the age of 20, a resident of the State of New Jersey, a young, vibrant woman who had a lifetime of opportunity ahead of her. Her life was cut short and her family devastated by a bomb which exploded on the bus she was traveling on in Gaza. She was absolutely innocent.

They have a court-ordered judgment. The judge actually gave them a writ to go ahead against property. We should not be interfering. We should be standing up on behalf of the rights of United States citizens to be able to pursue such a judgment.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL) who represents the Flatow family.

Mr. PASCRELL. Mr. Chairman, Alysa Flatow was a student at Brandeis University. She was a woman of great character, both in life and in death. Those who received her organs can attest to the kind of woman she was. Her heart was successfully transplanted to a 56-year-old man who had been waiting for a year. Her liver was donated to a 23-year-old man; her lungs, pancreas and kidneys to four different patients. Her corneas were donated to an eye bank.

New Jersey will not forget Alysa Flatow or the struggle and trauma her family have gone through as a result of this heinous act and this senseless loss of a promising young woman.

Mr. Chairman, we have had enough victims. We do not need to victimize the family any longer. Personally, I have had enough of negotiating leverage, quote unquote. It is time that we stood and stood tall for the Flatow family.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of the Saxton amendment.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New Jersey (Mr. SAXTON). I congratulate him for it.

The life of Alysa Flatow was only 20 years long, and I am sure that her family feels a pain that is beyond description. But I am also sure that we can do something collectively here tonight that will help her life have even more meaning than it has already had.

We can change the law of our country and say to terrorists, whether in Iran or around the world, that in this country you will be held accountable. If you appear before our courts and you are adjudicated guilty, you cannot find a loophole or an escape.

This is a legacy that this young woman's life can leave for generations to come that if, God forbid, if someone else is a victim of terrorism, those terrorists can and will be held accountable in a U.S. court of law.

I urge the amendment's adoption.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, we have no objection to the amendment. As the gentleman from Wisconsin indicated, this needs to be discussed at some point before and during conference to be sure we are consistent on our policy. But we have no objection to this amendment and congratulate the gentleman.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I thank very much the chairman and the ranking member and all those who have spoken in favor of this amendment tonight.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SAXTON).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HOLDEN

Mr. HOLDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HOLDEN: Page 124, insert the following after line 2:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. (a) Section 118 of title 28, United States Code, is amended—

(1) in subsection (a) by striking "Philadelphia, and Schuylkill" and inserting "and Philadelphia"; and

(2) in subsection (b) by inserting "Schuylkill," after "Potter,".

(b)(1) This section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending on such date in the United States District Court for the Eastern District of Pennsylvania.

(3) This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this section.

The CHAIRMAN. Pursuant to the previous order of the House of today, the gentleman from Pennsylvania (Mr. HOLDEN) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Chairman, I yield myself such time as I may consume.

What my amendment will do is to transfer Schuylkill, Pennsylvania from the Eastern Judicial District of Pennsylvania to the Middle Judicial District of Pennsylvania.

This provision overwhelmingly passed the House as part of H.R. 2294, the Federal Courts Improvement Act. However, the other body has notified us that they will not be able to address this piece of legislation in this session because of the few remaining legislative days on the calendar. So this is an amendment of convenience, an amendment of convenience to the citizens of Schuylkill County who are now forced to drive in excess of 2 hours to Philadelphia to serve on jury duty or for other court business.

If Schuylkill County is moved to the Middle District of Pennsylvania, the citizens of Schuylkill County will only have to travel a distance of about 55 or 60 miles, less than an hour on interstate 81, to the State Capital of Harrisburg.

This is a noncontroversial amendment, Mr. Chairman. Both chief judges of the Eastern District and of the Middle District have no opposition to it. The Bar Association of Schuylkill County is in favor of it.

I know from my days of serving as sheriff of Schuylkill County, the citizens will appreciate not having to drive all the way to Philadelphia to serve on jury duty.

I would like to thank the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN) for their assistance in this matter, as well as the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) for their assistance in the previous legislation.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HOLDEN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have examined the amendment and discussed it with the gentleman in detail, and we have no objection.

Mr. HOLDEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member claim the time in opposition?

If not, the question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOLDEN).

The amendment was agreed to.

AMENDMENT NO. 35 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. STEARNS:

TITLE IX—INTERNET GAMBLING PROHIBITION

SEC. 901. SHORT TITLE.

This title may be cited as the "Internet Gambling Prohibition Act of 1998".

SEC. 902. DEFINITIONS.

Section 1081 of title 18, United States Code, is amended—

(1) in the matter immediately following the colon, by designating the first 5 undesignated paragraphs as paragraphs (1) through (5), respectively, and indenting each paragraph 2 ems to the right; and

(2) by adding at the end the following:

"(6) BETS OR WAGERS.—The term 'bets or wagers'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, sporting event of others, or of any game of chance, upon an agreement or understanding that the person or another person will receive something of value based on that outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28, United States Code; and

"(D) does not include—

"(i) a bona fide business transaction governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47))) for the purchase or sale at a future date of securities (as that term is defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)));

"(ii) a transaction on or subject to the rules of a contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7);

"(iii) a contract of indemnity or guarantee;

"(iv) a contract for life, health, or accident insurance; or

"(v) participation in a game or contest, otherwise lawful under applicable Federal or State law—

"(I) that, by its terms or rules, is not dependent on the outcome of any single sporting event, any series or sporting events, any tournament, or the individual performance of 1 or more athletes or teams in a single sporting event;

"(II) in which the outcome is determined by accumulated statistical results of games or contests involving the performances of amateur or professional athletes or teams; and

"(III) in which the winner or winners may receive a prize or award;

(otherwise known as a 'fantasy sport league' or a 'rotisserie league') if such participation is without charge to the participant or any charge to a participant is limited to a reasonable administrative fee.

"(7) FOREIGN JURISDICTION.—The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

"(8) INFORMATION ASSISTING IN THE PLACING OF A BET OR WAGER.—The term 'information assisting in the placing of a bet or wager'—

"(A) means information that is intended by the sender or recipient to be used by a person engaged in the business of betting or wagering to accept or place a bet or wager; and

"(B) does not include—

"(i) information concerning parimutuel pools that is exchanged between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and 1 or more parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, if that information is used only to conduct common pool parimutuel pooling under applicable law;

"(ii) information exchanged between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and a support service located in another State or foreign jurisdiction, if the information is used only for processing bets or wagers made with that facility under applicable law;

"(iii) information exchanged between or among 1 or more wagering facilities that are located within a single State and are licensed and regulated by that State, and any support service, wherever located, if the information is used only for the pooling or processing of bets or wagers made by or with the facility or facilities under applicable State law;

"(iv) any news reporting or analysis of wagering activity, including odds, racing or event results, race and event schedules, or categories of wagering; or

"(v) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.".

SEC. 903. PROHIBITION ON INTERNET GAMBLING.

(a) In General.—Chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"§1085. Internet gambling

"(a) Definitions.—In this section:

"(1) Closed-loop subscriber-based service.—The term 'closed-loop subscriber-based service' means any information service or system that uses—

"(A) a device or combination of devices—

"(i) expressly authorized and operated in accordance with the laws of a State for the purposes described in subsection (e); and

"(ii) by which a person located within a State must subscribe to be authorized to place, receive, or otherwise make a bet or wager, and must be physically located within that State in order to be authorized to do so;

"(B) a customer verification system to ensure that all applicable Federal and State legal and regulatory requirements for lawful gambling are met; and

"(C) appropriate data security standards to prevent unauthorized access.

"(2) Gambling business.—The term 'gambling business' means a business that is conducted at a gambling establishment, or that—

"(A) involves—

"(i) the placing, receiving, or otherwise making of bets or wagers; or

"(ii) offers to engage in placing, receiving, or otherwise making bets or wagers;

"(B) involves 1 or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(C) has been or remains in substantially continuous operation for a period in excess of 10 days or has a gross revenue of $2,000 or more during any 24-hour period.

"(3) Interactive computer service.—The term 'interactive computer service' means any information service, system, or access software provider that uses a public communication infrastructure or operates in interstate or foreign commerce to provide or enable computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

"(4) Internet.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

"(5) Person.—The term 'person' means any individual, association, partnership, joint venture, corporation, State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other government, organization, or entity.

"(6) Private network.—The term 'private network' means a communications channel or channels, including voice or computer data transmission facilities, that use either—

"(A) private dedicated lines; or

"(B) the public communications infrastructure, if the infrastructure is secured by means of the appropriate private communications technology to prevent unauthorized access.

"(7) State.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory, or possession of the United States.

"(b) Gambling.—

"(1) Prohibition.—Subject to subsection (e), it shall be unlawful for a person knowingly to use the Internet or any other interactive computer service—

"(A) to place, receive, or otherwise make a bet or wager with any person; or

"(B) to send, receive, or invite information assisting in the placing of a bet or wager with the intent to send, receive, or invite information assisting in the placing of a bet or wager.

"(2) Penalties.—A person who violates paragraph (1) shall be—

"(A) fined in an amount that is not more than the greater of—

"(i) three times the greater of—

"(I) the total amount that the person is found to have wagered through the Internet or other interactive computer service; or

"(II) the total amount that the person is found to have received as a result of such wagering; or

"(ii) $500;

"(B) imprisoned not more than 3 months; or

"(C) both.

"(c) Gambling Businesses.—

"(1) Prohibition.—Subject to subsection (e), it shall be unlawful for a person engaged in a gambling business knowingly to use the Internet or any other interactive computer service—

"(A) to place, receive, or otherwise make a bet or wager; or

"(B) to send, receive, or invite information assisting in the placing of a bet or wager.

"(2) Penalties.—A 'person engaged in a gambling business who violates paragraph (1) shall be—

"(A) fined in an amount that is not more than the greater of—

"(i) the amount that such person received in bets or wagers as a result of engaging in that business in violation of this subsection; or

"(ii) $20,000;

"(B) imprisoned not more than 4 years; or

"(C) both.

"(d) Permanent Injunctions.—Upon conviction of a person under this section, the court may, as an additional penalty, enter a permanent injunction enjoining the transmission of bets or wagers or information assisting in the placing of a bet or wager.

"(e) Exceptions.—

"(1) In general.—Subject to paragraph (2), the prohibitions in this section shall not apply to any—

"(A) otherwise lawful bet or wager that is placed, received, or otherwise made wholly intrastate for a State lottery or a racing or parimutuel activity, or a multi-State lottery operated jointly between 2 or more States in conjunction with State lotteries, (if the lottery or activity is expressly authorized, and licensed or regulated, under applicable Federal or State law) on—

"(i) an interactive computer service that uses a private network, if each person placing or otherwise making that bet or wager is physically located at a facility that is open to the general public; or

"(ii) a closed-loop subscriber-based service that is wholly intrastate; or

"(B) otherwise lawful bet or wager for class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) that is placed, received, or otherwise made on a closed-loop subscriber-based service or an interactive computer service that uses a private network, if—

"(i) each person placing, receiving, or otherwise making that bet or wager is physically located on Indian land; and

"(ii) all games that constitute class III gaming are conducted in accordance with an applicable Tribal-State compact entered into under section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2701(d)) by a State in which each person placing, receiving, or otherwise making that bet or wager is physically located.

"(2) Inapplicability of exception to bets or wagers made by agents or proxies.—An exception under subparagraph (A) or (B) of paragraph (1) shall not apply in any case in which a bet or wager is placed, received, or otherwise made by the use of an agent or proxy using the Internet or an interactive computer service. Nothing in this paragraph shall be construed to prohibit the owner operator of a parimutuel wagering facility that is licensed by a State from employing an agent in the operation of the account wagering system owned or operated by the parimutuel facility.

"(f) State Law.—Nothing in this section shall be construed to create immunity from criminal prosecution or civil liability under the law of any State.".

(b) Technical Amendment.—The analysis for chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"1085. Internet gambling.".

SEC. 904. CIVIL REMEDIES.

(a) In General.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of section 1085 of title 18, United States Code, as added by section 903, by issuing appropriate orders.

(b) Proceedings.—

(1) Institution by federal government.—The United States may institute proceedings under this section. Upon application of the United States, the district court may enter a temporary restraining order or an injunction against any person to prevent a violation of section 1085 of title 18, United States Code, as added by section 903, if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

(2) Institution by state attorney general.—

(A) In general.—Subject to subparagraph (B), the attorney general of a State (or other appropriate State official) in which a violation of section 1085 of title 18, United States Code, as added by section 903, is alleged to have occurred, or may occur, after providing written notice to the United States, may institute proceedings under this section. Upon application of the attorney general (or other appropriate State official) of the affected State, the district court may enter a temporary restraining order or an injunction against any person to prevent a violation of section 1085 of title 18, United States Code, as added by section 903, if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

(B) INDIAN LANDS.—With respect to a violation of section 1085 of title 18, United States Code, as added by section 903, that is alleged to have occurred, or may occur, on Indian lands (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the enforcement authority under subparagraph (A) shall be limited to the remedies under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), including any applicable Tribal-State compact negotiated under section 11 of that Act (25 U.S.C. 2710).

(3) ORDERS AND INJUNCTIONS AGAINST INTERNET SERVICE PROVIDERS.—Notwithstanding paragraph (1) or (2), the following rules shall apply in any proceeding instituted under this subsection in which application is made for a temporary restraining order or an injunction against an interactive computer service:

(A) SCOPE OF RELIEF.—

(i) If the violation of section 1085 of title 18, United States Code, originates with a customer of the interactive computer service's system or network, the court may require the service to terminate the specified account or accounts of the customer, or of any readily identifiable successor in interest, who is using such service to place, receive or otherwise make a bet or wager, engage in a gambling business, or to initiate a transmission that violates such section 1085.

(ii) Any other relief ordered by the court shall be technically feasible for the system or network in question under current conditions, reasonably effective in preventing a violation of section 1085, of title 18, United States Code, and shall not unreasonably interfere with access to lawful material at other online locations.

(iii) No relief shall be issued under subparagraph (A)(ii) if the interactive computer service demonstrates, after an opportunity to appear at a hearing, that such relief is not economically reasonable for the system or network in question under current conditions.

(B) CONSIDERATIONS.—In the case of an application for relief under subparagraph (A)(ii), the court shall consider, in addition to all other factors that the court shall consider in the exercise of its equitable discretion, whether—

(i) such relief either singularly or in combination with such other injunctions issued against the same service under this subsection, would seriously burden the operation of the service's system network compared with other comparably effective means of preventing violations of section 1085 of title 18, United States Code;

(ii) in the case of an application for a temporary restraining order or an injunction to prevent a violation of section 1085 of title 18, United States Code, by a gambling business (as is defined in such section 1085) located outside the United States, the relief is more burdensome to the service than taking comparably effective steps to block access to specific, identified sites used by the gambling business located outside the United States; and

(iii) in the case of an application for a temporary order or an injunction to prevent a violation of section 1085 of title 18, United States Code, as added by section 903, relating to material or activity located within the United States, whether less burdensome, but comparably effective means are available to block access by a customer of the service's system or network to information or activity that violates such section 1085.

(C) FINDINGS.—In any order issued by the court under this subsection, the court shall set forth the reasons for its issuance, shall be specific in its terms, and shall describe in reasonable detail, and not be reference to the complaint or other document, the act or acts sought to be restrained and the general steps to be taken to comply with the order.

(4) EXPIRATION.—Any temporary restraining order or preliminary injunction entered pursuant to this subsection shall expire if, and as soon as, the United States, or the attorney general (or other appropriate State official) of the State, as applicable, notifies the court that issued the injunction that the United States or the State, as applicable, will not seek a permanent injunction.

(c) EXPEDITED PROCEEDINGS.—

(1) IN GENERAL.—In addition to proceedings under subsection (b), a district court may enter a temporary restraining order against a person alleged to be in violation of section 1085 of title 18, United States Code, as added by section 903, upon application of the United States under subsection (b)(1), or the attorney general (or other appropriate State official) of an affected State under subsection (b)(2), without notice and the opportunity for a hearing, if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the transmission at issue violates section 1085 of title 18, United States Code, as added by section 903.

(2) EXPIRATION.—A temporary restraining order entered under this subsection shall expire on the earlier of—

(A) the expiration of the 30-day period beginning on the date on which the order is entered; or

(B) the date on which a preliminary injunction is granted or denied.

(3) HEARINGS.—A hearing requested concerning an order entered under this subsection shall be held at the earliest practicable time.

(d) RULE OF CONSTRUCTION.—In the absence of fraud or bad faith, no interactive computer service (as defined in section 1085(a) of title 18, United States Code, as added by section 903) shall be liable for any damages, penalty, or forfeiture, civil or criminal, for any reasonable course of action taken to comply with a court order issued under subsection (b) or (c) of this section.

(e) PROTECTION OF PRIVACY.—Nothing in this title or the amendments made by this title shall be construed to authorize an affirmative obligation on an interactive computer service—

(1) to monitor use of its service; or

(2) except as required by an order of a court, to access, remove or disable access to material where such material reveals conduct prohibited by this section and the amendments made by this section.

(f) NO EFFECT ON OTHER REMEDIES.—Nothing in this section shall be construed to affect any remedy under section 1084 or 1085 of title 18, United States Code, as amended by this title, or under any other Federal or State law. The availability of relief under this section shall not depend on, or be affected by, the initiation or resolution of any action under section 1084 or 1085 of title 18, United States Code, as amended by this title, or under any other Federal or State law.

(g) CONTINUOUS JURISDICTION.—The court shall have continuous jurisdiction under this section to enforce section 1085 of title 18, United States Code, as added by section 903.

SEC. 905. REPORT ON ENFORCEMENT.

Not later than 3 years after the date of enactment of this Act, the Attorney General shall submit a report to Congress that includes—

(1) an analysis of the problems, if any, associated with enforcing section 1085 of title 18, United States Code, as added by section 903;

(2) recommendations for the best use of the resources of the Department of Justice to enforce that section; and

(3) an estimate of the amount of activity and money being used to gamble on the Internet.

SEC. 906. REPORT ON COSTS.

Not later than 3 years after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress that includes—

(1) an analysis of existing and potential methods or technologies for filtering or screening transmissions in violation of section 1085 of title 18, United States Code, as added by section 903, that originate outside of the territorial boundaries of any State or the United States;

(2) a review of the effect, if any, on interactive computer services of any court ordered temporary restraining orders or injunctions imposed on those services under this section;

(3) a calculation of the cost to the economy of illegal gambling on the Internet, and other societal costs of such gambling; and

(4) an estimate of the effect, if any, on the Internet caused by any court ordered temporary restraining orders or injunctions imposed under this title.

SEC. 907. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. MILLER of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California (Mr. MILLER) reserves a point of order.

Pursuant to the previous order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

I tell my colleague who objected, I intend to withdraw this amendment after a short statement, after engaging in a colloquy with a few Members on my side and also one on his side.

I realize that prohibiting Internet gambling is a hot button issue today, but I think there is a majority in Congress that strongly believes that such a prohibition is needed to prevent the disease of gambling from infecting the Internet. That is why I have offered the same bill that Senator KYL has offered in the Senate that passed by 90 to 10, and I believe introducing the Kyl language here in the House would be very important.

I want to move that forward. I have received strong support both in the committee, the Committee on Commerce, as well as from the National Football League, the National Collegiate Athlètic Association, National Association of Attorneys General and other groups that are adversely affected with the continuance of Internet gambling.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I appreciate the gentleman's interest in this issue.

As he knows, illegal gambling on the Internet is a rapidly growing industry. The Justice Department estimates that $600 million was bet illegally on sports alone over the Internet last year, a tenfold increase over the previous year. I applaud my friend from Arizona, Mr. KYL, in the Senate for moving legislation in the other body. I want to assure my friend from Florida that we are currently working in the Committee on the Judiciary to move corresponding legislation before the August recess.

I thank the gentleman for yielding, and I appreciate the Gentleman's interest in this issue. Illegal gambling on the internet is a rapidly growing industry—the Justice Department estimates that $600 million was bet illegally on sports alone over the internet last year, a tenfold increase over 1996. Congress must take action this year to curb illegal internet gambling, and I have introduced legislation that would clamp down on this type of activity.

I applaud my friend from Arizona for moving legislation in the other body to address this issue, and I want to assure my friend from Florida that we are currently working in the Judiciary Committee to move corresponding legislation before the August recess. As my friend is aware, however, a number of areas and concerns surrounding this issue are still outstanding, and I want to assure the Gentleman that we are currently working with all parties to resolve those issues as we continue to move the process forward. I would therefore at this time ask that the Gentleman withdraw his amendment, so that we might continue working through the Committee process to produce a strong piece of legislation to combat internet gambling.

Mr. STEARNS. Mr. Chairman, I thank the gentleman. I recognize there are some areas of the Senate bill that need to be improved and clarified, particularly with the treatment of sports fantasy and educational games and treatment of advertising. As the process moves forward in the House, I look forward to working with the gentleman.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I share the concern of the gentleman that Internet gaming is a very serious problem. It is my understanding that the gentleman is going to withdraw his amendment and that the chairman of the Committee on Commerce has agreed to hold a hearing on his bill in September.

I appreciate that the gentleman has agreed to consider an amendment, I hope the gentleman from Virginia (Mr. GOODLATTE) would, too, that would leave the enforcement of Indian gaming with the National Indian Gaming Commission which was established under the Indian Gaming Regulatory Act passed by Congress in 1988. I certainly share his concern on this Internet gaming.

The National Indian Gaming Commission is the Federal entity that should enforce the restrictions on Indian Internet gaming under the gentleman's bill.

Mr. STEARNS. Mr. Chairman, I thank the gentleman. I think we can also take that into account.

The CHAIRMAN. The time of the gentleman from Florida (Mr. STEARNS) has expired.

Mr. ROGERS. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) is recognized for 2½ minutes.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield to gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I applaud my friend and colleague from Florida for his interest in placing a ban on Internet gambling. This issue not only is very important to the people of Nevada but absolutely is essential to protect American children as well as the integrity of the legalized gambling industry.

Allowing gambling to be performed on the Internet would open the floodgates for corruption, abuse and fraud. Internet gambling is a virtual Pandora's box that, if opened, would have an irreversible effect on millions of American people.

Banning Internet gaming is necessary to prevent widespread abuse from occurring. Unscrupulous operators could bilk millions of dollars out of unsuspecting customers, leaving the affected without recourse.

□ 2145

Another risk presented by Internet gaming involves young children in regulated gaming establishments all across this country. Security guards are required to check by law the identification of anyone appearing to be below the age of 21. With Internet gaming, however, minors, armed with nothing more than a credit card number, could easily access these gaming sites and literally squander their families' savings and income. Mr. Chairman, on the Internet gaming children can establish overseas betting accounts easier than they can sneak into an R-rated movie.

With all the rise in computers and Internet access, Internet gaming operations are growing equally as fast. We must not forget that there are millions of innocent users that could become serious victims if we are not careful in managing this incredible tool.

There are 50 million households with computers and 25 million of these computers have access to the Internet. Experts are predicting an explosion in the growth of households with Internet access. By the turn of the century, most schools and libraries will be on-line. It is important to recognize that the computer industry is not the only one profiting off of the explosion in computer availability. Internet gaming operations are growing equally as fast.

Most would agree that the Internet is a great educational tool and an extremely valuable source for all sorts of information. This resource must be shielded from the dangers associated with its unrestricted use. We must not forget that there are millions of innocent users that could become serious victims if we are not careful in managing this incredible tool.

Mr. Chairman, I applaud Mr. STEARNS for brining this issue to the House floor.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume to recognize the hard work that other Members have done here tonight and also to recognize my good friend, the gentleman from Florida (Mr. MCCOLLUM), who has worked hard on this, as well as the gentleman from New Jersey (Mr. LOBIONDO) and others who are supporting this.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Florida.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding and thank him for withdrawing the amendment and appreciate the concerns he has raised about further refinement of this amendment and legislation.

I also want to raise concerns about the treatment of the Indian Gaming Regulatory Act under the provisions of the amendment as written, and would hope that they would take into consideration the fact that that is the Federal regulatory agency for the regulation of Indian gaming.

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. MCINTOSH

Mr. MCINTOSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCINTOSH:

At the end of the bill (immediately before the short title), insert the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. MCINTOSH) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I yield myself 2½ minutes.

How quickly we forget, or fail to learn the most important lessons of history. It was just 60 years ago when Winston Churchill struggled mightily to build a defensive air radar system in Britain to protect against Nazi threat. The British establishment, the appeasers, as he called them, mocked and scoffed him for this effort. They said there was no threat. How wrong they were. Because Churchill persevered, they did build a radar system and beat the Nazis.

Today, we are engaged in a similar debate. The cosponsor of this amendment, the gentleman from Pennsylvania (Mr. WELDON), has worked to bring to our attention since 1995, and the gentleman from Louisiana (Mr. LIVINGSTON), for many, many years, that there is a real threat of a ballistic missile attack on the United States. Yet the State Department establishment, like that of Britain in the 1930s, ignores or ridicules those who recognize a missile threat, but they do so at each of our peril.

The gentleman from Pennsylvania (Mr. WELDON) and I are introducing this amendment because the American people deserve to have a choice in this decision. The Clinton administration is trying to negotiate a new antiballistic missile treaty with the four successor states to the Soviet Union and to implement it without sending it to the Senate for ratification.

Now, a complete, fair and open debate is needed on renewing this ABM Treaty, and the Senate should have the opportunity to act properly and ratify any such treaty.

The fact is, today we do not have the ability to intercept a single missile fired at us by an enemy or a madman. Americans would be shocked if they found this out, but it is the truth. What is even worse about this new ABM Treaty is not only will a national missile defense system not be possible, but there are new restrictions on a theater missile defense program that could protect our troops overseas.

My amendment, quite simply, would say the bureaucracy responsible for implementing the ABM Treaty cannot spend any funds for further implementing the new treaty or any policies consistent with a new treaty.

Mr. Chairman, I finish by asking my colleagues a rhetorical question. What would they do the day after a missile attack from Iran, Iraq, Libya, or North Korea destroyed one of our cities? The very next day we would all be on this House floor demanding there be construction of such a missile protection system repelling such an attack.

Why wait for the tragedy? Let us do something now and spare the lives of the innocent Americans that would be lost. Please join me in approving this amendment to the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise in opposition to this amendment, and I yield myself 5 minutes.

Mr. Chairman, I want to state from the outset that the intent of this amendment is a blatant attempt to negate the United States' obligation to continue to adhere to the antiballistic missile treaty so that proponents of deployment of additional missile defense systems in the U.S. can justify their campaign to deploy just such a system.

In my view, the deployment of such additional systems would not only violate U.S. treaty obligations with Russia but, more importantly, would destabilize our national security by setting back ongoing arms control negotiations with Russia and other former Soviet republics, and by encouraging newly emerging nuclear states to proceed without restrictions.

Many of the proponents of this amendment continue to be critical of this administration's policies to restrain India and Pakistan from conducting nuclear tests. Now, their efforts may have fallen short of their goals and, indeed, the world has become less secure today as a result. But the question is what is the next step?

The proponents of this amendment would have us throw out a standing arms control treaty that has been in place since 1972 so that they can pursue an expensive and widely premature plan to deploy an elaborate missile defense system that is years away from being able to work.

The administration's intentions with respect to the Memorandum of Understanding on the ABM Treaty's succession have been made abundantly clear and are enunciated in a letter of May 21st from the President to the chairman of the authorizing committees. That letter says plainly that the administration "will provide to the Senate, for its advice and consent, the Memorandum of Understanding of the ABM Treaty's succession." The letter further clarifies that, "Despite the breakup of the Soviet Union, the ABM Treaty is still in force with Russia and notification of the MOU is necessary to remove any ambiguities about how the treaty applies to other countries."

It is also clearly the understanding that the administration intends to submit the MOU on the ABM Treaty's succession after the Russian Duma has ratified START II. The timing of the submission to the Senate is based on the orderly progression of arms control regimes and was, in fact, developed in cooperation with the relevant parties of the U.S. Senate.

This amendment stops all activity to bring the Memorandum of Understanding on the ABM Treaty's succession to reality. I wonder how the passage of this amendment will affect the Russian Duma and the prospects of their action? I wonder what signals it sends to India and Pakistan, who are on the verge of war in Kashmir, both armed with nuclear weapons?

A vote for this amendment is a vote to unilaterally abrogate the ABM Treaty on the basis of 20 minutes debate in the middle of the night. That is what this supposedly modest amendment tries to do. A vote against this amendment is a vote to recognize that Congress should not take such irresponsible actions without clearly thinking out the consequences.

Mr. Chairman, I reserve the balance of my time.

Mr. MCINTOSH. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I rise in support of the gentleman's amendment.

I think about the ABM Treaty that was implemented between the Soviet Union and the United States in 1972 in an entirely different political world and in an entirely different technological world. Those were different times. They threatened to blow us up, we threatened to blow them up.

The Soviet Union does not exist any more, but the ABM Treaty is here, notwithstanding the fact that the technological developments of the computer age have totally transformed this dangerous world of ours.

Look at the headlines: May 1st. China targets nukes at the U.S. June 16th. China assists Iran, Libya with missiles. June 17th. North Korea admits missile sales. Then we see the Indian and the Pakistani bombs blow up.

We are living in a nuclear age and the arms negotiators are still negotiating a 1972 treaty with the old Soviet Union that does not even exist.

We have to give up this arms negotiation. It does not work. Let us defend Americans. Let us start deploying missile systems that intercept their missiles and we do not have to worry about who blows up the next bomb in the next place.

We need do defend our American citizens. We need to defend the continental United States. We need to defend U.S. troops abroad. We need to defend our allies all around the world.

We could do it if this President use one word that has been absent in his vocabulary in the 6 years that he has been President of the United States: Deployment, deployment of missile defense systems.

This gentleman's amendment simple says, let us stop this arms negotiation, or at least if you are going to revise the ABM Treaty of 1972, come to the Senate for the advice and consent demanded under the Constitution of the United States and make sure that what you are doing has any logic and common sense whatsoever, because right now it does not.

I urge the adoption of the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Chairman, let us understand what this is really all about. this is the de facto abrogation of the ABM Treaty because we would be prohibited, under the terms of this amendment, from participating in the Standing Consultative Committee under the ABM Treaty, which is the body that deals with compliance issues.

How will that be interpreted by the Russians who are still debating START II ratification? It will be seen by them as essentially an abrogation, as the start down the road toward the development of a broad missile defense system in this country.

That, in turn, will mean that all of our efforts to reduce nuclear missile armaments in the old Soviet Union, now in Russia, will grind to a halt and play directly into the hands of the nationalist sentiments in Russia to hang on to every missile that they now possess.

Now, if we think that is going to produce a more secure world for the United States, I beg to differ.

This is fundamentally, profoundly nuts. It is going in absolutely the wrong direction. It is inviting an aggravation in a very, very dicey and delicate path that we are trying to walk down, nuclear disarmament and the reduction of nuclear arms.

Now, if that is what the other side wants, so be it, but let us not pretend that anything else is at issue here but that fundamental question of a fork in the road. Do we want to continue to work with the Russians to reduce their stockpiles, to get the START III, to bring down the level of nuclear threat in the world?

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman acknowledge that despite the passage of some 5 years' of time the Russians have yet to even ratify START II, let alone START III?

Mr. SKAGGS. We have already acknowledged that and it is a prerequisite to getting to START III, which I assume the gentleman would agree would be in our national interest, but maybe not. Maybe he thinks we should hang on to more nuclear weapons.

Mr. LIVINGSTON. If the gentleman will continue to yield, I think the first thing to do is to defend the American people.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, that is the practical consequence of the adoption of this amendment. Members should be under no illusion to the contrary. This amendment guts the ABM Treaty. It prohibits our participation in compliance activities. It will be seen, without any question, by the Russians as a reversal afield on the whole regime of nuclear arms limitation.

Mr. MCINTOSH. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Indiana (Mr. MCINTOSH) has 5½ minutes remaining and the gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining, and the right to close.

Mr. MCINTOSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would note that the proponents of ABM refer to that system as MAD. If they think this is nuts, that is MAD, mutually assured destruction. It is truly madness that we would hold innocent populations hostage the way we have.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

□ 2200

Mr. WELDON of Pennsylvania. Mr. Chairman, let us get our facts straight here. I chair the Duma Congress Study Group. I probably spend as much time with members of Duma as any Member of this Congress. In fact, I know over 200 of them personally.

Let us not put rhetoric on the table. Let us talk about this amendment. This amendment does not abrogate the ABM Treaty. In fact, I have been the one to offer to stand up and oppose any attempt to deliberately abrogate the Treaty.

What does it do? It stops this administration from imposing significant amendments and expansion of the ABM Treaty that harm our national security without the advice and consent of the Senate. That is all it does.

Five times this body has gone on the record and said that the U.S. Senate must be consulted. The ranking member of the full Committee on Appropriations just made a statement. He said the President said he will submit that to the Senate.

Well, I will call to the attention of my colleague and friend a letter sent on May 1, 1998, by Secretary Cohen to the services saying, "you will begin to implement the Missile Defense Treaty signed." That has already been done.

And following that, the Secretary for Research and Development, John Douglas, has begun already implementing this agreement without the Senate even being considered to give the document to them. That is already in place.

What we are saying is give the Senate the chance. Why do we say that? Now, the gentleman talked about the negotiations in Geneva. I went there. I think I am the only House member that sat across from General Koltunof, the chief Russian negotiator, for 2½ hours.

I said to the general, why do you want to expand the Treaty to include Belorus, Kazakhstan, and Ukraine? They do not have ICBMs. He said, congressman, you are asking that question to the wrong person. We did propose to expand the ABM Treaty. The gentleman sitting next to you, Stanley Rivilus, our chief negotiator.

Why do we want to expand the ABM Treaty, because it locks us into a treaty that we cannot modify for our own best interests. What about the demarcation limitations, the other expansion? The demarcation limitations do not down our missile defense capability.

Let me show my colleagues something that I got today. This is a document of the most capable Russian air defense system that they just tried to sell to Israel. This system we cannot match. It is better than PAC-3 when it is deployed. It is called the ANTEI-2500.

This system, I wonder where the demarcation numbers came from. This system just barely complies with them. So now what we found is this administration has agreed to demarcation standards that benefit Russia, that give Russia a capability that we cannot go beyond, even though this system is better than our PAC-3.

If my colleagues support Israel, if they support Israel's defense, if they support the defense of this country and our ability to develop capable theater missile defense systems, then they will support this amendment. All it does is it says that we will withhold the funding from ACTA until the Senate is given the required documentation. That is all it does.

It does not abrogate any treaty. It does not control the administration. It says, let the Congress play its rightful role. And I think this Congress deserves to do that because we need to understand our lives and our friends and our allies who are at risk here.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

With all due respect to the expertise of the gentleman who just spoke, for this Congress, at a little after 10:00 in the evening, with no hearings and no reasonably thoughtful debate on the subject, for this Congress to take an action which prevents this administration from proceeding to do anything to modernize the very treaty that the other side says must be modernized would be the consummate act of arrogance and ridiculousness performed by this Congress in the entire session. It would bring great discredit on the Congress, and we ought not to do that.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding.

This is not an issue about the role of missile defenses. In the wake of the end of the Cold War and in the context of a very dangerous world where rogue states and accidental launches loom larger than ever in terms of the problems, I think it is appropriate to think about and reconsider questions of missile defenses.

The fact is every single active program that we are involved in the area of theater missile defenses PAC–3, THAAD, U.S. Navy Area Wide, all under development, researched, every one of them as currently configured and designed are fully compliant with the ABM Treaty.

This is a question about the breakup of the Soviet Union, when we signed, just like we did with START II, when we signed those obligations to the successor states, Russia, Kazakhstan, Ukraine, Belorus, whether those obligations are going to apply.

The administration has made it absolutely clear, as soon as the Duma ratifies START II, the President is going to Russia to advance that cause in the next few weeks, he will submit to the Senate for ratification not only the memorandum of understanding but the two agreements related to it that are cause of concern.

The Senate will have every opportunity to exercise its constitutional rights with respect to these particular issues.

Stopping the funding for the Standing Consultative Committee and for our ability to participate in it does not advance the cause. Let us get down to the basic questions. What kinds of missile defenses are feasible? To what extent do we need to break out of ABM? To what extent do we have a strategy to do this in cooperation with Russia and the other parties down to the ABM agreement in a way that both is in our interests and something that we can convince is in their interest as well so we can protect against the concerns that the proponents of this amendment want?

I urge a no vote on the amendment.

Mr. MCINTOSH. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Indiana (Mr. MCINTOSH) has 2¼ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining.

Mr. MCINTOSH. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, let me answer the distinguished ranking member.

First of all, he says there has been no debate on this issue. I would remind my colleague there have been 5 separate votes on this issue on this floor. And I will include those votes, in the CONGRESSIONAL RECORD.

Since 1995, this body has voted 5 times, overwhelmingly each time, to require that this administration before it takes plans to implement submit that treaty to the Senate.

Our point is that this administration is already implementing the terms of the agreement. I just read to the gentleman a letter dated May 1, 1998, from Secretary Cohen to the services saying to proceed with implementing new missile defense treaties. Agreed to in September of 1997.

It is already underway. It is preceding even giving the treaty to the Senate which this body has voted on 5 times overwhelmingly in favor of. You have to match the facts with the rhetoric, and the rhetoric coming from that side just does not match the facts. Support the amendment of the gentleman.

Mr. MCINTOSH. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, let me just say we have had a vote earlier on the Kolbe amendment. Perhaps my colleagues saw the Kolbe amendment pass. I think it was almost 400.

The problem is here in the House we are starting to feel the President is moving out not just on his own agenda, whether it be domestic or social, he is also moving out on a military agenda. As the gentleman from Pennsylvania (Mr. WELDON) mentioned, he is using the word "proceed" forward with a treaty without going to the Senate to ratify.

So it is appropriate today, tonight when we think about the executive orders, to also put in perspective that the President is moving out on a defense agenda without Congress, and all my colleague is saying is hold it, hold it. Let us not move forward without the Senate.

Mr. MCINTOSH. Mr. Chairman, I yield myself such time as I may consume.

I would point out that in 1996, this House passed a virtually identical amendment that the gentleman from Louisiana (Mr. LIVINGSTON) brought to the floor.

Mr. Chairman, I yield the remaining 45 seconds to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong support of the McIntosh-Weldon amendment. The Clinton administration's record on missile defense has been very, very weak. Incredibly, on June 23, the President vetoed the Iran Missile Proliferation Sanction Act. And only one month later, on July 23, the White House confirmed that Iran had tested a missile with a range of 800 miles the previous day.

Clearly, Cold War or no Cold War, the world remains a very dangerous place. Unfortunately, the Clinton administration consistently fails to see that danger.

Rogue nations are continuing to attempt to acquire nuclear weaponry. And our liberal friends are always saying that we must do this for the children, do that for the children. If we really want to do something for the children of this Nation, we ought to make sure that they are protected from the threat of nuclear weapons falling upon their home towns.

Mr. MCINTOSH. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I rise in support of this amendment.

Mr. OBEY. Mr. Chairman, could I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if the gentleman from Pennsylvania (Mr. WELDON) is going to quote me, just for the heck of it, it would be nice if he would quote me accurately.

I never said that there was no debate in the Congress on this subject. I said that there was no thoughtful debate tonight, and I stand by that comment.

I will simply say, Mr. Chairman, that despite all of the rhetoric tonight, the practical effect of this action is to unilaterally take the United States out of compliance with the ABM Treaty. That is no response that any responsible legislative body would make, and I cannot believe that the gentleman is suggesting that we do anything like it.

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT) for closing.

Mr. SPRATT. Mr. Chairman, there is a season for everything. There is a time to ratify START II, and that is now, immediately, as soon as we can get the Duma to do it. And then there is a time to ratify START III. It comes right on the heels of START II. And that should come immediately. It should come next after we have completed the work on START II.

Once we do that we will have the warheads in each of our arsenals down to 2,000 to 3,000 strategic warheads each. At that point in time, it will be the season to take up the ABM Treaty and look at it, because in many ways it is a relic of the Cold War and it has outlived many of its purposes.

But, for the time being, it is a symbol of stability. We pull the rug out from the ABM, the Standing Consultative Committee, we abruptly cut off funding, and that is a signal to the Russians that they better be careful and think twice about ratifying START II. And everything begins to become unraveled.

There is nothing in these negotiations that gives rise to any immediate problems. We are trying to define the demarcation between strategic and theater weapons. In doing so, we have chosen to define the difference as being the planner in which the system, the interceptor, is tested. Is it tested against an incoming object that would be the speed of an RV coming from the exoatmosphere if launched by an ICBM, or is it traveling at the speed of a tactical or theater missile, a much lower speed? If it is tested only against the latter, then it is a theater defense system. If it is tested against an ICBM speed RV, then it is a strategic system.

It is a practical distinction. I do not think it serves a great deal of purpose. But, for the time being, in order to maintain our relations with the Soviets, with the Russians, to stabilize them to try to get START II ratified and START III negotiated, it makes sense not to rattle their cage on the ABM Treaty.

This is not the kind of diplomacy or legislation we need now. It is not necessary. The law is already on the books. And it is not going to impede one single thing if these demarcation rules were implemented by the President.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman form Indiana, Mr. MCINTOSH.

The amendment is designed to correct something that shouldn't require correcting, but regrettably does.

Ever since the collapse of the Soviet Union, there has been a question about which countries, if any, succeeded to the obligations of the Soviet Union under various arms control treaties. This question has been particularly acute with regard to the Anti-Ballistic Missile, or ABM, Treaty.

The administration has had a very hard time making up its mind about what countries, if any, succeeded automatically to the Soviet Union's obligations under the ABM Treaty. At one point, they appeared to suggest there was no automatic successor at all. More recently, they have implied that Russia alone is the successor.

The Heritage Foundation recently released an excellent legal analysis concluding that, as a matter of international and domestic law, there is no successor and therefore the ABM Treaty has lapsed.

In an effort to clarify the legal situation, I have exchanged a series of letters with the President on this subject. I ask unanimous consent that this correspondence be inserted in the RECORD at this point.

The administration has attempted to deal with this uncertainty by negotiating a Memorandum of Understanding that would make four countries successors to the Soviet Union for purposes of the ABM Treaty: Russia, Ukraine, Belarus, and Kazakhstan. Under pressure from the Senate, the President has agreed to submit this Memorandum of Understanding for Senate advice and consent.

Many Members of both the House and the Senate question the wisdom of the Memorandum of Understanding, and perhaps because of this, the President has delayed submitting it to the Senate.

The McIntosh amendment deals with the likelihood that the administration will act as though the Memorandum of Understanding is in effect even though it has not been approved by the Senate. It is designed, in other words, to hold the President to his commitment to the Senate.

I would note the obvious fact that this amendment is not intended to prevent U.S. participation in the Standing Consultative Commission if the President submits and the Senate ratifies the Memorandum of Understanding on succession.

Under the rules of the House governing our deliberations today, however, it is not in order to include such an exception in the text of the amendment. I am sure that this is a matter that will be addressed in conference.

It is a very good amendment, and it deserves our support.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, June 16, 1997.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Last week the House of Representatives approved H.R. 1758, the "European Security Act of 1997." I originally introduced this legislation on April 24th of this year with the cosponsorship of Dick Armey, Jerry Solomon, Porter Goss, Curt Weldon, and others to address a number of issues bearing on U.S. relations with Russia.

Pursuant to House Resolution 159, the European Security Act as passed by the House has been appended to H.R. 1757, the "Foreign Relations Authorization Act for Fiscal Year 1998 and 1999." Inasmuch as the Senate companion measure to H.R. 1757 is scheduled for Senate floor action this week, it appears likely that the European Security Act will be addressed in a House-Senate conference committee in the very near future.

As we prepare for conference on the European Security Act, we find it necessary to ask for additional information relevant to one of the bill's provisions relating to multilateralization of the Anti-Ballistic Missile (ABM) Treaty.

Section 6(c)(1) of the European Security Act states that:

"It is the sense of the Congress that until the United States has taken the steps necessary to ensure that the ABM Treaty remains a bilateral treaty between the United States and the Russian Federation (such state being the only successor state of the Union of Soviet Socialist Republics that has deployed or realistically may deploy an antiballistic missile defense system), no ABM/TMD demarcation agreement will be considered for approval for entry into force with respect to the United States . . ."

I am aware that, subsequent to the introduction of the European Security Act, the Senate on May 14th approved Treaty Doc. No. 105-5, a resolution advising and consenting to ratification of the CFE Flank Agreement. Condition 9 of this resolution required the President to:

". . . certify to Congress that he will submit for Senate advice and consent to ratification any international agreement . . . that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty . . ."

I am further aware that, on May 15th, you submitted to Congress the certification required by Condition 9 of Treaty Doc. No. 105-5.

In order to help the conferees on the European Security Act understand the degree to which section 6(c)(1) of that bill has been addressed (and perhaps rendered unnecessary) by Condition 9 of Treaty Doc. 105-5, I would appreciate receiving your prompt response to the following questions:

1. In the view of the Administration, what countries in addition to the United States are today parties to the ABM Treaty?

2. What countries sent representatives to the most recent meeting of the Standing Consultative Commission in Geneva?

3. To the extent that the list of countries identified in response to question no. 1 includes countries in addition to those identified in response to question no. 2, does the Administration believe that those additional countries have the legal right to send representatives to meetings of the Standing Consultative Commission and otherwise participate in the administration of the ABM Treaty?

4. To the extent that the list of countries identified in response to question no. 1 includes countries in addition to those identified in response to question no. 2, why are those additional countries not currently participating in the Standing Consultative Commission? Are those additional countries aware that, in the view of the United States Government, they are parties to and are bound by the ABM Treaty? On what date were they informed of this fact by the United States Government?

5. To the extent that the list of countries identified in response to question no. 2 includes countries in addition to those identified in response to question no. 1, what is the legal justification for the participation of those additional countries in the Standing Consultative Commission?

6. Does the Administration currently intend to conclude with Russia, Ukraine, Kazakhstan, Belarus, or any other of the newly independent states an agreement or agreements regarding ABM Treaty succession?

7. In the event that the Senate fails to act on an agreement submitted to it by the Administration regarding ABM Treaty succession, what countries in addition to the United States will, in the view of the Administration, be parties to the ABM Treaty?

8. In the event that the Senate votes to reject an agreement submitted to it by the Administration regarding ABM Treaty succession, what countries in addition to the

United States will, in the view of the Administration, be parties to the ABM Treaty?

9. Apart from the consequences that would flow from Senate approval of, rejection of, or inaction on an agreement submitted to it by the Administration regarding ABM Treaty succession, what other developments, if any, may lead to a change in the list of countries that are today parties to the ABM Treaty?

10. Apart from the consequences that would flow from the Senate approval of, rejection of, or inaction on an agreement submitted to it by the Administration regarding ABM Treaty succession, what other developments, if any, may lead to a change in the list of countries legally entitled to send representatives to meetings of the Standing Consultative Commission and otherwise participate in the administration of the ABM Treaty?

I appreciate your cooperation in this matter.

With warmest regards,

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

THE WHITE HOUSE,
Washington, November 21, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the Anti-Ballistic Missile (ABM) Treaty succession arrangements. As you know, after discussion between our staffs, we deferred this formal response to your letter pending completion of the ABM-related agreements, including the Memorandum of Understanding (MOU) on ABM Treaty succession. These documents were signed on September 26, 1997, and mark, along with the START II documents that were signed the same day, a significant step forward. The MOU, as well as the agreements relating to the demarcation between theater and strategic ballistic missile defense systems, will be provided to the Senate for its advice and consent. Thus, the Congressional concerns that you raised related to approval of these agreements have been directly addressed.

You raised a number of questions on ABM Treaty succession generally. Let me make a few background points. The MOU on succession was the result of detailed negotiations spanning several years. When the USSR dissolved at the end of 1991, it became necessary to reach agreement as to which former Soviet states would collectively assume its rights and obligations under the Treaty (which clearly continued in force by its own terms). The United States took the view that, as a general principle, agreements between the United States and the USSR that were in force at the time of the dissolution of the Soviet Union would be presumed to continue in force as to the former Republics. It became clear, however, particularly in the area of arms control, that a case-by-case review of each agreement was necessary.

In dealing with matters of succession, a key U.S. objective has been to preserve the substance of the original treaty regime as closely as possible. This was true with respect to the elaboration of the MOU as well. Accordingly, the MOU works to preserve the original object and purpose of the Treaty. For example, it restricts the four successor states to only those rights held by the former Soviet Union by limiting them collectively to no more than 100 interceptors on 100 launchers at a single ABM deployment area and precluding the transfer of ABM systems and components to states that are not Party to the Treaty. Neither a simple recognition of Russia as the sole ABM successor (which would have ignored several former Soviet states with significant ABM interests) nor a simple recognition of all NIS states as full ABM successors would have preserved fully the original purpose and substance of the Treaty, as approved by the Senate in 1972.

Our willingness to work with key successor states, in addition to Russia, on strategic arms control issues has served, and will continue to serve, U.S. national security interests. Under the Lisbon Protocol to the START I Treaty, Belarus, Kazakhstan, Russia and Ukraine, the successor states on whose territory all strategic offensive arms of the former Soviet Union were based and all declared START-related facilities were located, assumed the rights and obligations of the former Soviet Union under the START I Treaty. The Protocol also obligated Belaraus, Kazakhstan, and Ukraine to adhere to the Treaty on the Nonproliferation of Nuclear Weapons. Both the Bush Administration and Clinton Administration engaged in major diplomatic initiatives to ensure implementation of the Lisbon Protocol, especially with respect to the removal of all nuclear warheads from Ukraine, Belarus, and Kazakhstan; the accession of these successor states to the Nonproliferation Treaty; and the entry into force of START I.

For certain key successor states to the former Soviet Union, ABM Treaty succession was, and remains, a priority issue. Ukraine, in particular, has made clear to us that it considers Ukraine's legal status under the ABM Treaty to be the same as under the INF Treaty (to which it is considered a Party) and that, in its view, its succession status with regard to both Treaties should be the same.

There are many complex factors in our strategic relationship with the former Soviet states. Had we been unwilling to engage with states in addition to Russia on key arms control agreements (START, INF and ABM), it is unlikely that we would have achieved the kind of comprehensive resolution of issues related to the disposition of strategic assets that has been achieved. A change in course at this time that would exclude key successor states from the ABM succession formula could place at risk continued progress on strategic arms and other nuclear matters.

Since the last review of the ABM Treaty in 1993 (required every five years by the terms of the Treaty, Belarus, Kazakhstan, Russia, and Ukraine—each of which have ABM Treaty-related assets on its territory—have been the only former Soviet republics that have participated in the ABM Treaty-related discussions held in the Standing Consultative Commission (SCC). While the other eight former Soviet republics have been informed of SCC sessions, none has participated, and three—Armenia, Azerbaijan, and Moldovia—have expressed their lack of interest in being considered as Parties to the Treaty. Indeed, it has become clear over the past four years of negotiations that, in addition to Russia, the former Soviet republics of Belarus, Kazakhstan, and Ukraine have substantial interest in the specific subject matter of the Treaty. For these reasons, prior to the signing of the MOU, the United States notified the other eight new independent states of our intentions to bring the succession issue to closure and to sign the MOU with Belarus, Kazakhstan, the Russian Federation, and Ukraine, recognizing that these four successor states along with the United States, constitute the Parties to the ABM Treaty.

Upon its entry into force, the MOU will confirm the four former Soviet states participating in the SCC as the successor states to the Soviet Union for purposes of the Treaty. This does not constitute a substantive modification of rights and obligations under the Treaty; rather, it is a recognition of the status of those former Soviet republics in light of dissolution of the USSR. As a practical matter, the recently signed SCC regulations make clear that the increased SCC participation will be structured in a way similar to, and having the same effect as, that which has been successful for the United States in working with Belarus, Kazakhstan, Russia and Ukraine in implementing the START and INF Treaties.

As to your question regarding the possibility that the Senate might fail to act upon or might reject the MOU on succession, we believe that the case for all the ABM-related agreements, including the MOU on succession, will prevail on its merits. We further believe that the package of agreements serves U.S. national security and foreign policy objectives. If, however, the Senate were to fail to act or to disagree and disapprove the agreements, succession arrangements will simply remain unsettled. The ABM Treaty itself would clearly remain in force.

We appreciate this opportunity to clarify the record in this area and look forward to future opportunities to communicate and consult with you on these matters.

Sincerely,

BILL CLINTON.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 3, 1998.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We appreciate your response of November 21, 1997, to Chairman Gulman's letter of June 16, 1997, regarding the proposed multilateralization of the Anti-Ballistic Missile (ABM) Treaty. We appreciate as well your making Administration lawyers available to meet with congressional staff on January 30, 1998, to elaborate on your November 21st response.

The most important legal question that arises in connection with multilateralization of the ABM Treaty is the first question posed in Chairman Gilman's letter: In the view of the Administration, what countries in addition to the United States are today parties to the ABM Treaty?

Your response to this question appears to be: Until an agreement on succession to the ABM Treaty comes into force, the identity of the other party or parties to the ABM Treaty is "unsettled." Indeed, when asked on January 30th whether Russia, Ukraine, Uzbekistan, or any other country that emerged from the Soviet Union is today prohibited by the ABM Treaty from deploying an ABM system at more than one site, Administration lawyers stated repeatedly that it is "unclear" whether any of these countries is so bound.

The Administration's response is profoundly disturbing. If it is unclear as a matter of law whether Russia or any other country that emerged from the Soviet Union is today bound by the ABM Treaty, then it also should be unclear whether the United States is so bound. Yet the Administration has insisted for years that the United States remains fully bound by the ABM Treaty.

With regard to ballistic missile defense, for example, the Administration has argued consistently that the United States should not test or deploy certain systems that could provide our nation highly effective protection against ballistic missile attack because such systems would violate our nation's obligations under the ABM Treaty. It now appears, however, that the Administration views the United States, at least for the time being, as the only country that is clearly subject to those obligations.

It is obvious to us, however, that under basic principles of international law a treaty requires more than one state party in order to give rise to binding legal obligations. If the Administration is unable to identify any country in addition to the United States that is today clearly bound by the ABM Treaty, then there is no country that the United States can look to today to uphold the obligations previously imposed on the Soviet Union by the Treaty, and no country that today is entitled to complain if the United States fails to uphold the Treaty.

If, in fact, the Administration does not consider the United States to be the only country that is today clearly bound by the ABM Treaty, we would appreciate your identifying for us the other country (or countries) that is today party to—and bound by—the Treaty. In the absence of such clarification, we will have no choice but to conclude that the ABM Treaty has lapsed until such time as the Senate approves a succession agreement reviving the Treaty.

Thank you for your attention to this inquiry.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Chairman, Committee on International Relations.

JESSE HELMS,
Chairman, Committee on Foreign Relations.

THE WHITE HOUSE,
Washington, May 21, 1998.

Hon. BENJAMIN GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the Anti-Ballistic Missile (ABM) Treaty succession arrangements. As I said in my letter of November 21, 1997, the Administration will provide to the Senate for its advice and consent the Memorandum of Understanding (MOU) on ABM Treaty succession, which was signed on September 26, 1997. Moreover, the MOU will settle ABM Treaty succession. Upon its entry into force, the MOU will confirm Belarus, Kazakhstan, Russia, and Ukraine as the successor states to the Soviet Union for purposes of the Treaty and make clear that only these four states, along with the United States, are the ABM Treaty Parties.

In your letter of March 3, you state that if the Administration is unable to identify any country in addition to the United States that is clearly bound by the Treaty, then you would have no choice but to conclude that the Treaty has lapsed until such time as the Senate approves a succession agreement reviving the Treaty.

Following the dissolution of the Soviet Union, ten of the twelve states of the former Soviet Union initially asserted a right in a Commonwealth of Independent States resolution, signed on October 9, 1992, in Bishkek, to assume obligations as successor states to the Soviet Union for purposes of the Treaty. Only four of these states have subsequently participated in the work of the Standing Consultative Commission (SCC), and none of the other six has reacted negatively when we informed each of them that, pursuant to the MOU, it will not be recognized as an ABM successor state. A principal advantage of the Senate's approving the MOU is that the MOU's entry into force will effectively dispose of any such claim by any of the other six states.

In contrast, Belarus, Kazakhstan and Ukraine each has ABM Treaty-related assets on its territory; each has participated in the work of the SCC; and each has affirmed its desire to succeed to the obligations of the former Soviet Union under the Treaty.

Thus, a strong case can be made that, even without the MOU, these three states are Parties to the Treaty.

Finally, the United States and Russia clearly are Parties to the Treaty. Each has reaffirmed its intention to be bound by the Treaty; each has actively participated in every phase of the implementation of the Treaty, including the work of the SCC; and each has on its territory extensive ABM Treaty-related facilities.

Thus, there is no question that the ABM Treaty has continued in force and will continue in force even if the MOU is not ratified. However, the entry into force of the MOU remains essential. As I pointed out in my letter of November 21, the United States has a clear interest both in confirming that these states (and only these states) are bound by the obligations of the Treaty, and in resolving definitively the issues about ABM Treaty succession that are dealt with in the MOU. Without the MOU, ambiguity will remain about the extent to which states other than Russia are Parties, and about the way in which ABM Treaty obligations apply to the successors to the Soviet Union. Equally important, maintaining the viability of the ABM Treaty is key to further reductions in strategic offensive forces under START II and START III.

I appreciate this further opportunity to clarify the record in this area.

Sincerely,

BILL CLINTON.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. McINTOSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH) will be postponed.

AMENDMENT NO. 49 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. KUCINICH:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for the filing of a complaint, or any motion seeking declaratory or injunctive relief pursuant thereto, in any legal action brought under section 102(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3312(b)(2)) or section 102(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3512(b)(2)).

Mr. KUCINICH. Mr. Chairman, imagine that your hometown or state passes a law that promotes restitution for Holocaust victims whose gold was pulled from their mouths, melted down, and then deposited in Swiss accounts by Nazis. And imagine that the World Trade Organization, an international tribunal of unelected trade bureaucrats, decides in Geneva that the law is inconsistent with international trade and investment agreements.

Then the mayor and town legislature are hauled into federal court by the administration of the United States Government.

□ 2215

According to the GATT and NAFTA implementing legislation, the administration can sue to preempt the law and enforce the WTO decree, a power that was formerly reserved only for the United States Congress. The amendment that I offer this evening would deny funds for a Federal legal challenge against our State and local governments.

I offer this amendment because Congress gave too much power to the administration by permitting it to preempt the laws of local and State governments on the grounds that they are inconsistent with international trade and investment agreements. That is the function of Congress. My amendment would effectively restore the separation of powers that has existed until 1993. It would protect important and valuable State and local laws.

The administration has already stated its opposition to New York City's Holocaust victims compensation law. Unless we pass this amendment, the administration will be able to sue New York City and any other jurisdiction that dares to adopt such legislation. At risk, too, are the Burma selective purchase laws that 22 cities and four States around the country have enacted or are considering. Those are laws like the ones passed by Massachusetts, New York City and Portland, Oregon that limit municipal tax dollars from going to the military regime in Burma through companies that do business in Burma. Nearly every State in the Nation has laws that are at risk if we do not pass this amendment tonight.

Besides giving a club to the administration, the GATT and NAFTA implementing legislation has sent a chilling effect over local lawmaking. Earlier this year the State of Maryland considered passing a selective purchase law to promote human rights and to correct environmental abuses in Nigeria. The Federal Government showed up in Annapolis to warn lawmakers that the

Maryland law would be GATT illegal. The threat of a Federal lawsuit backed up the State Department official's warning. In the face of such pressure, Maryland backed down.

Not long ago, a repressive racist regime ran South Africa with an iron fist. Our cities and States responded with selective purchase and divestment laws. As Randall Robinson, President of TransAfrica said, "Had we been bound by such trade rules as these during our struggle to free South Africa, Nelson Mandela might still be imprisoned."

Mr. Chairman, some opponents of this amendment have claimed that State laws such as New York City's contemplated Holocaust victims compensation law are unconstitutional. That is not true. We agree with the conclusion of Ronald Reagan's Justice Department that State and local governments have the constitutional authority to determine with whom they do business. That opinion is founded firmly on Supreme Court decisions.

Some opponents have said the administration is not required to sue State and local governments on the basis of any WTO decision, so this amendment is not necessary. That is not true. Consider the GATT panel order in the case commonly known as Beer II. There the GATT panel wrote that the States had to comply with GATT decisions and the Federal Government was required to force compliance. The GATT panel said, "GATT law is part of Federal law in the United States and as such is superior to GATT-inconsistent State law."

Now, Mr. Chairman, this amendment, the Kucinich/Sanders/Ros-Lehtinen/DeFazio/Stearns amendment has received widespread support from a representative coalition of civic organizations: B'nai B'rith, Sierra Club, American Cause, the U.S. Business and Industry Council, Public Citizen, American Jewish Congress, Free Burma Coalition, TransAfrica, Simon Wiesenthal Center, Africa Fund, American Lands Alliance, Ralph Nader, Randall Robinson, Pat Buchanan and Bay Buchanan, Citizens Trades Campaign, the Preamble Center, Co-op America, the PEN American Center, the Front Range Fair Trade Coalition of Colorado, Alliance for Democracy, Open Society Institute's Burma Project, Citizens for Participation in Political Action, Seattle Burma Round Table, and the list goes on.

Why have all these groups endorsed the amendment? Because all the citizen groups from the entire political spectrum share a common need for access to a meaningful democratic process. The GATT/NAFTA implementing legislation closed access to the democratic process.

Support our amendment. Support your hometown's constitutional right to legislate on important matters. Support Holocaust victim compensation law. Vote "yes" on Kucinich/Sanders/Ros-Lehtinen/DeFazio/ Stearns.

Mr. CRANE. Mr. Chairman, I rise in opposition to the Kucinich amendment.

Mr. Chairman, this amendment would prohibit the use of any of the funds appropriated by this bill to challenge a State law on the grounds that it is inconsistent with NAFTA or the Uruguay Round Agreements.

Let there be no mistake. This is an anti-trade, anti-export amendment that would have the effect of encouraging States to enact discriminatory statutes in violation of international trade agreements. By denying the Federal Government the constitutional authority to regulate foreign commerce, the amendment would invite trade retaliation against U.S. exports.

In granting Congress the authority "to regulate commerce with foreign nations," Article I, section 8 of the Constitution recognizes the need for uniformity among the States in the conduct of international trade. As Daniel Webster stated, "The prevailing motive was to regulate commerce; to rescue it from the embarrassing and destructive consequences resulting from legislation of so many States, and to place it under the protection of a uniform law." In cases where there is a conflict between an act of Congress that regulates commerce and local or State legislation, Federal law enjoys supremacy.

In order to encourage uniformity among the States, Congress wrote the laws implementing NAFTA and the Uruguay Round Agreements to state plainly that it is the exclusive right of the Federal Government to challenge State laws on the grounds that they violate international trade obligations.

One thing should be made clear in this debate. The authority to bring legal action against the States has never been used during the 50 years that the GATT global trading system has been in effect.

I want to remind my colleagues that Congress established elaborate consultation procedures to protect the interests of States in these matters, and to ensure that representatives of States play a formal role in any international dispute settlement proceeding that concerns their laws and practices.

For those who raise concerns about U.S. sovereignty, I emphasize that the statutes implementing NAFTA and the Uruguay Round Agreements also state that panel reports under the World Trade Organization dispute settlement mechanism or under NAFTA are not binding as a matter of U.S. law and cannot form the basis for bringing suit in U.S. courts. In fact, the Uruguay Round Agreements Act specifically precludes Federal courts from giving WTO panel reports any deference. Thus, in the regulation of foreign commerce, Federal law is the "law of the land," and neither WTO dispute settlement panels, nor the WTO itself, has any power to compel any change in U.S. law or regulation. It is up to the United States government to decide how it will respond, if at all, to WTO and NAFTA panel reports.

Yesterday we considered a resolution calling on the European Union to bring measures that restrict the exports of U.S. beef and bananas into compliance with WTO obligations. The adoption of the Kucinich amendment would directly undermine these efforts to get the EU to come into compliance with its WTO obligations.

This is a flawed amendment put forward by those who desire to build walls of protection around the United States, while sacrificing the benefits of a functioning international trading system for our workers and businesses.

I urge a "no" vote on the amendment offered by the gentleman from Ohio.

Mr. BONIOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise and urge my colleagues to support the amendment from the distinguished gentleman from Ohio (Mr. KUCINICH). No trade agreement should undermine the values that we have fought so hard for in this country, strong environmental laws, strong health and safety laws, support for human rights. All of these issues have been fought at the State and at the local level through debate, through struggle over the years, and no international organization ought to be able to come in and just shut that off without having folks be able to participate.

Now, some of these agreements are being used to strip away these very important local and State laws that I just mentioned and that the gentleman from Ohio so eloquently illustrated.

What is worse is that the State and the local governments, which are not even at the table when these trade deals are negotiated, are the targets of these efforts. We see threats being made against local sanctions laws, environmental laws, consumer protection laws and Buy American laws, and in States and communities across the country, local initiatives to sanction the regimes in Burma and Nigeria are being undermined. I think it is important to remember that in the 1980s these same local efforts contributed greatly to the ending of apartheid in South Africa and the eventual freeing of Nelson Mandela. We will lose that economic leverage by letting trade deals deny communities their voice on human rights and democracy.

Ultimately we must make sure that our trade agreements do not undermine the ability of our States and communities to protect consumers, to support workers and to protect human rights. But today at the very least, we can protect the rights of States and communities and afford them the due process that we advocate when we come to this floor every day.

Mr. Chairman, I urge my colleagues to vote for the Kucinich amendment. It is an important amendment. If you value what your local officials and your State officials do, if you value devolution which we talk about on this floor often, if you value local control, if you value what is important at the heart of democracy, the local level, please vote for this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words. I am proud to be a cosponsor of this amendment and I congratulate the gentleman from Ohio (Mr. KUCINICH) for his leadership and his hard work on garnering bipartisan support on this very critical and important item.

The message that this amendment serves to underscore is that diplomacy does not mean surrender. In our eagerness to expand and grow through increased global trade, we must be careful about the concessions that we make. We must be careful not to sacrifice U.S. sovereignty. We must be careful not to sacrifice domestic interest and our American principles in exchange for foreign commitments that are ephemeral at best. We must not allow foreign entities and international tribunals the authority to challenge and to rival the U.S. constitutional framework by doing away with local, State and tribal laws, nor must we allow them to rule on what constitutes American domestic and national security interests. Unfortunately, this is precisely what the World Trade Organization is doing.

Through the various agreements under the jurisdiction of the WTO, no less than seven principles that create the constitutional foundation for the role of States as laboratories of democracies, as former Supreme Court Justice Brandeis once said, are in jeopardy. Several doctrines which the Supreme Court has recognized governing the stewardship of property and natural resources are directly affected. Even free speech in the form of consumer choice campaigns is being threatened as eco-labels, nutrition labels and disclosure of child labor are open to challenges under WTO mandates of uniformity. The WTO threatens such laws as the Burma selective purchase laws which limit municipal tax dollars from going to the military regime in Burma through companies that do business in Burma. It undermines and challenges the use of sanctions at all levels of our government.

According to the Georgetown University Law Center, this also has a profound implication for the future of hundreds of treaties that have yet to develop meaningful enforcement tools.

□ 2230

At immediate risk are the sanctions laws the City of New York and the States of California and New Jersey are considering against Swiss banks that have held assets stolen by the Nazis from Holocaust victims many years ago. Switzerland has already given public notice of its intent to get a ruling from the WTO. The WTO expects us to forget the price that these Holocaust victims have paid, forget fairness and justice, ignore that the Swiss are protecting the rights of the barbaric and brutal Nazi criminals and denying the rights of Holocaust victims.

Is this what we want to defend? Are principles and beliefs that are the rubric of American society to be held hostage by the WTO? The answer, of course, must be a resounding no.

This amendment insures that the ultimate fate of subnational policies and laws are decided by the American political system and not by foreign bureaucrats.

Do not be fooled by opponents of this amendment. The Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment does not preclude constitutional challenges to State and local laws. It does, however, prevent the use of taxpayer funds for legal actions which are essentially carrying out the WTO rules.

For these and numerous others, Mr. Chairman, we must support this amendment. I ask my colleagues to render their support and vote in favor of the Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment.

Mr. Chairman, I move to strike the requisite number of words.

Mr. ROGERS. Mr. Chairman, I know there are a number of speakers on this important matter on both sides.

In the interests of time, Mr. Chairman, I wonder if we could talk about the possibility of capping the debate at, say, 20 minutes, 10 for each side, or some other figure. I am trying to find something that we can agree upon to somewhat cut off debate at some reasonable hour.

If 20 minutes is too little, perhaps the sponsor would have a better idea?

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I would just suggest that Members have been waiting here for many hours. This is an issue of enormous consequence. There are a lot of speakers who would like to speak.

So I do appreciate, I think we appreciate, the gentleman's wanting to move this long, but a lot of people have waited a long time to give their thoughts on this issue.

Mr. ROGERS. Could we agree on, say, a 30-minute total with 15 minutes per side?

Mr. SANDERS. No, Mr. Chairman, I am sorry. I really would like to, but we have too many people who have waited a long time.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment which brings progressives and conservatives together and a lot of people in between, and let me briefly state what this amendment is not about.

This amendment does not deal with our absurd trade policy which is currently running up a $200 billion deficit, it is costing us millions of jobs and is lowering the standard of American workers. This amendment does not deal with that.

But what this amendment does deal with, which is equally important, is the issue of democracy and national sovereignty and the right of the American people through their local and State elected bodies to make legislation which is in their own best interests.

The Members of Congress who are cosponsoring this legislation, progressives and conservatives, disagree on a lot of things, but what we do not disagree about is that the American people in their cities and their towns and their States have the right to make decisions which affect their own best interests and have the right not to be overridden by a secretive trade organization in Geneva, the World Trade Organization.

Mr. Chairman, for many of us trade is important. We agree trade is important. But it is not more important than human rights or social justice, and it is not more important than the freedom of the American people to exercise their constitutional right to speak out for justice or to protect the environment or to protect the food that we eat or the quality of agriculture in our areas.

Let me give my colleagues a few examples of why this amendment is important:

Recently in Annapolis, Maryland, the legislature in Maryland was discussing a serious way to deal with the military dictatorship in Nigeria, and they had a guest at their hearings, and that guest was from the State Department who told them that he thought it would not be in their best interests or even legal for them to go forward under GATT law to protest and develop legislation in opposition to the military dictatorship in Nigeria.

What is terribly important to understand is that in the 1960s and in the 1970s communities from all over this country came together to speak out against apartheid, and let me quote from what Martin Luther King, Jr., said in 1965 about what was going on in South Africa and how we could oppose it. This is what he said, and I quote:

> We are in an era in which the issue of human rights is the essential question confronting all nations. With respect to South Africa our protest is so muted and peripheral while our trade and investments substantially stimulate their economy to greater heights. We pat South Africa on the wrist, we give them massive support through

> American investment in motor and rubber industries. Now is the chance for millions of people to personally give expression to their abhorrence of the world's worst racism. We therefore ask all men of goodwill to take action against apartheid in the following manner. Listen up. Urge your government to support economic sanctions. Don't trade or invest in South Africa until an effective international quarantine of apartheid is established.

The fact of the matter is, if apartheid existed in a country today, or if another Hitler came to power, it would be impossible for the State of Vermont or the State of California to develop economic sanctions to say that companies that invest in those countries could not do business with the State government of Vermont or California or Massachusetts. That seems to me absolutely absurd.

Let me quote from a dear colleague that was sent out by my good friends, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Indiana (Mr. HAMILTON) and they say in opposition to this amendment, quote:

"Multinational companies are being forced to make costly choices between giving up lucrative contracts with government agencies or foregoing business in some of the world's most promising markets."

Yes, that is exactly what we want. If colleagues want to do business with apartheid, if they want to do business with a military dictatorship, then the people of Vermont and the people of California and cities and towns all over this country do have a right to say to those companies:

"You have to make a choice because we believe that human rights is more important."

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of free trade and against the ad hoc proliferation of State and local trade sanctions being imposed throughout the United States, and I strongly oppose the Kucinich-Sanders amendment, which is designed to protect such sanctions from Federal challenge and would in effect promote free-lance foreign policy making at the State and local level.

I thought that is what we got elected to do, was that the Congress and the President make foreign policy. But apparently, because of this amendment, it means that my home city of Findlay, Ohio, and the city council therein could have a foreign policy. I thought we settled that many, many years ago in this country. Denying contracts to American firms with business commitments in Tibet, Burma or Nigeria may be at first glance on the cutting edge of political correctness, but the real and immediate effect is to punish local businesses who have no control over events in foreign countries.

I would say to my friend from Vermont (Mr. SANDERS) that those companies who are trying to find markets overseas who employ his constituents and my constituents are much more concerned with not only making a profit but employing people than they are having the City of Montpelier, Vermont, or Findlay, Ohio, making foreign policy, and I would say to my friend, and I may have time to yield at the end, and I will be glad to do so if I have, but that is really the issue here, whether in fact the Congress of the United States and the President of the United States have the ability to make foreign policy or we are going to let 50 States and Lord knows how many communities throughout this country make foreign policy. The imposition of State and local sanctions has become almost a fad which will do more harm than good no matter how well-intentioned.

Let me read an editorial in the San Francisco Examiner, and the language suggests that, quote, at the city's current rate of sanctioning it would soon be able to do business only with companies who limited their international work to Monaco and Iceland, end quote.

So the San Francisco Examiner, not exactly a conservative newspaper, I think really hit the nail on the head. State and local sanctions are protectionist, they are anti-trade and may even be unconstitutional. As a matter of fact, I would submit they are unconstitutional. These laws are not always applied consistently and often send mixed signals of the U.S. intent.

Think for a moment. Sanctions could be potentially imposed by 50 States and thousands of municipalities. This could raise serious questions among our trading partners as to the stability and predictability of U.S. business relations. American values and business practices are best advanced through engagement, not by isolating us or angering allies through the threatened use of secondary boycotts. Furthermore, when faced with a mandatory choice businesses may abandon the local government market in favor of the global market which only harms local distributors of the boycotted companies.

The plain facts are that State and local sanctions undermine the unity of U.S. foreign policy and make the U.S. less credible and effective in economic negotiations. That is why the Clinton State Department opposes this amendment. That is why the U.S. Trade Representative also opposes this amendment. State and local sanctions are counterproductive, ineffective and frustrate cooperation with U.S. trading partners who frequently view them as a violation of U.S. international commitments.

Now, Mr. Chairman, in closing let me quote from our distinguished U.S. Trade Representative, Charlene Barshefsky, who has done a superb job in her tenure at USTR. She says about the Kucinich, et al. amendment:

> This amendment is unnecessary and ill advised. The amendment appears to be founded on a faulty premise. Global trade rules have been in effect now for over 50 years. Despite scores of panel reports over the past decades, the Federal Government has never, has never brought suit or even threatened suit to enforce a panel report against a State or local government.

She closes with this paragraph:

> Over the past 5 years fully one-third of U.S. economic growth has been tied to our dynamic export sector. American workers and companies depend on open markets around the world. Congress and the administration have worked very hard over many decades to put trade rules in place that open those markets and to keep them open through effective dispute settlement procedures. The United States is by far the most frequent user of international dispute settlement mechanisms. They have benefitted U.S. workers and industries across a wide range of sectors and were put in place at U.S. insistence with our sovereignty concerns fully in mind. No change in U.S. law is needed to ensure that this remains the case.

Signed Charlene Barshefsky, U.S. Trade Representative.

That really says it all, and this really comes down to the question of whether the Congress of the United States in our responsibilities to help create foreign policy and trade policy as well as the administration is going to be trumped by some city council somewhere out in the Midwest that I would submit does not have nearly the amount of information available that we do.

Mr. ROGERS. Mr. Chairman, in the interest of trying to preserve time and preserve everyone's right to speak I think we have general agreement on limiting time.

I would like to, with that in mind, propose a unanimous consent that all debate on the amendment be completed after 30 minutes equally divided between the two sides, the gentleman from Ohio controlling his side, the gentleman from Arizona, on the committee, controlling the other side.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman, would the gentleman from Kentucky please restate?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the proposal is that the debate be concluded in 30 minutes, divided 15 a side, the gentleman from Ohio controlling his side, the gentleman from Arizona controlling this side.

Mr. MOLLOHAN. Mr. Chairman, I withdraw my reservation of objection.

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The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) is recognized for 15 minutes.

Mr. KUCINICH. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we have been told by the other side that it is absolutely unnecessary to have this amendment because the United States Government has never used the power of the courts to preempt State and local laws, and it will never do that.

Well, if that is the case, then why do they not just accept the amendment? This only limits the expenditure of funds for the Federal Government to take local and State governments to court when their laws are found to be inconsistent with NAFTA and GATT, international trade agreements, not the Constitution of the United States.

Of course the Federal Government can sue if it violates the Constitution of the United States, but only in the case where their local laws, their local preference, violates the terms of an international trade agreement, which will be decided by secret tribunals overseas. If that is what is before us, they should then accept the amendment.

Further, we have the statement in 1986 of the Justice Department under President Ronald Reagan concluding that State and local laws and anti-apartheid laws were constitutional under the market participation doctrine. They go on to say, the Supreme Court has distinguished, quite properly, between the exercise of proprietary powers and regulatory powers. The Court has shielded proprietary actions from the strictures of the Commerce Clause. State divestment statutes represent, we believe, an exercise of proprietary power.

That goes to the arguments of the gentleman earlier. These are constitutional. This is what our country is all about, it is what it is founded on. Our local and State jurisdictions should be able to express their values in expending the dollars of their taxpayers. That is what this is about.

The largest city in my State, Portland, has imposed restrictions on purchases regarding Burma because of the drug smuggling from Burma, because of the oppression in Burma, because of the fact that they had an election which was won by an 80 percent margin and they refused to recognize it. They are saying something must be done.

We have a bunch of people in the White House, and apparently even here, unwilling to take stern action against Burma, but at least a few cities will stand up for the rights of those people. And that is the way it should be. We should not be threatening them because they are saying you are violating the WTO. You know, those butchers running Myanmar are in fact compliant with WTO, and you cannot do that to them. They are compliant.

That is absurd. What we need to do here tonight is adopt this amendment and just say in one case and one case only the Federal Government cannot spend these funds. But if it is unconstitutional, fine, they can go to court. But if it is to take a local jurisdiction to court merely because the bureaucrats at the WTO or the bureaucrats who are making the decisions in NAFTA, or Charlene Barshefsky, a former foreign agent, now our Trade Representative, says so, that is not the way this country should be run.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. MANZULLO), who has been a strong advocate of expanded trade opportunities.

Mr. MANZULLO. Mr. Chairman, can you imagine State and local governments saying we really do not like these international postal agreements, so we are going to enact a community postal agreement, or perhaps a statewide one; or we think there is an infringement on our sovereignty with the international air space agreements because those airplanes fly over our State, and therefore we think that State and local governments should have the right to enact their own type of agreements dealing with these subjects?

Well, we are not under the Articles of Confederation, we are under the United States Constitution, and it was the Constitution that specifically gave exclusive power to the United States Government, the national government, to deal with issues of foreign policy and especially international trade.

What we have going on in this country, for example, Berkeley City Council added two more oil companies to its boycott list. The council will no longer buy gas from Shell and Chevron because it does business in Nigeria. Since Berkeley has already banned ARCO, Unocal, Mobil and Texaco for doing business in Burma and considered Exxon stained by the Valdez spill, the town is running out of options.

So the issue is not WTO, but simply does the Federal Government or the State and local governments have jurisdiction over international trade policy? We cannot have an international trade policy promulgated by this Congress and then be preempted by 50 States and hundreds of local communities. It simply would not make sense. That is the issue here.

One of the reasons our Founding Fathers moved to adopt the U.S. Constitution in 1779 was that even the States among themselves had their own tariffs and their own foreign policies.

So I would urge Members this evening to vote against this amendment and to say, look, if we want to have a focused international policy, Congress is the place where the issue of Burma should be debated, and it is; Congress is the place where the issue of Nazi gold should be debated, and it is, in the Committee on International Relations, and the sanctions were requested here in this body. All these issues deal with the United States Congress and the authority that we have here. We cannot be preempted by 50 states going their own way.

Mr. KUCINICH. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would say to the gentleman from Illinois (Mr. MANZULLO) and also the gentleman from Ohio (Mr. OXLEY), I do not think they have read the amendment. When they quote Madam Barshefsky, in which she said no panel proceedings have ever been brought against any State or municipal law or regulation, well, perfect, that is what we are talking about.

That is what this amendment is. It is just saying that no State or local laws will be challenged by the Federal Government, just what she said. It fits in perfectly with our amendment, which states basically that you cannot use Federal funds to challenge State and local governments.

So, I do not know, they are talking about the Constitution, they are talking about all these mishmash laws all around our 50 States. They obviously have not read the amendment. We are agreeing with Madam Barshefsky, who basically said that no Federal funds will go towards such challenges. So our amendment matches basically what the traditional recognition is by Barshefsky and everybody else. All we are saying is let us codify it today.

A lot of people say, well, you know, what are we talking about? The States and local communities are not being impacted. No? In my State of Florida, Venezuela brought legal action against Florida under the auspices of the WTO for Florida's oil refinery standards. Now, Florida maintains a very clean air standard to reduce pollution, but Venezuela challenged that standard because the oil produced in Venezuela could not meet the Florida standard. Venezuela was successful, and Florida is now forced to reduce their environmental standards to accommodate the WTO decision.

Do you think that is right? Some of the other things that have been mentioned, the Helms-Burton Act which enacted trade sanctions against Cuba was challenged by the European Community at the World Trade Organization.

Switzerland has indicated that they will bring an action to the WTO against New York City, California and New Jersey for their sanction laws against Swiss banks that held assets stolen by Nazi Germany from the Holocaust victims for over 40 years. Buy-American provisions in numerous States and localities.

The question before us tonight is how can international agreements go in, overturning laws passed by States and localities that have not been ratified by anybody other than the World Trade Organizations? I certainly would not necessarily endorse every law passed by the City of Berkeley, California, or San Francisco, but are not the laws these localities pass the essence of democracy? And as long as States and localities do not violate the U.S. Constitution, their local laws should be defended by the Federal Government and not challenged and thrown out by the World Trade Organization.

So the bottom line is, Mr. Chairman, this is a very simple amendment, and it is a perfect amendment that matches with Ambassador Barshefsky, that no government will file against State and local governments, and no Federal funds can be used.

So I urge my colleagues to support this amendment and let us move forward.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is an interesting debate. I was over in my office listening to it and decided I should come over and just add my voice. I think it is probably a little confusing to people listening because we are talking about the Constitution and talking about all these trade agreements.

Basically this is just a back-door attempt at protectionism. My good friend from Ohio, from Cleveland, has heavy machinery in his district he wants to export, he has high-tech goods, he has chemicals. My friend from Florida who just spoke has orange juice he wants to send over to the Europeans, the best orange juice in the world. We want those markets to be open.

If we were to pass this amendment tonight, and if we were to take this road in trade which says basically, as my friend just said, that Berkeley, California, can decide whether oranges are going to go from Florida to the European countries, we will in fact have the kind of protectionism and break down the kind of standards that we have set up under the World Trade Organization and under the GATT.

Why? Because what the Europeans will do who are being discriminated against by the policies of Berkeley California, or any other city, is they will retaliate against the United States, and they have every right to do it under these trade agreements. They would not have the right to do it so long as the U.S. follows the rules. But if we do not follow the rules and we allow our cities and States to discriminate against their products, then they can turn around and discriminate against our products, and that is the whole point of these agreements.

If you do not like the NAFTA agreement, which was passed by this Congress when it was under Democratic control, when there was a Democrat in the White House, then let us talk about NAFTA. If you do not like the WTO, which was passed when President Clinton was in office and when the Democrats controlled this Chamber, then let us talk about WTO.

But we have set these things in place so that there is in fact a trade regime, that if a European country discriminates against a product from Cleveland, Ohio, or Cincinnati, Ohio, or Florida, then yes, we as the United States Government can retaliate against that European country.

That is what we are trying to do now with regard to beef hormones, with regard to bananas. We sat here on the floor yesterday and all of us voted for this great resolution to beat up on the Europeans because they have protectionist policies in place, and we insisted that USTR make the Europeans fully comply with the WTO decisions which helped the United States.

Yet we stand here tonight and say that is not going to apply to us. We should let our cities and our States and our counties decide what our trade policy is, and then in turn we are going to allow the Europeans to cut off products that are coming from all over this country.

Let me give you one example of what could happen if we allow this thing to go through. You could have one city, Cleveland, Ohio, my city of Cincinnati, or Berkeley, California, as I said earlier, put in a place a policy that provides discrimination against some product from some company that happens to be European based. The Europeans could then discriminate against a product that does not affect just Berkley, California, or Cleveland, Ohio, or Cincinnati, Ohio, but affects this entire country and affects jobs here in the United States.

One-third of the growth of this wonderful economic situation we find ourselves in today is due to exports. If you want to pull up the ladder, fine, let us talk about that. But let us not go around this backdoor way and say we are not going to have a national trade policy, we are going to have a city trade policy or a county trade policy or a State trade policy, which in turn will allow our trading partners who have agreed to the WTO, who have agreed to NAFTA, to in turn discriminate against our products and hurt all Americans.

So I strongly urge a "no" vote on this. I think we should have more honest discussion about it.

Mr. KUCINICH. Mr. Chairman, I yield three minutes to the gentleman from Illinois (Mr. DAVIS).

□ 2300

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Kucinich amendment. I ask my colleagues, what with the intimidation of the WTO rules and upcoming Federal lawsuits, what State or local governments will be able to use procurement as instruments for influencing public policy?

If the State and local governments had been bound by such trade rules when many of us joined with the people of South Africa in their struggle for freedom, Nelson Mandela might still be in jail. We would not have been able to use local sanctions as weapons against apartheid in South Africa.

I believe one of the reasons this country remains free is the ability for local people to have initiatives, started at the bottom, implemented by ordinary people, and represented by local officials who oftentimes are closest to them.

Mr. Chairman, when I was a member of the Chicago City Council, alderman of the 29th Ward, I fought for selective contracting policies. I fought for them because the people I represented firmly believed that their local government and businesses should not be doing business with the apartheid regime in South Africa.

In the mid-1980s, the city of Chicago passed a selective contracting policy, along with 50 other cities, five other States, and 14 counties that passed similar ordinances. I, as a local elected official, stood with my constituents, who were courageous enough to organize against the injustices in South Africa. This city ordnance was passed as a monument to the personal undertaking and fearless conviction that the people in my community have.

I hope not to see the day when the Federal Government can overturn this kind of conviction. This was our way, the people's way of supporting the struggle that was led by the people at the bottom, at the very local level of being.

Why is it that every time there is conflict between the people and major corporations, that somehow or another the people get shut out, left at the bottom? There is no fear in a policy like this. All that it really says is let the people decide. That is the democratic way. That is the American way. That is why I support the Kucinich amendment.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think it would be helpful to bring this debate down to

Earth. The fact of it is, no Nation on the face of this Earth uses the WTO dispute resolutions more than the United States does. No Nation wins more battles before the WTO than the United States does. We cannot have it both ways. We cannot have a case where, if we win with the WTO, we say, enforce the agreement; if someone else wins from another country, we say, trash it. Forget about it. It means nothing. Certainly we do not want it to mean anything in any jurisdiction that any of us have anything to do with.

The fact of it is, this debate has already taken place on this floor. It took place when we did the Uruguay Round some few years ago. That established, as if it was not already well-established, that Federal and international law already assures that neither the WTO dispute panels nor the WTO itself have any capacity to compel THE U.S., our U.S. government, to change its laws or change the regulations.

More specifically, only the United States can decide how it will respond, if it does at all, to panel reports. Only the U.S. Congress can change U.S. laws. Trade panel reports are not binding as a matter of U.S. law, and cannot form the basis for bringing suit in U.S. courts. If a suit is brought in U.S. courts, it will not because of a trade panel dispute resolution matter, it will be because the court otherwise has jurisdiction.

Every executive agency, including the office of USTR, is charged with upholding U.S. laws and defending them against challenges. The fears about the Federal Government seeking to sue State governments to comply with international dispute panels is to me totally without merit.

The Kucinich amendment is unnecessary. I think it creates an issue where there is none. I urge my colleagues to oppose it.

Mr. KUCINICH. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Chairman, I thank the gentleman for yielding me the time.

I just want to congratulate the gentleman from Ohio (Mr. KUCINICH) on this amendment. I think that the debate tonight is really getting off target. There has been talk about our States wanting to get more power in foreign affairs. That is how this debate has been steered. That is not what this is about. It is not about our States wanting foreign powers, this is about foreign powers wanting to take away our States' rights.

It has been said tonight also, in the agreement we cannot find where in fact this interferes with our States' rights or our States' laws. That is not true, because when the WTO rules against our States and local laws, the Federal Government is obligated to pursue every measure, including bringing a legal challenge in Federal court to compel our local governments to repeal that law. That is the use of force to change our laws. This amendment simply prohibits any taxpayers' dollars to be used by the Federal Government in the legal battles against State and local laws.

It was also mentioned when we have the ability to go to WTO, we do it. Ask the steel workers recently about Hamboo in Korea. They had to beg this government to try to do something, with thousands of signatures. We do not win when it comes to this issue for the working people. We only win if an amendment like this is passed.

This amendment sends a message that the American people do not want to transfer power and responsibility from their elected representatives to unelected trade bureaucrats at the WTO in Geneva. Why do Members think fast track went down in this Chamber? Because the American people are sick and tired of giving up our States' rights. Our veterans did not go and fight and die so unelected bureaucrats decide for us in some foreign agreement what our laws are going to be in this country.

It is time to wake up. I am deeply disturbed by the power these international trade organizations have acquired to change our laws. In order to protect American jobs, we need an amendment like this. This is simply fair to American workers, and it is fair to our States' rights. I urge support of the Kucinich amendment.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. THOMAS), a member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Chairman, would all of the Members for just a minute return with me to 1770? This is not the District of Columbia, it belongs to the State of Maryland. We operate under the Articles of Confederation, and a ship that moves along the Potomac stops in Maryland and has a set of rules. It crosses the river, and it has an entirely different set of rules, because the States set the rules.

The gentleman who spoke earlier said, let the people decide. Excuse me? They did, in 1789. They said, "We, the people of the United States, in order to form a more perfect union." We all agreed to form a more perfect union. Part of those rules are, in Article I, Section 8, "The Congress shall have the power to regulate commerce with foreign nations and among the several States."

When we deal with foreign nations in Article II, it is done by treaties. It says, "The President shall have power, by and with the advice and consent of the Senate, to make treaties." We are dealing with an international organization which the United States relates to through treaty. The WTO cannot make the United States do anything the United States, or a subunit, does not want to do.

Let us look at the tenth amendment: "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved respectively to the people." Foreign relations by treaty, the people of the United States said belong to the Nation.

These Members are talking about returning to the Articles of Confederation, and I cannot believe the gentleman from Vermont quoted a number of States, including the author of this amendment, that had people fight and die to preserve this Union.

Take a look at the Constitution, I say to the Members, if they have not looked at it recently. What they are advocating is the failure to honor the specific language of Article I, Article II, and the tenth amendment. The preamble is not binding, but it starts out, "We, the people." The decision was made a long time ago. This is an absolutely ridiculous amendment.

Mr. KUCINICH. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, on June 16 this House passed a bill to present a Congressional Gold Medal to Nelson Mandela. The long story, to bring us to a point where this body would vote a Congressional Gold Medal to Nelson Mandela, began with Massachusetts University's cutting off their investment in South Africa; with the State of Massachusetts passing a State law prohibiting any contacts with the State of South Africa.

□ 2310

And slowly but surely the international community heard that message, and slowly but surely the international community tightened the reins around South Africa so that Nelson Mandela could become the elected president of that country. It began, though, in Massachusetts.

Another great individual, another winner of the Nobel Peace Prize languished for 5 years under House arrest in Burma, Aung San Suu Kyi, leader of the Burmese people's democracy movement, placed under arrest because she had the temerity to win 82 percent of the vote in a democratic election. The State of Massachusetts has passed a law saying that we do not want to have business relationships with the country of Burma.

Recently, Aung San Suu Kyi was released from House arrest, but the military leaders of Burma still tightly control her movements. And only if we continue to keep the pressure on Burma will Aung San Suu Kyi one day address a joint session of Congress.

Now, the World Trade Organization believes that we should not in Massachusetts be able to take action against Burma. In Massachusetts. I am in favor of GATT. I am in favor of NAFTA. I am in favor of free trade and global economic competition. The World Trade Organization serves its purpose when it prevents a company from using laws to stifle competition. The World Trade Organization serves its purpose when it prevents a state from stifling competition. But it does not serve our purposes when it denies the freedom of people in countries around the world from being protected by the individual actions of States within our Nation.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER), the vice chairman of the Committee on Rules and a strong advocate of expanded trade opportunities.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding this time to me, and I have been told by my dear colleague from Cincinnati that the issue of South Africa has been raised throughout this debate. We need to realize that every bit of action that was taken from the United States on the issue of South Africa was taken by the United States Government, as it was outlined very clearly in the arguments provided by my friend from California (Mr. THOMAS).

Mr. Chairman, it is very important to recognize what it is that the authors of this amendment hate. They hate the international economy. They hate the rules-based trading system, which has a very simple and basic goal. Why was it back in 1947 that the General Agreement on Tariffs and Trade was established and expanded to the World Trade Organization today? Why? It was designed to diminish tariff barriers. That is the very simple goal of the WTO.

And while we hear people argue this time and time again, it is important for us to recognize that the WTO cannot change a single law here in the United States. So what we need to do, Mr. Chairman, is we need to realize that our goals are simple: They are to break down barriers, to find new opportunities for U.S. products and services around the world and, very importantly, to maintain and expand the standard of living that we enjoy in the United States, which is as great as any country on the face of the earth. Why? Because the world has access to our consumer market.

Defeat the Kucinich amendment.

Mr. KUCINICH. Mr. Chairman, may I ask the Chair how much time remains on each side?

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) has 30 seconds remaining, and the gentleman from Arizona (Mr. KOLBE) has 2 minutes remaining and has the right to close.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to this amendment.

I compliment the advocates of this amendment on the clever way it has been crafted.

It appeals to a broader base of members who support states' rights and are sensitive to the issues of federalism and preserving the 10th Amendment.

Who in their right mind wants to fund the Justice Department at the behest of the World Trade Organization (WTO) to intervene in the courts to overturn and repeal states laws or local ordinances?

That, however, is not the case.

First, the World Trade organization, and its dispute resolution panels, have no power to compel the U.S. to change Federal, State or local laws and regulations; and,

Second, state and local governments that engage in sanctions on foreign governments and their nations are clearly overstepping their authority under the Constitution and engaging in U.S. foreign policy.

Mr. Chairman, the WTO has no authority in the United States.

In fact, the federal law implementing the Uruguay Round specifically precludes U.S. federal courts from giving WTO panel reports any deference.

The truth is that if a WTO panel determines that a U.S. state law violates the WTO Agreement, the federal government is not obligated to do anything.

Under the Uruguay Round, U.S. sovereignty is actually strengthened by granting the United States a number of options that help contain the dispute and protects against the imposition of unilateral sanctions or the initiation of a destructive trade war.

Under the Uruguay Round, the U.S. government can elect to take no action, it can negotiate a mutually acceptable compensation, it can accept the suspension of trade concessions by the prevailing party, or it can intervene in federal court to overturn or nullify the disputed law.

In the past 50 years that the General Agreement on Tariffs and Trade has been in effect, the federal government has never brought a court action to repeal or nullify a state law.

Now let me comment on my second point.

When a local or state government seeks to impose trade sanctions on foreign governments, they are going beyond their constitutional authority and engaging in foreign policy.

Mr. Chairman, I am a strong advocate of protecting the rights of state and local governments.

I was a lead sponsor of the Unfunded Mandate Reform Act that protects state and local governments against the imposition of unfunded federal mandates, laws where we mandate that state and local governments compliance without providing the funds to pay for their implementation.

I also just voted in support of an amendment offered by my colleague JIM KOLBE banning federal funds to implement executive order 13083.

This executive order on federalism was a mistake and is opposed by all state and local elected officials on a bipartisan basis.

But just as we should respect and protect state and local authority, we should protect and respect federal authority and not undermine the ability of the U.S. government to conduct U.S. trade and foreign policy.

The two local laws that have given impetus to this amendment and may come before a WTO dispute panel are the Commonwealth of Massachusetts' procurement policy that penalizes business, U.S. and foreign, that do business with Burma and New York's sanctions on Swiss banks that fail to cooperate with victims of the Holocaust.

I can sympathize and perhaps even support the objectives of both New York and Massachusetts.

But the proper place to establish these policies is at the federal level here in Congress and in the executive branch, not at the state or local level.

If Congress feels as strongly as Massachusetts and New York feel about human rights abuses in Burma or the lack of cooperation Swiss banks have given Holocaust victims, then let us debate the merits of trade sanctions or other action targeted against Burma and Switzerland.

The real issue isn't whether you oppose human rights violations or sympathize with Holocaust victims, the real issue is whether you think the state and local governments should set this nation's foreign policy and trade agenda.

Oppose the Kucinich-Sanders amendment and demonstrate your respect for what our Founding Fathers intended.

Preserve the right of Congress to establish U.S. trade and foreign policy.

Mr. KUCINICH. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I rise in strong support of this amendment. What a radical notion, a radical notion, that the people we represent might decide that they do not want to procure in local government articles made with slave labor or made with child labor, or that they would want to keep their food clear of illegal pesticides and toxic materials as the State of California has done.

What a terrible, radical notion to scare the opponents of this amendment. The people that we represent would band together and decide these decisions and make these decisions. They were far ahead of the Federal Government on the issue of South Africa. If the World Trade Organization was around then, Nelson Mandela would never be out of prison.

We have to encourage our citizens to take these actions to protect their activities, to protect their food supply and to protect human rights.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I rise in opposition to this amendment today. We have heard phrases like it will change our laws, as though somehow the U.S. sovereignty was at stake, but we know that is not the case. United States sovereignty is quite intact here.

Let us just look for a moment at what really happens under the WTO or the NAFTA if there is a ruling against us because some State has taken or local government has taken some kind of action.

The United States can choose to do absolutely nothing. We can accept the consequences of it, and then the consequences would be that another government can take, under the NAFTA or the WTO, action against us, can suspend some of the trading rights that they have granted, you say, because some local government has decided to do the same.

So the United States can do nothing, or we can accept it. We can abide by it but we can still do nothing about the local government. We can negotiate a compensation package where we have to pay compensation to the other country but we still have to do nothing.

The fact of the matter is, so far it has never been used by the United States, but let me tell you, ladies and gentlemen, we better keep this arrow in our quiver.

What if, for example, tomorrow the State of California were to say they do not like Japan and they were to ban all trade with Japan? The hundreds of billions of dollars that would be involved here would mean a massive tax on the rest of us to compensate for that.

Now, we have heard about Nelson Mandela and South Africa. The fact is, that was coordinated and done by this Congress, by the United States Government acting in concert with other countries. It was not done by the State of Massachusetts. It was not because of some local government doing it. It was the fact that this Congress took the steps and our executive branch got the efforts of other countries in step with us to make sure that we had this kind of action.

Mr. Chairman, let me just make it very clear I am a strong advocate of States' rights. I offered an amendment earlier on that subject. Article III, section 8 says the power to regulate foreign commerce and the commerce between States shall belong to the Federal Government. It is right here in the Constitution. If ever anybody would read the Constitution, it would be very clear that States' rights works two ways, and the Federal Government has the right to regulate this commerce.

We should vote "no" on this to maintain the ability of the United States to trade and to regulate commerce. Vote "no" on this amendment.

Mr. GEPHARDT. Mr. Chairman, I rise in support of the Kucinich amendment. I appreciate the concerns expressed by some opponents of this legislation that it could undermine the authority of the federal government to represent the United States on foreign policy and trade matters. My vote today is not intended to seek to undermine that authority; rather, it represents my belief that we must have a more activist approach to U.S. foreign and trade policy, one that is more responsive to the concerns of localities, and one that better reflects the values and priorities of the American people.

Clearly, states and localities should not make foreign policy for our federal government, or take actions that undermine the U.S. government's policies. However, in cases where the federal government has failed to assert our fundamental values of freedom, democracy and human rights internationally, these entities have often taken actions that have spurred the federal government to assert U.S. leadership. The most dramatic example of this in recent memory is that of South Africa, where the conviction of individuals in universities, localities and other organizations generated a grassroots movement that propelled our government to impose comprehensive sanctions against the apartheid regime there. This in turn inspired an international effort that contributed to the downfall of South Africa's apartheid government.

All of our nation's democratic institutions should have the opportunity to participate in efforts to promote positive change, both at home and abroad. Unfortunately, too often state and local entities feel that their voices are not heard as the federal government formulates policies that affect all Americans. To remedy this situation, we need a process that is more responsive to the legitimate concerns of localities. This amendment emphasizes the importance of giving localities the ability to voice these concerns, and would promote constructive dialogue rather than confrontation between them and the federal government on these important issues.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) are postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 508, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Indiana (Mr. MCINTOSH); amendment No. 49 offered by the gentleman from Ohio (Mr. KUCINICH).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. MCINTOSH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 188, not voting 7, as follows:

[Roll No. 400]

AYES—240

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—188

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—7

Cunningham
Gonzalez
Moakley
Shuster
Smith (OR)
Yates
Young (FL)

□ 2339

Messrs. KIM, McHALE and GANSKE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2340

AMENDMENT NO. 49 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 228, not voting 7, as follows:

[Roll No. 401]

AYES—200

Abercrombie
Ackerman
Aderholt
Andrews
Bachus
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Berman
Bishop
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bunning
Burton
Canady
Capps
Carson
Chabot
Chenoweth
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Duncan
Emerson
Engel
Ensign
Evans
Farr
Fattah
Filner
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Furse
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Gordon
Graham
Green
Gutierrez
Gutknecht
Hall (TX)
Hastings (FL)
Hayworth
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Holden
Hunter
Inglis
Istook
Jackson (IL)
Jenkins
Johnson (WI)
Jones
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Kucinich
Lantos
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lucas
Maloney (NY)
Manton
Markey
Mascara
McCarthy (NY)
McDade
McGovern
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Mollohan
Murtha
Nadler
Nethercutt
Neumann
Ney
Oberstar
Obey
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pombo
Pomeroy
Poshard
Quinn
Radanovich
Rahall
Rangel
Riley
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sanders
Saxton
Scarborough
Schaffer, Bob
Schumer
Serrano
Shaw
Sherman
Smith (MI)
Smith (NJ)
Smith, Linda
Spence
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Taylor (MS)
Thurman
Tierney
Torres
Towns
Traficant
Velazquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (PA)
Wexler
Wise
Wolf
Woolsey

NOES—228

Allen
Archer
Armey
Baker
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (CA)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chambliss
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Davis (FL)
Davis (VA)
Deal
DeLay
Dickey
Dicks
Dingell
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gingrich
Goodlatte
Goss
Granger
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kasich
Kennelly
Kim
Kind (WI)
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Manzullo
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McHale
McInnis
McKeon
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Ramstad
Redmond
Regula
Reyes
Riggs
Roemer
Rogan
Rogers
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Schaefer, Dan
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spratt
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Turner
Upton
Vento
Watt (NC)
Weldon (FL)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wynn
Young (AK)

NOT VOTING—7

Cunningham
Gonzalez
Moakley
Shuster
Smith (OR)
Yates
Young (FL)

□ 2346

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, and Judiciary, and Related Agencies Appropriations Act, 1999".

Mr. STUPAK. Mr. Chairman, I rise today to support funding for sea lamprey control in the Great Lakes.

For those who are unfamiliar with the sea lamprey, it is an eel-like creature—introduced into the Great Lakes by foreign ballast water—which attaches itself to fish and literally sucks the life out of the fish.

Without proper treatment, this foreign species would severely threaten the $4 billion per year Great Lakes fishing industry.

While the Great Lakes Fishery Commission has made great strides in fighting the sea lamprey, infestation in the St. Marys River is threatening the lake trout in northern Lake Huron and Lake Michigan.

More sea lamprey are produced in this river than all of the Great Lakes combined. In fact, lamprey levels are rapidly approaching record levels in this area, resulting in the death of 54% of all adult lake trout.

The Senate has specifically designated nearly $9.4 million for the Great Lakes Fishery Commission for fiscal year 1999. Included in this amount is $8.7 million for the Sea Lamprey operations and research program and $1 million to combat the sea lamprey infestation in the St. Marys River in Michigan.

We must stop this problem before we reverse the gains that have been made over the recent years in fighting the sea lamprey in the Great Lakes. It is my hope that the Committee will concur with the Senate on these designations during the conference committee.

Ms. DUNN. Mr. Chairman, I rise today to offer my support to my colleague from Oregon, Mr. DEFAZIO, for his hard work in deterring juveniles from recklessly and carelessly handling guns.

In Washington State alone in the 1996–1997 school year, we had 150 incidents of kids bringing handguns, rifles, or shotguns onto school property. Not only is it a crime under Washington State law, but under Federal Law it is illegal to have a firearm on school grounds. Yet these juveniles are still bringing guns to school and endangering the lives of other students.

For this reason, I am introducing a bill this week with Mr. DEFAZIO to address the problem of guns in school. Rather than mandating new state laws or creating more programs that simply do not work, it is our intention to establish an incentive program for states to create a 24 hour cooling off period for students caught with guns. These kids need to be faced with the responsibility they bear in picking up a gun and possessing it illegally. We cannot allow another Jonesboro Arkansas, or Springfield Oregon incident.

I thank Mr. DEFAZIO for bringing to the attention of the House and I look forward to sponsoring this legislation with him. I also thank Chairman ROGERS for his willingness to work with us as we try to create new ways to discourage violent crime.

The CHAIRMAN. Are there any further amendments?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 508, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro temore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Yes; I am, Mr. Speaker.

□ 2350

The SPEAKER pro tempore (Mr. PEASE). The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 4276, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered; but pursuant to clause 5 of rule I, that vote is postponed momentarily so the Chair may entertain a unanimous consent request.

LIMITING FURTHER AMENDMENTS AND DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2183, pursuant to House Resolution 442, which will be the first order of business tomorrow, that the amendments described in this unanimous consent request, that is, the substitute by Mr. TIERNEY, would be debated for 40 minutes; by Mr. FARR for 40 minutes; by Mr. DOOLITTLE for 40 minutes; by Mr. OBEY for 40 minutes; by Mr. HUTCHINSON for 60 minutes; that there be no amendments to those substitutes; and that would conclude campaign reform.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 4276.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 203, not voting 7, as follows:

[Roll No 402]

YEAS—225

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hill
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (PA)
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Sessions
Shadegg
Shaw
Shays
Shimkus
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Strickland
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Traficant
Upton
Visclosky
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White

Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Duncan
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hostettler
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (KS)
Moran (VA)
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Velazquez
Vento
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—7

Cunningham
Gonzalez
Moakley
Shuster
Smith (OR)
Yates
Young (FL)

☐ 0009

Mr. LARGENT changed his vote from "yea" to "nay."

Mr. BALDACCI changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2537

Mr. DeFAZIO. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2537.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

☐ 0010

LIMITING FURTHER AMENDMENTS AND DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the order of the House just adopted be elaborated as follows:

In consideration of H.R. 2183, pursuant to House Resolution 442, (1) no further amendment shall be in order except those amendments described in this request, which may be offered only in the order stated and shall not be subject to amendment; and (2) the additional period of general debate prescribed under House Resolution 442 shall not exceed the time stated for each amendment in this request, and each amendment shall not otherwise be debatable.

The amendments described in this request are amendments in the nature of a substitute printed in the CONGRESSIONAL RECORD pursuant to clause 6 of rule XXIII and numbered: 15, Mr. TIERNEY, 40 minutes; 7, Mr. FARR of California, 40 minutes; 5, Mr. DOOLITTLE, 40 minutes; 4, Mr. OBEY, 40 minutes; and 8, Mr. HUTCHINSON, 60 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4380, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–679) on the resolution (H. Res. 517) providing for consideration of the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Wednesday, August 5, 1998.

H.R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCINNIS (at the request of Mr. ARMEY) for today after 1:30 p.m., on account of medical reasons.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 6:15 p.m., on account of physical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. CAMPBELL) to revise and extend their remarks and include extraneous material:)

Mr. CAMPBELL, for 5 minutes, on August 6.

Mr. KINGSTON, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. KIND.
Mr. KANJORSKI.
Mr. LAFALCE.
Mr. STARK.
Ms. NORTON.
Mr. TOWNS.
Mr. SANDERS.
Mr. DIXON.
Mr. FILNER.
Mr. MCDERMOTT.
Mr. TRAFICANT.
Mrs. THURMAN.
Mr. MARKEY.
Mr. OBERSTAR.
Mr. UNDERWOOD.
Mr. RAHALL.
Mr. CUMMINGS.
Mr. PALLONE.
Mr. DEUTSCH.
Mr. SERRANO.
Mr. THOMPSON.

(The following Members (at the request of Mr. CAMPBELL) and to include extraneous material:)

Mr. MICA.
Mrs. JOHNSON of Connecticut.
Mr. NORWOOD.
Mr. BOB SCHAFFER of Colorado.
Mr. PORTER.
Mr. GREENWOOD.
Mr. HILLEARY.
Mr. LUCAS.
Mr. FORBES.
Mr. HERGER.
Mr. GILMAN.
Mr. PAUL.
Mr. PICKERING.
Mrs. EMERSON.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1759. An act to grant a Federal charter to the American GI Forum of the United States.

S. 2143. An act to amend chapter 45 of title 28, United States Code, to authorize the Administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

S. 2344. An act to amend the Agricultural Market Transaction Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

S.J. Res. 54. A joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that the committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit Unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

ADJOURNMENT

Mr. CAMPBELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes a.m.), the House adjourned until today, Thursday, August 6, 1998, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1042. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to extend the Illinois and Michigan Canal Heritage Corridor Commission; with an amendment (Rept. 105–676). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2000. A bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes; with an amendment (Rept. 105–677). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2993. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes; with an amendment (Rept. 105–678). Referred to the Committee of the Whole House on the State of the Union.

[Filed on August 6 (Legislative day, August 5), 1998]

Mrs. MYRICK: Committee on Rules. House Resolution 517. Resolution providing for consideration of the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–679). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICA:

H.R. 4401. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Government Reform and Oversight.

By Mr. WELDON of Pennsylvania (for himself, Mr. SPRATT, Mr. PICKETT, Mr. EVERETT, Mr. ARMEY, Mr. ABERCROMBIE, Mr. BARTLETT of Maryland, Mr. RYUN, Ms. GRANGER, Mr. WATTS of Oklahoma, Mr. SPENCE, Mr. ANDREWS, Mr. SNYDER, Mr. HALL of Texas, Mr. DICKS, Mr. TURNER, Mr. LIVINGSTON, Mr. ORTIZ, Mr. SISISKY, Mr. HOYER, Mr. COX of California, Mr. SHADEGG, Mr. DELAY, Mr. BEREUTER, Mr. THORNBERRY, Mr. SKELTON, Mr. BATEMAN, Mr. HUNTER, Mr. REYES, Mr. SAXTON, Mr. GILMAN, Ms. DUNN of Washington, Mr. GOSS, Mr. SOLOMON, Mrs. CUBIN, Mr. BLAGOJEVICH, Mr. TANNER, Ms. SANCHEZ, Mr. TAYLOR of Mississippi, Mr. GOODE, Mr. STENHOLM, Mr. BERRY, Mr. EDWARDS, Mr. UNDERWOOD, Mr. BOB SCHAFFER, Mr. GIBBONS, Mr. MEEHAN, Mr. CRAMER, and Mr. ADERHOLT):

H.R. 4402. A bill to declare it to be the policy of the United States to deploy a national missile defense; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. CARDIN, Mr. KLECZKA, and Mr. LEWIS of Georgia):

H.R. 4403. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILLEARY (for himself, Mr. RAHALL, Mr. ADERHOLT, Mr. COOK, Mr. HALL of Texas, Mr. MCINTOSH, Mr. SANDERS, and Ms. STABENOW):

H.R. 4404. A bill to amend title XVIII of the Social Security Act to modify the standards for calculating the per beneficiary payment limits under the interim payment system for home health services furnished by home health agencies under the Medicare Program and the standards for setting payments rates under the prospective payment system for such services to achieve fair reimbursement payment rates; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 4405. A bill to amend section 3332 of title 31, United States Code, to allow recipients of Federal payments to "opt out" of the direct deposit requirements under the EFT '99 program; to the Committee on Government Reform and Oversight.

By Mr. FILNER:

H.R. 4406. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide that any participant or beneficiary under an employee benefit plan shall be entitled to de novo review in court of benefit determinations under such plan; to the Committee on Education and the Workforce.

By Mr. HERGER (for himself, Mr. MATSUI, Mr. ENSIGN, Mr. MCCRERY, Mr. MCDERMOTT, Mrs. THURMAN, Mr. SMITH of Oregon, Mr. POMBO, Mr. HUNTER, Mr. DOOLEY of California, Mr. GIBBONS, and Mr. BLUMENAUER):

H.R. 4407. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for electricity produced from certain renewable resources shall apply to electricity produced from all biomass facilities and to extend the placed in service deadline for such credit; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 4408. A bill to amend the Internal Revenue Code of 1986 to provide that tips shall not be subject to income or employment taxes; to the Committee on Ways and Means.

By Mr. LUCAS of Oklahoma (for himself and Mr. WATKINS):

H.R. 4409. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws; to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE (for himself, Mr. YATES, and Mr. KENNEDY of Massachusetts):

H.R. 4410. A bill to amend the Truth in Lending Act to protect consumers from certain unreasonable practices of credit cards issuers which result in cancellation of credit, higher fees or rates of interest, or other penalties that result in higher or unnecessary costs to card holders who pay credit card balances in full, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MALONEY of Connecticut:

H.R. 4411. A bill to amend the Internal Revenue Code of 1986 to allow employers who maintain a self-insured health plan for their employees a credit against income tax for a portion of the cost paid for providing health coverage for their employees; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 4412. A bill to impose restrictions on the sale of cigars; to the Committee on Commerce.

By Mr. McDERMOTT:

H.R. 4413. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to assure prompt payment of participating providers under health plans; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUMANN:

H.R. 4414. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 4415. A bill to amend title 5, United States Code, to provide that the mandatory retirement age for members of the Capitol Police be increased from 57 to 60; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT:

H. Con. Res. 318. Concurrent resolution expressing the sense of the Congress that the Federal Trade Commission should exercise its broad authority under the Federal Trade Commission Act to investigate businesses that are engaging in the deceptive advertising practice of misrepresenting their geographic locations in telephone listings, Internet advertisements, and other advertising media; to the Committee on Commerce.

By Mr. HALL of Ohio:

H. Con. Res. 319. Concurrent resolution honoring the accomplishments of members of the United States Air Force and other Americans working under Air Force leadership who contributed to the development of supersonic flight technology; to the Committee on National Security.

By Mr. SHIMKUS (for himself and Mr. KUCINICH):

H. Con. Res. 320. Concurrent resolution supporting the Baltic people of Estonia, Latvia, and Lithuania, and condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939; to the Committee on International Relations.

By Mr. SNOWBARGER (for himself, Mr. TALENT, Mr. HOSTETTLER, Mr. BURTON of Indiana, and Mr. TIAHRT):

H. Con. Res. 321. Concurrent resolution expressing the sense of the Congress that money saved from efforts to combat waste, fraud, and abuse in the Medicare Program should be deposited in the Federal Hospital Insurance Trust Fund to ensure the financial integrity of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 465: Mrs. THURMAN.

H.R. 519: Mr. DEUTSCH.

H.R. 857: Mr. BILIRAKIS.

H.R. 979: Mr. FAWELL.

H.R. 1035: Mr. HALL of Texas.

H.R. 1061: Mr. SANDERS.

H.R. 1126: Mr. WATT of North Carolina.

H.R. 1168: Mr. LIPINSKI, Mr. TANNER, Mr. SOUDER, Mr. ENSIGN, and Mr. EVERETT.

H.R. 1202: Mr. MCGOVERN and Mr. POSHARD.

H.R. 1401: Mr. JOHNSON of Wisconsin and Mr. EVANS.

H.R. 1531: Ms. WATERS.

H.R. 1760: Mr. HOSTETTLER.

H.R. 2072: Mr. BENTSEN.

H.R. 2189: Mr. KING of New York.

H.R. 2321: Mr. RUSH.

H.R. 2380: Mr. WELLER.

H.R. 2504: Mr. HUTCHINSON.

H.R. 2524: Ms. KILPATRICK and Mr. VENTO.

H.R. 2526: Mr. OLVER.

H.R. 2537: Mr. HAYWORTH.

H.R. 2609: Mr. SPRATT.

H.R. 2635: Mrs. THURMAN.

H.R. 2733: Mr. GILMAN, Mr. RADANOVICH, Mr. CASTLE, Mr. DIXON, Mrs. KELLY, Mr. MILLER of Florida, and Mr. POSHARD.

H.R. 2821: Mr. METCALF.

H.R. 2923: Mr. BERRY.

H.R. 2953: Mr. RANGEL.

H.R. 2955: Mr. LIPINSKI, Mr. SPRATT, and Mr. BROWN of Ohio.

H.R. 2968: Mr. GOODLING.

H.R. 2995: Mr. RANGEL and Mrs. THURMAN.

H.R. 3049: Mr. PAYNE.

H.R. 3064: Mr. TRAFICANT and Mr. YATES.

H.R. 3066: Mr. SCHUMER.

H.R. 3177: Mrs. LINDA SMITH of Washington.

H.R. 3248: Mr. UPTON.

H.R. 3400: Mr. ENGEL and Mr. MILLER of California.

H.R. 3602: Mr. BUYER.

H.R. 3622: Mr. MOAKLEY.

H.R. 3637: Mr. BISHOP and Mr. FOX of Pennsylvania.

H.R. 3659: Ms. BROWN of Florida, Mr. ENSIGN, Mr. MINGE, and Mr. HANSEN.

H.R. 3687: Mr. COMBEST.

H.R. 3702: Mr. FALEOMAVAEGA, Mr. STUPAK, and Mr. ALLEN.

H.R. 3710: Mr. BLILEY, Mr. MANZULLO, Mr. GOODLING, Mr. DOOLEY of California, Mr. JACKSON of Illinois, Mr. JOHN, Mr. ENGLISH of Pennsylvania, Mr. BOEHLERT, Ms. FURSE, Ms. KILPATRICK, Mr. MINGE, Mr. YOUNG of Alaska, and Mr. BILIRAKIS.

H.R. 3738: Mr. MORAN of Virginia, Mr. LAMPSON, Mr. LEWIS of Georgia, Mr. BALDACCI, Mr. LUTHER, Mrs. CAPPS, and Ms. SLAUGHTER.

H.R. 3749: Mr. LATOURETTE.

H.R. 3766: Mr. BOYD.

H.R. 3779: Mr. MANTON, Ms. MCCARTHY of Missouri, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. RANGEL, Mr. SERRANO, Mr. WYNN, Mr. ETHERIDGE, Ms. DANNER, Mr. MASCARA, Mr. BOEHLERT, Mr. MOAKLEY, and Mr. MCGOVERN.

H.R. 3780: Mr. HOUGHTON and Mrs. ROUKEMA.

H.R. 3795: Mr. EHRLICH.

H.R. 3837: Mr. BARRETT of Wisconsin and Mr. LEWIS of Georgia.

H.R. 3879: Mr. RYUN, Mr. COBURN, and Mr. HINOJOSA.

H.R. 3905: Mr. NORWOOD and Mr. DEAL of Georgia.

H.R. 3925: Mr. BALDACCI.

H.R. 3935: Mr. YATES, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. MEEHAN, Mr. OLVER, Ms. PELOSI, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. SERRANO, and Mr. NADLER.

H.R. 4006: Mr. WELDON of Florida.

H.R. 4027: Ms. KAPTUR and Mr. STENHOLM.

H.R. 4031: Mr. LANTOS.

H.R. 4118: Mr. SAWYER.

H.R. 4125: Mr. GOODLATTE.

H.R. 4126: Mr. RILEY.

H.R. 4151: Mr. ABERCROMBIE.

H.R. 4155: Mr. REGULA and Mr. ENGLISH of Pennsylvania.

H.R. 4196: Ms. MORAN of Kansas and Mrs. EMERSON.

H.R. 4199: Ms. DELAURO, Mrs. KELLY, Mr. GILMAN, Mrs. MALONEY of New York, and Mr. ANDREWS.

H.R. 4200: Mrs. KELLY, Mr. GILMAN, Mrs. MALONEY of New York, and Mr. ANDREWS.

H.R. 4211: Mr. CALVERT, Ms. BROWN of Florida, Mr. CRAMER, Mr. BISHOP, Mr. LIPINSKI, Mr. HORN, Mr. WATT of North Carolina, Mr. UNDERWOOD, Mr. RANGEL, Mr. SPRATT, Mr. SCOTT, and Mr. SABO.

H.R. 4224: Mr. SANDLIN.

H.R. 4233: Mr. ENGEL, Mr. LANTOS, Mrs. MORELLA, Mr. KENNEDY of Massachusetts, and Mr. BLAGOJEVICH.

H.R. 4257: Mr. FATTAH.

H.R. 4285: Mr. CHRISTENSEN.

H.R. 4296: Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, and Mr. DAVIS of Virginia.

H.R. 4308: Mr. UNDERWOOD and Mr. MARKEY.

H.R. 4309: Mr. UNDERWOOD and Mr. MARKEY.

H.R. 4327: Mr. RYUN.

H.R. 4332: Mr. HERGER, Mr. ENSIGN, Mr. LIPINSKI, and Mrs. THURMAN.

H.R. 4339: Mr. SPENCE, Mr. STUPAK, and Mr. KLINK.

H.R. 4340: Mr. CARDIN, Mr. FOX of Pennsylvania, and Mrs. MYRICK.

H.R. 4361: Mr. FOLEY.

H.R. 4367: Mr. SMITH of New Jersey.

H.R. 4370: Mr. TOWNS, Mr. TURNER, and Mrs. CAPPS.

H.R. 4399: Mr. WATKINS, Mr. CRAPO, and Mr. HILL.

H. Con. Res. 39: Mr. PORTER.

H. Con. Res. 185: Mr. ROTHMAN, Mr. WAXMAN, and Mr. WATT of North Carolina.

H. Con. Res. 203: Mr. MARKEY.

H. Con. Res. 254: Mr. PORTER.

H. Con. Res. 258: Ms. ESHOO.

H. Con. Res. 299: Mrs. EMERSON, Mr. RADANOVICH, and Mr. GOODLING.

H. Con. Res. 304: Mrs. MALONEY of New York.

H. Res. 312: Mr. DAVIS of Illinois and Mr. RODRIGUEZ.

H. Res. 381: Mr. STUMP.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2537: Mr. DEFAZIO.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3012

OFFERED BY: MR. POMEROY

(Amendment in the Nature of a Substitue)

Amendment No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dakota Water Resources Act of 1998".

SEC. 2. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "of" and inserting "within";

(B) in paragraph (5), by striking "more timely" and inserting "appropriate"; and

(C) in paragraph (7), by striking "federally-assisted water resource development project providing irrigation for 130,940 acres of land" and inserting "multipurpose federally assisted water resource project providing irrigation, municipal, rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows";

(2) in subsection (b)—

(A) by inserting ", jointly with the State of North Dakota," after "construct";

(B) by striking "the irrigation of 130,940 acres" and inserting "irrigation";

(C) by striking "fish and wildlife conservation" and inserting "fish, wildlife, and other natural resource conservation";

(D) by inserting "augmented stream flows, ground water recharge," after "flood control,"; and

(E) by inserting "(as modified by the Dakota Water Resources Act of 1998)" before the period at the end;

(3) in subsection (e), by striking "terminated" and all that follows and inserting "terminated."; and

(4) by striking subsections (f) and (g) and inserting the following:

"(f) COSTS.—

"(1) ESTIMATE.—The Secretary shall estimate—

"(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 1998; and

"(B) the annual operation, maintenance, and replacement costs associated with the used and unused capacity of the features in existence as of that date.

"(2) REPAYMENT CONTRACT.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the percentage of the total capacity of the project that is in actual use during the payment period.

"(3) OPERATION AND MAINTENANCE COSTS.—The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share attributable to the capacity of the facilities (including mitigation facilities) that remain unused.

"(g) AGREEMENT BETWEEN THE SECRETARY AND THE STATE.—The Secretary shall enter into 1 or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

"(h) BOUNDARY WATERS TREATY OF 1909.—

"(1) DELIVERY OF WATER INTO THE HUDSON BAY BASIN.—Water systems constructed under this Act may deliver Missouri River water into the Hudson Bay basin only after the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, determines that adequate treatment has been provided to meet the requirements of the Treaty Between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the 'Boundary Waters Treaty of 1909').

"(2) COSTS.—All costs of construction, operation, maintenance, and replacement of water treatment and related facilities authorized by this Act and attributable to meeting the requirements of the treaty referred to in paragraph (1) shall be nonreimbursable.".

SEC. 3. FISH AND WILDLIFE.

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

"(b) FISH AND WILDLIFE COSTS.—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proposed for Federal or State administration shall be nonreimbursable.

"(c) RECREATION AREAS.—

"(1) COSTS.—If non-Federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

"(2) APPROVAL.—The recreation areas shall be approved by the Secretary in consultation and coordination with the State of North Dakota.

"(d) NON-FEDERAL SHARE.—The non-Federal share of the separable capital costs of the unit allocated to recreation shall be borne by non-Federal interests, using the following methods, as the Secretary may determine to be appropriate:

"(1) Services in kind.

"(2) Payment, or provision of lands, interests therein, or facilities for the unit.

"(3) Repayment, with interest, within 50 years of first use of unit recreation facilities.";

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting "(1)" after "(e)";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) in the first sentence—

(I) by striking "within ten years after initial unit operation to administer for recreation and fish and wildlife enhancement" and inserting "to administer for recreation"; and

(II) by striking "which are not included within Federal waterfowl refuges and waterfowl production areas"; and

(ii) in the second sentence, by striking "or fish and wildlife enhancement"; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking ", within ten years after initial operation of the unit,"; and

(ii) by striking "paragraph (1) of this subsection" and inserting "paragraph (2)";

(3) in subsection (f), by striking "and fish and wildlife enhancement"; and

(4) in subsection (j)—

(A) in paragraph (1), by striking "prior to the completion of construction of Lonetree Dam and Reservoir"; and

(B) by adding at the end the following:

"(4) TAAYER RESERVOIR.—Taayer Reservoir is deauthorized as a project feature. The Secretary, acting through the Commissioner of Reclamation, shall acquire (including acquisition through donation or exchange) up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary shall acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary shall provide for appropriate visitor access and control at the refuge.

"(5) DEAUTHORIZATION OF LONETREE DAM AND RESERVOIR.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site as a wildlife conservation area. The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the wildlife conservation area as an enhancement feature, the costs of which shall be paid by the Secretary. If the features selected under section 8 include a buried pipeline and appurtenances between the McClusky Canal and New Rockford Canal, the use of the wildlife conservation area and Sheyenne Lake National Wildlife Refuge for such route is hereby authorized.".

SEC. 4. INTEREST CALCULATION.

Section 4 of Public Law 89–108 (100 Stat. 435) is amended by adding at the end the following: "Interest during construction shall be calculated only until such date as the Secretary declares any particular feature to be substantially complete, regardless of whether the feature is placed into service.".

SEC. 5. IRRIGATION FACILITIES.

Section 5 of Public Law 89–108 (100 Stat. 419) is amended—

(1) by striking "SEC. 5. (a)(1)" and all that follows through subsection (c) and inserting the following:

"SEC. 5. IRRIGATION FACILITIES.

"(a) IN GENERAL.—

"(1) Authorized development.—In addition to the 5,000-acre Oakes Test Area in existence on the date of enactment of the Dakota Water Resources Act of 1998, the Secretary may develop irrigation in—

"(A) the Turtle Lake service area (13,700 acres);

"(B) the McClusky Canal service area (10,000 acres); and

"(C) if the investment costs are fully reimbursed without aid to irrigation from the Pick-Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

"(2) Development not authorized.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

"(3) No excess development.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the acreage specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Elk/Charbonneau, Mon-Dak, Nesson Valley, Horsehead Flats, and Oliver-Mercer areas) that are not located in the Hudson Bay/Devils Lake drainage basin or James River drainage basin.

"(4) Pumping power.—Irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power.

"(5) Principle supply works.—The Secretary shall complete and maintain the principle supply works as identified in the 1984 Garrison Diversion Unit Commission Final Report dated December 20, 1984 as modified by the Dakota Water Resources Act of 1998.";

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking "(a)(1)" and inserting "(a)";

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking "Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)" and inserting "Lucky Mound (7,700 acres) and Upper Six Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary,"; and

(5) by adding at the end the following:

"(e) Irrigation Report to Congress.—

"(1) In general.—The Secretary shall investigate and prepare a detailed report on the undesignated 28,000 acres in subsection (a)(3) as to costs and benefits for any irrigation units to be developed under Reclamation law.

"(2) Finding.—The report shall include a finding on the financial and engineering feasibility of the proposed irrigation unit, but shall be limited to the undesignated 28,000 acres.

"(3) Authorization.—If the Secretary finds that the proposed construction is feasible, such irrigation units are authorized without further Act of Congress.

"(4) Documentation.—No expenditure for the construction of facilities authorized under this section shall be made until after the Secretary, in cooperation with the State of North Dakota, has prepared the appropriate documentation in accordance with section 1 and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzing the direct and indirect impacts of implementing the report.".

SEC. 6. POWER.

Section 6 of Public Law 89–108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking "Notwithstanding the provisions of" and inserting "Pursuant to the provisions of"; and

(B) by striking "revenues," and all that follows and inserting "revenues."; and

(2) by striking subsection (c) and inserting the following:

"(c) No Increase in Rates or Affect on Repayment Methodology.—In accordance with the last sentence of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3), section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers. Nothing in the Dakota Water Resources Act of 1998 alters or affects in any way the repayment methodology in effect as of the date of enactment of that Act for other features of the Pick-Sloan Missouri Basin Program.".

SEC. 7. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89–108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the second sentence—

(i) by striking "The non-Federal share" and inserting "Unless otherwise provided in this Act, the non-Federal share";

(ii) by striking "each water system" and inserting "water systems";

(iii) by inserting after the second sentence the following: "The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of repaid loans for municipal, rural, and industrial water systems."; and

(iv) by striking the last sentence and inserting the following: "The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for that project under section 10(a)(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceeds the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section."; and

(2) by striking subsections (b), (c), and (d) and inserting the following:

"(b) Water Conservation Program.—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, the non-Federal cost share for future projects under subsection (a)(3) shall be reduced to 24.5 percent.

"(c) Nonreimbursability of Costs.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 1998 shall be nonreimbursable.

"(d) Indian Municipal Rural and Industrial Water Supply.—The Secretary shall construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas.".

SEC. 8. SPECIFIC FEATURES.

(a) In General.—Public Law 89–108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) Red River Valley Water Supply Project.—

"(1) In general.—The Secretary shall construct a feature or features to deliver Missouri River water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

"(2) Design and construction.—The feature shall be designed and constructed to meet only the water delivery requirements of the irrigation areas, municipal, rural, and industrial water supply needs, ground water recharge, and streamflow augmentation (as described in subsection (b)(2)) authorized by this Act.

"(3) Commencement of construction.—The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.

"(b) Report on Red River Valley Water Needs and Delivery Options.—

"(1) In general.—Pursuant to section 1(g), not later than 90 days after the date of enactment of the Dakota Water Resources Act of 1998, the Secretary and the State of North Dakota shall jointly submit to Congress a report on the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

"(2) Needs.—The needs addressed in the report shall include such needs as—

"(A) augmenting streamflows; and

"(B) enhancing—

"(i) municipal, rural, and industrial water supplies;

"(ii) water quality;

"(iii) aquatic environment; and

"(iv) recreation.

"(3) Studies.—Existing and ongoing studies by the Bureau of Reclamation on Red River Water Supply needs and options shall be deemed to meet the requirements of this section.

"(c) Environmental Impact Statements.—

"(1) Draft.—

"(A) Deadline.—Pursuant to an agreement between the Secretary and the State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 1998, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including possible alternatives for delivering Missouri River water to the Red River Valley.

"(B) Report on status.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 1998, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

"(2) Final.—

"(A) Deadline.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

"(B) Report on status.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

"(d) Process for Selection.—

"(1) In general.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley.

"(2) Agreements.—Not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected.

"(e) Sheyenne River Water Supply and Release or Alternate Features.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).".

SEC. 9. OAKES TEST AREA TITLE TRANSFER.

Public Law 89–108 (100 Stat. 423) is amended by striking section 9 and inserting the following:

"SEC. 9. OAKES TEST AREA TITLE TRANSFER.

"(a) In General.—Not later than 2 years after execution of a record of decision under section 8(d) on whether to use the New Rockford Canal as a means of delivering water to the Red River Basin as described in section 8, the Secretary shall enter into an agreement with the State of North Dakota, or its designee, to convey title and all or any rights, interests, and obligations of the United States in and to the Oakes Test Area as constructed and operated under Public Law 99-294 (100 Stat. 418) under such terms and conditions as the Secretary believes would fully protect the public interest.

"(b) Terms and Conditions.—The agreement shall define the terms and conditions of the transfer of the facilities, lands, mineral estate, easements, rights-of-way and water rights including the avoidance of costs that the Federal Government would otherwise incur in the case of a failure to agree under subsection (d).

"(c) Compliance.—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

"(d) Failure To Agree.—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall dispose of the Oakes Test Area facilities under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89–108 (100 Stat. 424; 106 Stat. 4669, 4739)

(1) in subsection (a)—

(A) by striking "(a)(1) There are authorized" and inserting the following:

"(a) Water Distribution Features.—

"(1) In general.—

"(A) Main stem supply works.—There is authorized";

(B) in paragraph (1)—

(i) in the first sentence, by striking "$270,395,000 for carrying out the provisions of section 5(a) through 5(c) and section 8(a)(1) of this Act" and inserting "$164,000,000 to carry out section 5(a)";

(ii) by inserting after subparagraph (A) (as designated by clause (i)) the following:

"(B) Red river valley water supply project.—There is authorized to be appropriated to carry out section 8(a)(1) $200,000,000."; and

(iii) by striking "Such sums" and inserting the following:

"(C) Availability.—Such sums"; and

(C) in paragraph (2)—

(i) by striking "(2) There is" and inserting the following:

"(2) Indian irrigation.—

"(A) In general.—There is";

(ii) by striking "$7,910,000 for carrying out section 5(e) of this Act" and inserting "$7,910,000 to carry out section 5(c)"; and

(iii) by striking "Such sums" and inserting the following:

"(B) Availability.—Such sums";

(2) in subsection (b)—

(A) by striking "(b)(1) There is" and inserting the following:

"(b) Municipal, Rural, and Industrial Water Supply.—

"(1) Statewide.—

"(A) Initial amount.—There is";

(B) in paragraph (1)—

(i) by inserting before "Such sums" the following:

"(B) Additional amount.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(a) $300,000,000."; and

(ii) by striking "Such sums" and inserting the following:

"(C) Availability.—Such sums"; and

(C) in paragraph (2)—

(i) by striking "(2) There are authorized to be appropriated $61,000,000" and all that follows through "Act." and inserting the following:

"(2) Indian municipal, rural, and industrial and other delivery features.—

"(A) Initial amount.—There is authorized to be appropriated—

"(i) to carry out section 8(a)(5), $40,500,000; and

"(ii) to carry out section 7(d), $20,500,000.";

(ii) by inserting before "Such sums" the following:

"(B) Additional amount.—

"(i) In general.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(d) $200,000,000.

"(ii) Allocation.—The amount under clause (i) shall be allocated as follows:

"(I) $30,000,000 to the Fort Totten Indian Reservation.

"(II) $70,000,000 to the Fort Berthold Indian Reservation.

"(IV) $80,000,000 to the Standing Rock Indian Reservation.

"(V) $20,000,000 to the Turtle Mountain Indian Reservation."; and

(ii) by striking "Such sums" and inserting the following:

"(C) Availability.—Such sums";

(3) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) Resources Trust and Other Provisions.—

"(1) Initial amount.—There is"; and

(B) by striking the second and third sentences and inserting the following:

"(2) Additional amount.—In addition to amount under paragraph (1), there are authorized to be appropriated—

"(A) $6,500,000 to carry out recreational projects; and

"(B) an additional $25,000,000 to carry out section 11;

to remain available until expended.

"(3) Recreational projects.—Of the funds authorized under paragraph (2) for recreational projects, up to $1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.

"(4) Operation and maintenance.—

"(A) In general.—There are authorized to be appropriated such sums as are necessary for operation and maintenance of the unit (including the mitigation and enhancement features).

"(B) Authorization limits.—Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 1998, including funds expended for such purposes since the date of enactment of Public Law 99-294, shall not be counted against the authorization limits in this section.

"(5) Mitigation and enhancement land.—On or about the date on which the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized by section 11 shall be established for operation and maintenance of the mitigation and enhancement land associated with the unit."; and

(4) by striking subsection (e) and inserting the following:

"(e) Indexing.—The $300,000,000 amount under subsection (b)(1)(B), the $200,000,000 amount under subsection (a)(1)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of the Dakota Water Resources Act of 1998 as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.

"(f) Four Bears Bridge.—There is authorized to be appropriated, for demolition of the existing structure and construction of the Four Bears Bridge across Lake Sakakawea within the Fort Berthold Indian Reservation, $40,000,000.".

SEC. 11. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89–108 (100 Stat. 424) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Contribution.—

"(1) Initial authorization.—

"(A) In general.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

"(B) Amount.—The total amount of Federal contributions under subparagraph (A) shall not exceed $12,000,000.

"(2) Additional authorization.—

"(A) In general.—In addition to the amount authorized in paragraph (1), the Secretary shall make annual Federal contributions to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

"(B) Annual amount.—The amount of the contribution under subparagraph (A) for each fiscal year shall be the amount that is equal to 5 percent of the total amount that is appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.

"(C) Limitation on availability of funds.—Of the amount authorized by section 10(c)(2)(B), not more than $10,000,000 shall be made available until the date on which the features authorized by section 8(a) are operational and meet the objectives of section 8(a), as determined by the Secretary and the State of North Dakota.";

(2) in subsection (b), by striking "Wetlands Trust" and inserting "Natural Resources Trust"; and

(3) in subsection (c)—

(A) by striking "Wetland Trust" and inserting "Natural Resources Trust";

(B) by striking "are met" and inserting "is met";

(C) in paragraph (1), by inserting ", grassland conservation and riparian areas" after "habitat"; and

(D) in paragraph (2), by adding at the end the following:

"(C) The power to fund incentives for conservation practices by landowners.".

H.R. 3892

Offered By: Mr. Riggs

Amendment No. 7: Page 13, after line 18, insert the following:

"(E) Developing tutoring programs for English language learners that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among English language learners, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for English language learners or immigrant children and youth.

Page 13, line 19, strike "(E)" and insert "(F)".

H.R. 3892

Offered By: Mr. Riggs

Amendment No. 8: Page 17, line 17, strike "and"

Page 17, line 19, strike the period at the end and insert "; and".

Page 17, after line 19, insert the following:

"(C) the number and percentage of students in the programs and activities mastering the English language by the end of each school year.

Page 19, after line 2, insert the following:

"(4) Evaluation measures.—In prescribing the form of an evaluation provided by an entity under paragraph (1), a State shall approve evaluation measures for use under paragraph (3) that are designed to assess—

"(A) oral language proficiency in kindergarten;

"(B) oral language proficiency, including speaking and listening skills, in first grade; and

"(C) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher.

H.R. 3892

Offered By: Mr. Riggs

Amendment No. 9: Page 19, line 5, strike "(b) and (c)," and insert "(b), (c), and (d),".

Page 20, after line 13, insert the following:

"(d) Minimum Allotment.—

"(1) In general.—Notwithstanding subsections (a) through (c), the Secretary shall not allot to any State, for fiscal years 1999 through 2003, an amount that is less than 100 percent of the baseline amount for the State.

"(2) Baseline amount defined.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under parts A and C of this title for fiscal year 1998 by the State, the State educational agency, and all local educational agencies of the State.

"(3) Ratable reduction.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

Page 20, line 14, strike "(d)" and insert "(e)".

Page 20, line 24, strike "(e)" and insert "(f)".

H.R. 3892

Offered By: Mr. Scott

Amendment No. 10: Beginning on page 29, strike line 3 through page 30, line 10.

Page 30, line 11, strike "**7406.**" and insert "**7404.**".

H.R. 3892

Offered By: Mr. Young of Alaska

Amendment No. 11: Page 25, strike line 9.

Page 25, line 13, strike "and" and insert "or".

Page 25, after line 13, insert the following:

"(iii) is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency, except that, for purposes of subsections (a) and (d) of section 7124, an individual described in section 7112(a), who is served by a person considered to be a local educational agency under such section, shall not be considered an English language learner; and

H.R. 4380

Offered By: Ms. Norton

Amendment No. 1: Page 8, line 22, insert "(increased by $573,000)" after "$164,144,000".

Page 8, line 23, insert "(increased by $573,000)" after "$136,485,000".

Page 9, line 4, insert after "purposes:" the following: "*Provided further*, That $573,000 of such amount shall be for Advisory Neighborhood Commissions established pursuant to section 738 of the District of Columbia Home Rule Act".

H.R. 4380

Offered By: Ms. Norton

Amendment No. 2: Page 42, line 3, strike "funds" and insert "Federal funds".

H.R. 4380

Offered By: Ms. Norton

Amendment No. 3: Page 57, strike line 20 and all that follows through page 58, line 2 (and redesignate the succeeding provisions accordingly).

H.R. 4380

Offered By: Ms. Norton

Amendment No. 4: Page 58, strike lines 3 through 5 (and redesignate the succeeding provision accordingly).

EXTENSIONS OF REMARKS

CIVIL SERVICE LONG-TERM CARE INSURANCE BENEFIT ACT

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. MICA. Mr. Speaker, most people believe that they are covered for long-term care by their health care plans, disability insurance, or by Medicare. Unfortunately, many learn the hard way—when they or a family member needs care—that they are not adequately covered and must pay for long-term care on their own. By 2030, the average annual cost of a nursing home stay will increased from $40,000 today to more than $97,000 (in 1997 dollars).

Long-term care insurance provides protection from these catastrophic financial risks and reduces reliance on Medicaid.

As one of the Nation's largest employers it is appropriate that the Federal Government offer long-term care insurance as a benefit to Federal employees. An amazing 86% of Federal employees have expressed interest in long-term care insurance in response to survey questionnaires.

Today I will introduce the "Civil Service Long-Term Care Insurance Benefit Act" that establishes a program through which Federal employees and annuitants may obtain group or individual long-term care insurance for themselves, their spouses, and any other eligible relative. This benefit option would be available by January, 2000.

This bill will make long-term care insurance affordable to the Federal community through competition and choice.

NATIONAL CAMPAIGN TO STOP VIOLENCE—DO THE WRITE THING CHALLENGE PROGRAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Ms. NORTON. Mr. Speaker, five years ago in the District of Columbia, the Do the Write Thing Challenge Program was established. The program was started by the Kuwait American Foundation as a way for private Kuwaiti citizens to give thanks for America's support during the Gulf War. The program attracted the interest of a variety of groups who formed a coalition that created the National Campaign to Stop Violence.

Young people in the seventh and eighth grades were asked to write an essay, poem or song that responded to the question, "What can I do to stop violence?" This spring, the writings were reviewed by community leaders and 60 finalists were selected from 22 states. A leather bound book of their essays was presented to General Scott at the Library of Congress, and the young people enjoyed a reception, in their honor, in the Cannon Caucus Room.

Mr. Speaker, I rise in this chamber to celebrate and encourage the aspirations of the finalists from the District of Columbia, Nia Hepburn-Nelson and Mark Parker.

Nia is a seventh grade student attending Jefferson Junior High School who aspires to be a computer programmer. Nia and her family reside in Northeast Washington, DC. Mark is in the seventh grade at Stuart Hobson Middle School. He has an avid interest in international relations and would like to serve his country as the Secretary of Defense.

CLINTON, MA, NAMED OFFICIAL MILLENNIUM TOWN, USA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. McGOVERN. Mr. Speaker, it is my privilege to announce the designation of the Town of Clinton, MA as the official Millennium Town, USA.

They will be celebrating their 150th anniversary in the year 2000 and will truly become a genuine millennium town. Clinton, MA has already had the accomplishments of a millennium town by copyrighting several historic souvenirs—the world's first Millennium 2000 dollar bill, an official Millennium seal—Y2K, the millennium 2000 toasting mug, and the official millennium cookie. These products are the work of local resident Richard L. Harding.

I applaud the town of Clinton, MA for all of their hard work and accomplishments they have had which has given them the right to earn the title of Millennium Town, USA.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1998

SPEECH OF

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. WEYGAND. Madam Speaker, I speak in support of H.R. 4342. H.R. 4342 includes the text of several pieces of legislation that I introduced. I also wanted to thank Chairman CRANE, the rest of the Ways and Means Committee, the Subcommittee on Trade and their respective staffs for working with me on these bills.

The bills I introduced granted a duty suspension on several products used in the coatings and plastics industry. These products are organic replacements for colorants that use heavy metals, such as lead, molybdenum, chrome, and cadmium. We have all heard about the environmental and health consequences associated with using heavy metals, especially lead. Using organic materials in place of heavy metals is a step in the right direction toward protecting our environment and our health.

Tariffs are generally imposed to protect American companies from an unfair disadvantage from foreign competitors. When a tariff becomes a hindrance to American competitiveness, it needs to be reconsidered. In this case, maintaining tariffs results in substantial costs to U.S. businesses. Removing these tariffs will better enable U.S. businesses to compete, and maintain stable employment and production levels.

I urge my colleagues to support this measure.

ON THE RETIREMENT OF DR. KELVIN KESLER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. SCHAFFER of Colorado. Mr. Speaker, I rise today to honor the extraordinary contributions of a good friend, Dr. Kelvin Kesler, upon his retirement after nearly 30 years of providing outstanding medical care to the families of Fort Collins, Colorado. In 1970, Dr. Kesler opened the Fort Collins Women's Clinic, a facility offering the very best in obstetrical and gynecological medicine. Under his professional care, this small practice grew dramatically and now has 15 care providers, 65 employees, and a laboratory occupying a two story complex.

The medical advances Dr. Kesler helped pioneer, as well as keeping up with the latest medical breakthroughs in his field, are a testament to his remarkable scholarship and professionalism. Performing outpatient surgery in a state-of-the-art facility is a far cry from the days of home visits in the early 1970's. Through it all, Dr. Kesler succeeded and remained true to himself. Now delivering the children of children he once delivered, Dr. Kesler has enjoyed, in his own words, "a very rewarding career." While almost everything else has changed, Dr. Kesler's compassion and personal touch have not.

What makes Dr. Kesler truly remarkable is that he has always been committed to serving his family, community, and country. He was the first married U.S. physician sent to Vietnam. After serving in Vietnam and Japan from 1961–1963, he continued in the service of his country in the OB/GYN Department of the Naval Hospital at Camp Pendleton, CA, until 1969. Returning to Colorado, he quickly became a valued member of the University of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Colorado's School of Medicine OB/GYN Department. In addition, during this same period he was heavily involved with Poudre Valley Hospital in Fort Collins, CO. During all of this activity, he still managed to start the Fort Collins Women's Clinic. A true leader in his profession, Dr. Kesler served with distinction as the president of the Colorado Obstetric and gynecology Society. In addition, he was named the University of Colorado School of Medicine's 1996 Alumnae of the Year.

More than all the accolades and accomplishments, Dr. Kesler prides himself most on his family. His wife, JoAnn, and his children, Thomas, Jeffrey, and Kelley, he says continue to be his greatest source of encouragement and satisfaction. Mr. Speaker, I am honored to pay tribute to this generous, talented, and outstanding man who has given so much to his family, his many friends, the community in which he lives and the Nation.

AIRPORT IMPROVEMENT PROGRAM REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Ms. MILLENDER-McDONALD. Mr. Speaker, today, I rise in support in H.R. 4057, the Airport Improvement Program Reauthorization Act of 1998. This bill contains several important provisions critical to ensuring the efficiency and safety of our Nation's air traffic system, such as "whistle blower" protection and making runway incursion devices eligible for AIP funding.

This bill also authorizes funding critical to the resolution of an enormous back-log of equal employment opportunity complaints filed with the FAA and the Department of Transportation. As most of you know, this current backlog is one of the reasons that more than 200 women have filed a class action lawsuit alleging sexual harassment against the Federal Aviation Administration.

Last year, I read with great interest and dismay an article printed in the Friday, July 18, 1997 edition of USA Today. The story highlighted allegations of sexual harassment and sex discrimination among female air traffic controllers at John Wayne Airport in Orange County, California and at FAA regulated facilities across the country.

On July 23, I wrote to Chairman DUNCAN and Ranking Member LIPINSKI urging them to hold a hearing to further investigate these allegations. The leadership of the subcommittee honored my request and held a hearing on Thursday, October 23, 1997.

On the job sexual harassment is a pervasive and insidious problem. It is made worse when the alleged perpetrators of this heinous activity put the lives of hundreds of innocent men, women, and children at risk by harassing female air traffic controllers while they are directing flights as high as 36,000 feet or giving others instruction for landing or guiding aircraft on the ground to the appropriate gates or runways.

We must ensure that our nation's air traffic control towers are the safest in the world, free of discrimination and harassment of any kind. These activities lower the morale of the employees who are victims of discrimination and their colleagues who witness it. U.S. Dept. of Labor estimates that American business loses $1 billion in absenteeism, new employee training and replacement costs, and low morale as a result of sexual harassment. (This figure does not include judgments and civil court cases.)

I applaud FAA Administrator Jane Garvey for paying immediate attention to this matter and for taking steps to eliminate sexual harassment from the FAA. In addition to her "Zero Tolerance" policy, Administrator Garvey has created an accountability board that will review all allegations, regardless of origin, and take timely, consistent and appropriate action.

The Administrators efforts, combined with the funds authorized here today, will go a long way towards dealing with the issue of sexual harassment and how the complaints are ultimately dealt with. But this is not enough. We must now work to change the culture within the FAA, and hold those persons who are guilty of sexual harassment accountable.

I'd like to thank Chairman DUNCAN and Ranking Member LIPINSKI for their leadership, and for working with me to include this language in this important bill. I urge my colleagues to support this measure.

MOUNT OLIVE BAPTIST CHURCH CELEBRATES 125 YEARS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Ms. NORTON. Mr. Speaker, I rise to celebrate the rich history of the Mount Olive Baptist Church on the 125th anniversary of its founding.

Mr. Speaker, on August 17, 1873, the Mount Olive Baptist Church was organized in the home of Brother Robert Terrell and Sister Martha Terrell by a group out of the Second Baptist Church in NW, D.C. who accepted the challenge to establish a church to meet the spiritual needs of families residing in the Near Northeast Community.

From these humble beginnings, the church became extensively involved in the community. The ministerial staff, in conjunction with the Near Northeast Group Ministers Association participated, with John Hechinger, in the development of Hechinger Mall, the Pentacle Apartments and Benning Court Apartments, and initiated a Meals on Wheels Program for the sick and shut-in. In 1975, the Near Northeast Community Enrichment Program which provides social services, employment, and after school and summer enrichment programs was implemented. The "Feed My Sheep" ministry was instituted to provide a nutritious breakfast to children each Sunday morning before Sunday School. An outside community day, "Taking Jesus to the Streets" conducting by the Youth Ministry has evolved into "Love and Unity Day."

Mr. Speaker, with the opening of the Mount Olive Baptist Church Learning Center, the church continues to grow and serve the needs of the near northeast community.

Mr. Speaker, I ask the Members in this hallowed chamber to join me in saluting the officers, members and friends of the Mount Olive Baptist Church, a beacon of light and a safe haven in the near northeast community.

THE MUSIC MAKERS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mrs. JOHNSON of Connecticut. Mr. Speaker, two hundred years ago, in May of 1798, the United Irishmen, whose ranks were made up of both Catholics and Protestants, rebelled against the English Crown. In May of this year, as word reached our shores of resounding voter approval of a landmark peace agreement intended to end 30 years of Catholic-Protestant bloodshed, our former colleague, Senator George Mitchell, who helped mediate the agreement, shared a stage at the University of New Hampshire Commencement with a remarkable author, poet, actor, singer, storyteller and songwriter, Tommy Makem. On that sunny, breezy afternoon, each received an honorary degree.

Senator Mitchell, as was fitting, gave the commencement address; Tommy Makem, appropriately enough, sang a song he had written about the search for peace in Ireland. "Raise the cry for peace and justice; let the people sound the call: justice for our battered country, peace for one and peace for all." So many of Tommy's songs, such as "Gentle Annie" and "Four Green Fields" are so well known that they are often mistaken for traditional folk songs and are standards in the repertoire of floksingers around the world.

A native of Keady, County Armagh, Tommy is the son of the legendary folk singer, Sarah Makem. He came to Dover, New Hampshire in 1956, and established himself as an actor in New York. There he teamed up with the Clancy Brothers: Liam, Tom and Paddy. In the early 1960s, following an appearance on the Ed Sullivan Show and a number of sold-out concerts at Carnegie Hall, the Clancy Brothers and Tommy Makem were perhaps the best known Irishmen in all the world. At the Newport Folk Festival, in 1961, he and Joan Baez were chosen as the two most promising newcomers on the American folk scene.

In 1984, Tommy joined the ranks of millions of Irish immigrants who came before him and was naturalized as a U.S. citizen in Concord, New Hampshire. He has received countless awards, among them the Gold Medal from the Eire Society in Boston and Stonehill College's prestigious Genesis Award. Irish America Magazine named him one of the Top 100 Irish Americans five years in a row. He was awarded the first Lifetime Achievement Award in the Irish Voice/Aer Lingus Community Awards.

While there is no mention of it in his biographical sketch, I am personally aware of his support for "Project Children," a non-profit organization that brings children from Northern Ireland to the United States for a summer holiday away from the Irish "troubles," recruiting them from neighborhoods in which Protestant-Catholic conflicts have taken the heaviest toll. As of 1996, more than 11,000 youngsters from Belfast, Armagh, Strabane, Enniskillen, and Derry can be counted as "alumni" of the project.

History records that the rebellion of 1798 failed in the month of August. Let us pray that peace will take hold in August of 1998 and that in the coming years the children of Northern Ireland will visit the United States as part of a cultural exchange, rather than for a respite from sectarian violence.

Tommy's "Peace and Justice" expresses the hope that "understanding and forgiveness will dry all our country's tears"—something to be wished for on both sides of the Atlantic.

The 19th century poet Arthur O'Shaughnessy wrote of the world's musicians:

We are the music makers,
And we are the dreamer of dreams,
Wandering by lone sea-breakers,
And sitting by desolate streams;
World-losers and world-forsakers,
On whom the pale moon gleams:
Yet we are the movers and shakers
Of the world forever, it seems.

With wonderful deathless ditties
We build up the world's great cities,
And out of a fabulous story
We fashion an empire's glory
One man with a dream, at pleasure,
Shall go forth and conquer a crown;
And three with a new song's measure
Can trample an empire down.

We in the ages lying,
In the buried past of the earth,
Built Nineveh with our sighing,
And Babel itself with our mirth;
And o'erthrew them with prophesying
To the old of the new world's worth;
For each age is a dream that is dying,
Or one that is coming to birth.

Mr. Speaker, I sometimes wonder whether our society fully appreciates the importance of our artists, poets and songwriters. Tommy Makem's journey to our shore, his work for peace and the music he has made famous—including the folk songs of both North America and the British Isles—remind us that our nation has been enriched indeed by the men and women who have come here from other lands.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

The House in Committee of the whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Royce Amendment to zero funding for the Advanced Technology Program (ATP).

Zeroing-out ATP would amount to the U.S. government turning its back on its obligations. The problem is that ATP funds long-term (three to five year) research grants. The funding for the remaining years of these multi-year grants is termed a "mortgage."

According to the Administration, ATP is likely to have mortgages totaling just over $120 million in FY 1999. While these mortgages are not liabilities for the Federal Government, they represent commitments made by the National Institute of Standards and Technology (NIST) to these research projects.

Zeroing-out ATP would break NIST's commitments to its existing ATP partners. It would be like giving a four-year scholarship to a student, and then terminate it without cause after his or her freshman year.

Similar efforts to eliminate ATP failed last year by votes of 163 to 261 and 177 to 235. And this House earlier today rejected an amendment to reduce this year's funding. Further, both the House and Senate have passed legislation to specifically authorize the program.

ATP has an important role in bringing companies together, in cooperation with the Federal Government, to bridge the gap between research that creates precompetitive technologies and the commercialization of those technologies.

To date, ATP grants have helped to develop medical equipment that will assist in the fight against cancer and AIDS, increase the capacity of fiber optic cables, improve light-emitting diode (LED) displays, and create a method for combining textile weaving technology with human tissue growth to form biodegradable medical implants.

Mr. Chairman, eliminating all ATP funding in H.R. 4276 is a bad idea. It will force NIST to back-out of commitment it has made to existing ATP grant recipients and it will end a program that has shown promise.

I urge all my colleagues to vote "no" on the Royce amendment.

TRIBUTE TO KENNETH ALLEN

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. NORWOOD. Mr. Speaker, there has been a lot of talk and even legislation lately concerning the encouragement of Americans to become volunteers in their communities.

I would like to point out to my colleagues that millions of Americans have not waited for the Federal Government to call for volunteerism, they have been doing just that for decades. And nowhere can be found a better example than that of Kenneth Allen, of Dublin, Georgia.

Kenneth became a member of the Boy Scouts of Dublin in January 1976, as Assistant Scoutmaster of Troop 66. He served in that capacity until 1988, when he became head Scoutmaster.

For ten years, from 1988 until this year, Kenneth faithfully served the young men of Troop 66, producing 76 Eagle Scouts. Kenneth earned the Silver Beaver Award in 1988; the District Merit Award in 1991 and 1996; the Scoutmaster Award in 1986, 1989, 1990, and 1994; the Troop Advancement Award in 1990 and 1997, and the Cliff Moye Award in 1988.

This year, Kenneth Allen finally retired from active service with the Boy Scouts. In honor of his years of dedication, the Troop Advancement Award has been renamed the Kenneth D. Allen, Senior Advancement Award, and will be awarded annually to a scout leader in the Central Georgia Council of the Boy Scouts of America.

I'm proud to know Kenneth. He has proven himself as a credit to the Dublin community and a positive role model for hundreds of young men who have passed through Troop 66 over the 22 years he has given to that organization.

I know his wife Claudia, daughter Sharon, and son Kenneth, Junior are also proud of Kenneth's achievements, although I'm sure they are also glad to have a little more time with Dad now that he has retired.

Mr. Speaker, if we look for examples of volunteerism to serve as a model for what we need more of as a nation, we need look no further than Kenneth D. Allen, Senior, of Dublin, Georgia.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mr. TORRES. Mr. Chairman, I rise in support of the amendment by Congresswoman JACKSON-LEE to increase funding for the Community Relations Service (CRS).

At a time when our Nation continues to see the damaging effects of racial tensions, gang violence, and hate crimes, the demand for skilled professionals trained in conflict mediation has reached a new height. We must acknowledge the services this division of the Department of Justice has brought to mayors, chiefs of police, school superintendents, and concerned citizens of the community. In my home city of Los Angeles, the Community Relations Service played a vital role in resolving the week-long turmoil of the LA riots in the early 1990's. The recent events in Jasper, TX, proved another opportunity to employ these trained professionals to resolve conflict and prevent further tensions from rising. Without their interventions, the unresolved tensions of these conflicts will fester and could continue indefinitely, breeding further hate and violence.

I believe all of my colleagues here can agree that our efforts to alleviate violence in schools and communities is not something we should choose to ignore. This is not an example of a duplicated federally funded program.

This is the only Federal agency working to provide this type of assistance in times of need and attempt to prevent further outbreaks of violence and hate crimes. The demand for these services is growing and the Community Relations Service has proven itself successful in what has been deemed the most efficient and desirable approach to conflict resolution within the community; but at the current funding level they are unable to meet the demand for such services. The CRS was forced to decline 40 percent of all the requests for assistance that they received.

We hear members on the other side of the aisle speaking of a more efficient government. The CRS is an example of not only an efficient agency, but one that is cost effective. We can choose to help resolve conflict or we can pay the price of the crimes and convictions that will inevitably follow. I say we must meet the need for this demand and fully fund the CRS.

Mr. Speaker, I urge my colleagues to vote in favor of the Jackson-Lee amendment.

THE MEDICARE SUBSTITUTE ADULT DAY CARE SERVICE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. STARK. Mr. Speaker, I am pleased to rise with my colleagues Representatives CARDIN, KLECZKA, and LEWIS with whom I serve on the Ways and Means Health Subcommittee, to introduce The Medicare Substitute Adult Day Care Services Act.

This bill would update the Medicare home health benefit to incorporate modern setting for rehabilitation. While the home had been the only setting in which a homebound person could reasonably be expected to receive therapy, that is no longer always the case. This legislation would allow patients and their families to choose the best setting for their individual needs. This new choice would be provided at no additional cost to the Medicare program.

Adult day care centers (ADCs) are proving to be effective—often preferable—alternatives to complete confinement in the home. Homebound people can utilize these centers because they provide door-to-door services for their patients. ADCs send special vehicles and trained personnel to a patient's home and will go so far as to get the patient out of bed and transport them to the ADC site in specially-equipped vehicles. Without this transportation component, homebound patients would be not able to utilize such a service.

For certain patients, the ADC setting is far preferable to traditional home health care. The ADC can provide skilled therapy like the home health provider, but also provide therapeutic activities and meals for the patients. These centers provide a social setting within a therapeutic environment to serve patients with a variety of needs. Thus, patients have the opportunity to interact with a broad array of people and to participate in organized group activities that promote better physical and mental health. Rehabilitation can be enhanced in such a setting.

It is also important to note that ADC care provides an added benefit to the caregivers for frail seniors. When a Medicare beneficiary receives home health services in the home, these providers are not in the home all day. They provide the service they are paid for and then leave. Many frail seniors cannot be left alone for long periods of time and this restriction prevents their caregivers from being able to maintain employment outside of the home. If the senior were receiving ADC services, they would receive supervised care for the whole day and the primary care giver would be able to maintain a job and/or be able to leave the home for longer periods of time.

From a cost perspective, an ADC setting can provide savings as well. In the home care arena, a skilled nurse, a physical therapist, or any home health provider must travel from home to home providing services to one patient per site. There are significant transportation costs and time costs associated with that method of care. In an ADC, the patients are brought to the providers so that a provider can see a larger number of patients in a shorter period of time. That means that payments per patient for skilled therapies can be reduced in the ADC setting compared to the home health setting.

The Medicare Substitute Adult Day Care Services Act would incorporate the adult day care setting into the current Medicare home health benefit. It would do so by allowing beneficiaries to substitute some, or all, of their Medicare home health services in the home for care in an adult day care center (ADC).

To achieve cost-savings, the ADC would be paid a flat rate of 95% of the rate that would have been paid for the service had it been delivered in the patient's home. The ADC would be required, with that one payment, to provide a full day of care to the patient. That care would include the home health benefit and transportation, meals and therapeutic activities.

It is especially important to note that this bill is not an expansion of the home health benefit. It would not make any new people eligible for the Medicare home health benefit. Nor would it expand the definition of what qualifies for reimbursement by Medicare for home health services.

In order to qualify for the ADC option, a patient would still need to qualify for Medicare home health benefits just like they do today. They would need to be homebound and they would need to have a certification from a doctor for skilled therapy in the home.

All the bill would do is recognize that ADCs can provide the same services, at lower costs, and include the benefits of social interaction, activities, meals, and a therapeutic environment in which trained professionals can treat, monitor and support Medicare beneficiaries who would otherwise be at home without professional help. All of these things aid the rehabilitation process of patients.

In order to participate in the Medicare home care program, adult day care centers would need to meet the same standards that are required of home health agencies. The only exception to this rule is that the ADCs would not be required to be "primarily" involved in the provision skilled nursing services and therapy services. They would be required to provide those services, but because ADCs provide services to an array of patients, skilled nursing services and therapy services may not always be their primary activity. Otherwise, all the home health requirements would apply to ADCs.

Here is an example of how the system would work if this bill were law. A patient is prescribed home care by his or her doctor. At that time the patient and his or her family decide how to arrange for the services. They could choose to receive all services through the home, or could choose to substitute some adult day care services. So, if the patient had 3 physical therapy visits and 2 home health aide visits, they could decide to take the home health aide visits at home, but substitute three days of ADC services for the physical therapy visits. On those days, the patient would be picked up from home, taken to the ADC, receive the physical therapy, and receive the additional benefits of the ADC setting (group therapy, meals, socialization, and transportation). All of these services would be incorporated into the payment rate of 95% of the home setting rate for the physical therapy service. It is a savings for Medicare and an improved benefit to the patient—a winning solution for everyone.

While we believe this bill would create savings for Medicare without any additional protections, to make sure that that is the case, we have included a budget neutrality provision in the bill. This provision would allow the Secretary of Health and Human Services to change the percentage of the payment rate for ADC services if growth in those services were to be greater than current projections under the traditional home health program.

This is a small step forward for rehabilitation therapy for seniors. Eligibility for the home health benefit is not changed so it is not an expansion of the benefit. We believe that patients would greatly benefit from the option of an adult day care setting for the provision of home health services and look forward to working with our colleagues to enact this incremental, important Medicare improvement.

CREDIT CARD ON-TIME PAYMENT PROTECTION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. LaFALCE. Mr. Speaker, I am today introducing the "Credit Card On-Time Payment Protection Act" to address the growing financial penalties imposed on credit card holders who pay their credit card bills in full each month.

While most of the information we see on credit cards and credit card debt is alarming, one positive fact has received little attention. This is the fact that over 40 percent of credit card holders routinely pay off their credit card balances in full each month without incurring finance charges or carrying credit balances. This use of credit cards only for transactions rather than credit has been relatively stable over time. According to the Federal Reserve Bank of New York, 43 percent of households with credit cards routinely paid off their card balances in 1983, with 41 percent continuing to regularly pay off card balances in 1995.

At a time of escalating consumer debt, paying off of credit card debt should be encouraged. But the credit card companies have taken the opposite approach. Rather than encouraging a reduction of debt they are imposing penalties on card holders who pay off their card balances on time. Rather than encouraging responsible use of credit cards and reducing credit card delinquencies, they are creating new disincentives to reduce credit card debt.

Press articles began appearing two years ago describing how one credit card issuer, then another, had begun imposing minimum finance charges or maintenance fees on the accounts of card holders who regularly paid off the card balances each month. Other card issuers began to reimpose annual fees on the "no fee" accounts of card holders who paid in full. The theory behind this was, if consumers were going to have to pay a fee, they might as well carry credit balances and pay interest charges. Our colleague JOE KENNEDY responded to this problem with a bill to prohibit the imposition of a minimum finance change or fee on a credit card account solely because a card holder paid off any credit extended in full.

Late last year the press reported that several large national retail company chains were cancelling their co-branded credit cards for card holders who paid their monthly balances on time. This meant that their most responsible customers were suddenly deprived of the use of their credit cards. More recently, our colleague SID YATES brought to my attention a far more subtle, but equally effective, method that some credit card companies are using to exact fees payments from card holders who pay on time. This involves manipulation of the "payment due" date on the credit card statement to induce earlier payment of the monthly payment amount than is necessary to avoid any finance charges, thus allowing the card issuer more time to hold and earn interest on the payment.

Under the Truth in Lending Act, if a card issuer provides a "grace period" during which any credit charges can be repaid in full without incurring finance charges, it must be disclosed to the consumer in the initial card offering and in the monthly billing statement. There is no specific requirement, however, that the monthly "payment due" date be the same as this disclosed grace period, especially if no interest charge is actually charged until the end of the stated grace period. This has permitted, for example, one Chicago area bank to decrease the 25 day grace period it discloses in promotions and agreements with consumers to only 20 days in the payment due date it includes in statements of card holders who routinely pay off their monthly balances. This permits the bank an extra "float" on these payments of at least five days each month without the knowledge of the card holder. Court documents estimated that this band has used this tactic to induce card holders to advance nearly $600 million each month five days before it is actually necessary to avoid interest charges.

This manipulation of monthly payment due dates falsely induces card holders to transmit payments earlier than necessary every month, depriving them of the use of their own money up to 60 days each year! And it allows card issuers to benefit from the additional float on millions of dollars each month. Given the huge percentage of card holders who pay off their monthly bills, and the fact that large national credit card issuers are beginning to use this practice, this problem may affect millions of card holders across the United States with a credit card volume of potentially tens of billions of dollars annually.

I am pleased to join with Representatives KENNEDY and YATES in introducing legislation that would eliminate these unfair and costly practices that discourage responsible credit card use. The bill would make it a violation of the Truth in Lending Act for any credit card issuer to cancel the credit card account, or impose new fees, finance charges or other costs on any credit card account solely on the basis that the credit extended during billing periods is regularly repaid in full without incurring finance charges.

The bill also would make it a prohibited fee or charge for a card issuer to send card holders billing statements with payment due dates that are earlier than the date disclosed in promotions and card agreements and have the effect of inducing the card holder to send payments earlier than would otherwise be necessary to avoid finance charges. Taken together, these charges would preserve the accounts of the most responsible credit card users and save consumers potentially millions of dollars each year in unnecessary fee payments.

While I consider myself a strong supporter of legislation to modernize the banking industry, I cannot accept bank practices that impose unnecessary and unproductive costs on consumers. Imposing new charges and canceling the accounts of consumers who pay their credit card bills on time serves one purpose, and one purpose only—to increase the already record levels of bank fee income. These practices have no other economic or policy purpose or rationale.

At a time of escalating consumer debt and record levels of credit card delinquencies and personal bankruptcy, the banking industry should not engage in practices that discourage responsible use of credit and reduction in credit card debt. The practices I have outlined are discriminatory, they are unfair to consumers and they are wrong. I urge Congress to end these practices by adopting my legislation.

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Card On-Time Payment Protection Act of 1998."

SEC. 2. PENALTIES FOR ON-TIME PAYMENT PROHIBITED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by inserting at the end thereof the following new subsection:

"(h) PENALTIES FOR ON-TIME PAYMENT PROHIBITED—

"(1) IN GENERAL.—In the case of any credit card account under an open-end consumer credit plan, no creditor may cancel an account, impose a minimum finance charge for any period (including any annual period), impose any fee in lieu of a minimum finance charge or impose any other charge or penalty with regard to such account or credit extended under such account solely on the basis that any credit extended has been repaid in full before the end of any grace period applicable with respect to the extension of credit.

"(2) PAYMENT DUE DATES.—For purposes of paragraph (1), a creditor shall be deemed to have imposed a prohibited charge or penalty on an account under an open end consumer credit plan if the creditor regularly transmits to the obligor of such plan a statement for a billing cycle in which credit has been extended under such plan that includes a payment due date as required by subsection (b)(9) of this section—

"(A) that is different from and in advance of—

"(i) the date by which payment must be made for any credit extended under such credit plan to avoid incurring a finance change that was disclosed to such obligor pursuant to subsection (c)(1)(A)(iii) of this section;

"(ii) the actual date by which payment would otherwise have to be made to avoid incurring a finance charge if calculated on the same basis as the date by which or the period within which any payment must be made to avoid incurring a finance charge that was disclosed to such obligor pursuant to subsection (c)(1)(A)(iii); and

"(B) that has the purpose or effect of inducing the obligor of such plan to transmit payment to the creditor earlier than what otherwise would be required to avoid incurring a finance charge.

"(3) SCOPE OF APPLICATION.—Paragraph (1) shall not be construed as—

"(A) prohibiting the imposition of any flat annual fee which may be imposed on the consumer in advance of any annual period to cover the cost of maintaining a credit card account during such annual period without regard to whether any credit is actually extended under such account during such period; or

"(B) otherwise affecting this imposition of the actual finance charge applicable with respect to any credit extended under such account during such annual period at the annual percentage rate disclosed to the consumer in accordance with this title for the period of time any such credit is outstanding."

SEC. 3. REGULATIONS.

The Federal Reserve Board, not later than 6 months after the date of the enactment of this Act, shall issue final regulations to implement the amendments made by this Act.

PERSONAL EXPLANATION

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. RIGGS. Mr. Speaker, I was absent from the House of Representatives on July 30 and 31, 1998, pursuant to a leave of absence. During my absence, I missed a number of votes. Had I been present, the following is how I would have voted:

Rollcall No. 355: "Yea"; Rollcall No. 356: "No"; Rollcall No. 357: "Yea"; Rollcall No. 358: "Yea"; Rollcall No. 359: "Yea"; Rollcall

No. 360: "Yea"; Rollcall No. 361: "Yea"; Rollcall No. 362: "No"; Rollcall No. 363: "No"; Rollcall No. 364: "No"; and Rollcall No. 365: "Yea".

Rollcall No. 366: "Yea"; Rollcall No. 367: "Yea"; Rollcall No. 368: "Yea"; Rollcall No. 369: "No"; Rollcall No. 370: "Yea"; Rollcall No. 371: "Yea"; Rollcall No. 372: "Yea"; Rollcall No. 373: "Yea"; Rollcall No. 374: "Yea"; Rollcall No. 375: "No"; and Rollcall No. 376: "Yea".

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mr. OLVER. Mr. Chairman, I rise in strong support of full funding for the Economic Development Agency (EDA).

Despite the country's roaring economy, cities and towns in my rural district have suffered huge job losses over the last year, and the EDA has provided critical support to these economically distressed communities.

The EDA has funded regional economic planning to maximize job creation and development, provided capital for small businesses, and funded utilities and road construction to create industrial parks in some of the poorest communities in my district.

Most recently the EDA has approved funding to plan the renovation of the Colonial Theater in Pittsfield, MA.

The Colonial Theater recently received national accolades when the First Lady visited this historic theater during her save America's treasures tour.

It is truly an American treasure.

With the help of the EDA, a renovated Colonial Theater will serve as a catalyst to generate further economic growth and to revitalize downtown Pittsfield.

EDA programs have helped create new jobs and economic growth not just in my district, but throughout the country.

We should continue our solid support for this successful agency that has proved to be one of the best hopes for economic renewal in struggling communities.

A TRIBUTE TO ADAM AND PEGGY YOUNG OF WESTHAMPTON BEACH, LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. FORBES. Mr. Speaker, I rise today in this historic chamber to share with my colleagues the story of two very special people, whose lifetime of selfless contributions to an array of worthy causes, from national charities to local food drives, has improved the lives of countless individuals across this nation and at home on Long Island. I stand here today in the People's House to talk about Adam and Peggy Young, from my hometown of Westhampton Beach, because their devotion to the well-being of their fellow man has inspired so many Long Islanders and serves as a true example of human charity for all of our countrymen.

This Saturday evening, I have the privilege of helping Family Counseling Service of Westhampton Beach—one of many beneficiaries of the Youngs' generous spirit—honor Adam and Peggy with the 1998 "Family of Man Humanitarian Award." No two people are more worthy of this special recognition. No organization is more deserving of the Young's efforts than Family Counseling Services.

Since 1971, Family Counseling Service has provided counseling and support services to more than 90,000 adults and children. Led by Executive Director George Busler, Family Counseling's staff has helped families work through such everyday issues as parent-child relationships or the death of a loved one. When families face much more traumatic experiences, like domestic violence or sexual abuse, these dedicated counselors and psychiatrists provided the support and skills they need to survive and carry on.

The same way Family Counseling Services heals the wounds of society's most basic unit—the family—Adam and Peggy Young are committed to a grass roots brand of philanthropy. As the founder of Young Broadcasting, with television stations in America's in America's major markets, Adam Young is a recognized pioneer in harnessing the power of television to benefit the community. In Los Angeles, KCAL sponsors the largest child anti-violence campaign in the city, while in Nashville, WKRN has raised more than $1.2 million for local schools. In Albany, WTEN sponsors the groundbreaking "Children First" campaign to raise awareness of children's issues, while WTVO in Rockford, Illinois is leading the effort in that community to combat adult illiteracy.

Here on Long Island, Adam and Peggy direct their seemingly boundless energy and enthusiasm towards the East End Hospice, Little Flower Children's Services and Southampton Hospital. Adam and Peggy are also tireless in support of causes that strike close to home. When cancer took the life of their oldest daughter Susan, they joined the American Cancer Society's battle to defeat this dreaded disease. Peggy overcame serious heart problems several years ago and today, the American Heart Association enjoys their avid support. They also support the Palm Beach Rehabilitation Center, which helped Adam through four hip replacement surgeries.

Mr. Speaker, words can hardly express the deep debt of gratitude that we on Eastern Long Island owe to Adam and Peggy Young for all they have done to serve our community and improve the lives of our neighbors. I ask my Congressional colleagues to join me, Family Counseling Services and all who have benefited from their generosity in thanking Adam and Peggy Young for all of their good work. May God bless them just as he has blessed all of us by sending two such wonderful guardian angels.

IN COMMEMORATION OF THE ONE-YEAR ANNIVERSARY OF THE KOREAN AIR 801 CRASH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. UNDERWOOD. Mr. Speaker, tomorrow, August 6, the people of Guam, the survivors and the family members of the ill-fated Korean Air 801 flight will commemorate the one year anniversary of this sorrowful day. The death of 228 men, women and children is not merely a morbid statistic, these individuals were mothers, fathers, uncles, aunt, grandparents, daughters, sons and friends of hundreds of other individuals spread out across the globe, from Guam to Seoul to California.

While many continue to feel the pain of this tragic episode, others rely on the passage of time as part of their personal healing process. One year ago, a Guam hillside was strewn with wreckage debris and bodies; today, a 24-foot high obelisk stands tall, a memorial to the lives lost on that fateful morning.

Today, I, along with the people of Guam, express my condolences to victims' family members, as well as my gratitude to the various federal, military, government and civilian personnel who assisted in the search, rescue and recovery mission.

Even as this memorial is completed a year after the crash, the investigation process is still underway. I attended the National Transportation Safety Board (NTSB) March informational hearing conducted to gather more data about the Korean Air 801 accident. While the wreckage examination is complete, a draft of the factual report written by NTSB officials will not be available until the end of September. A final report determining probable cause of the accident will be submitted to the NTSB Board later this year.

I would like to remind my colleagues that the Foreign Air Carrier Family Support Act emerged from the Korean Air 801 crash. I introduced this legislation a little more than a month after the accident, and it became law within 3 months of its introduction. The swiftness of its passage and the strong bipartisan support demonstrated during its development proves how important respect and understanding must be accorded to those affected by the devastating consequences of an airline crash. The law, enacted at the beginning of the year, requires foreign air carriers to implement a disaster family assistance plan should an accident involving their carrier take place on American soil. I am pleased to note that after the Foreign Air Carrier Family Support Act was enacted, about 95% of airline passengers are now covered by family emergency plans.

Korean Air 801's one-year anniversary should not only remind us of the grief and turmoil of the crash, it should also serve as a reminder of the stalwart courage and tremendous effort displayed by the survivors, family members and friends, and individuals who assisted in the aftermath, whether they physically carried passengers to safety or provided interpretation services to families.

The people of Guam have experienced an enormous loss; at the same time, we have gained an even greater sense of compassion for others. The Korean Air 801 crash has provided us this valuable lesson, let us continue to practice it in remembrance of all those who perished one year ago.

INTRODUCING THE HERO ACT—HOMEBOUND ELDERLY RELIEF OPPORTUNITY ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. RAHALL. Mr. Speaker, today I join with my Colleague Representative VAN HILLEARY, to introduce a new bill that has as its purpose to resolve the unconscionable mess the BBA made of home health benefits programs when it passed the Balanced Budget Act of 1997.

As a matter of fact, Mr. Speaker, I have been involved in this effort since last November when I introduced H.R. 2912, intended to restore the venipuncture home health benefit that the BBA terminated for all time. As of this date, 105 of my concerned colleagues from both sides of the aisle have joined me in supporting the restoration of this life-giving home health benefit.

Mr. Speaker, the bad news is that the hastily drawn, ill-considered attack on America's home health industry that took place last year during debate on a balanced budget has resulted in massive harm—both to home health agencies and to the Medicare-enrolled, Medicare-eligible senior citizens who are vulnerable, frail and seriously disabled. This attack on home health agencies has driven 1,100 out of 8,000 agencies nationwide out of business and those who are still open are beginning to refuse to accept Medicare patients.

But the good news is that: Members of this House from both sides of aisle with conservative to moderate to liberal leanings—are finally beginning to band together to try and reverse the trend to shut down the only specialists we have in this country who are trained to provide care for our sickest and most vulnerable population—senior citizens and others who are disabled and homebound.

I take great pride in having introduced H.R. 4339 last week—a bill calling for a three-year moratorium on the so-called temporary payment (interim) system that has caused home health agencies to fail and patients to be left totally without resources to keep them safe.

The Interim Payment system (IPS) was only supposed to remain in place until HCFA could get the Prospective Payment System in place in October of 1999. The horror is that HCFA has advised Congress that due to circumstances, including HCFA's problem with Y2K considerations—it can't meet the deadline next October.

If HCFA doesn't meet that deadline, Mr. Speaker, it doesn't matter—the BBA says that when next October 1st rolls around it will automatically trigger a 15 percent reduction in all reimbursements to home health agencies.

I deeply appreciate the bipartisan support my bill, H.R. 4339 has received over the past week, and I encourage those Members who haven't cosponsored it, to do so.

But because of a need to provide a solution to the IPS problem while at the same time guaranteeing budget neutrality—we need not only a moratorium—but also a trigger of our own—a trigger that works on behalf of home health agencies—instead of the built-in trigger that gets pulled next October making matters much worse than they are today.

That is why we have introduced the HERO bill today—the Homebound Elderly Relief Opportunity bill—to provide both a moratorium for immediate relief—and a trigger mechanism for future relief and stability among both agencies and the patients they serve.

This is a bipartisan effort to get something done—something positive and constructive to get home health agencies back on their feet—where they deserved to be—and Medicare patients back into home care programs they rely upon for daily comfort, for physical and mental stability, for the chance to remain at home among loved ones while struggling with the infirmities of old age and disease.

That what this joint effort is about today—my colleague Representative VAN HILLEARY of Tennessee and I—it is our rallying cry for action before this Congress adjourns to help those we are sworn to help—vulnerable people who cannot help themselves—the sickest and most frail population in this country—who depend upon home care and the people who deliver it to them.

We need to do the right thing. I strongly believe the combined moratorium to provide immediate relief, and the trigger mechanism in the HERO bill for future cost effectiveness, is the right thing to do.

LEGISLATION TO RAISE THE MANDATORY RETIREMENT AGE FOR U.S. CAPITOL POLICE OFFICERS FROM 57 TO 60

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to change the mandatory retirement age for U.S. Capitol Police Officers from 57 to 60. I urge all of my colleagues to support this legislation.

As every Member of Congress know, the Capitol Police is one of the most professional and dedicated law enforcement agencies in the country. They perform a vital and important function. The force is blessed to have a large number of experienced and highly competent officers. Unfortunately, every year dozens of officers are forced to leave the force because of the mandatory retirement rule. Many of these officers are in excellent physical condition. More important, they possess a wealth of experience and savvy that is difficult, if not, impossible to replace.

Raising the mandatory retirement age from 57 to 60 will provide the Capitol Police with the flexibility to retain experienced, highly competent and dedicated officers. It will enhance and improve security by ensuring that the force experiences a slower rate of turnover. Please keep in mind that should this legislation become law, Capitol Police officers between the ages of 57 and 60 would still have to meet the standard requirements to remain on the force, including proficiency on the shooting range.

This legislation is a common sense measure that will go a long way in improving and enhancing what is already one of the finest law enforcement agencies in the world. Once again, I urge my colleagues to support this bill.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. OBERSTAR. Mr. Speaker, on Monday, August 3, 1998, I was en route back to Washington with family members and missed three roll call votes.

Had I been present, I would have voted "nay" on H.R. 3743 (Roll Call vote 377); I would have voted "aye" on S. J. Res. 54 (Roll Call Vote 388), and I would have voted "aye" on the Shays/Meehan Campaign Finance Reform Substitute, as Amended (Roll Call Vote 379).

SUCCESS OF CARE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. McDERMOTT. Mr. Speaker, as Congress moves forward on consideration of fiscal year 1999 foreign operations appropriations, it is worth noting a few of the many successes CARE, one of the world's largest international relief and development organizations, has had in helping the world's poor. Many of CARE's programs are supported by private donations and the U.S. Agency for International Development.

Day-long walks for water forced families in Mozambique to set priorities for water use. Drinking and cooking ranked ahead of washing hands and taking baths. CARE worked with communities to identify health problems related to water and sanitation needs. As a result CARE's Community Water and Sanitation Project was designed to dig wells and install water pumps close to where people lived. Now mothers and children can walk to the nearest pump in minutes and health has improved because of the availability of clean water.

Six years ago, the region had 138 functioning water stations with more than 1,800 people using each. Five years later, the region had 372 water stations, each serving approximately 840 people. As of November 1997, 97 percent of the pumps installed were functioning satisfactorily.

In Ecuador, CARE's SUBIR Project is working with Chachi Indians living in and around the Cotacachi-Cayapas Ecological Reserve and the Yasuni National Park. For years, the country's timber companies have harvested lumber from these protected areas, stripping the land of all vegetation, leaving behind unusable, depleted soil and harming wildlife habitat. Further, the Chachi Indians have gained little or no income from the trees that populate their land. CARE's work is helping preserve the environment and increase the incomes of the indigenous people of the Reserve and National Park. They include working with the Government of Ecuador to obtain land titles to 35,000 hectares for the Chachi, teaching sustainable forest management and negotiating fair lumber prices with the timber companies.

The value organizations like CARE cannot be emphasized enough. Their efforts play an integral role in development assistance worldwide. These programs show how public-private partnerships between the U.S. Government, host country governments, private U.S. citizens and businesses can help others build a better future.

TRIBUTE TO JOSEPH LUBRANO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. TOWNS. Mr. Speaker, I rise today to recognize Joseph Lubrano, the United States Postal Service (USPS) Brooklyn Postmaster. Joseph was promoted to the position of Brooklyn Postmaster in December of 1997 from his prior position of Officer-in-Charge, Brooklyn Post Office.

I wish to commend Joseph for his efforts in vastly improving the quality of postal service in the borough of Brooklyn. Joseph has expanded passport acceptance services in the Brooklyn post offices, encouraged station managers to meet and greet customers in their stations, and increased hours of operation in Brooklyn post offices and substations. His initiatives and responsiveness has improved customer relations between postal patrons and the USPS.

Joseph has served twenty years with the USPS. Within three years of his induction to the USPS, he was promoted to a supervisory position. Joseph has held numerous positions in customer services, including Delivery and Collection Supervisor; General Supervisor of City Delivery; Station Manager; Manager of Delivery and Collection; Manager of Stations and Branches; Area Manager; Postmaster of Far Rockaway; Senior Manager of Post Office Operations in Westchester, New York; and various details at USPS Headquarters and in the New York area.

A product of Brooklyn, New York, Joseph grew up in the New Lots neighborhood of Brooklyn. He attended Public School 171, Thomas Edison High School, and graduated from St. Johns University.

Mr. Speaker, it is with great pleasure that I pay tribute to Joseph Lubrano for his commitment and dedication to ensuring quality service to the people of Brooklyn from the United States Postal Service.

HELP EXPAND INSURANCE OPPORTUNITIES FOR THE MEN AND WOMEN WHO DEFEND OUR NATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. FILNER. Mr. Speaker and colleagues, I have introduced the Veterans' Life Insurance Opportunity Act of 1998 (H.R. 4115) to increase the accessibility of the Veterans' Group Life Insurance (VGLI) program to men and women of our Armed Forces following their separation from active duty.

Active duty service members, unless they decline coverage, automatically participate in the Servicemen's Group Life Insurance (SGLI) program. This coverage expires following their discharge from the Armed Forces.

Under current law, veterans have only four months to convert directly from SGLI to the VGLI program. Then they have an additional 12 months to apply for VGLI if they can provide medical proof of insurability. Following this brief time period, veterans have no other opportunities to enroll in VGLI.

How many veterans, who are in transition from military to civilian life, busy relocating themselves and their families, finding housing, returning to school, and working hard to enter and advance themselves in the civilian workforce, are also thinking of life insurance needs? Many are young and have not yet thought of their future beyond the military. The deadlines for conversion are missed because of the many more immediate issues that newly-separated veterans are facing.

Then, a couple of years go by, and the veteran realizes the importance of life insurance. By that time, it is too late!

My bill, the Veterans' Life Insurance Opportunity Act, provides a reasonable and more realistic level of flexibility for our veterans who want coverage under the VA life insurance program. It would allow two years following their date of discharge to convert from SGLI to VGLI. Additionally, a second opportunity to make the conversion would be provided five years after their date of discharge from military service.

Who, in our country, deserves and needs life insurance more than anyone else? This may be a hard question to answer, and indeed, our answers may vary. But high on the list, I believe, must be our veterans.

I urge my colleagues to expand insurance opportunities for veterans. Please support and co-sponsor H.R. 4115.

INTRODUCTION OF THE BIOMASS ENERGY EQUITY ACT OF 1998

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. HERGER. Mr. Speaker, today I join with my colleague Mr. MATSUI and our cosponsors—Mr. ENSIGN, Mr. MCCRERY, Mr. MCDERMOTT, Mrs. THURMAN, Mr. SMITH of Oregon, Mr. POMBO, Mr. HUNTER, Mr. DOOLEY, Mr. GIBBONS, and Mr. BLUMENAUER—to announce the introduction of "The Biomass Energy Equity Act of 1998," legislation that will help sustain the economic and environmental benefits provided to the public by the biomass power industry in the United States.

The biomass power industry is a unique source of renewable electricity. It generates electricity by combusting wood waste and other non-hazardous, organic materials under environmentally-controlled conditions as an alternative to disposal or open-incineration of these materials. In effect, the biomass power industry makes constructive use of waste materials that would otherwise become a public liability.

Mr. Speaker, the organic materials used as fuel by this industry are gathered from the agricultural and forest-related sectors of our economy and from our urban waste streams. In addition to the jobs that are generated by this activity, a range of quantifiable benefits arise: the risk and severity of forest fires is diminished, air pollution from open burning of agricultural residues is avoided, and landfill space is preserved. In the absence of this $7 billion per year industry, the nation would face a series of negative consequences above and beyond the loss of the renewable electricity itself.

Congress recognized the importance of the biomass power industry when it enacted a biomass energy production tax credit in 1992. Unfortunately, the production tax credit provided by this code section—due for expiration within a year—has never been accessible to the biomass power industry due to excessively narrow drafting. Our legislation corrects this defect in order to recognize and retain the public benefits, including the national security and system reliability benefits, of this important industry.

Mr. Speaker, I truly believe that this is a "good government" issue whose clear merits and environmental benefits transcend partisan and regional politics, and I would urge all of my colleagues—on both sides of the aisle—to cosponsor this important and much-needed legislation.

CIGARS ARE NO SAFE ALTERNATIVE ACT OF 1998

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Cigars Are No Safe Alternative Act of 1998.

Mr. Speaker, available scientific evidence demonstrates that regular cigar smoking causes a variety of cancers including cancers of the lip, tongue, mouth, throat, esophagus, larynx, and lung. That same evidence demonstrates that heavy cigar smokers and those who inhale deeply are at increased risk of coronary heart disease and can develop chronic lung disease. Despite these serious and deadly health risks, cigar use is up dramatically in the United States over the last five years: small cigar consumption has increased by an estimated 13%, large cigars by 70%, and premium cigars by a whopping 250%. Teenagers are a fast-growing market for these deadly tobacco products. In fact, data from the Centers for Disease Control's 1997 Youth Risk Behavior Survey indicate that among high school students, over 30 percent of the males and 10 percent of the females are current cigar smokers.

Mr. Speaker, cigars are not a safe alternative to cigarettes. Compared to a cigarette, nicotine yields for cigars are 9 to 12 times greater; tar yields 2 to 3 times greater; and large cigars emit 20 times more ammonia, and up to 10 times as much other cancer causing agents.

In order to drive home the message that smoking cigars is not a safe alternative to smoking cigarettes, I am introducing the Cigars Are No Safe Alternative Act of 1998. The CANSA Act will prohibit the sale and distribution of cigars to any individual who is under the age of 18. It will directly impose restrictions on the sale and advertising of cigars directed at youth, and eliminate cigar advertising on electronic media. It will encourage cigar manufacturers to end the practice of paying for, or participating in cigar product placements in movies and on television where a substantial segment of the viewing audience is under the age of 18. And it will direct the FDA to require warning labels on cigars to warn cigar users about the health risks presented by cigars.

Mr. Speaker, the CANSA Act will also require the Secretary of Health and Human Services to conduct a study on the health effects of occasional cigar smoking, nicotine dependence among cigar smokers, biological uptake of carcinogenic constituents of cigars, and environmental cigar smoke exposure. It will require the Federal Trade Commission (FTC) to report to Congress on the sales, marketing, and advertising practices associated with cigars. And in addition, the Secretary, acting in cooperation with the FDA, the FTC, and the Department of Treasury, shall be required to monitor trends in youth access to, and use of, cigars and notify Congress of the results.

Mr. Speaker, if and when Congress does act to reduce teen smoking, we must send the unambiguous message to children and adolescents that cigars are no safe alternative to cigarettes. I urge all members to become cosponsors of the Cigars Are No Safe Alternative (CANSA) Act of 1998, and to support its passage in the House.

COMMENDING LOCAL UNION 101

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to commend Local Union 101 of the Plumbing and Pipe Fitting Industry in Belleville, Illinois on the 100th anniversary of its charter.

Local 101 has been serving the needs of the plumbing and pipe-fitting industry for 100 years. It is made up of plumbers, pipe-fitters, steam-fitters, service-fitters and gas-fitters. These men and women work hard, and they have made a significant difference in the community. In part due to the dedication of the members of Local 101, the Belleville community has one of the highest standards of living in the Metro-East. Local 101 has helped complete the two hospitals in Belleville, the area high school and many other building and infrastructure projects in the community. All projects were completed with the highest quality craftsmanship. Mr. Speaker, Southwestern Illinois is growing rapidly. MidAmerica Airport, MetroLink Light Rail and other economic development projects give the region even more potential for growth and prosperity. Local 101 will continue to play a significant role in the development of the region.

Local 101 was one of the first unions in the area. When Local 101 was chartered on August 17, 1898 it had 23 members. Today it numbers over 200. Local 101 has been instrumental in securing pay equity for its members, health insurance, a 40-hour work week, its own pension plan and a continuous training program. 100 years ago these innovations were unheard of. Today, because of the work of unions such as Local 101, the hardworking men and women in the plumbing and pipe-fitting industry are afforded safe workplaces, equitable pay and worker protections.

Mr. Speaker, I commend Local 101 on its fine history of quality workmanship and its laudable record of promoting workers rights. I congratulate Local 101 on its first 100 years and wish Local 101 and its members well in the years to come.

INTRODUCTION OF THE SMALL WATERSHED REHABILITATION AMENDMENTS OF 1998

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. LUCAS of Oklahoma. Mr. Speaker, today, I am introducing the "Small Watershed Rehabilitation Amendments of 1998". This bill will address the serious infrastructure needs of our nation's aging community sponsored—USDA assisted dams.

"The Small Watershed Amendments of 1998" provides a responsible legislative proposal aimed at addressing the infrastructure needs of our aging watershed dams. It defines the problems, calls for an assessment of the problem, creates a cost-share program to address the need, and authorizes funding of the program.

During the week of July 4th, 1998, a celebration in Cordell, a small farming community in Western Oklahoma, marked the 50th anniversary of America's first United States Department of Agriculture (USDA) floodwater retarding structure. Constructed in 1948, the Cloud Creek Watershed Site #1 was built under the authorization of the Flood Control Act of 1944 (P.L. 534). This authorization was a result of a belief in Congress that rural watershed protection, flood protection, proper land management, and keeping raindrops close to where they fall was best addressed through technical assistance available through the USDA. Works under P.L. 534 were authorized in 11 major watersheds throughout the country. The success of P.L. 534 spawned the enactment of the Pilot Watershed Program in 1953 and the Watershed Protection and Floodwater Protection Act of 1954 (P.L. 566). P.L. 566 is commonly referred to as the USDA Small Watershed Program. Over 10,000 flood retarding structures have been built across the nation under these combined programs.

The Small Watershed Program is one of our nation's most successful public/private partnerships. In all instances, the USDA served as a partner with states and local entities by encouraging sponsorship of sites, providing cost-share funding for construction, doing site and geologic surveys, and providing engineering and design expertise. The local district provided all the land, easements and right of ways, covered local construction costs, managed the contracting process, and continue to operate and maintain completed works.

The Cloud Creek celebration serves as a reminder to all of us that over 1,000 of the structures built under these programs are now over 40 years old. Most of the structural measures built have an evaluated life of fifty years or have been swallowed up by urban development. It is time to address the rehabilitation needs of these aging structures.

Every state in the Union will eventually be impacted by this problem. I would encourage my colleagues to review the legislation, and I look forward to their support.

THE PASSING OF LEOPOLD LEFKOWITZ

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. GILMAN. Mr. Speaker, it is my sad duty to inform our colleagues of the passing of an outstanding, remarkable constituent of my 20th Congressional District of New York, who happened also to be a unique American who in many ways personified the American dream.

Leopold Lefkowitz, known and beloved by his followers as Reb Leibish, was 79 years young when he died this past weekend, but many lifetimes were crammed into his busy, productive life.

He was born in Europe at a time when that continent was just beginning to deal with the devastation of World War One. His family worked diligently to overcome economic hardship, but their labors resulted only in the hard heel of oppression when the Nazis came to power and began their relentless persecution of Jews and other minorities. Leibish Lefkowitz was fortunate enough to escape during World War Two, and he settled with the Hasidic community in Brooklyn, NY.

In those years, Reb Leibish enjoyed great success with a glass company he founded, the Crystal Clear Importing Inc., which was headquartered in Ridgefield, NJ. He and his wife, Dinah, raised two children. As Reb Leibish became more and more prominent in charitable and philanthropic enterprises, Dinah became known as a dynamic industry leader, guiding Crystal Clear Importing to phenomenal growth.

In the early 1970's, when the need to establish a new Hasidic home in upstate New York became apparent, it was Reb Leibish, Leopold Lefkowitz, who founded the Monfield Homes Company which purchased 172 acres in the Town of Monroe. It was his dream that the Hasidic community moving to this new homestead—the Village of Kiryas Joel—would come to live in peace and harmony with their neighbors. This was a goal he worked for from that time until the day of his death.

During the first twenty years of Kiryas Joel's existence, Reb Leibish Lefkowitz served as his community's elected Mayor. In that capacity, he was not only the temporal leader of the Hasidic village, he was also the strong right arm of its religious leaders.

Leibish was president of Brooklyn's Congregation Yetev Lev and the United Talmudical Academy, to which he donated substantial funds over the years. He was well known for his compassion and his charity in helping many people in need throughout the years.

The number of charitable and community service causes in which Leibish Lefkowitz immersed himself is truly awesome. Still legendary is the tale of how he put together a coalition of environmentalists, religious and ethnic leaders, families, and other concerned citizens to successfully fight the construction of a garbage incinerator in the heart of the Williamsburg section of Brooklyn during the early days of Mayor Koch's administration. The incinerator would not only have been a threat to the cause of clean air and to the health of the neighborhood, it would have totally destroyed the cohesiveness of the various ethnic groups who have made that neighborhood famous. Leibish earned the respect not only of Mayor Koch but his entire administration for the masterly, gentlemanly way he revealed the folly of this incinerator plan.

On May 25, 1987, then-Governor Mario Cuomo of New York presented Mr. and Mrs. Lefkowitz with a citation on the occasion of their being feted at the annual Door of Hope Banquet of the Pesach Tikvah Hope Development Company. The Governor noted that: "Reb Leibish has been a recognized and respected leader of the Hasidic community. His numerous leadership positions and organizations include the Presidency of Congregation Yetev Lev D'Satmar and United Talmudical Academy, Founder and Mayor of the Village of Kiryas Joel, Chairman of the Board of United Jewish Organizations of Williamsburg, Founder and President of Opportunity Development Association, Founder and President of S.A.T.M.R. School for Special Children, along with contributions to uncounted charitable and educational institutions."

The Governor's citation continued: "His work on behalf of the community could not have succeeded without the support and active encouragement of his wonderful helpmate, Dinah."

Reb Leibish ironically died on Tisha B'av, one of the most solemn of all Jewish holidays. Over 5,000 persons attended his funeral service, where he was eulogized by grieving mourners as a genuine friend of all.

Leopold leaves behind his wife, Dinah, two children, Abraham and Chana, several grandchildren, and great-grandchildren. He also leaves behind a legacy of humanity that all would be well advised to emulate.

Mr. Speaker, I invite our colleagues to join with us in expressing our condolences to the family, friends, and many admirers of Reb Leibish Lefkowitz.

DECOMMISSIONING THE USS GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. UNDERWOOD. Mr. Speaker, the *USS Guam* is slated for decommissioning this coming August 25. The soon to be decommissioned ship is the third to bear the name of my home island. The original *USS Guam* was a 159-foot river gunboat launched in 1928. She carried five officers and a crew of forty-four with a mission of protecting American interests on the inland and coastal waters of China in the period preceding World War II. Renamed the *USS Wake*, the gunboat was captured by the Japanese in Shanghai on December 7, 1941.

The second *USS Guam* was authorized by Congress on November 21, 1943. The second largest cruiser in the American fleet, the ship was manned by over 2,000 men. She entered the war in January, 1945 and earned two Battle Stars on the Asiatic-Pacific Area Medal, the Navy Occupation Service Medal, and the China Service Medal.

The current *Guam* was commissioned on January 1965. An amphibious assault ship designated LPH–9, she is designed to transform more than 2,000 Marine assault troops to combat areas and land them by helicopter at designated inland points. During the ship's distinguished service, she was assigned as prime recovery vessel for the Gemini XI mission. Among others, she also recovered a rocket designed to study atmospheric conditions during a solar eclipse, transported marines during several Caribbean deployments, performed humanitarian services in Peru, became part of the Multi-National Peacekeeping Force in the Middle East, and assisted in the rescue of 200 American citizens in Grenada. The third ship to be designated *USS Guam* received the Meritorious Unit Commendation, the Navy Unit Commendation, the Armed Forces Expeditionary Medal, the Navy Expeditionary Medal, and two Humanitarian Service Medals.

After being decommissioned, we can only speculate whether this vessel would ever again be called to be of service to our nation or as they say, "just fadeaway." Although we on Guam somehow feel sadness about the decommissioning of our island's namesake, we look forward to the return of several articles.

Back when the gunboat *Guam* was still sailing the Yangtze River in 1927, the people of Guam learned that the ship had no bell. Although ship's bells are considered obsolete nowadays, prior to the advent of our modern communication systems, bells used to sound when the ship is anchored in a fog, mist, falling snow, or heavy rainstorm. Further, the ship's bell was rung to indicate the time. In light of the situation, the chamber of commerce raised money by urging Guam's school children to contribute a penny a piece. By December, 1928 over $700 had been raised and a bell and a plague was presented to LtComdr R.K. Autry, who was then the ship's commanding officer.

Details as to what happened to these items after the first ship's capture but they somehow ended up at the Marine Corps Barracks on Guam. In 1954, the bell and plaque was presented to the governor of Guam who decided to have it displayed at the Nieves Flores Memorial Library where the people of the island could see it. In 1985, Mr. Bill Banning, a retired marine, was able to arrange for the bell and plaque to be loaned to the current *USS Guam*.

On August 25, I will be joining a number of Guam residents in witnessing a solemn ceremony wherein the United States flag and the commissioning pennant will be lowered. As the crew marches off, the United States Ship will be transformed into a mere hull of steel. This is the passing of an era, a truly emotional moment for those who had the privilege to serve and to the people who hail from the island the vessel was named after. On behalf of the people of Guam, the Guam Society of America, and the Guam community of Norfolk, Virginia, I would like to commend the officers and sailors who have made great contributions and focused attention to the good name of our home island by serving on the *USS Guam*. I also thank the ship's commanding officer, Capital Bill Luti, USN, and his crew for allowing us the honor to attend the ceremony. Si Yu'os Ma'ase.

INTRODUCTION OF HERO ACT

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. HILLEARY. Mr. Speaker, the Balanced Budget Act (BBA) made many changes to the home health industry. Probably the most significant of these was the implementation of an Interim Payment System (IPS) which changed the way home health agencies receive Medicare reimbursements. The IPS was supposed to be a temporary and efficient solution. Instead, it has been an unmitigated disaster. All parties for the most part seem unanimous to the fact that the system is not working and that something must be done.

As a result many agencies have either closed or dropped coverage from otherwise deserving senior patients. Many of our elderly have died because of these closures and removals of coverage.

Making the problem even more severe is the fact that the Health Care Financing Administration (HCFA), who is supposed to implement the permanent solution to aid home health agencies, has stated that they will be unable to make their deadline to end the IPS of October 1, 1999 due to among other reasons, severe Year 2000 computer problems. As a result the situation will only get worse. Many agencies that have cut as far as they can will not be able to hold out much longer.

Yet, the bad news does not stop there. If HCFA fails to make the October 1, 1999 deadline, an across the board 15% reduction will occur in all reimbursements to home health agencies. This will surely drive out all the home health agencies left. As a result, even more of our seniors will pass away or be shipped to nursing homes to live their last days in isolation. Not only would this be costlier for taxpayers, but it is simply wrong. Something, very simply, needs to be done.

That is why I am introducing the Homebound Elderly Relief Opportunity Act, also known as the HERO Act. It aims to solve this problem by accomplishing seven things.

First, it creates a "moratorium" on the IPS. In other words the system goes back to the way it did pre-BBA with raised patient per visit cost limits. This is what all home health agencies need across the country to survive.

Second, it allows the home health system to recapture some of the unanticipated savings that the Balanced Budget Act estimated while still keeping the budget balanced. The savings in the home health industry have far surpassed the original savings envisioned by the BBA. This bill quite simply allows the industry the ability to recapture any unanticipated future savings. No longer will agencies be forced to go out of business and people removed from their health care providers. The moratorium will help this to occur.

Third, it establishes a "trigger" that will keep the budget in balance. While most experts in the field estimate that this trigger will likely not even be reached, this trigger is the essential component in attempting to maintain a balanced budget. This bill is designed to be budget neutral by using actual CBO estimates of spending on home health care under the BBA and capping at those levels. This cap will prevent PAYGO problems.

Fourth, the trigger created will then allow states more flexibility than found in an other legislation by allowing each agency to choose between the 98% value of two formulas. Some states, like my home of Tennessee, would have the ability to choose a mix of a 75% "regional" component and a 25% "national" component. Other states that are structured differently, like New York and New Jersey would choose a calculation of 75% "national" component and a 25% "regional" cost comparison. Thus, this is one of the first bills that aims to be regional neutral. No longer will Louisiana, Tennessee, Texas, and Oklahoma be pitted against New York, New Jersey, and Vermont.

Fifth, it gives agencies who incur unusually high costs due to an abnormal number of high cost patients (such as through emergency care) to claim outlier status. An outlier status would allow agencies to care for patients with more freedom. However, this outlier status would come out of the funds created by the moratorium and fall under the money as used in the "trigger" explained earlier. Thus, even this provision aims to be in balance.

Sixth, it allows relief for new agencies and establishes a proration of Medicare benefits among agencies who share a patient. No longer will new agencies be unable to open due to the draconian provisions of the IPS. In addition, where agencies share the same patient, one agency will not be able to take all the Medicare payments from an eligible enrollee, thereby leaving the second agency without payment.

Seventh, this legislation relieves the impending doom of the 15% across the board reduction of October 1, 1999. The trigger caps are in place in a similar fashion off January 1998 estimates in order to keep the same budget neutrality the rest of the bill tries to attain.

I urge all other members who see the need for a reform in IPS to back my bill. The Homebound Elderly Relief Opportunity (HERO) Act is a common sense way to relieve this system in a sensible and financially responsible manner.

IN HONOR OF THE 40TH ANNIVERSARY OF THE GLENVIEW SENIOR CITIZEN CLUB

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. PORTER. Mr. Speaker, I rise today to salute an organization in my congressional district that has supported the needs of senior citizens for the past 40 years. The Glenview Senior Citizen Club has expanded over the years to encompass a variety of health and recreational services needed to maintain the medical and social well-being of senior citizens throughout our area, and I am very proud to help recognize and celebrate the 40th Anniversary of its service.

The Glenview Senior Citizen Club was established in 1958 with eleven dedicated individuals organizing its monthly social events. Presently, more than one thousand members participate in forty active programs including: crafts, choral group, blood pressure testing, counseling, physical fitness programs, educational and informational activities, and a variety of social events.

This organization has attracted many members due to its accommodating services that make it easier for senior citizens to participate. First, there is a transportation service provided at no charge that takes senior citizens to and from the center. They also broadcast the center's programs over local cable television stations to educate their members and the greater public about the work being done there. A joint intergenerational program with the Glenview School System is also a way in which the center seeks to involve its members in community related activities.

It is no surprise that the club's unique programs, services, and achievements have received statewide recognition. They have twice been the recipients of the Illinois Department of Commerce and Community Affairs "Governor's Hometown Awards" for Community Involvement in 1988 and "Individuals and Issues" programs in 1998.

Mr. Speaker, The Glenview Senior Citizen Club has long been a champion of civic service and of providing a variety of programs established to better the lives of its members. Together with everyone in the community, I wish to congratulate the Club on its 40th Anniversary and send best wishes for its continuing success in all years ahead.

TRIBUTE TO JORDAN HENRY WILSON, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. DIXON. Mr. Speaker, I am pleased to commend Mr. Jordan Henry Wilson, Jr., on the occasion of his retirement from the Los Angeles Unified School District. On Saturday, August 15, 1998, Mr. Wilson, joined by his loving family and many friends, will be honored at a retirement luncheon in the fellowship hall of Park Hills Community Church. It is an honor to have this opportunity to recognize Jordan's contributions tot he Los Angeles community.

Jordan was born in Tuscaloosa, Alabama, to Jessie and Jordan Wilson, Sr. The Wilson homestead included 15 children. Always a hard worker, Jordan could often be found helping his father tend the family garden or in the kitchen, helping his mother with the enormous duties befitting such a large household. He also worked part-time to help support his family, and was well known for his positive attitude and determination to focus only on the good things which life had to offer.

In 1953, Jordan joined the United States Army. When not fulfilling his military obligations, Jordan was able to indulge his passion for sports by playing football with some of his Army colleagues. He was honorably discharged in 1955 and shortly thereafter, relocated to Los Angeles, California.

A devoutly Christian man, his first task was to locate a church home, which would serve as his spiritual sanctuary as he set about the task of building a life in his new adopted home. He found such a place at the Mount Moriah Baptist Church. Joining Mount Moriah Baptist Church turned out to be a very wise and fortuitous decision for Jordan. There, he met Rosa Verrett—the future Mrs. Jordan Wilson, Jr. Rosa and Jordan were married in 1961; they are the loving parents of daughter, Carolyn Renee Wilson Bowles; son, Keith Lamont Wilson; and the proud grandparents of Darryl Lee Bowles, Jr.

In 1987, the Wilson family joined the Zoe Christian Fellowship (ZCF) of Los Angeles. Under the leadership of ZCF's spiritual leader, Bishop Frank Stewart, Rosa and Jordan graduated from the ZCF training institute, and are now actively involved in ZCF's "Committee to Service Ministries." In recognition of his contributions to the ZCF ministry, in 1997 Jordan received the God's Man Award.

1998 marks Jordan's 14th and final year as a plant manager with the East Los Angeles Unified School District. He has provided outstanding service to the school district and I am certain that his presence will be sorely missed by his many colleagues and friends.

Jordan's retirement from the school district will afford him additional precious time to devote to his church and his family. In the past, he has served as chairman of the Deacon Board of the Zoe Christian Fellowship of Los Angeles; supervisor of Junior Brotherhood and vice president of the Courtesy Committee at the Mount Moriah Baptist Church; and vice president of the Good Neighborhood Council of Los Angeles. He also is a member of the Blind Institute of Los Angeles.

Mr. Speaker, it is indeed a pleasure to use this occasion to salute the career and accomplishments of Jordan Henry Wilson, Jr. I know that his family and friends are proud of him, and I join them in congratulating him on this well-earned tribute. As he prepares to set course on yet another chapter in his life, I ask that you join me in extending our best wishes to him and Rosa on a future abundant in the riches of God's love, good health, and much happiness.

GULBIN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Jack Gulbin, president of Schott Glass Technologies Inc. He is retiring in October after 30 years with Schott. A ceremony in his honor is being held on August 13, and I am proud to have been asked to participate in this event.

Born in 1935 in northeastern Pennsylvania's Forest City, John George Gulbin graduated Magna Cum Laude in 1961 from the University of Scranton with a degree in accounting. After graduation, Jack spent the next 7 years working for Arthur Anderson & Company, a public accounting firm, in New York City, and Stanley Works, a hardware and tool manufacturer, in New Britain, Connecticut.

In 1968, Jack was hired as the first controller of a fledging company then named Schott Optical Glass Inc. As his hard work was recognized by Schott, Gulbin began to climb the corporate ladder. In 1970, he was appointed Schott's Treasurer and 5 years later, he was promoted to Vice President of Finance. In 1989, Jack became Schott's Executive Vice President and on October 1, 1991, he was named President of Schott Glass Technologies Inc.

During Jack's tenure with Schott, the company has moved to the cutting edge of glass technology. One of Schott's newest ventures is to build a processing plant in Duryea, Pennsylvania that will produce super-thin glass using "down draw" technology, which allows for thinner glass to be created that requires less polishing. This glass will be used in displays for hand-held electronics for the U.S. Department of Defense ground forces and in avionics displays for military jets. Other uses include displays for laptop computers, work stations, and commercial jet avionics. Schott's new plant will be the first facility of its kind in the United States. In addition to being important for the national security, the expansion is expected to create an additional 100 jobs in Northeastern Pennsylvania, adding to Schott's status as one of the region's largest employers.

Mr. Speaker, Jack Gulbin is an able businessman and a proven leader. I am pleased to have had this opportunity to bring Jack's many accomplishments to the attention of my colleagues. I thank Jack for all he has done for his native northeastern Pennsylvania and I wish him a happy retirement.

THE NATIONAL RIGHT TO WORK ACT, H.R. 59

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. RYUN. Mr. Speaker, I rise today to speak for the millions of Americans who support H.R. 59, the National Right to Work Act.

H.R. 59 will restore basic constitutional rights to the workers of America—freedom of choice and freedom of association. It is morally wrong and economically disastrous for us to allow Americans to be forced into paying their hard-earned money as tribute to Big Labor bosses for the privilege of having a job.

The United States Congress created this injustice. We alone can end it. We must give back to those we represent a freedom that Congress took away—the right to choose whether or not to join a labor union.

It is my hope that this important bill comes to the floor of the House for a vote before we adjourn the 105th Congress.

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. PICKERING. Mr. Speaker, I was unavoidably detained yesterday evening and today and missed the following Roll Call votes:

Roll Call vote Number 383, the Souder amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "no."

Roll Call vote Number 384, the Bass amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "yes."

Roll Call vote Number 385, the Scott amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "no."

Roll Call vote Number 386 the Gutknecht amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "yes."

Roll Call vote Number 387, the DeGette amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "no."

Roll Call vote Number 388, the Mollohan amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "no."

Roll Call vote Number 389, the Pallone amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "no."

Roll Call vote Number 390, the Engel amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "no."

Roll Call vote Number 391, the Royce amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "no."

Roll Call vote Number 392, the Bartlett amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "yes."

Roll Call vote Number 393, the Talent amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "yes."

Roll Call vote Number 394, the Stearns amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "yes."

Roll Call vote Number 395, the Callahan amendment to H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary Appropriations Act. Had I been present, I would have voted "yes."

GREENBERG HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mrs. Barbara L. Greenberg of Northeastern Pennsylvania. This month, Barbara Greenberg will be installed as the National President of the Jewish War Veterans Auxiliary.

Barbara was born in New York City and lived there until the end of World War II when she moved with her family to Northeastern Pennsylvania, where she has resided ever since.

Barbara graduated from Rider College with a degree in Medical Technology. After several years as a homemaker, Barbara began a career in the insurance industry in 1972, which she still pursues to this date.

From a very early age, Barbara learned love of country and a hatred of bigotry from her beloved and patriotic father. As a child, she helped her father in his anti-air raid duties during World War II. Barbara volunteers at the Veterans Medical Center and participates in all Veterans and Memorial Day parades.

Barbara is also active in her Temple, holding many leadership positions over the years. She has been president of the Women's Service Club at the Jewish Community Center and was recently named to the Executive Committee and the board of the Jewish Home of Northeastern Pennsylvania.

Barbara first became a member of the Jewish War Veterans Auxiliary after her marriage to her husband, Sam, who would later serve as National Commander of the Jewish War Veterans. Her love for the organization grew and assumed leadership roles in the national organization with great distinction, serving on the A-Board, Chair of the Membership Committee, National A-Wish, and Aid to Israel just to name a few. During this activity, she somehow managed to raise three children who have produced eight grandchildren.

Mr. Speaker, I am pleased to have had the opportunity to bring Barbara Greenberg's accomplishments to the attention of my colleagues. I join with the Jewish War Veterans Auxiliary in thanking Barbara for her past and future efforts.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mr. ACKERMAN. Mr. Chairman, I rise today to explain my vote against Rep. Engel's amendment to the Commerce-Justice-State Appropriations Bill which would have slashed $5 million from the Title XI ship building program, and given it to the Public Telecommunication Facilities Program (PTFP).

The Federal Ship Financing Program was established pursuant to Title XI of the Merchant Marine Act of 1936 to encourage ship production and ship improvements. By promoting the modernization of the U.S. merchant marine fleet, we also enhance our national security. As was clearly evidenced in the 1991 Gulf War, our merchant marine is critical for transporting troops and supplies throughout the world wherever they are needed. We must maintain a strong fleet so that we can be prepared in times of conflict, in addition to maintaining our commitments in peace time.

The Public Telecommunication Facilities Program (PTFP) is another worthwhile program. Over the past 30 years, the PTFP has provided funding for both public radio and television stations. Throughout my tenure in Congress I have been a strong supporter of public broadcasting which offers Americans a broad range of quality educational and cultural programming for people of all ages.

However, Mr. Chairman, it is ill-advised and just plain wrong to pit one worthwhile program against another in the appropriations debate. While the PTFP is an admirable program, I cannot vote to strip the Title XI program of $5 million of the $6 million remaining in their FY99 Appropriations. I applaud my colleague Mr. Engel's effort to increase funds for public broadcasting, and I look forward to future votes to further this goal, but in this instance, I had to cast my vote against this amendment so that we can maintain the Title XI program.

ORGAN AND TISSUE DONATION STAMP CEREMONY IN BARODA, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. UPTON. Mr. Speaker, I rise today to recognize a special ceremony being conducted in my district in the town of Baroda. Today, the residents of Baroda are celebrating the issuance of the Organ and Tissue Donation stamp. This stamp has long been of extreme interest to me, and I am pleased to see it finally released today.

Last November, I attended the Dedication ceremony in Washington, DC, and at that time I was given a large, poster-size copy of the stamp. Since that time, I have displayed it in my congressional office, providing all visitors with the powerful message of organ and tissue donation; it gives me great pleasure to know that this message will now be received by the entire country.

Around our State and Nation, recipients of organ and tissue donation can testify to the need for greater public awareness of this issue. Although many lives have already been saved, those life-saving numbers can certainly go up through greater public involvement, education and outreach. The stamp being released today can help greatly in this cause.

I'm pleased that the U.S. Postal Service chose Baroda as the site for one of the "issuance" ceremonies given the long-time involvement of Baroda resident Edward Heyn. For many years, Edward Heyn sought to commemorate organ donation with the issuance of a United States postal stamp. Through letters to my office and the Postal Service, he and thousands of other concerned citizens made a compelling case as to the importance of such a stamp. Although Ed passed away 4 years ago, his memory and willingness to help his fellow citizen will endure through endeavors like today's postage stamp.

As many of us know, the need for organs is greater than the supply. Across the Nation, over 60,000 people are waiting for organs, with over 2,000 of those in Michigan. Ed Heyn was fortunate to receive an organ, and he had the vision to realize that with the issuance of a postal stamp the number of donated organs could only increase. Every time someone uses a postal stamp with the "Share Your Life" image, they will think of the importance of organ and tissue donation, and perhaps in return they will be more likely to donate themselves.

Therefore, this postal stamp has a message that is two-fold: first to express the true life-giving power of organ and tissue donation, and second to raise awareness of medical issues, in hopes that the number of donations and lives saved per year will increase. It is wonderful to see Edward Heyn's vision manifested today, and it is only fitting to have this ceremony in his hometown where many of his family, friends and neighbors could share in this wonderful experience. One person can make a difference and clearly, Ed made a difference for generations to come.

VARIOUS ITEMS OF INTEREST TO TODAY'S YOUTH

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD statements by high school students from my home state of Vermont, who were speaking at my recent town meeting on issues facing young people today.

STATEMENT BY KARL CLONEY, JESSICA MARTIN AND JONAH MONFETTE REGARDING HEALTHY ALTERNATIVES

KARL CLONEY: Karl Cloney, from North County Union High School. Our topic is healthy alternatives.

The Newport area recently has suffered the loss of four teenagers killed in a drunk driving accident on the way back from partying in Canada. Recently, there was a town forum held to respond to this tragedy. The community came together to discuss the issues and some ways to create healthy alternatives.

JESSICA MARTIN: Our group came together to propose a project to start an area teen center. The center will be a safe place for teenagers to socialize in a healthy manner. We further propose that we buy a space as a long-term investment in area youth and the community as a whole. We are looking at a size that would be large enough for a cafe for snacks to be served, a dance floor, and a space for a pool and ping-pong tables, some arcade games and video games. We also want an outside area for volleyball, skate-boarding, and roller blading. We would solicit funds as well as acquire grants and utilize state and federal funds set aside for alcohol-free events and activities and teenagers. We would like AmericaCorps and Vista personnel to staff the center full time. This would make our personnel more cost-effective and would include local, state and federal resources.

We would create a board of directors made up of parents, teens, business people and community leaders to oversee the center. Students would work in the center. This would give the teens responsibility, job skills, and the ability to work with adults to create their own place. The center would be a healthy alternative to hanging out on the streets to see our friends.

Our yellow ribbons symbolize the death of our young people, and also symbolize our hope and commitment to find healthy alternatives within our own community.

JONAH MONFETTE: The teen center could be put where the Department of Employment and Training is now. It is moving to the new building being built in Newport. It is an industrial building with space outside, and we want to buy the space so that it would be permanent.

Newport has high unemployment. The teen center would provide job skills for students helping with full-time staff.

The COURT: Thank you very, very much.

STATEMENT BY BRIAN HODGSON AND JESSICA RILEY REGARDING CHILD LABOR

BRIAN HODGSON: In our world today, there are 250 million people toiling in sweatshops around the globe, 250,000 working right here in the United States. These workers endure long hours in filthy, unsafe factories and plants for subsistence wages paying them barely enough to keep them alive.

A typical sweatshop contains unsafe numbers of people packed into poorly lit, dusty, disease-ridden workplaces, with no sufficient ventilation or running water. Supervisors yell, scream, threaten and curse at the workers and put constant pressure on them to work faster. For all their suffering, workers are rewarded with paychecks reflecting hourly wages of 20, 37, as low as six cents, often with unexplained fees and tolls removed from the take-home amount.

Any workers who dare to speak up, to complain about their working conditions or pay, are fired. If the workers try to defend themselves, to meet, to learn their rights, or organize a union, their employment is almost always illegally terminated. The most fundamental human and employment rights of these workers are being violated on a daily basis.

One million of these workers are children, sold or rented out by their parents, in countries such as India or Pakistan, into a life of hard, bonded labor at the hands of clothing and rug producers. Children who should be in school are working long hours in unsafe, abusive conditions. To these children, education is a fantastic privilege, and life a daily struggle.

The move to Third World countries, where the minimum wages are steadily dropping and where environmental and worker regulations are nonexistent, has become an all too common trend in big business. Some of the most heinous abusers of this form of labor produce staples in our everyday lives.

At a Disney sweatshop in Haiti, a worker who handles 375 Pocahontas shirts an hour is paid the minimum wage of 28 cents an hour, or $10.77 a week, while the Disney shirts sell at Wal-Mart for $10.97 each. A pair of Nike sneakers that sell in the U.S. for $140 cost the corporation $3.50 in offshore labor expenses. That is about a 97 percent profit.

These exploitative companies could easily afford to pay their workers a living wage, but greedily choose not to.

JESSICA RILEY: At the Student Progressive Coalition in Brattleboro Union High School in Brattleboro, Vermont, we have taken positive action against these practices. Devoting our time to these issues, we have gathered hundreds of signatures on a petition to the National Labor Committee calling for President Clinton to end sweatshop practices. We took part in the promotion of and attendance at the National Day of Conscience that took place here, in Burlington, on October 4th. We have educated our community through a candle-lit vigil, as well as taken our knowledge into an elementary school to inform students there. Our letters have also stimulated the local paper to editorialize on the issue. It is almost impossible to walk down the halls of the community center without viewing an informative poster or hearing an issue being discussed amongst the crowds.

By making the community more aware of this one virtually unknown issue, we help to create a more conscientious consumer. But awareness is only one part of the action needed. We also need the power of your law to help with the issue.

Mr. Congressman, the approval of your bonded labor bill is a huge and welcome step in the fight to keep foreign items made by use of child labor being kept out of the country. He must not let the issue die with that. We need the U.S. to put money into the United Nations for inspections of shops around the world, as well as more money into the U.S. Department of Labor to increase inspections and sanctions right here at home. We also need laws that include prevention of any sweatshop products from being imported into the country.

BRIAN HODGSON: Although none of us on this earth actively choose to support these institutions by buying products without thinking of the effects, we do support them. If we keep buying these tainted goods, if a company involved with sweatshop labor continues to make a profit, then they will not give a thought to what they are doing, and these violations of justice will go on. We must take the time to research safe labor organizations. We must take the time to look at clothing labels. We must make sacrifices in order that these violations do not continue. By being educated, we can help workers in other countries and in our own get the rights they need and deserve.

STATEMENT BY NEALE GAY AND LIZ ROCHELEAU REGARDING EDUCATION AND WAGES

NEALE GAY: My name is Neal Gay and this is Liz Rocheleau.

Let us start by thank you for your time. We will be discussing what we consider to be a wage problem plaguing the United States. In this land of opportunity, dreams cannot be realized as socioeconomic, classes are divided into two groups, the haves and the have-nots. We do not need a faction that is able to control the wealth and prosperity of an entire nation due to their personal and immense wealth. We readily admit that those with higher education may be better suited for management jobs; chances are they worked hard to attain dreams, like becoming CEO of a billion dollar company. But those that work under them are not given an opportunity to earn much more than a living wage.

LIZ ROCHELEAU: Since 1979, blue collar workers earning a wage at or after the 20th percentile have seen their wages drop an astonishing 11.8 percent. These wages are still going down, and even though minimum wage has increased numerous times in recent history, inflation makes this increase not at all worthwhile. Even more interesting, though, those earning a wage in the top ten percentile are the only ones who have seen an increase at all. We see this as a case of the rich getting richer, and the middle class and the poor quickly descending the economic scale.

NEALE GAY: Marx and Engels wrote in The Communist Manifesto, "Of all the classes that stand face to face with the bourgeois today, the proletariat alone is a really revolutionary class. The other classes decay, and finally disappear in the race of modern industry. The proletariat is its special and essential product." If we take this as true, that the worker has more worth than the industrialist due to their work, then shouldn't the worker get a reasonable compensation for his output?

LIZ ROCHELEAU: We are not talking about a revolution. We understand that the Federal Government can't put a cap on what people earn, since capitalism grants private industry. What we want to know from you is: What has the government done to make wage distribution just, and what are their plans for the future?

Congressman SANDERS: All right. Very interesting.

DAVID WALKER

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mrs. THURMAN. Mr. Speaker, on July 6, the Nature Coast of Florida lost a longtime resident and advocate—David Walker.

For years, Dave Walker sought to balance economic development with environmental concerns in a changing Citrus County.

Dave Walker was an informed constituent who based his positions on facts. When he had something on his mind, he took the time to let me know his views.

He was always a gentleman who conducted himself in a professional manner. Soft-spoken, he nonetheless always got his point across; and you had to respect him, even if you disagreed with his position.

No person could question his integrity or commitment. All in all, you had to like and respect Dave Walker. He was indeed a great guy.

I want to express my condolences to his wife of 57 years Catherine, and to his children, grandchildren, and his great-grandchild on their loss.

For the RECORD, I would like to include an article from the Citrus Times and an editorial from the Citrus County Chronicle.

[From the Citrus Chronicle, July 10, 1998]

WALKER WILL LEAVE LEGACY OF INTEGRITY

There is a force in some men and women that sets them apart from other mortals, a fine force that others can see, discern and react to very naturally and without question.

David Walker, who passed away this week, was such a man of character.

Walker had a reserved force of character within him, a fierce force of honest integrity that infused his every action and word. He came to serve us and protect the public interest at just the right time.

Ten years ago this county stood to slide into a sad slough of unrestrained cancerous growth, a development that appeared to be inexorable. That growth threatened to overlay the natural beauties of this gorgeous green portion of Florida with one long serpentine stretch of asphalt and glaring storefront glass.

Citrus County was being sucked into a pattern of unbridled development that aimed to tear up and destroy irreplaceable wetlands in order to construct such things as apartment houses and parking lots.

Walker, along with a handful of other dedicated conservationists and environmentalists, or so these dedicated citizens were labeled, stood up to speak against such development, to speak for the greater good.

He listened to others and he worked unstintingly to build a consensus. Largely due to who he was, through the force of his character and his admirable ability to calmly discuss the facts without recourse to shrill emotion, he was able to convince decision-makers that it was unwise to allow such growth for short-term private profit.

Walker devoted countless hours to help draft a development plan for the county that would protect our natural resources while allowing more reasonable and thoughtful growth. With the same vision and drive, he worked on many other boards too, to the same end.

In his life, in his long service to his government as an agent of the FBI, and in his subsequent service to the people of this county and state, Walker was a true patriot.

This county owes a great debt to David Walker, a man who was guided always by granite-hard principles of morality. He was truly a man you could learn from and look up to. His works and his memory will live on.

[From the Citrus Times, July 8, 1998]

LONGTIME ACTIVIST IN COUNTY DIES AT 82

(By Josh Zimmer)

The 1980s were boom times for Citrus County, a rural area experiencing the throes of development as well as the threatening consequences to the environment.

While both forces fought for pre-eminence, David Walker, a former FBI agent, fur trapper and wildlife photographer, did what few thought could have been done:

He found common ground.

Mr. Walker, formerly of Floral City, died Monday (July 6, 1998) in Tampa. He was 82.

Tuesday, Mr. Walker was remembered as a uniquely well-versed, open-minded person who could bridge development and environmental interests.

"I think he set the example for community activists engaging in a reasonable approach to improving our county," said Citrus County Commissioner Jim Fowler, who was a private business owner when he met Mr. Walker at planning meetings. "He could see several sides to an issue."

Mr. Walker, a vibrant public speaker who suffered from Parkinson's disease in recent years, was a "a perfect gentleman," Fowler said.

Mr. Walker, who moved closer to his daughter in Tampa in May, was born in South Portland, Maine. According to friends, he enjoyed recounting his youthful days spent in the state's vast woods, where he later became a fur trapper.

In 1940, he embarked on a long career with the FBI, which ended in 1966 and provided him with additional fodder for his storytelling abilities.

In addition, Mr. Walker was widely traveled, raising a family and holding onto a close marriage all the while.

"I would consider myself to have had a very successful life if I did one-quarter of what David Walker did. The man was remarkable," said Gary Maidhof, interim director of the county's Department of Development Services. Despite his hard-bitten law enforcement background, Maidhof said, "He could go on at length about a bluebird nest he established in his backyard."

One of Mr. Walker's great skills as a conservationist was attention to detail, remembered Maidhof, who said he got to know Mr. Walker through their work together on the county's first comprehensive development plan, approved in the mid-1980s, and other committees.

The plan, which guides development throughout the county, bears Mr. Walker's strong imprint, he said.

"That is a reflection to many of his influences," Maidhof said.

Another favorite cause of Mr. Walker's was conservation, and he actively supported land acquisitions, such as Jordan Ranch and Potts Preserve, Maidhof said.

In later years, as his health failed, Mr. Walker remained keenly interested in environmental issues, such as flood plain maps and ecosystem management "I would receive a phone call or a letter if there was an issue he felt strongly about," Maidhof said.

Friends said Mr. Walker struggled with poor health and the toll it took on Catherine, his wife of 57 years. In recent months, he required help getting in and out of a wheelchair, said former Citrus Commissioner Hank Cohen.

Cohen and his wife, Miriam, visited Mr. Walker in Tampa less than two week ago. Mr. Walker's voice was so weak that he wrote his words on paper instead of speaking, Cohen remembered.

Catherine, who is older than Mr. Walker, wheeled him to the window for what turned out to be a last farewell.

"That was a hard," Cohen said, his voice breaking. "We could see him wave through. He waved to us, we waved back. We knew that would be last we saw him."

GOLD STAR AWARDS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. PAUL. Mr. Speaker, the Matagorda County 4–H will hold an awards program on the 20th of August and this is a very important event Mr. Speaker. Mr. Speaker I have, in the past, pointed out how important an organization 4–H truly is for those of us who were raised on farms and who represent agricultural communities. As I have said in the past Mr. Speaker, one of the primary missions that this organization undertakes is agricultural education. I believe that this mission is so critical that, earlier this year, I introduced a bill which would exempt the sale of livestock by those involved in educational activities such as FFA and 4–H from federal income taxation. By making young men and women who participate in these activities hire a group of tax accountants and attorney we are sending the wrong message. Young people who sell livestock at county fairs and the like should be rewarded for taking self initiative and allowed to keep the money they've earned to help pay for their education or to re-invest in other animals to raise. My bill would eliminate the current policy of forcing these youngsters to visit the tax man.

Mr. Speaker, I want to commend the following winners of the Gold Star, the highest award possible at the county level, for achievements in competition at state levels, leadership ability, community service and years of service. They are: Kim Evans, Courtney Wallis and Lindsey Kubecka. Again, I want to commend these young people for their achievements.

TO COMMEMORATE THE OPENING OF CHARTER SCHOOLS IN PEMBROKE PINES, FLORIDA

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. DEUTSCH. Mr. Speaker, I rise to congratulate the City of Pembroke Pines for responding to our community's concerns regarding the education of our youth. In an effort to ease some of the overcrowding and to better prepare students for the challenges they will face in the new millennium, the City of Pembroke Pines has taken the bold initiative of creating the nation's first elementary charter school owned and operated by a municipality. On August 29, 1998, Mayor Alex Fekete, Vice Mayor Frank Ortis, City Manager Charles Dodge, and Commissioners William Armstrong and Susan Katz will proudly participate in the ribbon cutting ceremony for this innovative educational facility which represents the first fruition of their vision for greater educational opportunity in South Florida.

As members of the school's advisory board, along with the school principal, parents, and business representatives, they will oversee the day-to-day operation of the school in a partnership that will, as Mayor Fekete so nicely states, "bring education back closer to the people." The school will focus on the core disciplines and modern educational technology. Perhaps more importantly, it will emphasize character development as well as parental and community involvement.

To ensure a nurturing ambiance conducive to intellectual, emotional, and social development, class size will be limited to a maximum of 25 students, and a fully accredited teacher as well as a teacher's aide will be assigned to each class. The school will deliver high quality education while being more cost effective than other schools managed by the district. The per student station cost for the Pembroke Pines Charter School comes to $8,600 in contrast to the $13,000 per station average for the state schools.

I commend the efforts of these elected officials, Mayor Alex Fekete, Vice Mayor Frank Ortis, City Manager Charles Dodge, and Commissioners William Armstrong and Susan Katz, who dared to take a step in a new direction. The rest of our country will be closely watching the progress of this new educational alternative and may soon follow the innovative lead of these municipal officials. I share in their excitement because this Charter School provides another creative option for public education. Our future resides in our children, and our schools must commit themselves to excellence as they strive to better prepare them for the next century.

F–1 STUDENTS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. MCCOLLUM. Mr. Speaker, today I am introducing legislation to give American high schools the ability to welcome foreign exchange students into their schools without requiring them to charge tuition. I am pleased to be joined by my colleagues, Mr. FRANK of Massachusetts and Mr. PICKETT of Virginia.

It was brought to my attention that individual schools which participate in informal programs to allow foreign exchange students to attend school in the U.S. are required to charge these same students tuition. The F–1 visa is for students who seek to enter the U.S. temporarily and solely to pursue a course of study. Under existing law, even if the school and the local school district do not want to charge the student for accepting an invitation to study in the U.S., the student will not be able to receive an F–1 visa without paying the fee. In some cases, the school, which otherwise would welcome a foreign exchange student, may be deterred from allowing them to attend due to the administrative burden of administering the fee. In other cases, American schools entering into informal sister-school exchanges with a foreign school may find that they are forced to charge the foreign student tuition while the American student is attending their sister-school for free.

This tuition requirement does not apply to foreign students who come to the U.S. to study in a program designated by the Director of the United States Information Agency (USIA). These students receive a J visa and are not required to reimburse the school for the cost of their attendance. On the other hand, foreign exchange students in the U.S. under an F–1 visa are usually attending school under informal arrangements, with a teacher or parent having invited them to spend time in the U.S. as a gesture of American hospitality and goodwill. Some schools participate in informal sister-school exchanges where one of their students will go abroad and the school in turn will sponsor a foreign student here. Although these are informal, flexible, private arrangements between schools and students that are not designated by the USIA, they are no less valuable in developing goodwill and greater understanding among people of different nations. In many cases, it simply does not make sense to charge tuition to foreign exchange students simply because they have an F–1 visa rather than a J visa.

The legislation I am introducing today will give schools the ability to have the Attorney General waive the F–1 visa tuition fee requirement. Schools that certify that the waiver will promote the educational interest of the local educational agency and will not impose an undue financial burden on the agency will be able to allow foreign exchange students to attend without charging a fee. On the other hand, schools that do not want to waive the fee will still be able to collect it. This legislation will simply give schools added flexibility to sponsor foreign exchange students without limiting the right of schools to collect needed fees. I urge all my colleagues to support this legislation.

MR. STARR DEPARTS HIS PRIVATE PRACTICE FAR TOO LATE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. CONYERS. Mr. Speaker, last Friday, Independent Counsel Kenneth Starr announced his decision to take an unpaid leave of absence from his partnership at the well known law firm of Kirkland & Ellis. This decision has been a long time in coming: Mr. Starr's work with his law firm was often a direct conflict of interest with his work as Independent Counsel.

Mr. Starr had been earning up to one million per year and sometimes more for his services as a partner in the firm. Whether or not this steady source of income from private practice allowed him the luxury to drag on an investigation that is going into its fifth year and has cost American taxpayers more than forty million is a matter that is not entirely clear. In the meantime, Mr. Starr has taken on additional law clients and handled their legal matters notwithstanding criticism from some of his allies and even a few within the law firm who felt it more appropriate that he spend his time on his government responsibilities as Independent Counsel. This does not take into account the additional time he has devoted to academic teaching and public speaking appearances unrelated to either his private law practice or his governmental duties.

It has also been observed that some of Mr. Starr's private representation has been in conflict with his duties as independent counsel. For example, his firm has represented the Republican party. He has also represented tobacco companies, an industry that the Clinton Administration has exposed for misleading and fraudulent tactics, and other corporations that have been in opposition to the Clinton administration policies or have been under scrutiny by federal agencies. In another instance, one or more of Mr. Starr's law partners has worked with the lawyers of Paula Jones. Notwithstanding the appearance of a potential conflict of interest, the law firm of which the Independent Counsel was a member took no dispositive action to remedy the situation. Even the legal ethics advisor to the Independent Counsel, Mr. Sam Dash, said that Mr. Starr's representation of private clients "had an odor to it."

Why would Mr. Starr leave his firm at this point in time as he moves into the fifth year of his prosecutorial responsibilities? Mr. Starr has explained that wrapping up the investigation will be a full-time job. This explanation may betray a failure on his part to understand that during the preceding four years, the investigation should always have been a full-time job. The beginning of his work should have been as important as the end of his work.

It is certainly high time that Mr. Starr has resigned from private practice. It should have come much sooner. Perhaps now the investigation will proceed, and the American people will be able to put the controversies created by allegations of Mr. Starr's abuses and excesses behind them in the near future. Regardless of these reservations about Mr. Starr's belated departure from his private practice, we can assure him and our colleagues that whatever report he submits to Congress will be given a careful and non-political examination. The House Committee on the Judiciary is committed to discharging its responsibilities in a way that will satisfy every citizen of our seriousness and commitment to due process for both the President and the Independent Counsel.

REGARDING H. RES. 507

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mrs. MINK of Hawaii. Mr. Speaker, on July 30, 1998 Congressman HOEKSTRA stated during the debate on House Resolution 507 that "two IBT employees wearing green uniforms delivered an industrial size shredder to the office of the IBT communication director, Matt Witt, during the week of July 13, 1998, and that the noise of the shredder operating in that office could be heard on Saturday, July 18, when Mr. Witt was in the building." Later that afternoon, at the Committee on Education and the Workforce's Subcommittee on Oversight and Investigations hearing, this accusation was again repeated by the Majority's co-lead counsel Vicki Toensing who also alleged that Mr. Witt had resigned.

In an effort to determine the merit of these charges, during a break in the hearing, I met with Mr. Witt. I found him to be appalled by the criminations, which he stated had no merit. He asked that he be able to address the Subcommittee in order to deny the charges against him under oath. He told me that he would deny that he had resigned, would deny having a shredder delivered to his office, and would deny being in the building or shredding documents on July 18th. At the resumption of the hearing, Representative SCOTT asked for unanimous consent to permit Mr. Witt to deny the outrageous charges against him. Congressman HOEKSTRA refused to permit Mr. Witt the opportunity to deny the allegations, objecting to the unanimous consent request and ruling the Minority's motion out of order.

Unfortunately, this irresponsible allegation by the Majority has cast grave doubt on the Subcommittee's investigation. The Majority has made a serious allegation of criminal behavior and then refused to permit the person maligned an opportunity to rebut the charges. Rather than admit that their charges were baseless, the Majority refused to allow the individual about whom they made their allegation the right to defend himself. I find this unworthy of a Congressional investigation.

LAS CASAS NEIGHBORHOOD ASSOCIATION ANNUAL MEETING

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. SESSIONS. Mr. Speaker, I want to share with my colleagues the positive impact that can be made by people who care. In East Dallas, there's a small neighborhood that makes a great impact in the lives of many. The Las Casas Neighborhood Association, which is headed by the indomitable Mary Malone, has grown exponentially since its inception, and it has made that part of East Dallas safer and better for everyone in that community and in surrounding areas.

Early in its tenure, the Las Casas Neighborhood Association consisted of a few interested neighbors meeting occasionally to discuss problems in their community. Thanks to Mary Malone, the group has begun to meet more regularly, and its annual meeting draws as many as 300 people. At one time, this simple, neighborhood meeting drew more than 500 people.

Each year, Mary Malone's Las Casas Neighborhood Association annual meeting is the gathering of those interested in making a difference. From fighting crime to improving traffic safety, the Las Casas Neighborhood Association meeting joins residents of East Dallas, elected representatives, and public officials to discuss the status of efforts to improve the neighborhood and the lives of the families that live there. I know that the Mayor of Dallas, Ron Kirk, will be in attendance, as will members of the Dallas police force.

Mr. Speaker, I have the honor of acting as the Master of Ceremonies at this year's Las Casas Neighborhood Association annual meeting. Since 1993, I have been deeply involved with the Association and the Dallas Police Department in the fight against crime and drug activity in the neighborhood. And it's my honor to join Mary Malone, the President of the Association, because she has sacrificed to help so many others.

Mary Malone has been honored with a proclamation by the State of Texas. She has been honored by the Dallas Police Department, and I had the pleasure of attending an event in her honor at the East Dallas Rotary. There is not enough room in the CONGRESSIONAL RECORD to name the things she has done for the Las Casas Neighborhood or the awards she has received to honor her work. But I want my colleagues to know that, when friends, neighbors, and families join in an effort to improve their lives, we can make a difference. And there is no better example of this than the Las Casas Neighborhood Association and Mary Malone.

STEVE HORNIK HONORED BY MONMOUTH-OCEAN CENTRAL LABOR COUNCIL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. PALLONE. Mr. Speaker, on Wednesday, August 19, at the Breakers in Spring Lake, NJ, Mr. Steve Hornik will be honored by his many friends at a testimonial dinner on the occasion of his retirement as President of the Monmouth-Ocean Counties Central Labor Council.

Mr. Speaker, Steve Hornik has been President of the Monmouth-Ocean Council for more than 25 years. His has been a career in which he came up through the ranks, serving the labor movement at virtually every level. Through it all, he has put first and foremost the needs of working men and women, whose interests he has defended so staunchly for decades. Indeed, you could say that his enthusiasm and dedication for fighting for working people is in his blood. His father, Stephen, was a truck driver and is a retired member of the Teamsters Union. His mother, Frances, was a counter girl at Woolworth's, who walked picket lines to try to organize her co-workers, and later became a member of Local 56, the United Food and Commercial Workers Union (U.F.C.W.).

Steve Hornik first became a charter union member when he was 14 years old while working at Yankee Stadium and the Polo Grounds as a vendor for Harry M. Stevens Concessions, where he helped to organize his fellow workers. He was later a member of the Teamsters Union Local 814, then the Mailers Union of the big six Newspaper Guild at the New York Times and John Sweeney's Local 32A, working nights while going to school. He later went to work at the Maxwell House Coffee Plant in Hoboken, NJ, where he became a member of Local 56, Amalgamated Meat Cutters and Butcher Workmen's Union of North America, which has since merged to become the U.F.C.W.

Steve Hornik has been a member of Local 56 for 40 years, during which time he moved up the ranks from Alternate Department Steward and Department Steward of 250 members, then Chief Steward of the plant of 1,200 members, after which he was put on the Local 56 staff as Organizer, Business Representative, after moving on to the Officer's Staff as Press Secretary, First Vice President and Secretary Treasurer of the 16,000-member local for more than 20 years. He was a charter member and President of the Hunterdon-Warren Counties Central Labor Council for four years, after which he was elected President of the Monmouth-Ocean Counties Central Labor Council.

Some of the other responsibilities Steve Hornik holds or has held, representing labor, include: Chairman of the Rutgers University Trade Union Consulting Council, the Monmouth County Workforce Investment Board, United Way of Tri-State Board of Governors, and a Commissioner on the Governor's Employment and Training Commission. He is also on the Advisory Boards of Brookdale College, Monmouth University and is a member of the State Board of Arbitration and Mediation. He was previously on the Executive Board of the New Jersey Central and State Lung Associations, a Member of New Jersey Chief Justice Robert N. Wilentz's Courts Committee on Efficiency, the Private Industry Council, the Congressional Award Council and the Manalapan Democratic Club. He has been a member of numerous State and County screening committees, and was a delegate to four of the last five Democratic Conventions. He remains a County Committee Member, a position he has held for the last 35 years. He has been and continues to be active with the Knight of Columbus.

Steven Hornik is also a devoted family man. He and his wife Arline have four grown children and 10 grandchildren.

Mr. Speaker, I could go on and on, talking about my good friend Steve Hornik, citing his many accomplishments on behalf of working people and his many contributions to our community. At the testimonial in his honor later this month, many of these great accomplishments will be recounted, happy memories recalled and funny stories told. We will miss his hard work, his energy and his honest dedication to fighting for the interests of working people.

Mr. Speaker, labor unions have achieved many important victories over the years, fighting for safe working conditions, living wages, health care benefits and a dignified retirement. The battles fought and won by the labor movement have not only helped union members. America's broad-based economic growth, the expansion of the middle class, the existence of programs like Social Security and Medicare, and the realization of the American dream for tens of millions of families all owe a tremendous debt of gratitude to labor unions. These days, unions are under attack. But I believe public support is still strong. I know that the unions will continue to fight for such basic rights as universal health care coverage, increased pension security and fair trade agreements that protect American jobs. It's great leaders like Steve Hornik who have made, and continue to make, the union movement strong.

I regret that Steve Hornik will no longer be at the helm of the Monmouth-Ocean Central Labor Council. But I know that we will continue to benefit from his contributions to the ongoing fight for social and economic justice for working people. Steve Hornik has contributed to that fight more than anybody I know. The example that he set will guide us all for years to come.

TRIBUTE TO ISAAC DARKO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. SERRANO. Mr. Speaker, I rise to congratulate and to pay tribute to Mr. Isaac Darko, a constituent of mine and a distinguished student at Columbia University in New York. He will be recognized for his academic and scientific achievements as a participant in the National institutes of Health (NIH) Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds (UGSP) on August 6, 1998.

Isaac graduated from the Health Professions and Human Services High School in 1997 and has just completed his freshman year at Columbia University. This summer he has been working at the NIH Department of Molecular Biology under the supervision of Dr. Alfred Johnson. He has been working on the epidermal growth factor receptor (EGFR), which is expressed in such cancers as breast and prostate cancer and in other cancer cell lines.

Mr. Speaker, the UGSP scholars search is highly competitive and nationwide. Currently, the program has 24 scholars from all over the nation, from institutions such as Columbia University, MIT, Harvard, Georgetown, U.C. Davis, and Stanford. In order to participate in the program, a Scholar must either have a 3.5 Grade Point Average or be in the top 5% of his/her class. Candidates must also demonstrate a commitment to pursuing careers in biomedical research and must be from a disadvantaged background. The current group is composed of 32% Hispanics, 32% African Americans, 21% Asians, 10% Caucasians, and 5% Native American, with a balance between the genders of 52% female and 48% male.

Mr. Speaker, being selected for this program indicates that Isaac has demonstrated that he has the ability and the desire to be an asset and a role model in our community. We are proud of his accomplishments and I know he is taking full advantage of the opportunity presented to him. He is a terrific example for future participants in this program and others like it.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Isaac Darko for his outstanding accomplishments and also in commending the National Institutes of Health Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds for offering opportunities to students like Isaac.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mrs. EMERSON. Mr. Speaker, I rise to clarify my vote on Roll Call vote 384, Mr. BASS' amendment to the Commerce, State, Justice, and the Judiciary Appropriations bill. Yesterday, I inadvertently voted "nay" when I intended to vote "aye".

Mr. BASS' amendment would have transferred funds from the Advanced Technology Program (ATP) to the Edward Byrne grant program at the Department of Justice, an effort which I strongly support. The Byrne grant program is a valuable tool for local law enforcement in the fight against the crime and drug problems that threaten our neighborhoods. I believe that scarce taxpayer dollars are better spent in this anti-crime program than in the "corporate welfare" ATP, which I have consistently opposed.

INTRODUCTION OF LEGISLATION TO ENSURE PROMPT CLAIM PAYMENT BY HEALTH PLANS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that addresses the issue of prompt payment, that is, ensuring health plans reimburse providers in a timely manner.

Although there have been numerous horror stories of health plans withholding reimbursement from providers the issue of prompt claim payment has not been addressed during the managed care reform debate.

My view is that the prolonged delay of claim payments by health plans interferes with the doctor-patient relationship.

By delaying reimbursements to doctors, health plans are turning care-givers into bill collectors—forcing them to hound both the insurance company and the patient for reimbursements which, in most cases, should already have been paid by the plan.

Unnecessary reimbursement delays by health plans create unnecessary rifts between the patient and the provider—causing confusion with patients about their health insurance plan at a time when they are most vulnerable and possibly even distrust by the patient in the quality of their provider.

The attached article from the August 2, 1998 Washington Post elaborates with specific, real life examples of the above mentioned issues.

Medicare, Medicare+Choice, & Medicaid already have statutory language requiring prompt payment by its contractors. Yet, when President Clinton extended managed care protections to federal employee health plans, he did not include the prompt payment language in his executive order.

Because of federal inaction, some states have taken the lead in this area. Texas, Florida, Tennessee, New York, and New Jersey have stat laws requiring prompt payment. Similar bills have been introduced in Georgia, Massachusetts, New Jersey, Oklahoma, Pennsylvania, Rhode Island, Vermont and Washington.

Most of the state laws appear stricter than the Medicare+Choice model I propose. For example, in addition to establishing clean claim payment guidelines, Texas requires strict time lines for plans when notifying a provider that a claim is being investigated. The plan must explain in writing why they reject a claim, and make payments in 5 business days after notifying claimants that their claim will be paid.

New York, home of the infamous Oxford Health Plan, has by far the strongest penalties for plans that fail to comply with their prompt payment laws. New York plans can be subject to fines of up to $500 per day for each claim not paid within 345 days.

Rather than draft comprehensive legislation this year that includes stronger guidelines than are currently in place at the federal level, I chose to introduce legislation that simply applies the existing Medicare+Choice prompt payment regulations to all health plans—regulations that Congress overwhelmingly supported last year.

If enacted, my legislation requires health plans to pay 95% of the clean claims within 30 days of receipt. If health plans do not comply with these guidelines, the bill requires plans to pay interest on clean claims that are not paid within 30 days. The legislation also requires that all other claims must be approved or denied within 60 calendar days from the date of the request.

Congress can begin to address this important issue and alleviate much of the stress health plans are causing both patients and providers by passing prompt payment legislation. I urge my colleagues to join me in taking action on this issue this year.

[From the Washington Post, August 2, 1998]

HEALTH CARE'S PAINFUL CLAIMS—PROBLEMS WITH INSURERS PLAGUE MANY PATIENTS

(By David S. Hilzenrath)

Olney resident Tammy L. Rhoades's health insurer, Blue Cross and Blue Shield of the National Capital Area, left her on the hook for $384 of anesthesiology charges because the doctor who administered pain relief while she was in labor wasn't a "preferred provider."

Baltimore resident William F. Cooke's insurer refused to pay $1,404 for respiratory therapy he received after being diagnosed with lung disease. Cooke said he checked with Blue Cross and Blue Shield of Maryland before he started treatment. But the company rejected the bills, saying his policy's stated coverage of "physical therapy" didn't mean "respiratory therapy."

David Trebach of Alexandria received notice in June that a doctor's office would obtain a court summons and "an immediate judgment against you and your property" if he didn't pay hundreds of dollars of bills dating back as far as June 1997. Despite Trebach's persistent pleas, Kaiser Permanente had failed to pay.

Eventually, each of the insurers gave in to protests and paid the bulk of the charges, which erased the customers' debts, but not their resentment.

For a growing number of consumers, it has become a familiar test: exasperating rounds of letters, phone calls and time spent on hold; empty corporate assurances, mysterious delays and bewildering rebuffs—all in the course of getting a health insurance company to pay what they contend it should have paid in the first place.

"There is general misery in all dealings," Maryland Insurance Commissioner Steven B. Larsen said.

Though some insurance companies, such as Kaiser Permanente, acknowledged lapses in service, others, such as CareFirst Inc., say they pay the vast majority of claims without a hitch.

Conflicts between health insurers and patients are hardly a new phenomenon, but the upheaval in the nation's health care system in recent years has raised the level of frustration. The managed care revolution, which promised to simplify billing for consumers, instead has spawned bureaucratic rules and procedures so complex that they have confounded even the latest computer systems—not to mention human beings.

Problems with "billing or payment of claims or premiums" tied as the top health insurance complaint of Californians surveyed last fall by a state health policy task force. Fourteen percent said those relatively pedestrian issues were their biggest health insurance problem, eclipsing such hotly debated issues as delays in obtaining needed care or difficulty getting referrals to specialists.

Some rapidly growing health plans have overreached, adding members much faster than they have added workers. Others have thrown their customer service into chaos, at least temporarily, by merging with companies that use different systems, consolidating far-flung offices, laying off experienced employees in one part of the country and hiring novices to replace them somewhere else—all in the name of efficiency.

"Most plans today are having serious servicing issues—issues of turnaround time, accuracy, being able to respond to consumers," said Richard Sinni of Watson Wyatt Worldwide, which audits health plan performance for employers. "I think they've gotten worse across the board."

Many doctors, hospitals and patients accuse insurers of dragging out payments as part of a deliberate strategy to wear them down or continue earning interest on their money as long as possible.

Insurers deny that the delays are intentional. They attribute them to a variety of factors, including their own administrative errors, patients' ignorance about their benefits and necessary enforcement of sometimes unpopular standards.

This much is clear: The industry's heightened focus on the bottom line means bills these days are subject to stricter scrutiny and challenge.

"We do not apologize aggressive approach to . . . utilization review on behalf of our members," William L. Jews, chief executive of CareFirst, said in a news release last week.

CareFirst, parent of the Blue Cross and Blue Shield companies serving Maryland and the District, has a duty to make sure customers' health dare dollars are spent responsibly, executives said. The insurer is also caught between conflicting expectations—those of the people who receive the care and those of the employers who subsidize it, officials said.

"The employers . . . ask Blue Cross to be stricter or harder or harsher on payments," said John Moseman, a vice president of the Maryland company.

Often, doctors and patients create their own headaches by filling out forms incorrectly or ignoring the rules.

One woman had about $9,000 of maternity charges rejected last year because she didn't get the required "precertification" for the birth of her child, said Dora Crouse, whose job is to troubleshoot claims problems for clients of JEMM Group Insurance Inc., a Silver Spring insurance broker. When JEMM intervened, the woman's preferred provider organization agreed to pay the bills.

In contrast, no one blames Bonnie Emmert of Grant Junction, Colo., for her woes, but it took several months and the involvement of state regulators to resolve them.

While undergoing chemotherapy and radiation this year for breast cancer, Emmert said she spent much of her time listening to the music on her insurer's customer service line, faxing and mailing multiple copies of the same paperwork, and fending off demands by her hospital and doctors for payment of charges dating back as far as December. A nurse by profession, Emmert said she has been living off savings while sidelined by her illness.

Provident American Life and Health Insurance Co., based in Norristown, Pa., was investigating Emmert's medical history to determine if her cancer was a preexisting condition and therefore excluded from coverage.

Emmert, 45, who bought her Provider policy last August and had surgery in December, said she found the company's doubts hard to understand. "I had cancer in August and I waited till December to do anything about it?" she asked, rhetorically. "Yeah, right."

The bills came due just in time to get caught in the confusion when Provident moved its claims processing operations from Minnesota and Pennsylvania to Florida in late January. "The data transfer did not go smoothly," said Jimmy Potts, Provident's vice president for market conduct and compliance. The move "created a delay that is frankly unacceptable to the company, but under the circumstances was unavoidable."

Following the move, Provident was so overwhelmed with inquiries about delayed payments that callers were left on hold for as much as an hour and a half at a time, Potts said.

The company agreed to pay thousands of dollars for Emmert's care on July 8 after the Colorado Division of Insurance showed that she had been insured before she bought coverage from Provident. That made any question of a preexisting condition moot, Potts said.

"We recognize it's a frustrating time for her," Potts said. "But it also has been an incredibly frustrating time for those of us within the insurance company."

William Cooke's sentiments in his dispute with Blue Cross and Blue Shield of Maryland went beyond frustration. In a complaint to the Maryland Insurance Administration (MIA), the Baltimore retail manager accused the company of "predatory" behavior.

Blue Cross defended its decision not to pay for Cooke's respiratory therapy in an August 1997 letter to the MIA, noting that Cooke's policy explicitly excluded "admissions or any period of stay in a facility" for various services.

The relevance of that was hard to fathom, because Cooke said he received the therapy on an outpatient basis.

Months later, Blue Cross continued to argue that, while Cooke's policy covered "physical therapy," the treatment he received didn't fit the definition.

The MIA disagreed. In March, it wrote that the company's posture "may violate general quality of care standards."

Even then Blue Cross held its ground, so in April the MIA issued an ultimatum: Failure to pay would result in a formal order against the company "and administrative penalties."

Finally, in late June—more than a year and half after the disputed treatment ended—Blue Cross paid $1,303.25.

In the case of Rhoades and her out-of-network anesthesiologist, the insurer reversed itself without argument.

"We would agree with Mrs. Rhoades's position that she could not at the time of the delivery as the question . . . 'Are you [a preferred provider] or are you not?'" Moseman said.

Though the nation's angst over medical claims is hard to measure, signs of it abound:

Fast-growing Oxford Health Plans Inc. of Norwalk, Conn., developed what it envisioned as a state-of-the-art computer system—and then watched it malfunction on a grand scale. Doctors, hospitals and regulators complained about a mountain of unpaid medical bills. To make amends, the company had advanced $203 million to health care providers as of Dec. 31 as it attempted to plow through the backlog.

After Aetna Inc. merged with U.S. Healthcare, the amount of time it took to company to process medical claims doubled last year, according to one analyst. The company says performance has since rebounded.

What had been 44 claims-processing centers across the country were consolidated at about 25 locations, and the number of employees handling claims was reduced by more than one-fifth. Employees with 15 years of experience were replaced by people with less than a year's experience, said R. Max Gould, Aetna U.S. Healthcare's head of customer service.

In a series of audits of Colorado health insurers, the state Division of Insurance has cited widespread problems related to payment of claims, among other shortcomings. The regulatory agency this year assessed fines against PacifiCare of Colorado Inc., HMO Colorado Inc., Blue Cross Blue Shield of Colorado and Gem Insurance Co.

Gem, which tripled enrollment in three years and accumulated a backlog of 106,000 unpaid claims, said in June that its low prices "led to . . . poor customer service."

When Prudential moved processing of many Washington area claims to Jacksonville, Fla., in the spring of 1997 "initially there was some conversion disruption," Prudential spokeswoman Peggy Frank Lyle said. The company was compressing 40 claims-processing sites and 28 member-services sites nationwide into four.

It's "very difficult when you have that many new people to train," Lyle said.

In April, Maryland's hospitals filed a coordinated complaint with the state insurance commissioner alleging health plans were systematically denying payment for medically necessary care after the care had been delivered.

United Healthcare, though not singled out for criticism, showed the highest level of denied claims, according to Maryland Hospital Association data. The percentage of hospital days for which it initially refused payment rose to 14.6 percent in 1997—more than one in seven—from 4.4 percent in 1996, the association reported.

"When we find the care is not appropriate, we deny [payment for] the hospital day," United Healthcare Vice President Sharon Pavlos said.

Kaiser Foundation Health Plan of the Mid-Atlantic States Inc., also know as Kaiser Permanente, in June paid $117,000 to settle an array of potential violations cited by the Virginia Bureau of Insurance.

For example, more than one-fifth of the time, a review found, Kaiser failed to add interest to late claim payments as required by law.

Kaiser said its problems got much worse last year, after the period covered by the review. The February 1997 takeover of Humana Group Health Inc., "crashed our little system" said Bernard J. Tyson, president of Kaiser's Central East Division. "We don't have . . . the right infrastructure and information systems to manage now a big piece of our business."

The company plans to complete a major upgrade next spring. In the meantime, it fired the outside contractor that had been handling its claims and switched to a better internal system, officials said. "Clean" claims, which are claims that don't raise questions, were being processed in an average of 26.7 days during June, compared with about 50 days at one point last year.

Trebach's most severely delayed bills "fell in some black hole," spokeswoman Darlene Frank said.

For Trebach, a social worker in the Fairfax County public schools, a final indignity was the doctors' warning that a "warrant in debt" might be "delivered to your home by a Sheriff."

"This would be so frightening for my children," said Trebach's wife, Loretta DiGennaro.

Consumers ignore payment demands at their peril, as a clerk in a Washington electrical supply business recently discovered. Long after his insurer had rejected a series of 1995 and 1996 hospitals bills—so much later that the insurer can't document the reason—the hospital turned them over to a collection agency, according to Crouse at the JEMM insurance brokerage.

Now, under a court order, the clerk's wages are being garnisheed to pay the debt.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the amendment offered by my friend from Maryland.

My friend and neighbor Mr. BARTLETT argues that it is actually the U.N. which owes us money. Nothing could be further from the truth. The figures which he cites from the GAO include costs of non-U.N. peacekeeping operations undertaken by the United States in our own national interest, such as the Gulf War and our operations in Bosnia and Haiti, as well as Somalia.

Every living former Secretary of State opposes the Bartlett amendment, including James Baker, Alexander Haig, George Schultz, and Henry Kissinger. This is hardly a bunch of free-spending, bleeding-heart liberals out to hand over U.S. sovereignty. They support U.N. funding not only because it is a legal obligation, but because it serves our national interest in contributing to global peace, prosperity and security, and because it serves our humanitarian interests in assisting refugees, improving human rights, and establishing the rule of law. Our continued failure to honor our obligations threatens our interests by threatening the U.N.'s financial and political viability.

Many of us recognize the need for U.N. reform. But these efforts are hampered, not helped, by the current U.N. financial problem. We have been trying to reduce our U.N. budget share, but negotiations ended last year when other members would not agree to pay more until the U.S. paid at least its current obligated share. As the former Secretaries have noted, "without a U.S. commitment to pay arrears . . . U.S. efforts to consolidate and advance U.N. reforms and reduce U.S. assessments are not going to succeed."

I urge a "no" vote on the Bartlett amendment.

* * *

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 6, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 7

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for July, 1998.
1334 Longworth Building

SEPTEMBER 2

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the impact of United States satellite technology transfer to China.
SR-253

SEPTEMBER 10

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2365, to promote competition and privatization in satellite communications.
SR-253

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, August 6, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GOODLATTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 6, 1998.

I hereby designate the Honorable BOB GOODLATTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Of all Your blessings that touch our hearts, O God, and of all the gifts with which You sanctify the issues we face, we pray that from our lips will come words of thanksgiving and praise and from our hands deeds of gratitude and appreciation. In the Psalms we read that we are to serve You with gladness and come before Your presence with singing and thanksgiving.

Grant, O loving God, that whatever our circumstance or place in life, we will remember to begin our days with words of praise and end each night in the spirit of thanksgiving. With hearts of gratitude, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BALLENGER) come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS IN THE CONGRESSIONAL RECORD FOR TODAY AND TOMORROW

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that for today, August 6, 1998, and tomorrow, Friday, August 7, 1998, all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

NAZI WAR CRIMES DISCLOSURE ACT

Mr. HORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1379) to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the question of the gentleman from California?

Mrs. MALONEY of New York. Mr. Speaker, reserving the right to object, and I do not plan to object, I yield to the gentleman from California (Mr. HORN) for a brief explanation of this legislation.

Mr. HORN. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for yielding. The gentlewoman from New York (Mrs. MALONEY) is author of the House version of this important legislation.

Over a half a century after the Nazi era, the United States Government continues to keep secret much of the information it has on Nazi war criminals. It is imperative that this information receive full scrutiny by the public. Only through an informed understanding of the Nazi era and its aftermath can we guard against a repeat of one of the darkest moments in history.

S. 1379, the Senate counterpart to the Maloney legislation, the Nazi War Crimes Disclosure Act, provides for the disclosure of Nazi war criminal records in the possession of the United States Government. It calls for the establishment of an interagency working group to administer and facilitate the disclosure of Nazi war crimes records. The bill also provides for expedited processing of Freedom of Information Act requests of Holocaust survivors.

S. 1379 was introduced by Senator MIKE DEWINE of Ohio. It passed the Senate by unanimous consent on June 19, 1998. An identical bill by the gentlewoman from New York (Mrs. MALONEY), H.R. 4007, was introduced in the House by her.

The Government Reform and Oversight Subcommittee on Government Management, Information, and Technology held a hearing on July 14, 1998, and made the decision to accept the DeWine counterpart, which is an identical bill to hers.

Much of the government information on alleged Nazi war criminals has remained secret even though many researchers have filed Freedom of Information Act requests to secure copies of the records. Federal agencies have routinely denied these requests citing exemptions for national defense, foreign relations, and intelligence.

More than a half century after the Second World War, it is time to end the sweeping equity exemptions that have shielded Nazi war crimes and criminals from full public disclosure.

Mrs. MALONEY of New York. Mr. Speaker, further reserving the right to object, I would like to make my own very brief remarks.

Our work here is important but it is far surpassed by the persistence that Holocaust survivors, historians, and researchers have shown in their search for the truth.

S. 1379, the Nazi War Crimes Disclosure Act, which passed the Senate, introduced by Senator DEWINE, and its House companion, H.R. 4007, which I introduced, will help to reveal some of those truths. The bill sets up a process for the declassification of documents held by Federal agencies. It establishes an interagency working group to locate and sort out all classified Nazi war crime records.

The bill also wisely allows for the withholding of information which would pose a threat to personal privacy or national security interests.

Mr. Speaker, I submit the following statement for the record for myself and Chairman HORN. In the absence of a report on this bill, there are a number of provisions which we would like to clarify, to make our intent crystal

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☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

clear. Under this legislation, the President is required to appoint the Director of the Holocaust Museum, the Historian of the Department of State, and the Archivist of the United States to the Interagency Group created by the bill. He is also to appoint those agency heads he considers appropriate and maximum of three other persons from within or outside of Government.

The Interagency Group is to report to Congress after one year describing all classified Nazi war criminal records of the United States, the disposition of such records, and the activities of the Interagency Group and affected agencies. The Interagency Group is created for three years and will cease to exist at the end of that time, without reauthorization. This three year sunsetting provision should not be viewed by any agency as a reason for delay. It is our intention that affected agencies should declassify all documents recommended by the Interagency Group as quickly as possible. It is our expectation that all such documents shall become public as soon as possible, preferably within the first year, and most certainly by the end of the three-year period during which the interagency group is in existence.

Senator DEWINE, the author of this legislation in the other body, has indicated his interest in holding early oversight hearings on the implementation of this legislation. The Government Reform and Oversight Committee may hold such hearings as well, and certainly will if there is any indication of stalling on the part of any executive agency. The bill requires not only a report from the Interagency Group, but also notification and explanation by agencies when they apply the exemptions to declassification included in the bill. These provisions were included in this bill in part to ensure that agencies comply with the spirit of the legislation.

Mr. Speaker, while this legislation required the disclosure of Nazi war criminal records specifically related to individuals, it should in no way be interpreted as inhibiting the release of other, more general, records, such as policy directives or memoranda. Indeed, we hope that if such records are uncovered during the search of files this bill necessitates, that they become public along with the rest of the documents.

Further Mr. Speaker, the intent of this legislation is to bring to light information which may be in the files and archives of the United States Government. This may well include information from the post-war period showing a relationship between those agencies and Nazi war criminals. It is not our intent that the exemptions included in the bill be used to shield this type of information from disclosure. We have included the exemptions that currently exist in Executive order. They should not be revoked simply to protect any agency from embarrassment.

Finally Mr. Speaker, the Appropriations Committee in the other body has included language to increase the budget of the Office of Special Investigations at the Department of Justice by 2 million dollars to help implement this legislation. We urge the House Appropriators to agree to that language in the Conference on the Appropriations bill for Commerce, State, Justice and the Judiciary.

Thank you Mr. Speaker, and many thanks to all those who have been involved in developing this legislation, particularly Senator DEWINE.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nazi War Crimes Disclosure Act".

SEC. 2. ESTABLISHMENT OF NAZI WAR CRIMINAL RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section the term—

(1) "agency" has the meaning given such term under section 551 of title 5, United States Code;

(2) "Interagency Group" means the Nazi War Criminal Records Interagency Working Group established under subsection (b);

(3) "Nazi war criminal records" has the meaning given such term under section 3 of this Act; and

(4) "record" means a Nazi war criminal record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall establish the Nazi War Criminal Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Director of the Holocaust Museum, the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 3 of this Act—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Nazi war criminal records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on the Judiciary of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 3. REQUIREMENT OF DISCLOSURE OF RECORDS REGARDING PERSONS WHO COMMITTED NAZI WAR CRIMES.

(a) NAZI WAR CRIMINAL RECORDS.—For purposes of this Act, the term "Nazi war criminal records" means classified records or portions of records that—

(1) pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government established with the assistance or cooperation of the Nazi government of Germany; or

(D) any government which was an ally of the Nazi government of Germany; or

(2) pertain to any transaction as to which the United States Government, in its sole discretion, has grounds to believe—

(A) involved assets taken from persecuted persons during the period beginning on March 23, 1933, and ending on May 8, 1945, by, under the direction of, on behalf of, or under authority granted by the Nazi government of Germany or any nation then allied with that government; and

(B) such transaction was completed without the assent of the owners of those assets or their heirs or assigns or other legitimate representatives.

(b) RELEASE OF RECORDS.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Nazi War Criminal Records Interagency Working Group shall release in their entirety Nazi war criminal records that are described in subsection (a).

(2) EXCEPTION FOR PRIVACY, ETC.—An agency head may exempt from release under paragraph (1) specific information, that would—

(A) constitute a clearly unwarranted invasion of personal privacy;

(B) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(C) reveal information that would assist in the development or use of weapons of mass destruction;

(D) reveal information that would impair United States cryptologic systems or activities;

(E) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(F) reveal actual United States military war plans that remain in effect;

(G) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(H) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;

(I) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(J) violate a treaty or international agreement.

(3) APPLICATION OF EXEMPTIONS.—

(A) IN GENERAL.—In applying the exemptions listed in subparagraphs (B) through (J) of paragraph (2), there shall be a presumption that the public interest in the release of Nazi war criminal records will be served by disclosure and release of the records. Assertion of such exemption may only be made when the agency head determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary of the Senate and the Committee on Government Reform and Oversight of the House of Representatives. The exemptions set forth in paragraph (2) shall constitute the only authority pursuant to which an agency head may exempt records otherwise subject to release under paragraph (1).

(B) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption listed in subparagraphs (B) through (I) of paragraph (2) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(4) LIMITATION ON APPLICATION.—This subsection shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of that office.

(c) INAPPLICABILITY OF NATIONAL SECURITY ACT OF 1947 EXEMPTION.—Section 701(a) of the National Security Act of 1947 (50 U.S.C. 431) shall not apply to any operational file, or any portion of any operational file, that constitutes a Nazi war criminal record under section 3 of this Act.

SEC. 4. EXPEDITED PROCESSING OF FOIA REQUESTS FOR NAZI WAR CRIMINAL RECORDS.

(a) EXPEDITED PROCESSING.—For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any requester of a Nazi war criminal record shall be deemed to have a compelling need for such record.

(b) REQUESTER.—For purposes of this section, the term "requester" means any person who was persecuted in the manner described under section 3(a)(1) of this Act who requests a Nazi war criminal record.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FASTENER QUALITY ACT AMENDMENTS

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3824) amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk will read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 10, strike our "and".

Page 3, after line 10, insert:

(2) a comparison of the Fastener Quality Act to other regulatory programs that regulate the various categories of fasteners, and an analysis of any duplication that exists among programs; and

Page 3, line 11, strike out "(2)" and insert "(3)".

Page 3, lines 12 and 13, strike out "paragraph (1)" and insert "paragraphs (1) and (2)".

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BARCIA. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER) for an explanation of his unanimous consent request.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Michigan (Mr. BARCIA) for yielding.

Mr. Speaker, H.R. 3824 requires the Secretary of Commerce to review the Fastener Quality Act to assess if its provisions are still needed and to report his findings back to Congress.

The Senate amended H.R. 3824 to require the Secretary to specifically consider other regulatory programs which currently regulate fasteners in making his determination on the continued need for the Fastener Quality Act.

Mr. Speaker, the Fastener Quality Act was signed into law in 1990. This well intended but misguided legislation requires a large percentage of metallic fasteners used in this country to be documented by a National Institute of Standards and Technology (NIST) certified laboratory. Although the legislation has been on the books for eight years and counting, difficulty in developing the regulations of the Act have delayed NIST from implementing the regulations until this year.

H.R. 3824, as passed by the Senate, amends the Fastener Quality Act by exempting certain fasteners produced or altered to the specifications of aviation manufacturers from the new regulations. Aviation manufacturers are already required by law to demonstrate to the FAA that they have a quality control system which ensures that their products, including fasteners, meet design specifications. Subjecting the proprietary fasteners of aviation manufacturers to a second set of federal regulations is redundant and unnecessary. In fact, the FAA has stated that doing so may even undermine the current level of aviation safety.

In addition to exempting certain fasteners used in aviation manufacturing from the provisions of the Fastener Quality Act, H.R. 3824 has two other important functions. First, it delays implementation of the NIST Fastener Quality Act regulations until after June 1, 1999. Second, the legislation requires the Secretary of Commerce to transmit to Congress a report including recommendations or changes to the Act that may be warranted due to changes in the fastener manufacturing process.

Delaying NIST's regulations until next year gives us the opportunity to take a closer look at the Fastener Quality Act, especially considering the scope seems to have grown significantly since the Act was crafted over eight years ago. Originally intended to ensure public safety, today, if NIST regulations were to be implemented, even every-day household products like garden-hose fasteners and window fixtures could be forced to comply with the additional burdens of the Act. Furthermore, the automotive industry projects the cost of compliance for the motor vehicle industry could be greater than $300 million a year without necessarily enhancing vehicle safety.

As Chairman of the Committee on Science, I have pledged to hold additional hearings on the issue beginning next month. Technology Subcommittee Chairwoman MORELLA will again take the lead on these important hearings, and I would like to thank her for all her support and hard work to date on this important issue. We may find that changes in the fastener manufacturing process have diminished the need for the Fastener Quality Act. H.R. 3824 will give us the time needed to ensure that costly and redundant regulations do not go into force.

H.R. 3824 passed the House by voice vote on June 16, 1998. It has wide bipartisan support and has been endorsed by several business associations, including the U.S. Chamber of Commerce. As the Chamber concludes in their endorsement letter, "H.R. 3824 * * * is an important step to help ensure that America's manufacturing economy and consumers are not harmed by outdated or unnecessary regulations".

I strongly urge all my colleagues to support this common-sense legislation.

Mr. BARCIA. Mr. Speaker, further reserving the right to object, I want to indicate that the minority has been consulted on this unanimous consent request and that we have no objection to its consideration.

Mr. Speaker, I withdraw my reservation of objection.

Mrs. MORELLA. Mr. Speaker, I am pleased to support swift passage of H.R. 3824 so that it may be sent immediately to the President and enacted into law before the October 25th implementation date for the Fastener Quality Act regulations.

As chairwoman of the Technology Subcommittee which has held a hearing to examine the Fastener Quality Act and Aviation Manufacturing, I can report that there is consensus among the aviation industry, FAA and NIST that a federal quality assurance process already exists to certify the quality and safety of proprietary fasteners manufactured or altered specifically for use by aviation manufacturers. Adding another set of federal regulations and involving another federal agency in that process would hinder the efficiency of aviation manufacturing and add to the costs of production, while potentially degrading the level of safety currently provided by the FAA.

In addition to addressing issues raised about the Fastener Quality Act's impact on the aviation industry, I am pleased H.R. 3824 also includes an amendment that I offered during the Science Committee's mark-up of the legislation to delay the implementation of the Fastener Quality Act's regulations on all other industries until no earlier than June of 1999. The extra time will allow Congress to review the industries affected by the Fastener Quality Act and determine what changes to the Act may be needed.

Without the delay in implementation of the regulations, several industries—including the automotive manufacturing industry—may suffer production delays that will impede product delivery and increase costs. As we all know, increases in production costs result in job-layoffs and higher prices charged to consumers.

As Chairman SENSENBRENNER mentioned, the Technology Subcommittee plans to hold another hearing on this subject after the August recess. As chairwoman of the Subcommittee, I will continue to work with NIST, the automotive manufacturers and other industries impacted by the Fastener Quality Act to avoid promulgating costly regulations which are unnecessarily burdensome.

I would like to thank Chairman SENSENBRENNER and Technology Ranking Member BARCIA for their important work on this critical measure. I urge all my colleagues to support this important legislation.

Mr. BLILEY. Mr. Speaker, I rise in strong support of H.R. 3824, a bill amending the Fastener Quality Act. The Committee on Commerce was named as an additional committee of jurisdiction on this bill and has had a long-standing interest in the issue of fastener quality and the Fastener Quality Act. This interest goes back to the 100th Congress, at which time the Committee undertook an investigation of counterfeit and substandard fasteners. This investigation resulted in the issuance of a unanimously approved Subcommittee report entitled "The Threat from Substandard Fasteners: Is America Losing Its Grip?" which ultimately led to the approval by our respective committees of the Fastener Quality Act of 1990.

H.R. 3824, as approved by the House, would amend the Fastener Quality act in two ways. First, the bill exempts fasteners approved for use in aircraft by the Federal Aviation Administration from the requirements of the Act. Secondly, it delays implementation of the final regulations until the Secretary of Commerce and the Congress have had an opportunity to consider developments in manufacturing and quality assurance techniques since the law was enacted.

During the consideration of the bill by the other body, the study to be conducted by the Secretary of Commerce was amended to include an analysis of other regulatory programs which cover fasteners and the extent to which there may be duplication between the Fastener Quality Act and those programs. The elimination of duplicative programs is an important and worthwhile goal, and the Committee on Commerce has no objections so that amendment.

It is my understanding that the Secretary of Commerce has delayed the implementation of the rules promulgated pursuant to the Fastener Quality Act in anticipation of this legislation. Because of the importance of this bill, and the cooperation of Chairman SENSENBRENNER in addressing our concerns throughout the process, the Committee on Commerce has chosen not to exercise its rights to separate consideration of the measure. However, we have been involved throughout the House's consideration of the legislation, and would urge its adoption.

Mr. Speaker, I believe that H.R. 3842 should be sent to the President for his signature, and urge my colleagues support this bill as well.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3824.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1009

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. EWING (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Monday, August 3, 1998, amendment No. 13 by the gentleman from Connecticut (Mr. SHAYS) had been disposed of.

Pursuant to the order of the House of Wednesday, August 5, 1998, no further amendment is in order except the following amendments:

Amendment No. 15 by the gentleman from Massachusetts (Mr. TIERNEY), debatable before offered for 40 minutes; amendment No. 7 by the gentleman from California (Mr. FARR) debatable before offered for 40 minutes; amendment No. 5 by the gentleman from California (Mr. DOOLITTLE) debatable before offered for 40 minutes; amendment No. 4 by the gentleman from Wisconsin (Mr. OBEY) debatable before offered for 40 minutes; and amendment No. 8 by the gentleman from Arkansas (Mr. HUTCHINSON) debatable before offered for 60 minutes.

Each amendment may be offered only in the order stated and shall not be subject to amendment. The additional period of general debate prescribed under House Resolution 442 shall not exceed the time stated for each amendment pursuant to the order of the House and each amendment shall not otherwise be debatable.

Pursuant to the order of the House of the legislative day of Wednesday, August 5, 1998, it is now in order to debate the subject matter of the amendment printed in the CONGRESSIONAL RECORD as No. 15.

Pursuant to House Resolution 442 and that order, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed will each control 20 minutes.

The chair recognizes the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I voted for the Shays-Meehan bill. I view that passage as one step in the right direction, an important step but a step toward where we need to end up. I voted for the Shays-Meehan bill because it will eliminate soft money and the influence of soft money but it still, even after passage, preserves an element of the status quo and the current way that we do business.

The Tierney substitute amendment proposes an alternative to the private money changes. It is called the clean money option. It is an approach that has already been passed into law in the State of Vermont by its legislature there and by the main ballot referendum.

Under a clean money system, a candidate who agrees to forego private contributions including his or her own and accept spending limits receives a limited allocation to run their campaign from publicly financed clean elections funds. It is not a blank check. Participating candidates must meet all local ballot qualification requirements and gather a significant number of $5 contributions from the voters they seek to represent.

Clean money campaign reform is both simple to understand and sweeping in scope. It is a voluntary system that meets the test of constitutionality under the Supreme Court's ruling in Buckley versus Valeo. It effectively provides a fair playing field for all candidates who are able to demonstrate a substantial base of popular support. It strengthens American democracy by returning political power to the ballot box.

Few of the other approaches currently under debate come close to the comprehensive solution because they all preserve a central role for private money. What sets the clean money campaign reform apart is that it attacks the root cause of the crisis that is perceived in our system, namely a system founded on private money that comes from a small fraction of the electorate and is dominated by wealthy special interests.

As elected public officials, we should be seen only to owe our allegiance to the people who sent us here, not the largest campaign contributors. It comes down to this, Mr. Chairman: Who should be perceived to own the office that we serve, the public- or the private-money interests?

The public gets it. They know what needs to be done. Various clean-money campaign reform bill ballot initiatives and grassroots movements are now in motion in more than 3 dozen communities. If we cannot act here in Washington to change the system, the voters will increasingly do it for us, Mr. Chairman. So we should all get ready because it is happening in our respective states.

This proposal is sweeping in its breadth and it deserves full deliberation and full debate. It could benefit from the input of the Members of this Congress on both sides of the aisle. It is unfortunate, Mr. Chairman, that we did not get a chance to go through full committee hearings to have the full input of this body so that we could make sure that we have the complete support. And we all saw how much work was done and the belaboring that had to be completed just to get the Shays-Meehan aspect through this Congress.

Mr. Chairman, Shays-Meehan is a part of this bill, but we need to do more. The commission in Shays-Meehan, hopefully, will allow us to address this, to observe the work that is done in the communities, and move forward.

The CHAIRMAN pro tempore. Is the gentleman from Ohio (Mr. NEY) opposed to the amendment?

Mr. NEY. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. NEY) is recognized for 20 minutes.

Mr. NEY. Mr. Chairman, I reserve the balance of my time.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

□ 1015

Mr. DAVIS of Illinois. Mr. Chairman, I voted for the Shays-Meehan bill. I did so because it goes a long way towards moving us in the direction of cleaning up our campaigns. But it really did not go far enough, and the level of confidence is so low that we need to go for the jugular. Tierney goes much further. In order to clean up, we need to seriously take some of the money out of politics, provide some public financing for all Federal campaigns, set a limit on Federal candidates' use of personal funds, provide voters with enough unfiltered information so that they can make rational decisions that are informed, shorten the election cycle, create a truly independent regulatory agency to monitor campaigns and elections, require paid lobbyists to publicly report who and when they lobby, create a universal voter registration system, and require full disclosure of all independent expenditures. As I indicated, I voted for Shays-Meehan but I think we need to go for the jugular and really clean up our elections. I support the Tierney substitute. It goes much further.

Mr. TIERNEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I strongly agree that campaign finance reform must be passed by this House and this Congress and I remain committed to working with my colleagues to ensure swift passage of the Shays-Meehan bill. The present campaign finance system is a blot on our democracy. In fact, if it is not tamed, if we do not fix this broken system, future historians may write that American democracy had a good 200-year run but then like Roman democracy it evolved into an oligarchy. We must fix this.

The public already believes, partly correctly, that this House does the bidding mainly of the special interests and the big money people and that the little people, the ordinary people, cannot really affect what we do. There is more than an element of truth to that. The Shays-Meehan bill is a great and essential step, but it is limited. It deals with the soft money plague, it deals with the sham issue ads that advocate for a candidate or against a candidate, but if we pass the Shays-Meehan bill, as I believe it is essential that we do, it will reform us all the way back to 1992 when I first came here and we were talking about the great need for campaign finance reform.

Mr. Chairman, this substitute cleans up the system. It says for those who opt into it, we are not giving an advantage to candidates of great personal wealth or who sell themselves out to the special interests or to incumbents. We are going to level the playing field. Everyone will get a free frank and cheap TV ads and public financing; almost complete, limited amount but almost complete public financing for the campaign. That is the only way to change our system from what it is becoming, a system of one dollar, one vote, back to what it was supposed to be, a system of one person, one vote. We have to give challengers a real chance at incumbents. We have to make sure that we do not lock in incumbents, millionaires or celebrities. We have to restore democracy to this great country and preserve our democracy. I submit that ultimately we will have to do this. This is the best way to do it. I urge support for the clean money substitute which will also be on the ballot in New York this year. I assume that we will become the next city and State to advance this cause.

Mr. TIERNEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I certainly commend the gentleman from Massachusetts (Mr. TIERNEY) as a freshman member of this House for the wonderful work he has done in advancing the cause of cleaning up the campaign finance system. I want to call particular attention to his provisions that provide free television time for candidates. This is a cause that I have long championed. The gentleman from Massachusetts' provisions and my own bill start from a fundamental and well-established premise that the Nation's airwaves belong to the American people. The measure would require broadcast stations as a condition of licensing to provide free television time in modest amounts for political candidates. The reasoning behind the free television time is simple. In the past election season, spending levels for Federal elections shattered all previous records, and broadcast advertising is the single most expensive factor in Federal elections. House candidates spend more than a quarter of their total campaign funds on broadcast advertising. The figure last year was closer to two-thirds.

In 1972, political candidates spent $25 million on television commercials. In 1996, they spent $400 million, an astonishing increase. These dramatic increases in the price of advertising time are the major cause of the spiraling cost of running for office in our country and the ensuing money chase. Given the vast sums of money required to run for office, wealthy individuals have a significant advantage over the ordinary citizen candidate. That is hardly representative government. The cost of running for political office in America has simply become too high.

The time for this legislation has come, Mr. Chairman. Last year broadcasters received a windfall in the form of a whole new spectrum of digital TV channels. In light of this gift and the huge new revenue sources it will open up, these stations can certainly afford to give a little back in the name of the public interest and in the public good. All we are really asking them to do is very little.

I urge my colleagues' support for this measure.

Mr. TIERNEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, to my mind the real strength of this democracy lies in the fact that every citizen, regardless of their circumstances, has the opportunity to participate fully in the electoral process, including the opportunity to run for office. And that includes, of course, the Congress of the United States. Unfortunately that principle works more in theory than it does in practice under the present set of circumstances. That is why campaign finance reform is so critically important and that is why this particular approach to reforming the way we finance our campaigns, that which is offered by the gentleman from Massachusetts, is so much to the point. Because it provides that opportunity for every citizen in a real sense. Under the provisions of this legislation, should it become law, people could run for the Congress regardless of how well or poorly connected they might be. Under the provisions of this bill, people do not have to have personal fortunes or be able to raise huge amounts of money in order to finance political campaigns. This legislation provides the financial wherewithal for even those of the most modest means who are capable and interested in participating in the public process to do so and to run for public office and to make a real, substantial contribution. It realizes fully and completely, more so perhaps than at any other time in our history the full potential of the democratic process, by making every citizen eligible. It frees candidates and elected officials alike of the drudgery and the demeaning process of having to raise enormous amounts of money in order to finance campaigns. This is real campaign finance reform. It is what we need to open up this process. Among other things, it requires that the public means of discourse in our country, principally radio and television, are made available to all candidates equitably and openly. I support this bill. I hope others will, too. It is real campaign finance reform. It will do the job in a meaningful and complete and comprehensive way.

Mr. TIERNEY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I rise in support of the Tierney amendment for clean campaigns. I want to commend the gentleman from Connecticut (Mr. SHAYS) who is here on the floor this morning and the gentleman from Massachusetts (Mr. MEEHAN) for all of their efforts to pass the Shays-Meehan bill. It is a historic step in campaign finance reform, it is a historic step for this House to pass it and hopefully in September the Senate will find the courage to do the same and the President will sign that bill. But even after the signing of that bill and that historic reform, we are still left with the system that requires the addiction of politicians to special interest money. We are still left with the system where Members of the House of Representatives and Members of the Senate are required every day to go to the Republican headquarters or to the Democratic headquarters and get on the phone and call people they do not know who represent special interests and ask them for $1,000 or $5,000 to fund their campaigns, then come back here when the bell sounds for a vote and vote for or against those very same parties. Nobody in America believes that that is a pure system. Nobody in America believes that that is a system without conflicts of interest. And nobody in America believes that that is a system that is not corroding and not corrupting the democratic principles of the House of Representatives and of the United States Senate of this country. That is why we have got to take the next step. We have got to take the next step toward clean money and clean campaigns. That is what the Tierney legislation does. That is what the people of Vermont and the people of Maine have said they want. They want to break this link between special interest contributions and the phone calls that their members in the State legislatures had to make and all of the visits and all of the parties to raise this special interest money. They said, "We had rather put up our own money and make sure you're working for us as opposed to the special interests." That is what the Tierney legislation does. I want to commend the gentleman from Massachusetts for his effort on this legislation.

People will tell you that you can never have public financing of campaigns, that the public will never go for it. What makes them think the public is going for the system we have today? Every campaign cycle, we raise more and more money from the special interests and every campaign cycle we spend more and more money on the elections, and every campaign cycle fewer and fewer Americans show up to vote, because they do not believe it is on the level. They do not believe that challengers have a chance. They do not believe that the incumbents are listening to them. They do not believe when people are elected to office that they represent them. They believe that they represent the $1,000 contributor, the $5,000 contributor, the $100,000 contributor. They are not too far wrong. That is why we need the clean campaign, clean money bill. That is why we need to break this addiction to special interest money and that is why we need the Tierney bill. I want to commend the gentleman for having the courage to offer this legislation.

Mr. TIERNEY. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise today to thank my colleague from Massachusetts, another outstanding member of the freshman class dedicated to reform, for offering this alternative. In a perfect world, the Congress would pass a measure like the Tierney substitute. The Tierney proposal would provide full public subsidies as well as free broadcast time to Federal candidates. If you really look at our election system to the extent that we are able to reduce the amount of private money and remove private money from elections and instead have public funding, that is the cleanest way to have an election.

The other thing that is critical with this proposal is the fact that it looks at broadcast time. If we look around the country, it is obvious to see that the reason congressional campaigns and Senate campaigns and presidential campaigns are increasing, the costs are increasing dramatically, it is because of television time. One of the things that my partner from Connecticut in working on our legislation, the Shays-Meehan bill, one of the things that we worked on with trying to get in our comprehensive bill was a way to get incentives for people to agree to spending caps and provide incentives by cutting the cost of television. So I think my colleague from Massachusetts gets directly at the heart of what is corrupting campaigns in America.

I think in a more perfect Congress, all campaign finance proposals would include a public financing element, because only when we take this private money out of the system will the ties between money and legislating be conclusively severed.

My colleague's substitute is also important because I think it highlights the importance of the commission made in order by the Shays-Meehan bill. There are a lot of great ideas in this House of Representatives for changes we ought to make in our campaign finance system. Added by an amendment offered by the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Michigan (Mr. DINGELL), two other heroes of reform in this Congress, the commission provision of the Shays-Meehan bill will give the Congress an opportunity to consider other important reform proposals like the Tierney proposal for public financing, for free air time and for all of the proposals that we think may help to lessen the influence of special interests in congressional elections across this country.

I know that my friend from Massachusetts has worked diligently within the freshman class on campaign finance reform. I want to say, there are so many freshman Members of this House, so many who have been so dedicated to campaign finance reform, I want to make it clear, we would not be where we are today, on the verge of passing historic campaign finance reform, if it were not for the efforts of the gentleman from Massachusetts and the other freshman Members from throughout this country who have stood with us, stood with us on reform, worked with us on proposals, supported the Shays-Meehan legislation and made it a priority.

□ 1030

Mr. Chairman, I thank my colleague for his commitment on this issue.

Mr. NEY. Mr. Chairman, I yield back the balance of my time.

Mr. TIERNEY. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, I want to just associate myself with all the remarks of the colleagues who spoke previously on this issue. I want to say that this is what the clean-money, clean-election bill essentially does. It eliminates the perceived and the real conflicts of interest caused by the direct financing of campaigns with private interests. It limits campaign spending. It allows qualified individuals to run for office regardless of their own personal economic status or their access to large contributors. It frees candidates and elected officials from the burden of continuous fund-raising. And it shortens the effective length of the campaigns and deceases the cost of campaigns by forcing the broadcasters to step forward with their responsibility in return for the large amounts of spectrum they receive for very little contribution on their side. It rids of the system of the disfavored soft money. It is voluntary, giving incentives for people to get involved with the system and making sure that people find out the better alternative. It leaves no one unilaterally disarmed. It simply puts a fair playing out there, and the public gets back its elective process. The best organized candidates with the best messages win, and so do the voters.

That said, Mr. Chairman, I understand, as the gentleman from Massachusetts (Mr. MEEHAN) said, this is not a perfect world. In a perfect world this bill would come before this body, would be deliberated fully, would get the imprint of all the Members, would be perfected and would be passed, and it would become the law of this land. But right now we all saw the effort it took to get Shays-Meehan forward, and we will not in any way be seen as stepping in the path of that. We are going to make sure that Shays-Meehan goes through this House, that it gets brought over to the other body, that hopefully public opinion, individuals, as well as editorial boards, will hold them to the process of this year passing at least the Shays-Meehan ban on soft money and further disclosure for fair elections. That part will go, and then hopefully the commission under the Shays-Meehan bill will make sure that we get a chance to go where the public already is on this.

Let me close, Mr. Chairman, if I would, with the words of the late senator from Arizona, Barry Goldwater. He said:

> The fact that liberty depended on honest elections was of the utmost importance of the patriots who founded our Nation and wrote the Constitution. They knew that corruption destroyed the prime requisite of constitutional liberty, an independent legislator free from any influence other than that of the people. Applying these principles to modern times we can make the following conclusions. To be successful representative government assumes that the elections will be controlled by the citizenry at large, not by those who give the most money. Electors must believe their vote counts. Elected officials must owe their allegiance to the people, not to their own wealth or to the wealth of interest groups who speak only for the selfish fringes of the whole community.

Mr. Chairman, we should all stand behind those words, we should all move Shays-Meehan forward, we should then have the commission look at other alternatives like this Canady substitute amendment. This body, which has such genius within it, should look those terms over, add its comments to it and improve this bill and perfect it so that we have a vehicle that reflects what the people in this country want, which is clean elections with clean money and not beholden to special interests.

Mr. Chairman, I thank the colleague from Ohio, and I thank all of my colleagues for speaking on this, and with the Chair's indulgence I look forward to passing Shays-Meehan through this House, through the Senate and having it become law, and in future years, Mr. Chairman, I look forward to us getting to where the public already is, clean money, clean elections.

The CHAIRMAN pro tempore (Mr. EWING). Does the gentleman from Massachusetts (Mr. TIERNEY) intend not to offer his amendment?

Mr. TIERNEY. Yes, Mr. Chairman, for the reasons stated we will not be seen as interfering with the process of Shays-Meehan.

The CHAIRMAN pro tempore. Amendment No. 15 not being offered, as announced by the gentleman from Massachusetts (Mr. TIERNEY), pursuant to the order of the House of the legislative day of Wednesday, August 5, 1998, it is now in order to debate the subject matter of the amendment printed in the CONGRESSIONAL RECORD as No. 7.

Pursuant to House Resolution 442 and that order, the gentleman from California (Mr. FARR) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise on my bill, which is the substitute bill. It is called the Farr bill, or better known around here as H.R. 600. This bill was introduced on February 5, 1997, a year and a half ago. It has 106 cosponsors, all of them Democrats. It is a shame that we could not get bipartisan support on this bill.

Mr. Chairman, it is a comprehensive campaign reform. Unlike the Shays-Meehan bill, it is a bill that still to this day in the stage it is on the floor is comprehensive. It is based on four principles of campaign reform, the principles of fairness; that is, the bill should not favor one party over another; the principle to reduce the influence of special interests. We have the bill that reforms PAC contributions, large donor contributions, bundling and soft money. Third, the principle of level playing field; that is, make campaigns competitive by enacting spending limits. And fourth, to assess to make the system accessible to nontraditional candidates, make it possible for minorities and for women to run for this House of Representatives. This House ought to reflect the composition of the people it governs in the United States, and, therefore, we need more people of color and more women in office.

Mr. Chairman, how are we going do that under the tradition that we have established in America that just says, "You can spend as much money as you can raise," and we go on, and on, and on.

What this bill does is it sets spending limits, it sets new PAC limits, it sets new individual contributions limits, it eliminates bundling. We made an exception to those organization who do not come up here and lobby, that do not make efforts to campaign on the Hill to have connection between the money and their issue on the Hill. So, organizations like Emily's List or Wish List are still available under our bill. It eliminates soft money, but it does one thing different than the Shays-Meehan bill does: it still allows for States to do voter registration, voter build up, essentially allowing at the State level people to be encouraged to get into the public process of electing their Members of Congress. It broadens the definition of express advocacy so that those third party, undisclosed, sort of hit pieces as we have come to know them, will no longer be allowed to be done without telling the people whose doing it, and it establishes a lower cost rate for those candidates that voluntarily pledge to limit their spending so that they will get cheaper rates at television and radio.

That is essentially what the bill does.

Now the history of those who have watched this debate, who have listened to debate and have written about campaign reform, they know that this has all been historically proposed by the Democrats. I hate to stand here in a partisan way in this Chamber, but we have to because the history of the effort is that the Republican party has opposed all efforts to do campaign reform. This bill is a good example. The bill came out of the bill that President Bush vetoed in 1992. If my colleagues look over the history, they will see that there is constant defeat of efforts of campaign reform spelled out in the congressional history.

Mr. Chairman, in this decade alone a bill similar to the one that is on the floor right now passed this House in 1990. Another one passed when it came back from the Senate in 1991, and Bush vetoed it in 1992. In 1993 the Democrats passed out a comprehensive campaign reform bill, filibustered in the Senate in 1994. Then guess what happened? The Republicans took over this House, and we have seen not one, nada, nothing in campaign finance reform.

Thank God for the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), two colleagues here who have put together an effort similar to mine, started at that same place, started at the same time. They negotiated like mad, and had they not had the courage and particularly the gentleman from Connecticut (Mr. SHAYS) to stand up against his leadership and tell him that time was now to bring the bill to the floor we would not have had the debate nor the successful vote even though their bill is much watered down, much different than when it started out, much compromise, and, as the newspapers have said, the effort is not over yet.

So this challenge, this bill, this moment, is whether we in Congress can stand up and really do comprehensive campaign reform.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, I want to thank my colleague, the gentleman from California (Mr. FARR), for yielding me this time, and I rise to commend the hard work and dedication of my good friend.

I have spent more than half of my 20 years in Congress trying to convince my colleagues of the need for comprehensive campaign finance reform. Throughout the years Republican opposition has prevented the enactment of meaningful campaign finance reform.

For example, in 1987 our Senate colleagues showed an early willingness to pass campaign reform. However, it failed as a result of GOP opposition. In 1990 the House and Senate voted for campaign spending limits, but the Senate Republican leadership stalled on appointing conferees and, as a result, the differences were unsettled and the bill died. In 1991 the House and Senate passed a campaign finance reform bill, but President Bush vetoed that conference report in 1992. In 1993 both the House and the Senate again passed campaign reform bills, but in 1994 the Republicans blocked the appointment of conferees in the Senate. As a result another reform bill died. In 1996 Republicans offered a sham campaign finance reform bill that was defeated when more than a hundred members of their own party joined all Democrats in opposition.

Mr. Chairman, over the last decade Democrats have been leading the fight to fundamentally reform our campaign finance system. In 1996 my colleague the gentleman from California (Mr. FARR) offered a spending limit bill which would have fundamentally reformed the campaign system in this country. The Farr bill would level the playing field for candidates who agree to voluntarily limit their campaign spending. It would limit the influence of wealthy donors on our campaigns and encourages small local contributors. Like the Shays-Meehan bill, the Farr bill addresses the huge unreported spending of soft money and independent expenditures in a comprehensive manner.

The Republican leadership of this House has done everything possible to prevent real campaign reform from coming to this floor. At best, if we stay together now, we will enact these two important reforms through the Shays-Meehan bill, but we will not have taken the need for comprehensive reform off the table. It remains a responsibility for future congresses.

Mr. Chairman, this is my last term in Congress. During my tenure I have worked hard to achieve comprehensive campaign reform that would restore the trust and encourage greater public participation by the American people. I hope the Members of the 106th Congress will make this a priority and summon up the courage to pass a complete comprehensive reform bill like the Farr bill that has been blocked repeatedly by Republican leadership in this House and in the Senate.

Mr. HUTCHINSON. Mr. Chairman, I rise in opposition.

The CHAIRMAN pro tempore. The gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 20 minutes.

Mr. HUTCHINSON. I yield myself such time as I might consume, Mr. Chairman.

Mr. Chairman, first of all I want to compliment the sincerity of the gentleman from California (Mr. FARR) in his work on campaign finance reform, and even though we might have some disagreements on the approach, certainly he has been a very active participant in this process, and I certainly extend my compliments to him for the work that he has done.

And, as we worked on the Freshman Task Force, which I cochaired with the gentleman from Maine (Mr. ALLEN) my Democrat colleague, we heard a lot of different ideas, and if I recall correctly, the gentleman from California (Mr. FARR) came and gave testimony before the hearing of our task force which was very helpful. But we made a decision as we went through this that we wanted to seek campaign finance reform enacted into law, and so we evaluated many different ideas, one of them that was addressed by Mr. FARR that had some interesting ideas, but there was not any practical way it was going to go through this body or through the Senate, and it perhaps raises some constitutional questions.

□ 1045

So, for that reason, those ideas were not adopted by the freshman task force, and we came up with a broad-based bipartisan bill that will be offered later on the floor today that I believe has a real chance of passing the Senate, but also being signed into law and being upheld by the United States Supreme Court. I guess that is my greatest objection to the legislation being proposed by the gentleman from California. I believe that it has some constitutional problems.

One of the things that is mentioned in his proposal is there is a 35 percent tax on contributions of candidates who do not participate in the voluntary spending limits. I believe that that has some serious constitutional implications because, for the first time in our history, we would be imposing a revenue-generating source for the government on free speech. All of a sudden, the tax money is going to be coming in from candidates, and it would certainly increase the bureaucracy and power of the Federal Elections Commission. So that is an area that I think has some severe constitutional problems.

Also, by the public benefits that flow in that direction with the reduced postal rates, the benefits that go of public money, public subsidized money to candidates, I think raises some questions and obviously some bureaucratic problems. It gives a preference clearly to mailing over television, which is interesting, because it requires reduced rates by television, and also increases the postal opportunities.

But one thing I did want to compliment the gentleman on, and I wanted to yield to the gentleman for an answer to a question, if he might, I just wanted to be able to pose a question to the gentleman, and also to compliment the gentleman.

I noticed that in the gentleman's proposal and in his speech he made reference to the fact that he bans soft money to the Federal political parties. I think that that is the right approach. But then you made the point that you did not, if I understand correctly, ban soft money by the state parties. That way they could utilize that money for get-out-the-vote efforts. Am I understanding the bill correctly?

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, that is one thing the gentleman is correct on. But the gentleman is absolutely wrong on the fact there is any public money on this and it is unconstitutional, because it is totally voluntary on the part of the candidate.

Mr. HUTCHINSON. Mr. Chairman, reclaiming my time, I appreciate the answer, but if I could focus on the similarity of the gentleman's bill with the freshmen's bill, you made a decision in your bill that you should ban soft money to the Federal political parties, but not ban it to the state parties. I think that is exactly the right approach, and if you could take that out of there and build a proposal around there, I think that is very helpful.

That is quite in contrast to the Shays-Meehan approach that, in my judgment, would federalize the state election process by saying that the states could not utilize money that is lawful in that state for get-out-the-vote efforts for their legislative candidates or for their gubernatorial candidates. So I compliment the gentleman for recognizing that distinction and recognizing the role of the states. I think the gentleman has done a very, very effective job on that particular point.

I mentioned the fact, and, again, this is a very well-intentioned proposal and I apologize if I misstated it in any fashion, and it is going to have a good vote today I would anticipate, but I think we have to look at what we are trying to accomplish, which is signing reform into law. We have to look at what the Senate is going to do and whether they are going to enact anything during this session.

I noticed in one of the Washington publications there was an interview with some of the Senators over there as to what they are going to accept. They pointed out that on the Shays-Meehan proposal, which is really I think is more moderate perhaps than the proposal by the gentleman from California (Mr. FARR), but they said "been there, done that; dead on arrival."

I think the reform people have got to be concerned about what is new over there, and they could possibly have an opportunity of generating more support and more votes. So I think we need to take that approach, and that is why I think the freshman bill, in contrast to some of the other proposals, really elevates the potential for enacting campaign finance reform legislation this year.

Mr. Chairman, I reserve the balance of my time.

Mr. FARR of California. Mr. Chairman, I appreciate the kind remarks by the gentleman.

Mr. Chairman, I yield three minutes to the gentleman from Connecticut (Mr. GEJDENSON), a person who led this effort before I ever got elected here. I am sort of the "Son of Sam" on this issue to SAM GEJDENSON from Connecticut, who has been a great leader and historian on campaign finance reform.

Mr. GEJDENSON. Mr. Chairman, I would like to thank the gentleman from California (Mr. FARR) for his continued efforts.

Frankly, I come to the floor somewhat frustrated today. Instead of being involved in a process whose intent is to come out with the kind of positive legislation that the American people seek, to lessen the importance of money and the time spent raising money, we are in a game. This is worse than the Iron Man or the Iditarod.

The Republican leadership of the Congress has us in an endless race, with ambushes at every step of the way. We cannot have an honest discussion about the proposal of the gentleman from California (Mr. FARR) because we have a process that has been so rigged and so extended, there is really only one shot to move forward. So we come here today not so much in debate, but in trying to bring one of the most tortured processes that I have seen in the Congress to its conclusion.

The American people are not going to be thrilled with what happens here. We will hopefully get out a bill that makes some major reforms. It will then clearly be killed by the Republican leadership in the Senate. It has taken us long enough to get here, and it is going to be awfully hard to break that hold. That has been the record of not just the leadership of this Republican Congress, but of the Republican Congress over the last 30 years, first the overriding efforts of Richard Nixon's veto to establish a commission simply to record and keep track of contributions. The major campaign finance reform in the mid-seventies, gutted by the Supreme Court in Buckley versus Valeo, moved us a step forward.

The American people are speaking with their feet. The old right wing in America, when talking about communism and its failure, rightly noted that communist citizens were not allowed to vote in their countries, so they voted with their feet. They fled the process.

As we have seen an increase of funding, we have found that voter participation has gone down and down. The more we talk about large contributions, big money and television advertising, the average citizen feels less important to this process.

This is not simply a matter for partisan advantage. We are driving a dagger in the heart of this democratic system. A system like ours, where there is opportunity and freedom, and less than half the public chooses to exercise the most minimal participation in its democratic institutions, is a democracy in danger. It affects policy, it affects perception, and, in a democracy, perception soon becomes reality.

Most Members of Congress spend all too much time raising money. The American public is confused by a Congress unable to deal with some of the most critical issues before it. Reform is necessary now, and from here I hope we go to a real debate to extend a more comprehensive reform like that of the gentleman from California (Mr. FARR). I commend him for his effort.

Mr. HUTCHINSON. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin (Mr. JOHNSON).

Mr. JOHNSON of Wisconsin. Mr. Chairman, I rise today in opposition, particularly to key parts of the Farr substitute as cited earlier by the gentleman from Arkansas (Mr. HUTCHINSON).

I rise in opposition to the government mandates in the Farr substitute for the reduced air time on broadcast television, and I speak today as someone who has had more than 30 years of experience in the broadcast media before I began in elected office. So I come to this debate today with what I think is a unique perspective on the news gathering side of broadcast media, but also an appreciation for all of the TV ads that we see on TV every day.

What the Farr substitute will do by mandating even further reduced TV ads will not reduce the amount of TV ads, but proliferate them. People are angry enough about the tone and the amount of negative advertising. This will only increase it.

I have to be clear though that I strongly support changing the way that campaigns are paid for, and that is why I voted for the Shays-Meehan bill earlier this week, and that is why I am also an original cosponsor of the bipartisan freshman campaign finance reform bill. We would not have gotten this far if it had not have been for the efforts of everyone who has spoken today. But we have to go after the important items, soft money and the anonymous faceless outside interest groups that now do not have to disclose who gives them their money. They increase voter access to information.

One issue though in this Farr substitute before us has little to do with how campaigns in fact are paid for. Mandating TV stations to reduce already reduced campaign advertising rates, which already have to be paid at the lowest rate available, the only change we will see is the candidate will be able to purchase double the ads. Are the American people clamoring for more TV political advertising, more negative advertising? Voters want, I think, more credible information, and not more ads.

There was a survey in July of 1977 that found that voters rated debates in forums sponsored by TV and radio as well as broadcast news coverage as the two most helpful sources of political information. That is because, for the most part, people get their source of information from TV and then from radio. They rated ads by candidates as the least helpful.

There are forums provided. Let me remind you, the broadcast medium has provided for $148 million in free air time given in election years through debates, forums, election specials, where free and open debate is held and people can make judgments.

We need to encourage a positive environment in the broadcast media, not create a new burden on TV and radio. Eliminating soft money is going to close the loopholes that have created the flood of negative TV ads in recent years by national parties. That will give the American people the forum they want and require better identification from anonymous outside interest groups, giving voters more information on how to make their decision. That will give the American people the reform they are seeking. But having the government force only the broadcast media to slash their ad rates is wrong, and I oppose the Farr substitute.

Mr. FARR of California. Mr. Chairman, I yield four minutes to the gentleman from Massachusetts (Mr. MEEHAN), a cosponsor of the bill and one of the persons that has been working hard and diligently to bring us campaign finance reform.

In the process of yielding, I would like to respond that the reduced limits in this bill and originally in the Shays-Meehan bill do not cost the taxpayers anything. They are under existing business rates, rates that are given to nonprofits. They still have to pay for it, but it is a reduced rate that is in the public interest. It says the candidates ought to be treated just like we treat nonprofit entities for mailing and for buying public service announcements. They have to pay for those, but they pay at the lowest rate. That is what this bill does.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. MEEHAN).

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for four minutes.

Mr. MEEHAN. Mr. Chairman, let me first of all say to my colleague from California (Mr. FARR), it seems like it was not that long ago when you and I came to this House, and one of the first things that we did was sat down and worked on campaign finance reform. And if one looks at over a period of the last few years, we have spent literally hours upon hours, days upon days, that have become weeks upon weeks, months upon months, trying to work out a bill that we would be able to get a majority for. I just want to compliment the gentleman from California (Mr. FARR) for his commitment on this issue, his unwavering commitment. I know that as we are on the verge, I hope today, of passing campaign finance reform with the Shays-Meehan bill, I want to make it clear we would not be here at this point in time if it were not for the commitment that the gentleman from California (Mr. FARR) has had to campaign finance reform.

The legislation that I cosponsored, I voted for, I believe my colleague from Connecticut (Mr. SHAYS) has voted for this legislation on occasion, is an important comprehensive piece of legislation. Many of the provisions that are in the bill are provisions that were in the Meehan-Shays, Shays-Meehan comprehensive bill, when we talk about trying to find incentives, voluntary spending limits, to keep the cost of Congressional elections down. The way that this bill would do it would be to provide incentives through low cost television advertisement and provide low cost mailings.

□ 1100

The money for the low-cost mailings would come from franking, not allowing franking during election years. The money we would save there would help pay for congressional campaign mailings to go out.

This is a good bill and it is a strong bill. It is a bill that I have always supported. It is a bill that has been an integral part of all of the conversations and dialogue that we have had over the last few years about campaign finance reform.

The great thing about the Shays-Meehan legislation is that the commission bill that has been added to the Shays-Meehan bill is a great vehicle for us to push forward with many of the comprehensive ideas for reform that we have.

Specifically, when are we going to do something about the high cost of running congressional campaigns in this country? This is a great opportunity for us to do that. We cannot deal with the expensive cost of running for political office if we do not deal with the cost of television.

We have passed telecommunications legislation, we have passed a number of bills that will mean big money for television networks, and they use the public airways. There is no reason why we cannot come to an agreement of a system to provide low-cost television for those candidates who are willing to agree to spending limits.

I think that is what the American people are looking for, I think that is what most of the public interest groups that have been fighting for campaign finance reform believe in, and ultimately, I believe that this is the type of system that we are headed to.

I believe that the support of the gentleman from California (Mr. SAM FARR) and others have us at a point in time where we are on the verge of making a historic vote today, a vote that could result in the passage of campaign finance reform. However, I also think it is important that we have this discussion and dialogue today, because when it comes time to make the further improvements that we need to make in our election system, we have to look to this legislation and its provisions on capping, voluntarily capping the amount of money that is spent for limiting political action committees. I think this goes a long way towards where we need to move as a country.

Again, I want to thank the gentleman from California (Mr. SAM FARR) for all of his commitment to campaign finance reform. Some people will never know how much time has been put into this effort.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. TOM CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for yielding me the time.

I commend my colleague and friend, the gentleman from California, for his bill. On the substance, there is one point of disagreement. I am troubled by the spending limit, because when the candidates are relatively obscure, as most of us in the House are, a spending limit probably created an advantage to the incumbent. We have spending limits at the presidential level, but those candidates are not obscure.

However, beyond this substantive point my fundamental reason for rising is to note that I have given up my own alternative. That alternative was, "if you cannot vote for me, you cannot give to me." It is a very fundamental and deep reform about which I felt strongly. I gave it up because only Shays-Meehan has a chance this session of Congress.

My good friend, the gentleman from California, deserves great credit for being thoughtful and persistent in this field, but I would urge him also to give up his substitute, because only Shays-Meehan has 57 votes in the Senate. If the proposal is not Shays-Meehan, the Senate will not even take it up; at least, I fear that.

In the interests of getting campaign finance reform, I urge that this not be the alternative, that Shays-Meehan be the alternative.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

I just want to make a comment in response to my good friend, the gentleman from California, on what has the best chance over in the Senate. I suppose at some levels that is a little bit speculative, but words mean something in this business. We have to rely upon what happens over there, what they say.

When we look at the Senate, they have spent a considerable amount of time debating campaign finance reform, the McCain-Feingold bill, which is the Senate version of Shays-Meehan.

After considerable debate and lobbying and pressure, they got I believe it was 57 votes, which is short of what is needed to break filibuster in order to pass it. It takes 60 votes over there.

So they have a very difficult schedule, because they are behind on their appropriation bills. They have to move forward with other legislation. If they consider coming back to campaign finance reform, they have to come back to something that has a chance of getting more than 57.

We can debate this all day long, but what they say is that it would be a waste of time to bring up Shays-Meehan over in the Senate. That is true because they cannot get anymore votes. But if we give them another vehicle with the potential of getting more votes, then it increases the pressure on them. I think that is a real possibility. I respect the differences of opinion on that.

Mr. Chairman, I yield 5 minutes to my good friend, the gentleman from California (Mr. JOHN DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I rarely agree with my hometown newspaper. It is one of the most partisan Democrat newspapers in the United States, known as the Sacramento Bee. But they did write an editorial which had many points of agreement. I have put it out in a Dear Colleague. The editorial was yesterday. It is entitled "Wrong-headed Reform: Passage of Bad Campaign Regulations Is No Victory."

I just thought I would share this with the Members. This is not coming from the Republican side or the conservative side, but this is coming from a very liberal Democrat-oriented newspaper. I think they make some very, very valid points. The points they make, I believe, are as valid against the substitute of the gentleman from California (Mr. FARR) as they are against the Shays-Meehan bill and other bills of that type.

They are speaking of the Shays-Meehan bill. They say, "It centers on two big wrong-headed reforms: Prohibiting national political parties from collecting or using soft money contributions, and outlawing independent political advertising that identifies candidates within 60 days of a Federal election. That means the law would prohibit issue campaigning at precisely the time when voters are finally interested in listening, hardly consistent with free speech.

"Since that kind of restriction is likely to be tossed by the courts as a violation of constitutional free speech guarantees, the net effect of the changes will be to weaken political parties while making less accountable independent expenditure groups, kings of the campaign landscape." It was a great editorial. I will not take the time to read it all here now.

The point is this, that even they, even from the other side, they recognize how disastrous these approaches are. This is the same approach that the gentleman from California (Mr. FARR) is going to take.

I say to the gentleman from California, he and I have talked about whether we are going to request a vote. I am going to request a vote on mine. I hope the gentleman requests a vote on his. I hope the gentleman will put it up there and let people register or be publicly recorded on how they stand on the approach being taken in the gentleman's bill. I think it would be beneficial for the process.

I would like to just to now make a couple of points about some of the problems with the present system, and some of the problems with the proffered solutions. I believe that today's campaign finance system requires current and prospective officeholders to spend too much time raising money and not enough time governing and debating issues.

Lamar Alexander may have had a very interesting statement. He was one of the gentlemen who ran for the Republican nomination for President in the last cycle. This is what he said. I will not read the whole quote, but he said, "When I ran for President in 1996, contribution and spending limits forced me to spend 70 percent of my time raising money in amounts no greater than $1,000." If Members ask any congressional candidate, any nonincumbent, especially, what percentage of time they spend raising money, it will be just about the same. This is a disaster. It has to be corrected.

Now, in addition to this problem of too much time raising money, today's system has failed to make elections more competitive. We have had big government campaign reform. It was enacted by Congress in 1974. Shays-Meehan and the Farr substitute are just reiterations of that same philosophy.

We need to make these elections more competitive by allowing challengers to be unleashed, and to go out and raise money wherever they can and in any amount, only with the proviso that there has to be full and timely disclosure.

Mr. Chairman, we know this system works. We have it in the Commonwealth of Virginia across the river over here, and we have it in the State of California and in a number of other States. The system works, only we need better disclosure than we presently have in the Federal system. We need to adjust those limits.

Even David Broder, from the Washington Post, not known as a Republican, let alone a conservative, had this to say. Excuse me, this is in the Washingtonian, August, 1996. He said, "Raise the current $1,000 limit on personal campaign contributions to $50,000, or maybe even go to $100,000. Today's limits are ridiculous, given television and campaigning costs. Raise that limit with full disclosure, which would enable some people to make really significant contributions to help a candidate."

I would submit, Mr. Chairman, this is the direction we should move in, not in the direction of the amendment of the gentleman from California (Mr. FARR), not in the direction of the Shays-Meehan amendment, but in this direction. This is the way that will actually produce some real reform and some real results. I ask for opposition to the Farr substitute.

Mr. HUTCHINSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, first, I would like to compliment my colleague, the gentleman from California, because he does have a true reform bill. He has been at the forefront of this.

I would also like to compliment my colleague, the gentleman from Connecticut, who brought forward legislation which I supported and which was vetoed by my own Republican President.

That notwithstanding, we are talking about Queen of the Hill and which bill will get the most votes. I urge members to support the Shays-Meehan proposal, which bans soft money on both the Federal and State levels, just like the proposal of the gentleman from California (Mr. FARR), and misstated, unfortunately, by my colleague, the gentleman from Arizona.

The bill of the gentleman from California (Mr. FARR) bans soft money on both the Federal and State levels for Federal elections, as it has to, and unfortunately, as the freshman bill does not. Our bill also recognizes sham issue ads for what they truly are, campaign ads; improves FEC disclosure and enforcement; and establishes a commission to deal with those issues that have not been dealt with in our legislation.

In regard to whether the Senate will act or not act, all I know is that 45 Democrats came to the forefront and supported the McCain-Feingold bill. This is what Mr. DASCHLE said. He said, "The Republican leadership continues to employ a strategy designed to confuse the public and complicate the prospects for true reform. The one way to cut through all of that is for the House to pass Shays-Meehan, and send it to the Senate."

Then he said, "Passage of any other measure in the House, no matter how well-intended, would only have the effect of offering political cover for the opponents of reform to kill the bill in the Senate." Mr. DASCHLE is urging support of the McCain-Feingold, and says any other proposal is likely dead.

Mr. FARR of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), following the gentleman from Connecticut (Mr. SHAYS), who has been a leader in understanding the problems of too much money in campaigns.

Ms. DELAURO. Mr. Chairman, I rise today to commend the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS), and all of my colleagues who in fact never lost faith in achieving comprehensive campaign finance reform. Most of all, I commend the citizens of this country, who have demanded meaningful changes to clean up our national campaign system.

Americans want fundamental change across the country. They want meaningful limits on out-of-control money in politics, and they want those changes now.

□ 1115

For years, the Republican leadership stalled and they still are. It is hard for me to listen to the words of the gentleman from California (Mr. DOOLITTLE) who just spoke a few minutes ago, who says there is nothing wrong with the system, that the system is working, truly mind boggling.

But the Republican leadership has stalled, made phony deals and promises, strong-armed real reformers in their own party off of a discharge petition. They introduced a hodgepodge of bills that the House had rejected. They brought to the floor an amendment that they did not believe in and even its sponsor voted against. They snowballed us with amendments in debate in the wee hours of the night.

But we were never discouraged. The gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) were never discouraged. The gentleman from California (Mr. FARR) was never discouraged. The gentleman from Connecticut (Mr. GEJDENSON) was never discouraged. We fought for real reform. We kept the Republican leadership's feet to the fire. We forced them to listen to the voices of the American public, not powerful special interests and their large campaign contributions.

With the help of people across this country who called for real reform of our campaign system, we prevailed. Republican tactics failed to kill campaign finance reform and on Monday, we passed Meehan-Shays, we passed genuine reform. It banned soft money. It reins in exploitation of issue ads and brings elections back home to the American people.

This vote is a victory for campaign finance reform. It is a victory for the American people.

I want to pay particular thanks to the gentleman from California (Mr. FARR) and the gentleman from Connecticut (Mr. GEJDENSON) for their groundbreaking efforts on this issue. They fought this battle long and hard. To all we say thank you.

But we have to remain vigilant. We must, in the long run, support Shays-Meehan for real campaign finance reform.

Mr. HUTCHINSON. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. STEARNS).

The CHAIRMAN pro tempore (Mr. HUTCHINSON). The gentleman from Florida (Mr. STEARNS) is recognized for 1½ minutes.

Mr. STEARNS. Mr. Chairman, the gentleman from Connecticut and the gentlewoman from Connecticut continue to talk about the Shays-Meehan bill. I respect they won the battle on the floor, yet they come down and take the time on another completely different bill and start talking about their bill. It is not even relevant to the Farr amendment.

I think it is important we go back and talk about what we are talking about. After you listen to the two Members from Connecticut, you would think we were talking about the Shays-Meehan amendment when we are talking about the Farr substitute.

The Farr substitute would reduce the advertising rate by 50 percent below the lowest unit charge rate that broadcasters now are already forced to charge political candidates and would give free time to candidates to respond to other ads.

When I looked at this, I went back and reminded myself of an article that was in the Hill magazine newspaper on June 10, 1998. This Hill magazine really shows what is going to happen if the Farr substitute is passed.

Federal political candidates, because they would have absolutely minimal rates to pay, will gobble up all the available ad space and squeeze out all local State candidates as well as probably squeeze out all the third-party candidates who have the fundamental and constitutional right to express their free speech, who want to inform the public on specific issues. These are people that are not Republicans, they are not Democrats. Libertarians, Independents and others will not even be able to get on the TV screen. This has been documented in that article.

Mr. Chairman, I rise against the Farr amendment. This is socializing the political campaigns. I urge its defeat.

Mr. Chairman, unfortunately, sometimes we do not fully recognize the law of unintended consequences here in Congress.

Many Members of Congress, in their zeal to regulate American society, believe they know what is good for all Americans, but they do not take into account how their liberal do-goodism negatively affects the industry in which they are trying to regulate.

The debate that Washington should force television and radio broadcasters to bend to its will and provide federal political candidates with free broadcast time for political advertisements is fraught with problems.

The idea to regulate political speech has been ruled unconstitutional over and over again by the Supreme Court.

The Farr substitute will have the unintended consequences of: severely harming broadcasters financially; damage state and local party candidates; insulate incumbents and the two main parties from challengers and from third parties; and in the end, harm our democracy and our notions of freedom.

As an example of my argument, The Hill newspaper reported on June 10, 1998, "TV stations ration campaign advertising, citing high demand."

The article states that in this year's primary campaign in California, the requests for political advertising were so overly demanding that complying with every request to purchase advertising space for political ads would have placed television stations in an economic bind.

The stations, in response to such high demands, were forced to restrict local and state candidates, besides those running for Governor, from airing political ads.

The Hill reported that stations "KCBS and KPIX refused to take ads from campaigns other than federal campaigns and the governor's race, infuriating candidates for other offices."

Well, what do the Members think will happen if we follow the Farr Substitute, which would reduce the advertising rate by 50% below the lowest unit charge rate that broadcasters now are already forced to charge political candidates and would give free time to candidates to respond to other ads?

This story in The Hill indicates what will happen. Federal political candidates, because they would have absolutely minimal rates to pay, will gobble up all the available ad space and squeeze out all local and state candidates, as well as probably squeeze out all other third party groups, who have the fundamental and constitutional right to express their free speech, who want to inform the public on specific issues or candidates.

For an example, Ron Gonzales, Democratic candidate for Mayor of San Jose, CA, could not even purchase any time for political ads and was put into a competitive disadvantage that forced him into a runoff. But instead of making sure that all candidates and all groups have an equitable opportunity to acquire time to inform the public of their candidacies or the issues important to them, the proponents of free air time want to make the system as unequitable as possible and give just federal candidates priority.

The other dramatic and unintended consequence of such free time proposals would be the devastating economic impact it would have on broadcasters. In the Farr Substitute, all primary candidates would have an automatic rate 50% below the lowest rate broadcasters already charge. There are no limits in this Substitute about how many adds could be aired or how much time would be given to candidates.

Broadcasters already have a significant financial commitment to make in transitioning to digital television. Broadcasters will have to spend tens of millions of dollars in order to transition to digital television in the next few years. With federal elections every two years, free air time proposals threaten conversion to HDTV.

Imposing free-time requirements on broadcast licensees would be the equivalent of telling lawyers, doctors, or home builders, who all have to be licensed in some capacity, what kind of law that they would have to practice, what type of information they could give to patients, or what type of homes to build.

Once Washington starts trying to control how much, when, and what rates political candidates must pay, I fear it will snowball to the point where people in Washington, with good intentions, will try to tell political candidates what they can say.

I think these free time precedents are a danger to our democracy as a whole because they defend just the narrow interests of a few, federal candidates.

Mr. FARR of California. Mr. Chairman, I yield myself the balance of my time.

I appreciate the opposition, because it shows how little they really understand the bill. First of all, there is no free time in this bill. There is no free lunch. All candidates pay. They just pay the lowest unit rate only if they volunteer to limit what they are going to spend in campaigns.

This is about campaign expenditure limits. You, as a candidate, say, I will limit myself to $600,000. That is all I am going to spend to get elected to the House of Representatives. Why do we have to do this? Because, Mr. Chairman, it is getting obscene how much money we are spending.

Do Members realize, 10 years ago, the Senate and the House, total expenditures to get elected spent $58 million. This year, in 1998, disbursements, money that has already gone out is $112 million in the Senate and the House. In 10 years we have more than doubled what we are spending in this House. We have got to put a limit on that.

I do not think we are going to get enough votes to be the bill that will top the Shays-Meehan. We are going to have to be back here next year. I hope that in all this debate we are listening to each other so that we can come up with a comprehensive campaign reform bill. We are not doing it this session.

In fact, I really appeal to my Republican colleagues, because throughout history you have not been there. You have not been helping. In 1990, only 15 Republicans voted for a bill that got out of the House with 255 votes. In 1991, only 21 Republicans voted for a bill that got out of the House with 273 votes. In 1992, only 19 Republicans voted for a bill that got out of the House with 259 votes. And George Bush vetoed the bill, the bill that I am talking about right now.

We need campaign reform. We need it now.

The CHAIRMAN pro tempore. All time has expired.

Amendment No. 7 not being offered, as announced by the gentleman from California (Mr. FARR), pursuant to the order of the House of the legislative day of Wednesday, August 5, 1998, it is now in order to debate the subject matter of the amendment printed in the CONGRESSIONAL RECORD as No. 5.

Pursuant to House Resolution 442 and that order, the gentleman from California (Mr. DOOLITTLE) and a Member opposed will each control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to continue on with my analysis of what is wrong with the present system. There is something definitely wrong with it, but there is great disagreement as to what that is, I think, between me and the other side.

Point number 3, we talked about how the campaign finance system requires current and prospective office holders to spend too much time raising money and not enough time governing, debating issues.

Secondly, today's system has failed to make elections more competitive. We had huge domination of Congress by incumbents for decades. Finally dramatic change occurred in the 1994 elections. I believe that was directly attributable to the 1974 law enacted 20 years earlier.

Thirdly, this is very important, I think, for us to understand, as the public, as Members of the House. Today's system allows millionaires to pursue congressional seats and inhibits the ability of challengers to raise the funds necessary to be competitive. The millionaire is the only one who can write whatever amount he or she wants to his election campaign. Everyone else is forced to live within the same hard dollar limits that were put in place in 1974 and have never been adjusted for inflation.

All of the moaning about soft money and these terrible issue advocacy ads that are, as they say, are sham campaign ads, I do not agree with that, but that is what they say, those are the result of never lifting those hard dollar limits.

Sometimes it is important to understand, all the time it is important to understand causes and effects. We do not get that as a majority body in either House of Congress. We seem not to understand that the effect of issue advocacy ads or the effect of soft money or the effect of independent expenditures is directly caused by the hard and unadjusted limits on hard campaign dollars contributed directly to candidates.

Inflation has risen by two-thirds. Can Members imagine having to live on the same salary, just to put this in perspective, pay all your food bills, your rents, your utilities, clothing, et cetera, gasoline with the same amount of money you earned in 1974, and have to live with that same amount of money today and meet all your bills? They could not do it because the prices have risen.

In the campaign context when that happens, we start then pushing out into the less explored areas of the law. PACs became very big, which were really pretty much a creation of the 1974 big government reform that we have now. And those were heavily attacked by the left as recently as 2 years ago.

Now we have gotten off PACs; now we are on to that hated soft money. Soft money is nothing more than unregulated money. It falls in two categories. Soft money that goes for political parties to do get out the vote and voter registration, voter identification, that type of thing, and then there is soft money, unregulated money that groups, independent groups will spend to communicate their views on an issue.

That is what so upset incumbents, because those groups start using the name of the incumbent, start criticizing his voting record. They do not break the law; they live within the law. They do not make express advocacy. But that is very upsetting to incumbents, and they are not going to take it anymore, and that is why we have Shays-Meehan and these other bills, because they are not going to allow that sort of insolence to be displayed toward the incumbents. They are going to have more regulation. They are going to make it harder for the challenger.

If I wanted to be guaranteed election for life in my congressional district, I would join on with Shays-Meehan, because that is the effect it will have. It will make it even harder for challengers who do not have the advantages of incumbency, who do not have the name ID in the district, who do not have the district offices, who do not have the ability to reach out and communicate with the voters, who do not have the ability to call a press conference and have anybody show up, when you restrict these things, you are helping the incumbent because he or she has all those advantages. You are hurting the challenger.

I do not mind saying the Emperor has no clothes. I hope all the rest of my colleagues will feel free to join me today in making that important declaration, because that is really what this is all about.

The founders of Shays-Meehan may have won the battle today, but I predict they will lose the war. The bill will not be enacted into law this year, will never clear the Senate. Let us just remember this, you are going to have a less sympathetic House to big government campaign reform after this, the coming 1998 elections this year. You will have a House that is less receptive to that when we convene in the next Congress in January.

Your Senate, which now has at most 57 votes for the big government Shays-Meehan approach, will have, after these 1998 elections, at most, 54 votes, maybe 53 votes. So bask in the glory today and enjoy it. You are entitled to your temporary victory.

I would just say to my colleagues that, please, feel free, even those of you who voted for Shays-Meehan, even those of you who will vote for the freshman bill, please step forward today and vote for a new approach. We know this bill is not going to pass today, my bill, but it is important to lay the foundation so that we can build upon that next year.

Yes, I agree with the gentleman from California (Mr. FARR), this will be back next year.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from California.

Mr. CAMPBELL. A serious concern I have is, if your opponent does not have any money, how can your opponent make public, make widely known the list of donors that you have? My biggest concern is that, that if your opponent does not have money, all the disclosure in the world will not help. This is a sincere question.

Mr. DOOLITTLE. Reclaiming my time, I will answer that question.

The point is, when you are a challenger and you do not have any money and you are not a millionaire, you can go ask somebody else that has money to give you their money. You can read the quotes of Eugene McCarthy, which, in effect, is what happened, helped get Lyndon Johnson not to run for President again in 1968. McCarthy has said that if he had not been able to raise large amounts of money from a relative handful of individuals, he never could have run the race. That is the situation we are in today.

Let me continue describing the problems that we face.

□ 1130

Today's system hurts taxpayers by taking nearly $900 million collected in Federal taxes and subsidizing the presidential campaigns of all sorts of characters, including convicted felons and billionaires. That needs to be changed.

Lastly, today's system hurts voters in our Republic by forcing more contributors and political activists to operate outside of the system where they are unaccountable and consequently more irresponsible.

That is what the Sacramento Bee was talking about in its editorial. That will surely be the effect if we enact the reforms in Shays-Meehan. It is already the effect under the present big-government reform which we have had for 24 years and which has spawned all of these things the opposition claims to deplore: PACs, soft money, hard money, issue advocacy, independent expenditures, all of those things.

And yet, instead of stepping back, rediagnosing the problem and doing something that matters, they just offer all the same tried and failed solutions of before, and we just cannot have any more of that. The present system does not work. It will get worse under their approach. We need to take a different approach.

All right, let me suggest some goals that a genuine campaign reform ought to have. One, we ought to encourage political speech rather than limit it. All these other approaches seek to limit it despite the fact that Constitution is quite clear when it says, "Congress shall make no law abridging the freedom of speech."

My colleagues on Shays-Meehan and the others are cheerfully trying to find a way to abridge the freedom of speech while claiming they are not abridging it. But, in fact, they are abridging it. And those provisions will eventually be struck down, just as many of them contained in the present law we have were struck down in the famous Buckley v. Valeo case and reaffirmed dozens of times since then.

Secondly, we ought to promote competition, freedom, and a more informed electorate. We ought to enable any American citizen to run for office. We ought to increase the amount of time candidates spend with constituents in debating issues rather than raising money. And we ought to make candidates accountable to their constituents for the money they accept. Those, I would submit, are the goals of true campaign finance reform.

Mr. Chairman, I reserve the balance of my time.

Mr. FARR of California. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from California (Mr. FARR) is recognized for 20 minutes.

Mr. FARR of California. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS) one of the newest Members of Congress.

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to the Doolittle substitute.

This morning we have heard a review of the history of campaign finance reform in this body, and it is an important perspective to keep in mind. But within this very session, a few weeks ago campaign finance reform was declared dead. I could not believe it, having just arrived, filled with the frustration of the citizens in my district following a special election in which so much outside interest and huge amounts of unregulated monies were involved.

But within this present session, two groups of Members never gave up. They demonstrated the diversity and strength of the reform coalition. The Blue Dogs, conservative Democrats led by the gentleman from Kentucky (Mr. BAESLER) and the gentleman from Texas (Mr. STENHOLM), kept pushing the discharge petition and ultimately convinced 204 Members from both parties to sign it.

And the incredibly hard work of the freshmen, led by the gentleman from Maine (Mr. ALLEN) and the gentleman from Arkansas (Mr. HUTCHINSON), finally paid off. This work began at the very beginning of the 105th. They defied the odds, hung together, produced a solid bipartisan bill, and persistently kept this issue alive.

The freshman bill is good legislation. My husband Walter was a cosponsor. It makes important reforms. I will vote "present" on the freshman bill. I do so only to make sure an even more comprehensive bill is passed.

Mr. Chairman, later today we will finally pass the bipartisan Shays-Meehan bill. This is truly cause for celebration. This is the bill that also has a majority of support in the Senate.

Today I am proud to be a freshman and I am proud to serve in this House. Most important, the American people can be proud that we are taking an extraordinary step to clean up our political system and to restore faith in our democracy.

Mr. FARR of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN) who has been here day and night, has been the voice of advocacy for campaign reform, and who has a strong statement in opposition to this bill.

Mr. LEVIN. Mr. Chairman, here is what the gentleman from California (Mr. DOOLITTLE) is proposing: Open the floodgates; if the swimmer is drowning, pour on more water; let money flow without any limit. Oh, but disclose; as the swimmer is drowning, tell him who is responsible for it. Too much, too late.

Look, if Shays-Meehan were so helpful to the incumbent, why is the majority leadership fighting this bill so hard? It does not make any sense. Raising the limits, when you are running against a millionaire who has $10 million, they can raise the limits to $2,000 or $4,000 that someone can contribute to a poor challenger, and it won't help.

The gentleman from California (Mr. DOOLITTLE) seems to have a crystal ball and he knows what the election results will be this year. But look, we have a chance in the Senate. When we pass Shays-Meehan, the spotlight will be on the other body to show up and to put it on the calendar and let the majority rule. If the majority can rule in the Senate as it does in the House, Shays-Meehan goes to the White House for signature. That is what they really are afraid of.

And do not raise this big-government argument to try to hide the dangers of big money. We do not want big government in this. We want the little person, the average person's voice not to be drowned out by big money in America.

The gentleman from California (Mr. DOOLITTLE) says give more money, open the floodgates, no holds barred for the rich, and everybody else loses. Vote against Doolittle.

Mr. DOOLITTLE. Mr. Chairman, I yield myself 1 minute to just observe that the swimmer is drowning and they are killing him, and they are killing him with these types of so-called reforms which in fact are going to make it more difficult for that swimmer to survive.

By the way, right now, under their big-government reform that we presently have, the millionaires are free to spend whatever they like. Under my bill, that person of average means will also be able to go out and raise the money that he or she needs in order to compete with the millionaire.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from California (Mr. DOOLITTLE) for yielding.

I rise today in strong support of the Doolittle substitute. It is the only proposal being considered in the House that does not interfere with free speech and the only proposal that is constitutionally sound.

When it comes to campaign finance reform, our goal should be to ensure free speech and full participation in the electoral process. But we are on the wrong track in this Congress. We focus our efforts on finding ways to limit the rights of individuals and candidates.

Instead, this Congress should be working to level the playing field for incumbents and challengers, for all people to be able to enter into this arena and express their points of view, whether we agree with them or not.

I can tell my colleagues, in the last campaign I probably had more targeted outside interest issue ads waged against me than almost any other Member in the Congress. And I stand here protecting the right of those people to express their points of view. But when full disclosure is involved, then the voters are able then to determine who is spending all the money through the outside interests to try to influence elections in their district.

One of my constituents, Kris Provencio of Boise, Idaho, a fine bright young man, should be able to have the ability to get into this political process and be able to speak freely without huge, heavy regulations from the Federal Government.

The Doolittle substitute will require full and immediate on-line disclosure of contributions and contributors by both incumbents and challengers.

The Washington Times said it best in its June 5 editorial when it said, "If Congress wants to clean up the mess of money in politics, it should do so by encouraging free speech, free discussion, and free debate."

I have faith in my fellow colleagues and in the citizens of this great Nation, and I urge my colleagues to vote for the Doolittle substitute. This substitute will allow full disclosure and the people then to be able to see who actually is contributing to the free speech. They will be the ultimate arbiters in the political process.

Mr. FARR of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. WAMP), a great voice on campaign reform.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding.

I come with a little different angle to the floor today, Mr. Chairman, to say that when I made the decision this spring to join the discharge petition and bring this issue back to the floor of the House against the wishes of even my own party, the majority party, I said to the Speaker of the House, "Mr. Speaker, we should not defend the status quo. We should not defend this current system. We should not be caught dead defending this system. As a matter of fact, we did not create this system."

And I said it has been around since Watergate and it created some things that are now coming back to haunt us, I think. I said we need to do one of two things: either make the intellectual argument that we should do away with this system and go back to the way things were, which the gentleman from California (Mr. DOOLITTLE) does very intellectually in my opinion, or do the best we can to fix the current system.

I do not believe the majority of American people want us to go back to the way things were before Watergate. So I joined the Shays-Meehan effort, did my best to improve it, take out things that I thought were not acceptable and make it as perfect as possible, which it is not perfect, but it is as perfect as possible to build a majority consensus.

I think we must try to fix this system. And Shays-Meehan is the best effort in the last 4 years to do that, and that is why we got 237 votes. I think we need to try to fix this current system.

My colleagues can make an intellectual argument, as the gentleman from California (Mr. DOOLITTLE) did, that PACs have created a problem and they kind of got washed out by the proliferation of soft money. But, frankly, all of that is part of this system.

So intellectually I am not going to disagree with him. But practically and pragmatically, we need to do the best we can to fix this current system. That is what Shays-Meehan represents. That is where the momentum is. That is where a majority is. And I am proud that today the House will, I believe, pass as the king Shays-Meehan and encourage the Senate to do likewise.

Mr. FARR of California. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore. The gentleman from California (Mr. FARR) has 14 minutes remaining, and the gentleman from California (Mr. CAMPBELL) has 7 minutes remaining.

Mr. FARR of California. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN) who has been leading in the freshman effort.

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding.

This is about whose voices will be heard in this system. It is about voices. It is about speech, who speaks up in this system and who is heard.

The other day the gentleman from Texas (Mr. DELAY) the majority whip, who has been the prime opponent of campaign reform, said that money is the lifeblood of politics. Money is the lifeblood of politics. If that is true, the people lose.

The Constitution begins, "We the people of these United States." It does not say, we the big contributors to politicians in Washington. It says, "We the people." It means the citizens. It means the voters.

The Doolittle proposal is anti-reform. This is a suggestion not to contain the influence of money but to expand it. Under the Doolittle proposal, it is okay for someone to give a candidate for Congress $500,000. Now an individual is limited to giving $1,000.

But $500,000, $300,000, any amount we want, the gentleman from California (Mr. DOOLITTLE) says is okay. That is the influence of big money in politics. We have to contain it. Disclosure is not enough. The Doolittle proposal is going in the wrong direction.

What is going on here? What is going on here has been a strategy from March to May to June to July and now to August, and here is what it is.

□ 1145

The leadership strategy of the GOP as set out by the gentleman from Texas (Mr. DELAY) again in a moment of great candor. "The timing kills them," said the gentleman from Texas. "The DeLay strategy worked. Delay, delay, delay."

The fact is the time for reform is long past. We need to pass out of this House today the Shays-Meehan bill or the Hutchinson-Allen bill. We have to send major campaign finance reform to the Senate in order to restore the voice of the ordinary citizens, the ordinary people in this country who are being overwhelmed and outshouted by big money.

Mr. DOOLITTLE. Mr. Chairman, I yield myself 1 minute, just to observe that even a very prominent, respected liberal Democrat Thurgood Marshall on the Supreme Court made this point, speaking for the unanimous court, quote, one of the points in which all members of the court agree is that money is essential for effective communication in a political campaign. That is why Justice Marshall and all other members of the court ruled that expenditure limits were unconstitutional, because money is the means of making the speech. Today only the millionaire has unlimited free speech. I seek to give this to the average citizen as well running as a candidate. For that reason I have offered my bill.

Mr. Chairman, I reserve the balance of my time.

Mr. FARR of California. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I would like to commend the author of this legislation because I think he comes forward in an earnest manner for something he believes in. I also think it is dead wrong. And when you take a look at where we are today as a society, we have developed along a path that has really redefined representation. Early on it was felt that representation was representing landed individuals with wealth. We then for a while represented geographic areas. Then finally the Supreme Court said, "No, you don't represent the land, what you represent is the people. One man, one vote." The debate here is essentially whether Congress will be dominated by wealth and money or by representing their constituents and the best needs of this country. It is very clear that the present system has gone to an incredible excess of representing wealth in America and leaving behind every other value we treasure as a society. Yes, we are a capitalist system. We are a free market system. But our government is not simply there for the highest bidder or for the wealthiest individual. If we want to see American participation increase, we have to make sure that every citizen, not just the powerful and wealthy, feel like they can contribute to this democracy. There is nothing worse in destroying the earnest attempt at maintaining a vibrant democracy than telling people that only wealthy people have access to television. If the standard for democratic participation is that you have to have the bankroll that Ross Perot had or the millionaires that now spot the Senate and the House who finance their own campaigns or sufficient millionaire friends to get you here, that is a democracy that is dying. Democracy is not about the economic system. It is about the political system. The political system in this country cannot be based on how much money you can put together and how quickly from how many people to get you elected. If we do what my friend across the aisle suggests, this will be a country for only wealthy Americans and the rest will be left behind.

Mr. FARR of California. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank my colleague and friend for yielding me this time. Mr. Chairman, the Supreme Court has upheld expenditure restrictions. In Austin v. Michigan State Chamber of Commerce in 1990, the Supreme Court said it was constitutional to limit the campaign expenditures of corporations to—zero! The Supreme Court has upheld contribution restrictions. In Buckley v. Valeo the Supreme Court said that the $1,000 maximum for individuals to contribute was constitutional. And again in 1981 in California Medical Association v. FEC the Supreme Court said that it was constitutional to limit campaign contributions, in this case to PACs.

So it is really quite wrong to say that the first amendment, at least as interpreted by the Supreme Court, prohibits limitations on contributions or limitations on expenditures. What, rather, is accurate to say is that the Supreme Court has interpreted the first amendment to say that restrictions reasonably related to the purpose of communicating speech effectively and honestly are permitted and that undue restrictions are not. And hence we need to reach a balance.

The approach of my good friend and colleague from California is commendable in many ways. I do admire his consistency. His position is that we should have no restraints at all. Within his own point of view, he may be completely legitimate on the merits. I do not think so, but he is entitled to believe he is. What I do not believe is that he is entitled to claim the Constitution compels his result. The Constitution has been interpreted consistently to allow restrictions for the purpose of allowing fair and honest communication in the following manner: The first amendment has not been held to ban restrictions on slander; commercial speech; antitrust violations (where one company will communicate to another, in free speech, what prices it wishes to charge); obscenity according to community standards; group libel; symbolic speech; or speech which leads to a clear or present danger. And I have not exhausted the field.

Mr. Chairman, we have a more difficult job because we are, constitutionally, permitted to regulate in the interest of allowing freer and more honest expression. And that is what we are about today in Shays-Meehan.

Mr. FARR of California. Mr. Chairman, I yield myself 1 minute.

It is very interesting to watch what is going on here. The gentleman from California (Mr. CAMPBELL) talked, a Republican from California, a colleague of mine, also served in the California State legislature where I served as a member of the Assembly, he served as a member of the Senate and we are both opposed, Democrat and Republican, to the gentleman from California (Mr. DOOLITTLE) who also served with us. It is obvious that there are just two vast differences of opinion here. Every bill about campaign finance reform, about the system we have in America, wants to change the way money is contributed to campaigns with the exception of one, Mr. DOOLITTLE. He wants to open up thinking that the way to get elected to Congress is to just add more money, throw more money on the problem.

Mr. Chairman, in 1998 the Senate and the House have already spent $112 million and we have not even had a general election. Is the problem there is not enough money? I do not think so.

Mr. DOOLITTLE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, obviously I rise in support of the Doolittle substitute. The question today is really simple. Should we trust the American people and support the first amendment, or should we trust the government and gut the first amendment? The Doolittle bill puts its trust in the American people. It opens up the system, allowing more participation by more people. The Shays-Meehan approach puts its trust in the government. It rachets down political expression, making the system more complicated and more dangerous for the average American. It does not sound like reform to me.

Mr. Chairman, the people should not have to consult their lawyers before they contribute to a political campaign. The Doolittle substitute represents the only true and honest effort to reform our campaign system.

I am amused by all the contortions of some of my colleagues who complain about the evils of soft money on one hand and who work very hard to raise that same soft money on the other. For example, just a few nights ago, the House minority leader worked overtime to pass the Shays-Meehan substitute. He spoke of the menacing nature of soft money, how it corrupted the political process. But on that same day, the minority leader personally worked the phones raising millions of dollars in soft money for his party, the money that he has repeatedly condemned and voted to ban.

Now, this is a case of one hand not caring what the other hand is doing. If the minority is so concerned about soft money, it should put its mouth where its money is. Mr. Chairman, money will always be spent in support of campaigns and candidates and causes. The Shays-Meehan bill will drive that money underground. The Doolittle bill will require the light of day to shine upon it.

The Doolittle bill makes a number of improvements to the current system of disclosing contributions. First, the bill requires electronic filing of campaign reports, instant filing, including 24-hour filings during the last three months of the campaign. It is time for Congress to recognize and to utilize the advances in technology that have enabled campaigns to communicate information to the Federal Election Commission much more efficiently than in the past. The Doolittle bill is needed to make elections more competitive. The Doolittle bill is needed to level the playing field so that millionaires are not given free rein to purchase congressional seats. And the Doolittle bill is needed to give working Americans a chance to participate in our democracy.

Every other reform proposal is based on the faulty premise that we can limit spending and limit speech. These big government reformers propose more government regulations and more government power, more big brother in order to stifle debate and suppress speech. The effect of all this Federal regulation is to chill free speech and political participation. This new government power will make people think twice before they participate in this process. But the Doolittle bill will encourage political participation in our democracy. The Doolittle bill will encourage more speech in our political system. The Doolittle bill upholds our Constitution.

Let us really reform the system. Let us pass the Doolittle substitute.

Mr. FARR of California. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, the bill before us today lifts limits on campaign giving. What an outrage. What is at stake here are the rights of citizens at home who simply sent us up here to do our job. Why should they have to compete with all the people who choose to actively participate by giving unlimited sums of money in the campaign system today? If the public knew more about what we know, about the level of giving, the amount of unlimited contributions that are going into the campaigns of both parties, they would be outraged, they would be sickened, they would ultimately be saddened. The public expects less money going into campaigns today, not more. The strategy on campaign finance reform, which will fail here today on the floor of the House, has first been to do nothing, then to do little, then to delay. Today here is the ultimate tactic. It is a surrender. It is a surrender to the growing cancer in this city and across the country of the disproportionate amount of money that is flowing into campaigns and is swamping and competing with those people who simply want us to do our jobs, they want to speak with us, they want to lobby us on issues and they want to vote. They should not have to compete with the growing and inordinate sums of money that are getting into our campaign system.

□ 1200

The Doolittle bill is a surrender to this problem. We need to defeat this bill, we need to get to meaningful campaign finance reform, we need to pass it today on the floor of the House.

Mr. FARR of California. Mr. Chairman, I yield 2 minutes to the gentleman also from California (Mr. FAZIO), my distinguished colleague.

Mr. FAZIO of California. Mr. Chairman, I just could not resist getting involved with my California friends in the debate in this measure, which I would like to tombstone as the Richard Mellon Scaife Empowerment Act of 1998. This gentleman from the well-known banking family of course has inordinate influence in our political system, giving through nonprofit entities, certainly through think tanks, contributing soft dollars through organizations that he has little influence or interest in other than his desire to be helpful to his friends in the Republican party.

This bill, of course, would give him the same kind of unlimited influence in Federal elections directly by taking all the caps off on what people are allowed to contribute to PACs, to candidates, to the national parties, to the State parties. So the Cook brothers from Kansas, for example, who have made a career out of pushing term limits around the country or Libertarian causes and Republicans who support them would have an unlimited amount of ability to be involved in each and every congressional race, races for the Senate.

Mr. Chairman, this is really an amendment that offers the concept of free speech as defined by the size of wallets, and that really is my response to the comments the gentleman from Texas (Mr. DELAY) has made, and others, about empowering people and giving them their First Amendment rights. If people are only heard in our society by their ability to buy media, to pay for mail, to contact the voters directly through the very expensive vehicles that are available to them, if that is the only way they can be heard in this society, there is then no real equivalent ability to campaign on the basis of their ideas, on the basis of their platform, what they believe in, who they are. It becomes just a question of who has the biggest megaphone and who can be heard the loudest.

This amendment is really nothing more than an effort to empower the wealthiest people in our society to have even more dominant influence on our elections than they already do.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS) the leader of the Shays-Meehan bill.

Mr. SHAYS. Mr. Chairman, I oppose this substitute because the gentleman from California (Mr. DOOLITTLE) would allow candidates to raise unlimited sums from individuals. Right now the limit is $1,000; from PACs it is $5,000. He would have an unlimited amount. The national parties are limited to $20,000; he would have an unlimited amount. The State parties have $5,000. Under our bill they can do $10,000, but he has an unlimited amount. He has an unlimited amount to the aggregate that can be contributed in all campaigns.

But in addition he does not even have full disclosure, particularly as it relates to third party proposals. When third parties come in, all they have to disclose is the name of their organization. It is a very clever thing. He calls it disclosure, but we do not know who that organization is. They can just have a sham name: The Committee for Better Government. We do not know who is part of that, we do not know who contributed, we do not know if there were five people, a hundred, a thousand. We do not know if a individual contributed $1 million, $2 million, $10 million, a dollar.

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Respecting that the gentleman from California (Mr. DOOLITTLE) has a right to close, I just want to reiterate what we are closing on. We are closing on a bill that changes the law, proposes to change the law.

Under existing law, if someone wants to contribute to a candidate, it is a $1,000 limit for each cycle, for a primary campaign and for a general election. Under Mr. Doolittle's it is unlimited, unlimited amount of money.

Right now under current law it is $5,000 a cycle, $5,000 in the primary, $5,000 in the general maximum for PACs, political action committees, and that is authorized by law, and that does not change, the limits are not changed, in the Shays-Meehan bill. But they sure are changed in the Doolittle bill because it goes to unlimited amounts.

Under current law the national parties can receive $20,000. Under the Doolittle bill, unlimited amount of money, unlimited.

State parties under existing law can receive $5,000. The Shays-Meehan goes to $10,000 for the reasons that were talked about. But Doolittle, unlimited, unlimited amount of money. In all of the above in aggregate it is about $25,000. Under the Doolittle bill it is unlimited.

Mr. Chairman, the Doolittle bill is going in the wrong direction. It is doing the wrong thing, giving the wrong message.

This country is about "We the people." In order to get people involved in politics we have got to make it accessible, affordable, not owned by millionaires, not owned by campaigns where we do not even see who is contributing.

Defeat this measure. It is probably one that should receive the biggest defeat of all of the bills that are trying to hurt the attempt to get Shays-Meehan to the Senate and to the President's desk.

Mr. Chairman, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as my colleagues know, to those who support big government and more regulation my bill is going in the wrong direction. But to those of us who believe that here the problem is the regulation which has directly spawned PACs, soft money, issue advocacy, independent expenditures, et cetera, then we are going to offer a new direction.

And, as I said before, there is no way this bill, Shays-Meehan, is ever going to become law of this Congress, so we are really laying the foundation now for next Congress, and I invite all the people sincerely concerned about campaign reform to cast a "aye" vote on mine, even if they voted for the Shays-Meehan bill or the Farr or will vote for the freshman bill coming up.

Mr. Chairman, we are taking a new approach.

As my colleagues know, I have to smile when I hear the rhetoric of my opponents about this. One would think I was proposing something that was out in Mars or out in left field, but of course it could not be "left" field because that is the big government approach.

Let me just make this observation:

The largest State in the union, California, has had this system for decades. The Commonwealth of Virginia has had this system for decades. We do not hear in Virginia any problems over the election they just went through. I think the current governor is the son of a butcher. The former governor, his immediate predecessor, was the son of a football coach.

So the issue of millionaires, that is a red herring, it is a false issue the other side brings up. We are the ones who are against the present situation where are only millionaires can spend whatever they like. I would like to have the average citizen running for office to be free to compete against the millionaire, which today he cannot do. Why? Because of the strict contribution limits that are in place.

I believe, Mr. Chairman, this philosophy of deregulation is important to support. I believe it will clean up our system. We have very strict disclosure. And let me say to the gentleman, "You won't need all this soft money. It will largely wither away once you allow the natural flow of money from contributor to candidate with full disclosure, and then let the voter decide."

Take the governmental czar out of the equation. I ask my colleagues to support my substitute.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 5 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore (Mr. EWING). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 5 offered by Mr. DOOLITTLE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizen Legislature and Political Freedom Act".

SEC. 2. REMOVAL OF LIMITATIONS ON FEDERAL ELECTION CAMPAIGN CONTRIBUTIONS.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) The limitations established under this subsection shall not apply to contributions made during calendar years beginning after 1998."

SEC. 3. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1997."

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9014. TERMINATION.

"The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after December 31, 1998, or to any candidate in such an election."

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

"(d) TRANSFER OF FUNDS REMAINING AFTER 1998.—The Secretary shall transfer all amounts in the fund after December 31, 1998, to the general fund of the Treasury."

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9043. TERMINATION.

"The provisions of this chapter shall not apply to any candidate with respect to any presidential election after December 31, 1998."

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

"Sec. 9014. Termination."

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

"Sec. 9043. Termination."

SEC. 4. DISCLOSURE REQUIREMENTS FOR CERTAIN SOFT MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

"(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;".

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of such Act (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) If a political committee of a State or local political party is required under a State or local law, rule, or regulation to submit a report on its disbursements to an entity of the State or local government, the committee shall file a copy of the report with the Commission at the time it submits the report to such an entity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 1999.

SEC. 5. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking "permit reports required by" and inserting "require reports under".

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended to read as follows:

"(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the indentification of the contributor, and the date of receipt and amount of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.".

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of such Act (2 U.S.C. 434(a)), as amended by section 4(b), is further amended by adding at the end the following new subsection:

"(e)(1) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.

"(2) In this subsection, the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.".

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 1999.

SEC. 6. WAIVER OF "BEST EFFORTS" EXCEPTION FOR INFORMATION ON IDENTIFICATION OF CONTRIBUTORS.

(a) In General.—Section 302(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(i)) is amended—

(1) by striking "(i) When the treasurer" and inserting "(i)(1) Except as provided in paragraph (2), when the treasurer"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply with respect to information regarding the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year (as required to be provided under subsection (c)(3)).".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to persons making contributions for elections occurring after January 1999.

The CHAIRMAN pro tempore. The amendment is not further debatable.

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. Doolittle).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 299, not voting 4, as follows:

[Roll No. 403]

AYES—131

Aderholt
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
DeLay
Dickey
Doolittle
Dreier
Dunn
Ehrlich
Everett
Fawell
Fossella
Fowler
Gekas
Gibbons
Goodlatte
Goss
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Martinez
McCrery
McDade
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Nethercutt
Northup
Norwood
Oxley
Packard
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pombo
Pryce (OH)
Radanovich
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shimkus
Shuster
Skeen
Smith (OR)
Snowbarger
Solomon
Spence
Stump
Sununu
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
White
Whitfield
Wicker
Wilson
Young (AK)

NOES—299

Abercrombie
Ackerman
Allen
Andrews
Archer
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Campbell
Canady
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
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Gutierrez
Hall (OH)
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Hastings (FL)
Hefner
Hill
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Hinchey
Hinojosa
Holden
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Horn
Houghton
Hoyer
Hulshof
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
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Klug
Kucinich
LaFalce
LaHood
Lampson
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LaTourette
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Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
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Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
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Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
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Peterson (MN)
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Price (NC)
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Reyes
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Sanford
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
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Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—4

Castle
Cunningham
Gonzalez
Inglis

☐ 1230

Ms. LEE and Messrs. BURR of North Carolina, SMITH of Texas, McCOLLUM, HUTCHINSON, and MORAN of Kansas changed their vote from "aye" to "no."

Mrs. BONO and Messrs. CAMP, REDMOND and GOODLATTE changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. Ewing). Pursuant to the order of the House of the legislative day of Wednesday, August 5, 1998, it is now in order to debate the subject matter of the amendment in the nature of a substitute printed in the Congressional Record as No. 4.

Pursuant to House Resolution 442 and that order, the gentleman from Wisconsin (Mr. Obey) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I do not intend to ask for a vote on the proposal that I am offering, but I have some things that I have wanted to say for a long time and now is the best time to say them.

The general public knows, and any politician with a conscience ought to know, that our existing campaign finance system is a disgrace. What people do not know is that we are not operating under the laws written by Congress. We are operating under what was left of reforms passed by the Congress after the Court shredded those reforms in a series of misguided decisions.

Under the Buckley v. Valeo decision, the Court equated dollars with speech, and in the process prevented the establishment of real limits on campaign spending. Through so-called independent expenditure and advocacy ads, they have allowed the cynical manipulation of campaign laws by special interests with the deepest pockets in this country.

In trying to come up with an honest solution to the problem of campaign finance, we need first to understand what the basic problems are. The biggest problem is the lack of public participation. At least 50 percent of Americans do not vote. That means the question of who runs the country is decided in most elections by a majority of the minority.

Ninety-four percent of Americans never contribute to a political campaign. They believe in political campaigns through immaculate conception. They do not want to contribute, and they do not like it when anybody else does, either. Many of them do not contribute because they cannot afford it. Some do not care. Some do not know how. Some do not believe that their contributions would make a difference. Some do not contribute simply because they have never been asked.

That means that in terms of financing campaigns, politics for most people has become a sideline sport. That is unhealthy. Only one-third of 1 percent of all Americans make contributions of $200 or more, and that constitutes over half of all of the money given by individuals in campaigns. That is one reason that 75 percent of the public says, in the Yankelovich poll, that our system of government is democratic in name only and that special interests run things.

When Congress passed campaign finance reform after Watergate, and I was here when we did, we thought we had created a system under which no individual could give more than $1,000, and no organization could give more than $5,000. Today corporate and party attorneys have expanded loopholes which enable corporations and high rollers individually to routinely give $200,000 contributions to both parties. The system is bad for both parties, because it makes the public gag when they think about politics. That is not the way it is supposed to be in this country.

I will vote for the Shays-Meehan bill today because I think it does some good, but I think it does some very modest good. It does not go nearly far enough, in my view, and will be ineffective, if passed, on the question of independent expenditures and issue advocacy, because, like almost all other proposals, it is forced to dance around the court decisions such as Buckley v. Valeo and the Colorado case.

It seems to me that as long as we accept Buckley v. Valeo, that what we are doing is pretending that we can get meaningful reform without modification of Buckley v. Valeo.

There is a group of legal scholars in this country, exemplified by Joshua Rosencrantz from New York University School of Law, who believes that if the Congress passes legislation containing a congressional finding that the existing system has become so fundamentally corrupting of America's faith in our institutions that it is necessary to limit campaign activities by candidates and special interests, that the court might modify its original decision in light of those changing circumstances.

I would like to think that is true, but I am dubious. But I am willing to try it, because it offers one of only two meaningful ways to get out of our dilemma. That is why I am offering the proposal that I am offering today.

This proposal contains a congressional finding that America's faith in our election system has been fundamentally corrupted by big money, especially soft money, and cynical, manipulative expenditures by outside interest groups.

This bill would establish a voluntary system of 100 percent public financing for candidates who agree to take no private money whatsoever from any private source in general elections. It provides that candidates who receive public financing would agree to reasonable spending limits to finance congressional campaigns. The bill creates a grass roots citizenship fund into which individual public-spirited Americans may contribute on a voluntary basis.

The Federal Elections Commission would be authorized to conduct a major advertising campaign each year alerting the public to the existence of that fund, and explaining that they can help take back their government from special interest domination by voluntarily contributing virtually any amount they want. That is accomplished in the form of a dollar check up, not a checkoff on their Federal tax return. So this is not mandated public financing, and it has not one dime of impact on the deficit.

In addition to that, we would supplement that by a one-tenth of 1 percent fee charged to all corporations whose profits are above $10 million. That is not going to break any of them.

The bill ends the scam of corporations and unions and special interest groups spending money to influence elections, all the while pretending that they are not doing what they in fact are doing. It would simply say that for a short 90-day period before the election, no independent expenditures and no issue advocacy ads would be allowed, period, if they could reasonably be determined to be aimed at influencing the outcome of the election.

If the court overturns those limitations, then this bill contains a requirement for an expedited procedure for the Congress to consider a narrow constitutional amendment only for the purpose of limiting such expenditures for that narrow 90-day period before the election.

Under normal circumstances, I frankly detest the idea of a constitutional amendment, because, with all due respect, when I look around this House floor, I see as many Daffy Ducks as I do James Madisons. But I would make an exception to my general resistance to a constitutional amendment, because this issue involves the very survival of our democratic form of government.

Today our system is grotesquely warped to respond to those in this society with money. The court did not know it at the time, but the result of the Buckley v. Valeo case has been to subvert the court one man-one vote decision on a reapportionment. We really do not have a meaningful one man-one vote system at the ballot box, when one man's vote can be magnified by $1 million times if he has $1 million bucks. It turns "One-man One-vote" into "Big Bucks, Big Megaphone" and that is a lousy way to run what is supposed to be the greatest democratic system in the world.

I have served in this institution for quite a while. I love what it is supposed to be. I cannot walk by the Capitol building at night without continuing to be thrilled about what our form of government is supposed to mean for every man, woman, and child in this country. But I have been profoundly angered by what the dominance of the economic elite in this country has done to public policy in this country, and to the process by which that policy is determined.

I have read a lot of things in public opinion polls that mystify me. I read some that profoundly disturb me. The most disturbing is that 2 years ago, one pollster asked the public, "Who does the Republican Party best represent, the rich, the middle class, or the poor?" The response overwhelmingly came back, "The rich!" When the same question was asked about the Democratic Party, and who it represented, the rich, the middle class, or the poor, the response again came back: "The Rich!"

The public, it is clear, thinks that both parties are far too influenced by people who have the most money; and do you know what? They are absolutely dead right. The only way we can restore public confidence in this election system, and the very democratic processes enshrined in the Constitution, is to take private money totally out of general elections by providing 100 percent public financing.

Elections are supposed to be public events, not private events. They are not supposed to be auctions. They are supposed to be competing between ideas, not bank accounts.

In the middle of the 19th century, my district was represented in Congress by Congressman Cadwallader Washburn.

☐ 1245

He also had two brothers serving in the Congress at the same time. One of the brothers represented the timber companies, a second represented the railroads, and the third represented the mining companies. They had all the big bases covered.

Times have changed since then. But unless we make dramatic changes to campaign finance, this Congress is slowly but surely reverting to a situation in which individual Members are being seen as tools or mouthpieces of major economic interests in this country.

Our principal responsibility as Members of this sacred body is to see to it that that does not happen. That is why I have tried to raise this issue today, and that is why, while I will support Shays-Meehan and I will oppose the freshman bill, I honestly believe that after the court gets done mucking up again honest efforts at reform, we will have to, in all honesty, turn to the recognition that we are going to have to look at a narrow constitutional amendment, if we are to save this Republic from the clutches of the wealthy elite which would turn "One-man One-vote" into "Every man for the elite!"

That is not the way this country is supposed to be shaped, but our election politics right now guarantees that is the way it is going, without fundamental reform.

I congratulate the supporters of Shays-Meehan. They are trying to do the best they can under ridiculous court decisions, but they cannot go very far under those ridiculous decisions.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. EWING). Does any Member rise in opposition to the amendment?

The gentleman from California (Mr. DOOLITTLE) is recognized for 20 minutes.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

I respect the honesty of the gentleman. I completely disagree on the solution, but I think some of the problems he has identified are real problems.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, all that demonstrates is what Will Rogers meant when he said, when two people agree on everything, one of them is unnecessary.

Mr. DOOLITTLE. Well, I assure the gentleman, there is lots of room for debate in this.

The Buckley case, of course, is completely consistent with prior cases on the First Amendment and has been upheld repeatedly, dozens of decisions since then, so it is not an exception to the Supreme Court's rulings in this area. It is not an aberration. It is completely consistent with mainstream constitutional law. It was correctly decided for the most part, I have quibbles with parts of it, but in general the idea that you cannot place expenditure limits on people who are running for office is desirable and constitutionally correct.

The gentleman from Wisconsin (Mr. OBEY) really, in his substitute, does what I think most of the sponsors of Shays-Meehan really want, and that is to get the public financing. That is highly unpopular, and I wish the gentleman would bring it up for a vote. I have taken a radically different course than most of the other bills with my full disclosure and deregulation. I would like to see the complete antithesis—offered by Mr. OBEY—voted on in this House as well. Perhaps the gentleman will change his mind at the end and perhaps not.

Anyway, I guess I would just like to quote, again the Sacramento Bee, virtually the Washington Post of the West Coast, when it editorialized yesterday against Shays-Meehan, but the two criticisms, I think, go right to the heart of the bill of the gentleman from Wisconsin (Mr. OBEY) as well.

And it says in the editorial page, "it centers on two big, wrong-headed reforms: Prohibiting national political parties from collecting or using soft money contributions and outlawing independent political advertising that identifies candidates within 60 days of a Federal election." I think in this case the gentleman from Wisconsin (Mr. OBEY) may have said his was 90 days.

The editorial continues: "That means the law would prohibit issue campaigning at precisely the time when voters are finally interested in listening, hardly consistent with free speech. Since that kind of restriction is likely to be tossed by the courts as a violation of constitutional free speech guarantees, the net effect of the changes will be to weaken political parties while making the less accountable 'independent expenditure groups' kings of the campaign landscape.

So, indeed, we see that far from bringing control from the elite back to the average person, the bill of the gentleman from Wisconsin (Mr. OBEY), according to the Sacramento Bee, and I believe this as well, would go exactly in the opposite direction and further strengthen the hand of the elite, just as Shays-Meehan would do along with the other big government types of reforms.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

I think we need to understand what issue advocacy campaigns are and what independent expenditures are.

What happens is, if a corporation or a union or any other private interest gets mad at any Member of this Congress, they can run an unlimited amount of ads savaging their reputation without ever telling who they are, where they get their money or what their real agenda is. They pretend that these are not campaign ads when they are, to the core, efforts to influence campaigns. They are public lies that slip by because nobody on the Supreme Court ever ran for sheriff.

If any member of the Supreme Court had ever run for public office, they would understand what an idiocy they have performed when they produced Buckley v. Valeo. They would understand the scams that routinely go on to pretend that you are not involved in a campaign when you are going hell-bent to savage the reputation of one of the candidates in a campaign.

So what I believe is that if any money is going to be contributed to affect the campaign, it ought to be contributed on top of the table, not under the table. My first preference is to have no private money at all, because that is the only way that you truly do assure one-man one-vote.

Shays-Meehan cannot do that because they are trying to be very careful, so they produce something which lives within the constraints of Buckley v. Valeo and the other decisions. I respect them for their efforts, and I applaud them. But somebody in this Congress has to speak forthrightly about the stupidity of those court decisions and how the big money interests of this country have been able to manipulate those decisions through the years. And that situation is getting worse, it is not getting better.

I would hope that passage of Shays-Meehan will lead to creating more pressure and more awareness in the public of the need to have fundamental reform. If it were accepted by the other body, it would be a welcome first step forward.

Let us not kid ourselves, it is a modest, modest approach in comparison to what really needs to be done if this country is going to some day, some day, for at least a moment or two in our history, have truly equal access to government on the part of every American, regardless of connections, regardless of economic circumstances, regardless of who you know.

Your ability to influence government ought to be based on what you know, not who you know and what you have in your bank account. Right now, the system is just reversed, and that is why it is so sick.

Mr. Chairman, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume, just to observe, the system is sick and the system rewards the elites, particularly the media elite. Overwhelmingly the liberal media elite in this country is going to get even stronger under the bill of the gentleman from Wisconsin (Mr. OBEY) and the Shays-Meehan bill and under these other big government types of reforms.

That is why, if we really want to do something for the average person, we will go in the opposite direction and deregulate, not further encumber the system with even more regulation.

By the way, just as a point of note, Justice Sandra Day O'Connor, just to name one, was, I believe, an elected Republican leader in the Arizona legislature, so she certainly was familiar with elections. While it is true that she was not on the court when Buckley was decided, she has certainly been participating in all the various decisions which without fail have continued to sustain and uphold the rationale in Buckley ever since it was rendered in 1976.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, what the gentleman from California (Mr. DOOLITTLE) is really doing is defending the status quo. I respect his right to do that. But what he is defending is a system which says on the books that individuals can only contribute $1,000 to a candidate in a general election, and political action committees can only contribute $5,000 in a general election, but if some rich guy gets his nose out of joint, he can spend a million dollars affecting the outcome of a political campaign.

Now, that, on its face, is ludicrous. You talk about guaranteeing the supremacy of elites, you have got to be kidding if you do not think that that guarantees the supremacy of economic elites in this country.

All you have to have in order to destroy a decent balance in politics in this country is a big ego and a big bank account and a big grudge against somebody who is trying to behave in the public interest. That is why I think we need the fundamental reform I am talking about.

Mr. Chairman, absent any speakers on my side, if the gentleman is willing to yield back, I am willing to yield back.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Let me say, at the end of my brief remarks, I am prepared to yield back. We have no more speakers.

I would just like to observe that I am really not defending the status quo. I loathe this present system as much as anybody. But it is the big government types who gave us the present system. The present system has created this absurd situation which you identified where a millionaire can do anything he likes for his own election, but he can only give $1,000 to somebody else's.

The converse of that is that the individual, as a candidate who is not a millionaire, who has no money, so to speak, of average means and has to get it from others, he has to go grub for money and spend 70 percent of his time, like Lamar Alexander was quoted as doing, because the present system limits him what we can do.

So the millionaire, under the big government elite system, the sky is the limit to the billionaire, he can spend whatever he likes, and that is okay. But the average person is limited in what he can raise in order to be able to spend it in his campaign.

It is just not fair. It is not right. The gentleman from Wisconsin (Mr. OBEY) and I have different solutions for this.

I just want to make clear, I think in many ways, in fact, I do not think, I know my proposal is clearly the most dramatic in terms of the change that it would make, because it totally overthrows the existing order and does not leave even a vestige of it. We institute instead thereof full disclosure.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

I would simply say, Mr. Chairman, the system the gentleman is proposing as an alternative would simply say that the way you solve the problem is by letting the big guys contribute more than they contribute today. I do not find that to be much of a solution at all.

I would also point out, again, the system the gentleman is defending by way of independent expenditures allows people to affect the outcome of elections secretly rather than having their contributions on top of the table.

The best way to relieve politicians from the need to go after those thousand dollar contributions is to simply take away their ability to take any money, period. Elections are supposed to be public events. They are not supposed to be a competition between private interests. They are supposed to serve the public interest, not the private interests with money. That is why we will never truly have a government "of, by and for the people" until there is no private money at all allowed in campaigns and we have 100 percent public financing.

That may not be stylish, but that happens to be what I believe. I believe it with all the fiber of my being. I am not going to be like the country preacher that Mo Udall cited once, who says, "Well, folks, thems my views, and if you don't like them, well, then I will change them."

I am not going to change my views. I believe this is the only way to truly give us a truly Democratic system.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The amendment No. 4 not being offered, pursuant to the order of the House of the legislative day of Wednesday, August 5, 1998, it is now in order to debate the subject matter of the amendment printed in the CONGRESSIONAL RECORD as No. 8.

Pursuant to House Resolution 442 and that order, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed, each will control 30 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield 10 minutes of my time to the gentleman from Maine (Mr. ALLEN), and I ask unanimous consent that he be able to yield blocks of time as he deems necessary.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

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Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

As we have learned in this debate, campaign finance reform can certainly be a complex and confusing issue, but the public always has a way of making common sense out of nonsense. To the public, this issue boils down to the meaning of democracy. Democracy in our country, in Washington, is being changed from "the people rule" to "big money governs", and that is what must be reversed.

In order for democracy to be strengthened, we have to empower the individual. The Hutchinson-Allen freshman bill does exactly this. The freshman bill empowers individuals so that their voices can be heard in Washington, even above the clamor of special interests.

The freshman bill, most importantly, protects the Constitution and free speech, but it also gives the American people a greater voice in our political process. It does this in three ways.

First of all, it restrains the uncontrolled excesses of big monied special interests and labor unions by banning soft money, the millions of dollars these groups pump into our national political parties in a similar fashion as the gentleman from California (Mr. FARR) indicated this morning that his legislation did, banning it to the Federal parties but not restricting the States.

It strengthens the individual voices by increasing the amount individuals and political action committees can give by indexing their contribution limits to match inflation. The freshman bill is the only proposal that strengthens the individual contributions in this way.

Thirdly, it provides information to the public, and it strengthens individuals in that way, by giving them and the media information about who is spending money to influence campaigns. Knowledge is power and we empower individuals.

Mr. Chairman, the freshman bill has been criticized by extremists on both sides of this debate. On the one hand there are those who would claim this bill goes too far and should not ban soft money. On the other hand, there are those who claim this bill does not go far enough and is not real reform. I am not sure we could have asked for a better compliment. The opposition from both extremes suggests the freshman task force has succeeded in producing a balanced and fair bill that does not tip the scales in favor of one faction or another.

And so the freshman bill is simple, but in this town being simple and straightforward confuses a lot of people. But because it is bipartisan, because it is simple, it has the best opportunity of going through the Senate, being passed and becoming law.

I am delighted with my fellow freshmen who have worked so hard on this and I will look forward to hearing them in this debate. Our goal is the best route for reform, and that is the freshman bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. EWING). Is there a Member who stands in opposition?

Mr. GEJDENSON. Mr. Chairman, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) is recognized for 30 minutes.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this process is clearly at a point where we are going to make a choice, and the choice is relatively simple. We will either move forward with the Shays-Meehan legislation, that has some chance, although a difficult hurdle with the parliamentary ability of Senators to stop legislation, and move forward with campaign finance reform.

I happen to think it is also a preferable piece of legislation, in that it has stricter controls on soft money and issue advocacy ads. It does a better job in a number of areas. It does not increase expenditure limits as large as this bill does. Under this particular piece of legislation an individual's ability to give, per election cycle, goes from $25,000 to $50,000. I am against increasing any of these contribution limits.

The average American must be sitting home and scratching their heads when they look at legislation that increases how much an individual can give in each election cycle from $25,000 to $50,000. That is not the challenge to entering the political process for most families who make less than $50,000 a year. The only reason to increase the amount of money that people can contribute to campaigns is if we think wealthy people do not have enough access to the political process. That is clearly not the problem.

I would hope we would defeat this bill. It has been a noble effort. They have clearly wanted reform. We have a better vehicle before us. We have a vehicle that has a chance of becoming law and we ought to take that. Defeat this particular piece of legislation and let us pass Shays-Meehan.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Chairman, I was really pleased that the gentleman was able to cosponsor the freshman bill.

Mr. GEJDENSON. I will reclaim my time, Mr. Chairman, because I have very little, and say I did so to try to move this process forward.

I cosponsored almost every piece of real reform legislation at the beginning of this Congress to see which one we could get to the forefront. I had my own. This is not about ego or authorship. This is about what we can get done, and what we can get done today is Shays-Meehan.

Mr. Chairman, I reserve the balance of my time.

Mr. ALLEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS), who has been a real leader in the effort on campaign finance reform.

Mr. DAVIS of Florida. Mr. Chairman, as soon as the 42 Democratic freshmen arrived in Washington we chose as our highest priority to reform the campaign finance system in this country. And we knew there were two things that had to be done to accomplish that: First, the bill had to be bipartisan; and, second, it had to be incremental.

So the gentleman from Maine (Mr. TOM ALLEN) is the leader on our side, working hand-in-hand with the gentleman from Arkansas (Mr. ASA HUTCHINSON), and a few other Republican freshmen who wrote a bill attacking two of the most gaping loopholes in our campaign finance system: Soft money, unlimited contributions given to political parties, not for good government, I would submit in many cases. And anonymous, and often misleading and inflammatory political ads run by third-party groups from outside the congressional districts, in most cases, where the ads were being run.

And that bill was opposed. Matter of fact, at least one group said that the courts had upheld their rights to run political advertising. In fact, they went on to admit that if they were forced by our bill to put their names on their political ads, they would not run the ads.

That is exactly why we were doing the bill. If somebody is not willing to put their name on a political ad, they are not willing to stand behind the representations they are making to voters in attempting to influence the outcome of an election.

Now, many of us who supported this bill have voted for Shays-Meehan, and we will continue to do so. And we will continue to adopt as our highest priority to reform this excessive and out-of-control campaign finance system.

I want to say one thing about the freshmen who did this. We did so not because we were concerned about the risk as to who was going to benefit, Democrats or Republicans; we were concerned about the risks of continuing with a system out of control. We will continue to push, when this bill passes the House today, for meaningful campaign finance reform.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. RICK HILL), who has been an outstanding leader on this freshman task force's efforts for reform.

Mr. HILL. Mr. Chairman, I thank the gentleman for yielding me this time.

Many people refer to the freshman bill as the Shays-Meehan light bill. Frankly, that is not fair to the Shays-Meehan bill or to the freshman bill, because these two bills have a different underlying philosophy to them. They do have one thing in common. They both seek to ban soft money.

But the real question is, how and why are we trying to reform campaign finance? Again, we agree that we should ban soft money and the soft money abuses of labor unions and corporations. And the argument for the Shays bill is that we should "level the playing field," that is, level the playing field between incumbents and outside groups.

They would limit these outside groups by determining how they get money and how they spend it and when they spend it. Is that constitutional? Probably not. Even the advocates for Shays-Meehan believe it may not meet constitutional muster. More important, is it a good thing to do? I do not think it is. I think it is a bad idea.

Shays basically says incumbents should control, that others should play on the same playing field as incumbents, and so they seek to limit these outside groups. I do not think we should level the playing field by limiting the political speech. And so the freshman took a fresh approach. Probably because we were not incumbents allowed us to take that fresh approach.

We said that we should level the playing field, but the playing field ought to be level between incumbents and challengers. The result of the Shays bill is that it is going to protect incumbents and it is going to restrict the opportunities for challengers. The freshman bill seeks to expand the opportunities for challengers.

How does it do that? It takes the shackles off political parties and their ability to help challengers. Challengers lose because they cannot get the resources. Our bill says let parties help challengers and, in the process, let us make campaigns competitive, and we think that is good.

The Shays bill weakens parties. It forecloses the ability of parties to help their candidates. It will pit parties against their own candidates to raise money.

When the Court declares Shays unconstitutional, which it will, incumbents are virtually guaranteed reelection. They are the only ones that will get the resources. They will be completely free of criticism from outside groups. And the problem is that challengers are going to be further locked out of the political process. Incumbents have all the power today. And what the freshmen bill says is that let us let challengers, let us let outsiders get access to the resources.

I would ask my colleagues today to support the freshman bill.

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut (Mr. SHAYS) be allowed to take 10 minutes of my time and distribute it as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise in support of this year's freshman class, the Democratic freshman class, and I compliment them on their commitment to passing campaign finance reform.

Here we are on the verge of this historic vote, and as I look over, I see the gentleman from Florida (Mr. JIM DAVIS), and the gentleman from Maine (Mr. TOM ALLEN), and the gentleman from Rhode Island (Mr. BOB WEYGAND), and the freshmen Members who have worked so hard on this bill for so long. I think of the hours that we put in debating the pros and cons of different provisions in our legislation. It is really a warm feeling to think that here we are, we are going to pass a bill.

Now, I hope it is the Shays-Meehan bill, but I want to compliment the ability of the freshman class to work in a bipartisan way, the ability of the gentleman from Tennessee (Mr. HAL FORD), and the gentleman from Arkansas (Mr. VIC SNYDER), and the gentleman from Florida (Mr. ALLEN BOYD), and so many of the Democratic freshmen to work hard, diligently, to get us to a point in time where not only we are finally getting a debate and a vote on campaign finance reform, but we are going to make a real difference by advocating tirelessly for reform. The result is going to be that we are going to send a bill over to the other body, and the freshmen Democrats ought to be recognized for their outstanding efforts.

I also rise today in opposition to the Hutchinson-Allen legislation, because I think we have a unique opportunity to pass a stronger bill, the Shays-Meehan substitute. And due to the structure of the debate, a vote for the Hutchinson-Allen bill would be a vote against the Shays-Meehan bill.

We have a bill that would definitely end the million dollar contributions that have funneled through the parties. It would also end the sham issue ads that influence Federal elections. Why? Because our legislation would not allow States to funnel unlimited money into Federal races. Moreover, the Shays-Meehan bill reins in those sham issue ads that ought to qualify as campaign ads.

Another major loophole is this whole issue of undisclosed corporate money. We can do better. The Shays-Meehan legislation will do that. Mr. Chairman, I can honestly tell my colleagues that the Shays-Meehan legislation will cut the ties between unlimited contributions and the legislative process. I cannot draw the same conclusion about the Hutchinson substitute. Therefore, I cannot, in good conscience, endorse the freshman bill.

But I think it is important, as we reach this critical hour, that we recognize the Members of the Democratic freshman class who signed the discharge petition to enable us to have this debate and this vote; who stood tall with the gentleman from Connecticut (Mr. CHRIS SHAYS), myself, and the other Democratic Members, who got an outstanding 237 majority in this House on Monday evening, and those Members who, I believe, will stand tall in sending the Shays-Meehan bill over to the other body so that we can get real campaign finance reform.

I congratulate Members of the freshman class and look forward to having them join with me at the end of this debate in making sure we send to the Senate the Shays-Meehan legislation.

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Mr. SHAYS. Mr. Chairman, I yield myself 1 minute to say that, first, I thank my colleague the gentleman from Connecticut (Mr. GEJDENSON) for yielding me the 10 minutes, and to acknowledge the fact that he has been an extraordinary leader on campaign finance reform and succeeded in drafting legislation that got to the President's desk, and excellent legislation as well.

I also want to stand to congratulate both the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Maine (Mr. ALLEN) and all the freshmen for what they have done.

The difficult thing is, we have worked well to bring this legislation forward. We tried not to, as reformers, to attack each other and to present a clear case. But today is the day in which we have to distinguish the differences.

I would just say that I think in order to have a ban on soft money, we have to ban it not on just the Federal level but on the State level for Federal elections. And I think we cannot leave the current loophole of sham issue ads being allowed to continue when they are truly campaign ads. We need to make them campaign ads. They need to follow the campaign rules in order to eliminate that extraordinary loophole. We do have to continue to move forward with reform.

So I thank my colleagues, and I look forward to this debate.

Mr. Chairman, I reserve the balance of my time.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I rise in strong support of the Hutchinson amendment, the substitute, and, as it is known, the freshman substitute. Of all the choices out there, I think it deserves support.

Mr. Chairman, if this were a perfect world lifting present restrictions on campaign financing and substituting only one requirement of immediate and full disclosure—with transparency—would be a perfect solution. This would allow a candidate to run his or her campaign in their own way in a free country while giving the voters immediate access to who is funding the candidates campaign. An informed electorate could then fully participate freely knowledgeably casting their ballots. But it's not a perfect world and we need to look at other choices.

I have heard from many individuals, special interest groups, newspaper editorial boards regarding which bill is the correct and only solution to the problem. There's no such choice, and if we are honest with ourselves—we all know it.

I happen to favor the Hutchinson substitute for a few very good reasons. Unlike the Shays/Meehan proposal, the freshman bill does not limit issue advocacy. Instead, it requires organizations to disclose any advertisement expenditures over a certain limit.

The freshman bill bans national parties from raising soft money, and also prohibits Federal office holders and candidates from raising soft money for State parties. But, unlike the Shays/Meehan bill, the Hutchinson substitute does not impose Washington's views and regulations on the State parties. As someone who believes strongly in States' rights, I believe this is an important distinction.

It's important to remember that the GOP majority in Congress has brought forward this open and extensive debate. The Democratic Party after 40 years in power in Congress never did do campaign reform and left us in the mess we are today. I commend Mr. HUTCHINSON for his leadership on this issue and I urge adoption of the freshman substitute. All rhetoric aside, it's the most workable choice and though I'm not a freshman I think their bill deserves strong support.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support. I was one of the Republican Members that signed the discharge petition to get this process moving, and one of the reasons I did it is because soft money is beginning to and may have already corrupted the political process and will continue.

One of my major reasons for supporting this proposal is that both political parties, the Democratic Party and the Republican Party, are taking money from the gambling interests, record money.

Look at today's Washington Post: "Survivor of Father's Shooting Dies." Dad was $10 million in debt, gambling and other debt "totaling more than $10 million, some of it from gambling losses at Atlantic City."

[From the Washington Post, Aug. 6, 1998]

LONE SURVIVOR OF FATHER'S SHOOTINGS DIES

(By Wendy Melillo and Brooke A. Masters)

An 11-year old Herndon girl died yesterday after initially surviving the slayings of her mother and brother and the suicide of her father, Who authorities now say had defrauded area banks of nearly $2 million and had $10 million in gambling and other debts.

Reha Ramachandran was grazed by a bullet that struck the back of her head as her father, Natarajan Ramachandran, killed his wife and 7-year old son Sunday night. Reha died yesterday afternoon at Inova Fairfax Hospital after her brain swelled as a result of the injury.

Sources familiar with the investigation said that before his death, Ramachandran had written nearly $2 million in bad checks in an attempt to cover mounting debt totaling more than $10 million, some of it from gambling losses at Atlantic City casinos. He had been under investigation by the FBI and had been interviewed several times by agents who were building a case against him, a source said.

"It is sad day when the love of money and the fear of failure drives a man to destroy his entire family," said Lt. Bruce Guth, a Fairfax County police homicide investigator.

Ramachandran was writing checks on several bank accounts, all with insufficient funds, authorities said. The time it took for checks to clear between accounts in the different banks allowed Ramachandran to stay one step ahead of being caught, authorities said.

"Our case concluded at the time he killed himself and will subsequently be closed," John L. Barrett Jr., special agent in charge of the criminal division in the FBI's Washington field office.

Authorities said Ramachandran's business partner, Nagaraja Thyagarajan, became aware of the financial problems and went to Ramachandran's home in the 12300 block of Clareth Drive at 12:45 p.m. Monday to discuss the matter. When Thyagarajan knocked at the door, Reha, shaken, disoriented and bleeding from a bullet wound, answered the door.

She was admitted to Inova Fairfax Hospital and her condition improved somewhat Tuesday—she even spoke with police—before she died of complications yesterday.

Fairfax County police said Reha told them that after being shot, she somehow thought it was all "just a bad dream." She said she stumbled from the master bedroom, where Ramachandran had gathered the family, into another room and fell asleep until she was aroused by Thyagarajan's knock at the door.

Autopsies performed yesterday on Ramachandran; his wife, Kalpara, 36; and son, Raj, determined that they died of gunshot wounds to their upper bodies.

Sources said Ramachandran left a note detailing his financial problems. They said his wife was not aware of his financial difficulties.

Records from New Jersey Superior Court show three judgments for an Atlantic City hotel and casino against Ramachandran, who apparently also used the name Nat Ram there. The judgments, in 1991 and 1992, totaled $2,240.

Ramachandran worked for Universal Finance Solutions, a Vienna investment firm that he founded with Thyagarajan. Ramachandran and Thyagarajan paid $252,000 in cash for the office condominium in a low-rise building on Gallows Road, according to land records and the previous owner of the property.

Thyagarajan has declined to comment on the case.

Ramachandran and his wife bought their Herndon home, with four bedrooms, and 4½ bathrooms, for $585,000 in April 1997, with a mortgage of $438,000. The house sits on an acre amid only 10 other homes in a subdivision called Crossfields.

The family had not sold its previous home in Prince William County. It was purchased in July 1989 for $170,400. County land records show the couple had a $153,350 mortgage on that property, and an additional loan in October for $15,700.

Mr. WOLF. Why would the Democratic Party, why would the Republican Party want to take money from the gambling industry that brings about corruption and addiction?

I also saw a study that came out the other day from Vermont where it says, the medical journal *Pediatrics*, "High school students who gamble are more likely to engage in other health-risk behaviors."

The study surveyed 21,000 8th through 12th graders in Vermont, median age 15. More than half of these young people reported they gambled in the last 12 months. Those who gambled in the last 12 months had a number of things in common: Male; frequent illegal drug use; not using seat belts, and driving after drinking alcohol.

I sent a letter to both the Democratic national chairman and the Republican national chairman asking them to stop taking soft money, and neither have agreed.

I think this bill is the best bill, the most balanced bill, the one that can pass, and the one that can be signed into law. For those reasons, I urge that no one vote "present" on this one. I urge everybody on both sides, whether they voted for Shays-Meehan or voted against Shays-Meehan, here is an opportunity. Support the Hutchinson-Allen bill, which will do away with soft money once and for all, so the gambling interests and other special interests can no longer corrupt the political process.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I applaud the point of view of my colleague on the gambling interests. I think he is courageous. I am only concerned about the State soft money not being closed in this bill, which it is closed in Shays-Meehan; and I wonder if the gentleman from Virginia (Mr. WOLF) had a comment on that.

Mr. WOLF. Mr. Chairman, reclaiming my time, I would favor closing it. The concern I have with Shays-Meehan is it prohibits people from expressing themselves, and I am concerned it is an incumbent protection bill.

I think anybody in the country ought to have the right to criticize us any way they want to in any kind of ad. And, for that reason, I am a little concerned. But on soft money for the states, I totally agree with the gentleman from California.

Mr. CAMPBELL. If the gentleman would yield further, to me it is a difficult balance, but that would be a flaw in the freshman bill, that we would still have soft money which is potentially corruptible and involves gambling interests going to the State.

My State of California, look at the race for attorney general, last time Democrat and Republican. We are going to see gambling money on both sides. For what? For the attorney general, who is obviously making decisions on that.

Mr. WOLF. Reclaiming my time, I agree with the gentleman. I urge strong support for the Hutchinson-Allen bill.

Mr. Chairman, I rise in support of the Bipartisan Campaign Integrity Act (H.R. 2183), also known as the "Freshman bill."

I think this is a balanced bill, and one that can pass. One of my main concerns has been the need for a total ban on soft money to the major national political parties. It was because of this that I was one of those who signed the discharge petition to keep the campaign finance reform process alive. I wanted to do everything I could to help to bring about a total ban on soft money to the national political parties.

There are a lot of reasons why we need to take this step. I am deeply concerned about the obscene amounts of soft money going to the Republican and Democrat parties, especially from the gambling interests. As the author of legislation to create a commission to study the impact of the growth of gambling in America, I have seen firsthand the willingness of the gambling lobby to throw around vast sums of money to protect their own self-interests and preservation—at the expense of the average citizen. And do they have the money to do it. The gambling industry rakes in $50 billion in profits each year.

We might not think of gambling as something that hurts anyone. But study after study shows thats just not true.

We've been hearing a lot about gambling addiction among you people, and now another study has come out confirming those earlier findings.

A recently published article in the medical journal Pediatrics showed that high school students who gamble are more likely to engaged in other health risk behaviors as well. The study surveyed more than 21,000 eighth-through 12th-graders in Vermont schools. The median age of the students surveyed was 15 years old. More than half of these young people reported that they had gambled in the past 12 months. Those who had gambled in the past 12 months had a number of things in common: being male; frequent illegal drug use; not using seatbelts; driving after drinking alcohol; carrying a weapon; being involved in a fight; and years of sexual activity.

Teen gambling addiction is just one example of this industry's ill effects. There are many others. I've been concerned by data like this, so I sent a letter to the chairmen of both major political parties, which I will include for the

RECORD, asking them to take the first step in campaign finance reform by refusing to take soft money campaign contributions from the gambling industry. Unfortunately, they're still taking that money.

Earlier this year, the New York Times reported that the gambling interests have "more than quadrupled their contributions to federal candidates and political parties since 1991."

According to Common Cause, the national Republican and Democratic party committees have raised a record high of $90 million in soft money during the first 15 months of the 1998 election cycle. This is more than double what the parties raised during the first 15 months of the 1994 cycle. In the first three months of 1998 alone, the parties raised almost $23 million.

The Freshman bill protects free speech. It provides a level playing field for all federal candidates. It bans soft money on the federal level, and prohibits funny business between state and federal parties by eliminating loopholes. The Freshman bill stops state parties from laundering soft money for federal candidates.

Soft money to the national political parties is the 900-pound gorilla of campaign finance reform. It's time to ban it. The Freshman bill does it. That's why I'm going to vote for it. I urge my colleagues to do the same.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 1998.

Mr. JIM NICHOLSON,
Chairman, Republican National Committee, Washington, DC.

Mr. ROY ROMER,
General Chairman, Democratic National Committee, Washington, DC.

DEAR MR. NICHOLSON AND MR. ROMER: With today's gridlock on campaign finance reform—which many of us believe is essential to this country, and must have, at its core, a ban on soft money—I would like to offer a suggestion to get the process started. There is something that can be done to help with this problem right now. A good first step toward meaningful reform could happen today if both major political parties would refuse to accept one more dollar from the gambling industry.

We couldn't even watch the NCAA basketball championship without thinking of the recent headlines about the gambling scandal involving two former basketball players from Northwestern University who were just indicted for shaving points in three games during the 1994-95 season. Although betting on college sports is illegal, The Washington Post reports that $80 million was wagered on this year's NCAA tournament. (See attached.)

But there is something else we need to think about as political leaders. There is a definite link between gambling and political corruption. Pro-gambling forces are well-funded and lobby hard—at federal, state and local levels. In the 1995-96 election cycle alone, the casino interest poured $7 million into campaign coffers, according to a study conducted by the Campaign Study Group for The New York Times. I don't know if you saw the article that details this, but I'm enclosing it for you. It says that these political contributions have quadrupled since 1991 and that money has been given both to federal candidates and to political parties. This sends the wrong message about what kind of government we have.

Is it not hypocritical to call for campaign finance reform while simultaneously receiving large sums of soft money from gambling interests? I urge you today to jointly call a halt to taking this money. With both major parties taking this action, neither party would have an advantage over the other. The winners in this would be the American Family—to moms, dads and kids everywhere.

All across the country, the nation's newspapers are filled with stories of corruption related to gambling. Sometimes the parties involved are the gambling operators themselves, as was the case recently when the manager of a Virginia charitable gambling operation pleaded guilty to nine counts of embezzlement, The Virginia Pilot reported in January. Earlier, four officials pleaded guilty and two workers are under indictment in bingo corruption cases in a neighboring Virginia town.

But many times the corruption related to gambling has political overtones. Recent land-grabbing cases by the city led George magazine to list Las Vegas in its "Ten Most Corrupt Cities" in the March 1998 issues. A former city councilman told the magazine, "This is government for the casinos, of the casinos, and by the casinos." A former deputy attorney general said, "The city takes the money that would have gone back into the community—schools, hospitals, police—and instead they have given it to the casinos for their development."

A federal investigation into charges of illicit gambling-related deals led Missouri's House Speaker, who had held the office for 15 years, to resign, the Kansas City Star reported in October 1996.

Several years earlier, 19 Arizona legislators and lobbyists were paid off after promising to see legalized gambling come to the state, USA Today reported. That incident has been caught on videotape and became known as "AzScam."

Corruption charges have brought down four of the last seven Atlantic City mayors, the New York Times reported.

In Indiana, the former chairman of the state's House Ways and Means Committee was indicted on charges of bribery, perjury and filing false financial reports involving a proposed riverboat casino.

NBC recently aired a movie called, "Playing to Win," which was about teen addiction to gambling. The movie ended by citing a new Harvard study which says two million teenagers in America are struggling with gambling addiction. A telephone number for the National Council on Compulsive Gambling was flashed on the screen. According to the NCCG's executive director, their phones have been ringing off the hook, almost around the clock, since the airing of the movie. People are looking for help—for themselves, for their loved ones—because of gambling addiction.

What is it that convinced NBC to air this movie? What was it that motivated the citizens of Oklahoma, their state legislators and their governor to reject gambling casinos by more than a 2-to-1 margin earlier this year?

They know the other side of the story. They knew that gambling is no game. It leaves in it path the wreckage of human misery. Addiction, crime, corruption, loss of revenue to local business, bankruptcy, and even suicide—these are the fruits of this industry which is sweeping America.

That's why I'm writing you this letter. Although gambling proponents make promises of increased jobs and revenue to communities, gambling is no risk-free game. There is another side of the story. It's time for the leaders and policymakers of this country to face the evidence that gambling is bad for families, bad for business and bad for communities. It's time to say "no" to the money lure the gambling industry has cast.

GAMBLING IS BAD FOR FAMILIES

Many families cross the country have been ruined by gambling. This is a problem that affects everybody—high school students, retired persons, blue-collar workers, and some of our nation's leaders.

Across the country, social service agencies report the incredibly negative impact that gambling is having on American families. The Mississippi State Health Department reported in 1994 that one of its state's localities, Harrison County, has averaged 500 more divorces per year since casinos appeared.

In Illinois, a 1995 survey of compulsive gamblers showed that for 25 percent of the respondents, gambling led to divorce or separation.

In Maryland, a 1995 report found that domestic violence and child abuse skyrocket when gambling arrives into a community.

The executive director of the Gulf Coast Women's Center in Biloxi, Mississippi, reported that since gambling came to the area, the center is averaging 400 more crises calls per month. In Central City, Colorado, child protection cases rose six-fold the year after casinos arrived, a 1994 study found.

The fastest-growing teenage addiction today is gambling, according to Howard J. Shaffer, director of Harvard Medical School's Center for Addiction Studies. Shaffer found that the rate of pathological gambling among high school and college-age people is twice that of adults.

The gambling industry is not doing enough to prevent these problems. For example, although the minimum legal age for casino patrons in Louisiana is 21, six underage young people boarded all three New Orleans-area riverboats in January and gambled freely, the Associated Press reported. A local television station used a hidden camera to tape the youths gambling, cashing winnings and being offered alcoholic beverages by cocktail waitresses on the boats.

Bankruptcy, too, is skyrocketing in America, crippling American families. Obviously, sometimes businesses fail and investment go sour. But too often personal bankruptcies happen as a result of spiraling gambling debt. When that's the case, not only is the gambler affected, but so is his or her entire family.

There is a link between gambling and personal bankruptcies. The U.S. Treasury Department is in the process of conducting a study to examine this link. According to the American Bankruptcy Institute, Nevada had the fourth-highest bankruptcy rate in America in 1996. Mississippi ranked fifth in the country in per-capita bankruptcy filings. It is also the state with the second-highest level of gambling per capita.

Last year, bankruptcies in South Mississippi were up nearly 18 percent, according to the Gulfport Sun Herald. The president-elect of the Mississippi Bankruptcy Conference said that gambling is a major cause of this increase. (See attached news clip.)

A recent SMR Research Corporation study on bankruptcy states, "It now appears that gambling may be the fastest-growing driver of bankruptcy." The report also points out that the bankruptcy rate was 18 percent higher in counties with one or more gambling facilities, and 35 percent higher in counties with five or more gambling establishments. All one needs to do is to look at a map to see the link between gambling and bankruptcy, the report says. One example:

Atlantic City, N.J., has the highest bankruptcy rate in the state. (A portion of this study is attached.)

Sometimes the pressure of trying to deal with one's gambling debts proves too much. One of the most tragic of gambling's ill effects on the family is when the gambling family member sees no other way out and ends his or her life. In the latest report in Suicide and Life-Threatening Behavior, the officials journal of the American Association of Suicidology, the study, "Elevated Suicide Levels Associated with Legalized Gambling," showed that there is a link between gambling and increased levels of suicide. Dr. David Phillips of the University of California at San Diego wrote, "Our findings raise the possibility that the recent expansion of legalized gambling and the consequent increase in gambling settings may be accompanied by an increase in U.S. suicides."

The study said that it was not just visitors who have higher levels of suicide in major gambling communities, but residents, too. Las Vegas has the highest levels of suicide in the nation, both for residents and visitors.

What is the gambling industry's response? They claim this phenomenon is due to geography—that people in the Southwest tend to be more isolated, remote and more prone to suicide. And yet, it is not merely a Southwestern phenomenon. Atlantic City has "abnormally high suicide levels" for visitors and residents, but that only appeared after gambling casinos were opened, the study said. The high levels of suicide in these two cities are not merely the result of a high number of visitors nor due to suicidal individuals being attracted to these cities, the study showed. Surely there can be nothing more tragic for a family than to lose a family member to suicide, and the fact is, many times gambling is behind this tragic loss.

GAMBLING IS BAD FOR BUSINESS

In addition to claiming to bring a mere form of entertainment, the gambling industry often claims it will bring jobs and increased revenue to local economies through tourism. But when a casino wins, legitimate local businesses lose. Gambling consumes income that would have been spent on local tourism, services, movies, recreation and clothing.

As legalized gambling has spread throughout the United States in recent years, these activities have been subsidized by the taxpayers—directly and indirectly. A 1992 Better Government Association study and 1994 Florida Budget Office report both indicated that for every dollar that legalized gambling contributes to taxes, it costs the taxpayer at least three dollars. There are higher infrastructure, regulatory, criminal justice system and social welfare costs when legalized gambling enters a community.

Although gambling interests claim their entry into a community will bring economic growth, many would disagree. One corporate president and CEO in Mississippi recently said he's been having difficulty in recruiting employees to his company due to the state's reputation as "the gambling state of America," according to the Jackson, Mississippi, Clarion-Ledger. The CEO said that Mississippi "has the second largest amount of square footage of gambling of any state in the nation."

Researchers from Iowa State University conducted a 1996 study of one Iowa city to see how a new riverboat casino affected the local economy. They found that 29 percent of local business owners reported decreased activity. Local economies in the state of Minnesota have also been hurt by gambling. One statewide survey found that 38 percent of local restaurant owners said they had lost business to gambling.

Sometimes the damage to local economies comes simply because of too many gambling casinos. When one Illinois city's casino revenues dropped due to competition from casinos in a neighboring state, the city had to rebate almost $1 million in gambling taxes.

The state of Louisiana made an ambitious tax deal with one casino builder in hopes of bringing the world's largest casino to New Orleans. But the deal proved too costly to Harrah's Jazz Co., which went bankrupt, Time magazine reported in April 1996. The sight of a half-built, rusting casino on the edge of the French Quarter converted the state's governor into an anti-gambling advocate, according to Time. Louisiana voters agree with him, according to a Baton Rouge newspaper's year-end poll, reported earlier this year. The Advocate found that only 16 percent of voters said legalized gambling has had a good impact on the state. Almost two-thirds of respondents said gambling is a serious or extremely serious problem in Louisiana.

GAMBLING IS BAD FOR COMMUNITIES

Many communities have been misled and duped into accepting gambling. The gambling industry—with about $50 billion in yearly profits—is well-financed, and conducts an incredibly smooth public relations campaign. Government is supposed to be the protector of societies. But many local governments have turned predatory in an effort to raise revenues for their communities. The gambling industry entices cash-hungry communities with their slick promises of quick revenues.

But here are the facts. Although pro-gambling forces vehemently deny it, criminal activity does indeed increase in communities to which gambling has been introduced.

Crime has shot up 43 percent in the Mississippi Gulf Coast area in the four years after casinos were introduced, according to the state's crime commission report, published in May 1997. Connecticut's Foxwoods Casino is one of the largest and most prosperous in the country. But the mayor of one nearby town reports that its police department's annual number of calls skyrocketed from 4,000 to 16,700 within five years after the casino opened. After casinos came to Deadwood, South Dakota, the annual number of felony cases increased by 69 percent, the Eight Circuit Court reported in November 1997.

An FBI agent recently pleaded guilty to stealing more than $400,000 from the agency to pay off his gambling debts. For five years the agent embezzled money, wrote bogus memos and falsified expense reports to raise money so he could gamble, The Washington Post reported. He was supposed to be investigating an organized crime squad, but ended up entangled in their activities himself after placing big bets on sporting events with them. "My client has a gambling problem" his attorney told the Las Vegas Sun.

In California, prosecutors have charged four men with murder or attempted murder for following, robbing and shooting women after they were gambling at a Hollywood casino, the Los Angeles Times recently reported.

Sometimes increased crime shows itself not only outside the casinos, but inside as well. Federal banking regulators nailed the Trump Taj Mahal Casino Resort with a $477,000 fine for money laundering—the biggest such fine ever, the Philadelphia Inquirer reported recently. Authorities said that drug traffickers, counterfeiters and others are known to use casinos as places to launder money. They do this by finding people to buy chips in denominations just under $10,000, gamble a little bit of it, then cash in the chips for "clean" money.

A 78-year-old man allegedly shot and wounded five people in a casino in Reno, Nevada, according to an Associated Press story earlier this year. He was caught when he tried to shuffle away using his walker. The man was booked for investigation of two counts of attempted murder and three counts of battery with a deadly weapon. Two of the wounded people refused to go to the hospital and remained at the casino to gamble, according to a casino spokesman.

America deserves to know the whole story behind gambling: The good, the bad and the ugly. As more and more families are struggling to make ends meet, the idea of making easy, quick money can be an attractive lure. But there is a dark side to gambling. Its ill effects are taking their toll on too many under our care. Families are being ruined, businesses are being hurt, and communities are suffering.

What a message it would send to America's families for both party leaders to end political contributions from gambling. What a dramatic step it would be to begin cleaning up the political process and the fund-raising mess that exists today. The time has come to "just say no" to gambling money. I urge you to take that step today.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Mr. ALLEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND) who has been a member of the Freshman Task Force that produced the freshman bill, a strong advocate of campaign finance reform.

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding.

I want to first commend the gentleman from Maine (Mr. ALLEN) and the gentleman from Arkansas (Mr. HUTCHINSON) for the fine leadership that they have performed during this very tough and rigorous process.

I am a proud member of the Freshman Task Force that worked on finance reform. I am very proud of the work product that we have produced during the course of the year and a half that we have been working together. I am very proud of the Task Force members with whom I have had the privilege of associating myself.

I am especially proud of the freshman class that really stood up and took on this issue early last year at the beginning of this 105th session of Congress, when it looked as if the issue was dead in the water. Perhaps it does take a new perspective and fresh energy to come to this body, to add some life to an issue that is incredibly important to people back in my district in Wisconsin and throughout the entire country.

What united us freshmen was a common experience that we all shared in 1996 in winning our first election to the United States Congress. Those were typically very negative campaigns that was unbelievably costly, and we all realized that the system had run amuck and we need to do something about it.

Those who have supported Shays-Meehan, and I was a sponsor and supporter of Shays-Meehan, and those who are going to support the freshman bill can all be proud of the label that we all share. Reformers, because there has been a great philosophical divide on this issue.

Some in this body believe that the problem with the political system is not that there is too much money in it but that there is not enough money. That is not what motivated us freshmen. We believe we need to get the big money out of the political process and hopefully, therefore, the influence of money out of the political process, so we can restore some integrity and some credibility to this body again.

I would encourage my colleagues to support finance reform, and ask the Senate to pass it this year.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, we are at the moment of a major victory, not final, but major. And the freshmen have helped us move to this moment, but their proposal is seriously flawed. Let me mention a few of the provisions.

It has a loophole for soft money relating to State parties. And that is not the question of the role of State parties, it is leaving a loophole for soft money.

Secondly, it would increase the contribution maximums from $25,000 to $50,000. That means a couple over 2 years could contribute $200,000 overall. I think that is unnecessary and too high.

But, thirdly, let me talk about issue ads. It is not a matter of curtailing free speech. It is whether speech that is really a campaign ad should be within the purview of our regulatory system.

The Supreme Court said this in Buckley: "To the extent that large contributions are given to secure political quid pro quo's from current and potential office holders, the integrity of our system of representative democracy is undermined. Of almost equal as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions."

The Court in *Furgatch* said, Ten years later, as these ads began to proliferate, "we begin with the proposition that 'express advocacy' is not strictly limited to communications using certain key phrases." And it goes on to say . . . "'independent' campaign spenders working on behalf of candidates could remain just beyond the reach of the act by avoiding certain key words while conveying a message that is unmistakably directed to the election or defeat of a named candidate."

Shays-Meehan brings campaign ads within present campaign regulations. Democracy needs it. Vote for Shays-Meehan.

Mr. HUTCHINSON. Mr. Chairman, I yield myself 30 seconds.

I just want to respond to the comments from the gentleman from Michigan (Mr. LEVIN) concerning what they call the loophole about State soft money. We approached it in different way. We do not believe that the Federal Government ought to be mandating to the State governments and the political parties as to what they should do. Thirteen states, I believe it is, have already banned soft money to them.

What we do is take away the Federal candidates and office holders from raising soft money for the States and leave the rest of the regulation to them.

I do not think we ought to prohibit a State party from getting out the vote efforts for a legislative candidate just because a Federal candidate is on the ballot. And so that is the distinction, and I think it is the right approach to campaign finance reform.

Mr. SHAYS. Mr. Chairman, I yield myself 15 seconds to say this is well-intended but it is also a gigantic loophole. In order to prevent the abuse of soft money, we have to ban it on the Federal level and the State level for Federal elections. We do not ban soft money for State elections.

Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS) from the great state of "Live free or die."

Mr. BASS. Mr. Chairman, I thank my colleague from Connecticut for yielding.

I rise in opposition to the freshman substitute, not to denigrate in any way the fine efforts of this team and the time that they have dedicated to developing a solution to the problem of reforming our campaign financial system, but to suggest that Shays-Meehan is a better product, wire-brushed by the public, if you will, over the last year or so, debated for countless hours in this body, perfected through the adoption of amendments offered, and worthy of our acceptance as the only product that has a reasonable chance of being enacted into law, which should be the ultimate goal for those of us who truly believe that the time is ripe for reform.

Now, I would point out, as has been discussed a minute ago, that the freshman substitute does not end the corrupt soft money system. And we can debate whether the States can do it or not, but the fact is we can still raise soft money for financing campaigns. And of particular interest to me, it leaves in place the current loophole through which unlimited corporate and union treasury funds are funneled into elections and there is no accountability.

Now, Shays-Meehan is not a perfect product. There are many provisions that I would like to see added. But this is not the day to demand a wish list. There is a commission established in this bill that will deal with all these other issues at another day. This is the day, my colleagues, to prove the cynics wrong and send Shays-Meehan to the Senate.

Now, over the last month or two, many amendments have been offered to Shays-Meehan, some with good intent, some to stymie the process. As painful as it may be to admit, the freshman bill now has become Custer's last stand for those who oppose reform. I would suggest to my colleagues that we make no mistake about it.

For better or for worse, a vote for the pending motion is a vote against moving forward with meaningful reform. I urge opposition to the pending motion.

Mr. HUTCHINSON. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. GRANGER), a great freshman and a great Member of this body.

Ms. GRANGER. Mr. Chairman, I rise today in strong support of the campaign finance reform of the freshman class. I am proud to be a part of that class. It is a class that vowed to work in a bipartisan way toward real solutions to problems.

Now, while all the campaign finance proposals we are debating have the best of intentions, I am afraid some of them have not produced the best results. The freshman bill will have the most positive effect on campaign finance because it addresses the most profound problems. Not one of them, not just some of them, but all of them. It covers soft money. It covers issue advocacy. And it covers the rights of union workers.

Mr. Chairman, if we truly are going to treat the patient, should we not treat all the symptoms, not just some? For this reason, I am proud to be a part of the freshmen bill and I certainly support it.

Mr. GEJDENSON. Mr. Chairman, it is a great privilege for me to yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the whip for the minority.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding the time.

Mr. Chairman, for a very long time many of us have worked hard to pass campaign finance reform and give America's electoral system back to the people that it belongs to, the voters of this country. And for more than a year a group of freshmen Members have worked very, very hard to make this happen. They have been pushing, cajoling, arguing, they have been at the forefront of this debate when people were absent and were not there.

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They came here with a commitment to reform the way our electoral system works, and they have shown, I think, an incredible energy and determination in getting this body to take up this issue. I speak of Members on both sides of the aisle in the freshman class. We would not be at this point in passing the first real campaign finance reform legislation without their commitment and their passion and their drive. I want to congratulate them on their work.

Having said that, I also believe that the Shays-Meehan bill is America's best hope for real campaign finance reform. I think our unity now and in the future is dependent upon how we react to this proposal that is before us and how we vote on final passage which is just a few minutes away. We need to stick with the Shays-Meehan bill. We must resist the temptation to vote for any alternative that would block Meehan-Shays no matter how appealing it may seem.

In conclusion, I just want to again commend the freshman colleagues for their work, for their commitment to change, and I think the best way to meet that commitment to change, the best vehicle to move to the other body so we can have a really important debate on the final outcome of this drama is to pass Meehan-Shays today.

Mr. ALLEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. FORD), one of the class officers who has worked on this issue throughout the course of the past two years.

Mr. FORD. Mr. Chairman, I rise today to urge my colleagues to search their conscience and to support a campaign finance bill that will truly restore some confidence to our political system. I worked with both the gentleman from Maine (Mr. ALLEN) and the gentleman from Arkansas (Mr. HUTCHINSON) who have earned the respect and admiration and praise that we have showered upon them today, but I will reluctantly not support the bill in order to advance the Shays-Meehan effort. I do this because I refuse to be a party to those who are sponsoring and leading an effort to use the freshman bill to kill reform.

I urge a "present" vote on the freshman bill not because it represents artificial reform as some on both sides of the aisle have argued but because it has now become a tool for those in this body who want to kill reform once and for all.

I say to my freshman colleagues, let us not forget how we arrived at this moment. For authorship does not translate into ownership or leadership, it merely represents a component. For we helped this body, we helped Democrats, our leadership and their leadership arrive at this moment and we should take credit, if not all, certainly partial credit for that effort. For we helped inject the energy and a new product into this debate. For that we ought to be proud.

It is because we want, as others have so eloquently stated, to restore integrity and confidence to the policy-making process, because we want to see money limited in terms of its pervasive influence in this process that we worked so diligently. For Shays-Meehan includes everything we saw in the freshman bill and more.

For the gentleman from Maine (Mr. ALLEN), for the gentleman from New Jersey (Mr. PASCRELL), for the gentleman from Wisconsin (Mr. KIND), for the gentlewoman from California (Mrs. TAUSCHER), for the gentleman from Texas (Mr. LAMPSON), who all who worked on this bill, you ought to stand tall and stand proud, for American history is about to be made and we in the freshman class will help usher it in. I thank the gentleman from Maine (Mr. ALLEN) for his leadership. I thank the gentleman from Arkansas (Mr. HUTCHINSON) for his leadership.

I urge my colleagues to vote "present" on the freshman bill.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND) who has done such a fine job here as a freshman Member.

Mr. WEYGAND. Mr. Chairman, I want to thank my colleague and neighbor the gentleman from Connecticut (Mr. GEJDENSON) for yielding me this time. I rise in support of the freshman bill today, Mr. Chairman, not in hostility or disappointment with the Meehan-Shays bill but clearly to identify what we think is most important, and, that is, the atmosphere of unity that we have here today. The issue that we are debating, campaign finance reform, was embraced wholly by both the Democrat and Republican freshmen as we came into office this year. We came upon this issue and we agreed as a unified body that we would not include poison pills that would damage the potential of passage not only here in this House Chamber but also in the Senate. The unity that we are talking about and the many Members that are here talking about true campaign finance reform, from our task force, to the gentleman from Massachusetts (Mr. MEEHAN), to the gentleman from Connecticut (Mr. SHAYS), to the gentleman from Tennessee (Mr. WAMP), to everyone who is here, we must recognize that one of the most dangerous parts of what we are talking about is not in this Chamber, it is in the other Chamber.

If you read the paper this morning, the comments by the majority in the other Chamber is that this bill, meaning Shays-Meehan, is dead on arrival. "Been there, done that, forget about it."

That kind of leadership over there is what we should be unified against. The importance of the freshman bill was that we stripped away all the poison pills that we thought would have a detrimental impact on their side and our side. I love the idea of the gentleman from Massachusetts' bill with regard to issue advocacy being curtailed. The other side loves the idea of labor advocates being curtailed. We pulled those out because we wanted a bill to pass. What we are having here today is a unity rally amongst all of us. The problem is on the other side, who will kill every bill that we put before them because they do not agree with campaign finance reform.

I hope that we will be unified once we pass one of these bills as we are at this moment, to rally against what they intend to do and to rally for true campaign finance reform in the spirit of what we began here two years ago.

I want to compliment the gentleman from Maine (Mr. ALLEN) and the gentleman from Arkansas (Mr. HUTCHINSON), the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for the excellent leadership and the participation in this process.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. COOK) my good friend and task force member.

Mr. COOK. Mr. Chairman, I thank my friend from Arkansas for yielding me this time. As a supporter and someone who voted for Shays-Meehan, I nevertheless rise in support of the freshman bipartisan campaign finance reform bill. I reject the notion that a vote for this bill is a vote against Shays-Meehan. I believe in Shays-Meehan. I believe in limits on soft money. I think we are all joined in that, and clearly a majority of the Members of the House believe there ought to be limits on soft money. Let us be brutally honest. Shays-Meehan curbs it more directly and more severely. But what the freshman bill does have going for it is a better chance at constitutionality and getting passage in the Senate, and that is why I think we ought to quit arguing among each other and realize that either one of these versions will be a great victory for the American people. We should all be free, those of us that want to limit soft money, of voting for both if we want as a way to check out which one the majority of our Members thinks might have the best chance at final success.

Mr. GEJDENSON. Mr. Chairman, I yield 2¼ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment, not because it is bad but because we have an alternative that is significantly better. Our new Members who are here offering this amendment, I believe, have provided essential momentum in the course of this long reform process. Indeed, I do not believe that it is an overstatement to say we might well not be at the point we find ourselves this morning had not we had leadership from our newest Members in this Congress, on both sides of the aisle, coming together, trying to overcome differences and working together to move this process which faced so many roadblocks in the way, to move it forward. I applaud them as I have previously, as I have both Republican and Democratic Members of the freshman class previously on this floor for the role that they have played. I believe they deserve our sincere commendation, but I do not believe that this proposal deserves our vote.

None of the proposals, to be very clear, that are offered today by anyone on this floor is perfect. None of them accomplishes all of the reform and cleaning up the campaign mess that I would like to see happen. But I believe that we need to move forward doing as much as we can when we can do it, and the strongest proposal that we have, as even the last speaker candidly conceded, is the Shays-Meehan proposal. That is why I believe we need to continue working together to try to get this approved during this very year.

The amount of soft money that is being raised by both political parties is just going off the charts. From 1984 to 1996, the amount of soft money raised by the two political parties from corporations, unions and other interests went up 20 times, twentyfold, from $12 million to $262 million. That issue is dealt with by simply banning soft money.

In short, we say today our opponents have used every other tactic to try to block Shays-Meehan in the books. Let us not let the good be used to get in the way of the better. Today let us vote down this amendment and move on to have the most campaign reform we can have. Clean up this special interest money. Approve Shays-Meehan.

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds to recognize the freshmen on both sides of the aisle but particularly to salute seven GOP freshmen, Republican freshmen, the gentleman from Arkansas (Mr. HUTCHINSON) has been recognized and deserves to be, the gentleman from Montana (Mr. HILL), the gentleman from Utah (Mr. COOK), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Texas (Mr. BRADY) and the gentleman from Missouri (Mr. HULSHOF). I recognize them because we would not be here today if it was not for them.

The Speaker of the House said that he was willing to bring this bill forward because admittedly of the petition drive and agree that it would be a bipartisan bill, and we only had that bipartisan freshman bill that he would have accepted. I am extraordinarily grateful to them.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA), an early supporter of campaign finance reform.

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to this amendment and urge my colleagues by all means to stand firm in support of Shays-Meehan. The freshman bill at one time was a respectable fallback position. But we are now on the brink of a historic moment, historic legislation. This is not the time to fall back. It is the time to leap forward with Shays-Meehan in this historic debate. I recognize that there are some elements of reform in the freshman bill, but it has loopholes that have been more than adequately substantiated here in this debate. It makes the bill substantially weaker than Shays-Meehan. The freshmen have an opportunity here today to be a breath of fresh air here in Washington and help restore the faith of the American people in our democracy. The cynicism, I do not have to tell my colleagues about. Help us restore faith in our democracy. And then these freshmen will be able to stand tall in November as we all face the voters and show that we have been part of a historic moment in time to restore faith in democracy and bring back our people to the democracy where every vote counts.

Mr. Chairman, I rise in opposition to the Hutchison-Allen amendment and urge my Colleagues to stand firm in their support for Shays-Meehan. Mr. Chairman, the freshman bill at one time was a respectable "fall back" position. But we are now on the brink of an historic leap forward—namely passing Shays-Meehan.

I want to commend the authors of this amendment, the gentleman from Arkansas, Mr. HUTCHINSON, and the gentleman from Maine, Mr. ALLEN. Throughout their relatively short Congressional careers, they have proven themselves to be active and creative reformers. Indeed, we have found ourselves arguing from the same side of the table more often than not. However, while it has some element of reform—it has loopholes and is substantially weaker than Shays-Meehan.

The American people have become hardened cynics when it comes to our electoral process. They believe—with some justification—that elections are bought by the interest group with the fattest wallet.

The freshmen have the opportunity to be a breath of fresh air and help restore the faith of the American people in our democracy. And these freshmen will stand tall before their voters as part of this historic legislation.

Perhaps the most corrosive development in modern American campaigns has been the explosion of so-called "soft money"—donations from wealthy corporations, individuals, labor organizations and other groups to the major parties.

These funds are raised and spent outside the reach of federal election law and are directly connected to many of the scandalous practices now the focus of numerous investigations in both parties—White House coffees, overnights in the Lincoln bedroom, alleged contributions from the Chinese military to the DNC, and more.

Therefore, to be effective, any reform bill must deal with soft money. Unfortunately, the amendment we have before us only goes halfway. It contains a loophole large enough to drive an armored care stuffed with campaign cash through. This bill shuts down the federal soft money faucet, but allows these funds to be funneled through the various state parties. That's no reform at all.

My Colleagues, if we do nothing else—let's ban soft money. My Colleagues—soft money is at the heart of each and every one of these scandals we see in the headlines today.

Let's restore the integrity of the American political process.

The Shays-Meehan bill is the only substitute amendment that contains a hard ban on soft money.

Reject the Hutchinson substitute. Support Shays-Meehan.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BRADY) who has been extraordinarily instrumental and supportive of this battle for reform.

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Mr. BRADY of Texas. Mr. Chairman, I thank the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Maine (Mr. ALLEN) for the leadership they have had on this issue. I think we do have to agree that we need to enforce the laws on campaign finance in America, whether they are existing laws or the new laws we are talking about, because without enforcement they are meaningless, what we are talking about is meaningless.

Let me tell my colleagues this. I am proud to be in support of the freshman bill because my concern is that every election year we seem to drift farther and farther away from a citizen Congress, one made up of people from all walks of life. Today an open seat in Congress costs about a million dollars to win. A lot of people do not have a million dollars, they do not know where they would get a million dollars.

And that is means that some day, and it is doubling every four years, by the way, so some day we are going to wake up and find out only the very wealthy people can serve in Congress. And I know a lot of people who may not be rich, but they are wealthy in common sense, they are prosperous in their principles, they have tremendous values, and while they may not live in the biggest house on the hill in my town, they would do America proud serving this House on this Hill, and I think the freshman bill moves us back toward a citizen Congress.

Now let me tell my colleagues what the freshman bill is not. It is not a gutting bill on campaign finance reform. We have heard that mindless empty mantra so long that when applied to this bill it simply does not fit, because I have watched how hard our freshmen from both sides of the aisle have thoughtfully worked to push and move this bill forward, that it simply is silly, and we deserve better. And those leaders, freshmen leaders, deserve better.

And finally, Mr. Chairman, I was disappointed to see today that our colleagues were urged to vote "no" or "present" on the freshman substitute. Let me just urge everyone to take a stand on this bill. There is a reason the present light is yellow. It is reserved for those timid and meek souls who refuse to take a stand on the issue and whose legacy in the debate on campaign finance is: Want to be recorded as being in the room.

Vote "yes" or vote "no", but take a stand on the principles against or for banning soft money, preserving free speech, preserving States' rights, encouraging people to raise money in their district, and let us move forward, yes or no, but record and take a stand and, I hope, in support of the freshman bill.

Mr. ALLEN. Mr. Chairman, I yield 1¼ minutes to the gentleman from New Jersey (Mr. PASCRELL) who has been an outstanding member of the Freshman Task Force.

Mr. PASCRELL. Mr. Chairman, first to the gentleman from Maine (Mr. ALLEN) and the gentleman from Arkansas (Mr. HUTCHINSON), who have helped, each of them, to begin to reestablish the integrity of this body. If I did not mean it, I would not say it. When our institutions are under attack, they choose not to be timid. They choose not to be the yellow light. They choose to come forward. Every one of the folks on each side stated what they wanted to state in all honesty. We were very frank with one another.

This is about restoring integrity to the Congress of the United States of America. We propelled the discussions. Who would have thought we would be here today in February of 1997? It was our wildest imagination. I want to thank each of them. I am honored to have served with them and the members of the committee.

This is not a day of proponents or opponents. This is a day for this body to come together, to be very clear where we stand on campaign finance reform. Good luck to the gentleman from Connecticut; good luck to the gentleman from Massachusetts.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. McCARTHY), a staunch advocate of campaign finance reform.

Mrs. McCARTHY of New York. Mr. Chairman, again, when we all came together as a freshman class, one of the first things that we said, what was the most horrible thing about going through our campaign? And we were all tired, and we were all sick of the things that happened to us, and that is when this idea came together. Our freshman class has nothing to be embarrassed about. We worked together, we stood together, and because we did that, that is why we are going to see campaign finance reform.

Before we go home we will have campaign finance reform, and do my colleagues know what? The people outside this Beltway, and a lot of us are new to that, can hold our heads up high. We will fight for the people back home.

I do not want to spend 20 to 30 hours a week raising money, and I have not done that. None of us want to do that. But until we have campaign finance reform, and I am sorry, I do not want someone to say, "Let me donate to you, but I want your vote." We have to get rid of that.

Mr. HUTCHINSON. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. HULSHOF), the president of the freshman class at the time this task force was created and who has been a tremendous inspiration for our class in leading this effort.

Mr. HULSHOF. Mr. Chairman, the headlines on Tuesday morning's paper in the city proclaimed: House Votes to Ban Soft Money and Increase Disclosure Requirements for Candidates. Guess what? If my colleagues vote for the freshman bill, they will get those same kudos tomorrow morning from the press because our freshman bill does just that.

And let me say that I applaud and appreciate all the positive comments that our more senior Members have said here today, somewhat patronizing, I say, but I do appreciate those comments. And to the gentleman from California who talked about the problems in California, I respectfully believe that the freshman bill is a better bill than Shays-Meehan for a couple of reasons:

We ban soft money. We prohibit the gentleman from California or any Member of Congress or any candidate for Federal office from raising soft money. We ban the State of California from allowing contributions of soft money to go to them. And yet is it up to us in this body to tell California what it should do? Is it up to those of us in this body to say what the election laws in Maine or Arkansas or in the State of Missouri should be?

And for that reason I respectfully say that the Shays-Meehan bill is overreaching. It is fatally flawed in that effort because State parties might want to have and raise resources for get-out-the-vote efforts or for educating voters in the respective States on party platforms.

Now secondly, I believe, respectfully again, I say to the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), that their bill is flawed because of this arbitrary 60-day bright line, before-election line that they put in the sand. Members know, as they have been coming over for these votes for various days, there is an ardent reform group that has been parked on the street corner with a ticking clock saying that we need to enact reform because the clock is ticking, and they have been handing out literature propaganda like this that says: Urge a vote against the freshman bill.

It is interesting, I see the gentleman from Montana (Mr. HILL) here who had a recent election in the State of Montana, a primary election. This same zealous group was trying to defeat him in his election with this same type of information, and the ultimate irony of this is if Shays-Meehan were law, if Shays-Meehan were the law of the land, this group would be lawbreakers because of the distribution of this information. Shays-Meehan is flawed in that regard.

Not to mention all of the dispute that we have had about the constitutionality. Even the liberal-leaning St. Louis Post Dispatch editorial board says that there are constitutional problems with Shays-Meehan. And as the gentleman from California (Mr. THOMAS) talked about the other day, that if Shays-Meehan is declared null and void by the Supreme Court of this land, that they will then be writing law. At least the freshman bill would come back to this body.

As a final point, I am a bit disappointed that some Members have come here, especially my freshman Members, who said we urge a "present" vote. I want to talk about integrity. This bipartisan bill has 77 cosponsors, 77 cosponsors, 21 Republicans and the remaining Democrat Members. To this Member, as a brand new Member of Congress, when we cosponsor a piece of legislation what we are saying is that we are willing to put our names on the line because we support what is in the bill.

This is called, the freshman bill is called, the Bipartisan Campaign Integrity Act. It is time for the integrity of the elections process to begin today. So to the 77 cosponsors of our bill, I say it is time to put their vote where their name was on this bill. Instead of the Hutchinson-Allen bill, this bill could be called the Gejdenson-Wamp bill. It could be called the Campbell-DeLauro bill.

So I urge the cosponsors of the freshman bill, do not take a pass. It is time for the integrity to begin today, because I believe, as the other freshman Members believe, we have the better bill, and I urge a "yes" vote.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise first to correct the gentleman. No sheet like the gentleman from Missouri showed would have been outlawed. The 60-day test relates to radio and TV and not a handout.

Secondly, I just would suggest to the gentleman that cosponsoring a bill means we support the bill, but when we have a Queen of the Hill situation we can support two bills, and then we have to choose which is the better of two bills we sponsor or even cosponsor.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut

(Mrs. JOHNSON), my colleague, a gentle and very strong lady, and very courageous.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to the Hutchinson bill, but do commend the freshmen for their bipartisan effort and their dedication to moving the issue of campaign finance forward.

We all believe we need to restore confidence and accountability to our Federal election system. I believe the Shays-Meehan bill is the best way to achieve our goals. We must give the American public what they are demanding, an open and fair system of elections.

The Hutchinson bill fails to address one of the most serious loopholes in our campaign finance law, the so-called sham issue ads. In recent elections we have watched special interest money exploit this loophole by pouring millions of dollars into campaign ads in elections all over the country. No one knows how much money these special interest groups are spending or where that money is coming from, because these groups do not have to disclose that information.

Shays-Meehan clamps down on this loophole by requiring these outside groups to play by the same rules as everyone else. It restores accountability to the political process by requiring these groups to disclose who they are and where their money is coming from.

Shays-Meehan in no way takes away the right of these groups to participate in the political process. It does not limit their freedom of speech, as some of my colleagues have suggested. Rather, it increases public awareness about where the special interest money is coming from, and that is something the American people are demanding and deserve to know.

Today is our chance to tell the American public that we are committed to a system of clean and fair elections. I urge my colleagues to vote against the Hutchinson bill and pass the Shays-Meehan bill.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY), who has been one of our class officers in the freshman class and a staunch supporter of the Freshman Task Force process.

□ 1400

Ms. HOOLEY of Oregon. Mr. Chairman, first of all I would like to congratulate the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Maine (Mr. ALLEN) for the work they have done, and the entire task force.

Let me talk a little bit about how this came about. When we came here as freshmen, we said one of the things we wanted to do, let us look for some commonality amongst our freshman class. All of us were elected in a year after the 104th Congress. We said there was too much finger pointing, too much bickering. Let us find our commonality and our common goals. We said campaign finance reform, we are coming in with new eyes as freshmen, let us deal with campaign finance reform, and let us deal with it in a bipartisan way.

So we had a task force literally from the first month we were in session begin to work on campaign finance reform, and they worked and worked and had hearings and had hearings, and when the leadership said, well, we are not too excited about campaign finance reform, the freshmen pushed and the freshmen pushed and the freshmen pushed.

I have to say congratulations to all of the task force for the work that they have done. We would not be here today without the freshmen and the work that they have done. It is time to give elections back to the people.

Mr. SHAYS. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. CAMPBELL), my close partner in this effort.

The CHAIRMAN. The gentleman from California is recognized for 2¼ minutes.

Mr. CAMPBELL. Mr. Chairman, I thank my dear friend, I have the highest admiration for all that the gentleman from Connecticut (Mr. SHAYS) has done for the cause of campaign finance reform. It has been an honor to work with the gentleman on this.

Mr. Chairman, I am not the most partisan member of this body, but there is a huge point that just has not been said bluntly enough, so here it is. With regard to soft money, more or less, generally speaking, Republicans have an advantage. With regard to issue ads in the last 60 days, more or less, Democrats have an advantage. We saw this in New England. In the last 60 days, the AFL–CIO puts tons of money out of union treasuries into supposedly issue ads, slamming Republican candidates, and with devastating effect.

To my fellow Republicans, if you vote for the freshmen bill, you are signing on to the part of a compromise that deals effectively with soft money, but you do nothing about those ads in the last 60 days that mention the name of the candidate—the tactic that was so devastating to Republican candidates in New England.

A compromise is a balance; both sides give, both sides get, both sides give a little back. If we go ahead with the freshman bill, we have done nothing against the most abusive practice that was used against Republicans in the last election cycle, ads that claimed to be discussion of issues, but were slams on candidates in the last 60 days, using their names.

I cannot support the freshman bill. It is not balanced.

And even for what it does on soft money, the freshman bill only solves a bit of the problem, because as long as there is a single state candidate on the ballot, you can shuffle all the money in and say it is soft money for the state candidates' benefit.

As to constitutionality, I can say that if the soft money issue is in trouble, it is in trouble with the freshman bill as much as with Shays-Meehan. If the 60 day issue is in trouble, we have a severability clause so the Supreme Court can decide and uphold that which is constitutional.

But let us at least try. Let us try to get a balance that helps the honest voter get a true statement of who is behind the ads, instead of having the kind of unfair attacks in the last 60 days, where you do not know who is putting the money behind them.

I do not know what more I can do. I know this: I have given up my own alternative, I voted against amendments that I wished, and I have done it consistently, because only one bill has a chance in the Senate, and that is not a bill that has never had hearings in the Senate, it is not a bill the Senate has never voted on. It is not the freshman bill. It is Shays-Meehan.

Mr. HUTCHINSON. Mr. Chairman, I yield myself 30 seconds for the purpose of asking the gentleman from California (Mr. CAMPBELL) a question.

I would say to the gentleman from California (Mr. CAMPBELL), first of all, I appreciate you cosponsoring the freshman bill, and I know that you are a supporter of Shays-Meehan. But would the gentleman acknowledge today, so we have a clear understanding, that Shays-Meehan as currently drafted would violate the Supreme Court decision of Buckley v. Valeo, and it is the gentleman's hope that the Supreme Court will change their mind?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from California.

Mr. CAMPBELL. No, sir. I think that may be the accurate description of some. It is not mine. Here is why. Shays-Meehan does not violate Buckley v. Valeo's prohibition on expenditure. Buckley v. Valeo allowed limits on contributions.

Mr. HUTCHINSON. Mr. Chairman, reclaiming my time, I will cover that later.

Mr. GEJDENSON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the people of this country watching this debate, as few or many as they are, obviously feel some confusion. Everyone gets up and claims that they have the product that personifies reform, and, as you look through history, leaders good and bad, propositions decent and evil, all claim to be reform. It is a hard cut. I think Lenin, Stalin and Brezhnev all claimed that they brought reform to the Russian people.

I can tell you what will create the most change, what will take power away from those that have too much and will give some power back to the people, and that is Shays-Meehan.

The discussion of integrity in the process, and I forget which gentleman raised the issue, and I am sure he is earnest, oversimplifies the situation. Many of us in this Chamber cosponsored and introduced a number of bills. The Farr bill is a bill that I have worked on for almost 10 years now. I did not vote for it; I would not have voted for it if it came up for a vote, because we are in the process that the Republican leadership of the House has set up intentionally to make it very difficult to get a bill that has any chance in the other body of succeeding. The only way to do that is to vote down the freshman bill, do not vote for any of the other bills, as we have not, and then pass Shays-Meehan.

Lastly, I would say to the American people that this debate would be awfully discouraging. Many of the Members in this Chamber admit the influence of large contributions and the chase for cash on their time and possibly even some Members' commitments.

I can tell you this: Nothing a Member in this Chamber says will change the outcome in the Senate. But the average citizens of this country can change the outcome in the Senate. If, when this bill passes, when Shays-Meehan passes this House, the citizens of this country write and call their Senators and tell them they demand to see this very small and incremental step be taken, they can change the outcome of this process.

We Members of Congress are far more limited. We can hopefully today get Shays-Meehan over to the other body, to the Senate. But it is the people of this country that have within their capability, within their power, to affect this system and then send a signal for future reforms as well.

I have been here all too many times when big shots were on a stage clamoring for position in front of the cameras, where the real spokesmen and strength came from 100,000 or 200,000 people on the mall. As important as the Members of Congress and others who came to the mall and stood there for freedom were, for Soviet Jews, for human rights and for so many other issues, it was that there were tens and hundreds of thousands of American citizens who came to this town to speak that changed civil rights laws, that changed Soviet policy, that taught us and led us in the area of human rights.

I believe if the American citizens speak out with a loud and clear voice, the Senate will get its additional votes, and we will have the beginning of campaign finance reform.

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the freshman task force process began because we were veterans of the 1996 elections. We came to this House, and we knew we wanted to do something about what had happened to us in the 1996 elections. We had survived that process because we were here. But we were not happy with the process. We were not happy with the amount of soft money that had been poured into campaigns, on both the Republican side and the Democratic side. We were not happy with the amount of issue advocacy money that had been poured into campaigns from groups on the left and groups on the right.

We created a freshman task force, which I was proud to cochair with the gentleman from Arkansas (Mr. HUTCHINSON), and, over the past year and a half, we have worked on this issue diligently. We have never given up.

There have been those reformist groups on the outside who have said we have not gone far enough. There have been groups on the outside who have said we are doing too much. We have kept our course, we have stood by the product, and we have stood by the process.

I have to say that my cochair, the gentleman from Arkansas (Mr. HUTCHINSON), has, throughout this process, demonstrated the kind of courage and commitment that you need to survive in this place and get anything done, and it has been. I am proud to have served with him.

Mr. Chairman, let me address just a couple of issues about the freshman bill. There are those who say there is a loophole, and it will allow state money to be raised at the state level. Well, let us face it: Minor differences become major differences when you get to the final point between two bills that in fact are very close together.

What do we do? We take Federal elected officials, we take Federal candidates, we take national parties, national party committees and their agents, and we take them out of the business of raising soft money. That is real reform. That is a real soft money ban. It is a soft money ban that works.

We do not go as far on issue advocacy as Shays-Meehan does in many respects, but if you listen to the diversity of opinion in this Chamber, you understand that this is the most complicated issue we have to deal with. It is personal to every Member. We are all experts.

What we have done is created a good, solid campaign reform bill. I am going to be proud to vote for it today. I voted for Shays-Meehan, but I will vote for this freshman task force substitute. I am proud of the committee, and I am proud of what we have done. It is good, solid substantial reform.

Mr. GEJDENSON. Mr. Chairman, it is my privilege to yield the balance of my time to the gentleman from Kentucky (Mr. BAESLER), who has led the effort on campaign finance reform, not in this Congress but several previous Congresses, and led the effort on the discharge petition that actually got us here today.

The CHAIRMAN. The gentleman from Kentucky is recognized for 3¼ minutes.

Mr. BAESLER. Mr. Chairman, this is it. They said we never would get here, they said it could not be done, the antireformers, the pundits and the cynics, but here we are. We proved them all dead wrong.

They all said there was no chance, no chance, that bipartisan campaign finance reform would pass the House. They said the public did not care. They said that Members would never vote to change a system that got them elected. They said Republicans and Democrats would never be able to work together on reform.

In January 1997, when Shays-Meehan was introduced, they said it was dead on arrival. In February 1997, when the freshman task force was launched, they said it was futile. Last October, when McCain-Feingold was filibustered, they said campaign support was dead for this Congress. Last February, when the Senate reformers resurrected it, they filibustered it again. Then they said it was really, really dead for Congress.

Last fall, when we introduced the Blue Dog discharge petition, they said it would not go anywhere. They said no Republican would ever sign it. They said that the petition would never, ever get 200 signatures.

In March, when they used sham suspension votes to try to kill it, they said "Now campaign finance reform is really, really dead." In April, when the Blue Dog discharge petition was going to win, they finally promised a bill. Still they said "We will kill your bill with poison pill amendments."

Still, Mr. Speaker, there were some things they forgot and some things they did not count on. They did not count on a bipartisan majority coming together because they believe passing bipartisan campaign reform is the right thing to do. They did not count on the absolute faith of the gentleman from Connecticut (Mr. SHAYS) in the justice of his cause, or the hard work of the gentleman from Massachusetts (Mr. MEEHAN). They did not count on the freshman task force's extraordinary courage, leadership, and perseverance.

They did not count on the gentleman from Missouri (Mr. GEPHARDT) and the gentleman from Michigan (Mr. BONIOR) rallying to the cause of reform. They did not count on business leaders like Warren Buffet and Jerry Kohlberg supporting a soft money ban. They did not count on a dozen brave Republicans, like the gentleman from Tennessee (Mr. WAMP), the gentleman from Iowa (Mr. LEACH), the gentlewoman from New Jersey (Mrs. ROUKEMA), and others, signing the Blue Dog discharge petition, and they did not count on 237

Members of the House putting aside partisan politics and once, just once, doing the right thing.

Now, some still say none of this matters, that the Senate will not even vote on this bill, that we will see Elvis before this bill is passed. But those are the same people that said the House will never pass it.

So I urge Members of Congress, I urge all Americans, remember this day and take heed. Against all odds, the 105th Congress will pass bipartisan campaign reform, and soon, next month, maybe later, bipartisan campaign reform will be signed into law and this government will be given back to the people.

I urge my colleagues to vote for the Shays-Meehan bill.

□ 1415

Mr. HUTCHINSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is the final hour in this debate on campaign finance reform. In life, if you are in the final hour you are all of a sudden seeing the big picture, what is important in life versus what is trivial. In this House, it is the final hour on reform, and we need to take the long look at life, the long look at reform.

First of all, take a look back. If we look back at where we started in our freshman task force, we started that task force because the current proposals on campaign finance reform, including the Shays-Meehan proposal, were going nowhere. They were going nowhere.

We said, let us have some principles. Let us avoid the extremes. Let us agree upon what we can mutually say both sides will vote on. We said, let us not challenge the Constitution, let us have that which is constitutional and will be upheld. Let us do something which can pass this body, the next body, be signed into law, and be upheld.

Those were the principles that we had. The final principle was that we were going to have a commitment to bipartisanship. One of the lasting things that I will take out of this debate is my friends on both sides of the aisle, freshmen who are warm to reform and who are committed to this process, who are friends, and who will continue to fight for this through the lifetime we are here in this body. That is the long look.

We also have to take a look forward. If we look forward, we want the headline tomorrow that, "Campaign Finance Reform Passes"; yay. We also do not want a subsequent headline that says, "The Senate Kills Reform; the Senate Fails to Take It Up; the U.S. Supreme Court Strikes It Down." That is where we go back to where we started from. Where we started was, let us get together and see what is constitutional, and let us get it passed. That is where we are today. We need to remember where we started.

If we look forward again as to what can happen, what are we going to pass out of this body? Are we going to pass a political statement? Are we going to pass something that will advance a particular agenda? No. Let us pass something that is important, what will get through the United States Senate.

If we look at what has been said already, TRENT LOTT has been made reference to. He happens to be the leader on the other side. "Without any chance of 60 votes, why bring up Shays-Meehan? It would be a waste of time." That is what he says.

Then there are those who say, well, the Republican leadership wants the freshman bill to be a stalking horse and to put down Shays-Meehan. That is not the case. In today's Roll Call, one leadership source says that they are afraid of the freshman bill going to the Senate, not the Shays-Meehan but the freshman bill, because that is what can be taken up over there. They know they do not have the votes on Shays-Meehan. It will die over in the Senate.

Let us keep our eye on the big picture. Then, what will happen in the courts? The gentleman from California thinks, well, it will be upheld. Thinking is not enough. I do not believe we should base our efforts on reform on the mood of the United States Supreme Court. They have said clearly what they offer in Shays-Meehan is unacceptable, it will not pass. Why challenge that? Let us not risk our efforts. Let us vote for the freshman bill, because that is reform.

I said this is the final hour. Let us make it the finest hour in this body and pass the freshman bill.

Mrs. TAUSCHER. Mr. Chairman, I rise as a strong advocate of campaign finance reform, a member of the Freshman Bipartisan Campaign Finance Reform bill, and a supporter of the Meehan-Shays reform plan.

Eighteen months ago, I joined with 11 of my colleagues to form the Bipartisan Freshman Campaign Finance Reform Task Force. Our goal was to bring the issue of campaign finance reform to the forefront of the Congressional agenda. I am pleased that we were able to achieve that goal.

We conducted months of meetings, including two public forums, which effectively served as the only hearings the House of Representatives conducted on this issue. The Task Force committed to developing legislation that would represent a bipartisan effort on campaign finance reform and ultimately a first step in the process of bringing true reform to the political process.

I believe that one of the greatest achievements of the freshman Task Force is that it helped build momentum for House consideration of campaign finance reform. When the leadership made it clear that it would not bring Meehan-Shays to the floor of the House for a vote, the Task Force hoped its bill would serve as a starting place for debate on campaign finance reform. Our work has proven to be more than a starting place, it is the platform on which the most comprehensive campaign finance reform legislation has been successfully built.

Passage of the Meehan-Shays amendment Monday was an historic moment. If we pass the bill today with the Meehan-Shays language, we will have endorsed the most comprehensive political reform this body has seen in 20 years.

So, it is unfortunate the Republican leadership of this House has chosen to use the Freshman bill as a tool in a cynical attempt to block final passage of the Meehan-Shays proposal. The rule dictating debate of campaign finance reform means that a vote for the Freshman bill is a vote against the Meehan-Shays bill. As a result, I will vote "present" on the Freshman bill in order to ensure the passage of Meehan-Shays.

We owe it to the American people to pass the most comprehensive campaign reform legislation in front of the House. That bill is Meehan-Shays. By passing comprehensive campaign finance reform, we take a much needed step to restore the faith of the American electorate in our political system.

The CHAIRMAN pro tempore. All time has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 8 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of amendment in the nature of a substitute is as follows:

Amendment in the Nature of a Substitute No. 8 printed in the CONGRESSIONAL RECORD and offered by Mr. HUTCHINSON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bipartisan Campaign Integrity Act of 1998".

TITLE I—SOFT MONEY AND CONTRIBUTIONS AND EXPENDITURES OF POLITICAL PARTIES

SEC. 101. BAN ON SOFT MONEY OF NATIONAL POLITICAL PARTIES AND CANDIDATES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BAN ON USE OF SOFT MONEY BY NATIONAL POLITICAL PARTIES AND CANDIDATES

"SEC. 323. (a) NATIONAL PARTIES.—A national committee of a political party, including the national congressional campaign committees of a political party, and any officers or agents of such party committees, may not solicit, receive, or direct any contributions, donations, or transfers of funds, or spend any funds, which are not subject to the limitations, prohibitions, and reporting requirements of this Act. This subsection shall apply to any entity that is established, financed, maintained, or controlled (directly or indirectly) by, or acting on behalf of, a national committee of a political party, including the national congressional campaign committees of a political party, and any officers or agents of such party committees.

"(b) CANDIDATES.—

"(1) IN GENERAL.—No candidate for Federal office, individual holding Federal office, or any agent of such candidate or officeholder may solicit, receive, or direct—

"(A) any funds in connection with any Federal election unless such funds are subject to the limitations, prohibitions and reporting requirements of this Act;

"(B) any funds that are to be expended in connection with any election for other than a Federal office unless such funds are not in excess of the amounts permitted with respect to contributions to Federal candidates and political committees under section 315(a)(1) and (2), and are not from sources prohibited from making contributions by this Act with respect to elections for Federal office; or

"(C) any funds on behalf of any person which are not subject to the limitations, prohibitions, and reporting requirements of this Act if such funds are for the purpose of financing any activity on behalf of a candidate for election for Federal office or any communication which refers to a clearly identified candidate for election for Federal office.

"(2) EXCEPTION FOR CERTAIN ACTIVITIES.—Paragraph (1) shall not apply to—

"(A) the solicitation or receipt of funds by an individual who is a candidate for a non-Federal office if such activity is permitted under State law for such individual's non-Federal campaign committee; or

"(B) the attendance by an individual who holds Federal office or is a candidate for election for Federal office at a fundraising event for a State or local committee of a political party of the State which the individual represents or seeks to represent as a Federal officeholder, if the event is held in such State.

"(c) PROHIBITING TRANSFERS OF NON-FEDERAL FUNDS BETWEEN STATE PARTIES.—A State committee of a political party may not transfer any funds to a State committee of a political party of another State unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) APPLICABILITY TO FUNDS FROM ALL SOURCES.—This section shall apply with respect to funds of any individual, corporation, labor organization, or other person.".

SEC. 102. INCREASE IN AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS TO POLITICAL PARTIES.

(a) IN GENERAL.—The first sentence of section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "in any calendar year" and inserting the following: "to political committees of political parties, or contributions aggregating more than $25,000 to any other persons, in any calendar year".

(b) CONFORMING AMENDMENT.—Section 315(a)(1)(B) of such Act (2 U.S.C. 441a(a)(1)(B)) is amended by striking "$20,000" and inserting "$25,000".

SEC. 103. REPEAL OF LIMITATIONS ON AMOUNT OF COORDINATED EXPENDITURES BY POLITICAL PARTIES.

(a) IN GENERAL.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by striking paragraphs (2) and (3).

(b) CONFORMING AMENDMENTS.—Section 315(d)(1) of such Act (2 U.S.C. 441a(d)(1)) is amended—

(1) by striking "(d)(1)" and inserting "(d)"; and

(2) by striking ", subject to the limitations contained in paragraphs (2) and (3) of this subsection".

SEC. 104. INCREASE IN LIMIT ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES TO NATIONAL POLITICAL PARTIES.

Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(B)) is amended by striking "$15,000" and inserting "$20,000".

TITLE II—INDEXING CONTRIBUTION LIMITS

SEC. 201. INDEXING CONTRIBUTION LIMITS.

Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by adding at the end the following new paragraph:

"(3)(A) The amount of each limitation established under subsection (a) shall be adjusted as follows:

"(i) For calendar year 1999, each such amount shall be equal to the amount described in such subsection, increased (in a compounded manner) by the percentage increase in the price index (as defined in subsection (c)(2)) for each of the years 1997 through 1998.

"(ii) For calendar year 2003 and each fourth subsequent year, each such amount shall be equal to the amount for the fourth previous year (as adjusted under this subparagraph), increased (in a compounded manner) by the percentage increase in the price index for each of the four previous years.

"(B) In the case of any amount adjusted under this subparagraph which is not a multiple of $100, the amount shall be rounded to the nearest multiple of $100.".

TITLE III—EXPANDING DISCLOSURE OF CAMPAIGN FINANCE INFORMATION

SEC. 301. DISCLOSURE OF CERTAIN COMMUNICATIONS.

(a) IN GENERAL.—Any person who expends an aggregate amount of funds during a calendar year in excess of $25,000 for communications described in subsection (b) relating to a single candidate for election for Federal office (or an aggregate amount of funds during a calendar year in excess of $100,000 for all such communications relating to all such candidates) shall file a report describing the amount expended for such communications, together with the person's address and phone number (or, if appropriate, the address and phone number of the person's principal officer).

(b) COMMUNICATIONS DESCRIBED.—A communication described in this subsection is any communication which is broadcast to the general public through radio or television and which mentions or includes (by name, representation, or likeness) any candidate for election for Senator or for Representative in (or Delegate or Resident Commissioner to) the Congress, other than any communication which would be described in clause (i), (iii), or (v) of section 301(9)(B) of the Federal Election Campaign Act of 1971 if the payment were an expenditure under such section.

(c) DEADLINE FOR FILING.—A person shall file a report required under subsection (a) not later than 7 days after the person first expends the applicable amount of funds described in such subsection, except that in the case of a person who first expends such an amount within 10 days of an election, the report shall be filed not later than 24 hours after the person first expends such amount. For purposes of the previous sentence, the term "election" shall have the meaning given such term in section 301(1) of the Federal Election Campaign Act of 1971.

(d) PLACE OF SUBMISSION.—Reports required under subsection (a) shall be submitted—

(1) to the Clerk of the House of Representatives, in the case of a communication involving a candidate for election for Representative in (or Delegate or Resident Commissioner to) the Congress; and

(2) to the Secretary of the Senate, in the case of a communication involving a candidate for election for Senator.

(e) PENALTIES.—Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this section,

shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

SEC. 302. REQUIRING MONTHLY FILING OF REPORTS.

(a) PRINCIPAL CAMPAIGN COMMITTEES.—Section 304(a)(2)(A)(iii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)(iii)) is amended to read as follows:

"(iii) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (i), a post-general election report shall be filed in accordance with clause (ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) OTHER POLITICAL COMMITTEES.—Section 304(a)(4) of such Act (2 U.S.C. 434(a)(4)) is amended to read as follows:

"(4)(A) In a calendar year in which a regularly scheduled general election is held, all political committees other than authorized committees of a candidate shall file—

"(i) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (ii), a post-general election report shall be filed in accordance with clause (iii), and a year end report shall be filed no later than January 31 of the following calendar year;

"(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election; and

"(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election.

"(B) In any other calendar year, all political committees other than authorized committees of a candidate shall file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.".

(c) CONFORMING AMENDMENTS.—(1) Section 304(a) of such Act (2 U.S.C. 434(a)) is amended by striking paragraph (8).

(2) Section 309(b) of such Act (2 U.S.C. 437g(b)) is amended by striking "for the calendar quarter" and inserting "for the month".

SEC. 303. MANDATORY ELECTRONIC FILING FOR CERTAIN REPORTS.

(a) IN GENERAL.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking the period at the end and inserting the following: ", except that the Commission shall require the reports to be filed and preserved by such means, format, or method, unless the aggregate amount of contributions or expenditures (as the case may be) reported by the committee in all reports filed with respect to the election involved (taking into account the period covered by the report) is less than $50,000.".

(b) PROVIDING STANDARDIZED SOFTWARE PACKAGE.—Section 304(a)(11) of such Act (2 U.S.C. 434(a)(11)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) The Commission shall make available without charge a standardized package of software to enable persons filing reports by electronic means to meet the requirements of this paragraph.".

SEC. 304. WAIVER OF "BEST EFFORTS" EXCEPTION FOR INFORMATION ON OCCUPATION OF INDIVIDUAL CONTRIBUTORS.

Section 302(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(i)) is amended—

(1) by striking "(i) When the treasurer" and inserting "(i)(1) Except as provided in paragraph (2), when the treasurer"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply with respect to information regarding the occupation or the name of the employer of any individual who makes a contribution or contributions aggregating more than $200 during a calendar year (as required to be provided under subsection (c)(3)).".

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply with respect to elections occurring after January 1999.

The CHAIRMAN pro tempore. The amendment is not further debatable.

The question is on the amendment in the nature of a substitute offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUTCHINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 222, answered "present" 61, not voting 4, as follows:

[Roll No. 404]

AYES—147

Aderholt
Allen
Archer
Bachus
Baker
Ballenger
Barton
Bateman
Berry
Bilirakis
Bliley
Blumenauer
Blunt
Bono
Boswell
Boyd
Brady (TX)
Bryant
Buyer
Canady
Chabot
Coburn
Collins
Combest
Condit
Cook
Cooksey
Crapo
Davis (FL)
Davis (VA)
DeGette
Diaz-Balart
Dickey
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Fowler
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Hall (TX)
Hansen
Hastert
Hill
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
John
Johnson (WI)
Jones
Kennedy (RI)
Kind (WI)
King (NY)
Kingston
Klug
Kolbe
LaHood
Lampson
Largent
Lewis (CA)
Linder
Livingston
Lucas
McCollum
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Ney
Northup
Nussle
Packard
Pappas
Pastor
Paul
Petri
Pickering
Pitts
Pryce (OH)
Riggs
Riley
Rohrabacher
Ros-Lehtinen
Ryun
Salmon
Sanchez
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Shaw
Shimkus
Shuster
Sisisky
Smith (MI)
Smith (NJ)
Smith (OR)
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stearns
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Wamp
Watkins
Watt (NC)
Weldon (FL)
Weldon (PA)
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—222

Abercrombie
Ackerman
Andrews
Armey
Baesler
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bishop
Boehlert
Boehner
Bonilla
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Danner
Davis (IL)
Deal
DeLay
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Eshoo
Evans
Farr
Fattah
Fazio
Foley
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gilchrest
Gilman
Goodling
Green
Greenwood
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilliard
Hinchey
Holden
Hostettler
Houghton
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kleczka
Klink
Knollenberg
LaFalce
Lantos
Latham
Lazio
Leach
Levin
Lewis (KY)
Lipinski
LoBiondo
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHale
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek (FL)
Metcalf
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Norwood
Oberstar
Obey
Ortiz
Owens
Oxley
Parker
Pascrell
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pombo
Porter
Portman
Poshard
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sanders
Sanford
Schaffer, Bob
Schumer
Serrano
Sessions
Shadegg
Shays
Skeen
Smith (TX)
Smith, Adam
Smith, Linda
Souder
Spratt
Stark
Stokes
Strickland
Stump
Stupak
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Vento
Visclosky
Walsh
Waters
Watts (OK)
Weller
Wise
Woolsey
Yates
Young (FL)

ANSWERED "PRESENT"—61

Baldacci
Barcia
Blagojevich
Bonior
Brown (CA)
Capps
Carson
Clayton
Conyers
DeFazio
Delahunt
DeLauro
Deutsch
Dooley
Engel
Etheridge
Filner
Ford
Frost
Furse
Gephardt
Gordon
Gutierrez
Hinojosa
Hoyer
Kilpatrick
Kucinich
LaTourette
Lee
Lewis (GA)
Lofgren
Maloney (CT)
McDermott
McGovern
Meeks (NY)
Menendez
Millender-McDonald
Minge
Olver
Pallone
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Sabo
Sandlin
Sawyer
Sherman
Skaggs
Skelton
Slaughter
Stenholm
Tanner
Tauscher
Torres
Velazquez
Waxman
Wexler
Wynn

NOT VOTING—4

Cunningham
Gonzalez
Inglis
McDade

☐ 1440

Messrs. HEFLEY, STUMP, PAXON, CHRISTENSEN, and CALLAHAN changed their vote from "aye" to "no."

Messrs. EVERETT, PITTS, WELDON of Pennsylvania, SNOWBARGER, WATT of North Carolina, and GOODLATTE changed their vote from "no" to "aye."

Mr. FROST changed his vote from "no" to "present."

Mr. BLUMENAUER and Mr. WAMP changed their vote from "present" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. EWING). Pursuant to House Resolution 442, the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) is finally adopted and shall be reported to the House.

Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. EWING, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, pursuant to House Resolution 442, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHAYS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 179, not voting 3, as follows:

[Roll No. 405]

AYES—252

Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates

NOES—179

Abercrombie
Aderholt
Archer
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fossella
Fowler
Gibbons
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Cunningham
Gonzalez
Inglis

☐ 1458

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2183, the bill just passed.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4380, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 517

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI or section 306 or 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 41, line 20, through page 42, line 2. Each of the amendments printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report, may be offered only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1500

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday the Committee on Rules met and granted an open rule for H.R. 4380, the Fiscal Year 1999 District of Columbia Appropriations Act.

The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against consideration of the bill for failure to comply with clause 7 of rule XXI, requiring relevant printed hearings and reports to be available for 3 days prior to the consideration of the general appropriations bill; section 306, prohibiting consideration of legislation within the jurisdiction Committee on the Budget, unless reported by the Committee on the Budget; and section 401a of the Congressional Budget Act, prohibiting consideration of legislation, as reported, providing new contract, borrowing or credit authority that is not limited to the amounts provided in appropriation acts.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in a general appropriations bill; and clause 6 of rule XXI, prohibiting reappropriations in a general appropriations bill, except as specified by the rule.

The rule provides that amendments printed in the Committee on Rules report may be offered only by the Member designated in the report, may be offered only at the appropriate point in the reading of the bill, shall be considered as read, debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

The rule waives all points of order against the amendments printed in the Committee on Rules report.

The rule accords priority in recognition to those amendments that are preprinted in the CONGRESSIONAL RECORD.

The rule allows the chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any postponed question, provided voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides for one motion to recommit, with or without instructions.

By the way, Mr. Speaker, last night the GPO accidentally omitted the final page of the amendment of the gentleman from Texas (Mr. ARMEY) from the committee report, which was filed correctly. I believe that the mistake should have no effect on either the rule or the bill itself. I just thought I should, as a matter of courtesy, call it to the attention of the Members.

This rule was crafted to avoid controversy. It is an open rule. And instead of self-executing legislative provisions, the rule allows for an open debate on four important amendments.

Each of these four amendments is aimed at helping the youth of the District. They would grant scholarships to low-income students; forbid the publicly-funded distribution of drug needles; prohibit adoption by unmarried couples; and restrict the underage possession of tobacco.

Yes, these amendments also produce spirited debate on the House floor. And it is fair that we have these debates.

The Committee on Rules wisely avoided a rule that would self-execute controversial policy amendments.

Meanwhile, H.R. 4380 is a good bill. My colleague, the gentleman from North Carolina (Mr. TAYLOR) has crafted a D.C. Appropriations bill that avoids the legislative battles we have faced in the past. This year, both the Appropriations Subcommittee on the District of Columbia and the full Committee on Appropriations reported the bill by voice vote.

As we all know, in the mid-1990s the District of Columbia faced a serious financial crisis. Decades of waste and mismanagement had led to chronic budget deficits and a deterioration of city services.

Since that time, under direction of both the D.C. Control Board and Congress, the District of Columbia has turned itself around and now runs a budget surplus. H.R. 4380 reflects these changed circumstances. The annual Federal payment to the District is declining. This year it is $47 million less than last year.

At the same time, H.R. 4380 provides important support for D.C. school children. The bill provides $33 million for charter schools, which allows parents to decide where their children attend school, as well as $200,000 for a program to mentor at-risk youngsters. It provides $156 million for special education projects, which is nearly twice as much as last year.

I urge my colleagues to support this rule and to support the underlying legislation. Both the rule and H.R. 4380 are compromise measures that deserve our support.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time.

This rule is an open rule. It will allow consideration of H.R. 4380, which is a bill that makes appropriations for the District of Columbia.

As my colleague from North Carolina described, this rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule permits amendments that are in compliance with House rules to be offered under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

Unfortunately, the Committee on Rules made in order four controversial amendments that would otherwise be out of order.

One of these amendments would ban adoptions by unmarried couples. This amendment was considered and rejected by the Committee on Appropriations.

The second allows vouchers for private schools, which is a concept which was rejected by the citizens of Washington in a referendum.

The third would outlaw possession of tobacco products by minors. This amendment denies District residences the opportunity to write their own tobacco laws through their own elected representatives.

The last amendment would cut off government funding from this bill, for any purpose, to any individual or organization that carries out a needle exchange program for drug addicts. This amendment was also considered and rejected by the Committee on Appropriations.

The bill that was reported out of the Committee on Appropriations was adopted by voice vote, with support on both sides of the aisle. It is far from a perfect bill. There is way too much interference in District affairs. Still, it is an acceptable compromise and a lot better than last year's bill.

The four amendments made in order by this rule are very controversial and could sink the bill. Though I am not unsympathetic to the goals of some of the amendments, this is the wrong time and place to deal with these matters.

The President has threatened to veto if some of these amendments are accepted. Why bother going through the bruising battle of attaching these amendments only to have them stripped out later in the process?

This should not become a replay of what happened last year when controversial provisions insisted by the House were later removed. This is kind of a good-news/bad-news rule. The good news is that the rule could have been a lot worse. The bad news is that that is all the good news there is about this rule.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding.

I rise today, Mr. Speaker, in support of the rule for the District of Columbia Appropriations bill, and I want to encourage my colleagues to vote for the rule. It is an open rule.

Even though some concern has been stated that this rule would include certain self-enacting provisions related to school vouchers, D.C. needle exchange programs, and joint adoptions, none of these provisions are self-enacting, in the rule. Instead, they are amendments which should be openly debated.

The debate will follow with votes, and I see no reason to vote against this rule because of any self-enacting provisions that are not there. I think that the rule is fair and certainly has protected both sides of these issues.

Now, during the course of our debate, we will hear objections that Congress should not meddle in certain home rule issues. I would just say first that Congress has a constitutional obligation to be involved in the public and financial measures of the District of Columbia.

Time and time again, Congress has decided to set public policy and control financial matters in the District. In fact, in this bill it was the will of the House that there be no residency requirement for District employees.

Now, this happens to override a local government decision. The decision was far from unanimous, and certainly there was dissent. But, nonetheless, it was the will of the committee and, therefore, the House. And once again, it will be confirmed in the House that we will set public policy for the District of Columbia.

Probably the best analogy in government to explain this relationship between Congress and the District of Columbia is the relationship we see with the State government and that of the cities within that State. In my home State of Kansas, it is not uncommon for the State legislature to set public policy for Wichita. In fact, it is common for the legislature to determine tax structures, finances, and other issues, including the setting of public policy.

Likewise, it is not uncommon for Congress to set public policy for the District of Columbia. So when we openly debate the value of a school voucher program, when we openly debate how the poorest of children will be benefitted by such a voucher program in the District; when we openly debate the failures of a needle exchange program, not only in the District of Columbia but around the globe; and when we advocate for the protection of adopted children, we do so with constitutional authority, with a relationship similar to the relationship between State legislatures and cities within that State, and we do so with the idea of establishing good public policy for the District.

This is an open rule that allows for open debate. It has not embodied any controversial issues through a self-enacting clause. And, therefore, I support the rule and I ask my colleagues to vote in favor of this rule.

□ 1515

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this is not an outrageous rule as some have been, but I would rise in opposition to this rule. I can understand that the Committee on Rules, the majority in the Committee on Rules felt that it was doing the right thing in making an open rule, and we certainly appreciate the fact that some of these amendments will not self-execute, but we would have to oppose the fact that the amendments that really constitute poison pills to this appropriations act are protected in it from points of order. These amendments are divisive, they will invariably cause a veto, and we would suggest, as we will in the general debate, that they are not in the best interests of the District of Columbia nor are they appropriate for this Congress to be dealing with in terms of the local funds that ought to be at the discretion of the District of Columbia government.

The gentleman from Kansas (Mr. TIAHRT) just talked about his amendment dealing with needle exchanges. It is a controversial issue. It is one that the authorizing committee should deal with. But what is most objectional about this amendment is that it goes beyond the use of Federal funds. This amendment would say that the District of Columbia cannot even use its own local funds, not Federal funds, its own local funds nor can they use private funds that are contributed to the needle exchange program that the Whitman Walker Clinic operates under contract to the District of Columbia.

Why do they operate this program? Looking at the statistics, they are shocking. In fact, the majority of new growth in HIV infections is women, and those women apparently are primarily infected by dirty needles, and, in fact, one statistic that we brought up in the full committee is that 97 percent of the new HIV infections among African-Americans are occurring because of dirty needles. That is why the Whitman Walker Clinic contracts with the District of Columbia for the use of its own funds and private funds for this, and we think they should have that option if that is what they choose to do with those funds.

We have another amendment that will be offered by the gentleman from Oklahoma (Mr. LARGENT) dealing with adoptions. It says that couples cannot adopt unless they are in a traditional marriage situation. But by implication it says it is perfectly okay for people who cannot engage in a long-term commitment, whether it be a heterosexual or a homosexual commitment, single people are fully capable of adopting if they want, but not couples, even men and women who have lived together in a monogamous relationship for many years.

Then we have another amendment that makes it a crime for a minor to be in possession of tobacco. I do not know that we would fight that amendment, but it is strange that this bill had the ability to enable the District of Columbia to file suit against the tobacco companies with the other State attorneys general and yet this bill does not allow them to do that. That would have enabled D.C. to recover millions of dollars of Medicaid funds attributable to the loss of life due to tobacco products.

We have an education voucher bill that has been protected. It is very controversial. I will not address the merits of it. I do think there is some merit to it. But the fact is if it were to be added to this bill, it kills this bill. This bill will be vetoed. Period. And so why do it if we know that it would kill the bill?

We have another provision in this bill that the gentlewoman from the District of Columbia (Ms. NORTON) will raise and we think that amendment is in order. After all, the gentlewoman is the one true representative of the District of Columbia and she will suggest that funds should be able to be used if these are local funds, not Federal funds, for women who choose to exercise their constitutional rights to terminate a pregnancy.

We have a number of controversial issues here, more than we need to have. The Committee on Rules could have enabled us just to talk about amendments that were only appropriate to an appropriations bill. It chose not to do that. For that reason, we would urge a "no" vote on the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Mrs. MYRICK. Mr. Speaker, as I said before, we feel this is a very fair and open rule and none of the amendments are self-enacting. I urge my colleagues to support the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I thank my friend for yielding time. I have very mixed feelings about a rule like this. This is always one of the more difficult appropriation bills to come before the House. I would just add a few things to what has been said. If we take a look at what has happened over the last four years in the District of Columbia, it has been a great success story. We took a city four years ago that had no bond rating, could not sell their bonds on the marketplace, they were running hundreds of millions of dollars in debt, they had no way to try to control their expenditures, they had a rising crime rate, schools that had not opened on time in several years and we take a look at where they are today, they are running surpluses in the hundreds of millions of dollars, not just last year but this year and into the future. So they are financially stable. They are out in the bond markets once again.

In enacting the D.C. Control Board bill, I think it was our vision that we would try to get a discussion between the Control Board, the Mayor and the Council to learn financial restraint, to learn to control expenditures and to come forward after discussions to Congress with a united budget. I am happy to say that with a few exceptions but for the most part this appropriation bill does that. This rule allows some extraneous things to enter into it but it allows the House a free vote on it, so I have very mixed feelings about the rule.

I sympathize with my friends in the Committee on Rules who get torn from different constituency groups within the Congress in terms of how they are going to deal with it, but I look forward to a wide open debate on a number of issues and would just say to my friends, I think we can take pride in what we have accomplished in working with the city, with the Control Board, with the Council together over the last four years in hopes that whatever the outcome of this debate today, we can continue to look forward and work together in the years to come to make this the greatest city in the country.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. DIXON).

Mr. DIXON. I thank the gentleman for yielding time.

Mr. Speaker, I rise to oppose this rule, too. But before I do, I would like to associate myself with the remarks from the gentleman from Virginia, for I feel that Dr. Brimmer, Steve Harlan, Dr. Joyce Ladner, Constance Newman and Edward Singletary have done an excellent job. They have not pleased all of us all the time. But their charge was to straighten out the finances of the District of Columbia, and I think they can hold their heads high that they have done that. We have had two years of a balanced budget. In the next two years I hope that they will continue that. These gentlemen and these ladies were uncompensated for this activity. Although there may be some isolated incident where we were not satisfied with their performance, they have done their job well and they should be proud of that and they have given an outstanding service to the District of Columbia.

From my point of view, Mr. Speaker, this is a bad bill with a bad rule. It waives points of order on legislation that should not be waived. But I think it is a sad day when the Committee on Rules and the gentlewoman from North Carolina comes to us and says, "Well, it could have been worse. We could have self-executed these amendments so when you adopted the rule you adopted these amendments."

These amendments were defeated in the committee of jurisdiction. And so I do not think it is any big favor to come and say the amendments that were defeated on a bipartisan basis in the full Committee on Appropriations, we did not put those in the Committee on Rules in the bill.

But let me talk about some of these amendments. The needle exchange program. Needle exchange is quite controversial. I think many of us feel that in the appropriate community they work and in other communities they do not work. But the point here that this amendment that will be offered will not only prohibit Federal money, that is fair, we are the Congress, as a national policy we say no Federal money, it will prohibit, as has been pointed out, the money of the District of Columbia, and any organization that receives money from the District of Columbia. We are going to get into a discussion about the merits of the needle program, and I want to just say to Members that most of the merits, after careful review, are on the sides of having those programs, and so there are going to be some statistics cited here and we are going to cite some statistics and the authors of the studies which the proponents of this amendment will quote.

The second amendment deals with, let us face it, homosexual adoptions. It seems to me that we should not be interfering with the courts of the District of Columbia when they have decided in the appropriate cases that a gay couple or a lesbian couple can adopt. The court has not said that each one of these couples can automatically adopt. They say they have to look at the circumstances.

☐ 1530

This amendment is ridiculous. It says the only way to have a joint adoption is if they are married or if they are blood related to the person with a joint adoption. That means that two nuns could not adopt anyone. That means that myself or the gentlewoman from the District of Columbia (Ms. NORTON), if we wanted to share the custody of some young person and we were otherwise qualified, we could not do it because we are not married nor blood related. And this is not the appropriate forum to discuss what happens with adoptions in the District of Columbia.

Then we have the novel idea that we are fighting the use of tobacco by saying there will be a civil penalty if, in fact, a person under the age of 18 is caught with a package of cigarettes. I guess probable cause to search him is the fact that he may be holding one. And it goes further to suggest that kids in the District would have $50 to pay for the first time they are caught, $100 to pay for the second time they are caught, and it assumes the fact that they have a driver's license and probably a Rolls Royce because their license would be suspended on the third time.

Get real. This is not going to do anything to curb young teenagers from smoking, but rather a person should be referred to the juvenile court, and they should do what is in their best interests.

Then we have fought and fought over the vouchers program time and time again, and we will have that fight again. I suspect that it is not as important to get a voucher program here in the District but, to those who support it, to send a signal to their constituents that they are still with them on this issue.

Finally, Mr. Speaker, I have never voted in the 18 years I have been here against the District bill. I believe most times that the process should move forward and these things should be worked out in the conference. But this was a bad bill coming out of committee, and we will talk about that. The rule makes it worse. And the adoption of any of these amendments makes it hideous.

Mr. Speaker, I ask my colleagues to vote "no" on the rule.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just remind my colleague that this is a fair rule, and the gentlewoman from the District of Columbia (Ms. NORTON) does have additional amendments printed in the CONGRESSIONAL RECORD that will be debated, and there may be others as well that we do not know about, and I would like to remind my colleagues that we will have very fair and open debate on this rule. So I would urge again that they support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield two minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I will be offering an amendment to this bill relative to the development of a private for-profit prison that exists, a contract between the District of Columbia and the City of Youngstown, in which six prisoners had recently escaped, four of them being murderers, and one murderer still on the street. The amendment would basically prohibit the use of funds in this bill to be used for transferring or confining inmates in the Youngstown facility that are above a medium security level risk. That is what the contract calls for.

There is some concern that people have about home rule. I am worried about home disruption here. My community is at risk. It is not draconian language, and I am hoping that the language in which it is crafted will be allowed to be brought to this floor for a vote.

The only other option that I have would be a pure limitation of restricting any and all funds in this bill to be used to transfer or confine prisoners in Youngstown. Then we would have one big fight, and if it passed, the District could only use other non-Federal revenue for this, and I do not want to hurt the city.

My community is in danger. There needs to be some element of understanding here, and there has to be a pretty good understanding of Congress, with the proliferation of all these new private for-profit prisons, that they should have adequate training and meet at least minimum standards that reflect the Bureau of Prisons' ability to both inspect them and to ensure the respective communities that they shall be safe.

So I do not want to close that prison, and I do not want to hurt the District. I just want to make sure that we ensure we are not going to be allowing prisoners such as murderers to escape. If they are to be medium security risks, let us make sure they are.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman from Ohio for yielding this time to me.

I rise in opposition to this rule as the neighbor of the District of Columbia. I represent the 4th District of Maryland. We are indeed neighbors, and I believe good neighbors, and we realize that this is an atrocious rule. It continues a pattern of interference in the management of the District of Columbia that is reminiscent of colonial days. It continues a pattern of unwarranted interference, it continues a pattern of experimentation, if my colleagues will, into the affairs of the District of Columbia that is only being exercised not because it is right, but because those folks on the other side can do it arbitrarily and capriciously.

Specifically I turn to the prohibition against the needle exchange program. We need to understand one reality. We are losing the War on Drugs. Some folks would even go as far as to say it is a joke. But let me just say this:

We need to allow the District of Columbia to try innovative approaches. If the citizens of the District of Columbia believe that a needle exchange will reduce AIDS, they ought to be able to try that, and Congress ought not interfere. If they believe that clean needles in exchange for dirty needles will reduce the spread of a deadly disease, they ought to be able to try that, and I have yet to hear the rationale for denying the citizens of the District of Columbia the opportunity to do that.

Second, once again the Republicans have trotted out their old voucher plan, and they claim this is the solution to education problems in our country. They are experimenting on the District of Columbia. They want to take money out of public schools and send it to private schools. They want to allow 2,000 students to go to private schools while 75,000 students languish in sub-par public schools.

Yes, there are problems in the District of Columbia. There are infrastructure problems, there is a need for technological upgrades, and we ought to help the District of Columbia do that. But instead they want to implement a program that will basically benefit a few students, leaving the majority behind.

What my colleagues have to realize about the voucher plan is private schools do not have to accept all students. They do not have to accept handicapped students, they do not have to accept unruly students, they do not have to accept students that bring baggage, social baggage, to school. Those students still have to be educated, and the District of Columbia will not be in as good a position to educate them because the Republicans want to conduct some sort of experiment.

We need a serious approach to education. What we need to do for the District of Columbia and all schools in this country is provide more Federal assistance for the repair and maintenance of schools, for the technological upgrading of school systems to enable them to have access to the Internet. We need to pay teachers more money, we need to hire more teachers, we need to train teachers better so they can deal with our young people. We need to provide sophisticated curricula that can deal with the new global economy.

There is a lot we can and should do for schools across this country. But certainly this so-called model of a voucher system is not the answer because it does not provide real assistance to the folks who need it.

I strongly urge the rejection of this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no more speakers, and I would just simply say before I yield back the balance of my time, as I understand, the District of Columbia appropriation bill as it came out of that committee was in decent shape. It had very good bipartisan support. And last night in the Committee on Rules we made in order four very restrictive amendments and, in some cases, very controversial.

Many of us on the Rules Committee, at least on the Democratic side, feel that this will probably draw a veto from the President of the United States, and there is really no sense in it because this bill has a chance to pass by itself, on its own, probably for the first time in a long time. Mr. Speaker, I would urge a "no" vote on the rule.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I urge my colleagues to vote for the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MORAN of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 204, not voting 11, as follows:

[Roll No. 406]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer

Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Clay
Crapo
Cunningham
Dingell
Gonzalez
Hunter
Inglis
Manton
Packard
Royce
Stearns

□ 1602

Ms. DEGETTE changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. EMERSON. Mr. Speaker, earlier on I made a mistake on rollcall vote No. 384, and inadvertently voted "no" when I meant to vote "aye".

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4380, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 517 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4380.

□ 1604

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, we are here to present the fiscal 1999 budget for the District of Columbia. Make no mistake, this committee and this Congress takes seriously Article 1, Section 8 of the Constitution, and I quote, ". . . to exercise exclusive legislation in all cases whatsoever over the seat of government of the United States."

We appreciate the work of the city in recommending a spending plan for the National Capital. I would also like to thank the gentleman from Louisiana (Chairman LIVINGSTON) for his support and guidance, and all the Members of the subcommittee who have worked on this bill and, of course, the subcommittee staff.

Mr. Chairman, last year the House passed a D.C. bill which created a debt relief fund, and if that fund had been in place today, the District would be in much better financial shape.

Mr. Chairman, we are recommending that we create a fund today. We are recommending the fund would have $250 million to replace the need for the District's seasonal borrowing, and then it would pay $43 million that the District owes the Water and Sewer Authority. Finally, it would retire any part of the $3.7 billion bonded debt that the surplus might be available for.

There is no new authorization language in this bill. We have been besieged with requests for authorizing language from a variety of sources, frequently by some of the most ardent and vocal supporters of the "home rule rights" and "regular order" in the congressional authorizing process. Out of respect for both home rule and the rules of the House, our bill contains no new authorizing language.

This bill does contain a number of provisions which alternatively direct or limit the expenditure of public funds. These provisions are to ensure that the District Government and the

Control Board clearly understand and comply with the intent of Congress in the expenditure of funds.

Last year, Congress made it illegal for District employees who are not city residents to take home city cars. We found that this law was routinely broken by city employees when a Deputy Police Chief driving a city-owned vehicle got into an accident near his Maryland home and filed a disability claim with the District. When the leadership of the city's law enforcement establishment routinely flouts the law, we have a serious problem.

Just last month the District auditor again reported on repeated and widespread financial mismanagement. Because of that, we are concerned about the Control Board's apparent disregard for a limitation on staff compensation. The bill requires repayment of salary overpayments to the Board's executive director and the Board's council which were found to be illegal by the General Accounting Office.

This bill also requires the Board to make more complete monthly financial reports. To ensure accuracy and independence of the annual audit, the bill requires that the D.C. Inspector General contract for the annual city audit, instead of the Control Board.

The bill directs the payment of invoices owed to the Boy Scouts by the D.C. public schools. The bill makes only modest changes in the $5.2 billion budget recommended by Congress. We provide $22 million in Federal funding to fully fund the 4,000 charter school students, as required by the per pupil formula adopted by the District Council and the Control Board.

Our bill fully funds the Federal activities requested by the President. The District courts, the Corrections Trustee, and the Offender Trustee are fully funded with Federal dollars at the levels requested by the administration.

The bill also adds some $4 million to the Offender Trustee for the creation of a detention center to assist in the monitoring of drug offenders, at the request of the gentleman from Virginia (Mr. MORAN).

Additional Federal funds are provided for: $25 million for the engineering and design for the Mount Vernon Square Metro stop; $4 million, to be matched by $3 million in private funds, for the expansion of Boys Town in the District; $2 million, to be matched by private funds, for the establishment of a city museum by the D.C. Historical Society at the Carnegie library; $8.5 million to the U.S. Park Police for the purchase of a replacement helicopter for District-related law enforcement activities, and we certainly want to commend the Park Police for their part in the emergency that the House has recently had.

There is $3.3 million for a pay raise, to bring fire fighters to parity with the police; $3 million for rehabilitation of the Washington Marina; $250,000 for the Peoples' House Hotline and monitoring program; $1.2 million to the Metropolitan Police Department to fund the Civilian Review Board, at the request of the chief; $7 million for the environmental study at the Lorton Prison site; and $21 million to the District's infrastructure fund.

For the RECORD, Mr. Chairman, I include the following document:

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1999 (H.R. 4380)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
FEDERAL FUNDS					
Federal payment for management reform	8,000,000			-8,000,000	
Federal contribution to the operations of the Nation's Capital	190,000,000			-190,000,000	
D.C. National Capital Revitalization Corporation		50,000,000			-50,000,000
Federal support for economic development		25,000,000			-25,000,000
Management Reforms to Improve the District of Columbia's Economic Development Infrastructure		25,000,000			-25,000,000
Metrorail improvements and expansion			25,000,000	+25,000,000	+25,000,000
Nation's Capital Infrastructure Fund 1/		(254,000,000)	21,000,000	+21,000,000	+21,000,000
Environmental Study and Related Activities at Lorton Correctional Complex			7,000,000	+7,000,000	+7,000,000
Offender Supervision, Defender, and Court Services Agency			4,000,000	+4,000,000	+4,000,000
Federal payment to the District of Columbia corrections trustee operations	169,000,000	184,800,000	184,800,000	+15,800,000	
Corrections Trustee for Correctional Facilities, construction and repair 2/	(302,000,000)			(-302,000,000)	
Federal payment to the District of Columbia Criminal Justice System	108,000,000			-108,000,000	
Federal payment to the District of Columbia Courts		142,000,000	142,000,000	+142,000,000	
District of Columbus Offender Supervision, Defender, and Court Services Agency	43,000,000	59,400,000	59,400,000	+16,400,000	
U.S. Park Police (Sec. 141)	12,000,000			-12,000,000	
Medicare Coordinated Care Demonstration Project (Sec. 160)	3,000,000			-3,000,000	
Federal payment for Metropolitan Police Department			1,200,000	+1,200,000	+1,200,000
Federal payment for Fire Department			3,240,000	+3,240,000	+3,240,000
Federal payment for Boys Town U.S.A			4,000,000	+4,000,000	+4,000,000
Federal payment to Historical Society for City Museum			2,000,000	+2,000,000	+2,000,000
United States Park Police			8,500,000	+8,500,000	+8,500,000
Federal payment for waterfront improvements			3,000,000	+3,000,000	+3,000,000
Federal payment for mentoring services			200,000	+200,000	+200,000
Federal payment for hotline services			50,000	+50,000	+50,000
Federal payment for public education			20,391,000	+20,391,000	+20,391,000
Total, Federal funds to the District of Columbia	533,000,000	486,200,000	485,781,000	-47,219,000	-419,000
DISTRICT OF COLUMBIA FUNDS					
Operating Expenses					
Governmental direction and support	(105,177,000)	(164,717,000)	(164,144,000)	(+58,967,000)	(-573,000)
Economic development and regulation	(120,072,000)	(156,039,000)	(159,039,000)	(+38,967,000)	(+3,000,000)
Public safety and justice	(529,739,000)	(751,346,000)	(755,786,000)	(+226,047,000)	(+4,440,000)
Public education system	(672,444,000)	(773,334,000)	(793,725,000)	(+121,281,000)	(+20,391,000)
Human support services	(1,718,939,000)	(1,514,751,000)	(1,514,751,000)	(-204,188,000)	
Public works	(241,934,000)	(266,912,000)	(266,912,000)	(+24,978,000)	
Washington Convention Center Transfer Payment	(5,400,000)	(5,400,000)	(5,400,000)		
Repayment of Loans and Interest	(384,430,000)	(382,170,000)	(382,170,000)	(-2,260,000)	
Repayment of General Fund Recovery Debt	(39,020,000)	(38,453,000)	(38,453,000)	(-567,000)	
Payment of Interest on Short-Term Borrowing	(12,000,000)	(11,000,000)	(11,000,000)	(-1,000,000)	
Certificates of Participation	(7,923,000)	(7,926,000)	(7,926,000)	(+3,000)	
Human Resources Development	(6,000,000)	(6,674,000)	(6,674,000)	(+674,000)	
Productivity Savings		(-10,000,000)	(-10,000,000)	(-10,000,000)	
Receivership Programs		(318,979,000)	(318,979,000)	(+318,979,000)	
Deficit reduction and revitalization	(201,090,000)			(-201,090,000)	
District of Columbia Financial Responsibility and Management Assistance Authority	(3,220,000)	(7,840,000)	(7,840,000)	(+4,620,000)	
Total, operating expenses, general fund	(4,047,388,000)	(4,395,541,000)	(4,422,799,000)	(+375,411,000)	(+27,258,000)
Enterprise Funds					
Water and Sewer Authority and the Washington Aqueduct	(297,310,000)	(273,314,000)	(273,314,000)	(-23,996,000)	
Lottery and Charitable Games Control Board	(213,500,000)	(225,200,000)	(225,200,000)	(+11,700,000)	
Cable Television Enterprise Fund	(2,467,000)	(2,108,000)	(2,108,000)	(-359,000)	
Public Service Commission	(4,547,000)	(5,026,000)	(5,026,000)	(+479,000)	
Office of People's Counsel	(2,428,000)	(2,501,000)	(2,501,000)	(+73,000)	
Department of Insurance and Securities Regulation	(5,683,000)	(7,001,000)	(7,001,000)	(+1,318,000)	
Office of Banking and Financial Institutions	(600,000)	(640,000)	(640,000)	(+40,000)	
Starplex Fund	(5,936,000)	(8,751,000)	(8,751,000)	(+2,815,000)	
D.C. General Hospital (Public Benefit Corporation)	(52,684,000)	(66,764,000)	(66,764,000)	(+14,080,000)	
D.C. Retirement Board	(16,762,000)	(18,202,000)	(18,202,000)	(+1,440,000)	
Correctional Industries Fund	(3,332,000)	(3,332,000)	(3,332,000)		
Washington Convention Center Enterprise Fund	(41,000,000)	(48,139,000)	(48,139,000)	(+7,139,000)	
Total, Enterprise Funds	(646,249,000)	(660,978,000)	(660,978,000)	(+14,729,000)	
Total, operating expenses	(4,693,637,000)	(5,056,519,000)	(5,083,777,000)	(+390,140,000)	(+27,258,000)
Capital Outlay					
General fund	(269,330,000)	(1,711,160,737)	(1,711,160,737)	(+1,441,830,737)	
Total, District of Columbia funds	(4,962,967,000)	(6,767,679,737)	(6,794,937,737)	(+1,831,970,737)	(+27,258,000)
Total:					
Federal Funds to the District of Columbia	533,000,000	486,200,000	485,781,000	-47,219,000	-419,000
District of Columbia funds	(4,962,967,000)	(6,767,679,737)	(6,794,937,737)	(+1,831,970,737)	(+27,258,000)

1/ Requested by District, but not in President's budget

2/ FY 1999 request included in Commerce Justice Bill.

Mr. Chairman, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from North Carolina (Mr. TAYLOR) for many of the provisions that are in this bill. As this D.C. appropriations bill came through the full committee, I think it struck a proper balance between meeting the needs of the city and respecting the decisions of its government, and yet fulfilling our own fiscal and legislative responsibilities.

Mr. Chairman, this is never an easy bill to pass. It may be the least consequential to some Members but it is the most consequential to the community in which the Capitol is located. It is the smallest in dollar amount in terms of all the appropriations bills, and yet it can be the most contentious.

Ordinarily, the reason it is so contentious is because amendments are attempted to be added to this appropriations bill that do not belong in any appropriations bill, because they are designed to be divisive. I think we have that situation today with many of the amendments that we will be discussing. They are divisive amendments. For the most part, these are not decisions that should be made here, but rather should be made by the constituency that is most directly affected by the result of those decisions; in other words, the people that live within the District of Columbia.

I do appreciate the fact that after the subcommittee mark, a number of changes were made to this bill that I think considerably improve this bill. For example, in the subcommittee, while charter schools were increased by $21 million to meet the increased demand and about 4,000 students now apparently want to attend charter schools this year, all that money was taken out of the traditional D.C. public school system.

Mr. Chairman, that is not fair. We cannot eliminate teachers or classrooms just because one, two, or three students leave a classroom to go to a charter school. Some of the new charter school students are coming from private schools. So the policy of paying for charter school expansion by cutting the traditional public school system has been rectified, so that in fact the D.C. public school system will get all of its money, as will the charter school movement.

In addition, there are a number of new economic developments taking place within the District of Columbia. This bill enhances their ability to realize their potential.

For example, this bill includes $25 million that can be used for a metro stop at the new civic convention center; it includes $46 million out of the potential $75 million that the Senate had added for infrastructure. We think $46 million should go a long ways to meeting the infrastructure demands on the city.

□ 1615

This bill does address the problem we have at the Lorton Reservation in Virginia where a prison is closing down and we need to determine what toxicity exists in the soil, what kinds of environmental cleanup is necessary. We will have to make some changes both to the report language and to the bill in order to do it properly. The General Services Administration is the proper agency to conduct an environmental assessment, so I hope that we will be able to accomplish that on the floor today.

The amendments, though, that will probably take the most time are ones that were meant to be divisive. For example, there will be an amendment on needle exchanges. Nobody wants to deal with needle exchanges. Nobody really wants to address a problem of HIV infection that is tied to drug addiction. But the reality is that we have a serious problem in the District of Columbia and, in fact, the new cases of HIV infection are as a result of dirty needles, particularly among women, particularly among the minority community. In the committee, we fixed the problem by saying, we will not use Federal money but they can use their local money and their private money.

I would hope that we would sustain that full Appropriations Committee decision and reject the amendment that will be offered by the gentleman from Kansas (Mr. TIAHRT).

Likewise there will be an amendment with regard to adoption. This amendment says that if you are not in a traditional marriage arrangement, then you cannot adopt. Yet by implication it suggests that if you cannot engage in a long-term commitment with another adult, whether it be heterosexual or homosexual, albeit unmarried, then you are worthy of adopting a child. We do not think that is the kind of thing we ought to get involved in.

There will also be an amendment on the so-called DC voucher system. I know everyone is trying to figure out ways to improve the D.C. public school system. If we can do that, we can go a long ways to enabling the District of Columbia to be economically and socially self-sufficient. But if the D.C. voucher amendment is added to this bill, we may as well not go any further, because it is a poison pill. The President has stated quite clearly it will be vetoed if the voucher amendment is added. So while you may want to vote for vouchers independently, I would suggest that it should not be added to the appropriations bill, and so we would expect that would merit a no vote.

Now, there is another bill, there is another amendment that will be offered by the gentlewoman from the District of Columbia (Ms. NORTON), and I think it is a very legitimate amendment to offer. The gentlewoman from the District of Columbia (Ms. NORTON) would prefer that we sustain a provision that the D.C. government, in fact, has voted in favor of, which would require that any new hires within the D.C. Government be residents of the District of Columbia. The problem is that that restricts the personnel pool from which the District can choose its new hires, much too severely. We do not think it is in the interest of the District of Columbia, and we would argue against that provision.

We will have other amendments dealing with the use of local funds for abortion. Again, if we do not pass those amendments, it is going to be severely restricting local funds. We have got another provision that prohibits the District of Columbia government from being able to spend their own funds on advisory neighborhood commissions. The gentleman from California (Mr. DIXON), I trust, will address that.

This could be a long debate. I would hope throughout this debate, though, that the Members would show sensitivity and respect for the prerogatives of local government and in the long run what is in the very best interest of the District of Columbia citizens. That is our ultimate responsibility.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to announce also that a member of our committee, the gentleman from California (Mr. CUNNINGHAM), is in the hospital for surgery. The surgery was successful and he is doing fine and we wish him well. He submitted a letter today showing his support for the bill and his constant concern for education, for which he has made a major contribution to this committee. I ask that his letter be included for the RECORD.

CHAIRMAN TAYLOR: As you know, I would much rather be with you today working on the people's business than to be where I am now. I appreciate everyone's get well wishes, and want you to know that I'm doing fine. I'm keeping an eye on you via C–SPAN. And I'll be back in action very soon.

Mr. Chairman, as a member of the DC Appropriations subcommittee, I appreciate you entrusting me with the task of working on the education provisions of the District of Columbia Appropriations bill. This is tough work. Washington is a world capital, but the educational opportunities for the District's children have for years fallen far short of world-class.

However, I am pleased to say that we are seeing real signs of progress for the children of the District:

First, math and reading test scores are up in every grade—not as much as we would like, but they are up.

Second, the evidence shows that the children of Washington, D.C., want to learn. This is true of children everywhere. But when the Washington Scholarship Fund offered 1,000 opportunity scholarships to children of low-income families to have the same educational choice as Washington's wealthy citizens, the Fund received over 7,000 education scholarship applications. And this summer, some 20,000 students signed up for summer school—many of them without having been assigned to attend.

And third, the DC Schools new superintendent, Dr. Arlene Ackerman, has cut bloated central office bureaucracy, and is placing the schools' focus on the things that count: teaching and learning. She's getting it done.

So we are seeing changes in the right direction—changes that this DC Appropriations bill rewards with out support and our confidence. This bill provides $545 million in local funds for DC schools, which is the full funding request. And the bill fully funds innovative public charter schools—32.6 million, sufficient for a significant increase in enrollment and in the number of charter schools.

The House will have an additional chance to provide the children of the district even more educational choice and opportunity. I want to express my support for Rep. ARMEY's amendment to provide opportunity scholarships for tuition and tutoring for thousands of the district's least fortunate young people. Last April, my Irish colleague Mr. MORAN, the subcommittee's ranking member, gave an eloquent speech for opportunity scholarships for the District's children.

He said, "85 percent of the children in Ward 3, the wealthiest ward in this city, have a choice of schools, and they choose to send their kids to private schools. Why should the parents in other wards of the city not have the same choice? Why should their kids suffer so because of the accident of their birth?" He went on to say, "It is not fair to deny hope to even 2,000 children. What is fair is to support this bill." And I agree.

Let's give the District's children a fighting chance to achieve the American Dream. Let's make sure they get a good education. For the children,, and for their future, I urge my colleagues to support the DC bill.

With warm regards,
Your wingman,
RANDY "DUKE" CUNNINGHAM,
Member of Congress.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS), who is the authorizing chairman for D.C.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding me the time.

This is generally one of the most controversial and contentious appropriation bills that hits the House floor, mainly because of the riders and the interference in local government and the strong passions that some of the amendments evoke among Members with strong feelings on both sides. This year's bill is no exception.

I support this bill on the theory that the longer it hangs around the House floor, the more amendments get added, and it tends to get worse. Traditionally, we have moved it off the House floor into conference, worked in a collegial way, and gotten back something that works in the interest of the District of Columbia and the entire region. I am hopeful that that will happen in this case. I think I have assurances that is going to happen.

Let me address some of the items in this bill that I think are beneficial to the city and beneficial to the region. Both of my colleagues have spoken about the $25 million for the metro improvements at Mount Vernon Square metro. This is critical. We passed a bill out of this House last week on unanimous consent that will allow a new Washington Convention Center to be built downtown.

This is critical for the City of Washington for this reason: They need a tax base. This will help revitalize the downtown and, working in concert with the MCI Center down there, this will, I think, enliven and revitalize the downtown area, increase taxes and job opportunities for District residents.

There are parts of the convention authority legislation that guarantee jobs and give incentives for jobs for District residents, many of them unskilled, who will no longer have to be on welfare. It will help the welfare to work, help some of them from having to commute to the suburbs to work downtown. When it is established, I think we will see the long-term establishment of tens of thousands of jobs downtown, particularly in the hospitality interests. The District of Columbia residents and the tax base and charitable organizations that are going to benefit from that need this to happen. Without the $25 million in this particular bill, the dollars fall short. It is very difficult for the city to come up with it. I thank the chairman for including that in this mark of the legislation.

Seven million for environmental assessment at the Lorton complex where the city has housed for over 75 years a correctional facility. We know now there are severe environmental problems at the site. But we also know that if we can get the EPA in, do the environmental assessment, we can start the cleanup there and deal with the site. Over the long-term that is in the best interest of the taxpayers, not just in the District of Columbia but of the entire Nation. This is the time to do it. This is the starting place. I thank the chairman for including this money in the bill as well.

There are some controversial amendments in this. I want to note early, and I will speak at the appropriate time, the gentlewoman from the District of Columbia (Ms. NORTON) has an amendment to allow the city to expend its own dollars for a lawsuit to help a pro bono firm that is trying to establish what the city's voting rights are. For this Congress, which took what little voting authority the city had away from the city, I think we should not deprive them of the money to at least confer with pro bono counseling to find out what their rights are, and then this Congress can deal with it up or down. I intend to support that.

The residency requirement is one that evokes some controversy, but I think the city needs the best employees it can find, wherever they can find them, and I think that the protection that is offered by the Committee on Rules on this is important. I will speak against that at the appropriate time.

I urge approval of this bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Let me begin by saying that Article I, section 8, clause 17 is repeatedly cited as the basis for anti-democratic, authoritarian control over the District of Columbia. Almost a century after the Article I language was added by the framers, new language was added that must be read in conjunction with the Article I language. It reads as follows: No State shall deny any person within its jurisdiction equal protection of the laws.

Legislating for District residents and overturning its laws deprives the citizens I represent of equal protection of the laws. I ask that out of respect for the sanctity of the Constitution, if Members insist upon undemocratic actions, you do so in your own name, not in the name of the Constitution of the United States.

Once again, Congress is about to engage in a game of self-torture. For the District, this annual appropriation has become a profoundly punitive exercise. The District appropriation bill is replete with undemocratic interference and amendments that concern only the over half million people who live in the District. Yet we are about to spend hours on a city council agenda.

No serious national legislature should be voting on a residency law for city employees or on funding for neighborhood commissions or on funding of a voting rights lawsuit or on local tobacco legislation. Nor should Members be dragged to the floor only for the purpose of putting them on record on a litany of controversial amendments. Are there no limits to political opportunism even when it hurts Members on your own side?

Clearly there are no compunctions about hurting District residents. The city council, the mayor and the control board have done what Congress has urged for years. They have produced a tight, balanced budget with a surplus. One would think that the Congress that has been critical of the city would want to acknowledge the good work of the control board and elected officials who have brought the District back from the ashes of insolvency.

One would think that the Congress would say, amen, and get on with the Nation's business. Instead, this body is treating the city today no differently now from how the District was treated when it was at its nadir just a couple years ago.

Is not the District entitled to deference when it submits a tough budget that uses all of its surplus to pay down the debt?

The Congress itself has yet to be so fiscally responsible about its finances. The District's need for investment in technology and in its many residents who have been hurt by the financial crisis is palpable. Yet the city has submitted a budget that puts compelling needs aside to pay down the debt.

What is the congressional response to this fiscal responsibility? An irresponsible set of controversial legislative ornaments that undemocratically overturn the wishes of local residents. It is time this body showed District residents the respect they are entitled to as American citizens.

This appropriation disrespects the District's elected officials. It disrespects Congress' own agent, the appointed control board, and it profoundly disrespects the people I represent.

It shows hardly more respect for the Members of this body who will be forced to vote on local trivia and controversial social issues alike, none of them national matters. There is only one appropriate way to respond to this appropriation. Send it back where it came from.

□ 1630

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume to say that I do not wish to get into a long constitutional debate with my good friend, the gentlewoman from the District of Columbia (Ms. NORTON). Of course, in the Federalist Papers Mr. Madison specifically addressed this at some length, about the duty of the Congress to administer the Capital city. And he said, among other things, "It is the indispensable necessity of complete authority at the seat of government that carries its own evidence."

Each of us in the Congress have a duty to administer the budget of the city of Washington. It is our Nation's Capital. And I would hope if it is ever changed, it will be changed in the due course of a constitutional amendment that would require us to do our duty within the law.

Ms. NORTON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, is the gentleman citing the Federalist Papers for the proposition that the national legislature should be able to overturn any law of a local legislature?

Mr. TAYLOR of North Carolina. No, I am pointing out that Congress had an experience in Philadelphia where they determined as a body, and it was enacted and in the Constitution in the beginning, deliberately wanting to have control of the capital city. It was not a mistake. It was not something that was meant to be abrogated by some section of the Constitution later on. It was the deliberate intent of the framers of the Constitution. And I say that we will have to amend that by a constitutional amendment.

Ms. NORTON. Mr. Chairman, will the gentleman further yield?

Mr. TAYLOR of North Carolina. I will yield to the gentlewoman from the District of Columbia one more time.

Ms. NORTON. Is it the gentleman's view that the framers intended democracy to obtain in every other jurisdiction of the United States except the District of Columbia because they enacted Article I?

Mr. TAYLOR of North Carolina. They certainly did. But Madison pointed out there are situations throughout this land where the Federal Government will have its own rules, and the capital city will be one.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 30 seconds to say that the gentleman from California (Mr. CUNNINGHAM) would normally be speaking at this point, after the chairman of the committee. Mr. Chairman, Mr. Cunningham has been immensely helpful, particularly in the education area. He fought not just for money for charter schools but also for the D.C. regular public education system, and so we miss him.

He is right now in the hospital. He just had surgery, but he says he feels like a million bucks and he will be back with us after the Labor Day recess. But we want to recognize the fact that normally he would be very much engaged in this debate.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman from Virginia and the ranking member for yielding me this time.

I rise to express my pleasure at the fact that this bill, again this year, deals with a disparity that has existed for some period of time, which the gentleman from California (Mr. DIXON) and I worked on, and now the committee is continuing to work on, and I congratulate the gentleman from Virginia (Mr. MORAN) and the gentleman from North Carolina (Mr. TAYLOR), and that is the effecting of equitable pay for the fire fighters of the District of Columbia.

For many, many years, the fire fighters of the District of Columbia have not only received less pay than their counterparts in this region outside of the District of Columbia, but also have been paid disparately with respect to the police in the District of Columbia. Indeed, the police themselves went for long periods of time with a freeze on their pay. The gentleman from California (Mr. DIXON) and I were concerned about that. Action has been taken, and we believe that that has moved in the proper direction.

When we talk about police and fire in the District of Columbia, we obviously talk about those agencies that are charged with the protection not only of the non-Federal part of the District of Columbia but the Federal part as well. Obviously, the Federal Government does not have fire fighters. They are, in fact, the fire fighters of the District of Columbia, charged with the responsibility of responding to fires.

Most recently we saw the fire at the Longworth Building to which the D.C. Fire Department and rescue squads responded. They did an outstanding job. They, along with the Capitol police, ensured we exited the building and we confronted the fire.

So that when we talk about the D.C. Fire Department, we are talking about those individuals, those Americans who daily are called upon to respond to emergencies of literally millions of visitors from throughout the United States that come to this capital, visit other monuments and office buildings around this city, and generally come to see their capital city and to share the pride that we have in that which it represents.

So I want to congratulate the gentleman from North Carolina and the gentleman from Virginia for their leadership, and the gentleman from California for his leadership over so many years, and others, as well as Mr. Miconi, the staff member who has so ably staffed this committee for over, I guess two decades. I am not sure, but a long time.

It is appropriate that we do this, and it is appropriate that we do it not just for the city, though doing it for the city alone would be appropriate, but we do it for all the citizens of the United States who have invested much of their resources in building this capital city and then visiting it, and these brave men and women of the D.C. Fire Department and rescue squads who ensure their safety while visiting here. And the fact that we are now going to pay them appropriately is a testament to the good judgment that the committee is showing. I will certainly enthusiastically support that and congratulate the committee for its actions.

I want to say as well that he sits here not as the ranking member or as the chairman, but I do not know anybody who has paid closer attention, been more supportive, is more knowledgeable about the District of Columbia as it relates to the Federal Government than my friend from California, the distinguished member of this subcommittee, but formerly the chairman for many, many, many years of this subcommittee, under whom I had the privilege of serving for many years on this committee. And I want to congratulate the gentleman from California (Mr. DIXON) for all the work that he has done, and thank the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Virginia (Mr. MORAN), and look forward at some future point to discussing other aspects of this bill.

Generally, I want to say that I am a strong supporter of home rule. And where home rule affects citizens who live in the District of Columbia solely, I think it ought to be left to its own devices, whether we agree or not. When it affects others, I think it is appropriate for us to intervene, and we will discuss that at a later time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT), who is an outstanding member of our subcommittee.

Mr. TIAHRT. Mr. Chairman, I want to thank the chairman for yielding me this time, and also acknowledge that I have enjoyed working with the ranking minority member, the gentleman from Virginia (Mr. MORAN). Although we occasionally do not agree, we have had a good relationship in working together.

I think we have put together a pretty good bill here, although I hope to amend it. I will talk about that a little later, but I am going to vote for this bill whether I am successful in my amendment or not.

I think the District of Columbia is headed in the right direction. The direct Federal contribution is down. The District is running a surplus. We have certainly seen some changes that have been dramatically positive, and I am very pleased by that.

This bill also includes repeal of the residency requirement, which I think is good policy. It will allow the District to hire qualified personnel to work for their police and fire departments.

It also appropriates $32.6 million for charter schools, a concept that I think has been successful in my home city of Wichita and my home State of Kansas, as well as here in the District of Columbia. It provides $156 million for special education projects. It allocates $4 million in Federal funds for the Boys Town facilities in the District.

It stipulates that any excess revenues be applied to eliminating D.C.'s accumulated deficit and creates a reserve fund to replace seasonal borrowing, paying water and sewer fund debt, and retiring the outstanding long-term debt.

It also requires teachers to pass competency tests in order to receive pay raises, something that my friend, the gentleman from California (Mr. DUKE CUNNINGHAM), who could not be here today because of his operation, did support.

We also have in there some small programs where we are using public capital to help with the private initiatives. One is the People's House Hotline. It is a small amount of money, but it is a program where we have both the public sector and the private sector being able to come together and provide a wonderful service to those who are truly in need.

This hotline, which is housed in a building that was provided through the effort of the gentleman from Virginia (Mr. FRANK WOLF), the gentleman from Ohio (Mr. TONY HALL), and Senator DAN COATS, connects people with the services that are available to them. All they have to do is call a number and there is a memory bank of nearly 4,000 social services and churches that offer a wide variety of assistance, including food, clothing, shelter, housing, GED courses, tutoring, a vast array of services, and it puts them together.

They keep them on the line. When they call in, it keeps them on the line until they are able to directly hook up with these facilities, so that they do not get shuffled off into some pattern where they do not get the services they so desperately need.

We also have funding for the first time that matches private sector funds for the Mentoring Friends Program. This is a concept that was developed with private funds in Portland, Oregon, in 1993. They currently serve about 200 children.

This is a situation where mentors spend time with 5- and 6-year-olds. They make a commitment to spend time with them over the next 10 years. They are there to coordinate with their families and the schools, to help them fight off drug abuse, to help them with any school failure, to keep them out of gangs, to give them hope for the future.

This is one of those instances where we see something positive happening in the District of Columbia that could spread to other cities. Big parts of this city are in desperate need of attention, and a macro approach has not been very effective. But here in a micro approach, where one-on-one these kids' lives are being changed, it is an investment in the future.

Now, I want to talk just a little bit about an amendment I am going to offer. It is going to be an attempt to limit any funds from being used for a needle exchange program. Currently, the Whitman Walker Clinic has a van that drives around the D.C. area and exchanges needles with drug abusers. Not only is that bad public policy, but the police turn their heads. According to the office of the District of Columbia Police Chief, Charles Ramsey, they have to turn their heads.

I just want to say the needle exchange program is spreading HIV and we could reduce this loss of life. The police chief has to have an unofficial policy of looking the other way when these drug addicts approach this van because these people are doing things that are illegal. Drug use equipment is illegal.

In his June 8th Wall Street Journal editorial, Dr. Satel, a psychiatrist and lecturer at Yale University, said that most needle exchange studies have been full of design errors, and that more rigorous studies actually show there is an increase in HIV infection among participants in the needle exchange program.

Our White House drug policy czar, General Barry McCaffrey, is opposed to the needle exchange program.

In Vancouver, a large study was done and they found out that the needle exchange program actually increased HIV infection among those who are using the program. The death rate went from 18 in 1988 attributed to drugs, to more than 10 per week, 600 deaths this year because of drug use, and it is related to the expansion of the needle exchange program. In Montreal there was another study that said that people are twice as likely to get infected.

So I want to support the bill, and I would like support for my amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. JULIAN DIXON), a man who for several years sacrificed career opportunities, spending an extraordinary amount of time and attention all in the interest of the people of the District of Columbia as chairman of this D.C. Committee on Appropriations.

Mr. DIXON. Mr. Chairman, I thank the ranking member for yielding this time to me, and thank him for his very fine comments, and those from the gentleman from Maryland (Mr. HOYER) also.

I just want to inform the House that I am not retiring. I am looking forward to returning here in January.

Mr. Chairman, I too would like to join and say that this is a good bill, but this is a horrible bill.

I have the greatest respect and admiration for the chairman of this subcommittee for many, many reasons. The chairman of this subcommittee, unfortunately, fell on ill health, and he is a hero to me because I know that at some point in time I will fall on ill health, and I hope I will have the courage, the dignity, and the tenacity to fight back the way he did.

□ 1645

But I must say that there is a chill in this bill. My colleagues will hear the chairman say, and he has said on the floor today, that he has left basically intact the D.C. budget, as he should. It was proposed by the mayor, scrubbed by the City Council, and rescrubbed by the agency that we delegated, that is the Financial Control Board, to deal with this budget.

But another issue that the chairman raised, and that is that two of the employees of the Financial Control Board, the executive director and legal counsel, he is, in this bill, repealing a pay raise that they received and causing them to return some $20,000.

Now, at first blush, the gentleman from Florida (Mr. MICA) might think this is inappropriate. But I want him to listen to me for a second.

In April of last year, the chairman of the committee asked GAO to take a look at some pay raises. And, in fact, the GAO looked at four individuals under the jurisdiction of the Control Board. And they came to the conclusion, which, by the way, I disagree with, I think that reasonable people could argue about the merits of the GAO conclusion, but they came to the conclusion that all four of the pay raises were inappropriately given.

There will be no dispute about that. When the chairman gets up to rebut me, listen to see if he says I am wrong on the number and what was said. All four of the GAO analyses said the pay raises were inappropriate. Why is it mean-spirited? Because the chairman has reached in and singled out two of these people to give back the money.

Now, the chairman in the Committee on Rules yesterday said, well, he could not reach the other two. For some reason, I did not understand. So I went back and I looked at the GAO report again. And it says on page 11, it is referring to the third and fourth persons, "Since the Authority's budget currently is under review, the appropriations process for Fiscal Year 1999 provides an opportunity for Congress to consider whether the appointment of the Chief Management Officer, with pay and benefits in excess of the limitation provided in section 102 of this act, is desirable and, if so, to enact additional legislation to specifically so provide."

Well, the clear meaning of that language is that the GAO did not think the document that he relies on, did not think that it was beyond their authority to reach the Chief Management Officer. That is mean-spirited.

I do not think any of us would like to go home and feel that, well, we got two people who were doing a good job, there is some controversy about that, that we reached in and that we take off four of them and repeal their raise, obviously two are in favor and the other two are in disfavor. That is mean-spirited.

The second issue I want to talk about that is mean spirit in this bill, before we ever get to the amendments, we have in Washington D.C. what is called Advisory Neighborhood Commissions. Many jurisdictions may be familiar. The concept is that, at some very local level, that people will have an opportunity through an election to participate in a council at the neighborhood level.

Washington, DC has some 37 of these. The budget contained $546,000 for allowances for these ANCs to operate. If we figure it out, it is about $15,000 or $16,000 per year for each one. Some of them rent a store front for an office. Some use it for beautification, Neighborhood Watch, and what have you.

It has been called to our attention through the press that two wrongdoers, two wrongdoers in two of these associations had, let us say, stolen money. They were convicted in a court of law and they have paid their penalty.

What is the remedy of the chairman for this? He zeros out all of the funds for the 37 advisory councils. That is mean-spirited.

These councils have people in various parts of this District that have some pride in their community and participation in government. And because two out of 300 act inappropriately and pay the penalty, we do not like the ANCs, we will zero them out.

And so, Mr. Chairman, I would like to say that this is a good bill. My colleagues have not reached into the structure of D.C. and rearranged the chairs on the Titanic. But rather, they have taken a thin pin and reached the heart of home rule. So the carcass, the anatomy is in shape, but they have sure gotten the patient with the shock and taken away what limited authority they have to exercise their own judgment and their own government prerogatives.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MICA) who is a member of the Committee on Government Reform and Oversight.

Mr. MICA. Mr. Chairman, first, I do chair the Subcommittee on Civil Service. And the gentleman has referenced me, and I have always in my position tried to be very evenhanded and fair. The gentleman does point out that there may be some inequities and that some people may have been singled out. And if that has happened, I commit to him to make certain that we are fair, that we are evenhanded, and that we will reconsider that matter and those affected individuals because we are trying to be fair.

I did not come really to speak just on that particular issue that was raised, but I came to speak because I heard earlier in the rule debate criticism of some of the reforms that our side of the aisle, that the Republican new majority, has instituted and provided for in this bill funding the District activities.

Let me say I cannot think of any other example in which we have a greater responsibility. The District is not a State. The District is in our care under the Constitution and laws. And this District is made up of tens of thousands of hard-working men and women who are trying to make a living, raise their children, get an education, and participate in our society, and we need to do everything we can to make certain that they get a fair opportunity.

But I can tell my colleagues, I have never seen a greater example of big government gone wrong than the District of Columbia.

I was dismayed when I heard the criticism of what we were doing here. It is not unfair, it is not harsh. Let me tell my colleagues what we inherited some 40 months ago after 40 years of rule from the other side. I heard criticism of our drug proposals and our school proposals.

We inherited a disaster here. The deaths in this District of Columbia of males between the age of 14 to 40 are a national shame. I have been coming to this city for the past 18 years; and year after year, the slaughter every week, every weekend, should offend every DC resident, every citizen of this country.

So, yes, we will make some changes, and we have made some changes. Whether we want the Barry plan or the Giuliani plan, we are going to have a different set of rules when it comes to the conduct of drug programs in the District of Columbia. We have also responsibility; for schools, where they have spent more money than almost any district and had some of the lowest scores, highest dropout rates. My colleagues would not send their student or their children there.

So, yes, we have proposed some changes. Job training programs we looked at where the money went for administration and no one got a job, with one of the highest unemployment and welfare roles in the Nation.

Yes, we have a responsibility. The Housing Authority I saw recently portrayed on television. My colleagues would not put their dog in the Housing Authority projects that they let go. So, yes, we have proposed some tough love and some changes. But even the water system was broken. The morgue. The morgue was broken down even the hospitals.

I remember a story several years ago about emergency medical service. They said if they ordered a pizza and they called EMS, they might get the pizza faster than they got emergency medical service in the District of Columbia. It would almost be a joke if it was not so sad. It would almost be a joke if it did not affect the people of this District that are trying to live and to make this their home.

My colleagues, we have only had responsibility for 40 months. They have had responsibility for 40 years. These are God's people, and these are our charge under the Constitution and law.

What we need to do is take the District from the Nation's shame to the Nation's pride. This is our Nation's Capital. And that is what we propose.

I never thought I would be here promoting an appropriations measure after I saw billions of dollars wastefully in the past put into the District of Columbia. But, yes, the reforms that we are asking for here may be tough love, but these people deserve that love, they deserve that attention, they deserve that opportunity that has been neglected.

They had their 40 years. We have had our 40 months. These reforms, my colleagues, are long overdue. I urge everyone to come down here and support this legislation, this appropriations measure.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, one of the greatest reforms Congress could make would probably would be to grant statehood to the citizens of D.C. There are more taxpayers in the District than in some of our States. I do not want to get off on that subject.

But there are a couple things I want to say here because I have an amendment and this amendment has been worked out, and I want to thank the gentlewoman from the District of Columbia (Ms. NORTON), maybe one of the best representatives in the country. And I thank her because I know she is a bulldog in taking care of her constituents, and I appreciate it.

I want to discuss what my amendment will do and what it will not do. It will not demean D.C. and does not attempt to close the prison or to slam D.C. at all.

D.C. closed Lorton. They had a problem. They had to do something with their prisoners. The country was wide open; and my district, desperate for jobs, signed a contract, and the district has lived up to their commitment. The question is, are we getting and have we been getting medium security level risks?

To clarify and codify, my amendment will state that none of the funds in the bill can be used to transfer or confine inmates in that Youngstown private, for-profit prison that are above the medium security level. And we will use the Federal Bureau of Prisons standards to make such determination.

□ 1700

But what I am saying to the Congress has nothing to do with D.C. at this point. There is a tremendous development around the Nation of private for-profit prisons. And this whole system now is going to have to look for some uniformity, some standards, to ensure adequate staffs and training. So this is not an indictment of D.C. at all. I want to make sure that private for-profit prison lives up to the contract they have with the District, because the District has placed it on the line, signed a contract, and I just want to make sure it is right. So I am not trying to close our prison. There are some politicians jumping all over this. But I want it to be safe. I want my community to be safe. And I want us to ensure, since we do have an obligatory responsibility with D.C. under current law that we ensure that every opportunity to protect both D.C. and my district is taken care of and that there would be a limited reaction and potential for these types of problems to develop somewhere else. It is a good learning experience for us, so I thank the committee for listening to my plight and for helping with my concern.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. RIGGS) from the Committee on Education and the Workforce.

Mr. RIGGS. Mr. Chairman, I want to thank my very good friend and my classmate for yielding me this time because I know he has done once again yeoman's work in producing this bill. It is a bill that while it has some issues that pretty much divide the parties along party lines, on partisan terms, I think should be very strongly supported.

First of all, let me tell my colleagues I support the provision that is in the bill that would prohibit Federal money from being spent on needle exchange programs but believe we should go one step further and adopt the Tiahrt amendment because that would extend or broaden that provision to include District money, which after all is money that is subject to reappropriation by the Congress. I cannot believe that this body would seriously consider sanctioning legal needle exchange. I cannot believe that by inference we are willing to go on record as supporting illegal drug use, or drug abuse. I cannot believe that we would seriously consider a provision in the D.C. appropriations bill that would actually encourage addiction and chemical dependency. I am amazed that we can have this debate in the People's House and actually get off on these tangents where we buy into this sort of fuzzyheaded liberal thinking that to stand up and take a position on principle opposing these provisions somehow contradicts the Constitution or the notion of home rule for the District of Columbia. Look at what Mayor Giuliani is talking about doing in New York City. He is talking about eliminating the methadone program there. Yes, I think he calls it tough love. But we need, I think, to send that signal, that we will and we are willing to take a position based on principle and, yes, tough love.

I also want to speak to the other provision that would continue the annual prohibition on using Federal or District-related funding to implement programs that extend the same rights as married couples to cohabitating unmarried couples, such as domestic partners. I support this provision. I support the provision by the gentleman from Oklahoma (Mr. LARGENT) that would prohibit joint adoptions in the District of Columbia by persons who are not related by blood or marriage. Let me tell you again why, as clearly as I can. I think we as Federal lawmakers have a duty to oppose policies and laws that confer partner benefits or marital status on same-sex couples. The reason for that is very clear. First, to support those kind of policies sends a signal to local governments, it sends a signal to private sector companies that marriage no longer be considered a priority in making policies and laws, that marriage should not be a priority to be encouraged above all other relationships. Secondly, it would deny, I think, the clear imperative of procreation that underlies any society's traditional protection of marriage and family as the best environment in which to raise children. Lastly, I think it is wrong, again fuzzyheaded, on the part of those who would seek to legitimize same-sex activity and the claim by homosexuals that they should be able to adopt children, because there is, I think, clear evidence that that presents a danger to the child's development or to children's development of healthy sexual identities.

I hope that we will stand very firm on these provisions. I know that a little later today we are going to get caught up in the great haste to adjourn for the traditional congressional summer recess or district work period, but I think these provisions deserve full and ample debate. I do want to salute the gentleman for what he and other members of the committee, I assume the gentleman from Virginia (Mr. MORAN), certainly the gentleman from California (Mr. CUNNINGHAM), who has been mentioned here today, have done in the area of education, promoting increased funding but coupling that with greater accountability for the District of Columbia public schools. I think it bears note that the subcommittee has decided to increase funding substantially above last year and even above the District's own budget request this year, but has coupled that to reforms that would require that in order to receive pay raises, no school administrators or teachers can falsify attendance or enrollment and require that all teachers must pass competency tests.

I also salute the gentlemen for what they have done to promote greater school choice for parents in the District of Columbia. I will have more to say on that later as we discuss the Armey proposal, but the bottom line is that if you look at the increased funding for charter schools, if you look at what the Armey proposal would do, we have a potential here to provide greater parental choice for parents of almost 8,400 children, giving those parents more choice where their children go to school and encouraging hopefully better educational results and a brighter future for those children.

Again I salute the gentlemen for what they have done in the area of educational accountability and reform.

Mr. MORAN of Virginia. Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. MCDERMOTT).

The CHAIRMAN. The gentleman from Washington is recognized for 1½ minutes.

Mr. McDERMOTT. Mr. Chairman, I think that the gentleman from California indicated the mean-spiritedness of this bill, but the last speaker from California really laid out the Republicans' plan for going home with a message to the American people, and it is mean-spirited all the way down the line. The amendments that are laid out are directed at specific groups to come out here and have a one last bash before we go home. In my view, that is not the way we should be treating the capital of the United States. If you really consider, are worried about this city and what has gone on here, these amendments all ought to be rejected. We ought to let the city deal with the problems.

Now, I will say some more things as we get to this needle exchange question, but if you look at that issue and ask yourself when the leading cause of death among African-American women in this country between the ages of 15 and 45 is AIDS, and then you do not want to use every possible means to protect people, including needle exchange, which has been successful in Seattle and San Francisco and a variety of other cities in this country, you simply are being mean-spirited to the people of this city. You do not care about the women of this city.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself the balance of my time.

In this year's bill we have appropriated $500 million more to the city than was appropriated last year. So we have not denied this city financially. It has always been a question of management, not money. In fact, every day you read about mismanagement in this city. In today's newspapers there was an article about $11,376 used over a two-month period by the Child Welfare Department for sex calls. The article was printed in this morning's papers.

Everyday there is mismanagement pointed up in the press. It is not a question of money. It has been a question of discipline, of obeying the law and of moving forward. We have tried to put all of this together, adequate funds with adequate discipline. We hope this body will vote for this bill.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of Mrs. NORTON's amendment to allow the District of Columbia to use its own locally raised revenue to provide abortion services for poor women.

Mr. Speaker, I'd like to put this vote in perspective. This is the 96th vote on choice since the Republican majority came to power in 1995. And they've been successful in restricting abortions for many women—women in the military, poor women on Medicaid, federal employees, women in the Peace Corps, and women in federal prisons.

Today, I stand with Delegate ELEANOR HOLMES NORTON to stop this House from trampling on the rights of women in the District of Columbia. Prohibiting the District of Columbia from using its own locally-raised funds to provide abortion services is misguided and unfair. It is bad enough that D.C. residents are not allowed a voting representative in this House. This provision is a second slap in the face to all D.C. women.

I believe it is highly unfair that the District of Columbia is singled out in this way. In New York State, where I represent, we provide funding for poor women to obtain abortions. Why should the federal government step in to restrict abortion for poor women in D.C.? Especially since we're talking about their own locally raised revenue. It is simply unfair, and I urge my colleagues to support Mrs. NORTON in her efforts to delete this misguided provision.

The Supreme Court has already ruled that each state may use its own revenue to provide abortions to poor women. Unfortunately, because D.C. residents are not treated as all other citizens are, they are doubly penalized by measures such as this one.

We should really be working to eliminate the Hyde restrictions on the use of federal funds for abortion. But this amendment doesn't even go that far. It simply brings the District in line with the 50 states where the decision to use locally raised revenue for such a purpose is constitutionally protected.

Mr. STOKES. Mr. Chairman, I rise in opposition to the Armey "Private School Vouchers for DC" amendment. This measure would assist only 3 percent of the District's school population. It would do nothing to address the critical needs within the District's public schools such as the need to: Increase academic standards, reduce class size or modernize school facilities.

Previous attempts by Congress to enact legislation that would provide for private school vouchers in the District of Columbia have failed. And, the President has indicated that he will veto H.R. 4308 if an amendment to provide for the use of such vouchers in the District is adopted.

I do not support drastic initiatives that drain critical financial resources from our Nation's public schools. And that is exactly what school vouchers do.

The city of Cleveland has had a crash course in school vouchers. And, we have learned—the hard way—that education vouchers programs are expensive, they do not work. It is well known that the Cleveland Scholarship and Tutoring Grant Program has provided little benefit to the low-income students it was intended to reach. In fact, a recently released independent audit and an evaluation of the Cleveland Scholarship and Tutoring Grant Program shows that: This program has attracted better achieving students away from the Cleveland public schools; there are not significant differences in third-grade achievement between voucher students and their Cleveland city shool district peers; and the large number of private and parochial schools participating in the program make it very difficult to monitor the quality of education that voucher students receive.

The actual benefit to low-income Cleveland city school students is even more questionable as 45 percent of the scholarship students in grades 1–3, had already been enrolled in private school prior to being awarded a scholarship.

Supporters of school vouchers claim that vouchers would infuse much needed competition into the school system and end the problems of poor management, inadequate facilities and bad teachers because low-income families would choose to send their children to better schools. They are completely wrong.

School voucher supporters also believe that voucher programs ensure safer schools. They may, but only for a select few students. If we want to make our public schools safer, we must look at common-sense solutions that our young people need in order to learn, succeed and be safe. Such efforts range from proven academic programs with high standards for conduct and achievement to high-quality summer programs and activities that encourage students to stay engaged in the learning process throughout the summer months.

Vouchers are not the silver bullet for what ails our Nation's public schools. They merely offer empty promises to low-income students that deserve a much more substantial commitment to their education. Our children need us to make real investments in public education. Given limited resources, our scarce taxpayer dollars should be used to lower class size. This is a proven, cost effective means of promoting student academic achievement.

I strongly believe that we have a moral obligation to ensure that every boy and girl has equal access to quality education. Public education was intended to provide a level playing field for all Americans, regardless of their socioeconomic status. Unfortunately for many, it does not. School voucher programs, however, are not the answer to this problem. We cannot afford to abandon our Nation's beleaguered public schools for costly, ineffective initiatives. Rather, it is absolutely critical that we focus our attention and resources on strengthening and improving them.

It is for these reasons that I urge my colleagues to join me in voting "no" on the Army "Private School Vouchers For DC" Amendment.

Mr. BEREUTER. Mr. Chairman, this Member is pleased to support H.R. 4380, the fiscal year 1999 District of Columbia Appropriations. This Member also wishes to thank the distinguished gentleman from Louisiana (Mr. LIVINGSTON), the Chairman of the Appropriations Committee, and the distinguished gentleman from North Carolina (Mr. TAYLOR), the Chairman of the D.C. Appropriations Subcommittee, as well as the distinguished gentleman from Wisconsin (Mr. OBEY), the Ranking Member of the Appropriations Committee, and the distinguished gentleman from Virginia (Mr. MORAN), the Ranking Member of the D.C. Appropriations Subcommittee, for including an appropriation of 4 million dollars for the Washington, DC Boys Town Facility.

As you may know, Father Flanagan founded Boys Town in 1917 to provide care to homeless, abandoned boys in the Omaha, Nebraska, area. Since then, Boys Town has taken its successful formula of helping troubled and needy children to all party of the country, including Washington, DC. The DC facility opened its doors in 1993, and since then has served hundreds of boys and girls through its short-term emergency shelter, Common Sense Parenting program, recruiting and training foster parents, and by providing long-term residential homes for at-risk youth. The Boys Town method of providing education and care to children had been a proven success nationwide and in the Washington, DC, area, but more help is needed. Because of the large demand in this area, and because other local shelters have recently closed their doors, Boys Town is expanding its DC service to provide assistance to more children who will be able to receive this greatly needed help.

The generous amount provided in this appropriations bill will help Boys Town begin to give hundreds of DC children the opportunity to experience a stable, home-like atmosphere where they can learn and prosper. Again, this Member thanks the Chairmen and Ranking Members, as well as all of the members of the Appropriations Committee, for providing Boys Town with these greatly-needed funds.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendments printed in House Report 105-679 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1999, and for other purposes, namely:

FEDERAL FUNDS

METRORAIL IMPROVEMENTS AND EXPANSION

For a Federal contribution to the Washington Metropolitan Area Transit Authority for improvements and expansion of the Mount Vernon Square Metrorail station located at the site of the proposed Washington Convention Center project, $25,000,000, to remain available until expended.

NATION'S CAPITAL INFRASTRUCTURE FUND

For a Federal contribution to the District of Columbia towards the costs of infrastructure needs, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and disbursed by the Authority from such account for the repair and maintenance of roads, highways, bridges, and transit in the District of Columbia, $21,000,000, to remain available until expended.

ENVIRONMENTAL STUDY AND RELATED ACTIVITIES AT LORTON CORRECTIONAL COMPLEX

For a Federal contribution for an environmental study and related activities at the Lorton Correctional Complex, to be transferred to the Federal agency with authority over the Complex, $7,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN of Virginia:

Page 2, line 23, strike "Lorton Correctional Complex" and insert "property on which the Lorton Correctional Complex is located".

Mr. MORAN of Virginia. Mr. Chairman, this is simply a technical perfecting amendment. The language says Lorton Correctional Complex, which would refer to the facility. We want the environmental study done of the property on which the facility is located. We do not want to spend $7 million to sweep the floors within the prison. We want to determine what toxins might exist around the complex. Obviously most of the toxins were dumped out of the prison, they are throughout the property on which the prison facility is located. I have to say that this would not have been necessary but for the fact that we only got this bill language yesterday morning. As a result, we were only able to look through the bill at the last minute. I would expect that this would not be a problem, that we can clarify it. I cannot imagine why it would be controversial.

Mr. DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Is it not a fact that there have been environmental cleanups and pipes breaking well off the correctional facility property, that have in fact leaked into the Occoquan River that flows through there and has polluted that water and there have been in fact many lawsuits against the city of the District of Columbia for these and these are well off the prison complex reservation itself?

Mr. MORAN of Virginia. Taking back my time, the gentleman is absolutely correct. There is an aquifer that runs under the complex. That is why if the language is as restrictive as is stated in the bill, then we really do not accomplish the objective of determining what the cost of a complete environmental cleanup would be. I am glad the chair of the authorizing committee is familiar with the situation as he obviously is and understands the necessity of perfecting this language so that it can accomplish its objective.

Mr. DAVIS of Virginia. Is it not also a fact that to actually dispose of this property, the GSA or the Department of Interior or whatever Federal agency would be given that task, that they would need to know what those environmental cleanup costs are before they could dispose of it to anyone?

Mr. MORAN of Virginia. Reclaiming my time, the gentleman is absolutely correct. We did attempt to put further language in this bill. I think it should have been included, obviously, that could have facilitated the transfer from the Department of Interior to the General Services Administration. They made the estimate of $7 million as to what would be necessary to do the environmental assessment and other related activities. I would hope that perhaps in conference we could take care of that.

☐ 1715

But without this clarifying language then the $7 million is not of any real use because it is only confined to the facility. I appreciate the gentleman's comments though.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to object to the amendment at this time, I am not going to object to this language at this time. The gentleman came to me for a $7 million study for the EPA to determine the extent of the environmental pollution at Lorton. We put that together and submitted the language to the gentleman as quickly as we could, and the gentleman stated through the staff, that the report language regarding those funds was adequate.

Now, as the gentleman knows, there are a number of attempts to use this appropriations bill to remove the Lorton prison from the rightful control of the Department of Interior and to make transfers for the land, either part or all of it, without compensation to the city of D.C. which has a $3.7 billion debt unwritten by the American taxpayer, and the thought is to pass it to northern Virginia.

Now I am sure the gentleman would agree that the authorizing committee of jurisdiction should deal with these issues and the entire Congress should be apprised as to what disposal is made of that money, and I would hate to think that it would be taken away from the District of Columbia to go to a park in northern Virginia.

I can only say that there are a number of Democrats and a number of Republicans who have expressed concern about this transfer if it should happen, and I have reason to believe that it might. One Member of Congress in northern Virginia stated in a statement that was sent out by hundreds of thousands of leaflets: My preference is to devote a substantial amount of this property; that is, these 3,000 acres of Lorton prison, to the Northern Virginia Park Authority, to provide for a quality affordable golf course and some other things.

Now this is one of the most wealthy parts of the State of Virginia, and I would hate to see the people of D.C. deprived of the money or the exchange of this property and realize nothing.

I would also point out some nine pages have been presented to the Committee on Rules that would have set the matter up for transfer under the General Services Administration of any property on which the Lorton Correction Complex shall be transferred, to the Northern Virginia Recreation Park Authority.

Now what I am saying is I will not object to the gentleman's amendment, but I will fight very strongly in conference any attempt to change language that would allow this property to be taken away from the people of this Nation and the people of DC without any compensation or recognition without the full understanding and agreement by this body.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. MORAN), the ranking member of the committee.

Mr. MORAN of Virginia. Mr. Chairman, I would like to point out to the chairman of the committee that the D.C. Revitalization Act transferred this property to the Federal Government, the Department of Interior. So, it is not the citizens of the District of Columbia now that are responsible for it, but the Department of the Interior recognizes it does not have the resources, nor the will, to maintain this property, and thus it is at their request that it is the General Services Administration that would assume responsibility for the property as well as the environmental assessment and subsequent clean up.

Mr. DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, first of all the Northern Virginia Regional Park Authority right now has 150 acres of leased land from the Lorton complex. It is not city property, it is Federal property; I think we need to understand that. If and when the property is sold, I think at that point it would be appropriate to determine if the city should receive any of those proceeds, and I think hopefully the whole body would be involved with that at this time.

But it is noted that I am not going to elaborate on this except to say the Chairman has said he will accept this amendment. I think that is in good faith, and we can deal with some of these other authorizing issues later.

But I want to note that the White House, the Department of Interior and GSA all agree that the Department of Interior, who this land is conveyed to at this point, is not the appropriate agency at this point to make the environmental assessment and later to decide how that land should be sold, divided, developed, discarded or whatever, and it is only for that reason that we have asked ultimately that GSA make those determinations. They are the appropriate Federal agencies that would do that.

I do not know of any other conspiracy or news letters except to say on a personal basis I do not favor massive development at that site. Anyone who has driven down that I–395 corridor during rush hour knows that the infusion of thousands and thousands and thousands of more cars is not an appropriate use.

But I think at this point that is not the purpose of this amendment. The purpose of this amendment is simply to get the environmental costs so that the GSA can go about their job, make the appropriate environmental evaluation, and we can move ahead and work with the chairman and others to decide what should happen from there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Offender Supervision, Defender, and Court Services Agency

For a Federal contribution for the District of Columbia Offender Supervision, Defender, and Court Services Agency for establishment of a residential sanctions center and drug testing, intervention, and treatment, to be used to ensure adequate response to persons who violate conditions of supervision and to implement recommendations of the District of Columbia Truth-in-Sentencing Commission, $4,000,000.

Federal Payment to the District of Columbia Corrections Trustee Operations

For payment to the District of Columbia Corrections Trustee, $184,800,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Federal Payment to the District of Columbia Courts

Notwithstanding any other provision of law, $142,000,000 for payment to the Joint Committee on Judicial Administration in the District of Columbia; of which not to exceed $121,000,000 shall be for District of Columbia Courts operation, and not to exceed $21,000,000, to remain available until September 30, 2001, shall be for capital improvements for District of Columbia courthouse facilities: *Provided*, That said sums shall be paid quarterly by the Treasury of the United States based on quarterly apportionments approved by the Office of Management and Budget, with payroll and financial services to be provided on a contractual basis with the General Services Administration, said services to include the preparation and submission of monthly financial reports to the President and the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

District of Columbia Offender Supervision, Defender, and Court Services Agency

For payment to the District of Columbia Offender Supervision, Defender, and Court Services Agency, $59,400,000, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33; of which $33,802,000 shall be for necessary expenses of Parole Revocation, Adult Probation and Offender Supervision; $14,486,000 shall be available to the Public Defender Service; and $11,112,000 shall be available to the Pretrial Services Agency.

Federal Payment for Metropolitan Police Department

For payment to the Metropolitan Police Department, $1,200,000, for the administration and operating costs of the Citizen Complaint Review Office.

Federal Payment for Fire Department

For payment to the Fire Department, $3,240,000, for a 5.5 percent pay increase to be effective and paid to firefighters beginning October 1, 1998.

Federal Payment for Boys Town U.S.A.

For a Federal contribution to the Board of Trustees of Boys Town U.S.A. for expansion of the operations of Boys Town of Washington, located at 4801 Sargent Road, Northeast, $4,000,000, to remain available until expended, to be paid upon certification by the Inspector General of the District of Columbia that $3,100,000 in matching funds from private contributions have been collected by Boys Town of Washington.

Federal Payment to Historical Society for City Museum

For a Federal payment to the Historical Society of Washington, D.C., for the establishment and operation of a Museum of the City of Washington, D.C. at the Carnegie Library at Mount Vernon Square, $2,000,000, to remain available until expended, to be deposited in a separate account of the Society used exclusively for the establishment and operation of such Museum: *Provided*, That the Secretary of the Treasury shall make such payment in quarterly installments, and the amount of the installment for a quarter shall be equal to the amount of matching funds that the Society has deposited into such account for the quarter (as certified by the Inspector General of the District of Columbia): *Provided further*, That notwithstanding any other provision of law, not later than January 1, 1999, the District of Columbia shall enter into an agreement with the Society under which the District of Columbia shall lease the Carnegie Library at Mount Vernon Square to the Society beginning on such date for 99 years at a rent of $1 per year for use as a city museum.

United States Park Police

For a Federal payment to the United States Park Police, $8,500,000, to acquire, modify and operate a helicopter and to make necessary capital expenditures to the Park Police aviation unit base.

Federal Payment for Waterfront Improvements

For a Federal payment to the District of Columbia Department of Housing and Community Development for a study by the U.S.

Army Corps of Engineers of necessary improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia that consist of Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, and for carrying out the improvements recommended by the study, $3,000,000: *Provided*, That no portion of such funds shall be available to the District of Columbia for carrying out such improvements unless the District of Columbia executes a 30-year lease with the existing lessees, or with their successors in interest, of such portions of property not later than 90 days after the date of enactment of this Act.

Federal Payment for Mentoring Services

For a Federal payment to the International Youth Service and Development Corps, Inc. for a mentoring program for at-risk children in the District of Columbia, $200,000: *Provided*, That the International Youth Service and Development Corps, Inc. shall submit to the Committees on Appropriations of the House of Representatives and the Senate an annual report on the activities carried out with such funds due November 30 of each year.

Federal Payment for Hotline Services

For a Federal payment to the International Youth Service and Development Corps, Inc. for the operation of a resource hotline for low-income individuals in the District of Columbia, $50,000: *Provided*, That the International Youth Service and Development Corps, Inc. shall submit to the Committees on Appropriations of the House of Representatives and the Senate an annual report on the activities carried out with such funds due November 30 of each year.

Federal Payment for Public Education

For a Federal contribution to the public education system for public charter schools, $20,391,000.

DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

Governmental Direction and Support

Governmental direction and support, $164,144,000 (including $136,485,000 from local funds, $13,955,000 from Federal funds, and $13,704,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the Chief Management Officer shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

AMENDMENT NO. 1 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. Norton:

Page 8, line 22, insert "(increased by $573,000)" after "$164,144,000".

Page 8, line 23, insert "(increased by $573,000)" after "$136,485,000".

Page 9, line 4, insert after "purposes:" the following: "*Provided further*, That $573,000 of such amount shall be for Advisory Neighborhood Commissions established pursuant to section 738 of the District of Columbia Home Rule Act".

Ms. NORTON. Mr. Chairman, I ask that $570,000 in local funds be restored to the advisory neighborhood commissions. These neighborhood elected bodies were included in the original Home Rule Charter to allow residents at the block and neighborhood level participation that would otherwise be unavailable to them.

ANCs keep neighborhoods from being overloaded with liquor stores and porno shops and from being disproportionately affected by transfer stations or illegal dumping. ANCs keep parks from becoming open-air drug markets, and the Anacostia River from being polluted by people who dump refrigerators and contaminated waste.

ANCs assure community comment and feedback on matters such as the placement of facilities and thus save the central government from making many mistakes.

No government agency could possibly monitor daily the minutia of neighborhood life and ensure rapid responses to neighborhood needs.

Without the ANCs, the District's huge loss of population would have been far greater. The almost 300 unpaid commissioners achieve what it would take a legion of civil servants to accomplish.

The ANCs have already taken a 50 percent cut in funding since 1994, forcing some out of business and leaving citizens in many District neighborhoods with no neighborhood representation.

So great have been the cuts and so detrimental to the neighborhoods that the control board actually recommended a $78,000 increase in funding for FY 1999, not zero funding, as proposed here.

Ironically, the cut in the appropriation comes as an auditor's report shows that controls are working. The ANCs are audited on a regular basis and must submit quarterly reports. The D.C. auditor's 1997 annual report of ANCs reads much like a GAO report of Federal agencies.

Congress does not defund Federal agencies when we find problems. We fix the problems. The amounts involved here are minimal and some ANCs do not even spend their small allotments. This is local and only local money and it is spent on bare necessities: Office expenses, faxes, phones, neighborhood anticrime patrol equipment, and the like.

I would have no objection if the gentleman from North Carolina (Mr. Taylor) were to propose more stringent fiscal controls than the admirable controls that already exist.

I could not agree more that the District cannot afford to waste a cent. The auditor's report could provide a road map for further reforms. Cutting off residents' lifeline to neighborhood improvement will only increase the already astonishing flight from the city.

Restore this small amount in the appropriation. Give local residents, who are doing more than their share, a break.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I agree, when you are talking about $5.2 billion, which is an enormous amount of money for a city that is a little over 500,000 people, $600,000 or a little under $600,000 is not a lot of money.

What we are going to do as a body in performing our duty many times is to speak about, in small sums, to make points about what has happened to this city over a number of years.

As I mentioned a moment ago, it has not been just the money. It does not need a new or additional appropriation, but it has been mismanaged in such a callous way that the entire nation knows that it has been mismanaged.

I pointed out a moment ago about the latest newspaper story about the welfare department making almost $12,000 of 1–900 sex calls from the department. That was today. If you look at the ANCs, you will see that there have been numerous abuses. In fact, the newspapers point out that for 20 years, the ANC has fallen short of what its purpose was aimed for in the beginning.

The District Auditor has pointed out that numerous times the ANC has failed to meet the requirements that the city provides in accounting or any other phase.

In fact, the auditor in this headline points out, the D.C. auditor's office has recommended the city cut off funds to the Advisory Neighborhood Commission in the northwest until its books are balanced.

□ 1730

In addition, we have a letter from the D.C. Federation of Civic Associations, and they recommend, by resolution, Resolved, that it is the sense of the Executive Committee that the Federation of Civic Associations should work through the Committee of the ANC toward recommendations that the Advisory Neighborhood Commissions be abolished.

Now, we have the auditor recommending abolition, we have the D.C. Federation of Civic Associations, and your own good judgment should tell you, we should not continue to fund these associations.

We have internal financial controls, and I will point out that grants awarded by the ANC are in violation of laws, internal financial control procedures are not followed, questionable disbursements are disallowed, diversions of funds to personnel use of the commissioners, noncompliance with financial guidelines, inadequate record keeping. Thirty-two percent of the ANCs had not filed required quarterly reports, 19 percent have not filed those reports in a year, and one has not filed in four years. Over one-half of the money appropriated to the ANCs are not spent due to the ANC failures.

Now, this is an example. It harkens back to a time in D.C. that we are trying to remedy. It should not be kept in a thought of reminiscence. It should be abolished. We should abolish this fund, and then talk with the City Council, and they would have the right to come forward to see if there is really a need for the ANCs.

Now, the purpose of the ANC essentially is to represent people in the District with a number of their problems. Few communities get $600,000 for the community to come forward and represent them. We have a City Council with Members paid $85,000 per member to represent the people of this city. We have the Control Board, not elected, but appointed, that represents in some sense the people of the city. We have the gentlewoman from the District of Columbia (Ms. NORTON), who is a nonvoting Member of Congress, who represents the people of the city, and she does it quite effectively. Every Member of Congress represents the people of this city.

So, I would say, let us delete this $600,000 expenditure and move forward.

Mr. DIXON. Mr. Chairman, I rise to support the amendment.

Mr. Chairman, in the Committee on Appropriations when we had this discussion and dialogue, the chairman of the subcommittee said that he had many, many examples of waste, fraud and abuse. Today he used the same two examples, so I assume that he did not have the time to get them. He said at the subcommittee meeting he did not have the time to get them, but there were stacks of them. He used the same two today, so I assume that he could not find those stacks.

But, more importantly, this has nothing to do with phone sex, this has nothing to do with the associations. What it has to do with is in the Home Rule Act, the people of the District decided that they would like to have a layer of government at the neighborhood level.

Now, I am not here to defend the associations and say that they have been perfect in every instance. If they have not, and the DC auditor has looked at some of the irregularities, they have not filed reports for the $16,000. There are not jobs involved in this; this is community participation. I would think it would be a lot more constructive if we tried to work with the auditor and work with the organizations to improve them.

One of the pictures that was held up, it said that after two decades DC has not met its dream. I think, Mr. Chairman, we should try to help them meet their dream of having involvement at the neighborhood level.

The $600,000 is not the important issue here. The important issue is that the communities want to be involved in the government and in the beautification and the neighborhood watch of their local community, and the City Council has given all 36 of them less than $600,000 total to deal with it, and you have just stripped it out of the budget and stripped the desire for them to participate.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment of the gentlewoman from the District of Columbia (Ms. NORTON).

First of all, I would like to remind my colleagues that money is fungible. The Federal tax dollars we spend are all printed with green and not identified by account. In recognizing that fact, we cannot come before the American taxpayers and say these dollars are not Federal tax dollars. Members of Congress vote to appropriate these funds. These are federally appropriated funds, and we have the right to judge how the money is spent and withhold funds that are destined to be spent improperly.

A case in point is the Advisory Neighborhood Commissions, also known as the ANCs. They have existed in the District of Columbia for over 20 years. Unfortunately, 20 years has provided plenty of time for the District's corrupt political machine to use the funds irresponsibly and inappropriately.

It is time for Congress to put a stop to these slush funds. Why? Because an audit of the ANCs' annual budget found that 12 of the 37 ANCs failed to submit one or more quarterly financial reports for fiscal year 1997, and at least 5 of those 12 failed to submit reports for a whole fiscal year.

In addition, the audit reported, internal control procedures were not followed, and some ANC officers were found to have signed checks made payable to themselves, including an ANC chairperson diverting over $10,000 of these federally appropriated dollars for personal use and a treasurer diverting another $2,400 for personal use.

ANC treasurers have failed to provide regular financial reports to the commissioners. ANC officers have spent funds without obtaining commission approval. Reimbursements were not often supported by receipts or invoices. Bank statements, balances, were not reconciled with checkbook balances. Voided checks were not consistently canceled, mutilated or maintained in ANC files.

I oppose this amendment because this Congress should support funding proposals that can help our Nation's Capital. This proposal simply funds further corruption in this city.

The ANCs have had over 20 years to do the right job, and they simply have failed. This amendment makes the Federal Government a coconspirator in an effort to expand DC's corrupt bureaucratic spiderweb into 37 separate neighborhood commissions.

In conclusion, I want Members of this body to think about a few interesting facts: The State of Iowa, where I am from, appropriates about $4.3 billion a year. Washington, DC has a $6.7 billion appropriation. To compare, Iowa has over five times more people than DC, has a much larger infrastructure than DC, spends less than one-half per student on education, and Iowa is ranked number one in the Nation. Washington, DC, spending more than twice that much, is ranked dead last. Iowa was just named the best place in the country to raise a child. Compare that to what we are seeing here in DC Obviously, we do things a little differently in Iowa, but I can safely bet we do them a little better.

We should stop wasting money on ANCs and use these dollars to actually help the people of our Nation's great capital. DC does not need more money, it needs honest leadership and management.

Mr. DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me just say, I know in a city where democracy has been stifled and a strong thirst for participation, how deep the feelings run on this, but in my judgment you can have civic involvement, you can have grassroots organizing, without appropriated funds. Out in my County of Fairfax we have hundreds of civic associations. They are the lifeblood of the community, but we do it without government money moving down, and in many instances getting misspent and misappropriated through time.

So I think the gentleman from North Carolina (Chairman TAYLOR) has it right on this particular amendment, and, with all due respect to my friend, the delegate from the District of Columbia, I join the chairman in opposing this amendment.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I may just ask the gentleman, you are saying actually people do these things in communities without getting paid for them?

Mr. DAVIS of Virginia. Absolutely, with great pride. They either raise the money locally, or they do it just the old-fashioned way, with volunteer time.

Mr. LATHAM. That is kind of way we do it in Iowa.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to rise in support of this amendment. The reason is a pretty basic principle. What we are appropriating, Federal money is directed. This is local money. This really is the money that comes from the citizens of the District of Columbia, and it would seem they should be able to spend it as they would like. I admire the gentlewoman from the District of Columbia (Ms. NORTON) for wanting to sustain the Advisory Neighborhood Commissions, because she lives in D.C., and it is not always convenient to have these ANCs.

For example, the gentlewoman wanted to build a deck, and she had to go before the ANC before she can build a deck because it affects the quality of life of her neighbors. The former Speaker wanted to put in a garage, he wanted to close an alley. He could not do it because he had to go to the Advisory Neighborhood Commission himself. Mr. Michel, the former minority leader, had to go through the same kind of thing. I am sure it is annoying, but the fact is it provides a kind of vigilance to protect these individual neighborhoods.

Now, I thought that the gentleman from North Carolina (Mr. TAYLOR) brought up a very important point when he showed the newspaper article, because the newspaper article pointed out that the woman, who happened to be the mayor's former wife, Mrs. Treadwell, but the woman did misappropriate funds. That was a crime. But the point is that an audit caught it and she was punished for it. So the system is working. When we have these egregious instances, the people that commit them are caught, they are brought to justice, and it shows that the people of the District of Columbia are not going to tolerate this kind of thing. I think that is good.

I am sure that the ANCs do not work at maximum efficiency nor effectiveness, and we have read articles that show that there are a lot of deficiencies. What the gentlewoman from the District of Columbia (Ms. NORTON) suggested is try to fix it; suggest some things that will tighten it up. Already suggestions have been made by Members of the D.C. council, and I understand they are going to be implemented, that will tighten it up, and we could do more than that.

But I think to impose our will upon something that thousands of people are involved in, to say no, you cannot do this, you cannot do it with your own money, you have to give up what is really the most directly representative government that the District of Columbia has, is contrary to the principle that I thought the other side stood for, which is the maximum devolution of authority and responsibility down to the lowest level possible, where people can exercise their civic duties and responsibilities, and that is this Advisory Neighborhood Commission structure.

I do not want to fall on our sword on this, and some of the things they have done are clearly indefensible.

□ 1745

But I think it is more indefensible for us to stand here as judge and jury and to say that the citizens of the District cannot use their own money as they would choose.

If this was a direct appropriation I think it would be something different, and I trust that we would not be appropriating directly Federal funds. But that is not what this is. This is really an imposition from the Federal Government in a way that not only is micromanagement, but I think is a real slap in the face to the efforts of the District of Columbia to gain maximum representation for their citizens, and particularly, opportunities for their civic leaders.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Ms. NORTON. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, it is my obligation to rise and respond to the gentleman from Iowa, who claimed that the funds involved, the funds before us, are "Federally appropriated funds," leaving the impression that the funds we are discussing as ANC funds are Federal funds somehow fungible to the Federal budget.

Let me be clear. Every cent of the funds involved here was raised in the District of Columbia from District taxpayers. These funds are found in the budget of the District of Columbia. These funds were scrubbed and approved by the Control Board, which did so after looking at the auditor's report, after satisfying itself that the kinds of inevitable abuses we will find in this kind of operation were being addressed.

It is bad enough for the Federal Government to be appropriating somebody else's money, as I speak. We should not be appropriating a cent of the money before us. It is not Federal money, it was raised by my constituents in my city. It is bad enough for Members to appropriate it, but then to insist that because they appropriated it, it is fungible with the Federal budget, is an insult to the hardworking people of the District of Columbia, and I will not have it.

This is their money. Let them use their money as they please, as long as that money is used honestly and there are controls, and we have seen that there are.

Ms. WATERS. Reclaiming my time, Mr. Chairman, this debate is unbelievable. Everything that I have been taught as an elected official, and prior to ever being elected to office, had to do with involvement in community.

I was taught that it is important to be involved in neighborhood watch programs, to be involved in tree planting programs, to be involved in cleanup programs in the neighborhood, to be involved in one's city in ways that will help drive the politics at City Hall, in the State, and even in the Federal Government, oftentimes. Community involvement is very, very special.

For communities with a lot of money, oftentimes people do that because they have assistance that frees them up to be able to do it. They have money that they can put in, they have resources. They can call on their wealthy friends.

But not all communities are free to be involved in those ways. Many poor people, many average workers, give what they can of their time and their resources, but I firmly believe that every local government ought to have support for citizens who want to be involved in their government.

One of the things I have been very pleased about, as I have come to spend time in the District of Columbia, is the local involvement of the ANCs. I have seen the work they do and the notices they put out in the neighborhood. I am absolutely appalled, and really do not understand why anybody, particularly my friends on the other side of the aisle who claim to be about the business of involving citizens, good citizenship, about people being involved in their government, would pull the rug out from under local citizens who are doing just that with their own resources and their own money.

I dare tell the Members that none of the persons on the other side of the aisle can tell us what dollars are being spent in their many cities and towns for all kinds of activities. They would not dare confront the citizens of any of those towns and cities in their district and tell them they could not accept money from their city for involvement in ways that they have decided.

It is easy to come to Washington and pick on the District. Oh, yes, the District has had its problems. They would not do this kind of mess at home. They would not do it, because their citizens would not stand for it.

Well, maybe the citizens do not have all they need to fight them back. But for them to stand here and look the gentlewoman in the face and tell her that they are going to dictate to her citizens in the District of Columbia, using their own money, that they cannot be involved in local government, is outrageous.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) will be postponed.

The Clerk will read.

The Clerk read as follows:

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $159,039,000 (including $45,162,000 from local funds, $83,365,000 from Federal funds, and $30,512,000 from other funds), of which $12,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDS pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): *Provided*, That such funds are available for acquiring services provided by the Federal General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $755,786,000 (including $531,660,000 from local funds, $30,327,000 from Federal funds, and $193,799,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 1998, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1999, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1999, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1999, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $793,725,000 (including $640,135,000 from local funds, $130,638,000 from Federal funds, and $22,952,000 from other funds), to be allocated as follows: $644,805,000 (including $545,000,000 from local funds, $95,121,000 from Federal funds, and $4,684,000 from other funds), for the public schools of the District of Columbia; $18,600,000 from local funds for the District of Columbia Teachers' Retirement Fund; $32,626,000 (including $12,235,000 from local funds and $20,391,000 from Federal funds not including funds already made available for District of Columbia public schools) for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further*, That $485,000 be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That if the entirety of this allocation has not been provided as payment to one or more public charter schools by May 1, 1999, and remains unallocated, the funds shall be deposited into a special revolving loan fund described in section 172 of Public Law 95–100 (111 Stat. 2191), to be used solely to assist existing or new public charter schools in meeting startup and operating costs: *Provided further*, That the Emergency Transitional Education Board of Trustees of the District of Columbia shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: *Provided further*, That until the Emergency Transitional Education Board of Trustees reports to Congress as provided in the preceding proviso, the Emergency Transitional Education Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet capital expenses in a manner that is equitable with respect to assistance provided to other District of Columbia public schools: *Provided further*, That the Emergency Transitional Education Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property; $72,088,000 (including $40,148,000 from local funds, $14,079,000 from Federal funds, and $17,861,000 from other funds) for the University of the District of Columbia; $23,419,000 (including $22,326,000 from local funds, $686,000 from Federal funds and $407,000 from other funds) for the Public Library; $2,187,000 (including $1,826,000 from local funds and $361,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That in using funds for repair and improvement of the District of Columbia's public school facilities made available under this or any other Act, the District of Columbia Financial Responsibility and Management Assistance Authority (or its designee) may place orders for engineering and construction and related services with the U.S. Army Corps of Engineers: *Provided further*, That the U.S. Army Corps of Engineers may accept such orders on a reimbursable basis and may provide any part of the services under such orders by contract. In providing such services, the U.S. Army Corps of Engineers shall follow the Federal Acquisitions Regulation and the implementing regulations of the Department of Defense: *Provided further*, That $244,078 shall be used to reimburse the National Capital Area Council of the Boy Scouts of America for services provided on behalf of 12,600 students at 39 public schools in the District of Columbia during fiscal year 1998 (including staff, curriculum, and support materials): *Provided further*, That the Inspector General of the District of Columbia shall certify not later than 30 days after the date of the enactment of this Act whether or not the services were so provided: *Provided further*, That the reimbursement shall be made not later than 15 days after the Inspector General certifies that the services were provided: *Provided further*, That up to $500,000 shall be available for services provided by the National Capital Area Council of the Boy Scouts of America for services provided at 78 schools in the District of Columbia during fiscal year 1999 (including staff, curriculum, and support materials): *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (DC Code, sec. 31–401 et seq.): *Provided further*, That funds in this Act shall not be available for pay raises to teachers in the District of Columbia Public Schools who have not passed competency tests in literacy, communications, and subject matter skills: *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 1999 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1999, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

Human Support Services

Human support services, $1,514,751,000 (including $614,679,000 from local funds, $886,682,000 from Federal funds, and $13,390,000 from other funds): *Provided*, That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $266,912,000 (including $257,242,000 from local funds, $3,216,000 from Federal funds, and $6,454,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Washington Convention Center Fund Transfer Payment

For payment to the Washington Convention Center, $5,400,000 from local funds.

Repayment of Loans and Interest

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $382,170,000 from local funds.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,453,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $11,000,000.

Certificates of Participation

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,926,000.

Human Resources Development

For human resources development, $6,674,000.

Productivity Savings

The Chief Financial Officer of the District of Columbia shall, under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority, make reductions of $10,000,000 in local funds to one or more of the appropriation headings in this Act for productivity savings.

Receivership Programs

For agencies of the District of Columbia government under court ordered receivership, $318,979,000 (including $188,439,000 from local funds, $96,691,000 from Federal funds, and $33,849,000 from other funds).

District of Columbia Financial Responsibility and Management Assistance Authority

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $7,840,000: *Provided*, That none of the funds contained in this Act may be used to pay the compensation of the Executive Director or General Counsel of the Authority during any period after April 1, 1999, for which such individual has not repaid the Treasury of the District of Columbia for compensation paid during any fiscal year which is determined by the Comptroller General (as described in GAO letter report B-279095.2) to have been paid in excess of the maximum rate of compensation which may be paid to such individual during such year under section 102 of such Act: *Provided further*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 1999 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2): *Provided further*, That not later than 5 calendar days after the end of each month (beginning with September 1998), the Authority shall provide to the Chief Financial Officer of the District of Columbia a statement of the balance of each account held by the Authority as of the end of the month, together with a description of the activities within each such account during the month: *Provided further*, That none of the funds contained in this or any other Act may be used to pay the salary or expenses of any officer or employee of the Authority who is required to provide information under the preceding proviso and who fails to provide such information in accordance with such proviso.

Water and Sewer Authority and the Washington Aqueduct

For the Water and Sewer Authority and the Washington Aqueduct, $273,314,000 from other funds (including $239,493,000 for the Water and Sewer Authority and $33,821,000 for the Washington Aqueduct) of which $39,933,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

Lottery and Charitable Games Control Board

For the Lottery and Charitable Games Control Board, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $225,200,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

Cable Television Enterprise Fund

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,108,000 from other funds.

Public Service Commission

For the Public Service Commission, $5,026,000 (including $252,000 from Federal funds and $4,774,000 from other funds).

Office of the People's Counsel

For the Office of the People's Counsel, $2,501,000 from other funds.

Department of Insurance and Securities Regulation

For the Department of Insurance and Securities Regulation, $7,001,000 from other funds.

Office of Banking and Financial Institutions

For the Office of Banking and Financial Institutions, $640,000 (including $390,000 from local funds and $250,000 from other funds).

Starplex Fund

For the Starplex Fund, $8,751,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. General Hospital (Public Benefit Corporation)

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $113,599,000 of which $46,835,000 shall be derived by transfer from the general fund, and $66,764,000 shall be derived from other funds.

D.C. Retirement Board

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-711), $18,202,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Correctional Industries Fund

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $3,332,000 from other funds.

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, $53,539,000, of which $5,400,000 shall be derived by transfer from the general fund.

Capital Outlay

(INCLUDING RESCISSIONS)

For construction projects, a net increase of $1,711,160,737 (including a rescission of $114,430,742 of which $24,437,811 is from local funds and $89,992,931 is from highway trust funds appropriated under this heading in prior fiscal years, and an additional $1,825,591,479 of which $718,234,161 is from local funds, $24,452,538 is from the highway trust fund, and $1,082,904,780 is from Federal funds), to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2000, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2000: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 28, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

General Provisions

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That of such appropriations, the District of Columbia is directed to refund by September 30, 1999, up to $17,800,000 of overpayments collected by the District of Columbia Department of Public Works for parking ticket violations as reported by the District of Columbia Auditor in a report dated March 19, 1998: *Provided further*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): *Provided*, That for the fiscal year ending September 30, 1999 the above shall apply except as modified by Public Law 104–8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1998 shall be deemed to be the rate of pay payable for that position for September 30, 1998.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Office of Property Management may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1999, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1999 revenue estimates as of the end of the first quarter of fiscal year 1999. These estimates shall be used in the budget request for the fiscal year ending September 30, 2000. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1999 if—

(1) the Mayor approves the acceptance and use of the gift or donation, except that the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 127. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 128. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the

District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 129. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 130. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

(b) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an administrative proceeding under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 131. None of the funds contained in this Act may be available for the operations of any department, agency, or entity (other than the District of Columbia Water and Sewer Authority, the Washington Convention Center Authority, or any operations for borrowing activities under part E of title IV of the District of Columbia Home Rule Act) unless appropriated by Congress in an annual appropriations Act.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the bill, through page 42, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

POINT OF ORDER

Mr. DAVIS of Virginia. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman from Virginia will state his point of order.

Mr. DAVIS of Virginia. Pursuant to clause 2 of rule XXI, I make a point of order against Section 131 of the bill on the ground that it legislates on an appropriation bill.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized.

Mr. TAYLOR of North Carolina. Mr. Chairman, I believe that this is not legislating. It is not subject to a point of order. The Board wishes to spend and does spend interest earned on the money that it has without this body's appropriating it. It would be somewhat analogous to the Treasurer of the United States investing money of the people of the United States, and then stating that he, himself, could spend that money without it being appropriated by the people of the United States.

So I do not believe that this is subject to a point of order.

The CHAIRMAN. The gentleman from Virginia (Mr. DAVIS) makes a point of order against Section 131. Section 131 precludes the use of funds contained in this act unless appropriated.

Because the funds contained in the Act include funds derived from transfer or from interest on District accounts, Section 131 is in direct contravention of Section 106(d) of the District of Columbia Responsibility Management Assistance Act. Section 106(d) permits the use of such funds without congressional approval.

Accordingly, the point of order is sustained, and Section 131 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 132. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

AMENDMENT NO. 2 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. NORTON:

Page 42, line 3, strike "funds" and insert "Federal funds".

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debates on this amendment and all amendments thereto close in 30 minutes, and that the time be equally divided among the parties.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The time will be designated equally for 30 minutes between the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from North Carolina (Mr. TAYLOR).

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, the present bill contains language barring the use of both Federal and District funds to pay for abortion services for low-income women. I do not rise to ask for an exception to the strongly-held views of this Congress on abortion. I ask only that the District of Columbia be treated no better and no worse than other districts.

I must accept that the rule of this body on a prohibition on Federal funds should yield to no exception, except in the case of protecting the life of the mother, rape, or incest.

Barring the use of Federal funds for abortion for low-income women creates a special hardship for a jurisdiction that has been in financial crisis. Considering its financial position, the District is unlikely to choose to fund abortions on its own.

However, no city should be put in the position where it would be unable to respond even to catastrophic pregnancies by using its own locally-raised funds, if necessary. This is a Federal Republic built on the premise that there are vast differences among us. No issue shows these differences more than reproductive choice.

The Congress is within its rights to say, use your funds, not ours. It is out of line when it tells a local jurisdiction how to spend its own taxpayers' funds. The real test of democracy is whether we are prepared to allow others to make lawful choices we ourselves would not make.

I have profound respect for the conscientious and religious scruples of those who oppose abortion. The District has the right to the same respect. I ask Members to allow the District to spend its own local funds as it may need for abortions for indigent women.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me the time. I want to thank Mr. TAYLOR for his courage and leadership, and especially his compassion, in including this very important amendment that will prevent the use of all public funds, taxpayer funds, whether they be Federal or locally-raised, but all of which are under the jurisdiction of the Congress and so under the jurisdiction of the United States Constitution. Thank you, Mr. Chairman, for taking the lead in ensuring that the legislation you have brought to the floor will in no way put unborn children at risk.

It will save lives.

Let me remind Members, when this provision was not in effect, the District of Columbia used to perform, with public funds, taxpayer funds, something on the order of over 3,000 abortions every year.

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All you have to do is open up the phone book and you see that many of the organizations, like Planned Parenthood and others, are doing abortions right up to the 24th week, 24 weeks! These are precious babies, worthy of respect. Rather than killing children, our debate ought to be how we can best mitigate disease or do microsurgery, to treat that baby as a patient rather than something that is to be destroyed like a tumor or something that is unwanted.

Unwantedness makes children objects—throwaways.

Let me remind my colleagues, I think it cannot be said enough, abortion is child abuse. One of these days my friends on the other side of this issue are going to take the time, and I think for a few that has already begun, at least to some extent, with the partial-birth abortion debate. For the first time, Americans—Members of Congress—are taking the time to recognize that it is the deed that we are talking about. Abortion is a violent act. Dismembering an unborn child by literally taking off and hacking off the arms and the legs and even the head, that is not a benign or a compassionate act. It is child abuse. It is violence.

If you dismembered a child after he or she were born, you would rightfully be brought up on charges of abusing children. A child before birth is no less human and no less alive. Yes, he or she happens to be dependent and they are less mature than a newborn infant or toddler, but they are no less human.

I truly believe that the abortion issue, the respect for unborn children is the ultimate human rights issue. I have been in Congress for 18 years. I work day and night, my Subcommittee on International Operations and Human Rights is the lead committee in Congress on human rights. We have had about 70 or more hearings since I assumed the chair on Indonesia, China, Cuba, Turkey, Iraq to name a few, promoting human rights.

Human rights are dear to my heart. Respect for life is of surpassing importance. The right to life is the most elemental of all human rights. And to arbitrarily say that birth, which is only an event that happens to each and every one of us, it is not the beginning of life, and to say that just because the baby is in utero, just because the baby is seemingly out of sight, although even that has changed with ultrasound and sonograms. Now we can see. My wife and I have four children. We saw our children before birth moving, doing somersaults. That is a common occurrence now. So anyone who clings to the dark ages myth that somehow an unborn child is not a human being really needs to update their sources and undergo a reality check.

Let me also focus for a moment on some other abortion methods, which are also acts of violence against children. These are used in the District of Columbia because they are used elsewhere in the later term. Consider the abomination called salting out, injecting high concentrated salt solutions or other poisons into later term babies so as to procure their death, a very silent but painful death, I would add, it usually takes about two hours.

I say to my friends on the other side of the issue, once that salt is pumped into the amniotic fluid and the baby breathes it in, because babies do breathe in the amniotic fluid to develop the organs of respiration, that salt has a corrosive effect and chemically poisons and ultimately kills the infant. The salt solution goes to the brain and other parts of the body, stops the heart and badly burns the skin of the baby.

Without the Taylor amendment, without what the distinguished chairman has done in his committee, we will subsidize these violent acts against children. Abortion on demand would be subsidized by the public, by the taxpayers, by monies over which this Congress has a right and, I would argue, a duty to manifest a concern about.

If we have an opportunity to stand up and save just one child, it is worth it. No one should so callously mistreat and murder kids.

When you realize that abortion methods are routinely employed that destroy and maim yet are sanitized by the men and women in white coats, good people on the other side of this issue who I think will get it some day. Some day they are going to wake up and say, my God, what kind of Holocaust have we participated in. Why did we fail to see? Nationwide the body count is over 36 million and counting.

When you subsidize abortion, the predictable consequence is that more children do end up dying. The United States and other countries that are part of the abortion culture are missing kids. They are the lost generation—kids who will never play soccer or baseball or even take a first step. When this prohibition on funding went into effect, we went from over 3000 subsidized abortions per year in the district down to 1. This amendment has been in effect almost continuously since the early 1980s—thanks to Bob Dornan and now, Mr. TAYLOR—and it has saved children's lives.

I just strongly urge a no vote on the Norton amendment. It is a pro-abortion anti-life amendment. It will subsidize the slaughter of unborn children.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, this is not and should not be a debate necessarily about the act itself. We all know where some of our colleagues stand on the issue. We know that they take every opportunity to remind us of where they stand on the issue. We certainly do not need to be reminded about how special the birth of a child is. We are mothers.

He has got four; I have got two. Most of us have children. We did not watch somebody else's child being born. We watched our own children being born. So we do not need to be told about that.

This is about local control. This is about the District of Columbia that is being trampled on by my friends on the other side of the aisle. This is about the District of Columbia using its own funds, not Federal money, for poor women.

This, again, is about whether or not the Congress of the United States is going to not only exercise its will but simply run over these citizens and deny them the ability to use their own taxpayer dollars for those services that they deem important and necessary.

This is about local control. It has been said over and over again, local control is fine when it acts in ways that some want it to act, but they do not like it so much when people are providing services they do not like.

This District deserves more respect than it is being given. There is something strange about power. Really powerful people really do understand how to use power. You never, ever step on folks simply because you have the power to do it. I think this is an abuse of power.

The Members of this House who would deny the District the ability to be in control of the decisions about its own dollars are disrespecting and abusing the citizens. Local control, that is what this is all about, not all of the abortion arguments that are being brought in at this time.

Let us ask the gentleman who just raised the question, what happens in his own State? I believe they have State-funded abortions. Why does he not spend his time there trying to deny? They would run him out of town. That is why he cannot do it there. But he can come here with the majority, because they have got more votes, and they can step on this District, and that is precisely what is happening.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in opposition to the Norton amendment to the D.C. appropriations bill. The amendment would gut the abortion funding ban that has been in place in D.C. appropriations for the past 3 years. Although the gentlewoman might claim that her amendment simply inserts the word "Federal" so that the ban would still be in effect if her amendment were passed, in reality the Norton amendment places no limitations on the use of D.C. revenues to pay for abortion on demand.

In 1994 and 1995, when then Mayor Sharon Pratt Kelly announced that the District would start paying for abortions on demand, she then authorized the use of $1 million from the Medical Charities Fund which was intended to help poor AIDs patients to pay for abortions. So instead of helping AIDs patients who were in need to live longer healthier lives, the District chose to use those funds to abort babies.

Then the District could request more Federal funds to make up for the money they had taken out of the Medical Charities Fund. This type of bookkeeping is wrong. It is a misuse of funds. It is deceptive.

We have a responsibility. We cannot shirk our responsibility to D.C. residents. Article I, section 8 of the Constitution authorizes Congress to exercise exclusive legislation in all cases whatsoever over the District of Columbia.

Further, Public Law 93–198, commonly known as the home rule law, charges Congress with the responsibility for the appropriations of all funds for our Nation's capital.

We are morally responsible for how taxpayer funds are spent in D.C., all funds, not just Federal funds, as the gentlewoman from the District of Columbia (Ms. NORTON) may argue. It is our responsibility not to use any taxpayer dollars to fund abortion on demand in the District of Columbia. I urge a no vote on the Norton amendment.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Chairman, a couple of things that maybe Members are not quite clear about, first of all, abortion is legal in this country. That is the first thing.

Secondly, how dare Members talk about women making these choices in that derogatory fashion. Have they gone through this decision? I have. I have. How dare they make those disgusting statements.

How many of these Members who are going to vote against this amendment pay taxes in the District of Columbia? I would like to know that. I pay taxes in the District of Columbia. I own a home in the District of Columbia. I am proud to live in the District of Columbia. I do not live outside of the District. I live right here. My property taxes, they should be used by the District.

If you are very, very upset about the death of children, I would suggest you get on the floor and talk about the 10 kids a day who die from gunshot wounds. I have not seen you out here talking about gun control, 10 kids a day. Not children in utero, live children.

So I think that this is absolutely a terrific amendment. Remember, again, that abortion is legal. You may not like it. I bet there are lots of things you do not like about what is legal. But it is legal. If you are not a taxpayer, I do not think you have anything to say about this. I am a taxpayer in the District of Columbia. I think the District should use its funds for something that is legal.

I will support the gentlewoman's amendment, and I would suggest that Members keep their hands out of the District of Columbia as much as possible.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentlewoman from the District of Columbia (Ms. NORTON) has 9½ minutes remaining, and the gentleman from North Carolina (Mr. TAYLOR) has 7 minutes remaining.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the gentlewoman for allowing me this time.

I was in my office and I was watching this debate. I thought it was appropriate to come and maybe set the record straight.

I do not take issue with the passion of those on the other side of the aisle who speak about these issues of abortion in the manner in which they speak. But I would ask America what the Constitution stands for. It stands for a representative democracy.

I happen to be against the position that this District of Columbia, with 600,000 or 700,000 Americans plus, cannot decide for themselves to use local funds to save the health of the mother. That is what is wrong with the Republicans' argument. They do not let you know that even if a mother's health was violated and she could not come forward and be fertile again because of the carrying of a child that may cause damage to her health or that was failing or a decision on that basis, even that could not be included under this position of the Republicans.

But what I have really come to say to America, Americans who live in California and New York, Houston, Texas or South Carolina, the gentlewoman from the District of Columbia (Ms. Norton), who comes here every single day to represent the constituents of this great capital, cannot vote, cannot stand for her constituents, denied by this Republican Congress.

How would you like it if your representative from California came here with an issue of concern needing more money for schools, needing more money for health care and your representative had no voice in this House?

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How would my colleagues like it if adoptions in their State were made illegal? How would they like it if public schools were closed and only private schools could be supported, as amendments that we will see on this floor? How would my colleagues like it if their State attorney general could not sue on behalf of the constituents of that great State?

This is a travesty. I am against what is going on in this House. The people of the District of Columbia are Americans as well. The gentlewoman deserves the right to vote and deserves the right to be respected in this House.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN), the ranking member.

Mr. MORAN of Virginia. Mr. Chairman, I thank the distinguished delegate from the District of Columbia for yielding me this time.

The 1980 Supreme Court decision entitled Harris v. McRea upheld the right of Congress to restrict the use of Federal funds to provide abortions to poor women, but it clearly asserted that State funds used to provide abortions for poor women is a State not a Federal decision. In fact, to quote, it said, "A participating State is free, if it so chooses, to include in its own Medicaid plan those medically necessary abortions for which Federal reimbursement is unavailable."

The District of Columbia has its own State Medicaid plan. It used this very language for medically necessary abortions. It really is wrong for us to be superimposing Federal will on a decision that may be a difficult one but really needs to be made by the duly-elected representatives of the citizens of the District of Columbia.

They made that decision because they understand that there are thousands of women in this city who do not have the resources to provide for their own medical care and do not have adequate insurance. Their only resort is the Medicaid program. So they set up a separate Medicaid program. No Federal funds. Local funds.

That is all the Norton amendment applies to. It does not affect the Hyde amendment, which applies in all 50 States and the District of Columbia. We do not do this to any other State.

And while the gentleman from New Jersey (Mr. SMITH) made a very good argument, I thought, with regard to late-term abortions, the reality is, from the studies that have been done, they have determined that most of those late-term abortions, certainly on the part of poor women, became late term because the women did not have the resources to fund an abortion early in the pregnancy when it was most appropriate and when the Supreme Court decision in Roe v. Wade expected them to be performed.

Ms. NORTON. May I inquire how much time I have remaining, Mr. Chairman?

The CHAIRMAN. The gentlewoman from the District of Columbia (Ms. NORTON) has 5½ minutes remaining and the gentleman from North Carolina (Mr. TAYLOR) has 7 minutes remaining.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, here we are back at the same old stand. Women, if the Republican Congress has anything to say about it, will not have the right to choose. They found a place where they could pick on people who did not even have a representative who could vote, and so they have taken it away.

Now, anybody, as the gentlewoman from Oregon (Ms. FURSE) says, who has been through this knows what a difficult choice it is. It is even more difficult for a physician taking care of a patient who realizes that they cannot recommend the thing that ought to happen.

Now, can these women go to New York State and get an abortion? Well, if they have the money, they can. Can they go to Illinois; can they go to Indiana; can they go anywhere else? Yes, but they have to travel, 300, 400, 500, 600 miles away from their home, away from their physician, to have it done in some place all by themselves.

Why? Simply because the Republicans want to take it out on women. They want to make them have babies. And then we watch this Congress operate with welfare reform. We do not want to feed them. We do not want to take care of them. Poor women who say "I am not prepared to have a baby" or "I am sick" or "It is going to cause a problem for me and my other children" or whatever, they have to have a baby or they have to travel somewhere. Why? Simply because we say they cannot make their own decisions about their own existence. We, the Congress of the United States, from our far distant place will make the decision for them.

Now, California would not tolerate this. There would be an absolute uproar in this House. Or New York State, or anywhere. Texas, Florida, any of the States in these United States would not tolerate this, but we have this helpless bunch that do not have representation on this floor and we pick on them. That is wrong. We ought to adopt this amendment.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Norton amendment to the D.C. appropriations bill. Since the far right has controlled Congress, there have been a shameful 94 votes attacking abortion and family planning here on the floor. These are truly cynical and mean-spirited times.

This same Congress, these same leaders on the Republican side, tell us that they believe in local control. Yet when it comes to women, when it comes to the District of Columbia, suddenly the Federal Government is in control. Congress should be providing women with the tools to make good educated decisions about their reproductive health. Where is that support? Where is the support for family planning? Where is the support for educating youngsters and young women on how not to become pregnant in the first place?

The Norton amendment is fair and just and I urge my colleagues vote for it.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in strong support of the Norton amendment.

Once again this Congress is attempting to impose yet another restriction on women's reproductive choices. This bill would prevent the District of Columbia from using its own locally raised funds to provide poor women with abortions, as many States, including my home State of New York, have chosen to do. I strongly support the efforts of my colleague from the District of Columbia to remove this language and free the District from a restriction that has not and, indeed, cannot be placed on any State in this Nation.

So far this year the anti-choice forces of this Congress have prevented Federal employees, military women overseas, and women in prison from receiving abortion services. Now we are about to impose a restriction that would prevent the District from using locally raised revenues to pay for its needy citizens.

Make no mistake, if the anti-choice leadership of this body could restrict the use of local funds in the rest of the country, they would do so in a second. They are attempting to restrict these funds in D.C. because they can.

Ms. NORTON. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentlewoman from the District of Columbia (Ms. NORTON) has 1½ minutes remaining.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in support of the Norton amendment.

I just want to simplify the concept of the amendment. All it does is allow the District of Columbia to decide whether to use its own locally raised revenues to pay for Medicaid abortions, while still retaining the ban on the use of Federal funds for abortions, except in the cases of rape, incest, or to save the life of the mother.

The bill's language, without this amendment, in effect creates, in fact it cements into place a two-tiered health care system, prohibiting poor women from receiving the same reproductive health care services provided for other District women in their private health care plans.

Because of poverty and a lack of access to adequate health care services, low-income women are more likely to experience high-risk pregnancies and the need for abortion services. The right to reproductive freedom is meaningless if access to the full range of services is denied.

All I say is let the District of Columbia decide, just like other States can make that same decision, to use their own locally raised revenues to pay for Medicaid abortions.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) has the right to close.

Ms. NORTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am not asking for anything special for the District of Columbia. I am asking for what this body has already ceded to every other district in the country. District residents have decided this question. Cruel consequences could flow, unique consequences will surely flow, if the District does not have the right to spend its own money as it sees fit, the way every other district does.

Do not single the people I represent out. I ask my colleagues to not do to District residents what they cannot do to other Americans.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 7 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I am happy to have this time to address this issue, and I would want the people who are proposing this amendment to know that there is no disrespect for me in their position and their thought on this. We just happen to differ a great deal on this issue.

I want to clarify something first. I want to read the U.S. Constitution to my colleagues. It says the Congress is to exercise exclusive legislation in all cases whatsoever over the seat of the government of the United States. It is absolute. It is unequivocal.

The gentlewoman from the District, in her opening comments, said that the real test of a democracy is whether or not we will allow someone to make a choice that we would not make. Well, I disagree with that statement. I think the real test of a democracy is whether or not it will stick with the moral base under which it was founded.

Abortion is a moral question. I understand what the Supreme Court has said. What the Supreme Court has said is wrong. It is wrong morally, it will always be held wrong morally.

We heard the gentlewoman from Oregon talking about this issue, and I know she made a mistake when she said it, but she said children in utero. And that is exactly what they are.

The Supreme Court, when they ruled in Roe v. Wade, they said they did not know when life began. But we do know, and we can now prove the presence of life. And we never get an answer to this question. In our country we define death as the absence of brain waves and the absence of a heartbeat. That is in all 50 States, all Territories and the District of Columbia.

Scientifically it is proven that at 19 days post conception there is a heartbeat. We can measure it. We can see it. At 41 days post conception we can measure the brain waves of our unborn children. Most women do not know they are pregnant when those two events have occurred. So we really are faced with a choice. Is our definition of death wrong, and are we not dead when we do not have a heartbeat or brain waves? Or are we not alive if we do have a heartbeat and brain waves?

The reason we are in this quagmire is because we have not addressed what abortion really is. Abortion is the making of one moral error because we have previously made a moral error.

□ 1830

Now, I know the people who believe in choice do not agree with that. And I respect that. But if we are going to continue to have the foundation of our society that is based on moral truth, we cannot disregard the fact that we can measure life.

I personally believe life begins at the moment that a sperm and an egg unite. I cannot prove it yet. Some day we will prove that and we will show that to the Supreme Court, and Roe v. Wade then will be meaningless.

In the meantime, we should do everything we can to protect the lives of those children in utero, as the gentlewoman from Oregon so rightly mentioned. We take great pains today to repair unborn babies. We spend great amounts of our money saving lives in utero, operating on children while they are still in their mother's womb.

How do I know this? Because I have been involved in it. I have delivered over 3,500 babies. I have seen every complication and I have seen the way we sometimes handle those complications by choosing death of the baby instead of what life is there.

It is not a lack of sensitivity on the part of the "Republicans" and the "pro-life Democrats." It is a sensitivity to the very moral foundation under which our documents of democracy and our Republic were founded. As we abandon those moral principles, we abandon democracy.

I would urge my colleagues to vote down this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this important amendment to H.R. 4380. Congresswoman NORTON has proposed an amendment to the D.C. Appropriations Act which will allow the use of local funds for women seeking abortions. The Appropriation Act itself prohibits the District from using any funds for abortions except to save the life of the woman in the case of rape or incest.

Since 1980, Congress has prohibited the use of federal funds appropriated to the District of Columbia for abortion services for low income women with the exception for life endangerment, rape and incest. This restriction on the ability of the District to use its own locally raised revenues for abortions usurps the prerogatives of the local D.C. government and tramples the rights of District residents. No other jurisdiction is told how to use it locally raised revenue.

The past restriction violates the 1980 Supreme Court decision Harris v. McRea which upheld the right of Congress to restrict the use of federal funds to provide abortions to poor women, but clearly asserted that State funds used to provide abortions for poor women is a state not a federal decision. This leaves a participating state as free if it so choose to include in its Medicaid plan those medically necessary abortions for which federal reimbursement is unavailable.

In the words of Rosann Wisman, executive director of Planned Parenthood of Metropolitan Washington, the women who come to the clinic have struggled with problems in their lives relating to jobs, education, marriage, drugs or crime which resulted in a grim existence—not only for themselves but for the children they have already borne. Those women deserve the option to choose an abortion by making a very personal choice not to bring a child into the world which they feel they can not provide sufficient emotional or financial support.

Congress must protect these women and allow the District of Columbia the same choice as all other states to use their own locally raised revenue for abortions.

Mr. NADLER. Mr. Chairman, I rise to support the Norton Amendment to the D.C. Appropriations bill which is now before us. I am strongly opposed to the bill without the Nortion amendment, as it singles out low-income women in D.C. and steals from them their right to choose. Many states provide for the women who were left out in the cold by the Hyde amendment, which limits the use of federal funds for abortion to instances in which the women is the victim of rape or incest, or in which the life of the mother is in danger. To use this body's control over funding for the District of Columbia to make a political point would be a disgrace.

Our control, as a Federal body, over the local spending of the District is unique. In no other instance do we wield such a discrete power over a locality's own discretionary funds. I find it curious that my colleagues, who purport to be so concerned with maintaining "state's rights", are willing to blatantly disregard local automony when it comes to the District of Columbia.

I urge all of my colleagues to support this amendment so that low-income women who reside in the District of Columbia may exercise their right to choose as women in many states can. I regret that I need to remind this body once again, that the women of America have the right to choose to have abortions. I urge my colleagues to support this amendment to restore the right of low-income women of D.C. to exert the same controls over their bodies which other women throughout America have.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 133. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 134. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds; including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken, out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that

have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 135. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1998, fiscal year 1999, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 136. (a) No later than October 1, 1998, or within 15 calendar days after the date of the enactment of this Act, which ever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Emergency Transition Education Board of Trustees and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 137. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 138. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1999 under the caption "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,216,689,000 (of which $132,912,000 shall be from intra-District funds and $2,865,763,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) RESERVE FUND.—To the extent that the sum of the total revenues of the District of Columbia for such fiscal year exceed the total amount provided for in paragraph (2)(B), the Chief Financial Officer of the District of Columbia, with the approval of the Authority, may credit up to ten percent (10%) of the amount of such difference, not to exceed $3,300,000, to a reserve fund which may be expended for operating purposes in future fiscal years, in accordance with the financial plans and budgets for such years.

(3) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1999, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1998, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(d) APPLICATION OF EXCESS REVENUES.—Local revenues collected in excess of amounts required to support appropriations in this Act for operating expenses for the District of Columbia for fiscal year 1999 under the caption "Division of Expenses" shall be applied first to the elimination of the general fund accumulated deficit; second to a reserve account not to exceed $250,000,000 to be used to finance seasonal cash needs (in lieu of short term borrowings); third to accelerate repayment of cash borrowed from the Water and Sewer Fund; and fourth to reduce the outstanding long term debt.

SEC. 139. The District of Columbia Emergency Transitional Education Board of Trustees shall, subject to the contract approval provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8)—

(1) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy and water savings;

(2) enter into innovate financing and contractual mechanisms including, but not limited to, utility demand-side management programs, and energy savings performance contracts and water conservation performance contracts so long as the terms of such contracts do not exceed 25 years; and

(3) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation.

SEC. 140. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 141. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—(1) None of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except in the case of a police officer who resides in the District of Columbia).

(2) The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1998, an inventory, as of September 30, 1998, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(b) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1999 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. Notwithstanding any provision of any federally granted charter or any other provision of law, the real property of the National Education Association located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

SEC. 144. None of the funds contained in this or any other Act may be used to pay the salary or expenses of any officer or employee of any department or agency of the District of Columbia government or of any entity within the District of Columbia government who fails to provide information requested by the Chief Financial Officer of the District of Columbia.

SEC. 145. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 1999 unless—

(1) the audit is conducted (either directly or by contract) by the Inspector General of the District of Columbia; and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 146. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 57, line 14, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 147. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia public schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 148. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

AMENDMENT NO. 3 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. NORTON:

Page 57, strike line 20 and all that follows through page 58, line 2 (and redesignate the succeeding provisions accordingly).

Ms. NORTON. Mr. Chairman, I rise to oppose gratuitous language that would forbid the District to use its own funds as part of a lawsuit testing whether American citizens who happen to live in the Nation's capital are constitutionally entitled to voting rights in the Congress of the United States.

I stand here as the only Member who represents taxpaying American citizens who are denied full representation in the Congress. Are we to add to this basic denial an attempt to deny the right to seek redress in the courts, as well? Do we really want to add one basic denial onto another, first denial of fair representation, then denial of the right to test that notion in a court of law?

This provision is unworthy of this House unless we want to be in the company of the authoritarian regimes of the world. The denial of court redress is gratuitous and futile because the lawsuit is being carried pro bono by a major downtown law firm. The District's involvement is marginal, involving only such occasional advice from the City's Corporation Counsel, as should be responsibly required. It would be hard to even calculate the amount of District funds, so great is the responsibility of the private lawyers.

Please, do not allow history to add to the litany of denials to the people I represent. Remember the most brazen and the most recent of the denial of basic rights already on the record of this Congress: that I won the right to vote in the Committee of the Whole; that the District Court and the U.S. Court of Appeals upheld that right; that the Republican majority retracted that right. For good measure, will that same majority shame itself today by forbidding the right to seek redress in a court of law, knowing not what that court will find, having an equal chance to prevail if they disagree with my position?

What is to be gained by keeping the Corporation Counsel altogether out of the picture? Whom does it hurt if he provides an occasional piece of advice to those bringing the suit? Not one cent of Federal funds is involved. The District expenditures supporting this suit are too small even to calculate. Please remove this provision. Let us be.

Mr. TAYLOR of North Carolina. Mr. Chairman, spending the taxpayers' money, first of all, I somewhat resent the fact that we talk about D.C.'s money or the Federal tax dollars. We have a budget here that is $5.2 billion.

The Federal taxpayer picks up about 40 percent of that, over $2 billion of that money, to do ordinarily in the District what the citizens of the District would have to do. We just picked up, for instance, $800 million approximately to handle the area's prisoners that the District had paid for a number of years. And we will continue to work together in maintaining this city.

So it is disingenuous to talk about what the local residents pay versus the national taxpayers pay because what the national taxpayer pays usually is in place of services that the local taxpayers have to pay.

I am also a taxpayer here, as are most of us in this room. Every time we eat, every time we have lodging, D.C. has a tax rate in sales that is twice what it is across the river. They have a local income tax twice as greater as it is across the river. And so, most of us are paying a property tax or sales tax or other tax here in D.C.

Now, I can share the desire of the gentlewoman to bring forth her argument. But there is a proper way to bring it forth. It is to bring the motion before the Congress of the United States, have a debate, have a vote.

If the Congress decides for a Constitutional amendment, it will go out to three-fifths of the States and they will decide whether or not the District of Columbia will be changed from what the framers of the Constitution intended, that is a Federal district, a special consideration, we have them throughout the country in military bases, in other areas, where the Federal Government chose specifically to have total control in that area, or whether or not we will have a State or some other type of organization. And that is the proper way to do it.

What the gentlewoman from the District of Columbia (Ms. NORTON) is asking us to do is to spend U.S. taxpayers' money to bring forth an argument that the same U.S. taxpayers will have to answer on the other side, and that I think is a waste of the taxpayers' money when we have a solution to this problem.

I am not necessarily saying that I would vote for it, but it is a solution. It is a way that anytime the gentlewoman from the District of Columbia (Ms. NORTON) wants to bring that before this body, we will debate it, vote on it, and if it moves forward it will go out to the people to see whether or not the Constitution will be changed. It is wasteful for us to sue ourselves on this issue year after year.

I would point out that the Corporation Counsel's office has increased this year from 271 attorneys up to 503 attorneys in the District of Columbia. We have increased the number of attorneys by 232 members. And to spend the millions of dollars that it will take to fund this type of argument is I think unjust to the people of the United States and the city of Washington, especially with the number of needs we have in this country and in this city.

Mr. DIXON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the Norton amendment.

I hope that we can stay on the track of what we are talking about. We are talking about whether any funds in this bill, and in this case District funds, can be used for a basic right; and that is to bring a lawsuit to fruition in court, the right to be heard by an impartial arbitrator and make a decision.

This language prohibits the District from aiding anyone who wants to bring a lawsuit on the merits of representation of the District. It has nothing to do with the fact that the Counsel's office has gone from 200 to 400, or 300 to 500.

If, in fact, as the chairman says, he thinks it is inappropriate, then the court will not take jurisdiction over it. But for this Congress to say that the District cannot exercise a fundamental right of our Constitution and our society to allow someone to go to court to settle what they perceive is a grievance is, basically, wrong.

Now, I understand the fact that Federal money should not be used. But it goes much further than that. It should not be our individual opinions that matter in this body. It should be, basically, what the Constitution says and, basically, what is fair.

It is unfair to not allow the District to petition the court, and that is exactly what this does, notwithstanding what our individual opinions are. That is the reason we have the judiciary to make these decisions, and that is the reason I support the Norton amendment.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, again I find myself taking the floor to support the gentlewoman from the District of Columbia (Ms. NORTON) in her efforts to keep Members of this House from running roughshod over the District of Columbia. I support her efforts to strike the bar to the use of local funds again.

It is absolutely amazing to me that we can in this House, on this floor, representatives of the people who sent us here because they believe in representative government, they believe in democracy and they believe in the right of the citizens to have a voice and to be represented, find myself on the floor of Congress arguing to allow the District of Columbia residents the right to go to court.

On July 4, a group of 51 District residents filed a petition to Congress declaring that they lack political representation in the House and the Senate. The D.C. Corporation Counsel signed the petition, and they have a law firm that is going to, basically, agree to represent the petitioners pro bono.

It is inconceivable that a serious legislator of any stripe could come on this floor with legislation that says, citizen, I do not care what you are attempting to do. Citizen of the District of Columbia, you do not have the same rights as other citizens in this Nation. We are going to use our awesome power to deny you the right to go to court on a very fundamental question of whether or not you have representation and that representation can vote in the House and in the Senate to represent the people of the District of Columbia.

We know what the long struggle has been in this District, and we know that this representative, the gentlewoman from the District of Columbia (Ms. NORTON), worked hard to be able to exercise her right to vote on the floor.

My colleagues took it away from her. They literally came into power and snatched away from this representative the right to vote in this House. Again, this abuse of power.

I am almost ashamed for them that they would say not only to this representative that she indeed cannot represent her constituents on the floor but to tell the residents who organized and who petitioned that they are going to shut down their right to go to court.

Every American citizen deserves the right to fight, to struggle, and to go to our court system and to ask that they be heard. It is inconceivable that they would use their power in this way. But since they have decided one more time to do that, let me remind them that this is beyond the question of local control.

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But again, you are saying that they cannot use their own funds, the taxpayers' money, not Federal money, they cannot use their own funds to petition and to go into court on a very basic and fundamental right that most citizens in this country enjoy without thought. This again is a local argument.

I would ask any Member on the other side of the aisle who is opposed to this amendment to justify to your voting constituents, to justify to your constituents who see the court as something that is guaranteed to them in this democracy for use when they feel they need to go there to be heard, to get an opportunity to voice their opinions and to petition their government, I dare you to make an argument that would indeed conclude that somehow it is all right for your citizens in your district, in your State, in your city or your town but somehow it is not good enough for the citizens of this District.

Again, the gentlewoman from the District of Columbia (Ms. NORTON), a woman that you must look in the face every day and refer to as the gentlelady, a woman whom you say you respect, a woman who is an attorney, who is a professor, who gets on this floor with facts, with the kind of background and knowledge that is necessary to represent her people, you would deny her and take it away from her with this kind of action.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I understand this, this would strike the entire section 148 which simply says that none of the funds contained in this act will go to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

Now, there is nothing in this bill or nothing that is in the language here or in the funding that says that this cannot occur. If they want to go forward with some petition drive or with some civil action, there is nothing in this act that would prevent that. The people of the District of Columbia are completely free under the Constitution and under the laws of this land to pursue that agenda. What this simply says is we are not going to use taxpayer dollars to fund both sides of the argument. We are not going to let people who may disagree be compelled to provide the dollars to argue both sides of this. In fact, it was Thomas Jefferson that said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." Today we would call it wrong and say to compel a man or a woman, we would change it a little differently, but basically what we are saying is that we are not going to push ideas, force people to push ideas that they do not believe in. But yet there is still the freedom here. There is complete freedom to move these arguments forward, we are just not going to have the taxpayers fund through the District of Columbia.

There has been some question on the floor today just who is a taxpayer of the District of Columbia. The chairman of the subcommittee on D.C. appropriations pointed out aptly that if you live here in the District, if you eat here in the District, if you have some exchange, you do have some vested interest. Many of us have paid parking tickets in the District. We have contributed to the overall funds that are involved here. But we may not want to use these contributions to fund this type of effort.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from California.

Mr. DIXON. Is the gentleman suggesting that each individual taxpayer has the right to make a decision about the collective wisdom of the D.C. government? In other words, if I do not like something, I should just come to the floor and say, "They can't do that anymore because I own property here"? Is that what you are saying?

Mr. TIAHRT. Taking back my time, what I am saying is that there is nothing in this legislation that prohibits people living in the District of Columbia from moving forward with a petition drive or any civil action requiring Congress to provide for voting representation in Congress for the District of Columbia.

Mr. DIXON. If the gentleman will yield further, maybe I interpret it different, but I assume that some officers of the District live in the District. This says that any officer or entity of the District shall not provide assistance for the petition.

Mr. TIAHRT. There is nothing that prohibits the people of the District of Columbia, the people in here, to go ahead forward with this petition drive or with this civil action.

Mr. DIXON. I thank the gentleman for yielding to me. I just read it differently. I assume there are officers that live in the District and in reading the plain language here, it says if you are an officer of the District.

Mr. TIAHRT. Reclaiming my time, the reading is correct. But these are people who are paid, their salaries are paid by the taxpayers in the District of Columbia. And it follows with the same logic that none of these funds contained shall be used for this petition drive or this civil action. I want to make one last point. We are not going to prohibit such action, we are just going to say the taxpayer funds will not argue both sides of the case.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentlewoman's amendment. Many of these amendments go at the very heart of home rule, none more than this, and this is broader, I would suggest. We will argue an amendment at some point in time tonight where I will disagree with the gentlewoman, and I will disagree on the proposition that it affects individuals outside of the District of Columbia. My position has historically been if legislation affects people inside the District of Columbia, that is for the District of Columbia government to decide.

It seems to me that this amendment deals with one of the most basic rights that Americans have. It is a unique right. It is a right that conservatives and liberals and moderates, Republicans and Democrats, those from the east and west, north and south all should adhere to with a religious passion. That right is articulated in the first amendment of the United States Constitution. It says, not only do we have the right to freely speak our views. That is an extraordinary right when you compare it with the abridgment of that right around the world. Those of us who have had the opportunity to travel, not just to the Soviet Union but to nations that espouse democracy and are in fact democracies but who limit, far more than we do, the right of those in a democracy to speak, to articulate their view, to address the issues of the day, and try to make their point made to their fellow citizens. Our Founding Fathers in the first amendment thought that right so fundamental that they articulated it first. The first amendment probably is one of the most historic provisions of any political document in the world.

It is significant, I think, that the last phrase of that amendment says this, or let me read more of it: "Congress shall make no law, no law, no law, respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peacefully to assemble." And then they concluded this historic amendment with this phrase: "And to petition the government for a redress of grievances."

There is no more basic right in a democracy for the people than the right to petition their government for the redress of grievances. That is what this section speaks to and tries to, by law, impede, deny and diminish.

I would hope that in this greatest body of democracy in the world, in this palace of freedom, this center of democracy, we would not only not say to the District of Columbia government but we would say to no one in America that we will pass a law with its obvious intent of undermining your ability to petition this government and your fellow citizens for the redress of grievances. Clearly what section 148 tries to do is to diminish that most fundamental of rights. For that reason alone, I suggest to my colleagues it should be rejected.

Mr. DAVIS of Virginia. Mr. Chairman, I move to strike the requisite number of words. I am going to try to be brief and speak in support of the Norton amendment on this. The amount of money involved here is minuscule. There is no savings to the taxpayer. We are talking about the Corporation Counsel or some other District entity having the right to coordinate a lawsuit, to touch it up, to go through briefs that is being done by a pro bono law firm. So the money involved here is nothing. Let us get this straight.

We go to Hong Kong, we go to China, we stand in the face of Jiang Zemin and we look at him and say you are diminishing Democratic rights in Hong Kong because you are not letting all of the participants participate and we do not like the way they have structured the electorate. But here in Washington, we do not give our Nation's capital the right to vote in the Senate or in the House of Representatives.

Now, the Congress treats the District of Columbia differently than other entities. There are long, historical reasons for this. I think reasonable people can disagree over what that voting representation ought to be, what it is today, what it was in the 103rd Congress when there was a semblance of a vote for the delegate along with other delegates and what it was when Republicans took control, but even then it was not a full vote and there were constitutional prohibitions or perceived constitutional prohibitions that would have not allowed the delegate from D.C. to have full voting rights. But what are we afraid of, allowing the city to go to court to try to find out and define what their constitutional rights are for voting representation in the House?

□ 1900

If the Constitution gives the citizens a right to a Member of Congress, so be it. What are we afraid of? That is a constitutional guarantee they should not be denied. If it simply defines a mechanism whereby Congress can grant that voting right without having to go through the constitutional process, perhaps by statute or House rule, so be it. Then we can act accordingly. What are we afraid of?

It is one thing to be able to go and say to them they cannot have a vote on the House floor. We have had many debates here, and reasonable people can agree or disagree. But it is another thing to not allow the city to petition, to in any way participate in a lawsuit that would help define a mechanism where they may be going about achieving these rights.

I support the Norton amendment. I hope it is successful, and I think it would just give the city basic guarantees that every other citizen and noncitizen in this country enjoy under the Constitution.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 149. The Residency Requirement Reinstatement Amendment Act of 1998 (D.C. Act 12-340) is hereby repealed.

AMENDMENT NO. 4 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. NORTON:

Page 58, strike lines 3 through 5 (and redesignate the succeeding provision accordingly).

Ms. NORTON. Mr. Chairman, the outright repeal of the District's residency law in this bill is an abuse of congressional power that even Congress has been reluctant to do. This repeal would mark only the fourth time that a District law has been overturned in 24 years of home rule. Despite the fact that this residency law does not threaten the job of a single suburban worker employed by the District Government, regional Members have placed the repeal in the D.C. appropriation bill.

The residency bill applies prospectively to new hires only, and even then a suburban worker could be hired so long as he or she moves to the city within 6 months. The strongest reason against a residency law has been eliminated by the requirements in the law itself. Residency may be waived for hard-to-fill positions. In the District today this could range from modestly paid 911 operators, where problems of competence and sick leave have been found, to technology talent that may be in short supply. To assure work force quality, waivers could be exercised for entire units, even agencies.

Mr. Chairman, the residency repeal in this bill is selfish special interest legislation, pure and simple. The repeal is opposed by the Control Board for financial reasons. The residency law would strengthen the District's economy because city employees would pay city taxes, spend most of their disposable income within the city, and improve their own neighborhoods. Suburban employees earn 60 percent of the total annual salaries paid to District employees. If District employees who live in Maryland, Virginia and other States paid D.C. income taxes, the income tax revenue generated from their payments would be almost $60 million.

Most of the employees about whom residents and Congress alike so often complain are not District residents. Almost 45 percent live in Maryland; 8.5 percent live in Virginia. If more of them lived where they work, then, as the courts upholding residency laws have found, absenteeism would be reduced and employee performance improved because employees would have a stake in their community.

Half of all American cities with a population of over 500,000 have residency laws, and 11 States have laws mandating that local government employees live in the State. Regional Members have succeeded in denying the city the right to tax commuters who use our services. Now they want to deny us the right to have employees who live in the District and would automatically pay taxes. They want it all their way.

Mr. Chairman, it takes real special interest, tunnel vision to repeal a provision that does them no harm but could help a city coming out of fiscal crisis. This repeal is not just a slap in the face, Mr. Chairman, it is a fist in the gut. No city on the planet deserves to be denied the right to decide whom to employ and whom to pay. We reach a new low with this repeal.

Let this democratically passed measure by the D.C. City Council stand.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join the gentlewoman from the District of Columbia (Ms. NORTON) in her statement. Certainly I support the striking of this provision. It was in the full committee that this measure was added.

And I know there is a strong feeling on both sides, but throughout this country we have major cities that have residency requirements. This act did not, for instance, affect established workers. It only is for the new employees, new hires. It also provided a broad exemption for hard-to-fill positions.

And so the City Council has asked for something in this case that is truly a local consideration. In many of the items where money was involved, the Congress has, I repeat, the Congress has the duty to respond if it feels the money should not be spent. But clearly in residency requirements this should be an authorizing decision, and the authorizing committee did not act upon it, and the Committee on Appropriations should not.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the implication is that the suburbs around the District of Columbia are acting in their own parochial self-interest and not in the interests of the District of Columbia.

I rise to let my colleagues know that from my perspective we are doing just the opposite. The fact is that if this residency requirement were to become law, it is the suburbs who will be benefited because we will have an even larger pool of the most qualified experienced applicants for the kinds of municipal jobs that the District of Columbia needs. We are not suffering from a lack of employment opportunities, certainly not in the suburbs. We have less than a 2 percent unemployment rate. We do not need this residency requirement to be repealed, but the District of Columbia does.

The District of Columbia needs to be able to draw upon the widest personnel pool that it can so that it can get the very best people working for D.C. That is what we hope to accomplish by preventing a residency requirement, because the District of Columbia is a city of only 500,000 people. It is not like Chicago that has 8 million people. They have a residency requirement. That works. Chicago doesn't have a restricted pool of personnel from which they can draw.

Let us talk about one particular job that many people might cite, that of law enforcement officer. If a law enforcement officer has just graduated from college, and I know in the suburbs, hopefully it is the case in the District of Columbia too, they look for college graduates because there is a lot of demand for law enforcement jobs now. We have raised the caliber, and the compensation.

When that young law enforcement person tries to determine what is in their best interest, they look to the future. They are not like some highly paid professional athlete that figures they can go with one team for a few years and then move on to another one, whoever offers them the right money. They want to sink in their roots. They want to make a commitment to a community.

When they look at the District of Columbia and make that determination, that if they work for D.C. they will never be able to choose where they want to live, they are not going to look any longer at D.C., they are going to look at the suburbs, and we are going to be able to get even more people applying for our jobs. That is not in D.C.'s interest, it is only in our interest.

Let me give you a specific example. We have a Capitol police force of highly qualified professional people. We lost two who in fact were typical of the professionalism, the quality of people that work for us. One of the reasons that we have such high quality is they know they can choose to live anywhere they want. They have all those options open to them.

The two people that were lost in that tragedy happened to live outside of the District of Columbia; one of them because they wanted a larger garden, another who lived down in Lake Ridge.

We would never impose a residency requirement on the Capitol Hill police force because we know that we want the best people available working for us, protecting us. If you impose a residency requirement on the District of Columbia Government, D.C. will never have the best people working for their citizens. We know that. It only makes common sense.

There are far better ways to address this problem, if there is a problem. One is to give incentives. In Alexandria, we do that. We give them discounts on home purchases. Give them a number of things to make D.C. more attractive. Work with the carrot, not the stick. This is a punitive provision that will hurt D.C. in the long run. I urge the Members to reject this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this may be selfish and special interest legislation but it is not on the part of suburban Members. This is an election year in the city and every election year people are coming up, whipping up the electorate, and now it is trying to promise city residents that they are going to get jobs that they may or may not otherwise be qualified for, and it is a sham, and it is a shame.

The District Government does not operate well. I do not think anyone can sit here and say we would not have had legislation that imposes a Control Board on the city and taken some of the other stringent actions that the authorizing and appropriations committees have taken if the city were functioning well.

The potholes are unfilled, applications and permits are routinely lost, garbage not picked up. To solve these problems, the city needs the very best workers they can find to make the government operational once again.

If the city restricts its hiring to the 20 percent of the metropolitan region that resides within the confines of the Nation's Capital, their chances for hiring and retaining the best and the brightest, the people they need to man their fire department, their police department, to operate permits, to run their computers, to work in the hospitals, are greatly diminished, because their applicant pool is diminished from 100 percent of the eligible employees and trained and qualified employees in the metropolitan region to only 20 percent of those individuals.

□ 1915

My friend from Virginia is absolutely correct, this amendment does not help the suburbs. Our unemployment rate is less than 2 percent. It does, however, open up some unneeded regional wounds, where we have tried as a region to work together, where we in the suburbs have voted for tax breaks for the city that we do not get in the suburbs that in some way give the city some advantages we would not have. We have worked to try to build a convention center downtown, instead of taking it out to the suburbs, because we recognize that bringing this city back is critical, not just for our Nation's capital, but critical for the metropolitan region as well.

We have 19,000 jobs today in Northern Virginia that we cannot find qualified employees to fill. These are high-tech jobs, average salary over $40,000 a year. This amendment does not hurt the suburbs, but this amendment does hurt the District of Columbia.

Ultimately, to make this a livable city, the city solves its population exodus problems by being an attractive city, where people want to live; not coming to the city because they have to to get a job, or to relocate here to keep their job because they cannot find one somewhere else. Because what you will find is people working for the city, or who otherwise may be attracted to come to the city, will find preferable jobs where they live, where they can get a good education for their children, where they can live in safe neighborhoods that they are not getting in the city.

But to make the city school system better, you need to attract the best teachers. To make the neighborhood safe, you need to attract the best police officers, and to do that by diminishing the pool of applicants to one-fifth of the eligible people in the metropolitan region greatly hinders that effort.

Ms. NORTON. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to my good friend, the gentlewoman from the District of Columbia.

Ms. NORTON. Does the gentleman realize that within the bill is a liberal waiver provision?

Mr. DAVIS of Virginia. The gentleman has read the bill and is familiar with the waiver provision.

Ms. NORTON. Why does that not deal with the gentleman's problem with the quality of the work force?

Mr. DAVIS of Virginia. Mr. Chairman, reclaiming my time, because my experience with waiver provisions has been that it not only creates a huge paperwork backlog, there is the question in the mind of applicants whether they can achieve the waiver, there is a huge time lag, and when it comes to attracting quality people, you need to move very quickly sometimes to get the people who otherwise could take 2 or 3 or 4 different jobs. They just do not work. It sounds great on paper, but operationally, these are just not successful.

Finally, let me just say, we want to bring people to the Nation's capital because they want to live there, not because that is the only way they can keep their job. We want people who want to live here because it is a safe city, because they can get their kids an education here, because the garbage is picked up, because the city will be able to attract the best and brightest from throughout the metropolitan region.

This legislation does not allow that. This says only 1 in 5 are eligible to come and work in the city, despite these waivers provisions and others that are not administered very well. In fact, the political pressure is not to grant waivers from some of the groups within the city, and it just does not satisfy the requirement.

So, despite I think the best intentions of my friend from the District of Columbia, I have to rise to oppose the amendment, and ask my friends to join with me in trying to make the Nation's capital a model city throughout the country. Let us get the best employees we can. Let us not put these artificial restrictions on who can work for the city.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong opposition to the amendment. Let me explain why.

We are all products of our environment. My dad was a Philadelphia policeman for 20 years. He had to live in the City of Philadelphia. My dad wanted the opportunity for a garden. He wanted to raise his own vegetables and tomatoes, and just never had that opportunity. We never could move out of the city. In fact, I can still hear him tell my mom, "Virginia," he said, "when I retire, we are going to move out of the city and we will get that garden." My mom died at age 52, and they never got outside of the city. My dad did, by himself, after he retired.

Secondly, you are going to lose some of the best people. My daughter has worked in the City of Washington at 14th and Belmont in one of the toughest areas for four years, taught then for a year in the Gage-Eckington School, and lived in the State of Virginia, but she had a commitment to the District of Columbia. She and her husband and other young staffers up here on the Hill are opening a school in the District of Columbia, because they are committed to the District, they care about the District.

The District ought to be a better place, and it can be a better place, but do not put a residency requirement on it to say that people that happen to live in Crystal City or Chevy Chase or some other place cannot participate and be active.

Thirdly, in Philadelphia, when you had the residency requirements and everybody had to live in the city, you found cases where people were not completely truthful. They would give their sister's address or their brother's address or somebody else's address just so they could have that place out in the suburbs or the country, but still could comply.

Fourthly, it divides the area. We need things that bring us together. Arlington, Fairfax, Montgomery County, Prince George's County, no one has a residency requirement. You can work in Fairfax County and live in the District of Columbia or any other place. So we do not want anything that divides us, that puts up barriers. We want things that bring us together.

Lastly, where you live is so important. You may have a child that has special ed needs, and you may pick a particular school or particular school district because they have the program for your child, and maybe that is not in the District or some other place. You may be very active in your church or synagogue or temple and want to live there so you can participate and do all those things. That does not mean you have to live in the District of Columbia. Your wife or your husband may work somewhere else, and you may want to divide the difference, whereby he or she can drive 30 miles that way and you can drive 30 miles this way, whereby you can live in a central location whereby both of you can have the job.

Lastly, this would be a bad amendment for the District of Columbia. The District of Columbia does not need this. I urge colleagues on both sides, deleting this amendment was supported on a bipartisan basis, Republicans and Democrats, in the committee.

I would ask everyone, how many of your policemen and firemen can live in many homes in the District of Columbia? They cannot afford it. Therefore, many that I know live in Woodbridge and live in Dale City, and some of them live in the western part of my district, in Clark County and Winchester, and drive all the way in, and work very difficult hours, because you know policemen work around the clock. Let us not take that opportunity away from policemen and from firemen and from teachers.

Lastly, the waiver, the waiver idea, the big boss gets the waiver. He is the person that you need. So then you have a division where the boss can live in Fairfax or Chevy Chase, but everybody else has to live in the District. So the waiver is a division. It divides, it separates out.

So I strongly urge Members on both sides, for the policemen, the firemen, the teachers and everybody else, oppose the Norton amendment and allow people to live wherever they want to live.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, of all the arguments I have heard against the residency law, what I have heard on the floor today pretty much points up the weakness of the rationale of those who have offered these arguments. It would appear to me that there are certain inferences that have been made here today regarding the residency law.

One inference is that D.C. residents are incompetent. I say to you that they are not. D.C. residents are not incompetent. They have the same kind of ability that people who live in suburbia have. The chairman of the subcommittee did not agree to this. This amendment was put on in the Committee on Appropriations. Therefore, at this point I speak in support of the amendment.

The other inference that I hear is that this amendment is bad for the District. Nothing could be further from the truth. The arguments are superfluous. How can you take an amendment that says weaken our tax base? That is good for you, to weaken our tax base? Take away some instance of our home rule. That is good for you.

It is so paternalistic, until it is aggravating. It is saying to the residents of the District of Columbia, you are not good enough. We live in suburbia. Where did this meritocracy come, that you must live in suburbia to be able to serve in the District of Columbia?

Think of it this way, Mr. Chairman. Suppose you had a residency law here and people needed jobs. They would come into D.C., they would remain in D.C., they would work because they would be able to gain a living here. If they want to live in suburbia, that is fine. There is nothing wrong with that. But that is a choice that the individual would make. If any one of us had the ability to make a choice and in making a living, we would.

I have been through many situations in my life where I had to make some choices, and that choice, naturally, would lead, number one, to my economic betterment, or it would lead to my social betterment, or my political betterment. The same way with suburbia.

Now, why is it that 60 percent of the people who work in this District live outside the District? It is a drain on the District to have that here. Why is it do they live there? If that is the case, then it appears from the emphasis that is made here that we need these people who live outside the District. If the District did not have the firemen and police and all of that, that this place would go down. It would go down.

I will tell you how it would go down. If you continue to have those people draining it, and every afternoon running to suburbia, because the people in the District are not good enough to hold their own jobs, to keep their own tax base, this whole thing, Mr. Speaker, that is why I did not want to speak, it sounds just like colonialism. "We know what is best for you. You cannot know what is better for you. You are not educated enough. You have some ethnic differences, so we do not think you can carry these jobs."

I do not care what you say, Mr. Speaker, these are the inferences that are here. When you have this many people staying outside of the District, if they had a real emergency here, it would take them forever to face it, because they have got to call every suburb in this whole area to get them back into the city because of the demographics.

So if it is good enough for other cities that have had financial problems, it is good enough for the District.

This whole thing has a lot to do with unemployment. Do you realize that where people are poor, they do not have jobs, that there are disturbances? This thing is feeding disturbances in the District of Columbia. Pull the jobs out. Local people do not have a job, so that is unemployment. Then we come to the Congress, put a stain glass window behind us, and we begin to dictate or mandate what should happen in this District.

This is wrong, Mr. Chairman. There is nothing here to say to the people, look, you can build your own government, you can be proud of your own government.

Weed out the people not doing the right thing in D.C. Let us build a strong government here. This is the Nation's capital. We are setting a very bad record. It is so important. The Supreme Court has supported this. If it were wrong constitutionally, then the Supreme Court would not have supported it.

So the whole thing means there have to be some order in this community. I think one thing the District should be given is a residency requirement.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I cannot remember a time since I have served in the Congress of the United States, since 1981, that there has been any more supported delegation in the Washington metropolitan area of the District of Columbia than this time.

□ 1930

In our suburban delegation, there are no D.C. baiters or bashers. They are uniformly supporters of a healthy, vibrant region that we call the Washington metropolitan area.

The previous speaker is one of my very close friends, but I tell her, ethnic inferences go both ways. There are all types of ethnic identities that may or may not be welcome.

I will tell my friends and my colleagues, there are some 4.3 million people in this metropolitan area, and 3.8 million of us live outside of Washington, D.C., the Nation's Capitol. It is a distinct and unique city. It is the Nation's city.

Let me tell the Members how the Nation's city came about. Our early forefathers decided to have a Capitol here, and they asked some States to donate some land. They did so. Maryland donated all the land on which the District of Columbia now resides. Virginia donated some, and it was reverted to the State of Virginia.

Frankly, we in Maryland think it is very ironic that we would donate land, the Nation's Capitol would grow thereon, and subsequently, we would be told, you need not apply.

Let me tell the Members where there is not a residency requirement, where all those who live in this metropolitan area are welcome to apply and to work: In Montgomery County, Maryland, the District of Columbia residents are welcome to apply and work; Prince Georges County, Maryland, District of Columbia residents are welcome and can work; Fairfax County, the District of Columbia residents are welcome and can work there, while at the same time choosing where they want to raise their families, where they want to send their kids to school.

There has been some discussion of a waiver. Yes, there are waivers. The distinguished gentlewoman from California, who probably knows more about this issue than anybody on the floor and with whom I was involved for some period of time, discussed this matter during the 1980s and early 1990s. We had a lot of discussions.

Guess what, it was the District of Columbia City Council that decided to repeal the then existing residency requirement. Why? Because it was replete with exceptions. It was replete with exceptions for the special people, mostly who earned a lot of money. It is the average worker who does not have much clout who was squeezed by this, who cannot choose where to raise their children, where to grow that garden.

This is America's Capitol. Every United States citizen ought to be welcome, wherever they choose to live, to work in the government of the Nation's Capitol. That is why Americans come to Washington, they are proud of their Capitol, not just the 1,535,000.

Do they have a unique ability and responsibility? They do. Do I support that? I do. But when they say to the rest of us, you need not apply, stay out, yes, I say to the gentlewoman from Florida, ethnic inferences run both ways. They run both ways, I say to the gentlewoman. It is not healthy for either side to exacerbate those inferences, I tell my friend.

Yes, the two police officers gunned down defending America's House of freedom, one lived in Woodbridge, Virginia, in the District of the gentleman from Virginia (Mr. TOM DAVIS), and one in the District of my friend, the gentleman from Maryland (Mr. AL WYNN), because they wanted to raise their children in a suburban setting. But they wanted to come into Washington and defend freedom's House.

Mr. Chairman, I ask Members to reject this amendment, and allow every American to be welcome to work in their Nation's Capital.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong opposition to restoring the residency requirement in the District of Columbia. Requiring new workers to live in the District would make nonresidents second-class citizens, and really, could only endanger public safety and education.

When I first came to Congress in the 1980s, the District government was already showing signs of the deficiencies that marked the beginning of a spiraling economic crisis. Services in the District were deteriorating, businesses were relocating, and middle class residents were moving to the suburbs in search of lower taxes, safer streets, and better schools. From 1990 to 1995, the District lost more than 22,000 households, most of them middle-class taxpayers.

Many of the people who moved to the suburbs have bought homes, and if this residency requirement is implemented, these people will be looking for alternatives to working for the District, and we will lose many competent employees.

This proposal will divert attention from the more important issues that affect the District. If we work hard to make the streets safer and improve the schools, those former residents will want to move back to the District, closer to their jobs, and others will move into the District of Columbia. Indeed, we are trying to do that.

As mention was made, we in the region and others in this Congress really do feel that we have added luster and vitality to the District of Columbia, and it is going up, up, up.

Many of the workers who do live in the District are underserved and undereducated, at this point. I think we have to work very hard to make sure that we have good training programs for District residents, so they will meet the needs of the changing work force.

I also want to point out that this amendment is really rather myopic, because when we look around in Montgomery County, Maryland, that I represent, Prince Georges' County, other parts of Maryland and in the State of Virginia, we do not have any residency requirements.

We have many people, many people who live in the District of Columbia, who live in the District of Columbia but who work in the neighboring areas. In fact, we have many who even live in West Virginia that come into Maryland or other places to work, but there are no residency requirements. So this would be unfair. The District needs the best employees that can be found to meet the city's day-to-day needs. If in fact we were to limit the pool of workers to residents of the city, we shortchange the District of Columbia, the Capital city, and the people who live there.

I urge my colleagues to oppose this amendment.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment, not because I oppose the District of Columbia. Quite to the contrary, I consider myself a friend of the District of Columbia, and more importantly, as a resident of the suburbs, I believe the citizens of the suburbs consider themselves friends of the District of Columbia.

Earlier today I stood on this floor and I said that we ought to allow the District of Columbia to manage its affairs. I and all of us in the Washington metropolitan area have worked closely with the District of Columbia to support the District. We believe that they should manage their affairs.

But when the District of Columbia contemplates erecting a wall and stretching outside of its jurisdiction to say to those people who live across the line, so to speak, no, you cannot come in, then I have a serious concern. That is why I am here to object to the Norton amendment.

Mr. Chairman, I know it is tempting to establish a residency requirement. We in Prince Georges County contemplated it, and Montgomery County has contemplated it. It is always good to say, why do we not keep all these jobs here to ourselves. But that is not a sound policy, and thankfully, the jurisdictions that I have mentioned resisted that temptation and said, we will have an open door policy. People can live where they want to live, and bring their resources and talents into our jurisdiction and work. That is what we think the District of Columbia ought to do.

The citizens who live outside of the District of Columbia and work in D.C. contribute a great deal. They spend a lot of money here. They support art, culture. They contribute to the District of Columbia. I often see my colleague, and say that I am in the District of Columbia and I am spending an hour, I am supporting the District's tax base. Those folks who work in the District of Columbia do that on a regular basis.

One of the things I would have to mention in this debate is that the folks that live in the suburbs are not "them" and "they." For the most part, they are people who used to live in the District of Columbia, who perhaps even go to church in the District of Columbia, have families in the District of Columbia, and travel out to the suburbs to find a place to live with more room or a different type of lifestyle, but still have a great affinity and love for the District of Columbia. So the notion that there is some sort of division between the people out there and the people in here I think is absolutely false.

One of the interesting ironies is that, and it was pointed out earlier, that the "big bosses," the top level appointees, already are subject to residency requirements. That is to say, if you make the big bucks, you can be required to live within the city. But for the average person, the fireman, schoolteacher, whatever, if they can find a better housing value in the suburbs they ought to be able to take advantage of that. They ought not to be considered to be somehow colonial in their thinking or abandoning the District of Columbia.

The other thing I would add is that this policy could cut both ways. There are a lot of opportunities in the suburbs. Not only did we resist the temptation to apply residency requirements for government jobs, and our governments are much larger than that of the District of Columbia and offer more opportunities, but we also resisted it in the form of taxes on out-of-State employees. We have not done that. We have not started that practice.

I daresay that this attempt or this concept by the District of Columbia would move us in the wrong direction. It would begin to make jurisdictions wary of each other. It would make jurisdictions start talking about residency requirements in Prince Georges, Fairfax, Arlington, Montgomery County. That is not good for the region.

We want to do the right thing for the entire Washington metropolitan region. The right thing is to allow people to live where they want to live, where their lifestyle justifies their living, and allow them to work where they want to work.

I think it is a sad fact that if Members have to have a residency requirement, it is almost a tacit admission that they can not attract people to live in their town, they have to compel them to live in their town.

I do not believe that is what the District of Columbia is saying. I believe the District of Columbia is a viable and desirable place to live. I think people will want to come and live in the District of Columbia, and there is no need, no fundamental need, for a residency requirement that would impose this mandatory requirement.

I would like to return to and maintain the notion of regional cooperation. That is why I am here to oppose the residency requirement for the District of Columbia.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. Mr. Chairman, I do not find it easy to disagree with some of the Members who have spoken here today, because they are my friends and I respect them a lot. But I understand what they are doing. They are speaking on behalf of their constituents who work in the District of Columbia and live in their districts. That is an honorable thing to do, and that is a proper thing to say.

However, those who know me know that I do not like embargoes and I do not like colonialism. This is colonialism at its worst. What it basically says is that on a daily basis, we bash the District of Columbia. We basically say, every time their appropriation bill comes up or their authorization bill comes up, that they are not doing the right thing, that they do not know how to govern themselves, that they do not know how to conduct themselves. They get bashed more than any other group in this Nation except for immigrants. That is a fact of life.

Now, when the District of Columbia begins to move ahead and tries to deal with issues as other people in inner cities and suburban communities are doing throughout this country, by saying, part of the way we want to better ourselves is to require you, for certain jobs, to live within the community that you work in so that you will have an interest in that community, so that you will be a force, a presence in that community, so that you will be a leader in that community, then we step in and say, no, you cannot do that. You cannot do that. You cannot do that. You cannot try to improve your schools by suggesting having teachers who live in that neighborhood and know those children and see those children, and have to worry about whatever crime those children commit, and want to celebrate when those children graduate; you cannot do that.

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We will not let you do that, or that a gentleman who is living in an area where fires may be a problem and he is a city fireman would not take special interest in finding out where the people are who could be committing the kind of crime that leads to those fires, you cannot do that, that is improving your community. We understand but, you see, you are trampling with something we want to talk about, about some of the people who live outside the District, so you cannot do that.

The fact of life is that D.C. is not alone. There are communities throughout this country that are moving in this direction, that have established in fact residency requirements. Today what you are being asked to do here is to interfere once again with a local decision, a decision that affects only a certain group of workers.

Some of my colleagues have mentioned the Capitol Police as an example. We all love the Capitol Police, and we pay respect to them more than ever these days for their sacrifice to us. But that is not the same thing. The Capitol Police and the Federal workers are not covered under this, and the Congress is not covered under this. And the Congress is a unique community, Nation, if you will, that lives within the District of Columbia. So we are not saying that the people, for instance, who are on this floor or back in our offices are subjected to this. What we are saying is, let us hear it clearly, that the District of Columbia said, if Mrs. Smith or Mr. Jones paid taxes to pay your salary to be our fireman, Mrs. Smith and Mr. Jones, who pay those taxes because they reside within the District of Columbia, are asking you to do the same thing and reside within the District of Columbia. You do not want to do that, well, you do not have to take that job.

The other comment I heard which really troubled me is, it does not hurt us, it hurts the people in the District of Columbia. Well, that makes two assumptions that are incorrect. One, that all jobs are in the suburbs. That is why 8 million people, 5 million people come into New York City every day to work. Because all the jobs are in the suburbs. And secondly, that you cannot find qualified people in the District of Columbia. That sends an additional message. It tells young people, do not educate yourself because once you have educated yourself, there are people who think you are not qualified to hold the jobs that are locally in this economy.

This does not make any sense. Most of you know it does not make any sense. So the right vote is to support the Norton amendment.

In addition, I would make a special plea to those of you who think this is a special, unique situation. The District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa do not have a vote on this floor. Every so often we should take that into consideration and accept that what their delegates and representatives tell us carry a certain emotional weight, the weight of trying to represent people without any vote on this floor. That means something to me.

That means that I take my vote and transfer it to the gentlewoman from the District of Columbia (Ms. NORTON) tonight. I will by supporting her amendment. I hope we all do the same.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the gentlewoman's amendment. I think it is very important for the District of Columbia that there be regional cooperation. I have worked very hard during my career here in Washington as well as my service in our State capital to try to help the District of Columbia to work in a regional way to do what is right. In response to the last gentleman's comments, I do believe in local rule for local issues. But this matter goes beyond what is local. It deals with what is in the best interest of this area.

Mr. Chairman, when I first was elected to the State legislature, I represented Baltimore City. Baltimore City had at that time an earnings tax. We in the State saved Baltimore City from itself and repealed that earnings tax that was discriminatory against people who lived outside of Baltimore City.

Some might say, why did the State of Maryland do that? Because the State of Maryland had responsibility, a good deal of responsibility for the fiscal condition of Baltimore, and it was in Baltimore's interest that the entire State be sensitive to its problems.

Mr. Chairman, I would suggest that it is in the Nation's interest and in the District of Columbia's interest that we all show the appropriate concern and welfare for the people that live within our Nation's capital. But then that requires cooperation and understanding. When you tell people that they must live in that jurisdiction in order to work for it, you are drawing a wall around the District. That is not healthy. That is not good. That will not help the District in solving its problems here in this body.

Mr. Chairman, I know that the gentlewoman is well-intentioned in her amendment. I know that she fights as hard as anyone does for the people that she represents. But there are times that we have to speak for what is important from what we represent and the Nation's interest.

It is important that all people in our country pay attention to the problems of the District, but in order for us to have that type of compassion and concern, it is only fair that we have a system within the District on employment that does not discriminate against people because they just do not happen to live within the District of Columbia. That is not fair.

I urge my colleagues to reject this amendment to allow the regional cooperation which is so important to the health of our Nation's capital to continue.

Reject the gentlewoman's amendment.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I ask my colleagues, in the words of the old adage, to consider the source or, shall I say, consider the sources.

The only Members who have come to the floor to support the repeal of the District's residency law have been suburban Members who are selfishly interested in the outcome of this repeal. Exclusively, we have heard from suburban Members. They have ignored every argument in favor of the bill. Waiver, we are told, is not good enough. There will be a bureaucracy, and it will not be waived.

Of course, it is in our interest to fill positions. They do not know whether it will be waived or not. But since they do not have an answer, the answer is, I simply reject it without any proof.

We are told it is class legislation. Although I have indicated a perfect example, the 911 operators who are likely to be filled by anyone who is competent. I tell my colleagues right now that with all of the movement out of the District, we probably could not fill a police class in the District alone because the standards have been raised. Kids must not have gotten into trouble and the like, for example. There is no class bias here.

People who voted for this would hardly have done so considering that they have to run for office in the District of Columbia if there were class bias.

We are told in one of the most innovative arguments that the land to form the District of Columbia was donated by the State of Maryland; ergo, the District must, therefore, grant whatever the State, what is in the interest of the State of Maryland and not in its own interest.

We are told that this is an election year, that this was done for political reasons. Well, that must mean that it was done because those who voted for it believe that the people of the District of Columbia wanted it.

We are told that there is no reciprocity here. If you find that two-thirds of your workers do not in fact live in your city, then you are free to enact this kind of proposal as well. That is why we are doing it, because we are recovering from insolvency. We need the tax money here. And you suburban Members, you are the same Members who keep us from having a commuter tax, even a commuter tax on people who earn their living from the taxpayers of the District of Columbia.

Mr. Chairman, there is a conflict of interest on the part of every Member who has spoken for repeal. They want it their way. They want to have us coming, and they want to have us going.

The fact is that the District government has provided a safe Civil Service job for their residents. They have taken those safe jobs and used those jobs to move out of town.

This legislation gives the words "special interest" new meaning, new meaning and pregnant meaning.

I ask my colleagues to support me on this matter, to support the District as it recovers from insolvency, as it passes a law that allows liberal waiver to preserve the quality of the work force, to allow us to decide whom to employ and whom to pay and not to allow that decision to be made by suburban Members of this body, all of whom have exclusively been those who have spoken for repeal.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I inform the gentlewoman that I am not from the suburbs, and I oppose this amendment and urge repeal of the residency requirement.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 517, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 offered by the gentlewoman from the District of Columbia (Ms. NORTON); amendment No. 2 offered by the gentlewoman from the District of Columbia (Ms. NORTON); amendment No. 3 offered by the gentlewoman from the District of Columbia (Ms. NORTON); and amendment No. 4 offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. NORTON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 1 offered by the gentlewoman from the District of Columbia (Ms. NORTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 10, as follows:

[Roll No. 407]

AYES—187

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—237

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Cunningham
Gonzalez
Harman
Manton
McDade
Moakley
Packard
Paul
Thompson
Yates

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Mrs. MYRICK, Mr. HEFLEY and Mr. COSTELLO changed their vote from "aye" to "no."

Messrs. BECERRA, MASCARA, OBERSTAR, ORTIZ, POMEROY, KOLBE and CLYBURN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SNOWBARGER).

Pursuant to House Resolution 517, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MS. NORTON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment No. 2 offered by the gentlewoman from the District of Columbia (Ms. NORTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 243, answered "present" 1, not voting 10, as follows:

[Roll No. 408]

AYES—180

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Boswell
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson

Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klug
Kolbe
Lantos
Lazio
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (VA)
Morella
Nadler
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn

NOES—243

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Lofgren

NOT VOTING—10

Burton
Cunningham
Gonzalez
Harman
Manton
McDade
Moakley
Packard
Thompson
Yates

□ 2024

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. NORTON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment No. 3 offered by the gentlewoman from the District of Columbia (Ms. NORTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 243, not voting 10, as follows:

[Roll No. 409]

AYES—181

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Poshard
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn

NOES—243

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Danner
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman

Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—10

Cunningham
Gekas
Gonzalez
Harman
Manton
McDade
Moakley
Packard
Thompson
Yates

□ 2032

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MS. NORTON

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The pending business is the demand for a recorded vote on the amendment No. 4 offered by the gentlewoman from the District of Columbia (Ms. NORTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 313, answered "present" 1, not voting 11, as follows:

[Roll No. 410]

AYES—109

Abercrombie
Aderholt
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blumenauer
Bonior
Borski
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Clay
Clayton
Clement
Clyburn
Coble
Conyers
Costello
Coyne
Cramer
Cummings
Davis (IL)
DeLauro
Doggett
Duncan
Ehlers
Farr
Fattah
Filner
Ford
Frank (MA)
Gephardt
Goodling
Gutierrez
Hastings (FL)
Hilliard
Hobson
Holden
Hooley
Horn
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kucinich
Lampson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lucas
Luther
Markey
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Obey
Owens
Pallone
Pastor
Paul
Payne
Poshard
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Scott
Serrano
Smith (MI)
Smith, Adam
Stark
Stokes
Taylor (NC)
Tierney
Towns
Velazquez
Vento
Visclosky
Waters
Watkins
Watt (NC)

NOES—313

Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hoekstra
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Oxley
Pappas
Parker
Pascrell
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Dixon

NOT VOTING—11

Cubin
Cunningham
Gonzalez
Harman
Manton
McDade
Moakley
Packard
Stearns
Thompson
Yates

□ 2039

Mr. MEEHAN and Mr. NADLER changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

THOUGHTS OF HONORABLE DUKE CUNNINGHAM ON SUCCESSFUL CANCER SURGERY

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, all of our colleagues have become aware of the fact that our friend from California (DUKE CUNNINGHAM) is currently in the hospital. I would like to share with my colleagues for just a moment thoughts our friend DUKE CUNNINGHAM would say to us:

"I have engaged the enemy and won—and once more I shall win due to the attentiveness of the outstanding staffs at both Bethesda Medical Center and the House Attending Physician's office.

"As you may know, I had surgery for prostate cancer on Wednesday morning. I did so eagerly. I am very thankful that the cancer was found at the earliest stages during a routine annual physical. My doctor has said that waiting a few years could have brought a totally different prognosis. I cannot emphasize enough the importance of each of you—men and women alike—making it a priority to have a yearly checkup. It has saved my life.

"To paraphrase General MacArthur (who wasn't Navy): I shall return, eager to press on and finish our Republican reforms.

"The wind stays strong in my sails.

"God bless you all. DUKE."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 150. Notwithstanding any other provision of this Act, no Federal funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Insert at the appropriate place the following new section:

SEC. . None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the District of Columbia had closed its prison at Lorton and had engaged in a contract with a private for-profit prison that ended up being in my district that desperately needs jobs.

Since that time, there have been 13 stabbings, two of them fatal, an escape of six prisoners, four of them murderers, and one still at large. I am not here to lay blame and I am not here for any political purposes of any party back in the State of Ohio. I believe the Governor and everybody has done the best they can. And I am not here to lay a big blame on D.C. Private for-profit prisons are a thing of the future and we will learn much about them from what happens in my district. But one of the main problems for Congress to understand is this is a low to medium security level facility that has been built. The contract calls for low to medium level security inmates. What we are getting is prisoners and inmates that qualify for supermax type of maximum security prisons.

The Traficant amendment basically says none of the funds in the bill can be used to transfer or to place inmates in the Youngstown facility that are above a medium security level risk as defined by the Federal Bureau of Prisons classification system. This way we get a standard on the matter.

In Commerce, Justice, State we passed a general amendment that said we will study the issues on safety, the development of these prisons on standards, how their security and training measures are.

□ 2045

It is a modest amendment.

But before I do that, I would also like to ask the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee, to engage in a colloquy. I am also asking that the committee place, along with the ranking member, report language into the bill that asks for the General Accounting Office to do an in-depth review and inspection of the security and management procedures of this facility and the job opportunities that were presented to it.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have reviewed the gentleman's amendment on this side, and it is a good amendment and we will accept it. We will work with the gentleman in the conference to get the report language that he desires.

Mr. TRAFICANT. Mr. Chairman, with that I would ask to have the support of the Congress. I think it is very important for the Nation with the development of these private for-profit prisons, and I think our handling of this will serve as the prototype to handle these around the country.

Mr. Chairman, with that I ask for support.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this actually is a very important issue. It is going to become more important in the future because we are talking about moving 7,000 Lorton inmates around the country as we close down the Lorton prison.

There was a front-page article in Wednesday's Wall Street Journal, talking about this situation at Youngstown, but I think we need to address the larger issue and give a little background in the time I have.

I support this amendment, and I support the efforts the gentleman from Ohio (Mr. TRAFICANT) has taken to improve the security at the Northeast Ohio Correctional Center in Youngstown.

I represent the communities surrounding the Lorton Correctional Complex, and I can understand the frustration of the gentleman from Ohio (Mr. TRAFICANT) with the housing of inmates from the District of Columbia. Although the facility in Youngstown is operated by the Corrections Corporation of America, the root of the problems faced there stems from the inability to adequately and properly classify the inmates of the District of Columbia.

In the late 1980's the District was experiencing a tremendous increase in its inmate population and court orders capping the number of inmates that could be housed in each of its facilities. To escape the court-ordered cap on the number of inmates that could be housed in the maximum facility, the District created a category known as "high medium" but they were really maximum security prisoners. The District is still operating under this court-imposed cap and continues to house medium and high medium inmates together. That policy has led to numerous problems at the Occoquan facility at Lorton; has continued when the inmates was transferred to the Youngstown facility.

Under current law all District inmates who are in prison for more than one year are in the custody of the Attorney General of the United States. When inmates are transferred to various facilities around the country, the Attorney General must approve all of those transfers. Before the Department of Corrections could transfer inmates to the Youngstown facility, the Department of Justice had to inspect the Youngstown facility and certify that it was acceptable for the housing of the inmates that were being transferred from Occoquan to Youngstown, and the transfer had to be approved. According to the Director of the Department of Corrections this had been done before every transfer.

Under the contract between the District and the Corrections Corporation of America, CCA has 5 days to challenge the transfer on the grounds that the inmate should not be housed in that facility because he is too much of a security risk. The District, however, has made the process impossible to implement because it has shipped 1,700 inmates without their records.

This is the problem. We ship 1,700 inmates without their records, so it is impossible for the Attorney General to approve each one of them. In fact, the Department of Corrections did not send the records until Judge Bell from Ohio ordered the records to be transferred. This decree was ordered 1 year after the original transfer, and even with Judge Bell's order, all of the records have not been sent to Ohio, and there is some question whether the records even exist.

I raise these points to highlight ongoing problems with how the District of Columbia classifies and houses its inmates. It is not the first time that we have had a problem like this. In 1996 Congress required the Justice Department to study D.C.'s inmate classification system and create a more appropriate system for the inmate population. It was done by the National Council of Crime and Delinquency, but there has not been any follow-up to that study.

So I support this amendment wholeheartedly, and I hope we can work with the gentleman from Ohio (Mr. TRAFICANT) and the Department of Justice and the Corrections Corporation of America to go even further and address the fundamental problems with how the District's prisoners are classified. That is what this problem is. And only by ensuring the District's inmate population is fairly classified can we ensure that the inmates, the guards and the communities in which the prisoners are housed are safe and secure.

I raise these issues because it is going to be an ongoing problem, and basically the problem is that when we transfer 1,700 inmates without their records there is no way that we can ensure that the people in the proper classification are going where they should be going.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I would like to say that the amendment in the Commerce-Justice-State appropriation bill will give us a snapshot around the country of the whole business of security training, how they match up and compare it to standards, but in this bill the gentleman is exactly right. We are dealing with that specific transfer, and I am not an individual who wants to stop this contract, I am not out waving the banner to close the prison. I just want to make sure that the delineation of medium security level prisoners is the risk we take in housing those prisoners.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not object to this amendment. I regret that it has been offered because I think it unnecessary. The reason I do not object to it is that it is not a violation of Home Rule but comports with an existing court order that already prohibits above medium classification prisoners from being shipped to Ohio.

The gentleman has every reason to be very concerned that there were misclassified prisoners who were sent to this facility. Moreover, unlike some of the amendments that have been brought forward in this body, this matter directly adversely affects this Member's district.

The fact is, however, that the court order has been agreed to by the District and is better protection for the Member's concerns than the amendment he has offered. The District has gone further and adopted the Bureau of Prisoners classification for prisoners because part of what happened in Youngstown was the difference between the District and other jurisdictions, as one might imagine would be the case, on what indeed is medium classification, what is a low classification prisoner and the like.

In order to straighten that out the District now simply adopts the Bureau of Prisons' classifications, which is of course the right thing to do, considering that these prisoners are on their way to being in the custody of the Federal Bureau of Prisons, because under the revitalization package passed by Congress, last year, these are no longer District of Columbia inmates. We are in a transition period, and that transition period means that gradually these prisoners are being moved from the custody of the District of Columbia to the custody of the Federal Government.

I accept this amendment. I believe it is unnecessary. I do not oppose it, however, because the District has already agreed to it.

I absolutely sympathize with the gentleman's concerns. The gentleman has been a strong supporter of Home Rule. The gentleman did not spring this on me but came and talked with me about it so that we could reach an agreement.

I only ask that other Members, before they decide what to do with respect to a District issue, do me the courtesy of approaching me so that we can seek to work out an understanding.

Mr. TRAFICANT. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, the reason for the amendment, however, is to ensure that there is no mistaking that the Federal Bureau of Prisons classification system shall now be codified into law as the measurement device for that medium security level inmate.

In addition to that, many of these court orders, although they speak to specifics, they at times are violated and get involved in a very long, sophisticated hassle. Meanwhile, people are worried.

Ms. NORTON. Mr. Chairman, reclaiming my time, I understand your concern and I do not blame you, considering that there has been a breakout up there, but if I may say so, there is no better protection than a court order that says you are in contempt if you violate what I say, because you can break a law that this body passes and nobody can do anything to you until somebody decides to go in and go through a long rigmarole to bring a court suit.

Contempt proceedings are fast and sure. In any case, the gentleman and I, as usual, are not in disagreement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105-679 offered by Mr. TIAHRT:

Page 58, strike lines 6 through 10 and insert the following:

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

The CHAIRMAN. The gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will restrict any funds from being used to distribute sterile needles or syringes to people who abuse drugs. It is commonly called the needle exchange program.

The reason we are doing this is because it is bad public policy, and we base this decision on whether it is bad public policy on current research. I want to cite a June 8 Wall Street Journal editorial by Dr. Satel, a psychiatrist and lecturer at Yale University School of Medicine, who reported that most needle exchange studies have been full of design errors and, in fact, the more rigorous studies have actually shown an increase in HIV infection among participants in needle exchange programs.

They cite two studies, one which was done in Vancouver, which was a study that goes over 10 years, where they have distributed as many as a million needles per year. What they found out is that HIV rates among participants in the needle exchange program is higher than the HIV rate among injecting drug users who do not participate.

They also found out that the death rate due to illegal drugs in Vancouver has skyrocketed since the needle exchange program was introduced. In 1988 only 18 deaths were attributed to drugs. This year they are averaging 10 deaths due to drugs per week. They anticipate 600 deaths due to drugs this year, and they attribute that primarily to the needle exchange program and the proliferation of drug abuse.

They also found that the highest property crime rates in Vancouver are within a few blocks of the needle exchange program. The place has become a 24-hour drug market. There is open drug injection activity, and it has been bad for the general vicinity and obviously bad for the people who have been involved in the needle exchange program.

The other extensive study was done in Montreal, and they find out in Montreal that participants in the needle exchange program were two times more likely to become infected with HIV than those who did not participate in the study. These increased risks were substantial and consistent despite extensive adjustment to the program.

Dr. Bruneau, who participated in the study, said that these programs, needle exchange programs, may have facilitated formation of new sharing networks, with the programs becoming a gathering place for isolated addicts. So what we have is a policy that is a bad public policy, and we are hoping to stop that.

This policy is also opposed by the drug czar. General Barry McCaffrey has said that as public servants, citizens and parents, we owe to our children an unambiguous no use message, and if they should become ensnared in drugs, we must offer them a way out, not a means to continue this addictive behavior.

□ 2100

We have also had local police authorities who, when they stopped the needle exchange program, gave an opinion in Alexandria. Police Chief Charles Samarra said the message of government supplying needles to addicts is clearly contradictory to our Nation's national and local antidrug efforts.

This is poor public policy, and it does place the police in a very poor position. Here in the District of Columbia it is the unofficial policy, according to the Office of the District of Columbia Police Chief Charles Ramsey, to look the other way when drug addicts approach this van that distributes the needles. Even though these people may be holding illegal drugs, even though they may be holding illegal drug paraphernalia, even though they may be drug pushers, they have to turn their head. So we think it is bad policy, and we hope we get support for this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks to control time in opposition?

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) is recognized for 15 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first some facts: The District of Columbia has one of the highest incidences of HIV infection in the country.

Intravenous drug use in the District is the District's second highest mode of transmission, accounting for over a quarter of all the new AIDS cases.

For women, where the rate of infection is growing faster than among men, intravenous drug use represents the highest mode of HIV transmission. The growth of HIV infections is highest among women and where is it coming from? It is coming from dirty needles.

In the African-American community, listen to this, 97 percent of the transmission occurs through dirty needles, 97 percent.

The District of Columbia has had a local needle exchange program in place since last year. This program, operated by the Whitman Walker Clinic, uses scarce D.C. appropriated funds to allow the clinic to exchange on a one-to-one basis between 15,000 and 17,000 dirty needles each month. The program facilitates access to HIV testing counseling, which they provide on the spot. So what they are doing is providing the needles so that they can get hold of people so that they can counsel them and treat them to rid them of addiction. Without doing that, they are not getting access to the people that they need to.

We think Whitman Walker should be free to structure the most locally appropriate response to the greatest public health crisis that has ever faced this city. Every other state and municipality in the United States is entitled to use locally raised tax revenue to determine the course of their own public health initiatives unhampered by Congressional restrictions. We think the District should be accorded the same standing.

The gentleman from Kansas (Mr. TIAHRT) cites two Canadian studies on needle exchanges that allegedly show needle exchange programs have worsened the AIDS epidemic. But in a New York Times editorial, the authors of those very same studies made clear that opponents of needle exchanges have totally misinterpreted the research.

While it is true that the addicts that took part in needle exchange programs in Vancouver and Montreal had higher HIV infection rates than those who did not participate in the program, that was not surprising since those participating in the program consistently engaged in the riskiest behavior. The authors of the Canadian studies that the gentleman from Kansas (Mr. TIAHRT) has cited point to a larger study by Lancet, the British Medical Journal, that found in 29 cities worldwide where programs are in place, HIV infections in fact dropped by an average of 6 percent a year among drug users. In 51 cities that had no needle exchange programs, drug-related infection rose by 6 percent more.

They conclude their article by stating that clean needles are only part of the solution. A comprehensive approach should be used, which includes health care, treatment, social support and counseling. The authors that were cited called for expansion of needle exchange as a gateway to these other services, and urged Congress to consider this approach.

The Whitman Walker needle exchange program is a gateway to treatment. We should not be shutting off that gate just when its positive impact is beginning to show. We should not be telling Whitman Walker either that Federal funds for other programs will be cut off even if solely private funds are used to finance the needle exchange program. That is bad policy, and that is why we oppose this amendment.

The people that were cited as the experts say in a New York Times editorial that you should not interpret their study the way that the gentleman from Kansas (Mr. TIAHRT) has. In fact, the conclusion is just the opposite, that needle exchange programs are working.

I was surprised by this data, I was surprised by the statistics, but I think when you do look at the statistics, you will realize there is merit to this, particularly in the ability of a city to use its own local funds for this purpose.

Mr. Chairman, I include the New York Times editorial entitled "The Politics of Needles and AIDS" for the RECORD.

[From the New York Times, Apr. 1998]

THE POLITICS OF NEEDLES AND AIDS

(By Julie Bruneau and Martin T. Schecter)

Debate has started up again in Washington about whether the Government should renew its ban on subsidies for needle-exchange programs, which advocates say can help stop the spread of AIDS. In a letter to Congress, Barry McCaffrey, who is in charge of national drug policy, cited two Canadian studies to show that needle-exchange plans have failed to reduce the spread of H.I.V., the virus that causes AIDS, and may even have worsened the problem. Congressional leaders have cited these studies to make the same argument.

As the authors of the Canadian studies, we must point out that these officials have misinterpreted our research. True, we found that addicts who took part in needle exchange programs in Vancouver and Montreal had higher H.I.V. infection rates than addicts who did not. That's not surprising. Because these programs are in inner-city neighborhoods, they serve users who are at greatest risk of infection. Those who didn't accept free needles often didn't need them since they could afford to buy syringes in drugstores. They also were less likely to engage in the riskiest activities.

Also, needle-exchange programs must be tailored to local conditions. For example, in Montreal and Vancouver, cocaine injection is a major source of H.I.V. transmission. Some users inject the drug up to 40 times a day. At that rate, we have calculated that the two cities we studied would each need 10 million clean needles a year to prevent the re-use of syringes. Currently, the Vancouver program exchanges two million syringes annually, and Montreal, half a million.

A study conducted last year and published in The Lancet, the British medical journal, found that in 29 cities worldwide where programs are in place, H.I.V. infection dropped by an average of 5.8 percent a year among drug users. In 51 cities that had no needle-exchange plans, drug-related infection rose by 5.9 percent a year. Clearly these efforts can work.

But clean needles are only part of the solution. A comprehensive approach that includes needle exchange, health care, treatment, social support and counseling is also needed. In Canada, local governments acted on our research by expanding needle exchanges and adding related services. We hope the Clinton Administration and Congress will provide the same kind of leadership in the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield two minutes to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules and sage counsel of the Republican side of the House.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, there are two major issues in this country that we always have to be aware of. One is the national defense of our country, to protect us against those that would take away our precious democracy. The other is dealing with the illegal use of drugs in this country. It is literally wiping out an entire new generation of people, whether it is 9, 10, 11, 12, 13, 14-year-olds, and it is so sad.

I have been involved with trying to correct this for many, many years. I come from New York. In New York City we have a needle exchange program, and I can tell you it is a failure; that you have increased drug use, you have increased crime because of the needle exchange programs, where they are not just exchanging needles, but they are bringing in one, taking out 40. That is not doing anything for people that are sadly hooked with drugs.

If you go to Vancouver, which is on our northern border, if you go to Montreal, just above my house in New York, you will see a pathetic situation. If you go to Amsterdam, Holland, where I was the other day, and it is so, so terribly sad to see what is happening to the younger generation of people in the Netherlands. The same if you go into even Switzerland, where they have permissiveness.

Permissiveness towards illegal drugs, including needle exchange programs, leads to increased drug addiction, which leads to increased crime, including violent crime. The worst part about that, right here in America, 75 percent of all the crime, violent crime in America, is drug-related, and it is against women and children. That is how sad this situation is.

The only way to reduce drug use in America is certainly not to do it with drug programs. You need to wean drug addicts from using drugs. You do not do it by making them more available to them. That is why you really need to pass this. Not just for the District of Columbia, you need to do it for Albany, New York, for New York City, and every city in America, to show the example, that we just want to save this new generation of Americans.

Mr. MORAN of Virginia. Mr. Chairman, I yield two minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the Congress has banned the use of Federal funds for needle exchange programs and left local jurisdictions to decide for themselves how to handle the AIDS epidemic. I ask you not to read the District out of our federalist democracy by imposing the Congressional will on this life or death issue.

Let us be clear who we are talking about. The District is in the throes of an AIDS epidemic that is totally out of control. It ranks first in the Nation in HIV-AIDS. The majority of District residents are African-Americans.

Nationally, AIDS is the leading killer of African-American men and women 25–34, and half of these deaths are needle-related. New infections in young men and women age 13 to 24 are rising so rapidly they have become the focus of special concern. Two-thirds of AIDS in women and 50 percent of AIDS in children can be traced to the needle chain of transmission.

All of the world class investigators that Congress asked to look at this issue have come to the same conclusion. The entire medical and scientific establishment, among them six federally funded investigations, have found that these programs reduce infections markedly and do not promote drug use.

The Vancouver study has been, according to its authors, misinterpreted. They have said so in an article in the New York Times. The use of that research on this floor is bogus.

Wherever you stand on needle exchange, even if you are willing to disregard the findings of the NAS, the CDC, the GAO, the National Commission on AIDS, the University of California, the Office of Technology Assessment and the National Institutes of Health, I ask you not to place the District in a class by itself, unable to make decisions for its own residents that are a matter of life or death.

Mr. TIAHRT. Mr. Chairman, I yield two minutes to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I spoke on this earlier, but I rise again because I think it is a matter of such great importance. I think, first of all, we ought to stipulate that the "District funds" are still subject to appropriation, or, more correctly, reappropriation by the Congress, so I think there is a very legitimate reason for us taking an active role in this particular debate.

I think every Member of Congress on a bipartisan, or, better yet, nonpartisan basis has to be concerned about the spread of HIV-related illnesses. But the distinction on our part is while we agree with the comprehensive approach that includes beginning with our children in the youngest grades in school, education, prevention, treatment and rehabilitation, attacking the problem on both the demand side as well as the supply side, we cannot, we should not, be in a position where we somehow sanction illegal drug use. We do not really want to be in a position here where we use taxpayer funding or other tax revenues to promote illegal drug use, to promote further drug addiction and drug dependency in the District of Columbia. What message are we sending to our young people if we go along with this kind of policy?

Now, all of us, many, many millions of Americans, have had a personal experience with a family member whose life has been affected, sometimes ruined, by drug use, and we are all too familiar with the situation where other family members, out of their love and concern for that individual, turn a blind eye. We condone or in some other way facilitate that drug use.

That is called enabling behavior, and I cannot believe that we would consider for a moment in this distinguished body allowing, on an official governmental basis, making as a matter of public policy in the District of Columbia, with District funding and/or Federal taxpayer funding, allowing enabling behavior for people involved in illegal drug use.

Support the Tiahrt amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield one minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, when we are talking about AIDS, we are talking about an epidemic. This should not be a discussion that is an opportunity to play politics. Banning needle exchange will not help save our children, or anyone else. In fact, a ban on needle exchange actually threatens lives.

More than half of all children with AIDS contracted the virus from mothers who were intravenous drug users or the partners of intravenous drug users. That is right, we are talking about how our children contract AIDS.

In 1995, the National Academy of Sciences found that needle exchange programs do reduce the spread of AIDS and do not lead to the increase of drug use. In fact, do not overlook the fact that a drug user ready to take the first positive step through a needle exchange program is apt to take further steps towards recovery.

As well, this amendment prevents communities from using their own private funds, and that is what I call a violation of local control.

Mr. TIAHRT. Mr. Chairman, I yield two minutes to the gentleman from Virginia (Mr. DAVIS), the chairman of the Subcommittee on the District of Columbia.

☐ 2115

Mr. DAVIS of Virginia. Mr. Chairman, I think this is an issue that is complicated. It is emotional. It is one where people of good will I think can reasonably disagree. We have not too bad objectives, but we have competing public policy objectives.

On the one hand we have groups who say the best way is to stop drug use in its entirety, to just say no, and that ought to be the overriding public policy concern. On the other hand, we have some data that I find is persuasive in many cases saying that exchanging needles, giving people clean needles that are using illegal drugs, can stop the spread of AIDS and hepatitis and can bring down those areas.

Those are both good objectives, but they are competing objectives. We cannot have it both ways. The question comes down to, are we better off giving drug users free, taxpayer-funded needles to use illegal drugs in the hope cleaner needles will stop the spread of disease, or are we better off sending a strong just-say-no message to preventing more drug users from starting illegal drug use in the first place, so they will never start using illegal drugs and will not need needles in the first place?

It is complicated. I think the criteria are different. Here is where I come down, when I look at it. It seems most inconsistent to me that we have veterans, we have patients in HMOs, we have Medicaid patients who are charged, in many cases, for having needles, using legal drugs, while at the same time we are giving free needles to people to use a product in a usage that is illegal.

So I think the amendment of the gentleman from Kansas is one that, on a public policy basis, I support. I realize I have friends on the other side with strong and persuasive feelings, but I think the message here ought to be that we are not going to use taxpayer dollars to fund free needles for people to do illegal acts.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, this Congress voted not to use any Federal funds for needle exchange programs. That is done. If that is done already, what is this extra measure that is being used, directed right at the District of Columbia? Again, it is that running roughshod, it is that disrespect.

At the time that this is going on, 33 Americans are infected each day with HIV because of injection drug use. We had better get our heads out of the sand. Members know that needle exchange is not about promoting drug use, needle exchange is about saving lives. It is about saving lives, because 75 percent of babies diagnosed with HIV/AIDS are infected as a result of tainted needles used by their parents.

If we get drug users coming in to exchange needles, we get a chance to talk with them. We get a chance to know who they are. We get a chance to convince them, and God forbid, if we ever have drug rehab on demand, we can get them into the hospitals, into the clinics, and we can begin to change lives.

Maybe Members do not care, but let me tell the Members why I care so much. It is the leading killer of African Americans between the ages of 25 and 44. People are dying, babies are dying. We need to have a sensible policy to deal with drug use. Needle exchange is such a policy.

Members ought to be ashamed of themselves for denying it to the District of Columbia, using their own money.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume. I would remind the gentlewoman that there is nothing that prevents private funding from doing the needle exchange program.

Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of this amendment. First of all, this is not a ban on needle exchange programs. What this is is an amendment that says we are not going to use Federal taxpayer dollars, taxpayer dollars taken from people in Arizona and across the country, to send the message that it is okay to break the law, that it is okay to destroy your lives with drugs.

I want to cite Dr. James L. Curtis, a medical doctor and a clinical professor of psychiatry at Harlem Hospital Center, a black American himself. He says point blank, "There is no evidence that such programs work." I also want to cite Dr. Janet D. Lapey, medical doctor, president, Drug Watch International. She points out that in Montreal, deaths from overdoses have increased fivefold since that program started, and in fact, they now have the highest heroine death rate in this country.

I also want to cite Nancy Sossman, who appeared before our committee, and who explained how these programs work in the real world. It is not in fact an exchange. She asked for needles, and was given 40 needles without surrendering one. With regard to programs cleaning up the situation, she said she was a short-term user. She just started, and they did not even encourage her to go for treatment. In the real world these programs do not work, and we should not subsidize them with government dollars.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, let us be clear about this amendment. I just want to clarify what was just stated, that this bill already prohibits the use of Federal funds for needle exchange programs in the District of Columbia. But the amendment that has been offered goes beyond the ban on the Federal funding to also include local funding, funding that is raised in the District of Columbia for this purpose.

Frankly, I think to prohibit the District from using its own, and I emphasize, its own local revenues for its needle exchange program which was started a year ago, is really clearly a violation of local control.

I remember when we discussed this whole issue on the floor of the House. Some of us believed that HIV prevention strategy in terms of needle exchange was well worth it. But I do remember when a majority of our colleagues voted for the ban on the use of Federal funds. During that debate, many of the Members argued that States and localities could still use their own revenues for these programs.

Therefore, a vote against this amendment will give us the opportunity to follow through on our promise. Let the District decide how best to prevent new HIV infections within its own community, with its own money. My State of Maryland does that very successfully in the Baltimore area and Prince George's area. Let us vote against this amendment.

Mr. Chairman, I rise in opposition to the Tiahrt amendment. This amendment will prohibit the use of both federal and local funds for the city's needle exchange program to prevent new HIV infections in injection drug users and their partners.

Trying to micromanage D.C. would be counterproductive for the Congress and would encroach on the legitimate roles of the City Council and the Control Board. We in Congress have worked to give back local control to our communities. These provisions would run counter to that objective.

The District of Columbia has one of the highest HIV infection rates in the country. Intravenous drug use is the District's second highest mode of transmission, accounting for over 25 percent of all new AIDS cases. For women, where the rate of infection is growing faster than among men, it is the highest mode of transmission.

Scientific evidence supports the fact that needle exchange programs reduce HIV infection and do not contribute to illegal drug use. The American Medical Association, the American Bar Association, the American Public Health Association, the Association of State and Territorial Health Officials, the National Academy of Sciences, the American Academy of Pediatrics, the American Nurses Association, the National Black Caucus of State Legislators, and the United States Conference of Mayors all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. A number of federally funded studies have reached the same conclusion and have found that needle exchange programs do not increase drug use—including a consensus conference convened by the National Institutes of Health last year.

Despite this consensus, on April 29, 1998, the House voted to prohibit the expenditure of federal funds for needle exchange programs. The District of Columbia has had a local needle exchange program in place since last year, an important tool in the city's fight against the spread of HIV and an important bridge to drug treatment services. Now, some Members want to tell D.C. that it cannot spend its own funds to prevent new HIV infections. This is simply wrong. Local jurisdictions should be able to decide for themselves how best to fight the HIV epidemic in their own communities. In my own state of Maryland, Baltimore City's needle exchange program has been associated with a 40% reduction in new cases of HIV among participants, and evaluation of the program has demonstrated that needle exchange did not increase drug use. In fact, a bill was approved to continue the program by an overwhelming vote in the Maryland State Legislature last year—it passed by a vote of 113–23 in the House of Delegates and by a vote of 30–17 in the State Senate. And, earlier this year, the Maryland State Legislature voted to allow Prince George's County to establish a needle exchange program.

Mr. Chairman, with so few days left in the legislative calendar, Congress cannot afford to hold up the appropriations process by politicizing public health decisions. I urge my colleagues to reject such efforts and allow the district to make its own decision on how best to prevent new HIV infections. Vote "no" on Tiahrt.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, we might as well just vote on these issues. If we come to the floor and debate the wrong amendments or the wrong language of the amendment, if we come to the floor and say that studies say one thing, misrepresentations, I said in my opening statement 2 or 3 hours ago, now the gentleman is going to use the statement claiming something about a study. We have something here that refutes that entirely. We might as well just vote.

The language that we are debating says, no funds contained in this act. It does not say, no Federal funds in this act, it says no funds. The gentleman can certainly adjust his argument to say, well, I think that, but the point is, the gentleman was debating something that is not so.

The gentleman comes to the floor and he cites a study as if it supports his argument. It does not. The authors have already said that. So if this is just a matter of philosophy, let us just roll the amendments up here and vote.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise to oppose the Tiahrt amendment because all the scientific data from experts suggests needle exchange programs reduce HIV infection and do not increase drug use. While AIDS deaths are down, clearly HIV infection continues to increase especially in inner city areas where injection drug use is prevalent.

Needle exchange does not increase drug use, rather it encourages a society that would have fewer individuals infected with HIV. These programs make needles available on a replacement basis only, and refer participants to drug counseling and treatment. The National Institutes of Health's march 1997 study concluded that needle exchange programs have shown a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of 30 percent or greater reduction of HIV.

In addition, this amendment puts children at risk. The Centers for Disease Control reported that the rate of HIV/AIDS in the African American community is 7 times that of the general population. Make no mistake about it—this is not an African American problem this is an American problem. This is a public health issue and the Surgeon General, and the Secretary of Health and Human Services both support needle exchange programs. When we help save American lives—America is stronger.

The Federal Government must provide leadership on this critical issue and therefore, I urge my colleagues to oppose this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have listened to this debate, and I will tell the Members it really upsets me. I go to the funerals. I see the shrivelled up bodies in the caskets. I see the people suffering. I see my people dying over and over and over again.

Members can cite any study they want to cite. Come to Baltimore, which has a similar program as this one. We are saving lives. It is real simple to sit here and say that these programs should not exist. This is life and death, life and death. So over and over and over again, I hear the arguments.

But let me tell the Members something. In Baltimore, there is reduction of HIV because of these programs; in Baltimore, reduction of drug use because of these programs; in Baltimore, reduction of crime because of these programs. It is very simple.

Members can cite anything they want to cite. The reason why I am so upset about it is because, like I said, I go to the funerals. I watch them die. I see the babies in the hospital as they cry out. So I say to the Members, I beg them that as this debate goes forward, understand that there are people who are dying. All of the amendments that we have had so far will not save lives, but this one, this amendment, if it goes through, will kill people. That is a fact.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I think that the gentleman from Maryland (Mr. CUMMINGS) was so eloquent in his presentation about what we do know, those of us who take the bite of this wormy apple of the spread of HIV in our communities. We know something about how to prevent the suffering, suffering that these families experience. We know something about saving taxpayers' dollars, if that is the only issue that concerns people here tonight.

Can we all stipulate that we are all against the spread of drug abuse in our country, and IV drug use? Let us all respect each other on that score. But respect is the word that I think tonight's debate is about.

The gentleman from Maryland (Mr. CUMMINGS) and others have clearly laid out that the science says that the needle exchange programs save lives. Nobody less than the head of the National Institutes of Health, Dr. Varmus, a Nobel Prize winner himself, has stated that over and over again.

The gentleman from Arizona (Mr. SHADEGG) described a needle exchange program that I would not support myself, and that is not what we are talking about tonight. We are talking about a needle exchange program that is part of an HIV prevention program that gets people into treatment and prevention.

I want to share just another thought here. When I was born my father was in Congress. He was chair of the District of Columbia Subcommittee of the Committee on Appropriations. They did not have home rule then, but he was a big supporter of home rule because he respected the people of Washington, D.C.

Why is it that every time this bill comes up, we see these assaults on local autonomy, and assaults on the intelligence and the decision-making ability of the people of the District of Columbia? These people have to deal with an important and dangerous public health issue that is facing them. They have drawn conclusions scientifically about how to stop the spread of HIV and all the suffering that goes with it, and all the expense to the taxpayer that goes with it.

This Congress has already passed legislation prohibiting Federal funds to be used for these kinds of programs. Why do we have to go through this again, and say no local funds? Would Members want this Congress to be interfering in the business of Members' own communities? I do not think so. I urge my colleagues to vote against the Tiahrt amendment.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. I thank the gentleman for yielding time to me, Mr. Chairman.

I just walked by the Chamber and I heard loud noises, very pious sounds coming out. I knew that we were once again hearing those who believe that we can attack and cure the drug problem by fostering the drug problem; that we can solve one problem by giving people the means to kill themselves with mind-altering drugs. I knew it is that season again.

The reason, I would tell my colleagues on the other side, why every time this bill comes up we present an amendment to prohibit the use of funds for needle giveaway programs, what they like to more benignly talk about as needle exchange programs, is because there is a serious problem with drugs in the District of Columbia, as there is in communities all across America.

□ 2130

The reason that it is appropriate and fitting to address this issue in this bill is because these are Federal monies. Now, if citizens of some other country want to engage in the absurdity of saying we can solve a problem by giving people drugs or giving people the means to kill themselves with drugs and that that is, indeed, in some other cultures perceived as a great virtue, then so be it. Other countries such as the Netherlands and Switzerland are dealing with that these very days.

We here in this Congress do not stand for that. The people of this country do not stand for that. There are ways to attack health problems in our communities, but I would prefer to see us attack those health problems in our communities, not by telling our children, here, have this needle, ingest drugs, it is good for you, and yet, I dare say, that probably many of those who propose this chastise the tobacco companies endlessly.

Let us get our priorities in order, Mr. Chairman. This is an appropriate piece of legislation on which to attach this amendment. This is an appropriate amendment. The people of this country do not want drug dealing. I urge the adoption of this amendment.

Mr. TIAHRT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to point out that since Republicans took over the House, we have significantly increased the funds for HIV and AIDs awareness. We have significantly increased the funds for research and development to find a solution for this problem. But sometimes you have to come to a point where tough love is the message that you have to send. It has to be a clear message. Do not get involved with drugs.

When we go about a program that enables the drug abuser to carry on this kind of activity, we are not sending that clear message. We are sending a message of some type of confirmation from the government, and that is not the message we need to send.

Nothing in this bill prevents private funds from conducting a needle exchange program. This just says that any money that goes through this committee is not going to be doing it.

There is talk about how this study could be misinterpreted. There is one part of this study that cannot be misinterpreted. The deaths in Vancouver. There were only 18 in 1988. This year they anticipate 600 deaths. They are averaging 10 per week. Those are the bodies in the casket that we heard about earlier here. Those are the people that through this needle exchange program have proliferated their drug use. They have made groups that exchange needles, and the result has been higher HIV, higher deaths.

It is time that we break this drug cycle, send a clear message. Do not start. It is time that we slow the spread of HIV infection and the AIDs virus. It is time that we reduce the loss of life in America by quit bringing this enabling program forward.

It is opposed by the administration's drug czar. It does not have the blessing of the Secretary of Health and Human Services, Donna Shalala, local police are opposed to it, leading researchers are opposed to it. The people of America are opposed to needle exchange programs.

I think the only compassionate thing to do is to vote for the Tiahrt amendment and stop this activity that is proliferating drug abuse and also allowing for additional loss of life.

Mr. DIXON. Mr. Chairman, I ask unanimous consent to proceed for 1 minute, with the time to be equally divided between myself and the gentleman from Georgia (Mr. BARR).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. DIXON) and the gentleman from Georgia (Mr. BARR), each will be recognized for 30 seconds.

The Chair recognizes the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume. I would ask the gentleman from Georgia if he has read this amendment before he spoke on it?

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Chairman, does the gentleman have a question?

Mr. DIXON. I was asking if in fact the gentleman had read the amendment before he spoke on it?

Mr. BARR of Georgia. What is the point?

Mr. DIXON. My point is that if he had read the amendment, he would see that this applies to all funds.

Mr. BARR of Georgia. Yes.

Mr. DIXON. The gentleman said it applied to Federal funds.

Mr. BARR of Georgia. Mr. Chairman, if the gentleman will continue to yield, it is even better if it applies to all funds.

Mr. DIXON. That is what I thought he would say.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time.

I want to tell my colleagues that I will be offering an amendment after this Tiahrt amendment, whether it passes or fails, and that amendment will be very similar to a substitute amendment that was offered in the full Committee on Appropriations that passed, I believe, with a bipartisan vote.

What it does, it is to simply apply the same restriction on Federal funds that the bill that was passed back in April of this year applies to all 50 States so that the Members will have an opportunity to vote to restrict Federal funds, in other words, the only funds over which we have control, from being used for needle exchange programs in the District of Columbia. So we will treat D.C. like we do every other State.

I think after the debate, Members understand that there are good, thoughtful, fair Members on both sides of this very difficult issue. So is it not best to resolve this by limiting the funds that we are responsible for expending, Federal taxpayers funds? We limit those with this subsequent amendment, but do not dictate to the District how they can use their own funds if they choose to decide differently than this United States Congress.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this important amendment to H.R. 4380. Congressman TIAHRT has offered an amendment, to prohibit federal and local funds from being spent on any program to distribute needles for the hypodermic injection of any illegal drug. The amendment also prevents payments from being given to any persons or entities who carry out such a program.

I oppose Mr. TIAHRT's amendment. This issue has already been fully addressed by the House Appropriations committee who previously voted to reject this intrusion into the funding priorities of the District of Columbia. This legislation would set a dangerous precedent for many states and localities where needle exchange save lives and operate effectively to prevent the transmission of HIV and other dangerous diseases by using state and local funds.

Needle exchange has been shown as an effective HIV prevention too, and is supported by numerous medical and health related organizations and scientists. In April of this year, the Secretary of Health and Human Services, the Director of NIH and the National Institute on Drug Abuse issued a determination that scientific evidence indicates that needle exchange reduces HIV transmission and absolutely does not encourage the use of illegal drugs.

Washington, DC, has chosen to use its own funds to address this urgent local need. Congress should not encroach on DC's choice to implement successful programs which will undoubtedly prevent the transmission of HIV.

Mr. DELAHUNT. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Kansas.

The amendment would not only bar the use of federal funds for needle exchange programs in the District of Columbia. It would also prohibit DC government from using its own money of this purpose—money obtained through local taxation for programs that are widely supported by the local citizenry.

The gentleman is evidently doing this because he knows that a prohibition on the use of federal funds is both unnecessary and meaningless. Secretary Shalala announced this past Spring that the Administration does not intend to make federal funds available for needle exchange programs.

But the gentleman is not satisfied with this. He objects to the fact that local governments across the is country are using their own funds to conduct these programs.

Under our federal system of government, there is nothing he can do about this with respect to Boston, or New York, or even Kansas City. So he has chosen to express his displeasure by targeting the one city in the United States in which the normal rules of local autonomy do not apply.

This is unfair to the residents of the District of Columbia, who find themselves subject to the gentleman's whim even though they do not live in the gentleman's Congressional district.

But it is also a terrible precedent for the country as a whole. Because despite the squeamishness of some Members of Congress at the mere sight of a needle, the truth is that these programs work. They prevent HIV infection. They do not encourage or increase drug abuse. In fact, there is overwhelming evidence that they actually help reduce drug abuse by encouraging injection drug abuser to enter treatment.

As a former prosecutor and a member of the Judiciary Committee, I take very seriously the epidemic of drug addiction on our society. But we cannot make responsible public policy based on fear and ignorance.

Study after study—by such respected agencies as the National Research Council, the Centers of Disease Control and Prevention, and the National Institutes of Health—have all reached the same conclusion.

So have the American Medical Association, the American Public Health Association, the Association of State and Territorial Health Officers, the American Nurses Association, the American Academy of Pediatrics, the U.S. Conference of Mayors, and the American Bar Association.

In April, the Secretary of Health and Human Services followed suit. Yet instead of announcing that federal funds would be made available, the Administration bowed to political pressure and announced a continuation of the status quo.

In other words, needle exchange programs save lives, but cities and towns that want to have these programs must pay for them out of their own funds.

That is unfortunate, Mr. Chairman, but at least local jurisdictions are free to do that. If the gentleman's amendment is adopted, the District of Columbia will no longer have that option.

That is wrong, Mr. Chairman. It is bad enough for legislators to overrule local decision makers in matters of this kind. But it is the worst kind of irresponsibility for us to substitute our own uninformed opinions for the sound judgment of the public health community. To say, in effect, "our minds are made up. Don't confuse us with facts."

I have seen what needle exchange programs can accomplish in Massachusetts, Mr. Chairman, and I know that they have saved lives.

If this amendment becomes law, more people in Washington, D.C. will become infected with the AIDS virus. More people will die of AIDS. And their blood will be on our hands, Mr. Chairman.

I urge my colleagues to vote "no" on the Tiahrt amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TIAHRT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentleman from Kansas (Mr. TIAHRT) will be postponed.

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN of Virginia:

Page 58, strike lines 6 through 10 and insert the following:

SEC. 150. No Federal funds appropriated in this Act shall be used to carry out any program of distributing sterile needs of syringes for the hypodermic injection of any illegal drug.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TIAHRT. Mr. Chairman, is this not the same language that is currently in the bill?

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I appreciate the gentleman yielding to me so that I can explain. This is not the same language that is in the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, what this amendment does is what the full Committee on Appropriations decided to do, given the fact that we had a similar, very informative, very heartfelt debate in the full Committee on Appropriations.

The best way to resolve this issue was to treat the District of Columbia in the same way that we treat all other 50 States with regard to the use of Federal taxpayers funds.

What this amendment would do is to say that no Federal taxpayers' funds can be used in the District of Columbia for needle exchange programs. It obviously remains silent on local funds.

Much of the debate that we heard addressed Federal funds. We do not disagree with that, but we do feel that the majority of the Members would feel satisfied that they had acted as responsibly as possible with Federal funds but left the District of Columbia's own government to resolve this issue in the way they thought best.

We heard from the gentleman from Maryland. In Baltimore it works. Baltimore is an urban area with a very serious drug problem. We hear from the delegate from the District of Columbia. We have an urban area with a very serious drug problem. Given the unique and drastic crisis that they are facing, they have decided to take drastic, unique measures that may not be appropriate for other areas of the country that do not have the severity of this problem.

So should we not recognize that at the local level of government they ought to have some autonomy? I thought that we wanted to devolve as much responsibility and authority to the local level of government as possible. That is all we do. Let them decide how to use their own local funds and their own private funds. The legislation even affects private funds. It says all funds are prohibited.

Let them use private funds, let them use local funds. They cannot use Federal funds if this amendment passes.

That is why I would urge acceptance of this amendment as the best way to deal with a very difficult, complex subject.

I do not argue with the sincerity of the gentleman from Kansas that has offered this amendment, and I would trust that most cities in Kansas might be well represented by his conclusion, but we know that the people in the District of Columbia feel that their crisis dictates an alternative response.

We know Baltimore has decided to do that, and we know it has worked in Baltimore. We heard a passionate appeal, let Baltimore do it. Let D.C. do it. Let those local governments do what they think is in their best interest. That is the intent of this amendment. I would hope that all my colleagues would agree with the full Committee on Appropriations, vote for this amendment and do the right thing by the citizens of the District of Columbia.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to the amendment.

I am very disappointed. I find out that this is the same language that is currently in the bill. On a voice vote my amendment went down, so he is, in effect, trying to put the same language back in the bill that is already in the bill. It is very redundant. I believe that the gentleman told me that it was not the same language. Maybe it was semantic, because there is a short, nonessential phrase that is missing, but essentially it is the same language that is in the bill.

I had hoped that we would deal more on an honest basis here and that I would have a clear understanding of what the gentleman was trying to do, but apparently there is some attempt to mislead the House and the chairman before we had a chance to raise a point of order.

Be that as it may, we will continue on and oppose the gentleman's amendment.

I would like to point out that constitutionally we have a responsibility, an oath that we swore when we took this office, to oversee the funds of the District of Columbia. It is called local control, and that is a misused term. This is a Federal area. It is the District of Columbia. According to the Constitution, in Article I, section 8, we have this responsibility, a responsibility that we cannot shirk.

We have to establish public policy. We have this responsibility to deal with what is going on here. This is a public policy that affects us all. It affects us all not only in our pocketbook but affects us all because this is the city, the capital city of the greatest democracy on this globe.

We have an obligation to talk about public policy here. It is very important to know that the facts of the studies that were brought forward here talked about the additional drug abuse that this policy has brought on, facts that cannot be disputed, that there are additional deaths, facts that cannot be disputed, and additional crime in the area where needles are distributed, and the fact that the police are forced, they are forced to turn their backs on this activity even though they know there is illegal drugs going on, even though they know there is illegal drug paraphernalia being transported and that there may be drug dealers who prey on the most innocent of our society, our children, that they are right there in the vicinity. Yet they must turn their head as a general unwritten policy.

It is a bad public policy. It is a bad public policy. That is why it is so important that we defeat the amendment that has just been presented by the gentleman from Virginia (Mr. MORAN), that we vote in favor of the Tiahrt amendment.

□ 2145

Mr. DIXON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman, who keeps repeating the same nontruths, now; I have heard him in committee, in the Committee on Rules and on the floor cite a study: What study is the gentleman citing and who are the authors of the study that support the contention that the needle exchange programs do not work?

And while the gentleman is looking for it, once again I will say, I do not know if the gentleman has seen it, but there has been an op-ed piece in The New York Times by the authors, I believe, of the study that the gentleman has cited, at least the one listed by the gentleman.

The gentleman from Virginia (Mr. MORAN) read it to the gentleman, where they say that, in fact, "As the authors of the Canadian study, we must point out that the officials have misrepresented our research." And it goes on and on.

My only point, and then I will yield to the gentleman, is the gentleman keeps repeating the big lie over and over and over again. The gentleman from Virginia got up and refuted it; I told the gentleman in my opening statement, as I said, 3 hours ago, but the gentleman keeps saying it. Now, is the gentleman referring to some other study? Is it the Montreal study that the gentleman is referring to? The gentleman has said it was.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I am be glad to yield to the gentleman from Kansas.

Mr. TIAHRT. It is the Montreal study. It is the Vancouver study. It was study done by the American Journal of Epidemiology. I am not sure I said that exactly correctly. But let me say one thing. I am not disputing that the gentleman has an editorial where he thinks that some of the conclusions may have been——

Mr. DIXON. Mr. Chairman, reclaiming my time, I do not have an editorial. I have an editorial opinion piece written by the authors of the study. And they go on to say that in 25 or 26 cities using the needle exchange program that infection dropped 5.8 percent. But they go on to say that needle exchange was not the whole thing.

My only point is, if we are having honest debate and exchanging ideas, for the gentleman to consistently get up and distort it, it is wrong.

Mr. TIAHRT. Mr. Chairman, will the gentleman continue to yield?

Mr. DIXON. I am pleased to yield to the gentleman from Kansas.

Mr. TIAHRT. I think the gentleman is interpreting what I am saying incorrectly. What I am saying is that we can draw our own conclusions from the facts that in 1988 they had only 18 deaths from drug use and by 1998, a decade later, it has increased dramatically to over 10 a week. Now, what conclusion can we draw from that?

I do not need an opinion piece in The New York Times to tell me that this activity is encouraging drug abuse and it ends up with more deaths.

Mr. DIXON. The bottom line is that the gentleman says that this study supports his proposition. The people who conducted the study say it does not; that they approve of needle exchange programs; that it reduces HIV infection. That is the bottom line.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, if I may, I thank the gentleman for yielding. Further to the point that the gentleman has made, the authors of this study, one of them, in testimony before a Senate staff briefing in July, said, "The conclusion of our study was entirely misrepresented in the U.S. Congress as evidence that needle exchange did not work." In fact, the author points out, "In Canada, local governments acted on our research," the author is speaking, "on our research by expanding needle exchange programs." That was the correct conclusion to be drawn from that research.

Mr. DIXON. Reclaiming my time, Mr. Chairman, my only point is that if we are going to have legitimate debate on public policy, let us have a legitimate debate and cite factual material. We should not just get up and distort it and mumble something and say it represents what it does not represent, particularly when we have been told three times.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RIGGS. Mr. Chairman, I think Members may be a little confused at this point. It appears to me that we are having a debate on an amendment to an amendment which, while I supported it, the Chair ruled was defeated on a voice vote. So I am trying to confirm my understanding, number one.

And the second part of the parliamentary inquiry is at what point would the Chair intend, then, to put the question on the Moran amendment to the Tiahrt amendment, which again the Chair ruled had been defeated on a voice vote prior to the gentleman requesting?

The CHAIRMAN. The Chair will state this is not an amendment to the Tiahrt amendment. The Moran amendment is a separate amendment to the bill.

Mr. RIGGS. I see.

The CHAIRMAN. The Tiahrt amendment will be voted on on a postponed vote first; and then, if ordered, there will be a postponed recorded vote on the Moran amendment.

Mr. RIGGS. Further parliamentary inquiry, then Mr. Chairman, just to make sure we understand the sequence of votes. The vote on the Tiahrt amendment would precede the vote, then, on the Moran amendment.

The CHAIRMAN. If the vote on the Moran amendment is requested, it will follow the Tiahrt amendment which has been postponed.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I would just like to say that the studies that I was using as the basis for my testimony are going to be submitted for the record, and the one that was conducted in Montreal, I would just like to read from it so the Members can understand. It is in the summary, and I will point to this.

It says, "In summary, Montreal needle exchange program users appear to have higher HIV zero conversion rates than any program nonusers. This study also indicates that, at least in Montreal, HIV infection is associated with needle exchange program attendance."

Now, I am just taking this at face value. It says if people show up, they have a higher chance of getting it, getting the HIV virus or HIV infection.

Mr. RIGGS. Mr. Chairman, reclaiming my time. I simply want our colleagues to be clear, since earlier one of the speakers on the other side referred to Dr. Varmus. Dr. Varmus does have a lot of credibility and respect in his very important position as the director of the National Institutes of Health, and as the gentleman from Kansas (Mr. TIAHRT) pointed out, we have made a bipartisan commitment in this Congress over the last 4 years to substantially increase Federal taxpayer funding for HIV-related research and, we hope, eventually a cure of that disease.

But the gentleman from Kansas is absolutely correct when he cites the leading spokesman for the Clinton Administration, General McCaffery, as being dead set in his opposition to needle giveaway or needle exchange programs. And I think that needs to be said, because there is, at least with respect to the drug czar or the chief drug spokesman and enforcement officer of the Clinton Administration, there is bipartisan agreement on his part with congressional Republicans that we should not endorse needle giveaway or exchange programs and, by inference, sanction drug use and all the social ills and consequences that result from that.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. DIXON. Well, I am glad that my friend from California marches to the step of the drug czar. I hope to remind him of that on some other issues that may come up before us here.

But the point I would like to make to the gentleman is that the drug czar should not dictate the policy of California as it relates to their own programs. And I do not think the drug czar should dictate how D.C. residents spend their money.

But let me just go further. We are all after the same thing: Cut down infectious disease infections and, in particular, HIV, and get people off of drugs. Now, which comes first, the chicken or the egg? If an individual is already addicted to drugs, the chances are greater before he dies from the drugs that he will die from HIV in Washington, D.C. So the clean needle is not to encourage anyone to use drugs, but maybe to keep them alive so they can get some rehabilitation.

I think it is absurd to suggest that people use drugs because they can get clean needles. That just does not happen. But the purpose that the District has, they believe that the exchange program works. And they are not trying to encourage the use of drugs. These people are going to use drugs. They are addicted. But we want them to use clean needles to keep them alive long enough so that we can withdraw them from drugs.

Mr. RIGGS. Reclaiming my time, I understand the gentleman. He makes a passionate point. We just respectfully disagree on that point. And I would point out that, again, I do not see how we can, because these funds are still subject to appropriation by the Congress, I do not see how we can support a policy that, as I certainly said earlier, facilitates, furthers illegal drug use and actually, as a matter of public policy, puts us as lawmakers and puts the funders, taxpayers in the District and Federal taxpayers, in the position of, as I said earlier, sort of engaging in enabling behavior.

And, furthermore, it sends the worst possible message that we could send to young people in the District of Columbia. And I hope we are going to get around to debating here in a short time the amendments to provide more hope, more educational opportunity to young people in the District of Columbia.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I could not help hearing the numbers floated around by the studies. I dare to say that nobody in this body besides myself have actually read the studies on this; have actually read the scientific studies.

There have been two long-term prospective studies on this issue. And it is not about whether we feel it does something good, it is about whether scientifically it does. There have only been two studies done in North America that are long-term, large quantity studies in which the people who are studied at the end of the study are the same people who were studied at the beginning of the study.

Those two studies are Montreal and Vancouver. They are the only two studies in the world that are prospective, long-term, large quantity studies that have the same patients in them at the end of the study as they had at the beginning. All the other studies, that is not true. They have a different set of people in them.

And both those studies, the only two studies that are truly reputable under scientific standards that I have read, and I dare to say nobody else in this body has read, show without a doubt that needle exchanges increase HIV infection. They do not decrease it.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding. I just want to make clear what I said. I never made any representation that I read the studies. I made a representation that I had read an op-editorial piece by two people who claim that they did the study. And I claimed that based on that, that the gentleman from Kansas (Mr. TIAHRT) was misrepresenting it.

So maybe the gentleman is the only one that should be speaking on this issue, neither the gentleman from Kansas (Mr. TIAHRT) nor I should speak on it, but I never claimed to read the study.

Mr. COBURN. Mr. Chairman, let me reclaim my time, if I may, and tell the gentleman that I am sorry, I did not mean to mistake, in what I said, about the gentleman's intention.

What I think we need to be focusing on is we need to solve the drug problem. That is the real issue. Washington has this wonderful habit of fixing the wrong problems. The problem is drug addiction. It is not clean needles, it is not dirty needles, it is not HIV. It is drug addiction. We need to not confuse what the two issues are.

There is no question in the D.C. drug program that they left 45,000 needles out there last year that they did not re-collect. So 45,000 more needles are out there than were there at the beginning of the year previously, that are contaminated, that are dirty needles.

So I would want this body to know, we should not enable failure on drug addicts. And we should make sure we know that the issue is drug addiction and not enabling drug addiction. And that, in fact, clean needle studies, the only two reputable studies that have, in fact, been done that are cohort prospective longitudinal studies, that have the exact same people at the end of the study as they had at the beginning of the study, are the studies in Montreal and Vancouver, and they show increased HIV.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief, because the gentleman just referred to the so called only reputable studies that have been made and, of course, the people who did that study have already said that their conclusions have been misrepresented here.

Our colleagues are going to vote the way they vote, ignoring probably the fact that we are talking about an issue that has already been dealt with by this Congress. But I want the record to show that this Congress, and as my colleague has pointed out, that we have supported the National Institutes of Health. We take great pride in supporting the National Institutes of Health, and take great pride in advertising our support for increasing the funding for the National Institutes of Health.

□ 2200

Why, then, would we run away way from the conclusions of the National Institutes of Health? And the National

Institutes of Health, the Director, Dr. Harold Varmus; the National Institute of Allergy and Infectious Diseases, Direcrtor Dr. Anthony Fauci, Dr. Allen Leshner, Director of the National Institute on Drug Abuse; Dr. Claire Broome, Acting Director of the Centers for Disease Control, another organization; Dr. Helene Gayle, National Center for HIV, STD and TB prevention; and the CDC.

So the National Institutes of Health and the CDC leadership in their official capacity issued a consensus statement which states, after reviewing all of the research, "After reviewing all of the research, we have unanimously agreed that there is conclusive scientific evidence that needle exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs."

The science says that needle exchange does not increase drug abuse. The National Institutes of Health consensus statement says, "A preponderance of evidence shows either no change or decreased drug use. Individuals in areas with needle exchange programs have increased likelihood of entering drug treatment programs."

The scientific and public health groups that support the needle exchange programs include the American Medical Association, the American Public Health Association, the National Academy of Sciences, the American Nurses Association, the American Academy of Pediatrics.

Scientific leaders in our country are united in their conclusion that needle exchange reduces HIV infection and does not increase drug abuse. Do not take public health out of the hands of the science and public health experts.

I urge my colleagues to separate themselves from any of these measures that prohibit the use of funds for HIV prevention and have needle exchange programs to do that.

Members are going to vote the way they are going to vote, for political or whatever reasons, and everybody has to decide on his or her own vote. But we cannot ignore the science. If they want to outweigh the science with other considerations, make sure they know the responsibility that they have when they do so.

But if we take pride in funding the National Institutes of Health, we at least should give some respect to the conclusions that they draw when they say the preponderance of scientific evidence, when we have studied all of the research, draws us to the conclusion that needle exchange programs reduce the spread of HIV and do not increase, and in fact in some instances reduce substance abuse.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Mr. Chairman, there is a phrase I think is confusing in here and I am not sure the Members will understand what they are voting on. It says, "distributing sterile needs the syringes."

The CHAIRMAN. The gentleman will state his inquiry.

Mr. TIAHRT. My inquiry is, if this is a phrase that is unknown to the Members, will they have a good idea what they are voting on in this amendment?

The CHAIRMAN. The gentleman from Kansas (Mr. TIAHRT) has not stated a parliamentary inquiry, but there may be a request to modify the amendment.

MODIFICATION TO AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent to modify the amendment to correct a small typo in the way that it was actually typed up. It was typed up quickly. And I think the correction is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. MORAN of Virginia:

At the end of the bill, insert the following new section:

No Federal funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. TIAHRT. Mr. Chairman, reserving the right to object, is this a new amendment that we are now bringing forward or is this something that is a clarification of what was previously brought forward?

The CHAIRMAN. This is a modification of an existing amendment.

Mr. TIAHRT. Mr. Chairman, I think the gentleman is trying to rewrite his amendment to the point that I brought up earlier, in that this is exactly what is in the bill now. So why would we have another waste of the Members' time, when everyone is trying to get out of here and go back to their districts to carry on very important business, that we bring an amendment that is exactly like the language that is in the bill?

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I would like to explain to the gentleman from Kansas (Mr. TIAHRT) that the Parliamentarian has explained that this is not the exact language that is in the bill. And all we are trying to do, there was a typo here, it was clear that it was meant to say "sterile needles or syringes."

If this is not acceptable, we would simply have to introduce a new amendment, which we are prepared to do, just to fix this small typo. I am not offering any new language to the amendment that was offered. But the amendment that was offered was cleared by the Parliamentarian as being different from what is in the bill.

Mr. TIAHRT. Mr. Chairman, further reserving the right to object, I think it is obvious that what the gentleman is doing. It is not the exact same language, but I would dare say that the gentleman from Virginia (Mr. MORAN) could not explain the significant difference between his amendment and what is currently in the bill.

And I would just go on to say that I think that what the gentleman is doing here is replacing the exact same language and it is a great waste of our time.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The amendment is modified.

The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN), as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MORAN of Virginia. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by gentleman from Virginia (Mr. MORAN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. LARGENT

Mr. LARGENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment printed in House Report 105-679 offered by Mr. LARGENT:

Page 58, insert after line 10 the following:

The CHAIRMAN. Pursuant to House Resolution 517, the gentleman from Oklahoma (Mr. LARGENT) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LARGENT).

Mr. TAYLOR of North Carolina. Mr. Chairman, if we can have an agreement that the time of the gentleman from Oklahoma (Mr. LARGENT) would be 15 minutes, the gentleman from California (Mr. BILBRAY) would be 10 minutes, and the gentleman from Georgia (Mr. BARR) would be 10 minutes, and the gentleman from Texas (Mr. ARMEY) will be 30 minutes equally divided between the two sides, if the gentleman from Virginia (Mr. MORAN) would agree to that, we could proceed and save a lot of time.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I would agree with all of the preceding except for the last item. There are so many speakers on the Armey amendment, I wonder if the gentleman would consider, say, 50 minutes?

Mr. TAYLOR of North Carolina. Reclaiming my time, I will do anything to cut time, so I would do that.

Mr. MORAN of Virginia. Mr. Chairman, with that modification, we would have no objection on this side.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIAHRT) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

LIMITING FURTHER AMENDMENTS AND DEBATE IN THE COMMITTEE OF THE WHOLE DURING FURTHER CONSIDERATION OF H.R. 4380, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 4380 in the Committee of the Whole, pursuant to H. Res. 517, no amendment shall be in order thereto except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. LARGENT, made in order under the rule for 15 minutes;

Mr. BILBRAY, made in order under the rule for 10 minutes;

Mr. BARR of Georgia regarding ballot initiative and the Controlled Substances Act for 10 minutes; and Mr. ARMEY made in order under the rule for 50 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. TIAHRT). Pursuant to House Resolution 517 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4380.

□ 2211

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, pending was amendment No. 2 offered by the gentleman from Oklahoma (Mr. LARGENT).

Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. LARGENT) and a Member opposed each will control 7½ minutes.

Mr. LARGENT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY), chairman of the Adoption Caucus here at the U.S. House of Representatives and the chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding.

First of all, let me say this: I rise in support of the amendment of the gentleman from Oklahoma (Mr. LARGENT). It has nothing to do with gender. It has everything to do with children.

My wife and I are proud parents of two adoptive children. But when they have two people, as is currently under the law in the District, who have no contract between them come together and petition and obtain a child through adoption, what are the rights of the child? The people decide that they no longer want to be together. What happens to the child? What rights does the child have?

That is a very, very serious thing. It has nothing to do with gender. It has nothing to do with whether single people adopt children or whether two women or two men. The thing is that there is no contract, there is nothing there legally to protect this child.

Remember this, the child may have been in a foster home. He has already been through possibly a traumatic experience. Now they are going to put him in another traumatic experience or her in another traumatic experience because there is nothing in the law to say what happens. What if one of the parents decides to go to California, another one is to go to Maine? What do you do?

I think it was never intended when the adoption laws were adopted. They just assumed that there were couples who would do the adoption, but times change.

I think the gentleman from Oklahoma (Mr. LARGENT) has a very good amendment, and I hope my colleagues would support it.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 1½ minutes.

□ 2215

Mr. Chairman, Americans categorically reject the notion that the government should take a greater role in deciding who can and cannot adopt children. By a margin of nearly four to one, voters say we should keep the system that we currently have rather than allow the Federal Government to take a greater role. Parenting skills, not marital status or sexual orientation, should be considered. The Largent amendment says if you are single, unattached and date around without any long-term commitment, you can still adopt children. But if you are in a long-term committed relationship and agree with your partner that you would like to raise a child together, you are then prohibited from adopting. We do not think this amendment works. It completely overrides the ability of domestic law judges who see these children interact with the prospective parents to determine what is in the best interest of the child. No matter how wonderful a prospective couple may be as potential parents, the judge cannot let them adopt. This amendment will not directly impact any of us but it will directly harm the thousands of orphaned and abandoned children currently living in the District of Columbia who desperately want to be adopted. This amendment denies those children the opportunity of finding a loving and happy home with two monogamous committed parents. We think this is an anti-child amendment, an anti-family amendment. We would urge a "no" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. LARGENT. Mr. Chairman, I just would inquire, who has the right to close this debate?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has the right to close.

Mr. LARGENT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a very short, very simple amendment. In fact it is only 30 words long. But it does, I admit, have far reaching ramifications about what the House decides today. Thirty words. It is not very complicated. In fact it is very, very simple. If you have not read it, let me read it for you. It says, "None of the funds contained in this act may be used to carry out any joint adoption of a child between individuals who are not related by blood or marriage." That is the amendment.

Let me give my colleagues a little background about why we need to have this amendment. In 1895, Congress passed the first adoption laws for the District of Columbia. They were amended in 1954. Congress passed adoption laws for the District of Columbia. Congress did that. In 1991, there was a court case that arose in the District of Columbia. Two men, living together, petitioned an agency to adopt a young girl. They were denied. They appealed it. It went to the District Court of Appeals in the District of Columbia and in 1995, 2½ years ago, 3 years ago, a District Court of Appeals said that those two individuals had the right to jointly adopt the little girl. Now, let me make this perfectly clear. That there has never been, in the history of this country, a legislative body that has voted and passed a measure that said it is okay for unrelated individuals to jointly adopt a child. That was done through a District Court of Appeals in the District of Columbia. It has now been replicated in a couple of other States as well. But let me say, also, that this amendment does not single out homosexual couples. This could be a heterosexual couple that does not have a marriage contract that binds them together.

Another point that I want to make about why we need this amendment and what it does and what it does not do. Adoption, as the previous speaker on our side said, is all about the child. This is a good thing. If this is about protecting the rights of anybody, it is about protecting the rights of the child. That should be preeminent above everything else. And yet when I think about the idea of a child being adopted by two people, three people, four people, five people, where does it stop, any number of individuals who simply want to get together as a group and adopt a child. I mean, it could be Yankee Stadium. The crowd at Yankee Stadium decides they want to collectively adopt a child. I mean, where do you stop? Where do you rationally stop this argument? But they get together and decide they want to adopt a child. It really reminds me of one of the cultural things that our young people are doing today at rock concerts where they take a young person and they toss them into the crowd and they do this body surf across the crowd. That in effect is what we do when we say you can have joint adoption by two people that have no contractual relationship with one another. None. It is like throwing a child out into the crowd and just allowing that child to body surf along. We are trying to take a child that is obviously coming out of a very traumatic situation and place them in one, above all, that gives them a sense of stability. That is the whole concept of adoption, rescuing a child from a sense of helplessness and an unstable situation and putting them in a stable situation.

I want to say one other thing and I want to repeat this over and over again about what this amendment does and what it does not do, because there is a lot of misunderstanding about this particular point. If you do not remember anything else, remember this. That is, that this amendment does not exclude individuals from adopting a child. Because I know what the argument already is, that there are a lot of children in our inner cities today, crack babies, HIV babies, that they say nobody wants. Sure, we want to adopt a child into a home that has a mother and a father. We all know and agree upon the fact that the most conducive and healthy environment to raise a child is in a home that has a mother and a father significantly participating in that child's life and nurturing and providing for them. No question about that. I do not think there is any argument. But we do not always get what is perfect and not every child is wanted by a home with a mother and a father.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. LARGENT. I yield to the gentleman from North Carolina.

Mr. HEFNER. The gentleman made a statement that a single person would be able to adopt a child. I just want to ask a question, say a single person, and we have aided some people to adopt children from other countries and what have you, say a single person adopts a child and then in a year or so they get into a relationship, whether it be heterosexual or whatever. When they enter into this relationship, what happens to the child?

Mr. LARGENT. The child would still be in the custody of the original parent who had adopted that child.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. LARGENT) has expired.

Mr. LARGENT. Mr. Chairman, if I could ask unanimous consent to address the question and finish the debate.

The CHAIRMAN. The gentleman may ask for unanimous consent only if time is congruently increased on both sides. The unanimous consent request would have to be for additional time on both sides.

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent to have an additional 30 seconds on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. LARGENT. Mr. Chairman, I would just conclude. That single person would still have custody. The only way that the additional significant other would then be included as a parent is through a marriage contract between the two adults in that relationship, which is the same for myself and my wife or anybody else.

So in conclusion, Mr. Chairman, I would just urge my colleagues and remind my colleagues that we debated this issue before on the Defense of Marriage Act. The House spoke, the Senate spoke, and the President signed into law the Defense of Marriage Act that we recognize as a family a marriage as one man and one woman.

Mr. Chairman, my amendment makes it clear that when a child in the District of Columbia is adopted by more than one person, those adoptive parents must either be married to each other or be related by blood to each other.

Adoption is the process by which a child who does not have a family is taken into a family, becomes a member of a family. And in a family, whether it's a big family or just a single adoptive parent and child, all the members are related to one another. A child who is jointly adopted by people who are not related to each other is not so much entering a family as becoming a jointly-held item of property.

This is a situation which never existed in the law anywhere until a short time ago. No legislative body in this country has ever voted that unrelated people could jointly adopt a child. This weird policy was inflicted on the District by an ill-considered judicial opinion, and in that opinion, the judge explicitly said that Congress had not been specific enough in defining the rules of joint adoption in the District of Columbia. So it is up to us to repair the damage.

I want to make it perfectly clear—because in discussions of this issue there has been some misunderstanding or misrepresentation—that this amendment in no way prohibits or builds any kind of barrier to adoptions by single individuals, which are very important in the District. It is not intended to penalize anyone or to curtail anyone's rights, but rather to protect the rights of children to be adopted into a permanent, stable family.

Adopting a child is one of the most loving and generous things someone can do. Many of the Members of this body are adoptive parents, and that is not only to their credit as individuals, but to the credit of Congress as an institution. And since I have been a Member of Congress we have repeatedly voted to make it easier for eligible children to be adopted and to help those good people who give to children without a family a permanent and secure place as members of their own families. We have voted to ban racial discrimination that might prevent or delay a child's adoption. We have created tax credits for adoptive parents. And we have reformed the foster care system so children will no longer be stuck for years in a temporary, unstable situation instead of being adopted into a family. These were all bipartisan efforts, and they have been among the best things we have done over these past four years.

But while we have been working on helping children get into families, another conversation has been going on that seems to have turned the issue of adoption inside out. Adoption is intended to be for the benefit of children. The good that flows to the adoptive parents is real, but it is incidental to the good of the children. Adoption exists in order to protect the right of each child to grow up in a permanent, stable, loving family. Adoptive parents certainly derive a great deal of satisfaction, joy and fulfillment out of the relationship, but that is not why adoption exists. If anyone in this situation has a "right" that society needs to protect, it is the right of the child to be adopted. But instead, we are hearing more and more about the "right" of this or that person to adopt, and we find this adoption being approved and that one being opposed because of some agenda in cultural politics, without regard to the good of the child involved.

When that starts happening, we are getting way off the track. When adoption starts being about making a statement on some social issue, or taking a stand for enlightened attitudes, or striking a blow for progress, instead of being about finding the best possible home for this child here and now, then the children just become commodities in a marketplace. When that happens one of the most beautiful and loving things a person could do becomes twisted into an ugly form of exploitation. I am afraid that is the perspective those D.C. judges had when they wanted to experiment with the lives of children by inventing joint adoption by unrelated persons.

Adoption creates a legally-sanctioned, permanent family relationship. There are only two other things that do that: marriage and birth. Those are the only ways people can become related, united for life as part of the same family.

When a single person adopts a child, a family relationship is formed between that parent and child, as strong as the bond of birth or marriage. If that single adoptive parent should later marry, his or her spouse would be allowed to adopt the child without having to terminate the custody of the original adoptive parent. That "spousal exception" is the only way recognized in the law for a child who already has one parent—biological or adoptive—to acquire a second parent. But even this is not allowed if the child's other biological parent still retains any custodial rights, because the law does not recognize an instance in which a child has two fathers or two mothers at the same time. For that matter, five or six homosexual or heterosexual—persons who do not have a family relationship between themselves, then that child is not being adopted into a family because the individuals with whom the family relationship is being created do not have a relationship among themselves. If John Smith and Mary Jones live together—or for that matter, if they just happen to be best of friends—and they decide to adopt a child jointly, does that child become a member of the Smith family or the Jones family, or both, or neither? If there is no legally recognized relationship between Smith and Jones, then the relationship the child would have with them would not be a family relationship; it would be two distinct, overlapping, and mutually contradictory family relationships. If we can compare a family with a home, then this kind of arrangement is more like a time-share condominium.

To be adopted by two different people who are not members of the same family is equivalent to being made a member of two families. And that is a denial of the stability adoption is supposed to provide. It may be very satisfying for the various people who own a share in the child. But it is not the stable membership in a family that society owes to each child who is eligible for adoption.

I cannot close my remarks without addressing one other subject. As I have tried to state, this amendment is about children, because adoption is about children. But I am fairly confident someone is going to try to shift the conversation to the alleged right of gays to adopt, and try to portray me as attempting to persecute homosexuals or discriminate against them or otherwise show myself to be mean-spirited and intolerant. And since I know that argument is coming, let me answer it in advance.

This amendment, I repeat, does not prohibit single persons from adopting. It is not intended to make it harder for anyone to adopt a child because I really do believe that children without families have a right to be adopted, and we have a duty to see to it that as many of them as possible are adopted as expeditiously as possible.

Moreover, just so we understand this clearly, this amendment is not intended to make it more difficult for a gay man who lives together with another gay man in a committed relationship to adopt a child. If a judge finds that such a petitioner would make a suitable parent and that such a home would be a good home for a particular child, then, fine. This amendment will not get in the way of that adoption.

But that's not enough for some of the spokesmen of the gay movement. They think it's unfair that people of the same sex cannot be married to each other. Well, they are entitled to think that's unfair, and they are entitled to work to change the law. But meanwhile, that is the law and it is public policy, and I think we have a pretty strong consensus in this country in favor of that policy. But since they can't get same-sex marriage written into law, their next strategy is to try to find other areas of public life in which they can enact policies in which gay couples would be treated as if they were married or almost married or just as good as married, and so they work for things like domestic partner benefits. Well, they are entitled to do that, too, and sometimes they win, sometimes they persuade political majorities or corporate managers that treating live-in lovers on the same level as spouses is good policy. I don't agree with that conclusion, but it's a fair issue to debate.

But on joint adoption of children, we have to draw the line. Sure, it might give some gay rights activist a warm feeling to see gay couples treated just as if they were married.But these are real kids we are talking about here, real kids who have already had a rough start, who are already hurt by whatever it was that caused them to become eligible for adoption. Those kids have a right to a family. It is simply wrong to turn them into trophies from the culture war, to exploit them in order to make some political point.

So to the advocates of gay rights, let me say this. If you want to adopt a child, go file your petition and convince a judge that you will be a good mother or father to a child in need and then love that child and raise him or her up, and I assure you, I will thank you and praise you because there is probably nothing finer that you will ever do with your life. I know that I have done nothing finer than to be a father to my own children.

But if you want to turn some poor child into a pawn in some political prank, if you want to exploit the misfortune of an innocent child just to make a point about how persecuted you are, then shame on you. Go pick on someone your own size.

This House is pretty sharply divided about how best to protect the rights of gay people in our society, but over the past few years we have shown that we are pretty united in our commitment to protect the rights of children who need to be adopted. We do not have to reach an agreement today about the rights of gay people because that is not what this amendment is about. It's about adoption, something most of us already agree on. I hope the members of this House will understand that and support this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I believe the gentleman from Oklahoma and I share the belief and hope that all children in this world grow up in a stable, loving family. For that, I applaud his intent. But there is a reason why this amendment was defeated so soundly in committee that the Republican members did not even ask for a recorded vote in committee. The reason is this was poorly drafted. Members need to know despite the good intent of the gentleman, the impact of this measure would be, for example, to allow a philandering married husband who abuses his wife on a regular basis to be able to legally adopt a child. But if two nuns felt God's calling to adopt a disabled, blind child from Romania under this amendment, they would be prohibited from doing so.

Another example. Under this well-intended effort by the gentleman, the real result would be if a couple that had been married for a few years, had never been faithful to each other, both were alcoholics and both abused each other, wanted to adopt a child, they could. Yet a man and woman who lived committed to each other, yet for reasons perhaps that I would disagree with had never signed a marriage contract but yet they lived together faithfully for 30 years wanted to adopt a child, they could not. I would ask Members, which children would be better off, adopted by two nuns that felt God's calling or an abusive husband and wife?

It is not the intent of the gentleman from Oklahoma with which I disagree. It is the impact. Unfortunately intent is not good enough when you have real consequences, and the real consequences I believe of this amendment could be children, in this country, from Romania and throughout the world who desperately need a loving home in which to be raised would be denied that loving opportunity.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Largent amendment which would prohibit joint adoptions in the District of Columbia by unmarried couples. As has been alluded to, this is really the same amendment that was rejected already by the Appropriations Committee, and voila, it is here on the floor. Most Americans agree that the Federal Government should stay out of family law decisions. In fact, Americans categorically reject the notion that the government should take a greater role in deciding who can and who cannot adopt children. By a margin of nearly four to one, it was 74 to 19 percent, the public believes that we should keep the system we currently have rather than allow the Federal Government to take a greater role. Congress has traditionally stayed out of family law, recognizing that State and local governments are best suited to address those issues. I think we all agree that the best interest of the child should be the deciding factor in setting adoption policy at the local level. This is best determined by local, trained professionals and not Members of Congress. Psychological Association reports that studies comparing groups of children raised by gay and by non-gay parents find no developmental differences between the two groups of children in their intelligence, social and psychological adjustment, popularity with friends, development of sex role identity or development of sexual orientation. In fact, in 48 states and the District of Columbia, lesbian and gay people are permitted to adopt when a judge finds that the adoption is in the child's best interest.

I want to point out that as of June, there were 3,600 children in the D.C. foster care system that were waiting to be adopted. It is hard enough to find good homes for the children and it would be a travesty to make children languish in institutions at great cost to taxpayers when they can have caring, loving homes.

Mr. Chairman, I urge my colleagues to leave family law decisions where they belong, at the local level and do not lose sight of the thousands of children in foster care who would be deprived of a good, loving, caring home if this amendment were to pass.

Vote "no" on the amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Mexico (Mrs. Wilson).

Mrs. WILSON. Mr. Chairman, I think that this amendment is an example of how bad cases can make bad law. I look forward to working with my colleague from Oklahoma on legislation that will comprehensively address the problems of child abuse and the child welfare system in this country, but I think this points out why we should not deal with these kinds of complex issues in an appropriations bill.

I say that having some experience with this issue, having until recently been the Cabinet Secretary for Child Welfare in the State of New Mexico. We are not talking here about the children for whom there is a long line of parents waiting for a healthy baby but of the thousands of children who languish in foster care who with good grace often fall in love with their foster parents.

□ 2230

It is those situations, and the opportunity to have a forever set of parents who may not be married to one another, that is something that we should not prohibit in statute. We must look on a case-by-case basis at the best interests of each and every child, even if in a perfect world we cannot achieve perfection in our view of it for all children.

And so let us leave this to the case-by-case basis and not close off an alternative that is now available to judges in the District of Columbia. That is the current law, and I believe it should remain so until we very carefully look at our alternatives.

Mr. MORAN of Virginia. Mr. Chairman, this is the first I have heard the gentlewoman from New Mexico (Mrs. Wilson) speak on the floor, and we are very pleased to have her as our colleague.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Dixon).

Mr. DIXON. Mr. Chairman, I do not think any of us, Mr. Chairman, can put it any better than the gentlewoman from New Mexico. The fact is that this is an attempt to turn around a case in the District of Columbia appellate court which said that they looked at the particular circumstances and they allowed a gay couple to adopt.

Under this proposed amendment married people could adopt, a gay individual could adopt, blood-related people could adopt. But who could not adopt? Two people who have a relationship, perhaps godparents under some circumstances, unrelated, not married. But most importantly, it is aimed at a court decision that said under the circumstances the placement with a gay couple was the best placement for that child.

Mr. Chairman, we should leave it to the court to decide and not legislate it here in Congress.

Mr. MORAN of Virginia. Mr. Chairman, may I inquire as to how much time is left?

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield the final 1½ minutes to the delegate from the District of Columbia (Ms. Norton).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the Child Welfare League of America says of this amendment, "This amendment would unnecessarily limit the pool of families available for these children who desperately need families."

Make no mistake. This is a gay-bashing amendment, but it is going to take down a lot of kids with it.

This matter of adoption rests entirely with the courts. They do it on the best interests of the child. They will not allow a child to go except where a child must be.

In the District we have many hard-to-place kids. Three thousand six hundred kids are in foster care and are waiting to be adopted. Our whole foster care system is in receivership. Is this a family values Congress or not? Are two parents better than one? Is it not the child who matters? Studies have been done that show no developmental differences, for example, between gay and nongay parents.

The language here is aimed at gays. Who it hits are kids in the District. There are substantial advantages to a child in joint adoptions, even when the parents are not married. There are inheritance rights, there are insurance rights, there is Social Security. We ought to encourage the added security of joint adoptions, not discourage it.

This is family law. Do not bring it into this Chamber. Defeat this amendment. Save the kids.

Mr. NADLER. Mr. Chairman, I rise today to oppose the Largent Amendment to the D.C. Appropriations Bill. This legislation would prevent joint adoptions by individuals who are not related by blood and marriage. In effect, this amendment, under the guise of ensuring the security of children, would prevent otherwise qualified couples from adopting the tens of thousands in need of adoption.

We are all aware that this amendment would prevent gay and lesbian couples from adopting children. I find it hard to believe that there are still members of this Congress who can believe that sexual orientation has a direct affect on a person's ability to raise a child. The American Psychological Association has conclusively decided that there is no scientific data which indicates that gay and lesbian adults are not fit parents. Research by the APA has also determined that having a homosexual parent has no affect on a child's intelligence, psychological adjustment, social adjustment, popularity with friends, development of sex-role identity and development of sexual orientation. To maintain assumptions otherwise is unfair, and scientifically unfounded.

It is my belief, and I'm sure that with a moment's consideration you will all agree, that the issue of adoption is best decided by parents and trained professionals on a case-by-case basis, based on the best interest of the child. We should not deprive children of families that are capable of raising them. How can you cheat a child out of a happy home and a caring family? How can you deny a person the right to share their love, their home, and the security they can offer a child?

Raising a child is a very personal issue, one that deserves the time and consideration of individual case-by-case evaluations. Anything else is simply discriminatory. I urge my colleagues to oppose the Largent Amendment, and let each child and each potential parent have the right to an individual evaluation.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Largent Amendment. One of the most important things we can do in this chamber is pass legislation which improves the welfare of children in our country. In the District of Columbia, there are 3,600 children in the foster care system, waiting for suitable parents to given them a home.

There are half a million children in foster are in this country, but four out of five of these children are never adopted. Why would we put new, unfounded, discriminatory limits on the number of families that can provide a good home to a child?

The answer, it seems, is to satisfy a social agenda which has singled out lesbians and gays as its current most favored target. It is unfortunate that once again we are debating not how to advance civil rights, but whether to take a step backward in time, and make policy based on prejudice, intolerance and ignorance of the facts. In the service of this social agenda, the amendment would create a senseless policy, interfering in the ability of parents and trained professionals to make family placement decisions, and affecting both heterosexual and homosexual unmarried adults.

The amendment is the essence of old fashioned discrimination, imposing clear limits on an individual's participation in society based on their group status, rather than their abilities.

But let me return to the welfare of children. All the evidence shows that lesbian and gay parents are as good at parenting as any other group of parents. The American Psychological Association reports that, "the belief that children of gay and lesbian parents suffer deficits in personal development has no empirical foundation."

Studies document that children of gay and lesbian parents show no marked difference in their psychological adjustment, intelligence, popularity with friends, or development of sex role identity, when compared with children of heterosexual parents. In addition, lesbian and heterosexual women do not differ markedly in their overall mental health, or in their approaches to child rearing.

In all these areas, the research finds no difference. There are half a million children waiting for homes and we are debating whether to let prejudice deny children a home with a family.

Mr. Chairman, this amendment puts a right wing social agenda above the welfare of children and families. I urge a "no" vote on the Largent Amendment.

Mr. LEVIN. Mr. Chairman, I oppose the Largent amendment. Whatever my personal opinion in this matter, decisions about who can and cannot adopt a child should be left to the states and not the Federal government. Americans do not want the Federal Government dictating adoption laws. These matters are properly left to the states and local adoption judges.

In addition, this amendment is written in such a way as to have a number of unintended and negative consequences. As has been pointed out, the Largent amendment would prohibit two nuns from adopting a child.

I don't believe we should hold the District of Columbia to a different adoption standard than we do with the other fifty states. I therefore urge my colleagues to oppose this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this important amendment to H.R. 4380. Representative Largent has proposed an amendment to the D.C. Appropriations Act which will prohibit joint adoptions in the District by people who are not related by marriage or blood.

Congress has traditionally stayed out of family law, recognizing that state and local governments are better suited to address those issues. The ability of parents and trained professionals to make a decision of a case by case basis based on the best interests of the child, should be preserved. For 3 years, there have been attempts to attach language like the language that Representative LARGENT is introducing today. Each time such efforts have failed as it should! This type of legislation will put DC's children at risk.

In Washington, DC in June of this year, there were 3,600 children in the foster care system waiting to be adopted. These children need loving consistent care and a safe home. There is no reason to deny those potential adoptive parents the opportunity to raise a child in a loving home, and there simply is no reason to deny a child languishing in foster care the opportunity to be loved and nurtured and protected. All our children deserve to be cherished by parents that adore them.

Representative LARGENT may argue that this amendment will provide greater comfort and security for children. This is absurd. To even suggest that a healthy and loving unmarried couple should not be permitted to provide a child with an environment where he or she can have the chance to fully develop intellectually and socially is outrageous. In fact, 48 of the states and DC currently allow lesbian and gay people to adopt when the judge finds that the adoption is in the child's best interest.

This amendment makes no sense. It would allow single parent adoption and disallow joint adoption. Clearly, two parents, two loving legal guardians offer a child greater legal protection, security and benefits for a child than one parent. This amendment could never be in the best interest of any child.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT) will be postponed.

Pursuant to the order of the House of today, no further amendments shall be in order except for the following amendments which shall be considered read, shall not be subject to amendment or to a demand for division of the question, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. BILBRAY, made in order under the rule for 10 minutes; Mr. BARR, regarding ballot initiative and the Controlled Substances Act, for 10 minutes; and Mr. ARMEY, made in order under the rule for 30 minutes.

AMENDMENT OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BILBRAY:

Page 58, insert after line 10 the following:

BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. 151. (a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

(b) EXCEPTION FOR POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (e) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

(2) Upon the first violation the individual shall be subject to a civil penalty not to exceed $50.

(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY)

Mr. BILBRAY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, not too long ago the President of the United States made a statement to the news media that as far as he knew it was illegal for minors to smoke in every State in this Union. Well, sadly, Mr. Chairman, that is not true. In fact only 21 States of Union have minor possession and use of tobacco as being illegal.

That is embarrassing all of us in government. But what is even more embarrassing than the President not knowing this, what is even more embarrassing than States across this country still not having minors' use of tobacco as being illegal, what is really embarrassing, Mr. Chairman, is that the Federal District has not taken the time to make it illegal for minors to possess and smoke tobacco products.

The Federal Government, in our oversight, embarrassingly has created a refuge for underage smoking here in Washington, D.C. While Virginia has made it illegal, while Maryland has sent a strong message to its children that they should not smoke, those of us in Congress and Washington, D.C. have said, well, we have overlooked it.

And it is embarrassing, Mr. Chairman. I would like to point out that it is embarrassing not to those of us in government, it is embarrassing to the Lung Association, the American Cancer Society and the American Heart Society, and even the Campaign for Tobacco-Free Kids, which I am an original cosponsor of their bill. They are embarrassed with this bill because it points out that we have missed the mark here in Washington, D.C.

All my bill asks, Mr. Chairman, is the fact that we send a clear message to my children, to your children, that there are certain behaviors that are not appropriate for children. One is the purchase and the consumption and the possession of alcohol. Another is the purchase, the consumption and the possession of tobacco. And I think all of us should forget about the embarrassment and move forward to protect our children.

Mr. Chairman, we need to send a very clear message that this Congress feels it is inappropriate for underage children to smoke, to possess tobacco, and that only adults should participate in that behavior not just in Virginia and Maryland, but also here in Washington, D.C., the Nation's Capital.

I think this will help to send a message, a clear message, to all the legislatures that have overlooked this little detail, and they will do what other legislatures are doing now, and that is passing laws to send a clear message that, children, drinking is wrong for minors and so is smoking.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Virginia opposed to the amendment offered by the gentleman from California?

Mr. MORAN of Virginia. I am in opposition to the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia will control 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment, as does the Campaign for Tobacco-Free Kids and the American Lung Association. Like the gentleman from California (Mr. BILBRAY), I was a cosponsor of the Healthy Kids Act. Many of us were. It would have established tough new penalties against companies for targeting tobacco products at our children.

But this amendment is different. Instead of penalizing the tobacco companies for targeting our children, the gentleman's amendment penalizes the children for possessing their products.

Mr. Chairman, before we go after kids for possessing these products, maybe we should go after the merchants who sell their tobacco products to under-aged children. That is what the Campaign for Tobacco-Free Kids is. As my colleagues know, the Department of Health and Human Services did a survey and showed that 42 percent of retailers in the D.C. area sell tobacco products to minors. We are told that this is a major problem in the District of Columbia. And to blame it on the children without giving responsibility to the tobacco companies seems to be blaming the victim.

Mr. Chairman, after making children pawns of decades of sophisticated marketing techniques by the tobacco industry, it would really seem that to take them off the hook and to criminalize possession by children who are not old enough to know better, but certainly tobacco companies are, is misplaced enforcement.

Mr. Chairman, I reserve the balance of my time.

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume to ask the gentleman from Virginia (Mr. MORAN), is he opposed to the State of Virginia's law making it illegal for minors to possess and consume tobacco?

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I would say to the gentleman that we want enforcement first.

Mr. BILBRAY. I am just asking, is the gentleman opposed to the Virginia law?

Mr. MORAN of Virginia. I am not opposed to the Virginia law.

Mr. BILBRAY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I also am glad to hear the gentleman from Virginia (Mr. MORAN) say what he had to say about the Virginia law.

Mr. Chairman, this just simply includes children in the chain of responsibility. It does not exclude the ability to hold others responsible.

In fact, in the District of Columbia and in all 50 States, because of a 1992 law passed by the Congress, it is illegal to sell tobacco products. The 19-year-old store clerk has a penalty if he sells tobacco products to the 17-year-old purchaser, but the 17-year-old purchaser has no penalty. In fact, the 17-year-old purchaser can stand in the parking lot of the convenience store and smoke the pack of cigarettes while the 19-year-old store clerk and the store manager and the store owner are paying fines or having the kind of penalties this Congress said should be on that side of the counter.

The gentleman's legislation just says that there should be penalties on both sides of the counter; that the only person involved in this transaction who has no consequences for their action should not be the teen smoker. I urge that we support this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I certainly would like to know where my city council stands on this bill. Out of respect for me, I would have thought that the Member would have allowed me to present this matter to my city council instead of springing it on the Rules Committee and on me.

This bill requires that the city council spend money setting up a tobacco cessation program, and it lays out what the penalties should be. Maybe the penalties should be more. Maybe they should be less. Why should not my folks have the same opportunity the gentleman says Virginia had to decide whether or not to do this?

I cannot say they would not want to do this. They have just passed a whole spate of very good anti-tobacco laws.

I do not second-guess my own council, and I live in the District. Who is the gentleman, without even presenting the matter to the council, to presume to legislate for them? This is precisely the kind of disrespect for me personally and for my district that goes on in this body without people even thinking about it.

Give me the opportunity, I say to the Member, to present this to my city council. They may well go for it.

Mr. BILBRAY. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I would just say to the gentlewoman from Washington, after 23 years, and as a parent who brings his children here to live here periodically at times, I think that every child of D.C. should have the protection without waiting another 23 years for oversight.

The CHAIRMAN. The gentleman from California (Mr. BILBRAY) has less than 30 seconds remaining and the gentleman from Virginia (Mr. MORAN) has 2 minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), who has been a long time leader in the fight for healthy children.

Mr. WAXMAN. Mr. Chairman, there is a lot we should do in order to reduce teen tobacco use and are obviously not doing it. This amendment is a step but I cannot tell if it is a step forward or a step back. It might result in fewer kids using tobacco. It might not. Overall, it is hard to see that this amendment will make much of a difference at all. It is the kind of a thing that a city council ought to deliberate on.

One thing is certain, this approach is not balanced. The focus is misplaced. All the emphasis is on punishing children and none is on stopping the tobacco industry from preying on them.

There is no evidence that this House is committed to protecting children from tobacco. Earlier this year, this

House failed to provide the funds needed by the FDA for enforcement of laws prohibiting sale of tobacco to minors.

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Then we failed to pass comprehensive tobacco legislation. And, just a few weeks ago, a sting conducted by the American Lung Association revealed that 15-year-olds could buy cigarettes right here in the Capitol. On the House side of our Capitol, a 15-year-old girl was able to buy cigarettes every time she tried.

Now, this Congress, which does not enforce current law in the Capitol, is telling the District of Columbia to adopt a new law to punish kids. They are not strengthening the laws against retailers, they are not enforcing existing laws against selling cigarettes to minors, they are not providing money for this unfunded mandate, they are not stopping tobacco company advertising, they are not changing the predatory behavior of the tobacco industry.

In considering the impact of this amendment, do not delude yourself. Do not believe that simply passing a law that shifts responsibility to the young will make a real difference. We are the adults, presumably, in this body, and we have not taken our responsibilities.

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as any of those of us that are parents would know, you do whatever, whenever and however you can, whenever you can, to help your children. D.C. has laws against sale. It has laws against buying tobacco. But, sadly, D.C. does not have laws against possession and consumption. The gentleman from California may blame this on one or the other.

Now is the time, either vote for kids not to smoke, or walk away and wash your hands. It is not time to play.

Mr. Chairman, I insert the following for the RECORD.

AMERICAN LUNG ASSOCIATION,
SAN DIEGO AND IMPERIAL COUNTIES,
August 5, 1998.

Hon. BRIAN BILBRAY,
House of Representatives,
District Office, San Diego, CA.

DEAR CONGRESSMAN BILBRAY: It has come to our attention that you are introducing an amendment to the Washington D.C. appropriations bill that would criminalize youth who buy tobacco but would add no penalties or enforcement against retailers who sell tobacco to minors.

As you know from the sting conducted by the American Lung Association, minors in D.C. and in other parts of the country can easily buy tobacco products. In San Diego, thanks to active enforcement programs directed towards retailers, the sales rate to minors has been drastically reduced to 21% from over 60% five years ago. However, even though sales to minors in our region are lower than other parts of the country, 21% is still unacceptably high.

Those who supply illegal substances to youth must be the primary focus of enforcement operations, whether the substance is alcohol, drugs, or tobacco. Penalizing users and not suppliers is *not* an effective enforcement strategy.

You have co-sponsored a bill, Hansen-Meehan-Waxman that correctly punishes the tobacco industry for its unconscionable targeting of American youth with a deadly and addictive substance. We would expect the same approach to the retailers that sell tobacco to minors.

Turning children into lifetime tobacco addicts has been the focus of a multi-billion dollar effort by the tobacco industry. Their campaign has included sophisticated marketing supplemented by efforts to weaken the enforcement of laws that prevent tobacco sales to minors. A major strategy of the tobacco industry is to penalize kids for succumbing to the sophisticated efforts of tobacco manufacturers and retailers, rather than holding the industry accountable.

We urge you to remove your amendment to the D.C. appropriations bill. If you have any questions, do not hesitate to contact me at 619-297-3901.

Sincerely,

DEBRA KELLEY,
Vice President, Government Relations.

AMERICAN LUNG ASSOCIATION,
Washington, DC, August 6, 1998.

DEAR REPRESENTATIVE: The American Lung Association opposes the Bilbray amendment to the District of Columbia Appropriations bill that penalizes kids for the possession of tobacco products.

Penalizing children has not been proven to be an effective technique to reduce underage tobacco usage. In fact, penalties may adversely effect existing programs that are proven to work and are required, such as compliance checks utilizing young people. The Bilbray amendment would make these checks illegal. The Synar Amendment on marketing tobacco to children could not be enforced because it would be illegal for supervised teens to attempt to purchase tobacco.

Attempts to put the blame on our children, the pawns of decades of sophisticated marketing by the tobacco industry, instead of the manufacturers and retailers, is just another smokerscreen by big tobacco. The tobacco industry favors shifting both the blame and the attention away from their marketing efforts onto the shoulders of young persons.

For example, a 1995 study by the Maryland Department of Health and Mental Hygiene discovered that 480 minors were penalized for possessing tobacco but no merchants were fined for selling tobacco to minors. On July 16 and 21, 1998, the American Lung Association conducted an undercover "sting" operation to determine whether teens could purchase tobacco in the U.S. Capitol complex. Five out of nine attempts were successful, and in the House office buildings, all attempts were successful. Here is clear proof that existing laws regarding selling to teens are not being enforced. Existing laws and regulations need to be enforced.

The tobacco industry favors criminalizing our kids. This alone should be adequate reason for you to reject the Bilbray amendment to the D.C. appropriations bill. The best solution for this Congress is to pass H.R. 3868, the Bipartisan NO Tobacco for Kids Act sponsored by Representatives Hansen, Meehan, Waxman and more than 100 other members of the House.

Sincerely,

JOHN R. GARRISON,
Chief Executive Officer.

CAMPAIGN FOR TOBACCO-FREE KIDS,
Washington, DC, August 6, 1998.

House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: The Campaign for Tobacco-Free Kids opposes the amendment that may be offered later today by Representative BILBRAY to the District of Columbia appropriations bill (H.R. 4380). This amendment would penalize youth for possession of tobacco products without creating a thoughtful, comprehensive plan to reduce tobacco use among children and without first ensuring that adults who illegally sell tobacco to kids are held responsible.

There is no silver bullet to reducing tobacco use among kids, but this amendment, in the absence of other effective policies, will do little to end tobacco's grip on the children of D.C. There is little evidence to indicate that in the absence of a concerted, comprehensive program, penalizing kids will work to reduce tobacco use rates. Rather, experience from other cities indicates that only a comprehensive program which vigorously enforces laws against selling tobacco to kids through compliance checks of retailers, and which included restrictions on tobacco ads aimed at kids, will be effective.

The narrow focus of this bill will further divert resources away from effective enforcement of the current laws that prohibit retailers from selling to kids. Although the District of Columbia penalizes retailers for selling to kids, this law is not being enforced adequately. According to Department of Health and Human Services, compliance checks showed that 42.3 percent of retailers in D.C. sell tobacco products to minors.

Additionally, this amendment does not address the fact that the tobacco industry spends $5 billion a year marketing its products. Kids in D.C. continually see tobacco ads on billboards, but shelters, and storefronts. The tobacco industry's marketing tactics work: 85 percent of kids who smoke use the three most heavily advertised brands (Marlboro, Camel and Newport).

Any discussion of holding children responsible for their addiction to tobacco should only come after or as part of a comprehensive approach, which insures that adults are being held responsible for marketing and selling to children. Therefore, we ask that you oppose this amendment. Thank you.

Sincerely,

MATTHEW L. MYERS,
Executive Vice President.

Mr. BISHOP. Mr. Chairman, I am pleased to rise this evening in support of the Bilbray amendment.

I recognize in this amendment the heart and soul of a bill I introduced in June of 1997—H.R. 2034, the Tobacco Use by Minors Deterrence Act.

While the Bilbray amendment moves in the right direction, by providing community service, fines and loss of driver's license for kids who are caught with tobacco products, I urge my colleagues to consider the other aspects of the teen access problem that remain to be addressed.

The bill I authored provides loss of license to sell by retail outlets for repeated infractions.

It requires parental notification of violations by kids.

It requires training of employees, posting of notices, and lock-out devices for vending machines.

In short, it provides for a shared responsibility by kids, families, law enforcement, and retailers to protect the health, safety, and welfare of our kids against tobacco use while protecting the right of informed adults to make a choice.

I urge my colleagues to remember that tobacco is a legal product for informed, consenting adults.

The approach found in the Bilbray amendment, and in my bill, encourages respect for the law, but at the same time it recognizes that tobacco is a legal product, which is important to my Congressional District.

Mr. Chairman, I urge my colleagues to support the Bilbray amendment because it sends the right kind of message to underage youth.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this important amendment to H.R. 4380. Congressman BILBRAY has proposed an amendment to the D.C. Appropriations Act which will make it illegal for anyone under 18 years old to possess any cigarette or other tobacco product in the District of Columbia. This is a good desire but one that should be handled by the local D.C. Government.

I oppose Representative BILBRAY's amendment because this amendment will penalize youth for possession of tobacco products without creating a thoughtful comprehensive plan to reduce tobacco use among children and without first ensuring that adults who illegally sell tobacco products to children are held responsible.

Penalizing children has never proven to be an effective technique to reduce underage tobacco usage. In fact, we know that penalties may adversely affect exiting programs that are proven to work. Attempts to put the blame of the tobacco industry on our children, who are simply pawns of decades of sophisticated marketing by the tobacco industry is ineffective and wrong.

The narrow focus of this bill will further divert resources away from effective enforcement of the current laws that prohibit retailers from selling to kids. This law is not being enforced adequately in D.C. According to the Dept. of Health and Human Services, compliance checks showed that over 40 percent of retailers in DC sell tobacco products to minors. Why not help DC focus on making this law work against those who willingly sell tobacco to our children.

We should only hold children responsible for their participation in smoking after we have effectively held the adults who sell and manufacture tobacco responsible for their role in addicting our children to this lethal product.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BILBRAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentleman from California (Mr. BILBRAY) will be postponed.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BARR of Georgia:

Page 58, insert after line 10 the following:

SEC. 151. None of the funds contained in this Act may be used to conduct any ballot initiative which seeks to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BARR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I am honored to yield two minutes to the gentleman from Illinois (Mr. HASTERT), who has been a leader in the war against mind-altering drug usage.

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this piece of legislation says that basically the District of Columbia should not and shall not make marijuana a legal substance. Of course, marijuana federally is an illegal substance. This is a Federal district. I think that is just logical.

Let us talk a little bit about what marijuana is and what it does. If we think that kids should not smoke tobacco, then I think it is a logical step that probably we should not make this available for kids or anybody to be smoking marijuana.

A lot of people say marijuana produces no ill-effects to the people that use it. That is a fallacy. We find that marijuana affects motor coordination, reasoning and memory, and marijuana has a much higher level of carcinogens than tobacco.

Some people say marijuana is not a dangerous drug. Let me tell you, a study of patients in shock trauma who have been in automobile accidents found that 15 percent of those who have been in a car or motorcycle accident have been smoking marijuana. Seventeen percent have been smoking both marijuana and drinking. When the City of Memphis, Tennessee, tested all reckless drivers for drugs, it was discovered that 33 percent showed signs of marijuana use.

Now, I think this is just a logical step. If we want a drug-free America, if we want a drug-free workplace, if we want drug-free prisons and drug-free schools and drug-free highways, we probably ought to have a drug-free capital, to say to prohibit the legalization of marijuana in the District of Columbia, where millions of our constituents come, year in and year out, day in and day out, week in and week out. They ought to be safe.

We ought to do our best, not just for the safety of the citizens of the District of Columbia, but for the safety of our constituents who come here to visit, to come here to learn, school kids that come through this Capitol, and certainly people who come here to do business, the country's, the Nation's business, day in and day out.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind the gentleman that offered this amendment what I know the gentleman knows, and that is that this amendment is moot. There are an insufficient number of signatures gathered. The petition was rejected with a statistical level of 95 percent confidence that there were insufficient valid signatures of registered voters for the District as a whole.

I do not need to go into all of this. The conclusion is that the recommendation of the Board of Elections and Ethics is that the initiative measure be rejected, which would have allowed the medical use of marijuana.

So we are not talking about anything of consequence. The District of Columbia voters have voted. This has been rejected. This is the process that should have been pursued, instead of us trying to impose our will on the District of Columbia voters. They have acted as apparently you would like them to act, and, from your perspective, I am sure, have done the right thing.

This is moot, it is extraneous, it is late, and we have no reason to have taken this up. I wish the gentleman had withdrawn the amendment, as we requested.

Mr. Chairman, I yield the balance of my time to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am absolutely amazed by the capacity of this body to debate settled issues. This is the second time that these folks have tried to gather enough signatures for medical marijuana in the District, and this is the second time it has failed.

My staff, in order to keep this from wasting the time of this body, went so far as to wake up the Board of Elections and have verified that there are not enough signatures. The fact that there are not enough signatures for the second time says pretty definitively that the residents of the District of Columbia have decided this issue.

The medical marijuana debate goes on. Anybody trying to do an innovative approach, unproven, I believe undergoing tests, but as yet unproven, and trying to do that in the District of Columbia, must surely know that this Congress is going to strike it down. That is exactly what happened, except the people struck it down first.

I am going to ask Members at 5 minutes to 11 to voice vote this, to consider it moot, so that we can go on with our business.

Mr. BARR of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it always strikes me as rather odd that people take hours and hours and hours debating amendments, and then, when one comes along that they disagree with, oh, they are so concerned about the Members having to be here.

Well, the fact of the matter is, Mr. Chairman, this is not a moot point. The fact of the matter is that, yes, it appears at this point in time that the signatures on the ballot are wrong and are invalid.

There is time to appeal that, plus the fact, Mr. Chairman, history dictates to us that these drug legalization people do not give up. What they will try and do is they will try and come back again and again and again. Even if the appeal of the invalidity of this ballot referendum is sustained, they will immediately, I am sure, begin the process once again.

All this amendment does is it prevents funds, appropriated funds, from being used in any way to fund a ballot initiative. It strikes not only at the ballot itself, but at using any funds for the development of that ballot, for publicity surrounding that ballot, the whole range of things that these drug legalization people do, over and over and over again.

If the folks on the other side are against legalization of marijuana, I do not understand why they would be opposed to this amendment. This amendment simply says that no monies appropriated under this bill shall be used for ballot initiatives for drug legalization. That includes marijuana. That includes all other Schedule I controlled substances, such as heroin, such as cocaine, such as crack cocaine, and the list goes on and on. That is what we are trying to get at. Oh, but a portion of the passion that they reserve for the tobacco issue would be dedicated to the issue of antidrug efforts, Mr. Chairman.

I would urge my colleagues that this is not a moot point. It is very much alive. This amendment is necessary.

I urge a yes vote on the amendment which will prohibit the use of funds for pro-drug legalization ballot initiatives in any way, shape or form.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARR).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105-679 offered by Mr. ARMEY:

Page 58, after line 10, insert the following:

TITLE II—DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIPS

SEC. 201. DEFINITIONS.

As used in this title—

(1) the term "Board" means the Board of Directors of the Corporation established under section 202(b)(1);

(2) the term "Corporation" means the District of Columbia Scholarship Corporation established under section 202(a);

(3) the term "eligible institution"—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 203(c)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 203(c)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through instruction described in section 203(c)(2);

(4) the term "parent" includes a legal guardian or other person standing in loco parentis; and

(5) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 202. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this title, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this title shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this title shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1999;

(ii) $8,000,000 for fiscal year 2000; and

(iii) $10,000,000 for each of fiscal years 2001 through 2003.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this title for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this title as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this title, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) Elections.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) Residency.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) Nonemployee.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) Incorporation.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(7) General term.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) Consecutive term.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this title.

(9) No benefit.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) Political activity.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) No officers or employees.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) Stipends.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this title, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) Officers and Staff.—

(1) Executive director.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG-16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) Staff.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) Annual rate.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) Service.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) Qualification.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) Powers of the Corporation.—

(1) Generally.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) Hiring authority.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this title.

(e) Financial Management and Records.—

(1) Audits.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) Report.—The report for each such audit shall be included in the annual report to Congress required by section 210(c).

(f) Administrative Responsibilities.—

(1) Scholarship application schedule and procedures.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this title, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this title. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) Institutional applications and eligibility.—

(A) In general.—An eligible institution that desires to participate in the scholarship program under this title shall file an application with the Corporation for certification for participation in the scholarship program under this title shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this title;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

(B) Certification.—

(i) In general.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this title.

(ii) Continuation.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) New eligible institution.—

(i) In general.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this title for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this title; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) Certification.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this title unless the Corporation determines that good cause exists to deny certification.

(iii) Renewal of provisional certification.—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this title unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) Denial of certification.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) Revocation of eligibility.—

(i) In general.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this title for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) Explanation.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this title.

(3) Participation requirements for eligible institutions.—

(A) Requirements.—Each eligible institution participating in the scholarship program under this title shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this title not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this title, other than requirements established under this title.

SEC. 203. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1998–1999, 1999–2000, and 2000–2001; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students who are described in subsection (a), not described in paragraph (1), and otherwise eligible for a scholarship under this title.

(3) LOTTERY SELECTION.—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this title for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this title for the fiscal year.

(c) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia; Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) NOT SCHOOL AID.—A scholarship under this title shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 204. SCHOLARSHIP AWARDS.

(a) AWARDS.—From the funds made available under this title, the Corporation shall award a scholarship to a student and make scholarship payments in accordance with section 205.

(b) NOTIFICATION.—Each eligible institution that receives the proceeds of a scholarship payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this title is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this title, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this title is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1999, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2000 through 2003.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1999, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2000 through 2003.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1999, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2000 through 2003.

SEC. 205. SCHOLARSHIP PAYMENTS.

(a) PAYMENTS.—The Corporation shall make scholarship payments to the parent of a student awarded a scholarship under this title.

(b) DISTRIBUTION OF SCHOLARSHIP FUNDS.—Scholarship funds may be distributed by check, or another form of disbursement, issued by the Corporation and made payable directly to a parent of a student awarded a scholarship under this title. The parent may use the scholarship funds only for payment of tuition, mandatory fees, and transportation costs as described in this title.

(c) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—If a student receiving a scholarship under this title withdraws or is expelled from an eligible institution after the proceeds of a scholarship is paid to the eligible institution, then the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any such proceeds received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

SEC. 206. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this title shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this title.

(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to an eligible institution that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the eligible institution.

(2) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

(3) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or an eligible institution from offering, a single-sex school, class, or activity.

(c) REVOCATION.—Notwithstanding section 202(f)(2)(D), if the Corporation determines that an eligible institution participating in the scholarship program under this title is in violation of subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 207. CHILDREN WITH DISABILITIES.

Nothing in this title shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 208. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the eligible institution is established or maintained.

(b) SECTARIAN PURPOSES.—Nothing in this title shall be construed to prohibit the use of funds made available under this title for sectarian educational purposes, or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

SEC. 209. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this title shall report to the Corporation not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 210. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this title, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 211. JUDICIAL REVIEW.

(a) JURISDICTION.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the constitutionality of the scholarship program under this title and shall provide expedited review.

(2) STANDING.—The parent of any student eligible to receive a scholarship under this title shall have standing in an action challenging the constitutionality of the scholarship program under this title.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. ARMEY) and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the hour is late, we are all very familiar with this issue. The issue is very simple. In addition to the already increase of $81 million for the D.C. public schools that you find in this bill, where the committee in their generosity increased public school funding by 14 percent over last year, I am asking again, as I have done before, that we take additional monies for the purpose of providing scholarships to the children and the families of children in the D.C. area that are low income families, so that those families might have the right and the privilege of seeking a better school opportunity for their children and moving their children to another school.

We are all familiar with the demand for this and the over 7,000 families that have already requested this formally. We are all familiar with the availability of space that we have in schools where the maximum grant of $3,200 would be ample for the child's tuition.

This is not something new. We have had this debate before. But let me just highlight a few things that have happened since the last time we had this debate.

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A Washington Post poll has been released recently that shows that District residents support a scholarship program by a 56 to 36 margin. That same poll shows that African Americans support it by a 2 to 1 margin. Also in that poll, we discovered that 67 percent of parents of public school children support it.

Another point we should keep in mind is that the Wisconsin Supreme Court case was settled since we last discussed that with respect to the Milwaukee school choice program. By a vote of 4 to nothing, they said that it does not violate the establishment clause of the first amendment.

Mr. Chairman, I might make this final observation. Many people are saying to me, why do we want to have this vote again after the President so recently vetoed this legislation? Let me just say, Mr. Chairman, if I may, I am committed to these children. I know them. I know their families. I know how important it is in their lives. I cannot in good conscience talk about that commitment without seizing every opportunity I have before me to make this scholarship opportunity available for them.

I do not understand how any person watching this school system, which is already one of the most well-funded school systems in America, that received a 14 percent increase in its budget over last year to the tune of $81 million, can find it in their heart to say that an additional $7 million expressly available to poor families so they might exercise the same option that is so cavalierly exercised by wealthy people in this town, to choose a school themselves for their children, how they can vote against that?

I know we have those in this body that will be so devoid of heart and understanding and compassion that they will vote no, but Members will not find me nor the majority of people voting here tonight that are willing to turn their back on these children.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in opposition to this bill. Mr. Chairman, I have supported this amendment in the past because I think that we do need to provide alternatives for those children who are living in untenable situations, and their parents do need alternatives from what are currently provided to them in order to receive an adequate public education. But I do not support including this amendment in the District of Columbia Appropriations Act.

The President has said, if this amendment is included in this bill, I will veto this bill. So why would we force this bill into a veto situation when it includes $85 million for the District of Columbia public schools and $20 million for charter schools, which is a new initiative, which is education reform, which is terribly important, which we will lose if this is attached to the bill?

Today is the 6th of August. Tomorrow we are going to recess for an entire month. When we return we will have 4 weeks to conference this bill, to vote on the conference report and send the bill to the President. I would hope we do not send a bill that will be vetoed. I do not understand why this needs to be included. We had a separate piece of legislation that dealt with this issue. I think that is the appropriate way to do it, not to put it on an appropriations bill.

For that reason, Mr. Chairman, I have to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the remarks of the gentleman from Virginia, but Mr. Chairman, we should not give up on the President of the United States. We should not forsake the hope that he could, in fact, have a change of heart and find a heart for these children. I, for one, will not give up that hope. I believe he is capable of caring.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I again rise to thank the majority leader for his outstanding efforts on behalf of the District of Columbia children and families.

Mr. Chairman, I simply want to make sure that Members understand what we are talking about here. The Armey proposal would grant tuition scholarships to 2,000 children and tutoring assistance to an equal number of kids, kids that all too often are trapped in poor performing schools in the District of Columbia, and to quote the gentleman from Virginia (Mr. MORAN) from the debate a few weeks ago, are thereby consigned to a very bleak adult future.

Mr. Chairman, I know there is always pressure, particularly late in the session of Congress, to jettison proposals in the name of political expedience, but there is never a wrong time to do the right thing. We cannot, in good conscience, leave these kids behind.

We are talking about a school district with the lowest test scores and highest dropout rates of any large urban school district in the country, despite spending somewhere in the neighborhood of $9,000 per kid. How do we rationalize opposing this very modest proposal?

We have to give choice a chance in the District of Columbia. We know that D.C. parents want choice: 7,573 children applied for 1,000 private scholarships that recently became available in the District of Columbia. We know that competition will help improve, not dismantle, the public school district.

The bottom line again is, as the majority leader said, D.C. children deserve a chance. In fact, every child in America and every child in Anacostia or the Southeast portion of the District of Columbia deserves a safe, sound education and a fair chance at the American dream. That is what the Armey opportunity scholarships will give needy children, children who should have a promise of a very bright future.

If we listen to the voices of choice, they are the parents who are demanding this. Virginia Walden, who has been mentioned before, said it best: Give parents like Virginia Walden the choice so their kids have a chance.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this amendment. We should be creating academic opportunities for all students, and not just a handful. We do that by improving our public schools, not by undermining them.

Mr. Chairman, my mother worked in a sweatshop earning 2 cents for each collar that she stitched. She never dreamed that one day her daughter would serve in the House of Representatives. That was possible because education is the great equalizer in this Nation.

No one would deny that our public school system needs help, but I challenge my Republican colleagues, do they truly want to improve educational opportunities for children in the District? If the answer is yes, then reduce class sizes so teachers can give the attention and discipline to kids that they need; put computers in the classrooms, so students can learn the skills of the 21st century; and enact high standards, and hold students and schools accountable.

Do not take funds from public schools and give them to private schools. Do not provide vouchers to just 2,000 D.C. students, and abandon 76,000 students who remain in our public schools. Vouchers will not solve the problems in our public schools, they will create new ones. Let us defeat this amendment and help our public schools.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Let me concede from the outset that we are all just poor folks come to greatness, so we do not need any more testimonials about our hard times.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from Texas, the majority leader, for yielding me the time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. ARMEY). I think everyone in this Chamber would agree, we all support the notion of improving education, but I think where we draw the line is when we have those who defend the status quo, a status quo that has failed generations of children, and then there are those who want to provide opportunities for young people, for families who do not have a choice, 2,000 of more than 7,500 children.

Common sense would dictate that anyone with a good conscience would provide an opportunity to such a youngster, to such a family who is yearning for a choice and a quality education. Yet, there are those who would stand in the way of such a choice and such an opportunity.

Mr. Chairman, very rarely do we get an opportunity to touch a child's life and to provide a sense of hope and a sense of commitment from the United States Congress, such that they can go on and live a productive life. This amendment would go a long way to assure such a thing.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, it seems to me we have been down this road before, and here we go again. I rise in opposition to the experiment of the gentleman from Texas (Mr. ARMEY) to privatize public education, put vouchers into the hands of 2,000, when vouchers need to be in the hands of 80,000.

I really appreciate the concern for 2,000 of the students, but I would sure appreciate much more concern for 80,000 by reducing class size, having special programs, special tutoring, seriously paying teachers. That is how we improve education, not for 2,000, but for 200,000. Let us vote down this amendment and make America work for all of the students, and not just some.

□ 2310

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I thank the majority leader for yielding me the time. I commend the majority leader for his solid work over many years on this really important subject.

A recent poll conducted by the Washington Post found that District residents support low-income scholarships by a 56-to-36 margin. African Americans support low-income scholarships by an even greater percentage, 2-to-1 margin, the poll found.

Recent polls across the country show that while people really believe that teachers are very much a part of this solution, those same polls show that some of the heavy-handed approaches of the teachers unions are very much a part of the problem.

I think rather than just pandering to these heavy-handed unions, we need to look at the consumers and realize this legislation provides opportunity scholarships for grades K through 12, for children whose family income is below 185 percent of poverty. Students can receive scholarships of up to $3200. We need to focus on these students and those parents that want these opportunities.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I rise in strong opposition to the amendment for three reasons:

First of all, for fairness. When we have tackled tough issues around here like IRS reform, reforming the Internal Revenue Service, we did not say we are going to fix it for 3 percent of the people. We did not say we are going to fix it for low-income or high-income people. We said we were going to fix it for everybody. Yet with this proposal, we fix it for 3,000 out of 78,000 students. That is not fair. That does not meet the fairness test.

Secondly, consistency. Let us be consistent in this body. When we look at vouchers in D.C., it seems like there is a standard that, yes, we will experiment a little bit on D.C., but when we tried private schools scholarships on the ESEA Act, that failed. When we said we want to try it in Wisconsin and California and Texas, Alabama, that did not pass this body. But when we try to say, let us try it in somebody else's backyard, in D.C., then Members are a little bit more, let us try it on them.

Let us not do that. Let us be consistent and let us not apply different standards to different parts of the country.

Thirdly, yes, let us look at total reform. Let us reach across the aisle, Democrats and Republicans, and let us try alternative route certification. Let us bring teachers in like Colin Powell, let us bring Jimmy Carter, who can teach in a college but cannot teach in a high school. Alternative route certification would allow that. Let us pay our Head Start teachers a decent wage so that zoo keepers and parking attendants are not making more than them.

Let us make sure that we have charter schools and public choice. Those things will reform schools for everybody, not just 3,000 out of 78,000 students.

Defeat the Armey amendment.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS), chairman of the authorizing committee for D.C.

Mr. DAVIS of Virginia. Mr. Chairman, let me just address a few issues raised by my friends from the other side. First of all, this bill is already fully loaded. This has given a new meaning to that term, it will pass here and it will be whittled down in conference, but the President has already offered, I think, to veto 7 appropriation bills as they have come through this year. I do not think that means that we stop under the threat every time that he raises it.

My friend has raised the issue of fairness because this only applies to 3,000 scholarship students who can use the money, I might add, not just to go to private school but for tutors, for computers, for other items they may not be able to receive through the District of Columbia public school system. But what is fairness? No member of Congress, the President's kids, the Vice President's kids will attend the public schools in the District of Columbia. Fairness is giving to the poorest of the poor the same opportunities that our kids have. That is what fairness is. Not trying to equate 78,000 people and treat them all equally in a system right now that has the highest dropout rate in the country.

Finally, I just add, the schools have not opened on time for the last four years. We are putting more money in the public school system. It is our hope that it will help.

My friend also raised the issue of consistency in the ESEA Act. But consistency there is, what we said is, Federal dollars would not go in, but we encouraged State and local governments to be able to put dollars in for vouchers, if they felt it was effective.

In our case, it is only 6 percent of Federal money is in the State and local school systems nationally. In this case, we are the State for the District of Columbia. We have a unique leadership role in one of the poorest school systems in the United States.

This is a visionary plan. I am sorry it cannot have wider breadth. I am sure the majority leader would like to do that. But that only subjects it to more criticism from the other side of the aisle.

What we would like to do is to give the same kind of opportunities to the poorest of the poor in this city, the President and the Vice President and Members of Congress.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, there was an interesting article in a newspaper in my district this week, August 6, I would like to quote, because it does pose a question about conflict of interest and why one of our Members on the other side of the aisle is so invested in vouchers for private schools.

I take just a piece of this article. I will read just a part it and put the rest into the RECORD.

FRANK RIGGS, a one-time member of the Windsor school board who opposed vouchers as recently as four years ago, has recently said he will become a board member and spokesman for CEO America, which is a group that finances private voucher programs in 31 cities.

It goes on and on. I am telling my colleagues, we have heard over and over from one Member of the other side of the aisle why vouchers are so very, very good for this country. I think it is because it is good, possibly, for somebody else.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS) while I remind all of us that it is unseemly to question the motives of other Members of the Congress.

Mr. PITTS. Mr. Chairman, I rise in support of the amendment.

We have a moral responsibility to put children first in education, including our inner city D.C. kids. According to a Washington Post article, the D.C. school system is, and I quote, "a well-financed failure." Despite spending approximately $9,000 per student, about 40 percent of the second and third graders tested in D.C. public schools last spring read too poorly to meet the proposed standard for promotion to the next grade. This would mean that about 5,000 of Washington's 13,000 second and third graders might have to repeat their grade due to poor teaching, 5,000.

Washington, D.C. kids are simply not being taught basic reading skills. I wonder how many of these students will slip through the cracks and graduate from high school without being able to read a newspaper. Many of their parents are helpless to take action to provide a good education. Let us give these D.C. parents a choice, the D.C. children a chance.

Support the amendment.

□ 2330

Mr. MORAN of Virginia. Mr. Chairman, I yield 1¾ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I rise in strong opposition to this amendment. In addition to the other arguments already made against the amendment, this amendment exempts the private schools from Federal enforcement of civil rights laws, even though they are receiving federally funded vouchers.

Through legislative trickery, the amendment declares these vouchers are assistance to the student and not assistance to the school and, therefore, the school will technically not be a recipient of Federal funds subject to Federal enforcement of civil rights laws. Although the amendment does contain general antidiscrimination language, it does not contain the very important substantive and procedural rights for parents.

For example, the Department of Justice and Office of Civil Rights of the Department of Education will be prevented from withholding funds or seeking an injunction, even when there is proven cases of discrimination. Those remedies and the important legal support are not available because of the nonassistance to school provision. So discrimination can only be addressed on a case-by-case basis by the few parents willing and able to finance the litigation.

Mr. Chairman, this amendment represents poor public policy because it diverts funds which could be put to better use and, furthermore, deceitfully suggests that children will be able to choose a private school of their choice, when the fact is that the choice will only be available for those who win the lottery, against 40 to 1 odds, and get admitted to a private school which has the tuition low enough for them to be able to afford the balance due after the voucher. And, finally, the amendment contains a provision which sabotages civil rights protections.

Mr. Chairman, we should support public education and reject this amendment.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS), who I am sure would not be so rude as to impugn another Member's integrity.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Armey proposal to provide $5.4 million for scholarships for D.C. students. Obviously, we are not talking about helping 100,000, we are not talking about helping 200,000, we are talking about a pilot program to determine the viability of a voucher program in our city, the city that is the capital city.

I just would say to my colleagues that it has taken me a long time to evolve from opposing vouchers to supporting them. About 8 years ago I questioned them, about 6 years ago I began to think they made sense, about 4 years ago I thought that we should do it but I did not have the political courage to confront the teachers' union, and it was only 3 years ago I finally said we have simply got to do it.

It is a pilot program. I strongly support it. I think it will make a big difference in the city.

Mr. MORAN of Virginia. Mr. Chairman, may I inquire as to how much time is left on each side?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 6¾ minutes remaining, and the gentleman from Texas (Mr. ARMEY) has 2½ minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, here we go again, yet another proposal tonight that violates the Republican principles of States' rights and local control.

This school voucher scheme that has been dreamed up by the majority leader, that would provide only $3,200 a year for poor students to attend private and religious schools, is well below what the local private schools charge to begin with and, in addition to that, it would take nearly $7 million from the school District's budget and give it to only 3 percent of the District students.

I think Members on this side of the aisle have made wonderful arguments about why this is not a sound proposal, but let me just ask my friends on the other side of the aisle who have talked about how much they care about these poor children, and how much they want them educated, and how much they want them to be a part of the American dream. Would my Republican colleagues please just let them have a summer job? As I understand it, they are taking away their right to work this summer, and they depend on that money so that they can have clothes to go back to school.

I tell my colleagues, do not worry about the voucher, just give them a summer job and we will be very happy.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, today, unfortunately, the Republican leadership in the House has decided to take another step in giving up on public school education in America.

Mr. Chairman, public school education is the key that has unlocked the door for generation after generation of Americans, the door to the American dream. It was for me, it has been and will be for my children.

Besides, what will be next? Do we say to the person who does not like the books in the local public library that we will give them a voucher so they can buy books they like and create a private library in their own home? What about the person who does not like the folks who hang out in the public park? Will we give that person a voucher so they can buy their own swing set in their backyard and call it a private park? No. Because we are still a country that believes in the collective good and in the American dream.

Let us fix our public schools: competition through charter public schools. Let us not give up on America's public schools. I urge my colleagues to vote "no" on this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, when my Republican colleagues talk repeatedly tonight about they are the party that cares about educating children, let me remind the American people these are the same people who, one, tried to abolish title I reading programs for children; two, tried to reduce school lunches; three, tried to reduce Head Start programs; four, proposed the largest education cuts in the history of America; five, tried to eliminate college work study programs; six, tried to cut college student loan programs; seven, they are trying to zero out this year's summer student job programs; and, finally, they even want to zero out LIHEAP programs that allow little children and children of all ages to get heating in the winter and air-conditioning in the summer.

If my colleagues believe that is a good track record for helping little children get a good education, perhaps they should vote for the latest program of the Republican Party to educate America's children.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE), a former State secretary of education for that State.

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from Virginia for yielding this time to me.

Mr. Chairman, I served as superintendent of schools for 8 years. I ran for this House for this very reason. My Republican colleagues ought to be ashamed of themselves. If they think it is such a good idea, they should make it for their hometown schools. They should make it for their hometown schools.

The children of this country deserve better. My colleagues take on the teachers. They punish the schools. They talk about public education. It is the one thing that levels the playing field for all kids and gives them an opportunity. It gave me an opportunity and it gave them one, and they ought to be ashamed of themselves for what they are trying to do.

I know what it takes to improve education. It is a good curriculum, it is funding the system, it is providing for educational opportunities, and it is measuring what children do. It is not taking away the opportunity, and it is not providing for just a few. It is making sure that many have the opportunity. And my colleagues ought to vote against this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I can see the natives are being restless. We have very little time here left. Would the Chair clarify exactly how much time is left?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2¾ minutes remaining, and the gentleman from Texas (Mr. ARMEY) has 2½ minutes remaining.

Mr. ARMEY. Mr. Chairman, let me just advise the gentleman from Virginia (Mr. MORAN) that I have only one speaker remaining, and I reserve the right to close.

Mr. MORAN of Virginia. Mr. Chairman, could I clarify that. I think that this side has the right to close.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has the right to close.

Mr. ARMEY. Mr. Chairman, if that be the unfortunate fact of our parliamentary order, the gentleman will advise me, then, when he is down to one remaining speaker, and then I will yield my time.

Mr. MORAN of Virginia. Mr. Chairman, if the gentleman is prepared to give us his final flurry, what we can do is have one last speaker, the gentlewoman from the District of Columbia (Ms. NORTON), after the gentleman yields, and that will be closure.

□ 2330

Mr. ARMEY. Mr. Chairman, I yield the time I have remaining to the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House.

Mr. GINGRICH. Mr. Chairman, since the gentlewoman gets to close, I want to devote my entire speech to asking her to explain, since this bill endorses a substantial increase in public spending, as you know, since this bill spends over $8,000 per child in the public schools.

We do not have an exact accurate figure because the school system that you represent is so badly run it cannot tell us how many children are in it. But the estimate that we have been able to find that is closest is $8,000 per child minimum, not counting the cost of retirement.

Since what the gentleman from Texas is proposing is to increase, let me make this clear, because a number of people on the left cannot tell the truth anymore about public education because they cannot defend the teachers unions with honesty, the fact is this bill increases, increases spending on education in the District. So by voting "no" you are denying the children of this District money. Let us be clear about that.

What you are proposing is to stop additional extra money. But there is something worse you are doing, and I do not for the life of me understand how you can do it.

I graduated from a public school. I taught in a public high school. My wife graduated from public school. Both my daughters graduated. Unlike some of our liberal friends who send their children to private schools while trapping the poor. But that is not the point.

The gentleman from North Carolina got up and said "shame." Shame for what? You believe that government has the right to trap the poorest children in this country in a school, no matter how terrible it is. You believe that the schools that we could identify for you tomorrow morning, we will take you to them physically, we will have the parents who came and testified, the 8,000 children who applied for a private scholarship, you believe the Government has a right to trap those 8,000 children no matter how bad, no matter how dangerous, no matter how destructive the school.

By what right does the Government say to a child, we will cripple your future in the information age, you will not learn how to read, you will not really have a work ethic, you cannot do math?

But yet, that is what you do on behalf of the unions. Let us be honest what this is about. This is about power. If you had cared about the children, you would add $6 million.

Let me give you, if I might, one final example, because one of your Members besmirched the gentleman from California (Mr. RIGGS). They said he is for this because he is going to go off and help create a private scholarship. Let me just tell you, that is nonsense.

Ted Forsman and John Walton have already created 15,000 to 20,000 scholarships out of their own pocket. And, in fact, if you wanted to help, you would eliminate the need for him to go do it if you were willing to allow the children to have the scholarships. They are doing privately what you refuse to do publicly.

And when they offered 1,000, and I will close with this because these are your constituents, when they offered 1,000 scholarships, 8,000 people applied in a district that has 78,000. More than one out of every ten people applied in the very first year because they were desperate to leave the schools you trapped them in.

So you explain why are you turning down extra money to give the poorest children of your city a decent chance to have a better future.

Mr. MORAN of Virginia. Mr. Chairman, at this time our side is honored and pleased to yield the balance of the time to the very distinguished delegate, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding.

By what right does the Speaker of the House come forward to personally impugn those who would disagree with him?

By what right does the Speaker, who has led this House in refusing to fund hundreds of programs that are on the books, dare to say that those who would apply money to the public schools where this House has always said it should be applied, by what right does the Speaker impugn the integrity of those who would fund what has always been funded by this House?

By what right does the Speaker accuse those of us who disagree with him of being in the pockets of the unions of this country?

This Member, this Member, this Member got 90 percent of the vote in the District of Columbia and does not have to answer to the unions any more than she has to answer to you, Mr. Speaker.

By what right, by what right, by what right does the majority leader bring to this floor a vouchers bill three months after the same bill was just vetoed, incurring a harmful delay for the very families and children he purports to want to help?

If you ask D.C. residents whether they would like some free money to send their children to private schools today, like most Americans, they would probably say yes. It is important also to tell them that most court decisions say no and that the President's veto means no.

There is something this House can do for D.C. kids. You can get on the train that is breaking through with tough, new standards and higher scores for our kids. You can get off the voucher train, which you know is headed straight for a veto.

On behalf of the children of the District of Columbia, I thank you for the hypocrisy of the debate we have witnessed this very evening.

Mr. STARK. Mr. Chairman, I am opposed to the Republican District of Columbia School Vouchers Act. It was brought to the floor on false logic and ignores the real problems in public education.

Let's take the Republican argument at face value for a minute. If public schools in the District of Columbia are unable to educate our children, as my colleagues claim, is the solution to remove 2,000 of them and place them in private schools? What do we do for the 76,000 students left behind?

In fact, these 76,000 will have to do with less funds available to help their education. It will cost $7 million to educate these 2,000 students in private schools—but this bill does not allow for additional funds to help the remaining children. How else could this $7 million be spent? The money could pay for after-school programs in each and every D.C. public school, 368 new boilers, could rewire 65 schools, upgrade plumbing in 102 schools, or buy 460,000 new textbooks.

The people who live in the District of Columbia do not want this bill. The people of the District of Columbia did get the chance to vote on vouchers when the issue was placed on the ballot. It was defeated by a margin of eight to one.

The residents of our host city do not deserve to be experiments for right-wing think tanks that promote ideas favored by the Christian Coalition and the religious right.

If my colleagues on the other side are truly interested in helping students enrolled in public schools, I offer some suggestions for them. Why don't we increase the funds available for teacher salaries? How about holding teachers to educational standards of their own to make sure that those who teach our children are actually qualified to do so? What about providing a textbook in every core subject for every school child in America?

What about adopting the President's plan to improve our educational infrastructure? We need to make sure that school classrooms are not falling apart and students have the resources they need, whether they be textbooks or access to the Internet, to be able to succeed in today's world.

My Republican friends could make a strong stand for education by adopting these policies. Instead they shower us with rhetoric about helping children, when this is really an attack on public education across the country.

The schoolchildren of the District of Columbia deserve our help and need our assistance. This is the wrong move, the wrong idea, and the wrong time and place. I urge my colleagues to take a real and meaningful stand for children and education.

Vote against the Armey Amendment to the FY '99 District of Columbia Appropriations Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak against the Armey Amendment. The primary point of concern, for myself, and many other Members of this body in regads to H.R. 4380, is the "school scholarship" or vouchers amendment that the President has already vetoed in this Session of Congress.

This provision would authorize the distribution of scholarships to low to moderate income families to attend public or private schools in nearby suburbs or to pay the costs of supplementary academic programs outside regular school hours for students attending public schools. However, only certain students will receive these tuition scholarships.

This legislative initiative could obviously set a dangerous precedent from this body as to the course of public education in America for decades to come. If the United States Congress abandons public education, and sends that message to localities nationwide, a fatal blow could be struck to public schooling. The impetus behind this legislative agenda is clearly suspect. Instead of using these funds to improve the quality of public education, this policy initiative enriches local private institutions over education for all. Furthermore, if this policy initiative is so desirable, why are certain DC students left behind? Can this plan be a solution? I would assert that it cannot. Unless all of our children are helped, what value does this grand political experiment have?

I see this initiative as a small step in trying to position the government behind private elementary and secondary schools. The ultimate question is why do those in this body who continue to support "public education" with their lipservice, persist in trying to slowly erode the acknowledged sources of funding for our public schools? Public education, and its future, is an issue of the first magnitude, one that affects the constituency of every Member of this House, and thus deserves full and open consideration. Public school education has over the years been the consistent equalizing factor in giving all Americans a fair chance at success.

School vouchers, have not been requested by public mandate from the Congress, actually, they have failed every time they have been offered on a state ballot by 65% or greater. If a piece of legislation proposes to send our taxpayer dollars to private or religious schools, the highest levels of scrutiny are in order, and an amendment that may correct such a provision is unquestionably germane. Nine out of ten American children, attend public schools, we must not abandon them, the reform of such schools is our hope.

Mr. CLAY. Mr. Chairman, I rise in opposition to Mr. ARMEY'S DC voucher amendment because it will do absolutely nothing to improve the quality of the educational opportunities in the District of Columbia. What this amendment will do, however, is, for the second time this year, allow the Republicans to trumpet one of the baseless partisan political themes.

Everyone here knows that federally funded school vouchers are not going to become law in the District of Columbia, or anywhere else for that matter.

The President vetoed a DC voucher bill that was presented to him earlier this year. No doubt, he will veto DC vouchers again.

I oppose vouchers because they would channel public tax dollars to private and religious schools. That's ridiculous to do when budgetary pressures make it hard enough to adequately fund our public schools.

In addition, we should not undermine the position of the very local officials principally responsible for the education of District students. The Mayor, city council, school board, and control board have all said "no" to vouchers. Let's say "no" too.

Defeat the Armey voucher amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

It will be followed by the resumption of proceedings on the four amendments on which requests for recorded votes were postponed.

The vote was taken by electronic device, and there were—ayes 214, noes 208, not voting 13, as follows:

[Roll No. 411]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—13

Conyers
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

☐ 2357

Ms. MCKINNEY changed her vote from "aye" to "no."

Mr. KENNEDY of Massachusetts changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 517, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 printed in House Report 105-679 offered by the gentleman from Kansas (Mr. TIAHRT); the amendment, as modified, offered by the gentleman from Virginia (Mr. MORAN); amendment No. 2 printed in House Report 105-679 offered by the gentleman from Oklahoma (Mr. LARGENT); amendment No. 3 printed in House Report 105-679 offered by the gentleman from California (Mr. BILBRAY).

AMENDMENT NO. 1 OFFERED BY MR. TIAHRT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. TIAHRT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 169, not voting 15, as follows:

[Roll No. 412]

AYES—250

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stokes
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—15

Buyer
Conyers
Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

□ 0006

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TIAHRT. Mr. Chairman, we are faced with an unusual parliamentary situation regarding the amendment that we just voted on regarding my amendment and the amendment of the gentleman from Virginia (Mr. MORAN). Is it not true that for my amendment to prevail and terminate the needle exchange program in the District of Columbia, that the Moran amendment must be defeated?

The CHAIRMAN. The amendment of the gentleman from Kansas (Mr. TIAHRT) to strike section 150 and insert new language was not finally adopted because his request for a recorded vote on the amendment was postponed. Because an amendment rewriting section 150 in its entirety had not been adopted, the Chair recognized the gentleman from Virginia (Mr. MORAN) to offer an amendment to strike the same section and insert slightly different language. The Moran amendment was not an amendment to the Tiahrt amendment. Such a second degree amendment would not have been permitted under the terms of the rule governing consideration of this bill. Rather, it is a separate amendment to section 150 of the bill.

If both amendments are adopted, the second amendment adopted, the Moran amendment, would supersede the first amendment, and would be the only amendment reported by the Committee of the Whole to the House.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) as modified, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 247, not voting 14, as follows:

[Roll No. 413]

AYES—173

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Boehlert
Bonilla
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Castle
Clay
Clayton
Clyburn
Condit
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gilchrest
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood

Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shays
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Strickland
Stupak
Tanner
Tauscher
Thomas
Thurman
Tierney
Torres
Towns
Upton
Velazquez
Vento
Watt (NC)
Waxman
Weldon (FL)
Wexler
Woolsey
Wynn

NOES—247

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehner
Bonior
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Danner
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Filner
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Markey
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Turner
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOT VOTING—14

Conyers
Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

□ 0015

Ms. VELÁZQUEZ changed her vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARGENT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 192, not voting 15, as follows:

[Roll No. 414]

AYES—227

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Ford
Fossella
Fowler
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Minge
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilman
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone

Pascrell
Pastor
Payne
Pelosi
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stokes
Strickland
Tauscher
Thomas
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wilson
Wise
Woolsey
Wynn

NOT VOTING—15

Bilbray
Conyers
Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

☐ 0022

So the amendment was agreed to.

The result of vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. BILBRAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BILBRAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 283, noes 138, not voting 13, as follows:

[Roll No. 415]

AYES—283

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Minge
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wolf

NOES—138

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Dooley
Engel
Ensign
Eshoo
Etheridge
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Greenwood
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Klink
LaFalce
Lee
Lewis (GA)
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Mollohan
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Owens
Pallone
Paul
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schaefer, Dan
Scott
Serrano
Sisisky
Skaggs
Skeen
Slaughter
Snyder
Spratt
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Young (AK)

NOT VOTING—13

Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

☐ 0030

Mr. WAXMAN, and Ms. FURSE changed their vote from "aye" to "no."

Ms. HOOLEY of Oregon changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

> This Act may be cited as the "District of Columbia Appropriations Act, 1999".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 517, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will then put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 206, not voting 15, as follows:

[Roll No. 416]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis

Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—15

Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Pascrell
Smith (OR)
Stark
Thompson
Waters
Yates
Young (FL)

□ 0049

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4049

Mr. STRICKLAND. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor from H.R. 4049. My name was inadvertently added as a cosponsor when I asked to cosponsor H.R. 872.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DESIGNATION OF HONORABLE CONSTANCE MORELLA OR HONORABLE FRANK WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH WEDNESDAY, SEPTEMBER 9, 1998

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 6, 1998.

I hereby designate the Honorable Constance A. Morella or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Wednesday, September 9, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is accepted.

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO HAVE UNTIL AUGUST 21, 1998, TO FILE REPORTS ON H.R. 4321, FINANCIAL PRIVACY ACT OF 1998 AND H.R. 4393, FINANCIAL CONTRACT NETTING IMPROVEMENT ACT OF 1998

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services have until August 21, 1998, to file reports on H.R. 4321, the Financial Privacy Act of 1998, and H.R. 4393, the Financial Contract Netting Improvement Act of 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CANADIAN RIVER PROJECT PREPAYMENT ACT

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 3687) to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SKAGGS. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Texas for a brief explanation of the bill if he would be so kind.

Mr. THORNBERRY. I thank the gentleman for yielding.

Mr. Speaker, H.R. 3687 by myself authorizes prepayment of amounts due under a water reclamation project contract for the Canadian River Project in Texas and is cosponsored by the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. COMBEST).

Mr. Speaker, I would first like to recognize Mr. Stenholm and Mr. Combest, cosponsors of this bill, for all their work in bringing this bill to the floor and in this matter generally over the past two years.

This bill does not authorize transfer of the title to any Government property. It is strictly a bill to authorize prepayment of a debt. Title transfer is already authorized by the original Project authorization act and by the repayment contract to take place automatically when the debt is paid.

H.R. 3687 has the support of all the affected or involved parties. There is bipartisan support for the bill and the Bureau of Reclamation representatives have stated that the bill has their support.

Passage of H.R. 3687 is badly needed during the current session of Congress. Further delay will cause the eleven cities which are members of CRMWA to suffer unnecessary hardship, especially if the current drought in Texas were to continue into next year. H.R. 3687 and the subsequent title transfer will clear the way for CRMWA to provide additional supplies which will prevent water shortages.

Over five hundred thousand people rely on water from the Canadian River Municipal Water Authority. This legislation will ensure that they have access to a safe, clean and abundant supply of water. I urge your support for this important legislation.

Mr. SKAGGS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT OF CONTRACT FOR CANADIAN RIVER PROJECT, TEXAS.

(a) PREPAYMENT AUTHORIZED.—Prepayment of the amount due under Bureau of Reclamation contract number 14–06–500–485 for the Canadian River Project, Texas, may be made by tender of an appropriate discounted present value amount, as determined by the Secretary of the Interior.

(b) CONVEYANCE.—Upon payment of the amount determined by the Secretary of the Interior under subsection (a), the Secretary shall convey to the Canadian River Municipal Water Authority all right, title, and interest of the United States in and to the project pipeline and related facilities authorized by Public Law 81–898 and Bureau of Reclamation contract number 14–06–500–485, including the headquarters facilities of the Authority.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THORNBERRY

Mr. THORNBERRY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. THORNBERRY: Strike out all after the enacting clause and insert:

H.R. 3687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Canadian River Project Prepayment Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "Authority" means the Canadian River Municipal Water Authority, a conservation and reclamation district of the State of Texas.

(2) The term "Canadian River Project Authorization Act" means the Act entitled "An Act to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas", approved December 29, 1950 (chapter 1183; 64 Stat. 1124).

(3) The term "Project" means all of the right, title and interest in and to all land and improvements comprising the pipeline and related facilities of the Canadian River Project authorized by the Canadian River Project Authorization Act.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 3. PREPAYMENT AND CONVEYANCE OF PROJECT.

(a) IN GENERAL.—(1) In consideration of the Authority accepting the obligation of the Federal Government for the Project and subject to the payment by the Authority of the applicable amount under paragraph (2) within the 360-day period beginning on the date of the enactment of this Act, the Secretary shall convey the Project to the Authority, as provided in section 2(c)(3) of the Canadian River Project Authorization Act (64 Stat. 1124).

(2) For purposes of paragraph (1), the applicable amount shall be—

(A) $34,806,731, if payment is made by the Authority within the 270-day period beginning on the date of enactment of this Act; or

(B) the amount specified in subparagraph (A) adjusted to include interest on that amount since the date of the enactment of this Act at the appropriate Treasury bill rate for an equivalent term, if payment is made by the Authority after the period referred to in subparagraph (A).

(3) If payment under paragraph (1) is not made by the Authority within the period specified in paragraph (1), this Act shall have no force or effect.

(b) FINANCING.—Nothing in this Act shall be construed to affect the right of the Authority to use a particular type of financing. .

SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this Act shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the Authority alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such alteration at that time.

(c) RECREATION.—The Secretary of the Interior, acting through the National Park Service, shall continue to operate the Lake Meredith National Recreation Area at Lake Meredith.

(d) FLOOD CONTROL.—The Secretary of the Army, acting through the Corps of Engineers, shall continue to prescribe regulations for the use of storage allocated to flood control at Lake Meredith as prescribed in the Letter of Understanding entered into between the Corps, the Bureau of Reclamation, and the Authority in March and May 1980.

(e) SANFORD DAM PROPERTY.—The Authority shall have the right to occupy and use without payment of lease or rental charges or license or use fees the property retained by the Bureau of Reclamation at Sanford Dam and all buildings constructed by the United States thereon for use as the Authority's headquarters and maintenance facility. Buildings constructed by the Authority on such property, or past and future additions to Government constructed buildings, shall be allowed to remain on the property. The Authority shall operate and maintain such property and facilities without cost to the United States.

SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provision of consideration by the Authority in accordance with section 3(b) shall extinguish all payment obligations under contract numbered 14–06–500–485 between the Authority and the Secretary.

(b) OPERATION AND MAINTENANCE COSTS.—After completion of the conveyance provided for in section 3, the Authority shall have full responsibility for the cost of operation and maintenance of Sanford Dam, and shall continue to have full responsibility for operation and maintenance of the Project pipeline and related facilities.

(c) GENERAL.—Rights and obligations under the existing contract No. 14–06–500–485 between the Authority and the United States, other than provisions regarding repayment of construction charge obligation by the Authority and provisions relating to the Project aqueduct, shall remain in full force and effect for the remaining term of the contract.

SEC. 6. RELATIONSHIP TO OTHER LAWS.

Upon conveyance of the Project under this Act, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

SEC. 7. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this Act, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property.

Mr. THORNBERRY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. THORNBERRY).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPANISH PEAKS WILDERNESS ACT OF 1997

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 1865) to designate certain lands in the San Isabel National Forest, in Colorado, as the Spanish Peaks Wilderness.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SKAGGS. Mr. Speaker, reserving the right to object, and I do not intend to object, especially since this is legislation of which I am the primary sponsor, but I did want to take a minute to explain this bill which would add to the National Wilderness System an area of some spectacular mountains in south central Colorado, really unique in their geology and their beauty and their habitat for some very important species of wildlife.

This area was not included in the 1993 Colorado Wilderness Act because there were still some unresolved issues involving use of inholdings. Those have been essentially resolved. I appreciate very much the action of the Committee on Resources in moving this bill through to the floor.

I also wish to express my thanks to my colleague and principal cosponsor on this legislation the gentleman from Colorado (Mr. McINNIS).

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spanish Peaks Wilderness Act of 1997".

SEC. 2. DESIGNATION OF WILDERNESS.

(a) AMENDMENT.—Section 2 of the Colorado Wilderness Act of 1993 (Public Law 103–77) is amended by adding the following new paragraph at the end of subsection (a):

"(20) Certain lands in the San Isabel National Forest which comprise approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated May 1997, and which shall be known as the Spanish Peaks Wilderness.".

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a boundary description of the area designated as the Spanish Peaks Wilderness by paragraph (20) of subsection 2(a) of the Colorado Wilderness Act of 1993, as amended by this Act, with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such map and boundary description shall have the same force and effect as if included in the Colorado Wilderness Act of 1993, except that if the Secretary is authorized to correct clerical and typographical errors in such boundary description and map. Such map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. CONFORMING CHANGE.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77) is hereby repealed, and section 11 of such Act is renumbered as section 10.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1379.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that when the House adjourns this legislative day, it adjourn to meet at 11 a.m. on Friday, August 7, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 9, 1998, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 9, 1998

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 9, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MISSILE DEFENSE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, we are now living in a world where missile technology is proliferating and the risk of missile attack is increasing each and every day. The United States should be working to eliminate restrictions on the development and deployment of a national missile defense system.

Unfortunately, the President and his administration have sought to expand the restrictions and block U.S. missile defense programs. Just last year at the United Nations, a delegation led by our Secretary of State signed three agreements that dealt with the 1972 ABM treaty. Those U.N. agreements threaten America's national security and perpetuate America's vulnerability to a missile attack.

While this administration along with four independent states of the former Soviet Union agreed to these restrictions, the remaining 11 states in the former Soviet Union would be free to develop tests and deploy ABM systems. Yes, that is right, they can develop an ABM system, but we cannot.

I ask you, Mr. Speaker, why would this administration limit the United States in a program of a missile defense system while enabling others to have it? I believe that those are our rights and freedoms. As far as I am concerned they are not negotiable.

The citizens of this Nation deserve the best defense we can provide, not a backroom deal that endangers our national security.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for after 6:00 p.m. today on account of physical reasons.

Mr. MANTON (at the request of Mr. GEPHARDT) for after 3:00 p.m. on Thursday, August 6, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THORNBERRY) to revise and extend their remarks and include extraneous material:)

Ms. LEE, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FALEMAVAEGA, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

(The following member (at the request of Mr. THORNBERRY) to revise and extend his remarks and include extraneous material:)

Mr. PAPPAS, for 5 minutes, today.

ADJOURNMENT

Mr. GIBBONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes a.m.), under its previous order, the House adjourned until today, Friday, August 7, 1998, at 11 a.m.

EXPENDITURES REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second quarters of 1998 by Committees of the U.S. House of Representatives are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Robert F. Smith	4/3	4/5	Germany		555.00		4,440.97				4,995.97
	4/5	4/8	Belgium		990.00		(3)		514.00		1,504.00
	4/8	4/15	France		2,488.50				853.00		3,341.50
Hon. Collin Peterson	4/3	4/5	Germany		555.00		4,441.28				4,996.28
	4/5	4/8	Belgium		990.00		(3)		514.00		1,504.00
	4/8	4/15	France		2,488.50				853.00		3,341.50
Hon. Thomas Ewing	4/3	4/5	Germany		555.00		4,856.97				5,411.97
	4/5	4/8	Belgium		990.00		(3)		514.00		1,504.00
	4/8	4/15	France		2,488.50				853.00		3,341.50
	5/18	5/20	Switzerland		470.00		5,237.19				5,707.19
Paul Unger	4/1	4/5	Germany		1,185.00		3,715.00				4,900.00
	4/5	4/8	Belgium		990.00		(3)		514.00		1,504.00
	4/8	4/15	France		2,488.50				853.00		3,341.50
Bryce Quick	4/1	4/5	Germany		1,185.00		3,715.00				4,900.00
	4/5	4/8	Belgium		990.00		(3)		514.00		1,504.00
	4/8	4/15	France		2,488.50				853.00		3,341.50
Lynn Gallagher	4/3	4/5	Germany		555.00		4,440.97				4,995.97
	4/5	4/8	Belgium		990.00		(3)		514.00		1,504.00
	4/8	4/15	France		2,488.50				853.00		3,341.50
	5/17	5/20	Switzerland		705.00		4,979.19				5,684.19
Andrew Baker	5/17	5/20	Switzerland		705.00		4,979.22				5,684.22
Mason Wiggins	5/17	5/20	Switzerland		705.00		4,979.19				5,684.19
Ryan Weston	5/17	5/20	Switzerland		705.00		4,979.19				5,684.19
Commitee total					28,751.00		50,764.17		8,202.00		87,717.17

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB SMITH, Chairman, July 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 30 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles Parkinson	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
John G. Shank	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
Hon. Nita Lowey	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
Hon. Nancy Pelosi	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
Hon. Ron Packard	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
Hon. Joe Knollenberg	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
Hon. Harold Rogers	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
Hon Sonny Callahan	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
Jim Kulikowski	4/2	4/6	Argentina		1,092.00		(3)				1,092.00
	4/6	4/7	Bolivia		156.00		(3)				156.00
	4/7	4/10	Costa Rica		500.00		(3)				500.00
Hon. Bob Livingston	4/4	4/6	Italy		516.00		(3)				516.00
	4/6	4/10	Uzbekistan		1,376.00		(3)				1,376.00
	4/10	4/12	Turkey		620.00		(3)				620.00
	4/13	4/14	United Kingdom		280.00		(3)				280.00
									61.00		61.00
Hon. George R. Nethercutt	4/4	4/6	Italy		516.00		(3)				516.00
	4/6	4/10	Uzbekistan		1,376.00		(3)				1,376.00
	4/10	4/12	Turkey		394.00		(3)				394.00
Hon. David L. Hobson	4/4	4/6	Italy		516.00		(3)				516.00
	4/6	4/10	Uzbekistan		1,376.00		(3)				1,376.00
	4/10	4/12	Turkey		620.00		(3)				620.00
	4/13	4/14	United Kingdom		280.00		(3)				280.00
									61.00		61.00
R. Scott Lilly	4/4	4/6	Italy		516.00		(3)				516.00
	4/6	4/10	Uzbekistan		1,376.00		(3)				1,376.00
	4/10	4/12	Turkey		620.00		(3)				620.00
	4/13	4/14	United Kingdom		280.00		(3)				280.00
									61.00		61.00
Charles Flickner	4/4	4/6	Italy		516.00		(3)				516.00
	4/6	4/10	Uzbekistan		1,376.00		(3)				1,376.00
	4/10	4/12	Turkey		620.00		(3)				620.00
	4/13	4/14	United Kingdom		280.00		(3)				280.00
									61.00		61.00
Patricia Schlueter	4/3	4/11	China		2,323.00		36.00				2,359.00
Commercial airfare							4,554.00				4,554.00
Hon. Joseph M. McDade	4/14	4/20	Italy		1,584.00						1,584.00
Commercial airfare							7,024.81				7,024.81
John Shank	5/26	5/28	Northern Ireland		588.00						588.00
	5/28	5/30	Ireland		494.00						494.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 30 AND JUNE 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							5,455.00				5,455.00
James W. Dyer	5/26	5/28	Northern Ireland		588.00						588.00
	5/28	5/30	Ireland		494.00						494.00
Commercial airfare							5,455.00				5,455.00
Frank Cushing	5/26	5/28	Northern Ireland		588.00						588.00
	5/28	5/30	Ireland		494.00						494.00
Commercial airfare							5,455.00				5,455.00
John R. Mikel	5/26	5/28	Northern Ireland		588.00						588.00
	5/28	5/30	Ireland		494.00						494.00
Commercial airfare							5,455.00				5,455.00
Committee total					37,421.00		33,434.81		244.00		71,099.81
Committee on Appropriations, Surveys and Investigations Staff:											
Norman H. Gardner	4/9	4/11	Hong Kong		485.50		4,565.00		89.13		5,139.63
	4/11	4/16	Vietnam		1,083.00						1,083.00
	4/16	4/21	Cambodia		418.50						418.50
	4/21	4/22	Hong Kong		257.25						257.25
Robert J. Reitwiesner	4/9	4/11	Hong Kong		571.25		4,543.00		114.98		5,229.23
	4/11	4/16	Vietnam		1,140.00						1,140.00
	4/16	4/17	Signapore		199.00						199.00
R.W. Vandergrift, Jr.	4/9	4/11	Hong Kong		571.25		4,474.00		522.61		5,567.86
	4/11	4/16	Vietnam		1,083.00						1,083.00
	4/16	4/18	Cambodia		372.00						372.00
	4/18	4/19	Hong Kong		428.75						428.75
T. Peter Wyman	4/9	4/11	Hong Kong		485.50		4,565.00		440.06		5,490.56
	4/11	4/16	Vietnam		1,083.00						1,083.00
	4/16	4/21	Cambodia		418.50						418.50
	4/21	4/22	Hong Kong		257.25						257.25
Committee total					8,853.75		18,147.00		1,166.78		28,167.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB LIVINGSTON, Chairman, July 23, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Maurice Hinchey	5/23	5/25	Portugal		158.00		(3)				158.00
	5/25	5/29	Bosnia		1,204.00		(3)				1,204.00
	5/29	5/30	Belgium		220.00		(3)				220.00
Catherine Atkin	5/26	5/30	Cote d'Ivoire		968.00		2,945.17				3,913.17
Daniel McGlinchey	5/26	5/30	Cote d'Ivoire		968.00		3,176.11				4,144.11
Committee total					3,518.00		6,121.28				9,639.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM LEACH, Chairman, July 31, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon Tom Bliley	5/26	5/28	Netherlands		507.00						507.00
	5/28	5/30	Italy		702.00						702.00
	5/30	6/1	Ireland		670.00						670.00
Hon. Frank Pallone	5/24	5/28	Armenia		150.00		4,372.29				4,522.29
Hon. Peter Deutsch	5/22	5/28	Israel		1,937.00		2,809.00				4,746.00
Kevin Cook	6/8	6/12	Germany		1,280.00		1,924.00				3,204.00
Sue Sheridan	6/7	6/12	Germany		1,280.00		3,290.31				4,570.31
Committeee total					6,526.00		12,395.60				18,921.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, July 29, 1998

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Carolyn Maloney	4/2	4/3	Colombia		135.00						135.00
	4/4	4/5	Chile		274.00						274.00
	4/5	4/7	Argentina		546.00						546.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/7	4/9	Peru		612.00						612.00
Hon. Kevin Long	4/2	4/3	Colombia		135.00						135.00
	4/4	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Hon. Dennis Hastert	4/16	4/17	Colombia								
	4/17	4/19	Chile		822.00						822.00
Hon. Mark Souder	4/16	4/17	Colombia								
	4/17	4/19	Chile		822.00						822.00
Hon. John Shadegg	4/16	4/17	Colombia								
	4/17	4/19	Chile		822.00		958.00				1,780.00
Sean Littlefield	4/16	4/17	Colombia		243.00						243.00
	4/17	4/19	Chile		822.00						822.00
Kevin Long	4/16	4/17	Colombia		243.00						243.00
	4/17	4/19	Chile		822.00						822.00
Hon. Bob Barr	4/27	4/30	Austria		405.00		5,300.00				5,705.00
Hon. Dan Burton	5/7	5/9	Costa Rica		468.00						468.00
Kevin Long	5/7	5/9	Costa Rica		468.00						468.00
Michael Delph	5/7	5/9	Costa Rica		468.00						468.00
Laurie Taylor	5/23	5/31	Germany		1,037.00		5,515.35				6,552.35
Hon. Mark Souder	5/23	5/26	Israel		1,260.00						1,260.00
Alys Campaigne	6/2	6/13	Germany		1,024.00		1,208.31				2,232.31
Committee total					13,134.00		12,981.66				26,115.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, July 18, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Armenia and Spain, and Germany:											
Hon. Patrick J. Kennedy	5/24	5/27	Armenia		138.00						138.00
	5/27	5/29	Spain		475.00						475.00
Commercial airfare							3,466.50				3,466.50
Visit to Israel, Bosnia, Czech Republic:											
Hon. Floyd D. Spence	4/02	4/07	Israel		1,575.00						1,575.00
	4/07	4/08	Bosnia		351.00						351.00
	4/08	4/11	Czech Republic		846.00						846.00
Hon. Tillie K. Fowler	4/02	4/07	Israel		1,575.00						1,575.00
	4/07	4/11	Czech Republic		1,128.00						1,128.00
Hon. Kay Granger	4/02	4/07	Israel		1,575.00						1,575.00
	4/07	4/08	Bosnia		351.00						351.00
	4/08	4/11	Czech Republic		846.00						846.00
Dr. Andrew K. Ellis	4/02	4/07	Israel		1,575.00						1,575.00
	4/07	4/08	Bosnia		351.00						351.00
	4/08	4/11	Czech Republic		846.00						846.00
Ms. Andrea K. Aquino	4/02	4/07	Israel		1,575.00						1,575.00
	4/07	4/08	Bosnia		351.00						351.00
	4/08	4/11	Czech Republic		846.00						846.00
Visit to Italy, Serbia, Bosnia and Italy:											
Hon. Patrick J. Kennedy	4/09	4/01	Italy		644.00						644.00
	4/11	4/11	Serbia								
	4/11	4/12	Bosnia		351.00						351.00
	4/12	4/13	Italy		255.00						255.00
Commercial airfare							4,782.40				4,782.40
Visit to Korea:											
Hon. Jim Saxton	4/16	4/16	Korea								
Visit to Panama:											
Hon. Gene Taylor	4/17	4/19	Panama		366.00						366.00
Commercial airfare							2,151.00				2,151.00
Committee total					16,020.00		10,399.00		0.00		26,419.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, July 30, 1998

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Manase Mansur	4/8	4/15	FSM/Palau		1,000.00		3,032.72				4,032.72
Marie Fabrizio	4/8	4/15	FSM/Palau		1,000.00		4,082.91				5,082.91
Kurt Christensen	4/13	4/21	New Zealand		1,134.44		5,569.00				6,703.44
Committee total					3,134.44		12,684.63				15,819.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN YOUNG, Chairman, July 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. F. James Sensenbrenner, Jr.	4/5	4/7	Russia		650.00		3,360.36				4,010.36
Hon. Eddie Bernice Johnson	4/5	4/7	Russia		650.00		4,206.36				4,856.36
Todd Schultz	4/5	4/7	Russia		650.00		3,360.36				4,010.36
Richard Obermann	4/5	4/7	Russia		650.00		4,206.36				4,856.36
Harlan Watson	6/7	6/13	Germany		1,536.00		853.75		84.47		2,474.22
Committee total					4,136.00		15,987.19		84.47		20,207.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Chairman, July 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM TALENT, Chairman, July 29, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there wre no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES V. HANSEN, Chairman, July 22, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jennifer Dunn	4/4	4/6	Italy		516.00		(3)				516.00
	4/6	4/10	Uzbekistan		1,376.00		(3)				1,376.00
	4/10	4/12	Turkey		620.00		(3)				620.00
	4/13	4/14	United Kingdom		280.00		(3)		61.00		341.00
Hon. Michael McNulty	5/23	5/26	Israel		1,260.00		(3)				1,260.00
Hon. Pete Stark	5/23	5/25	Portugal		1,600.00		(3)				1,600.00
	5/25	5/29	Bosnia				(3)				
	5/29	5/30	Belgium		220.00		(3)				220.00
Hon. Jon Christensen	6/30	7/2	Haiti		432.00		(3)				432.00
Committee total					6,304.00				61.00		6,365.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, July 22, 1998.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10508. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Administrative Regulations, Subpart U; and Catastrophic Risk Protection Endorsement; Regulations for the 1999 and Subsequent Reinsurance Years (RIN: 0563–AB68) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10509. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Administrative Regulations, Subpart T-Federal Crop Insurance Reform, Insurance Implementation; Regulations for the 1999 and Subsequent Reinsurance Years; and the Common Crop Insurance Regulations; Basic Provisions; and Various Crop Insurance Provisions (RIN: 0563–AB67) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10510. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Administration's final rule—Voluntary Poultry and Rabbit Grading Regulations [Docket No. PY–97–004] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10511. A letter from the Adminstrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Desirable Carryout Used to Compute Trade Demand [FV98–989–2 IFR] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10512. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Decreased Assessment Rate [Docket No. FV98–906–1 IFR] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10513. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Buprofezin; Pesticide Tolerances for Emergency Exemptions [OPP-300689; FRL-6018-5] (RIN: 2070-AB78) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10514. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fluroxypyr 1-Methylheptyl Ester; Pesticide Tolerances for Emergency Exemptions [OPP-300688; FRL-6018-4] (RIN: 2070-AB78) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10515. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Flutolanil; Pesticide Tolerance [OPP-300697; FRL-6021-7] (RIN: 2070-AB78) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10516. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Reform of Affirmative Action in Federal Procurement [DFARS Case 98-D007] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10517. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Financial Disclosure by Federal Home Loan Banks [No. 98-28] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10518. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Capital; Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Servicing Assets—received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10519. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Neurological Devices; Classification of Cranial Orthosis [Docket No. 98N-0513] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10520. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 971015246-7293-02; I.D. 072098D] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10521. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gear Allocation of Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea [Docket No. 980414096-8173-02; I.D. 032698A] (RIN: 0648-AJ99) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10522. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 8; OMB Control Numbers [Docket No. 971128281-8165-02; I.D. 102197D] (RIN: 0648-AG27) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10523. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297-8054-02; I.D. 071398C] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10524. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 971208297-8054-02; I.D. 071398D] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10525. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 071098B] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10526. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; "Other Rockfish" Species Group in the Eastern Regulatory Area [Docket No. 971208297-8054-02; I.D. 071098C] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10527. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Regulatory Area [Docket No. 971208297-8054-02; I.D. 071098A] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10528. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area [Docket No. 971208297-8054-02; I.D. 071098D] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10529. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 971208297-8054-02; I.D. 070298C] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10530. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 97120297-8054-02; I.D. 070298B] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10531. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources Convention Act of 1984; Conservation and Management Measures [Docket No. 970515115-7116-01; I.D. 013097A] (RIN: 0648-AJ94) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10532. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297-8054-02; I.D. 071398E] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10533. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Kentucky Regulatory Program [KY-217-FOR] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10534. A letter from the Director, Office of Surface Mining Reclamation And Enforcement, transmitting the Office's final rule—Oklahoma Regulatory Program [SPATS No. OK-022-FOR] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10535. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—New Procedures for Processing Employment Tax Cases Involving Worker Classification and Section 530 of the Revenue Act of 1978 under Section 7436 of the Internal Revenue Code [Notice 98-43] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10536. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—SRYL Notice [Notice 98-38] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10537. A letter from the the Acting Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1998, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—297); to the Committee on Appropriations and ordered to be printed.

10538. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Singapore (Transmittal No. 14-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10539. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Greece (Transmittal No. 98-42), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10540. A letter from the the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1998, through June 30, 1998 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105—299); to the

Committee on House Oversight and ordered to be printed.

10541. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105—298); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 3532. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes; with amendments (Rept. 105-680). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 4283. A bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes; (Rept. 105-681 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3869. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; with an amendment (Rept. 105-682). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 4006. A bill to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, or euthanasia, of any individual; with an amendment (Rept. 105-683 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4275. A bill to authorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; with an amendment (Rept. 105-684 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than October 9, 1998.

H.R. 3654. Referral to the Committee on International Relations extended for a period ending not later than September 11, 1998.

H.R. 4006. Referral to the Committee on Commerce extended for a period ending not later than September 18, 1998.

H.R. 4275. Referral to the Committee on Banking and Financial Services extended for a period ending not later than September 11, 1998.

H.R. 4283. Referral to the Committee on Agriculture extended for a period ending not later than September 11, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

[Omitted from the Record of August 5, 1998]

By Mr. McCOLLUM (for himself, Mr. FRANK of Massachusetts, and Mr. PICKETT):

H.R. 4416. A bill to provide a limited waiver for certain foreign students of the requirement to reimburse local educational agencies for the costs of the students' education; to the Committee on the Judiciary.

[Submitted August 6, 1998]

By Mr. COMBEST (for himself, Mr. STENHOLM, Mr. SKEEN, Mr. BONILLA, Mr. THORNBERRY, Mr. LUCAS of Oklahoma, Mr. TURNER, Mr. SESSIONS, Mr. BRADY of Texas, Mr. SANDLIN, Mr. WATKINS, Mr. RODRIGUEZ, Mr. EDWARDS, Mr. SMITH of Texas, Mr. HINOJOSA, Mr. BARTON of Texas, and Ms. GRANGER):

H.R. 4417. A bill to authorize the continuation of the disaster relief program for livestock producers conducted by the Secretary of Agriculture under section 813 of the Agriculture Act of 1970; to the Committee on Agriculture.

By Mr. KLINK:

H.R. 4418. A bill to amend title 5, United States Code, to make the Federal Employees Health Benefits Program available to the general public, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. KLINK:

H.R. 4419. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to permit physicians to prescribe non-formulary drugs when medically indicated; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE:

H.R. 4420. A bill to amend the Federal Deposit Insurance Act to require the Federal banking agencies to monitor compliance by depository institutions and depository institution holding companies with commitments made by such institutions in connection with a merger or acquisition, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. EVANS (for himself, Mr. KANJORSKI, Mr. KILDEE, Mr. FILNER, Mr. McDERMOTT, Mr. MANTON, Mr. ABERCROMBIE, Mr. KENNEDY of Massachusetts, Mr. GUTIERREZ, Ms. NORTON, Mr. BROWN of California, Mr. FROST, Mr. RANGEL, Mr. FALEOMAVAEGA, Mr. LEACH, Mr. KENNEDY of Rhode Island, Mr. THOMPSON, and Mr. GOODE):

H.R. 4421. A bill to amend title 38, United States Code, to establish a division of chiropractic services in the Veterans Health Administration of the Department of Veterans Affairs and to authorize the Department of Veterans Affairs to employ chiropractors for service within facilities of that department; to the Committee on Veterans' Affairs.

By Mr. MORAN of Virginia (for himself, Mr. CASTLE, Mr. CONDIT, Mr. DAVIS of Virginia, Ms. McCARTHY of Missouri, Mr. PORTMAN, and Mr. McINTOSH):

H.R. 4422. A bill to enact the requirements and restrictions of Executive Order 12612 and Executive Order 12875, relating to federalism; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4423. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide that the Gulf of Mexico red snapper fishery shall be managed in accordance with such fishery management plans, regulations, and other conservation and management as applied to that fishery on April 13, 1998; to the Committee on Resources.

By Mr. McKEON:

H.R. 4424. A bill to require the Secretary of Defense to obligate funds appropriated for fiscal year 1998 for the SR-71 aircraft program; to the Committee on National Security.

By Mr. CONYERS (for himself and Mr. McCOLLUM):

H.R. 4425. A bill to provide protection from personal intrusion for commercial purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, Mr. ENGLISH of Pennsylvania, Mr. RANGEL, Mr. LEVIN, Mr. MATSUI, Mr. DIAZ-BALART, and Ms. ROS-LEHTINEN):

H.R. 4426. A bill to extend the transition and redetermination of eligibility period for certain aliens who were receiving benefits under the supplemental security income program on the date of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself, Mr. GOODLATTE, and Mr. LOBIONDO):

H.R. 4427. A bill to amend title 18 of the United States Code with respect to gambling on the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4428. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the Austin Division of the western judicial district of Texas; to the Committee on the Judiciary.

By Mr. HORN:

H.R. 4429. A bill to require that any city that is completely surrounded by any other city must be assigned its own ZIP codes; to the Committee on Government Reform and Oversight.

By Mr. LAFALCE (for himself, Mr. HINCHEY, and Mr. McNULTY):

H.R. 4430. A bill to establish the New York Canal National Heritage Corridor as an affiliated unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. ACKERMAN (for himself and Mr. COBURN):

H.R. 4431. A bill to amend title XXVI of the Public Health Service Act to provide for State programs of partner notification with respect to individuals with HIV disease; to the Committee on Commerce.

By Mr. DELAY (for himself and Mr. MARKEY):

H.R. 4432. A bill to enhance the reliability of the electric power supply system of the United States by reducing barriers to the construction of needed generation and transmission facilities, to increase the efficiency of the Nation's interstate transmission grid, and to reduce discrimination in the provision of transmission services; to the Committee on Commerce.

By Mr. GEPHARDT (for himself, Mr. Bonior, and Ms. Pelosi):

H.R. 4433. A bill to ensure that any entity owned, operated, or controlled by the People's Liberation Army or the People's Armed Police of China does not conduct certain business with United States persons, and for other purposes; to the Committee on Commerce, and in addition to the Committees on International Relations, Ways and Means, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY:

H.R. 4434. A bill to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Resources.

By Mr. LaFALCE:

H.R. 4435. A bill to amend the Homeowners Protection Act of 1998 to increase consumer protections relating to cancellation of private mortgage insurance; to the Committee on Banking and Financial Services.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4436. A bill to amend the Child Abuse Prevention and Treatment Act to provide for an increase in the authorization of appropriations for community-based family resource and support grants under that Act; to the Committee on Education and the Workforce.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4437. A bill to amend the Incentive Grants for Local Delinquency Prevention Program Act to authorize appropriations for fiscal years 1999 through 2004; to the Committee on Education and the Workforce.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4438. A bill to authorize the Secretary of Defense to carry out the National Guard civilian youth opportunities program for fiscal year 1999 in an amount not to exceed $110,000,000; to the Committee on National Security.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4439. A bill to amend the Head Start Act to authorize appropriations for fiscal years 1999 through 2004; to the Committee on Education and the Workforce.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4440. A bill to increase discretionary funding for certain grant programs established under the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs"; to the Committee on the Judiciary.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4441. A bill to require firearms to be manufactured with child safety locks; to the Committee on the Judiciary.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4442. A bill to better regulate the transfer of firearms at gun shows; to the Committee on the Judiciary.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4443. A bill to provide for the automatic revocation of the license of any licensed firearms dealer who willfully sells a firearm to a minor; to the Committee on the Judiciary.

By Mr. DeFAZIO (for himself, Ms. Furse, Mr. Blumenauer, and Ms. Hooley of Oregon):

H.R. 4444. A bill to prevent children from injuring themselves and others with firearms; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. Baker, and Mr. McCollum):

H.R. 4445. A bill to amend the Community Reinvestment Act of 1977 to exempt depository institutions which have total assets of $250,000,000 or less from the requirements of such Act; to the Committee on Banking and Financial Services.

By Mr. BLILEY (for himself, Mr. Solomon, Mr. Burr of North Carolina, Mr. Collins, Mr. Royce, Mr. English of Pennsylvania, Mr. Wicker, Mr. Herger, Mr. McHugh, Mr. Bunning of Kentucky, Mr. Klug, Mr. Calvert, Mr. Hayworth, Mr. Upton, Mr. Largent, Mr. Deal of Georgia, Mr. Sensenbrenner, Mr. Pickett, Mr. Franks of New Jersey, Mr. LaTourette, Mr. Davis of Virginia, Mr. Goode, Mr. Whitfield, Mr. Fossella, and Mr. Barton of Texas):

H.R. 4446. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reduce certain funds if eligible States do not enact certain laws; to the Committee on the Judiciary.

By Mrs. BONO (for herself and Mrs. Capps):

H.R. 4447. A bill to terminate the participation of the Forest Service in the Recreational Fee Demonstration Program; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California (for himself, Mrs. Mink of Hawaii, Mr. Frost, Ms. Lofgren, Mr. Pastor, Ms. Kilpatrick, Mr. Faleomavaega, Mr. Blagojevich, Mr. Towns, Mr. Filner, Mr. Hinchey, Mr. Hayworth, Mr. Watkins, Mr. Conyers, Mr. Redmond, Mr. Coburn, Mr. Kildee, and Mr. Kennedy of Rhode Island):

H.R. 4448. A bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture; to the Committee on Banking and Financial Services.

By Mr. BURR of North Carolina (for himself and Mr. Graham):

H.R. 4449. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEPHARDT (for himself and Mr. Lantos):

H.R. 4450. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and the Workforce.

By Mr. CAMPBELL:

H.R. 4451. A bill to amend the Internal Revenue Code of 1986 to allow employers a 200 percent deduction for amounts paid or incurred for training employees; to the Committee on Ways and Means.

By Mr. CAMPBELL (for himself, Mr. Royce, Mr. Saxton, and Mr. Armey):

H.R. 4452. A bill requiring the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. Hyde, and Mr. Dingell):

H.R. 4453. A bill to amend the Sherman Act and the Federal Trade Commission Act with respect to commerce with foreign nations; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COYNE (for himself, Mr. Rangel, Mr. Stark, Mr. Matsui, Mrs. Kennelly of Connecticut, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, and Mr. Becerra):

H.R. 4454. A bill to amend the Internal Revenue Code of 1986 to simplify the individual capital gains tax for all individuals and to provide modest reductions in the capital gains tax for most individuals; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Ms. Eshoo, Mr. Goodlatte, Mr. Boucher, Mr. Cox of California, Mr. John, Mr. Boehner, Mrs. Morella, Mr. Sessions, Mr. Solomon, Mr. Hayworth, and Mr. Royce):

H.R. 4455. A bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 4456. A bill to amend title II of the Social Security Act to provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from remunerative work during such years occasioned by need to provide child care or care to a chronically dependent relative; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4457. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4458. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4459. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4460. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mr. DEAL of Georgia (for himself and Mr. GINGRICH):

H.R. 4461. A bill to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to provide for the establishment of a national public Internet site for increased access to information on technology-related assistance under that Act; to the Committee on Education and the Workforce.

By Mr. DEAL of Georgia:

H.R. 4462. A bill to transfer ownership and management of Blue Ridge, Nottely, and Chatuge Lakes, Georgia, from the Tennessee Valley Authority to the Secretary of the Army, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. DUNN of Washington (for herself and Mr. DEFAZIO):

H.R. 4463. A bill to amend the Incentive Grants for Local Delinquency Prevention Programs Act to authorize appropriations for fiscal years 1999 through 2004, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. EMERSON (for herself, Mr. BRADY of Pennsylvania, Mr. ROMERO-BARCELÓ, Mr. MICA, Mr. SCARBOROUGH, Mr. ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. FROST, Mr. ENSIGN, Mr. BARR of Georgia, Mr. BENTSEN, Mr. CHRISTENSEN, Mr. HEFLEY, Mr. KENNEDY of Rhode Island, Mr. CUNNINGHAM, Mr. RYUN, Mr. UNDERWOOD, Mr. WOLF, Ms. WOOLSEY, Mr. PORTMAN, Mr. BALDACCI, Mr. BERRY, Mr. BOSWELL, Mr. CLEMENT, Mr. CONDIT, Ms. DANNER, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DOYLE, Mr. GOODE, Mr. GUTKNECHT, Mr. JOHN, Mr. KLINK, Mrs. MCCARTHY of New York, Mr. MARKEY, Mrs. NORTHUP, Mr. PASCRELL, Ms. PELOSI, Mr. RAHALL, Mr. ROGAN, Mr. SERRANO, Mr. SISISKY, Mr. SKAGGS, Mr. SKELTON, Mr. TAYLOR of Mississippi, Mr. TIERNEY, Mr. WAMP, Mr. MCINTYRE, Mr. CHAMBLISS, Mr. LAHOOD, and Mr. THUNE):

H.R. 4464. A bill to establish the Medicare Eligible Military Retiree Health Care Consensus Task Force; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 4465. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to certain senior citizens for premiums paid for coverage under Medicare part B; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. PETERSON of Pennsylvania, and Mr. TRAFICANT):

H.R. 4466. A bill to amend the Transportation Equity Act for the 21st Century to repeal the Interstate System Reconstruction and Rehabilitation Pilot Program; to the Committee on Transportation and Infrastructure.

By Mr. GEPHARDT (for himself, Mr. MILLER of California, Mr. DELAHUNT, Mr. MCGOVERN, and Mr. MALONEY of Connecticut):

H.R. 4467. A bill to amend the Land and Water Conservation Fund Act to provide a secure source of funds for Federal land acquisition and to revitalize the State, local and urban needs outlined in the Land and Water Conservation Fund Act of 1965 and the Urban Park and Recreation Recovery Act of 1978 by providing matching grants for State, local, and urban conservation and recreation needs; to the Committee on Resources.

By Mr. GILLMOR (for himself and Mr. HERGER):

H.R. 4468. A bill to amend the Internal Revenue Code of 1986 to repeal the phaseout of the graduated estate tax rates and the unified credit; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 4469. A bill to establish terms and conditions under which the Secretary of the Interior shall, for fair market value, convey certain properties around Canyon Ferry Reservoir, Montana, to the lessees of those properties; to the Committee on Resources.

By Mr. HINCHEY:

H.R. 4470. A bill to prohibit Federal, State, and local agencies and private entities from transferring, selling, or disclosing personal data with respect to an individual to other agencies or entities without the express consent of the individual except in limited circumstances, and to require such agencies and entities to provide individuals with personal data maintained with respect to such individuals; to the Committee on Government Reform and Oversight.

By Mr. HOEKSTRA:

H.R. 4471. A bill to require Executive agencies to identify which of its regulations impose requirements which conflict with the requirements of other Executive agencies, and for other purposes; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. THURMAN, Ms. DUNN of Washington, Mr. POMEROY, Mr. ENSIGN, Mrs. KENNELLY of Connecticut, Mr. MCCRERY, Mr. NEAL of Massachusetts, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. RAMSTAD, Mr. SHAYS, and Mr. PORTMAN):

H.R. 4472. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 4473. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for expenses incurred for influencing Federal tobacco policy; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mrs. EMERSON, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. MCHALE, Mr. GREEN, Mr. SAWYER, and Mr. DOYLE):

H.R. 4474. A bill to amend the Communications Act of 1934 to provide for explicit and stable funding for Federal support of universal telecommunications services through the creation of a Telecommunications Trust Fund; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINK (for himself, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. MASCARA, and Mr. BORSKI):

H.R. 4475. A bill to authorize the Governors of States to limit the quantity of out-of-State municipal solid waste received for disposal at landfills and incinerators in their State; to the Committee on Commerce.

By Ms. LOFGREN (for herself, Mr. FROST, and Mr. UNDERWOOD):

H.R. 4476. A bill to amend the Internal Revenue Code of 1986 to extend the charitable deduction for the donation of computer technology and equipment to elementary and secondary schools, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4477. A bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence; to the Committee on Education and the Workforce.

By Mr. MARKEY:

H.R. 4478. A bill to require insured depository institutions, depository institution holding companies, and insured credit unions to protect the confidentiality of financial information obtained concerning their customers, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MARKEY:

H.R. 4479. A bill to require brokers, dealers, investment companies, and investment advisers to protect the confidentiality of financial information obtained concerning their customers, and for other purposes; to the Committee on Commerce.

By Mr. MCDERMOTT:

H.R. 4480. A bill to amend title XIX of the Social Security Act to extend the higher Federal medical assistance percentage for payment for Indian Health Service facilities to urban Indian health programs under the Medicaid Program; to the Committee on Commerce.

By Mr. MEEHAN (for himself, Mr. NEAL of Massachusetts, and Mr. HASTINGS of Washington):

H.R. 4481. A bill to amend section 313 of the Tariff Act of 1930 to allow duty drawback for grape juice concentrates, regardless of color or variety; to the Committee on Ways and Means.

By Mr. METCALF:

H.R. 4482. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to make necessary technical corrections; to the Committee on Banking and Financial Services.

By Mr. MILLER of California:

H.R. 4483. A bill to direct the Secretary of the Interior to conduct a feasibility study regarding whether the Rosie the Riveter Park located in Richmond, California, is suitable for designation as an affiliated site to the National Park Service; to the Committee on Resources.

By Mr. MILLER of California (for himself, Mr. WAXMAN, Mr. HILLIARD, Mr. FROST, Mr. MORAN of Virginia, Ms. PELOSI, Ms. CARSON, Mr. SANDLIN, Ms. FURSE, Mr. FARR of California, Mr. STARK, and Mr. MCNULTY):

H.R. 4484. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses paid for attending conferences on treatment and management relating to a dependent child's chronic medical condition; to the Committee on Ways and Means.

By Mr. MILLER of California (by request):

H.R. 4485. A bill to provide for the restitution and compensation of federally held trust fund accounts for Indian Tribes, and for other purposes; to the Committee on Resources.

By Mrs. MINK of Hawaii:

H.R. 4486. A bill to amend the Food Stamp Act of 1977 to define good cause to include the loss of adequate child care, for the purpose of determining whether voluntarily quitting a job results in a failure to satisfy the work requirement applicable under section 6(d)(1)(A)(v) of such Act; to the Committee on Agriculture.

By Mrs. MINK of Hawaii:

H.R. 4487. A bill to amend the Food Stamp Act of 1977 to define good cause to include demonstrating facts sufficient to show victimization by sexual harassment in violation of title VII of the Civil Rights Act of 1964, for the purpose of determining whether voluntarily quitting a job results in a failure to satisfy the work requirement applicable under section 6(d)(1)(A)(v) of such Act; to the Committee on Agriculture.

By Mr. MORAN of Kansas:

H.R. 4488. A bill to ensure effective rail competition and maintain reasonable rates in the absence of effective competition; to the Committee on Transportation and Infrastructure.

By Mr. NEAL of Massachusetts (for himself, Mrs. Kennelly of Connecticut, Mr. Matsui, Mr. Stark, Mrs. Thurman, and Ms. Lee):

H.R. 4489. A bill to amend the Internal Revenue Code of 1986 to simplify the $500 per child tax credit and other individual nonrefundable credits by repealing the complex limitations on the allowance of those credits resulting from their interaction with the alternative minimum tax; to the Committee on Ways and Means.

By Mr. NORWOOD:

H.R. 4490. A bill to amend the coastwise trade laws of the United States to authorize certain freight vessels to transport common ground clay as bulk cargo; to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 4491. A bill to amend the Individuals with Disabilities Education Act to allow State educational agencies and local educational agencies to establish and implement uniform policies with respect to discipline and order applicable to all children within their jurisdiction to ensure safety and an appropriate educational atmosphere in their schools; to the Committee on Education and the Workforce.

By Mr. NUSSLE (for himself, Ms. Hooley of Oregon, Mr. Poshard, Mr. Smith of Oregon, Mr. Leach, Mr. Ganske, Mr. Barrett of Nebraska, Ms. Dunn of Washington, Mr. McGovern, Mr. DeFazio, Mr. Stupak, Mr. Barrett of Wisconsin, Mr. Oberstar, Mr. McDermott, and Ms. Furse):

H.R. 4492. A bill to amend title XVIII of the Social Security Act to eliminate the budget neutrality adjustment factor used in calculating the blended capitation rate for Medicare+Choice organizations; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of tne committee concerned.

By Mr. PAYNE:

H.R. 4493. A bill to amend the Communications Act of 1934 to require providers of wireless services to render bills that itemize the calls made by the subscriber; to the Committee on Commerce.

By Mr. PAYNE:

H.R. 4494. A bill to provide for the waiver of certain grounds of inadmissibility related to political activity in Northern Ireland or the Republic of Ireland for aliens married to United States citizens; to the Committee on the Judiciary.

By Mr. PETERSON of Pennsylvania:

H.R. 4495. A bill to amend title XVIII of the Social Security Act to preserve access to home health services covered under the Medicare Program for the sickest and most frail beneficiaries, to permit continued participation by cost-effective providers, and to reduce opportunities for fraud and abuse; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself, Mr. Matsui, Mr. Ensign, and Mr. Tanner):

H.R. 4496. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. ROTHMAN:

H.R. 4497. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement; to the Committee on Agriculture.

By Mr. RUSH:

H.R. 4498. A bill to repeal the preemption provision of the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce.

By Mr. SABO:

H.R. 4499. A bill to amend title 5, United States Code, to make available under the health benefits program for Federal employees the option of obtaining coverage for self and children only, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SAXTON:

H.R. 4500. A bill to limit fishing in the United States Atlantic swordfish pelagic longline fishery; to the Committee on Resources.

By Mr. Bob SCHAFFER (for himself and Mr. Young of Alaska):

H.R. 4501. A bill to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER:

H.R. 4502. A bill to provide for adjustment of status for aliens who became eligible for such adjustment based on a diversity immigrant visa available for fiscal year 1997 or 1998, but whose eligibility expired due to paperwork processing delays; to the Committee on the Judiciary.

By Mr. SHAW:

H.R. 4503. A bill to provide that outlays and revenues totals of the old-age, survivors, and disability insurance program under title II of the Social Security Act and of the related provisions of the Internal Revenue Code of 1986 shall be excluded from official budget pronouncements of the Office of Management and Budget and the Congressional Budget Office; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mrs. Maloney of New York, Mr. Davis of Illinois, Mr. Frost, Mr. Gilman, Ms. Jackson-Lee of Texas, Mrs. Johnson of Connecticut, Mr. Maloney of Connecticut, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Petri, Ms. Roybal-Allard, Mr. Stark, Mr. Walsh, and Mr. Yates):

H.R. 4504. A bill to temporarily increase the number of visas available for backlogged spouses and children of lawful permanent resident aliens; to the Committee on the Judiciary.

By Mr. SKAGGS:

H.R. 4505. A bill to designate certain lands in the Arapaho and Roosevelt National Forests, in Colorado, as wilderness, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. Lantos, Ms. Ros-Lehtinen, Mr. Sanders, Mr. Canady of Florida, Mr. Kennedy of Massachusetts, Mr. Wolf, Mr. Kucinich, Mr. Diaz-Balart, Mr. Moran of Virginia, Mr. Souder, Mr. Fox of Pennsylvania, and Mr. Pitts):

H.R. 4506. A bill to provide for United States support for developmental alternatives for underage child workers; to the Committee on International Relations.

By Mr. SMITH of Oregon (for himself, Mr. Combest, and Mr. Ewing):

H.R. 4507. A bill to limit the authority of the Commodity Futures Trading Commission to alter the regulation of certain hybrid instruments and swap agreements under the Commodity Exchange Act; to the Committee on Agriculture.

By Mr. STENHOLM (for himself, Mrs. Emerson, Mr. Lucas of Oklahoma, Mr. Johnson of Wisconsin, Mr. Berry, Mr. Frost, Mr. Edwards, Mr. Thompson, Mrs. Clayton, Mrs. Thurman, Mr. Pomeroy, Mr. Bishop, Mr. Boswell, Mr. Hinojosa, Mr. Sandlin, Mr. Baldacci, Mr. Turner, Mr. Rodriguez, Mr. McIntyre, and Mr. Boyd):

H.R. 4508. A bill to amend the Agricultural Act of 1970 to authorize the provision of monetary assistance for the purpose of alleviating the distress of agricultural producers caused by natural disasters; to the Committee on Agriculture.

By Mr. TURNER (for himself, Mr. Frost, Mr. Pombo, Mr. Sessions, and Mr. Price of North Carolina):

H.R. 4509. A bill to amend the Internal Revenue Code of 1986 to reduce to 36 months the amortization period for reforestation expenditures and to increase to $25,000 the maximum annual amount of such expenditures which may be amortized; to the Committee on Ways and Means.

By Mr. UNDERWOOD:

H.R. 4510. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

By Mr. WALSH (for himself, Mr. Solomon, Mr. Towns, Mr. Houghton, Mr. Boehlert, and Mr. Hinchey):

H.R. 4511. A bill to amend the Public Utility Regulatory Policies Act of 1978 to protect the Nation's electricity ratepayers by ensuring that rates charged by qualifying small power producers and qualifying cogenerators do not exceed the incremental cost to the purchasing utility of alternative electric energy at the time of delivery, and for other purposes; to the Committee on Commerce.

By Mr. WICKER:

H.R. 4512. A bill to suspend temporarily the duty on a chemical known as 5-tertiary butyl-isophthalic acid; to the Committee on Ways and Means.

By Mrs. WILSON (for herself, Mr. ENGLISH of Pennsylvania, and Ms. MILLENDER-MCDONALD):

H.R. 4513. A bill to designate former United States Route 66 as "America's Main Street" and authorize the Secretary of the Interior to provide assistance; to the Committee on Resources.

By Mrs. WILSON:

H.R. 4514. A bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes; to the Committee on Science, and in addition to the Committees on Commerce, National Security, Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WISE:

H.R. 4515. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to provide for the establishment of school violence prevention hotlines; to the Committee on Education and the Workforce.

By Mr. WYNN:

H.R. 4516. A bill to designate the United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, as the "Jacob Joseph Chestnut Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. YOUNG of Alaska:

H.R. 4517. A bill to assist in the conservation of neotropical migratory birds by supporting and providing financial resources for the conservation programs of nations within the range of neotropical migratory birds and projects of persons with demonstrated expertise in the conservation of these species; to the Committee on Resources.

By Mr. HALL of Texas (for himself and Mr. TAYLOR of Mississippi):

H.J. Res. 127. A joint resolution proposing an amendment to the Constitution of the United States to establish an elected Officer of the United States with the responsibilities of the Attorney General; to the Committee on the Judiciary.

By Mr. BONIOR (for himself and Mr. DAVIS of Virginia):

H. Con. Res. 322. Concurrent resolution supporting religious tolerance toward Muslims; to the Committee on the Judiciary.

By Mr. HALL of Texas (for himself and Mr. TAYLOR of Mississippi):

H. Con. Res. 323. Concurrent resolution expressing the sense of the Congress that the Attorney General should be an elected officer of the Federal Government; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself and Mr. HASTERT):

H. Con. Res. 324. Concurrent resolution expressing the sense of Congress that the administrative priorities for the allocation of Department of Defense assets should be revised so that the priority established for the counter-drug mission of that Department is second only to its war-fighting mission; to the Committee on National Security.

By Mr. SALMON (for himself, Mr. PAYNE, Mr. NEY, Mr. SHERMAN, Mr. ROGAN, Mr. GEPHARDT, Mr. FOX of Pennsylvania, Mr. GEJDENSON, Ms. JACKSON-LEE of Texas, Mr. PASTOR, Mr. FORBES, Mr. TOWNS, Mr. SCARBOROUGH, Mr. THOMPSON, Mr. FOLEY, Ms. SANCHEZ, Mr. WELLER, Mr. CUMMINGS, Mr. RAHALL, Mr. BECERRA, Mrs. CHENOWETH, Mrs. CAPPS, Mr. PASCRELL, Mr. MALONEY of Connecticut, Ms. ROS-LEHTINEN, Mr. FORD, Mr. DAVIS of Virginia, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ENGEL, Mr. OWENS, Mr. CLYBURN, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. BISHOP, Mr. DAVIS of Illinois, Mr. FATTAH, Ms. BROWN of Florida, Mr. WYNN, Ms. LEE, Mr. HILLIARD, Mr. MEEKS of New York, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Mr. EVANS, Mrs. JOHNSON of Connecticut, Mr. SESSIONS, Ms. PRYCE of Ohio, Mr. METCALF, Mr. STOKES, Mr. GUTKNECHT, and Mr. ROTHMAN):

H. Con. Res. 325. Concurrent resolution expressing the sense of the Congress with respect to government discrimination in Germany based on religion or belief, particularly against United States citizens; to the Committee on International Relations.

By Mr. HASTINGS of Florida (for himself, Mr. CAMPBELL, Mr. PAYNE, Mr. DIXON, Mr. CHABOT, Mr. JACKSON of Illinois, Mr. SANFORD, and Ms. MCKINNEY):

H. Res. 518. A resolution calling for free and transparent elections in Gabon; to the Committee on International Relations.

By Mr. PAPPAS (for himself, Mr. MCINTOSH, and Mr. GRAHAM):

H. Res. 519. A resolution concerning Iraqi development of weapons of mass destruction; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CONYERS:

H.R. 4518. A bill for the relief of the family of Robert English; to the Committee on the Judiciary.

By Mr. HALL of Texas:

H.R. 4519. A bill to authorize the President to consent to third party transfer of the ex-USS Bowman County to the USS LST Ship Memorial, Inc.; to the Committee on National Security.

By Mr. TANNER:

H.R. 4520. A bill to provide for the reliquidation of certain entries of certain thermal transfer multifunction machines; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. HILLEARY and Mrs. MYRICK.

H.R. 40: Ms. CARSON.

H.R. 74: Mrs. MINK of Hawaii.

H.R. 218: Mr. HOSTETTLER.

H.R. 303: Mr. BOUCHER.

H.R. 612: Mr. DOOLEY of California, Ms. GRANGER, and Mr. INGLIS of South Carolina.

H.R. 619: Mr. POSHARD, Mr. GREENWOOD, and Mr. GOODLING.

H.R. 915: Mrs. MINK of Hawaii and Mr. ENGEL.

H.R. 979: Mr. OWENS, Mr. SOLOMON, Mr. HASTERT, Mr. ROGAN, Mrs. MCCARTHY of New York, Mr. PORTER, Mr. DAN SCHAEFER of Colorado, and Mr. MCCRERY.

H.R. 1050: Mr. BRADY of Pennsylvania.

H.R. 1120: Mr. LEVIN.

H.R. 1126: Mr. DAN SCHAEFER of Colorado.

H.R. 1231: Mr. CONYERS, Mr. BOSWELL, Mr. OBERSTAR, and Mr. FORD.

H.R. 1289: Ms. PELOSI.

H.R. 1323: Ms. KAPTUR.

H.R. 1477: Mr. SHAYS.

H.R. 1483: Mr. HILLIARD.

H.R. 1891: Mr. SHAW and Mr. DOOLITTLE.

H.R. 2001: Mr. TRAFICANT.

H.R. 2094: Mr. FRANK of Massachusetts.

H.R. 2409: Mrs. TAUSCHER and Ms. KILPATRICK.

H.R. 2499: Ms. CHRISTIAN-GREEN, Mr. GREENWOOD, Mrs. CLAYTON, Mr. CLAY, Mrs. MEEK of Florida, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Mr. DELAHUNT, Mr. ACKERMAN, Mr. MCHALE, Mr. PASTOR, and Mr. FOLEY.

H.R. 2537: Mr. LAHOOD.

H.R. 2670: Mr. ENGLISH of Pennsylvania, Mr. DEUTSCH, Mr. HILLIARD, Mr. GILCHREST, Mr. FRANKS of New Jersey, Mr. ALLEN, Mr. MARKEY, and Mr. FOSSELLA.

H.R. 2681: Mr. TORRES.

H.R. 2699: Mr. METCALF.

H.R. 2723: Mrs. EMERSON.

H.R. 2733: Mr. CUNNINGHAM, Mr. BROWN of California, Mr. MOAKLEY, Mr. KINGSTON, Mr. SAM JOHNSON, Ms. HARMAN, Mr. OLVER, and Mr. FILNER.

H.R. 2817: Mr. OXLEY, Mr. SKAGGS, Mr. FARR of California, Mr. GREENWOOD, and Mr. FRELINGHUYSEN.

H.R. 2819: Mr. ALLEN.

H.R. 2828: Mr. RANGEL, Mrs. THURMAN, Mr. LANTOS, Mr. ROMERO-BARCELO, Mr. LIPINSKI, Mrs. MORELLA, and Ms. DANNER.

H.R. 2908: Mr. SMITH of New Jersey and Mr. GOODE.

H.R. 2995: Mr. NEAL of Massachusetts.

H.R. 3008: Mr. SKEEN.

H.R. 3031: Mr. SANDLIN, Mr. CLEMENT, Ms. SLAUGHTER, and Ms. FURSE.

H.R. 3048: Ms. DELAURO.

H.R. 3205: Mr. PICKETT and Mr. LEACH.

H.R. 3215: Mr. PETRI, Mr. METCALF, and Mr. NETHERCUTT.

H.R. 3243: Mr. DIAZ-BALART.

H.R. 3248: Mr. THOMPSON.

H.R. 3255: Mr. MCHUGH, Mr. YATES, and Mr. THOMPSON.

H.R. 3261: Mr. HINCHEY.

H.R. 3396: Mr. HASTERT, Mr. CASTLE, and Mr. SHAYS.

H.R. 3435: Mr. CRAMER.

H.R. 3500: Mr. WATKINS.

H.R. 3514: Mr. VISCLOSKY and Mr. BISHOP.

H.R. 3523: Mrs. KELLY and Ms. SANCHEZ.

H.R. 3559: Mr. GALLEGLY and Mr. LEVIN.

H.R. 3567: Mr. ANDREWS and Mr. EVANS.

H.R. 3572: Mr. MILLER of California, Mr. SANDLIN, Ms. RIVERS, Mr. GOODLING, and Mrs. NORTHUP.

H.R. 3583: Mr. KING of New York.

H.R. 3610: Mr. BATEMAN.

H.R. 3627: Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. WYNN, Mr. THOMPSON, Mr. FORD, Mrs. MALONEY of New York, Mr. YATES, Ms. KILPATRICK, Mr. OWENS, Mr. MARKEY, Mr. OLVER, Mr. STARK, Mr. HILLIARD, Mr. POSHARD, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms.

CHRISTIAN-GREEN, Mr. LIPINSKI, Mr. ACKERMAN, Ms. CARSON, and Ms. ROYBAL-ALLARD.

H.R. 3632: Mr. FRANKS of New Jersey and Mr. LAZIO of New York.

H.R. 3651: Mr. MEEKS of New York.

H.R. 3688: Mr. POSHARD, Mr. LEWIS of Kentucky, and Mr. THORNBERRY.

H.R. 3690: Mr. BARCIA of Michigan.

H.R. 3702: Mr. ROMERO-BARCELO, Mr. KENNEDY of Rhode Island, Mr. THOMPSON, and Ms. KILPATRICK.

H.R. 3707: Mr. BURTON of Indiana and Mr. ENGLISH of Pennsylvania.

H.R. 3758: Mr. HINCHEY, Mr. OLVER, Mr. HILLIARD, Mr. MARTINEZ, Mr. OWENS, and Mr. NADLER.

H.R. 3788: Mr. LAZIO of New York.

H.R. 3791: Mr. KENNEDY of Rhode Island.

H.R. 3815: Mr. DIXON, Mr. SABO, and Mr. SAWYER.

H.R. 3831: Mr. FARR of California.

H.R. 3855: Mr. TORRES, Mr. MILLER of California, Mr. COLLINS, Mr. COOK, and Mr. DIXON.

H.R. 3868: Mr. REYES, Mr. RANGEL, and Mr. BALDACCI.

H.R. 3876: Mr. HINCHEY.

H.R. 3888: Mr. GREEN.

H.R. 3895: Ms. PELOSI and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3912: Mr. HASTERT and Mr. BISHOP.

H.R. 3913: Mr. WATKINS and Mr. MCCRERY.

H.R. 3927: Mr. ENSIGN.

H.R. 3946: Mr. VENTO, Mr. ENGEL, and Mr. ADAM SMITH of Washington.

H.R. 3948: Mr. CRAMER.

H.R. 3949: Mr. OBEY, Mr. BASS, Mr. MCHUGH, Mr. EHRLICH, Mr. SOUDER, Mr. BARRETT of Nebraska, and Mr. HULSHOF.

H.R. 3955: Mr. WISE.

H.R. 3972: Mr. CASTLE, Mrs. MEEK of Florida, Mr. BILBRAY, and Mr. PAPPAS.

H.R. 3991: Mr. MCCRERY.

H.R. 3995: Mr. DAVIS of Illinois.

H.R. 4006: Mr. HOSTETTLER, Mr. LAFALCE, Mr. SENSENBRENNER, Mrs. NORTHUP, Mr. FORBES, and Mr. WAMP.

H.R. 4019: Mr. BENTSEN, Mr. MANTON, Mrs. MORELLA, and Mrs. LOWEY.

H.R. 4028: Mr. MATSUI, Mr. UNDERWOOD, Mr. SKEEN, Mrs. CAPPS, Mr. NADLER, Mr. ENSIGN, Mr. THOMPSON, and Ms. CARSON.

H.R. 4031: Mr. EVANS, Mr. FATTAH, Mrs. KENNELLY of Connecticut, Mr. NEAL of Massachusetts, and Mr. MATSUI.

H.R. 4046: Mr. FRANK of Massachusetts.

H.R. 4073: Mr. CARDIN and Mr. BARRETT of Wisconsin.

H.R. 4080: Mr. BONIOR and Mr. KUCINICH.

H.R. 4121: Mr. TORRES and Mr. MCHUGH.

H.R. 4126: Mr. HASTINGS of Washington and Mr. ENGLISH of Pennsylvania.

H.R. 4151: Ms. LOFGREN.

H.R. 4154: Mr. BOEHNER, Mr. TALENT, Mrs. MYRICK, Mr. HAYWORTH, Mr. LARGENT, and Mr. WELDON of Florida.

H.R. 4165: Mr. BLUNT and Mr. BUNNING of Kentucky.

H.R. 4179: Mr. ABERCROMBIE, Mr. COOK, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, and Mr. BENTSEN.

H.R. 4189: Ms. WOOLSEY.

H.R. 4196: Mr. HERGER, Mr. HANSEN and Mr. BARRETT of Nebraska.

H.R. 4197: Mr. SKEEN and Mr. ARMEY.

H.R. 4206: Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KUCINICH, Mr. STARK, Mr. DOOLEY of California, Mr. MENENDEZ, Ms. SANCHEZ, Ms. RIVERS, Mr. LEACH, Mr. FORD, and Ms. DEGETTE.

H.R. 4213: Mr. LARGENT, Mr. FOX of Pennsylvania, Ms. CHRISTIAN-GREEN, Ms. PRYCE of Ohio, Mrs. KELLY, Mr. MCHUGH, Mr. ARMEY, Mr. DOOLITTLE, Mr. HASTERT, and Mr. DELAY.

H.R. 4214: Mr. DOYLE and Ms. SLAUGHTER.

H.R. 4217: Mr. ARMEY.

H.R. 4232: Mrs. EMERSON.

H.R. 4233: Mr. LUTHER.

H.R. 4235: Mr. THOMPSON and Mr. DINGELL.

H.R. 4238: Mr. THOMPSON and Mrs. MYRICK.

H.R. 4240: Mr. WELDON of Pennsylvania, Mr. HAYWORTH, and Mr. ROYCE.

H.R. 4242: Mr. METCALF.

H.R. 4252: Mr. HOLDEN and Mr. MCHUGH.

H.R. 4258: Mr. BARTON of Texas, Mr. GOODE, Mrs. CUBIN, and Mr. GRAHAM.

H.R. 4269: Mr. HOBSON, Mr. SOLOMON, and Mr. HILL.

H.R. 4271: Mr. SOUDER.

H.R. 4275: Mr. PETERSON of Pennsylvania, Mr. GILCHREST, Mr. FROST, Mr. GOODLATTE, Mr. METCALF, Mr. SPRATT, Mrs. CLAYTON, Mr. ALLEN, Mr. LEWIS of Kentucky, Ms. MILLENDER-MCDONALD, Mr. JENKINS, Mr. DUNCAN, Mr. LATOURETTE, Mr. COLLINS, Mr. CRAMER, Mr. COOK, Mr. COOKSEY, Mrs. KELLY, Mr. QUINN, Mr. GOODE, Mr. HERGER, Mr. WHITFIELD, Ms. SLAUGHTER, Mr. THOMPSON, Mr. MCHUGH, Mr. WAMP, Ms. RIVERS, Mr. GRAHAM, Mr. POSHARD, Mr. ROEMER, Mr. COSTELLO, Mr. BROWN of California, Mr. MENENDEZ, Ms. BROWN of Florida, Mr. PASCRELL, Mr. PICKERING, Mr. LUCAS of Oklahoma, Mr. HINOJOSA, Mr. FRANK of Massachusetts, Mrs. TAUSCHER, Mr. CLEMENT, Mr. DEFAZIO, Mr. KUCINICH, Mr. BERRY, Mr. MASCARA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, Mr. SKELTON, Mr. FILNER, Mr. GORDON, Mr. STRICKLAND, Mr. OLVER, Mr. SAWYER, Mr. TOWNS, Mr. HALL of Ohio, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. MEEHAN, Mr. DELAHUNT and Ms. STABENOW.

H.R. 4281: Mr. HINCHEY, Mr. ARMEY, and Mrs. CHENOWETH.

H.R. 4291: Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. OLVER, Mr. SANDERS, Mr. SCHUMER, Ms. SLAUGHTER, and Mr. TORRES.

H.R. 4293: Mr. LIPINSKI, Mr. ROTHMAN, Ms. DANNER, Mr. STUPAK, Ms. KILPATRICK, and Mr. TOWNS

H.R. 4302: Mr. FARR of California.

H.R. 4308: Ms. SLAUGHTER and Mr. EVANS.

H.R. 4309: Ms. SLAUGHTER, Mr. EVANS, Mr. BLUNT, Mr. CLEMENT, and Mr. ACKERMAN.

H.R. 4311: Mr. HINCHEY, Mr. WISE, Mr. BISHOP, Mr. UNDERWOOD, Mr. RANGEL, Mr. GEJDENSON, and Mr. ENGLISH of Pennsylvania.

H.R. 4321: Ms. DANNER.

H.R. 4339: Mr. ADERHOLT and Ms. DELAURO.

H.R. 4340: Ms. DANNER.

H.R. 4346: Mr. FOLEY, Mr. WOLF, and Mr. WELDON of Pennsylvania.

H.R. 4350: Ms. DANNER.

H.R. 4362: Mr. ROMERO-BARCELO, Mr. ALLEN, Mr. THOMPSON, Ms. KILPATRICK, Ms. FURSE, and Mr. METCALF.

H.R. 4370: Mrs. MINK of Hawaii, Ms. SLAUGHTER, Mr. CONDIT, Mr. ABERCROMBIE, Mrs. MYRICK, Mr. METCALF, and Mrs. CHENOWETH.

H.R. 4376: Ms. SLAUGHTER and Ms. FURSE.

H.R. 4394: Mr. SABO, Mr. VENTO, Mr. OBERSTAR, Mr. MINGE, Mr. LUTHER, and Mr. RAMSTAD.

H.R. 4399: Mr. HOUGHTON, Mr. SMITH of Oregon, Mr. LEACH, and Mr. ETHERIDGE.

H.J. Res. 123: Mr. PICKETT.

H. Con. Res. 122: Mr. FROST, Mr. INGLIS of South Carolina, Mr. PORTER, and Mr. RANGEL.

H. Con. Res. 126: Mr. ABERCROMBIE and Mr. BENTSEN.

H. Con. Res. 185: Mr. ADAM SMITH of Washington.

H. Con. Res. 203: Mr. FORD.

H. Con. Res. 229: Mr. LIVINGSTON.

H. Con. Res. 283: Mr. GEJDENSON, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. CRAMER, Mr. STARK, Mr. OLVER, Mr. MCGOVERN, Mr. CALVERT, Mr. SHERMAN, Mr. FORBES, Mr. ENGLISH of Pennsylvania, Mrs. KELLY, Mr. DREIER, Mr. ADAM SMITH of Washington, Mr. SANDERS, Mr. UNDERWOOD, Mr. RANGEL, and Mr. ENGEL.

H. Con. Res. 286: Mr. HINOJOSA, Mr. ADAM SMITH of Washington, Mrs. TAUSCHER, and Mr. PASTOR.

H. Con. Res. 295: Mrs. KENNELLY of Connecticut, Mr. ABERCROMBIE, Mr. PORTER, Mrs. LOWEY, Mr. RODRIGUEZ, Mr. SANDERS, Mr. SCHUMER, Ms. CHRISTIAN-GREEN, Mr. BARCIA of Michigan, Mr. BORSKI, Mr. VISCLOSKY, Mr. DOYLE, Mr. EVANS, and Mr. ADERHOLT.

H. Con. Res. 304: Ms. SLAUGHTER.

H. Con. Res. 307: Ms. LEE, Mr. TIERNEY, Ms. WOOLSEY, Ms. FURSE, Mr. SCHUMER, and Mr. NADLER.

H. Res. 22: Mr. PORTER.

H. Res. 479: Mr. HILLIARD and Ms. LEE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4049: Mr. STRICKLAND.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 4 by Ms. SLAUGHTER on House Resolution 473; Lois Capps.

HOUSE OF REPRESENTATIVES—*Friday, August 7, 1998*

The House met at 11 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

On this special day, we pray, gracious God, that we would receive every blessing and we would meet each concern or care so we remain always in Your grace and mercy. Renew us in our civic endeavors so that the great human issue of understanding between peoples is ever before us. Open our hearts so we relate our faith to the needs of our communities and our world and so serve You with all truth and justice.

In your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SADDAM HUSSEIN AT IT AGAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, well, Saddam Hussein and Iraq are at it again. I am not surprised, are you?

It seems that Saddam Hussein has decided to stop cooperating once again with the United Nations weapons inspectors. As expected, the United Nations have offered another olive branch to Iraq if they would just cooperate with the disarmament process.

Oh, please, give us a break. At what point is the United Nations going to stop coddling Saddam Hussein? I do not think any of us were surprised at this dictator's last demands. Sadly, I do not think any of us were surprised at the United Nations Secretary General's response either.

Iraq is thumbing their nose at the world. They are again ignoring their obligations under the U.N. resolutions, defying the U.S. and playing a very dangerous game, all the while they are insulting our intelligence.

Now, barely 6 months after our threat to use force, inspectors have been turned away again, and Saddam is laughing at the world. It is time for this administration to get its head out of the sand and start by developing a real strategy designed to show the world and Saddam that we are serious.

Mr. Speaker, I yield back any foreign policy and national security that this Nation may have left.

CALLING FOR NATIONAL DAY OF PRAYER AS CHILDREN GO BACK TO SCHOOL

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, this morning, I rise to call on my colleagues to join me in praying for our children, teachers, and administrators as a new school year begins. Why is it important that we pray for our children? Well, it is because our kids face so many more risks today than I ever dreamed possible when I was a child going to school, going to public school, or even as a high school teacher. People of all faiths and convictions throughout this country must come together in prayer for the safety of our own children.

Tomorrow, I will hold a prayer breakfast and luncheon with students, parents, clergy, and educators to focus our community on the importance of prayer for our children as they prepare to go back to school.

I also ask that we pray for our law enforcement officials who are charged with the responsibility of protecting our children. It takes all of us to ensure the continued well-being of our children and their success throughout the new school year. May God bless us all.

ATTACK ON U.S. EMBASSIES IN AFRICA

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I come before the House this morning, having heard the news of the attack on the United States Embassies in Africa.

Even though our President has particular problems at this time, it is important that the Congress join with the President and this administration to make it clear to anyone who attacks an American Embassy anywhere in the world, that an attack on an American Embassy and American officials is an attack on the United States of America and will not be tolerated.

In fact, this Congress, this administration, will track down the perpetrators of those horrendous attacks on American Embassies and American personnel and those who work for the United States. They will, in fact, be brought to justice.

We will not tolerate lawlessness anywhere in the globe and particularly against American facilities and American personnel. I know other Members join me in that commitment.

MCINTOSH TO BE ADDED AS COSPONSOR TO H.R. 4422, FEDERALISM ACT OF 1998

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, first I would like to join my colleagues in expressing condolences to the families of those Americans and others who were killed in the recent car bombing in our embassies in eastern Africa.

Mr. Speaker, I rise this morning to ask that a cosponsor be added to H.R. 4422, the Federalism Act of 1998. That cosponsor is the gentleman from Indiana (Mr. MCINTOSH). He has taken the lead in this Congress on federalism issues.

This legislation is to codify the preexisting federalism executive orders by President Reagan and President Clinton, and he was inadvertently left off as an original cosponsor yesterday when we introduced the legislation. The legislation was introduced by the gentleman from Virginia (Mr. MORAN).

I ask unanimous consent that the gentleman be added as a cosponsor. We are working with the Parliamentarian's office as to the specific addition into the RECORD.

But, again, just to commend the gentleman from Indiana (Mr. MCINTOSH) for his work and his effort and ask that he be added as a cosponsor to this important legislation that our cities and States are so interested in, which would codify existing executive orders in area federalism.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The statement of the gentleman from Ohio (Mr. PORTMAN) will be entered in the RECORD, but adding the gentleman from Indiana (Mr. MCINTOSH) as a cosponsor will require the proper procedure.

HAPPY BIRTHDAY, VIVIAN CORREIA

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I just wanted to take a minute this morning to wish happy birthday to Vivian Correia, who is the matriarch of one of our leading fishing families in San Diego.

The fishing industry, the tuna industry, has been a great part of our heritage. It is mostly gone now because of a lot of regulations with respect to the tuna industry and a lot of economic factors. But that community gave great character to our city and county in San Diego, California. We hope someday to be able to retrieve that industry.

But, for the time being, to Vivian, and to Joe, her loving husband, and to her children who served that industry so well, happy birthday.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRANSIT PASSES FOR HOUSE EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, sometimes the action of this Chamber can confuse or disappoint even those of us on the floor. We find occasionally people switching sides of debate on the great issues, seemingly to suit their mood or whim.

Everybody agrees, at a time of great need for the wise use of Federal dollars, that too much is not used as wisely as possible. Despite the rhetoric about Washington living by the rules that we impose on the rest of America, we still have some very frustrating things happening, like the Post Office building in Flood Plains.

I am pleased that the House leaves to return to our districts this week having done one thing that benefits everyone, that saves money, improves the quality of life in Washington, D.C. and its environs, without acrimony or micromanagement.

I am pleased that this week the Committee on House Oversight took action on a proposal that I have been working on here for the last 2 years. We have acquired some 256 cosponsors, enlisted the assistance of dozens of people around the country and an alliance with able Members of this Chamber, like the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maryland (Mr. HOYER) and the gentleman from Michigan (Mr. EHLERS).

That proposal that was approved will enable us to provide transit passes for our employees. It is a small step towards improving the quality of life and having us do what we ask the rest of America to do. It gives, for the first time, employees on the House side the choice between free parking or subsidized transit. It provides savings for hundreds of our employees who already use transit and incentives for hundreds more who will, in fact, take advantage of it.

It is a smaller step for clean air. It is a nudge for people to live nearer to where they work or near transit stations and not drive on the streets of the second most congested area of the country that are sadly in need of repair.

It is a move for us to have more authority behind our urging America to be more sensitive in how we use our environmental resources.

Last but not least, it is an important step towards uniformity in Federal transit and parking policies for our employees.

But in a sense, Mr. Speaker, it is a very important part of a larger picture. It shows how the Federal Government can use its great powers and solemn responsibilities as a partner for a more livable community.

In the final analysis, America often sort of looks askance at what we talk about on the floor of this House, when what they care about is making sure their children are safe when they go out the door to go out to school in the morning, that they are economically secure and healthy.

I look forward to more steps, in this Congress and beyond, where we harness our resources planning for a more livable future, using the land, the infrastructure, environmental protection, and housing for more livable communities.

This transit pass is an important step in showing that we know how to put the pieces together. I appreciate the steps that the Committee on House Oversight has taken on behalf of our employees and a better environment.

RETRIBUTION FOR STATE-SPONSORED TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SAXTON is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I would like to convey my personal sympathies and to say that our heart goes out to the families of the Americans who were apparently killed earlier this morning in eastern Africa, yet another two terrorist attacks against Americans overseas; and to say that, apparently, there was a third one planned, which for some reason did not materialize, also in the eastern part of Africa.

To say that once again, that as bad as we feel when these types of events happen and as much as we wish that we did not have to deal with them, the fact is that we do have to deal with these instances.

As the chairman of a group of Republicans, I am joined here today by the gentleman from California (Mr. HUNTER) who is also a member of the group of Republicans which calls ourselves the Task Force on Terrorism and U.N. Conventional Warfare.

We have studied these types of activities. We have studied the causes of them and we have, sadly, become too aware that our government as an institution is either unable or unwilling to put in place policies to deal with them. I would like to think that we have been unwilling rather than unable.

Let me just recite one example of the kind of thing that leads me to that conclusion. In 1996, we passed the Antiterrorism and Effective Death Penalty Act of that year. Among other things, it provided that victims of terrorism and their families could sue States who sponsor terrorism.

In the case of one individual who was killed, it happened to be in Gaza in the West Bank, a young lady by the name of Alysa Flatow, who was an American citizen studying in Israel, was killed by a car bomb. It sounds familiar.

Pursuant to the act that we passed in 1996, her family had the right to sue in American courts to recover damages which they did, and they were granted a judgment by the judge in U.S. District Court here in Washington, D.C., a judgment for $247 million against the State of Iran who, through various accounts, had transferred monies to the Islamic Jihad who carried out this attack.

Here on the floor this week, and 2 weeks ago, members of the Task Force on Terrorism had to fight against the State Department to pass another amendment to another law to enable the Flatow family to collect their judgment.

In other words, our State Department and our Justice Department was fighting against our efforts to help the Flatow family cause a price to be paid by Iran, the sponsor of this terrorist act. In other words, our government was protecting the rights of the State of Iran rather than the rights of the Flatow family and the rights of every

Member of this House who voted for the Antiterrorism Act of 1996.

There has to be a price to pay. Ronald Reagan knew there had to be a price to pay. He told Qadhafi that there would be a price to pay, and there was a price to pay. The Libyans have been silent ever since on these subjects.

Our State Department must take note that, in the case of Khobar Tours, there was no price to pay. In the case of these two latest explosions, we will go through the process of grieving. We will go through the process of cleaning up the embassies. We will go through the process of some kind of a cursory investigation.

Unless our policies change, there will be no price to pay. Those who cause these types of actions must know that there is not only a price to pay, but that America will cause a heavy price to be paid.

Mr. Speaker, I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding to me. I want to thank him first for being the Chairman of the Task Force on Terrorism and U.N. Conventional Warfare. I know he has got a lot of things to do as a member of the Committee on National Security and chairman of the Joint Economic Committee. But this is a very important area.

I agree with the gentleman very strongly that, when we have a State-sponsored terrorism where assets and resources are funneled to terrorists to kill people around the world, in many cases Americans, it only makes sense to deter that type of State action, whether it is Iraq or Iran or Libya or others, to deter those States from putting the full force and effect of their State treasury into terrorist activities.

The way we do that is by hitting them in the pocketbook. That means when we have a judgment, taking assets; that means freezing assets where you can; that means hurting them economically around the world.

We do need to have the full cooperation of our own State Department to do that. That is really the only way we can establish a policy of deterrence.

HUMAN INTELLIGENCE IS IMPORTANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, it is important, obviously, to have what is called human intelligence. That is, when a group of terrorists are planning to bomb an embassy or do something else that takes life and property, it is good to know ahead of time what is going to happen, because this is not a big military operation where, by national technical means, that means by satellite overheads and other things, we can see large events developing, like tanks massing for an attack and other things that would indicate a large movement of a military force.

But in this case, an attack may be promulgated by a small group of people, meeting in a small room somewhere. It is important for us to have human intelligence, to have a person who sees that group or a person who sits in with that group or a person who knows what that group is doing to report to us so we can stop that terrorist act.

Having a large human intelligence capability requires a lot of funding. It requires money. It is expensive to have good intelligence. I think that one of the things that we are going to have to realize as we move from the Cold War into this new era, an era that I would call the era of terrorism and State-sponsored terrorism in many cases, is that we are going to have to meet this age of terrorism with a lot of investment in human intelligence along with national technical means.

Mr. Speaker, I would like to ask my colleague, who is really an expert in terrorism, for his views. I yield to my friend from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding to me. I also thank the gentleman for his great effort on behalf of our task force, overall effort to come to grips here in the House with these issues.

The gentleman is absolutely correct. The subject of human intelligence is one that we have discussed at great length and, I believe, recognize today that our ability to deal through human intelligence has been greatly limited in recent years.

I do not say this to be critical, but I think it is an objective fact, because the recent administration has put in place policies that have made it difficult, and more difficult as time has gone on, for us to collect data that we need.

We had a discussion just the other day about a related but slightly bigger issue, and that is whether or not we can detect the emergence in certain countries of nuclear capability, which relates to human intelligence as well or the lack thereof.

So certainly one of the things that we can do is to work with the CIA and other agencies to beef up our human intelligence effort, which is so necessary in being able to predict with some degree and certainty, at least in general, where these types of acts will occur.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his observations, and I think the recent nuclear tests in India and Pakistan reflect this to some degree also. We were surprised by this activity. It reminded us once again that there is no substitute for having a person in the plant or a person in the planning group or a person in a particular government agency. And especially to relate back to the tragic bombings that have just occurred, when there is a likelihood that this is State-sponsored terrorism, it is going to be more and more important for us to beef up our intelligence budget.

Finally, one last thing that has always occurred to me in the 18 years that I have been here in the House of Representatives is this: We admire and we respect our Armed Forces and the men and women who serve in them.

But in some corners in Congress, there has always been a resentment, if you will, of our intelligence agencies as if these men and women who put their lives on the line in remote places of the world where they do not come home to ticker tape parades like our military sometimes does, as if they are something less of American servants than the people in uniform.

Actually these people, our intelligence personnel, perform an enormous service for our country, and they do it, generally speaking, in a way in which they receive very little credit for what they have done.

In the end, at the end of their career, they know what they did. One or two other people, or maybe a handful of people, may know what they have done for their country. But, as I said, they do not come home to ticker tape parades.

I think we have to adjust our attitude about the value and the patriotism of the folks who work in the intelligence services for our country. I hope we get to the bottom of what happened in Africa. I hope that it serves a warning bell to us in this House that we need to put more resources into the intelligence and the counterterrorism area.

I wonder if my friend, the gentleman from New Jersey, has any comments.

Mr. SAXTON. Mr. Speaker, I would just quickly make one final point, and that is that acts of terrorism, we know now, are not carried out in a vacuum. They are part of an overall plan to destabilize some kind of activity. I would suggest that, in this case, Mr. Speaker, it appears that it is an activity to destabilize our overseas international operations. I think the American people ought to be aware that it is not just an act. It is a planned covert activity that is being carried out in general against our country.

CELEBRATION OF 50 YEARS OF INDIA'S INDEPENDENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this morning I want to join with the people of India and the Indian American community as we conclude a year of celebrations in honor of the 50th year of Indian independence.

The 51st anniversary of India's independence will actually occur on August 14th of this year, when Congress is in recess. So I wanted to take this opportunity today to mark this important occasion before my colleagues and the American people in this House.

On August 14 of 1947, after years of determined and dignified struggle, the people of India finally gained their independence. That midnight hour, a vote by India's first Prime Minister, Nehru, in a stirring speech to the Parliament, marked the beginning of an inspiring effort by the people of India to establish a Republic devoted to the principles of democracy and secularism.

In the 5 decades since then, despite the challenges of sustaining economic development while reconciling her many ethnic and religious and linguistic communities, India has stuck to the path of free and fair elections, a multiparty political system, and the orderly transfer of power from one government to a successor.

Mr. Speaker, earlier this year, India once again demonstrated its continued commitment to democratic values through its parliamentary elections in which more than 300 million people voted. The 1998 elections were but the latest example of the vibrancy of the electoral process in the world's largest democracy.

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Mr. Speaker, while the programs and policies have changed over the years, successive Indian governments representing various parties and coalitions, have continued to build on the dream of India's first Prime Minister Nehru to move forward on the path of representative democracy and economic development.

Mr. Speaker, there is a rich tradition of shared values between the United States and India. The United States and India both proclaimed their independence from the British colonial order. India derived key aspects of her Constitution, particularly the statement of fundamental rights, from our own Bill of Rights. The Indian independence movement has strong moral support from American intellectuals, political leaders and journalists. One of our greatest American heroes, Dr. Martin Luther King, in his struggle to make the promise of American democracy a reality for all of our citizens, Dr. King derived many of his ideas of nonviolent resistance to injustice from the teachings of the father of India's independence movement, Mahatma Gandhi.

In our time, Mr. Speaker, we are seeing another exciting way in which our two societies are moving closer together, namely through the influx of immigrants from India who have made their homes in America. The Indian American community, now numbering more than 1 million, have become an important part of the ethnic mosaic in my home State of New Jersey and in communities throughout the United States. As they strive for a part of the American dream, Indian Americans continue to enrich our civic, political, business, professional and cultural life through their commitment to hard work, family values and communities. The Indian American community also serves as a human bridge between the world's two largest democracies.

Another way in which India and America continue to grow closer is through economic ties. The historic market reforms begun in India at the beginning of this decade continue to move forward, offering unparalleled opportunities for trade, investment and joint partnerships, all of which include a human dimension of friendship and cooperation, in addition to the economic benefits for both societies.

Mr. Speaker, it is my hope that this House will soon after the recess pass legislation I have sponsored with my colleague, the gentleman from Florida (Mr. McCOLLUM), which would allow the Government of India to construct a statue of Gandhi here in Washington, D.C. The legislation, which has been reported out of committee and is ready for floor action, stipulates that American taxpayers would not have to bear any costs for constructing or maintaining the memorial, but merely provides the land for the Government of India to construct the monument. The location of the monument would be adjacent to the Indian Embassy on Washington's "Embassy Row" on Massachusetts Avenue. The National Capital Memorial Commission has already given its approval to this proposal.

Washington, as we know, is a city of great monuments and memorials that help define who we as Americans are and what we as a Nation stand for, and I believe that the proposed Gandhi memorial would be a worthy addition to the landscape of our Nation's Capital.

Mr. Speaker, just a few weeks ago, we Americans celebrated the Fourth of July. For nearly 1 billion people in India, one sixth of the human race, the 14th of August holds the same significance, and I am proud to extend my congratulations to the people of India as they embark on their second half-century of independence and democracy.

Mr. Speaker, as we enter the August recess after today, the United States and India are preparing to meet and discuss peace and security in south Asia. We all know that our relations were somewhat dampened after the explosion of the nuclear bombs, the tests that occurred back in May of this year. Last week the Congressional Caucus on India and Indian Americans met with Assistant Secretary of State for South Asia, Rick Inderfurth. And Mr. Inderfurth has accompanied Deputy Secretary of State Strobe Talbot for talks in New Delhi. Mr. Inderfurth said that the meetings in India were positive and he believed that progress was being made in terms of improving relations. He categorized the bilateral meetings as successful "quiet diplomacy." He told the India Caucus that the United States was not demanding, but helping India take the proper steps towards international consensus on nuclear nonproliferation.

Later this month in Washington, Mr. Talbot will again meet with India's Prime Minister's representative, Mr. Jaswant Singh, to reconcile U.S. differences on the Comprehensive Test Ban Treaty. I am confident that progress will be made at this meeting.

I am confident because earlier this week, India's Prime Minister Vajpayee told the Indian Parliament that India was close to signing the Comprehensive Test Ban Treaty. The Prime Minister felt that India was ready to sign, because India's national security is no longer compromised and it is not necessary to conduct further nuclear tests. Furthermore, he said that he wanted to improve bilateral relations with Pakistan and that he wanted to conduct ranging talks with Pakistan that incorporated long-term vision.

Although a recent meeting between India and Pakistan's prime ministers did not lead to concrete and positive results, they may meet again in South Africa later this month, and I am hoping that they will meet and resolve some issues that have kept them apart and begin talks for peace in south Asia.

Mr. Speaker, I was very pleased to learn that the U.N. Conference on Disarmament is close to beginning new talks on halting the production of nuclear bomb fissile material. India, a member of the conference, has agreed to take an active role in the talks; and ironically, India and Pakistan's nuclear tests have revived the talks after they stalled for 3 years.

When we return from the August recess, I look forward to working with Members of this body in giving the President proper sanction waiver authority so that he may have more flexibility in imposing sanctions. Senator BROWNBACK has amended the Senate agricultural appropriations bill so that the President would have a limited waiver authority. And this amendment is similar to the proposal put forward by the Senate Task Force on Sanctions.

Although the House agricultural appropriations bill does not include a similar amendment, I hope that my colleagues will include the amendment in the conference report. I have introduced similar language to the Brownback amendment and the Senate task force proposal, and I urge my colleagues in the House to support the Brownback amendment and give the President proper waiver authority.

When India conducted nuclear tests earlier this year, for a period of time there was no dialogue between our two countries, but now we are talking and determined to maintain peace in south Asia. To encourage such dialogue, President Clinton should continue with his plans to visit India, probably this November. It has been almost 20 years since a U.S. President has been to south Asia, and if the President is serious about peace and nuclear nonproliferation, he should go to India.

Mr. Speaker, I have a large Indian American constituency in my district in New Jersey, and this community feels very strongly that U.S.-India relations need to prosper, regardless of the two countries' views towards nuclear tests. One leader in the community, Dr. Sunil Jaitly, recently noted that the gap between India and the United States is not large and that the differences can be resolved. Dr. Jaitly said, and I agree, that "the U.S. and India need to express to each other clearly and open-heartedly" so that "we may eliminate any and all misunderstandings created by the May 1998 events."

Mr. Speaker, finally, I want to say that it is important that we support the administration and India in their efforts to reconcile their differences in an effort to bring peace not only to south Asia, but throughout the world.

TRANSFER OF AMERICAN TECHNOLOGY TO CHINESE COMMUNISTS

The SPEAKER pro tempore (Mr. HUNTER). Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, on April 30 of this year, I came to the floor of the House to use 1 hour of time available to me in a special order to discuss a matter of utmost importance to the security of our country and the safety of the American people.

In that special order, which I gave on April 30, I disclosed information that indicated that American aerospace firms, with the acquiescence of officials in the Clinton administration, and perhaps the President himself, had facilitated the transfer of sophisticated rocket technology to the Communist Chinese. If true, I stated, Americans have been put in jeopardy and that this could be the worst technological betrayal of our country since the Rosenbergs.

For those of my colleagues who do not remember the Rosenbergs, the Rosenbergs were people who worked for the United States in our own program to develop an atomic bomb during World War II; who, for whatever reason, gave the secrets of producing that atomic bomb to Communist Russia, to the Soviet Union when it was under the control of Joseph Stalin.

Well, today, unfortunately, it appears that some major American aerospace companies may well have given to the world's worst abuser of human rights, tyrants that are on the par with Joseph Stalin and Mao Tse Tung and other tyrants of the past, may have given them secrets that we developed during the Cold War for our own protection. They have given them those secrets in a way which will increase their capability of building rockets that could hit the United States with nuclear weapons.

Mr. Speaker, I take the floor again today to update my colleagues and interested parties on what has happened since my initial disclosure, as well as disclose new information that has come to light concerning the use of technology developed and paid for by the U.S. taxpayers, handed over to the Communist Chinese.

First and foremost, since my first address, nothing has emerged that suggests that my original statements were inaccurate. The more information that becomes available, the more certain it becomes that aerospace firms like Loral Space and Communications, Hughes and Motorola, callously disregarded the security of our country. To be fair on this, Hughes Corporation denies that they have done anything to improve Communist Chinese rocket capability, and is taking steps to provide me with information which they believe will demonstrate this fact and will demonstrate the fact they have remained true to the United States.

Hughes notwithstanding, there is ample evidence that American technology was transferred to this hostile potential enemy of the United States and that the vast experience of some of our best aerospace engineers provided the Communist Chinese the guidance needed to upgrade and perfect highly sophisticated weapons systems, increasing the reliability and capability of Communist Chinese rockets. This has given what anyone has to admit is at least a potential enemy of the United States, a better ability to deliver nuclear warheads to our country, to American cities, to incinerate millions of our people.

Did the Communist Chinese have that capability before? Yes, they did, minimally, have that capability. Perhaps they could have gotten a rocket to us. But now, thanks to American know-how, given them by American aerospace companies, their rockets are more accurate and are more reliable, and now their rockets can kill more than one nuclear warhead, and this, thanks to American know-how.

I expected, after my first speech on this issue, that the companies in question would protest that I was wrong, that my fears were unfounded, that my sources had exaggerated the damage being done to our security. That has not been the case. The dangers to our country may, in fact, have been understated. Since disclosing the limited information I uncovered, there have been several hearings in the House and in the Senate looking into this horrific possibility that the money that we Americans spent developing technology to defend us ended up perfecting Communist Chinese rockets, and in the House, a select committee of nine distinguished Members has been appointed. Under the leadership of the gentleman from California (Mr. COX), this select committee is now organizing its efforts to thoroughly investigate the situation.

One of the executives in question is Bernard Schwartz of Loral. Schwartz was hell-bent to sell an arsenal of high-tech weapons to the Communist Chinese, weapons that would have put tens of thousands of American military personnel in jeopardy, our military personnel, our sons and daughters on our ships or in our airplanes. In any future confrontation between the United States and China, our military people would have been put in jeopardy of being shot out of the air, blown out of the water, and murdered by Communist Chinese who are being armed with technology that was developed by the United States for our own defense.

This is what Bernard Schwartz wanted to sell to the Communist Chinese. We do not know exactly how much of this lethal weapons-related technology Loral was able to transfer. He was stopped in many cases, and he was not given permission in many cases. But what is clear, that when it comes to the upgrading of China's rocket system, which could land a nuclear weapon here, Loral was anxious to help, and in fact there is evidence to indicate that the weapons systems, that these missiles were improved with Loral's help.

According to reports, on February 6, 1996, a Chinese long march rocket carrying a $200 million Loral satellite, exploded shortly after its launch from a satellite launch center in China. Loral and the Hughes Corporation went to work on an accident review for the insurance companies who insured that flight and insured the coverage of that loss.

First of all, we need to understand that it is illegal for corporations to transfer this weapons technology and to upgrade rockets, so there was no excuse whatsoever for Hughes and Loral to be going through an accident investigation that was involving only the blow-up of a Chinese rocket, not the malfunction of a satellite system. There should have been no discussions whatsoever.

The Chinese Government, once Loral and Hughes jumped into analyzing what had gone wrong with this launch, the Chinese Government requested a Chinese-born Loral executive named Dr. Wah Lim, to be put in charge of this report. Loral complied with this request, and replaced an experienced American U.S. Air Force colonel who was at that time responsible for the launch security, and they replaced this man, this American military officer at Loral, they replaced him with Dr. Lim, who had been requested by the Communist Chinese. One wonders why that happened. One wonders what justification there could be in that.

In May 1996, the 200-page accident review, this report that dealt with this rocket's performance, was finished and this again had nothing to do with the satellite, it had to do with the explosion of the rocket. This report was unlawfully faxed by Dr. Lim, the man who the Chinese had requested be on this team, this report was faxed to the Communist Chinese themselves without either a State Department or Defense Department approval.

One year later, when the Pentagon completed an assessment of what had happened, an assessment of this report, and Dr. Lim's actions taken to provide this report to the Communist Chinese, our Defense Department concluded, and I quote: "The United States national security has been harmed," end of quote.

To put that in terms that my colleagues might understand, now millions of Americans live under the threat of being incinerated by a nuclear weapon launched at the United States from China, and made more accurate and made more reliable by our own aerospace industry.

Mr. Speaker, I have spoken with a former security monitor for U.S. space launches overseas who has monitored Loral launches in the former Soviet Union and in China. He claims to have witnessed serious lapses in the security of U.S. satellites and these rocket launches in both countries. In addition, the Cox committee will be looking into reports by the Defense Department officials who were present at Loral's launches in China. We are talking especially about that launch in February of 1996.

The mass of information is somewhat confusing, but to begin with, the report that we are talking about that went to the Communist Chinese, this was supposedly for insurance companies, and the one that of course ended up going directly to the Chinese Communist rocket builders is not just a general assessment. It turns out that that report that was put together by Loral and Hughes engineers, it is not just a road map, it is kind of a blueprint, if you will, for perfecting the Chinese Communist long march rocket system.

That rocket system, before the American intervention, before our experts started talking to the Communist Chinese, had blown up four times in a row. It was one of the world's most unreliable systems. But the suggestions that they were given were so precise that it was not just trying to perfect things and make things better, it was so precise it included such things as make sure, and I will use terms that are not classified terms, turn this widget and replace it with a "thingamabob." Make sure that the settings on the "what'a-ya-call-it" panel are turned this way. And even a layman like myself, with very little technological background, but even I could read and see that this was a blueprint for improving a Communist Chinese rocket system and had nothing to do with the satellite itself. It was clearly instructions on how to dramatically improve that Communist Chinese rocket system.

And guess what? Think about it. After these meetings and after this report was put in the hands of the Communists, well, guess what? After they got their advice from, their technological advice from their American buddies, this particular Communist Chinese rocket system flew successfully, and has continued to fly successfully. Now it is a reliable rocket system, from the most unreliable in the world to a very reliable system. No more explosions. It is a perfected system. The trouble is, that same system is identical, although it is carrying American satellites now, it is identical to the system that carries nuclear warheads, atomic bombs. The difference between that rocket system and the one that carries the weapons to kill us, the only difference, one is painted a pastel color and is very beautiful and the other may have military painting on it.

Mr. Speaker, I say to my fellow colleagues, this is a severe, a severe breach of American security, and has put our country in jeopardy. We are not just talking about American satellites. Again, when we hear the issue discovered, those people who talk about satellites, are trying to confuse the issue. What we are really talking about is the upgrading of a nuclear weapons delivery system in the hands of the Communist Chinese, a weapons system that is designed to hit American cities and vaporize millions of our own people.

Shame on Loral and any other American company involved in providing this assistance to a potential enemy of the United States of America.

Another aerospace company, Motorola, appears to have been involved in advancing Chinese ballistic missile capabilities as well. In this case, Motorola took a Chinese rocket, not the same one that we are talking about with Loral and Hughes, took a Chinese rocket, called the Chinese long march 2-C rocket and upgraded its capabilities. The long march 2-C was a relatively reliable system, unlike the other one that we are talking about that Hughes and Loral were dealing with. It had in fact flown 14 times before the Americans came around to use it in order to launch a new generation of communication satellites.

The problem with launching those satellites was that it was a reliable system, but it really was not as capable as Motorola and other companies wanted it to be. In fact, as long as it saved money and did not enhance the Chinese ability to attack its enemies, meaning the United States, it was okay for Loral to use that system, because it was reliable and they had done that on their own, the Chinese had developed that on their own.

What happened was this: In all of the launches of that Chinese long march 2-C rocket before Motorola showed up with its engineering advice and sophisticated technology, in all of those launches, the Chinese rocket that we are talking about only carried one payload. In the launches afterwards, after Loral had 40-some engineering meetings with the Chinese, and after Loral gave them certain technologies, the Chinese rocket that we are talking about went from carrying one payload to carrying two payloads.

Now, that may not sound very threatening, but let me put it this way: American technology was then used to double the capacity of a Communist Chinese missile system. This is called MIRVing. When we have only one payload and then we take it to two or more payloads, it is MIRVing. This is the ability to dispense more than one projectile from a rocket, whether it is a satellite or a nuclear warhead. That is from one rocket, more than one payload is MIRVing. And so others will know why that is a threat, instead of just destroying one city, that rocket now could destroy two American cities rather than just one American city. Is that important that we have doubled their capability of this rocket system to destroy American cities and obliterate our countryside with just one missile? Yes, that is really important.

The frightening fact screams out at us. China did not have MIRVing capability for this system before the iridium satellite contract was signed with Motorola. However, on September 1, and here is a quote from the Chinese themselves, on September 1, 1997, the official Communist Chinese news agency reported, and I quote: A Chinese long march rocket carrier containing two simulations, two simulations of iridium satellites owned by the American electronic giant Motorola was successfully launched.

And here is the hook to it. The carrier, based on the long march 2-C, was the first of its type ever launched. Why was it the first of its type? Because it carried two satellites, two payloads instead of one.

An American company essentially doubled the capacity of a Communist Chinese rocket system to carry payloads. Both payloads may be deadly payloads that would put millions of American lives in jeopardy.

In addition, Motorola officials confirmed to me that they have provided the Chinese with technology such as exploding bolts. Exploding bolts. That is the technology that facilitates the stage separation of rockets. So that if a rocket is taking off, some of the times the Chinese rockets that were taking off before Loral and Hughes and Motorola got over there, they tried to separate their stages, and they would just explode.

That is what was explained to me the first time I heard about this. And I looked at the engineer, the American engineer who was telling me about this, and I said, you know, I think it is a good thing when Chinese rockets explode. We like it when Chinese rockets explode, because those rockets then cannot come over here and kill our loved ones.

Well, at first the company was turned down, Motorola, when they wanted to give some of these technologies, these exploding bolts that facilitate MIRVing and stage separation technology, they were turned down. They were turned down in their attempt. Just as perhaps Bernie Schwartz was turned down on some of these requests early on to sell weapons technology to the Chinese, they were turned down to sell these exploding bolts to the Chinese. But through a Clinton administration sleight of hand, by readjusting the paperwork, the licensing process moved forward, and this technology, which helps the rockets, was moved from the rocket category, which is illegal for these companies to transfer to the Communist Chinese, it was moved to the satellite list simply by reworking the paperwork.

Now, it is permissible for them to give this technology, before it was illegal. The end result: Communist Chinese, who are infamous copy cats, these people spend billions of dollars trying to copy American ideas and technology and engineering, these famous copy cats ended up with 40 of these incredibly precise and sophisticated pieces of aerospace engineering.

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We do not expect them to try to copy this when it gives them the ability to perfect their own missile system.

Motorola indicated to me that they wanted to provide me with information that would convince me that they were not guilty of betraying the security of our country. Unfortunately, they have not been willing to provide me with any more information and suggesting, instead, well, we are only going to talk to the Cox committee which is, as I said, now just getting organized.

Frankly, I look at this as a stall and will let the public and my colleagues determine for themselves whether they think that this is a stall or an attempted coverup.

I gave Motorola every opportunity to correct what they said was a false impression on my part. They decided not to provide me with information, knowing that I would be speaking to the House of Representatives as well as to the American people on this issue.

I will continue to speak to the House of Representatives and the American people on this issue and continue my investigation of this issue. If Motorola chooses not to make information available, we can only think the worst of them for it.

The Hughes Corporation, on the other hand, has tried to be cooperative. The company has some serious questions to answer in regard to three satellite launches in China that did not have U.S. security monitors present.

Under U.S. regulations, security monitors were needed. They had to be there. It was required that they be there for all the launches in China. Yet, they were not there at three of these major launches.

Why was that? Hughes Aircraft and Hughes Electronics understood the necessity, the legal requirement for these launches to be monitored. Hughes is making, however, as I say, information and personnel available to me so that if mistakes were made, we can talk about them and they can be corrected. I take that as an act of good faith on the part of Hughes.

One question I will be asking is why Hughes hired the son of a general, of a Chinese Communist general, to be involved in their own program. In fact, the son of the general they hired is the general who was in charge of China's own military satellite program. We need to know the role that this man played in that company, the son of a Communist Chinese general, as well as whether he has had a hand in some of these sensitive decisions as well as access to this very sensitive U.S. aerospace technology.

Hughes must explain the role that they have given to Dr. Wah Lim. They hired Wah Lim, Hughes hired Wah Lim as a senior vice president after the Loral report debacle was made public.

I will be reporting back to my fellow Members of Congress and to the American people upon the return from our August break. This issue should not be lost in the headlines of controversy that are now flowing through Washington, D.C. This issue is important to our national survival.

The central issue in this egregious breach of America's national security is whether or not China is a threat to America and to the peace of the world. Some people just say, well, I say we give Communist Chinese all this technology. Some people shrug their shoulders and say "so what," because they do not understand the threat that China poses to the world.

I believe that Communist China should be the ultimate factor in the determination of U.S. foreign policy today, just as containing communism was our primary factor during the Cold War.

The truth is that, despite utilizing some forms of capitalism, China is still a one-party Communist dictatorship. That has become especially evident in the recent attempt by brave democrats across China to officially register as a democratic party during President Clinton's visit to China. As a result, all of the leaders of that movement are currently in jail or under house arrest with constant harassment by State security forces.

When China was going in the right direction, I would not have been here complaining that we were too involved in cooperating with Communist China. I would not have been. But China is not going in the right direction. There has been a regression. It is becoming more repressive.

Ten years ago, before Tiananmen Square, the Communist Chinese had other elements in their society who were developing alternatives. They seemed to be accepting the fact that alternatives had a right to exist. There was an acceptance of certain kinds of religious activities in China. People, communications were opening up. It is going in the opposite direction.

The Communist Chinese, while becoming more totalitarian now, are also becoming more heavily armed and more belligerent. By the way, there is a white paper on China's national defenses. The document is from a leadership document of the Communist Chinese themselves. It was released last week. This white paper details China's own goals. It calls the United States and its alliance with democratic countries in Asia as "the main threat to world peace and stability." It calls our own defense pact, America's defense pact with Japan, "an infringement on China's internal affairs."

What, pray tell, might China's national military objective be? Beijing's white paper emphasized China's intention to use force, if necessary, to conquer the free people of Taiwan. These are people that the United States, by treaty, have sworn to protect and defend.

China is also staking out its claim to all the territories in the South China Sea, including islands just off the coast of the Philippines, almost within view of the Philippines and Malaysia as well.

In partnership with the despicable SLORC regime, this is the Chinese Communists are in partnership with a regime in Burma, the SLORC regime, that is one of the darkest corners of this planet and one of the most malevolent and evil, evil regimes in this world.

Human rights organizations all over the world have targeted Burma because of this ugly regime. China is arming the SLORC regime to the teeth in exchange for raw materials, cutting down and destroying their teak forest, as well as having a hand in the drug trade, in the heroin trade coming out of Burma.

That is China. Of course it is important. In this, China, while cozying up to this dictatorship, actually supporting the dictatorship in Burma, is building a chain of military naval installations in Burma along the Indian Ocean that, in part, have lead India, have lead India to become more aggressive in developing its own conventional and nuclear weapons policies.

While China was assuring the world that it was against this nuclear arms race, and we have seen that in Pakistan and in India and what a threat it is, but while China says it is against that arms race, what has it done? It continues to ship and to smuggle components to Pakistan for their nuclear weapons program and their missile delivery systems.

This is really, perhaps, the thing that China is doing that perhaps causes a short-term threat, even greater than the long-term threat of their own missiles. If Pakistan and India began exchanging rockets and atomic bombs, millions of people will die, and it will be a tragedy beyond all description. China is helping people put these weapon systems together.

Even worse, during, and this is during and after, President Clinton's stay in China, our new strategic partner, because that is what the President is trying to say China is, our partner, this villainous, evil regime is this strategic partner, even while he was there trying to make friends with them so they would be good guys, the Communist Chinese continued to transfer weapons of mass destruction technology and know-how to Iran and Libya while the President was there.

This was confirmed to me by a State Department official last week during a House Committee on International Relations hearing. The Communist Chinese have more than earned their title as the number one on the CIA's list of major proliferators of weapons of mass destruction technology.

However, the most egregious demonstration of contempt, contempt for the people of the United States and contempt for President Clinton, was demonstrated when Beijing successfully tested an engine for a whole new generation of long-range ICBMs. This weapon that can hit the United States from mobile missiles launched in China, this engine for this new rocket was tested while President Clinton was right there in Beijing saying, let us be friends. Let us be friends. This is worse than Neville Chamberlain and his efforts to try to befriend Adolf Hitler in order to prevent aggression just prior to World War II.

The people in Beijing, these dictators, these gangsters, are laughing at the United States of America and laughing at us. Why not? We are helping them modernize their weapons systems. We are actually giving them the money that they need to do it, as well as the expertise of what they need.

Oh, this is the same group of people, the Butchers of Tiananmen Square. Will they show the people of the United States the same kind of mercy they showed their own people when they mowed them down, thousands of young people who wanted democracy 10 years ago, snuffed out?

Will they show us the same bed of mercy they showed the people of Tibet? Right now, the people of Tibet are going through a systematic genocide. Communist China could incinerate all of Tibet, and our big corporations will still come to us and say, oh, we are going to make them more moderate and democratic and peaceful if we just simply continue in this trade relationship in which they enrich themselves and get our technology.

What do we get? Well, a few corporations get rich, but most Americans end up with a pink slip and out of work because their job is shipped to slave labor in China.

Will they demonstrate to the American people the same type of mercy that they have shown to their own women? Women in China, millions of them, are forced to get abortions after they have conceived a baby, an incredible violation of millions of people with an incredible violation of human rights of women.

Will we trust the survival of our precious freedom and our peace basically to help this regime that systematically persecutes believers in God, whether they be Muslims or whether they be Christians or Tibetan Buddhists?

Should we continue to subsidize a nation with Most Favored Nation status, Most Favored Nation status which gives them an unfair advantage over us; that holds, and this country has a $40 billion annual trade surplus with the United States all the time while breaking every promise to abide by the international standards respecting our own patents and our own intellectual property rights.

They are the biggest thieves of America's intellectual property. They are stealing billions of dollars from our creators in Hollywood and in Broadway and our musicians and our filmmakers.

Every year, they steal billions of dollars. Even before we can sell it overseas, they are reproducing these things, giving us no royalties, undercutting our own people from getting their just rewards for what they are creating, not to mention the intellectual property rights when they steal our technology and use our ideas to outcompete us and put our people out of work.

How does China maintain this huge advantage? Of course we have permitted China to have a 30 or 40 percent tariff on our goods. When our people want to sell over in China, they end up paying 30 or 40 percent tariffs. When they come to sell their goods in our country, they are only charged 3 or 4 percent.

They have slave labor there as compared to our free labor, and they flood our markets with these consumer goods, putting our people out of work. These businesses say, oh, we have to maintain the status with China. Why? Because we want to sell our products there.

That is baloney. These big businesses do not want to sell our products there because China is demanding, in order to sell products there, we have to build a manufacturing unit. This is not fair trade. We are being saps. We negotiated the well-being of our own people away. Now we are putting our country's security in jeopardy.

It is basically what we are engaged in in China economically is little more than corporate welfare subsidized by U.S. taxpayers who end up guaranteeing the investments of these corporations in China through the Export-Import Bank, in other words. Then our taxpayers guarantee the investments there. They set up the companies. They use the slave labor. They do not sell in China. They export them back to the United States, and they put out of work the taxpayers, the working people who are subsidizing and guaranteeing their investments in the first place. It is a sin against our people.

This is the kind of China that we are struggling to maintain a good relationship with, and, oh, let us not cause any problems. Let us not say anything. Let us not confront them with the evil doings and the buildup of their nuclear weapons industry or confront them, that they are threatening us or our friends or democracy or undermining the peace of the world interest.

We have got to be quiet about these things because of what? Because some huge multinational corporations are making a short-term profit. In the end, what will happen to those corporations? I will tell you. They will be expropriated. They will be expropriated, or the American people will lose out.

In order to sell to China, the few companies that are able to sell to China, as I say, are forced to set up these manufacturing units. This has happened in the aerospace industry. What those leaders in the aerospace industry are doing are taking the short term. They are saying, yes, we will make a profit, a huge billion dollars profit this year, even though it means we are setting up a manufacturing unit in China that 2 years from now or 5 years or 10 years from now will be used to outcompete the American aerospace industry.

We are selling out the jobs of our people in the long run in order for a short-term profit for these companies. It is wrong. It is wrong.

These are unfair advantages of what? They have given the Communist Chinese $40 billion, $50 billion a year to build up their military. Why do we continue with this insane policy? It is an insane policy.

It has even led to the point that we are giving them rocket technology which they are aiming their rockets at us. So why do we continue this? How is it possible?

This body, my colleagues, ends up voting a majority to provide a trading status for this type of regime. Why is it? Yes, there is a handful of big corporations who are making immense short-term profits but, of course, that would not sell it here. The selling pitch is that by continuing this relationship with China, continuing this relationship with China, we are making them more democratic. We are going to make them liberal. It's the a hug-a-Nazi theory, and the Nazi will become a liberal democrat.

It is ridiculous what is actually happening. Instead of making the Communist Chinese more democratic, instead of our corporations over there interacting with the people of China and making them more democratic, what has happened is just the opposite.

By the way, the people of China are our friends. We are not talking about the people of China. We are talking about the oppressors and the Fascist government that holds them in a powerful grip. They know they are gangsters. They know they are bad guys. They know they are a clique that is holding a country of a billion people under submission. They think we are saps by playing a game by not confronting them with that.

What is actually happening, we are not making them more democratic. The Communist Chinese are corrupting our democratic processes. This corruption is, was epitomized by the millions of dollars that China may well have poured into the 1996 U.S. election campaign of President Clinton and Vice-President GORE and to the Democratic Party.

Do you remember, does everyone here remember the impoverished Buddhist monks that supposedly gave $5,000 checks to Vice-President GORE when he was out campaigning in California at that Buddhist temple? Everybody knows we are not supposed to have fund-raisers at a religious institution.

Where do those $5,000 checks come from? Those were impoverished Buddhist monks. I mean, our economy is not doing that well that even impoverished Buddhist monks can give $5,000 donations. Where did it come from?

We are talking about money being funneled into the American democratic process in order to what? In order to further a policy that is contrary to the interest of our people. They are corrupting us. We are not making them more democratic.

What about Loral president, Bernie Schwartz, the man we first talked about, the man who is pushing selling weapons technology that can kill American military personnel, a man who was over there, responsible for overseeing this company that upgraded these Chinese missiles and, as the Defense Department says, put our country's security at risk and has harmed our national security? This was the largest single contributor to the Democratic Party and to President Clinton's reelection effort in the last campaign. The largest single contributor.

Again, it is aimed at China policy. China policy. They are corrupting our system. Chinese officials from their own aerospace companies tried to channel hundreds of thousands of dollars into the Clinton campaign. Much of it was discovered and returned.

But what is important was this was not just a Chinese aerospace company. We are talking about a Chinese aerospace company that, like most of their companies, are nothing more than a front for the People's Liberation Army. That means the military in China was trying to channel money into our election process. The People's Liberation Army.

We do not know if millions of dollars did not end up in the President's reelection campaign. It looks like some did. But that is one thing that we will be looking into.

Our policies in regards to China are, at the very best, amoral. At the very best, they are saying set morality aside. Be practical. That is at the best. But more likely, our policies have to be considered by people around the world as immoral as policies based on certain people profiting from activities that they know to be contrary to any standards and values held by the American people.

Someday, there will be a price to pay for this type of immorality that is set in policy. There is a symmetry in the universe. When a person or when a country engage in this type of blatant immorality and ignores the standards that have been given to us and the values that we believe in, that our Founding Fathers and their American people believe in, there will be a price to pay. It inevitably leads to the pit of deprivation of defeat and despair.

The Adolf Hitlers of the world and the Al Capones of the world always end up in the ash heap of history, in the rogue's gallery. But we Americans should demand a higher standard. If we do not, we will pay the price. Our children will pay the price. Already we are paying the price economically with jobs lost here going to slave labor in China.

We won the Cold War, not by compromising with evil. We won the Cold War because we looked at the Soviet Union, and Ronald Reagan called it an evil empire and we sought to contain it and to make sure that it was not in any way assisted as long as it posed this threat to the democratic nations of the world.

We never gave Most Favored Nation status to the Soviet Union. Never. Ronald Reagan would have thought it was a joke to give more trade and permit the Russians to have more hard currency through trade with the United States in order to make them nicer.

No. We said in order to have a closer relationship with us, you have got to become a freer society. You have got to open up so that religious people and people who disagree with you have rights to speak.

You have got to quit the genocide on different peoples in Tibet and elsewhere. And do you know what? Essentially those vicious people who ran the government and the Soviet Union and the Kremlin, they collapsed. They cracked because we took a moral stand.

Yes, we played China off against the Soviet Union during the Cold War, just as we played Stalin off against Hitler when Hitler and the Japanese were the major threats to the security and the peace of the world. Yes, we did that. But the Cold War is over. The China card no longer needs to be played.

In fact, China has replaced the Soviet Union, as the Soviet Union replaced Hitler, as the country and the people that we need to be concerned about to maintain the peace of the world, the greatest threat to our economic security, the greatest threat to the peace and the greatest threat to freedom.

Some people are surprised to see, my gosh, it has even gone so far that we were giving these people nuclear weapons. Why be surprised? Why be surprised at that? What is the result of this? All over the world this is known. Our policies of weakness towards China are known.

In Japan, what is going to happen with Japan? Japan is going through a crisis. If we are not strong and we do not provide leadership and we do not stand for the things that give us the strength of a Nation, give us the right to reach out to the rest of the people of the world and say let us lead the way, those people will go in another direction. They will be on their way. Their leadership will cut deals with the gangsters that threaten the world.

What will happen in Japan? What would happen if Japan said, uh-oh, this part of the world is now going to be dominated with Communist China. We better cut our deals with Beijing. This will be a far different world 50 to 100 years from now if that happens. It will be a world in which our children and our grandchildren will suffer greatly and the threat will be enormous.

What about in India? Why did India have to explode its nuclear weapon? Why did Pakistan move forward? Yes, they have their own problems. But at the same time, India is watching China. India is watching China. They might be able to handle a threat from Pakistan, but China? Maybe the democratic countries of the world, even in Thailand.

But let us take this out. What about those people who are struggling to build democracy? What about the former Soviet Union? In Russia, these people are struggling. Any factor can turn Russia this way or that way.

The United States is not seen as a powerful strong force for freedom; and, instead, we are letting the Chinese dominate this huge part of the planet. Russia borders on China.

What about the bad guys in Russia? What about the evil forces in Russia? They will cut their deals with Beijing and undermine peace and prosperity and the development of freedom in Russia.

There are major consequences to these insane policies that we have had with China. We have seen it now with India, as I say, India and Pakistan. It makes it more likely to have a war there. Japan is drifting into an anti-American orbit.

In other words, these are significant issues. These are historic issues that we must deal with. The threats to America's national security and our future prosperity, well-being of our people did not end with the end of the Cold War. We have got to pick up the torch. We have got to be diligent. We have got to be strong, just as our Founding Fathers were, just as every generation has had to be strong in order to maintain this American dream.

There are many scandals that we are going to hear about in the next 30 days. This titillation is swirling through the capital. All this attention is focused on the so-called scandals. Let the American people not lose sight of what we are, what I am talking about today.

Let them not lose sight of what I call Missilegate, if nothing else, the fact that our own weapons, our own technology are being turned against us, and that our policies are skewed toward helping a dictatorship and impoverishing the American people to build up the billions of people in the mainland of China which, in the end, is stolen from them by an oppressive dictatorship.

I will continue to investigate this, and I hope the American people will continue through this other scandal to focus on this important issue. We will move forward on it, as I say, and I will give certain updates, especially when I come back after the August break.

But in the end, our vigilance as Americans, as the world's last hope, last best hope of all of mankind, it is our vigilance that will save us and save all humankind. We are the keepers of the flame. Let us not share the power of that flame with tyrants and the enemies of freedom.

KEN STARR'S LEAKS MAY VIOLATE ETHICAL GUIDELINES AS WELL AS FEDERAL LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I rise today to put in the RECORD additional information about the serious problems that may have been created by Mr. Starr's recent revelations about the extent of his off-the-record contacts with the media and his justification for those contacts.

□ 1230

The press coverage of this controversy seemed to have missed the forest for the trees by concentrating almost exclusively on whether Mr. Brill, in his interview with Mr. Starr, had produced conclusive evidence that Mr. Starr had violated the Federal law which prohibits the disclosure of materials related to a grand jury investigation. There is evidence that suggests that he may have done just that, and I am hopeful that the Attorney General of the United States, Janet Reno, and Judge Johnson, will take appropriate steps to credibly resolve these issues.

More importantly, however, many of the leaks attributed to Mr. Starr's office raise two additional questions. Namely, whether they violate Department of Justice policy and whether they violate the Rules of Professional Ethics.

What is the Department of Justice's policy? Well, it forbids government prosecutors from making any statement that will have a substantial likelihood of materially prejudicing a proceeding. Moreover, the guidelines specifically direct prosecutors to not discuss certain categories of information which are presumed to have the effect of prejudicing an adjudicative proceeding if released. These include whether or not the accused has offered to make a statement; it includes the results of any investigative tests; it includes any opinion as to the guilt of a witness or any opinion as to the possibility of a plea agreement.

So the Rules of Professional Ethics for the District of Columbia prohibit almost exactly the same disclosures as the Department of Justice guidelines. Notwithstanding these guidelines, which are fairly clear, we have seen numerous press reports that contain exactly this type of information.

It has been reported that Mr. Starr has won his legal fight to prevent President Clinton's lawyers from questioning him directly about numerous leaks that are alleged to have come from his office. It is not clear, it is unknown whether Mr. Starr claims some sort of privilege to prevent his direct interrogation, but his resistance is at odds with his public statements about the importance of truth.

As the question of Office of the Special Counsel disclosures continues to be reviewed, we should all keep in mind that Mr. Starr's obligations go far beyond the legal requirements that he not disclose grand jury information. Any departure from those guidelines threatens to rob his investigation of credibility and also invites speculation about partisan motives.

INTRODUCTION OF THE NORTHERN MARIANAS DELEGATE ACT

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I take this opportunity to talk about a piece of legislation that I dropped yesterday, that I introduced yesterday, and this is the Northern Marianas Delegate Act to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Marianas Islands. The Commonwealth of the Northern Marianas Islands is the newest commonwealth and the only American territory acquired by the United States in this century.

Many people are familiar with the fact that the CNMI was the site of the famous battle of Saipan during World War II, but are less familiar with the history of that group of islands. Guam, the island that I represent, is part of the Marianas, but had a slightly different history since Guam was taken by the United States as a result of the Spanish-American War 100 years ago.

The CNMI, as I mentioned, the Commonwealth of the Northern Mariana Islands, the newest commonwealth and the newest territory of the United States, came into the United States in 1976, after it made a free choice to have a close political union with the United States, they being formerly part of an organization, an entity known as the Trust Territory of the Pacific Islands.

When the Commonwealth of the Northern Mariana Islands came into the United States in 1976, it was decided at that time, and the people of the CNMI were discouraged from having a delegate in this body. Then subsequently in the 1980s, a Commission of Federal Laws appointed by President Reagan in 1985 then recommended that the CNMI should have a delegate in the House of Representatives. The reasons outlined were fairness, democratic principles, and practical utility.

Today, the CNMI is represented, very ably I might add, by a gentleman by the name of Juan Babauta who is in an elected position called the Resident Representative of the Northern Mariana Islands. But he is not accredited to this House.

Frequently, we like to state in this body that this is the People's House, and that all Americans are represented in the People's House. Yet there remains one group of Americans who cannot participate in the debate over policy which directs their lives. There is one group of Americans who cannot introduce legislation on their own behalf. There is one group of Americans who cannot protect themselves when they are under attack or under criticism in this body. That group of Americans are the Americans of the Northern Marianas Islands.

Mr. Speaker, in the name of all that is fair; in the name of the American sense of fair play; in the American quest for the perfection of democratic principles and the full implementation of representative democracy, the Americans of the Northern Marianas Islands deserve to be heard and deserve to have their points of view addressed in the context of this House.

I am a nonvoting delegate from the Island of Guam, and even though there are many restrictions attached to the nature of the office I hold, I am here and I can have the freedom of mobility and the freedom to use all the talents that I have been blessed with, and to use all the energy that the people of Guam continue to provide me with, to represent their interests in the pursuit of legislation which will benefit my people.

Unfortunately, there is one group of Americans who are not afforded this opportunity, and those are the people of the Northern Marianas Islands.

There are many issues attendant to the Northern Mariana Islands, including alleged labor abuses, which have attracted the attention of the national media and for which many Members of Congress are vitally concerned about, myself included. I too am vitally concerned about that. But those problems that may exist in the Northern Marianas Islands should not be an impediment to being allowed to represent themselves.

The principle of representative democracy stands before us as one of the core principles of the American creed. And it is ironic that today in the People's House, not all of the people that call themselves American citizens, that are blessed to be American citizens, are represented here.

So I call upon my colleagues to cosponsor this legislation and to move this legislation so that all Americans can speak on their own behalf and represent their own best interests.

CONGRATULATIONS TO DR. GARY DENNIS AND MRS. SHARMAN DENNIS OF THE NATIONAL MEDICAL ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to congratulate Dr. Gary Dennis, who is the new President of the National Medical Association, and his wife, Mrs. Sharman Dennis, who will head the Auxiliary to the National Medical Association.

They were both installed this week at NMA's annual convention and scientific assembly in New Orleans. This is the first time in the history of the NMA that a husband and wife will serve simultaneously as heads of these partner organizations.

Mr. Speaker, the NMA is a 103-year-old organization which represents African-American physicians and the patients we serve. As I congratulate this outstanding couple and wish them well and Godspeed, I also want to commend the National Medical Association for its caring service for over a century.

As we approach a new century, we still face many of the challenges that were the impetus for its founding in 1895. Wide disparities in health status still exist for people of color.

Mr. Speaker, we know that Dr. Dennis, Mrs. Dennis, and the entire NMA stand ready to continue to meet that challenge.

INTERNATIONAL AND DOMESTIC ISSUES AND A PERSONAL TRIBUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before I begin my tribute this morning, I did want to acknowledge the tragedy in Africa that occurred just this morning and last night where a tragic bombing occurred in Kenya and Tanzania. The reports have it that thousands were injured, many were killed, and amongst those were public servants of the United States, members of the State Department who may have lost their life.

I would like at this time to offer my deepest sympathy to both the Americans and Africans who have lost their life for this random terroristic act, and to acknowledge that no one is immune from terrorism. But it is important that this Nation remains open to the world promoting democracy and claiming freedom.

I would hope that we would recognize that the African people do not hold to this mass destruction and that where there are a few that would try to destroy the relationship between the African people and this Nation, let me be one to say that it will not be destroyed.

Mr. Speaker, my prayers go out to the family members. Our flags now fly at half-mast, and I join the President of the United States recognizing that our fight is just beginning to ensure freedom and democracy on the continent of Africa, to join hands with the likes of Nelson Mandela and other leaders of democratic Nations to fight against terroristic acts and to find and prosecute all those who would commit such terrible and heinous acts.

WELFARE TO WORK

Mr. Speaker, I also congratulate those who joined the President this morning to acknowledge the signing of a wonderful new direction for welfare to work training where now we give the opportunity for those who were on welfare, who have lost their jobs, to get the resources to choose their own destiny, to be able to select the kind of training they would like, to find out the kind of training institution they would like to go to. To have counselors and career advisors who would direct them into a new career.

Now it is in the hands of the American people. We will not give agencies money and they tell Americans what to do. This new job training bill, the "Workforce Investment Act of 1998," will give the money directly to those in need and they will go back into the community and determine whether they want to get an undergraduate degree or go to a community college or want labor training or apprenticeship training. All of this is now provided with new leadership and job training and the new emphasis of moving people from welfare to work.

TRIBUTE TO CARL S. SMITH

Mr. Speaker, I now want to speak about a good friend of mine, and this is a tribute to Carl S. Smith, the Harris County tax assessor who lost his life and, of course, we lost him.

But Carl gave us 50 years of service and so I wish to say this afternoon, "Farewell my friend." For those who hope in the Lord will renew their strength. They will soar on wings like eagles. They will run and not grow weary. They will walk and not be faint.

Carl Smith was that kind of servant. Henry David Thoreau once said, "The death of friends will inspire us as much as their lives * * * Their memories will be encrusted over with the sublime and pleasing thoughts, as monuments of other men are overgrown with moss; for our friends have no place in the graveyard."

That is the testimony of Carl Smith's life. He served the State of Texas for some 50 years. He was an individual that was willing to take a chance when no others would. That is why Reverend McAdow indicated that in the early '50s Carl promoted the first black deputy clerk and he also helped in our segregated community of Houston, Texas, with bringing about race relations and interrelations.

Carl was not afraid of opposition. He was tall and stately and he recognized that his responsibility as a public servant, one which I greatly admire, was to serve the public. Nothing else.

Reverend Thompson who delivered his eulogy at the Bethany Christian Church said this about my friend Carl Smith: He was smart, insightful, unpredictable and, yes, he was a darned good Democrat. Dynamic, he was colorful, caring about all he served. And I personally know how Carl Smith walked the hallways of the tax assessor's office dignified as he was, but he would stop on those long lines for those getting their license plates or trying to pay the taxes on their property and he would individually share with them their concerns or questions.

Mr. Speaker, he was a bold and straightforward, astute man of integrity. As I close, principled, humble, faithful, confident, helpful, a consummate public servant. But most of all, Mr. Speaker, Carl Smith was a child of God.

Mr. Speaker, I say to our departed public servant, "Farewell my friend. We thank you for 50 years of service to Harris County, Texas, and the Nation."

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY, AUGUST 6, 1998 AT PAGE 19107

MODIFICATION TO AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent to modify the amendment to correct a small typo in the way that it was actually typed up. It was typed up quickly. And I think the correction is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. MORAN of Virginia:

Page 58, strike lines 6 through 10 and insert the following:

No Federal funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

A portion of the following was omitted from the CONGRESSIONAL RECORD of Thursday, August 6, 1998 at page 19108.

AMENDMENT OFFERED BY MR. LARGENT

Mr. LARGENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment printed in House Report 105-679 offered by Mr. LARGENT:

Page 58, insert after line 10 the following:

SEC. 151. None of the funds contained in this Act may be used to carry out any joint adoption of a child between individuals who are not related by blood or marriage.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today. .

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 3824. An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On August 6, 1998:

H.R. 1385. An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 114 of the 105th Congress, the House stands adjourned until 12 noon, Wednesday, September 9, 1998.

Thereupon (at 12 o'clock and 47 minutes p.m.), pursuant to Senate Concurrent Resolution 114, the House adjourned until Wednesday, September 9, 1998, at 12 noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3625. A bill to establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes; with an amendment (Rept. 105-685). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 4271. A bill to amend the Community Services Block Grant Act to reauthorize and make improvements to that Act; with amendments (Rept. 105-686). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4005. Referral to the Committee on Ways and Means extended for a period ending not later than September 11, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII,

Mr. WELLER introduced a bill (H.R. 4521) to amend the Internal Revenue Code of 1986 to provide that the dollar limitation on the estate tax deduction for family-owned business interests shall not apply to interests in a business owned by a single family; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. TORRES.

H.R. 23: Mr. PALLONE and Mr. MCNULTY.

H.R. 326: Mr. HASTERT, Mr. BUNNING of Kentucky, Mr. HOSTETTLER, Mr. EWING, Ms. DUNN of Washington, Mr. GOSS, Mr. STUMP, Mr. BILIRAKIS, Mr. SESSIONS, Mr. BURTON of Indiana, Mrs. EMERSON, and Mr. DREIER.

H.R. 628: Mrs. THURMAN and Mrs. MORELLA.

H.R. 773: Mr. DELAHUNT.

H.R. 1126: Mr. PAXON, Mr. HUTCHINSON, and Mrs. CHENOWETH.

H.R. 1766: Mr. MINGE, Mr. COX of California, Mr. TOWNS, and Mr. NADLER.

H.R. 2670: Mr. BERMAN and Mr. SMITH of New Jersey.

H.R. 2754: Mr. FORD.

H.R. 2758: Mr. MCINTOSH, Mr. DOYLE, Mr. MCGOVERN, and Mr. NORWOOD.

H.R. 2828: Mr. WYNN.

H.R. 2953: Ms. SLAUGHTER and Mr. FORD.

H.R. 3001: Mr. TORRES.

H.R. 3251: Mrs. LOWEY.

H.R. 3436: Mr. MARKEY.

H.R. 3541: Ms. STABENOW and Mr. GOODLATTE.

H.R. 3568: Ms. LOFGREN.

H.R. 3594: Mr. PICKERING, Mr. SMITH of Michigan, and Mr. ENSIGN.

H.R. 3661: Mr. KLECZKA and Ms. KILPATRICK.

H.R. 3783: Mr. PAPPAS, Mr. SESSIONS, Mrs. LINDA SMITH of Washington, and Mr. PICKERING.

H.R. 3792: Ms. DUNN of Washington.

H.R. 3865: Mr. SHAYS.

H.R. 3935: Ms. SLAUGHTER.

H.R. 4006: Mr. SOUDER, Mr. LUCAS of Oklahoma, and Mr. PETRI.

H.R. 4035: Mr. ROHRABACHER, Ms. MCKINNEY, Mr. OBERSTAR, Mrs. CLAYTON, Mr.

Rodriguez, Mrs. Emerson, Mr. McIntyre, Mr. Nadler, Mr. Jones, Mr. Luther, Mr. Adam Smith of Washington, Mr. Wexler, Ms. Hooley of Oregon, Mr. Engel, Mr. Deal of Georgia, Mr. Fox of Pennsylvania, Mrs. Chenoweth, and Mr. Burr of North Carolina.

H.R. 4036: Mr. Clement, Ms. McKinney, Mr. Oberstar, Mrs. Clayton, Mr. Rodriguez, Mrs. Emerson, Mr. McIntyre, Mr. Nadler, Mr. Jones, Mr. Adam Smith of Washington, Mr. Wexler, Mr. Rothman, Mr. Underwood, Ms. Hooley of Oregon, Mr. Deal of Georgia, Mr. Fox of Pennsylvania, Mrs. Chenoweth, Mr. Burr of North Carolina, and Mr. Engel.

H.R. 4086: Mr. Gutierrez, Mr. Rangel, Mr. Allen, Ms. Slaughter, and Mr. Ford.

H.R. 4126: Mr. Doolittle, Mrs. Chenoweth, Mr. Herger, Mr. Collins, Mr. Callahan, Mr. Camp, Mr. Nethercutt, and Mr. Metcalf.

H.R. 4127: Mrs. Lowey.

H.R. 4151: Mrs. Morella.

H.R. 4152: Mr. Faleomavaega.

H.R. 4181: Mr. Inglis of South Carolina and Mrs. Kelly.

H.R. 4183: Mr. Walsh.

H.R. 4184: Mr. Conyers and Mr. Cramer.

H.R. 4185: Mr. Conyers and Mr. Cramer.

H.R. 4213: Mr. Peterson of Pennsylvania.

H.R. 4316: Mr. McGovern, Mr. Frost, Mr. Forbes, Ms. Sanchez, Mr. Hilliard, and Mr. Rangel.

H.R. 4339: Mr. Abercrombie, Mr. Edwards, and Mr. Gilchrest.

H.R. 4347: Mr. Lewis of Georgia, Mr. Kennedy of Rhode Island, Mr. Frost, and Mr. Lantos.

H.R. 4394: Mr. Gutknecht.

H.R. 4402: Mrs. Fowler, Mr. Wamp, Mrs. Myrick, Mr. Peterson of Pennsylvania, Mr. Pappas, and Mr. Hansen.

H.R. 4404: Mr. Goode and Mr. Metcalf.

H.R. 4489: Mr. McDermott.

H.R. 4508: Mr. John and Mr. Bryant.

H. Con. Res. 154: Mr. Barrett of Wisconsin.

H. Con. Res. 205: Mr. Porter.

H. Con. Res. 304: Mr. Pascrell and Mr. Solomon.

H. Con. Res. 313: Mr. Bonior, Mr. Schumer, Mr. Forbes, Mr. Thompson, Mr. Hinchey, Mr. Paxon, Mr. Pascrell, and Mr. Solomon.

H. Res. 212: Mr. Strickland.

H. Res. 460: Mrs. Linda Smith of Washington, Mr. Ney, and Mr. Ford.

H. Res. 483: Mr. Cummings.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10542. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Servicing of Community and Insured Business Programs Loans and Grants (RIN: 0572–AB23) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10543. A letter from the Congressional Review Coordinator, Animal Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—National Poultry Improvement Plan; Special Provisions for Ostrich Breeding Flocks and Products [Docket No. 97–043–2] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10544. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Departement's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 98–076–1] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10545. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to OMB Control Numbers [OPPTS–00246; FRL–5799–8] received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10546. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Extension of Tolerance for Emergency Exemptions [OPP–300613; FRL–6021–2] (RIN: 2070–AB78) received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10547. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Temporary Pesticide Tolerance [OPP–300686; FRL–6018–1] (RIN: 2070–AB78) Recieved August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10548. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Endothall; Extension of Tolerance for Emergency Exemptions [OPP–300691; FRL 6020–1] (RIN: 2070–AB78) received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10549. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Capital; Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Servicing Assets [Regulations H and Y; Docket No. R–0976] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10550. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7689] received July 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10551. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Child Care and Development Fund (RIN: 0970–AB74) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10552. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Exemption of commonly-owned motor carriers from equipment identification and receipt requirements applicable to leased and interchanged vehicles [FHWA Doicket No. FHWA–97–3050] (RIN: 2125–AE26) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10553. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Head Impact Protections [Docket No. NHTSA–98–3847] (RIN No: 2127–AG07) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10554. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Side Impact Anthropomorphic Test Dummy [Docket No. NHTSA–97–3144] (RIN: 2127–AG74) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10555. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities; New York [Region 2 Docket No. NY28–2–180b, FRL–6134–7] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10556. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Administrative Amendments [FRL–6135–5] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10557. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Minor Amendment to the Grant Provision in the Lead-Based Paint Activities Rule [OPPTS–62157; FRL–5796–1] (RIN: 2070–AC64) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10558. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Ohio; Control of Landfills Gas Emissions from Existing Municipal Solid Waste Landfills [OH116–1a; FRL–6134–5] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10559. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Pharmaceuticals Production [AD-FRL–6135–6] (RIN: 2060–AE83) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10560. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule; Technical Amendment [FRL–6139–6] (RIN: 2050–AD79) received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10561. A letter from the Director, Regulations Policy and Management Staff, Office Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Reclassification and Codification of Vitamin D Test System [Docket No. 96P–0228] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10562. A letter from the Assistant Secretary, Bureau of Export Administration, transmitting the Bureau's final rule—Revisions to the Export Administration Regulations; Conforming Revisions to the Wassenaar Arrangement List of Dual-Use Items and Revisions to Antiterrorism Controls [Docket No. 980619158–8158–01] (RIN: 0694–AB35) received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10563. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employment Priority Consideration Program for Displaced Employees of the District of Columbia Department of Corrections (RIN: 3206–AI28) received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10564. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Little Tunny Exempted Gillnet Fishery [Docket No. 980717183–8183–01; I.D.072098D] (RIN: 0648–AK35) received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10565. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants and Immigrants—Minor corrections or additions to nonimmigrant visa regulations and deletions of obsolete immigrant visa provisions [Public Notice 2863] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10566. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil Spill Financial Responsibility for Offshore Facilities (RIN: 1010–AC33) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10567. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 96–NM–44–AD; Amendment 39–10682; AD 98–16–06] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10568. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–90–AD; Amendment 39–10686; AD 98–16–10] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10569. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 98–NM–116–AD; Amendment 39–10687; AD 98–16–11] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10570. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 97–NM–52–AD; Amendment 39–10683; AD 98–16–07] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10571. A letter from the Acting Under Secretary for Technology, Department of Commerce, transmitting the Department's final rule—Announcement of Availability of Funding for Competitions——Experimental Program to Stimulate Competitive Technology (EPSCoT) [Docket No. 980317064–8064–01] (RIN: 0692–ZA01) received July 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10572. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98–37] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10573. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Part III—Administrative, Procedural, and Miscellaneous [Rev. Proc. 98–40] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10574. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Exporters Not Liable For Harbor Maintenance Fee [T.D. 98–64] (RIN: 1515–AC31) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10575. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and State Health Care Programs: Fraud and Abuse; Issuance of Advisory Opinions by the OIG (RIN: 0991–AA85) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

10576. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Surety Bond Requirements for Home Health Agencies [HCFA–1152–2–F] (RIN: 0938–AJ08) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

10577. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1997, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

10578. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to assist States in implementing pathogen reduction reforms to their meat and poultry inspection programs; to the Committee on Agriculture.

10579. A letter from the Director, Test, Systems Engineering and Evaluation, Department of Defense, transmitting Notification of intent to obligate funds for test projects for inclusion in the Fiscal Year 1999 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

10580. A letter from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting the Defense Manpower Requirements Report (DMRR) for FY 1999; to the Committee on National Security.

10581. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report on the status and accomplishments of the runaway and homeless youth centers for fiscal year 1995, pursuant to 42 U.S.C. 5715(a); to the Committee on Education and the Workforce.

10582. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Report to Congress 1997, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

10583. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the motor vehicle safety and information programs of the National Highway Traffic Safety Administration for fiscal years 1999–2001; to the Committee on Commerce.

10584. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective July 19, 1998, the danger pay rate for the Kosovo Province was designated at the 25% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

10585. A letter from the Acting Comptroller General, General Accounting Office, transmitting List of all reports issued or released in June 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

10586. A letter from the Chief, Benefits and Investments Branch, Treasury Division, Army and Air Force Exchange Service, transmitting a report on the Annual Federal Pension Plans, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

10587. A letter from the Acting Comptroller General, Comptroller General of the United States, transmitting the monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

10588. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the report entitled "A Study of Actuarial Alternatives for the DC Pension Plans"; to the Committee on Government Reform and Oversight.

10589. A letter from the Assistant Secretary for Management and Budget, Chief Financial Officer, Department of Health and Human Services, transmitting In compliance with the Federal Managers Financial Integrity Act (FMFIA) and the Inspector General Act Amendments of 1998 (IGAA), we are transmitting the Department's 1997 FMFIA Annual Report and the FY 1997 Semi-Annual Report including the Management Report on Final Action for the last 6 months of FY 1997. These reports are contained in the enclosed FY 1997 Accountability Report the U.S. Department of Health and Human Services; to the Committee on Government Reform and Oversight.

10590. A letter from the Employee Benefits Manager, Farm Credit Bank, transmitting the Independent Associations' Retirement Plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

10591. A letter from the Human Resource Assistant, Farm Credit Bank of Texas, transmitting the annual report for the Farm Credit Bank of Texas Thrift Plus Plan for the year ended December 31, 1997, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

10592. A letter from the Acting Director, Office of Management and Budget, transmitting a report entitled "Information Collection Budget of the United States Government Fiscal Year 1998," pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform and Oversight.

10593. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the Salmon Lake Dam, Okanogan Project in Washington, pursuant to 43 U.S.C. 509; to the Committee on Resources.

10594. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Western Gulf of Mexico, Sale 171, scheduled to be held in August 1998, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

10595. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled "Outer Continental

Shelf Lease Sales: Evaluation of Bidding Results and Competition" for fiscal year 1997, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

10596. A letter from the Chief Justice, Supreme Court of the United States, transmitting Proceedings of the Judicial Conference of the United States, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

10597. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting copies of the report of the Attorney General regarding activities initiated pursuant to the Civil Rights of Institutionalized Persons Act during fiscal year 1997, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

10598. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to provide for the restructuring of the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

10599. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930 to provide the Secretary of the Treasury with authority to prescribe by regulation an alternative interest accounting methodology; to the Committee on Ways and Means.

10600. A letter from the Assistant Secretary for Tax Policy, Department of the Treasury, transmitting a draft of proposed legislation providing for an amendment regarding Puerto Rico and Virgin Islands rum excise tax collections; to the Committee on Ways and Means.

10601. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Administrative Review Process; Prehearing Proceedings and Decisions by Attorney Advisors; Extension of Expiration Date (RIN: 0960–AE86) received July 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10602. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to amend the Uruguay Round Agreements Act with respect to the Rules of Origin for Textile and Apparel Products; to the Committee on Ways and Means.

10603. A letter from the Chairman, Federal Reserve System, transmitting the Board's mid-year Monetary Policy Report to the Congress, pursuant to 12 U.S.C. 225a; jointly to the Committees on Banking and Financial Services and Education and the Workforce.

10604. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the Environmental Protection Agency's (EPA) implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act, pursuant to Public Law 102—579; jointly to the Committees on Commerce and National Security.

10605. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend titles XI, XVIII, and XIX of the Social Security to permit paid staff other than nurse aides and licensed health professionals to provide feeding and hydration assistance to residents in nursing facilities participating in the Medicare and Medicaid programs (and to provide special training requirements for such staff), and to establish a program to ensure that such facilities do not employ individuals who have a history of patient or resident abuse or have been convicted of certain crimes; jointly to the Committees on Commerce and Ways and Means.

10606. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation to establish the District Court of the Virgin Islands as a court under article III of the United States Constitution; jointly to the Committees on the Judiciary and Resources.

10607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes; jointly to the Committees on International Relations, Ways and Means, and the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

389. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 176 memorializing the President and the United States Congress to exercise a stance of uncompromising opposition to religious persecution around the world; to the Committee on International Relations.

390. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11-65 memorializing the United States Congress to consider the position of the CNMI and to reject Senate Bill 1275 as amended and to require the Commonwealth and Federal Government to consult and negotiate with each other on immigration and labor issues; to the Committee on Resources.

391. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 322 memorializing the Congress of the United States to enact the Automobile National Heritage Area Act; to the Committee on Resources.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

72. The SPEAKER presented a petition of the City Council of Detroit, Michigan, relative to Resolution 2183 opposing the proposed restrictions on advocacy work of charitable organizations and non-profit groups that do not represent the people like big business; to the Committee on House Oversight.

EXTENSIONS OF REMARKS

THE NORTHERN COLORADO HEADWATERS WILDERNESS ACT OF 1998

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SKAGGS. Mr. Speaker, I am pleased to introduce today The Northern Colorado Headwaters Wilderness Act of 1998.

This bill is inspired by the dramatic mountain beauty of Colorado. Its provisions have been tempered and refined by a process of review and comments by hundreds of Colorado citizens and local officials, and crafted to fit into the tapestry of Colorado wilderness legislation.

In Colorado we are experiencing one of the highest growth rates in the country. That growth brings with it ever greater demand for outdoor recreation, as well as more stress on our supplies of water and other resources. As we face that growth and those pressures, it is especially timely and important that we deliberately and carefully set aside some special places to remain forever wild.

As a very thoughtful and pragmatic county commissioner from my district describes it, we now are putting, and will continue to put, demands on our natural-resources checking account. As we try to accommodate those demands, it is important that we make some deposits in the savings account of our wildland heritage. That's what this bill would do.

The areas this bill would protect include sweeping alpine tundra along the great Continental Divide; rich, deep old growth forests of fir, spruce, pine, and aspen; and crisp, sparkling mountain streams that flow from the edge of perennial snowfields and from deep mountain lakes.

They are places where you can witness the primeval naturalness of the world and watch weather moving through one hundred miles of sky.

Their designation as wilderness will permanently protect them as habitat for elk, big horn sheep, mountain goats, native greenback cutthroat trout, bear, bobcat, and eagles.

As wilderness, these remarkable places will remain as refuges for our own sanity and inspiration, either because we visit them, or just because we take comfort in knowing that such places are there, and remain unspoiled.

Among the wilderness lands included in this legislation is the James Peak area, certainly the key single area in the proposal, comprising about half the bill's total wilderness acreage. James Peak is a broad expanse of alpine terrain, about two-thirds above timberline. Roadless and virtually untouched by the century and a half of human activity and settlements around its flanks, James Peak offers unique backcountry recreational opportunities and the reassurance that a part of our natural heritage, near the homes of two million people, endures as it has since the last ice age.

Although this bill includes only half the James Peak roadless area suitable for wilderness designation—that portion east of the divide in the Congressional District that I am proud to represent—it is important to protect that portion now. Its designation will reflect the will of a majority of people who have contacted me about James Peak and the resolutions of support received from three counties and many communities near the area.

Discussions will continue on the ultimate level of protection for the portion of James Peak to the west, outside the scope of this bill. I hope these discussions will conclude in a compromise agreement on boundaries and designations that will keep a significant portion in wild condition, free from motors and permanent habitations.

The other areas included in this bill are additions to existing wilderness areas, at Comanche Peak, Indian Peaks, and Mount Evans. Their addition will not only expand the terrain protected as wilderness, but also enhance the values and features that led to the original designations.

It's important to note that this bill, at 30,030 acres, includes only one tenth of the roadless areas in the Arapahoe and Roosevelt National Forests that were recently studied by the U.S. Forest Service. And while the bill would designate as wilderness more than the Forest Service recommended, it still is a very small part of the lands that qualify. We should protect this much, on which we have much agreement, now, while we can, leaving discussions about additional areas to another day.

I realize that this bill is introduced very late in this Congress, at a time when many other issues are seeking attention and time on the legislative calendar. Its timing, however, reflects the extensive discussions that I have had with so many knowledgeable and concerned citizens and officials at home.

Because of that time invested, this is a bill that reflects the broadest consensus of those who know and care about the issues. As such, it deserves prompt approval in the weeks remaining before adjournment.

AMERICAN GI FORUM—"EDUCATION IS OUR FREEDOM AND FREEDOM SHOULD BE EVERYBODY'S BUSINESS"

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. HINOJOSA. Mr. Speaker, I rise today to extend a proud salute to the members of the American GI Forum who have gathered to celebrate the 50th Anniversary of the founding of this organization by the late D. Hecter P. Garcia.

Dr. Garcia was an inspiration to all of us and his legacy continues through the work the members do in his name and in the name of the organization he founded. The American GI Forum, a family-oriented Hispanic veterans group, was conceived in Corpus Christi, Texas in the spring of 1948 after veterans raised concerns about their benefits and treatment. Dr. Garcia began fighting for the civil rights of many Americans—long before others joined the cause. He fought for civil, human and individual rights. His ideas were firmly planted in south Texas and in the Hispanic community—nationwide. His efforts produced many of today's Hispanic leaders and provided the foundation for tomorrow's generation of leaders.

Today, this organization has more than 100,000 members and 500 chapters in 32 states and Puerto Rico. More than 1,000,000 Hispanic veterans have proudly served their country and earned recognition for their service.

The GI Forum continues to champion issues which impact the community including: access to health care for veterans, affirmative action, a fair and accurate census count, juvenile crime prevention, adolescent pregnancy prevention, and improving conditions in colonias.

Dr. Garcia's legacy continues to be felt today as the organization looks into the future. He believed that education was the foundation for future generations. To this end, the American GI Forum is making a concentrated effort to educate and provide leadership development opportunities for young people.

The American GI Forum celebrates 50 glorious years and many accomplishments, but the best years are yet to come. The future years will result in the fulfillment of Dr. Garcia's dream for a better tomorrow for all Americans.

THE SIGNING OF THE CREDIT UNION MEMBERSHIP ACCESS ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BROWN of California. Mr. Speaker, President Clinton is scheduled to sign H.R. 1151, the Credit Union Membership Access Act, into law tomorrow, August 7, 1998, at 10:15 a.m., in a private ceremony in the White House Oval Office. As an original cosponsor of H.R. 1151, I rise today to praise Congress, the Clinton Administration and the credit union community for working together in a bipartisan matter to enact this important legislation.

With the enactment of H.R. 1151, the 1934 Federal Credit Union Act will be amended to preserve the ability of all Americans to join the credit union of their choice, and to ensure that the 73 million Americans who are currently members of credit unions in no way have their

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

membership status jeopardized. Today, we celebrate a true victory for working, middle class Americans who need affordable financial services. Credit unions represent democracy in the work force. This bill improves consumer choice and allows for greater competition in the financial services sector. Now, working people and consumers will continue to have access to the affordable financial services that credit unions have always offered.

Mr. Speaker, on this historic occasion, I would like to recognize the California Credit Union League and Arrowhead Credit Union of San Bernardino for the vital role they have played in the national advancement of H.R. 1151. Without their extraordinary grassroots efforts, a swift congressional approval of H.R. 1151 would not have been possible. They have every reason to celebrate this victory, and I praise them for their continued efforts to reach out to the underserved and to expand their contributions to the economy.

As a long-time supporter of credit unions in the United States, I am honored to be an original cosponsor of H.R. 1151 and to have been able to join the credit union community in efforts to enact a bill that will preserve the rights of millions of Americans to join and continue their access to credit unions.

THE PASSING OF RABBI LEIBISH (LEOPOLD) LEFKOWITZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. TOWNS. Mr. Speaker, on first blush, Rabbi Leibish (Leopold) Lefkowitz was a Talmudic scholar bearing in his heart the abundant gifts and miraculous fate of the Jewish people. This singular impression fades rapidly, however, on closer inspection. Who was this rabbi, mayor, community leader, businessman, philanthropist, friend?

It was, of course, Leibish Lefkowitz. Rabbi Lefkowitz, the humble immigrant who came to these shores shortly after the Second World War and settled in New York with his wife, operating a crystal and gift shop on Manhattan's Lower East Side, which soon turned into Crystal Clear Industries Enterprise, one of the largest crystal companies in the United States. Rabbi Lefkowitz, the intrepid educator, who was president of the 18,000 student Satmar educational system, United Talmudical Academy and Beth Rachel, educating children from kindergarten through post-rabbinical seminary. Rabbi Lefkowitz, the proud servant to his community, who was president of Satmar Congregation Yetev Lev of Williamsburg, Brooklyn, and founder of the United Jewish Organization of Williamsburg, a community service bureau of the utmost importance and indeed profound effectiveness. Rabbi Lefkowitz, the pioneer and "elected official," who was founder and mayor of the Kiryat Joel Village in Monroe, New York, now with over 15,000 residents. Rabbi Lefkowitz, the generous philanthropist, who helped so many and gave so much, building organizations, homes, even cities. And, of course, Rabbi Lefkowitz the husband, father of two, grandfather of sixteen, and great-grandfather of forty-two.

As is clear, Rabbi Leibish Lefkowitz was a man of parts: many parts. And with his beloved Torah, or Old Testament, as his guide, the Divine as his inspiration, and perfecting the world as his goal, all these unique parts amalgamated into the extraordinary man that Rabbi Lefkowitz was, the true and deserving servant of God that he wished to be.

Since his passing on August 1st, the amount of righteousness in this world has declined, and indeed the world has become a lesser place. The Almighty, in his infinite yet inexplicable wisdom, has taken Rabbi Lefkowitz to be with Himself, depriving us of this beloved *mensch*, but bestowing upon heaven his blessed soul.

AMERICAN SUPPORT FOR MOROCCO IS CRUCIAL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. COBLE. Mr. Speaker, a few weeks ago a letter was sent to President Clinton, signed by 90 members of the House and Senate, urging the President to "undertake all appropriate steps to strengthen U.S.-Moroccan cooperation." I signed this letter because I strongly believe that we should stand by our friends in the world.

Morocco has for years been a loyal American ally in a region fraught with peril. It is a constitutional monarchy with a free and democratically-elected government. Led by King Hassan, Morocco is committed to free trade, privatization and a free-market economy. In the past year, there has been more than a 300-percent increase in direct investment from the United States.

Morocco would like to see our relationship grow—working together in the region and in mutually-beneficial trade development. We all know that the key to the future, especially for America's economic health is to create more markets and greater stability for U.S. companies to expand around the world.

This is why American support for our ally Morocco is just as crucial today as it has been in the past.

A TRIBUTE TO ALICE ASHTON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LEWIS of California. Mr. Speaker, today I would like to recognize and acknowledge Alice E. Ashton on her 80th birthday for 35 years of unselfish community service. The mother of seven children and a military wife, she nonetheless found the time, energy and commitment to assist others. A resident of Redlands, California, she has touched the lives of numerous individuals, young and old, through her many acts of humanitarian volunteerism.

Alice Ashton's service is very well known. During the early 1960's, Alice volunteered at the Redlands Well-Baby Clinic providing young mothers in dealing with the new responsibilities of parenthood. During that same period, she provided tutoring in the public housing project to elementary and middle school students and was a volunteer reader for young children.

From 1965 to 1975, Alice was a member of the Redlands Human Relations Council, an organization whose goal was to improve the quality of life for the less fortunate. The passage of the California Unfair Housing bill was a result of her tireless efforts. She was also a crisis intervention volunteer during this ten-year period, helping individuals deal with some of their darkest moments. With limited formal training, she brought a level of compassion and empathy to the job that was extraordinary, but was no accident; she had suffered a grievous personal tragedy of her own. On August 1, 1966, an emotionally distraught young man occupied the clock tower in the Commons of the University of Texas with a high-powered rifle and began firing indiscriminately at the students below. Alice's oldest son was one of the first individuals killed. Characteristically, she dealt with her grief by helping others.

From July, 1977 to June, 1978 Alice served as a member of the San Bernardino County Grand Jury. In the early 1980's, responding to a desire to improve her own education, Alice enrolled in various courses at Crafton Community College. Despite a challenging academic schedule, she found time between classes to do volunteer work with Family Services in the community of Yucaipa, California. She was also a peer counselor with Ombudsman for the Aged during this period.

The 1990's saw her focus return to children's issues as she became an active volunteer in the Child Advocacy Division in the Department of Public Social Services for San Bernardino County. She was also very involved as a volunteer at the County Juvenile Detention Facility. She currently runs the canteen at that facility, the proceeds of which are used to improve living conditions and provide recreational items for the young inmates.

Alice is also an active advocate for participation in the political process, both locally and nationally. She works tirelessly in getting out the vote and has served as an official delegate for her party on two occasions. Her contributions over the years can be summed up in one word: citizen. She embodies everything that word connotes, being involved and doing whatever she can to make her community a better place to live.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the valuable and selfless contributions of Alice Ashton. Her lifetime commitment to assisting others is certainly worthy of our respect and it is only fitting that the House recognize her today.

A TRIBUTE TO THE SMITHTOWN FIRE DEPARTMENT'S 90TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. FORBES. Mr. Speaker, I rise today in the U.S. House of Representatives to join my friends and neighbors in Smithtown, Long Island as we celebrate the 90th anniversary of the founding of the Smithtown Volunteer Fire Department.

Since 1908, the residents of Smithtown have entrusted their most precious possessions—their families—to the men and women of this historic fire department. That trust is well-founded, for Smithtown's volunteer firefighters are devoted to their duties, courageously shielding their family, friends and neighbors from all dangers. Compensated only by the satisfaction that their efforts save lives and protect property, these volunteers have answered every alarm for 90 years. I am proud and honored to count these brave firefighters and emergency services personnel among my friends and neighbors.

Ninety years ago, the residents of this North Shore Long Island town recognized the need to protect their rapidly growing community. Starting with just a horse-drawn hook-and-ladder truck purchased for $75, the Smithtown Volunteer Hook and Ladder company opened on March 8, 1908. The Smithtown Fire Department now protects its residents, homes and businesses with the most sophisticated firematic equipment available. Today, the department proudly displays its historic firefighting apparatus and equipment at area parades and festivals.

The Smithtown Fire Department is part of Long Island's proud tradition of volunteer firefighting, a tradition that was never more evident than in August of 1995, when thousands of volunteers fought the two most destructive wildfires to strike Suffolk County this century. Though these fires burned miles from their own homes, Smithtown's firefighters joined thousands of other volunteers who risked their lives battling brush fires that consumed nearly 4,000 acres of Long Island Pine Barrens in Rocky Point and Westhampton. Miraculously, thanks largely to the efforts of these brave volunteers, not a single human life was lost in the fire and the total property damage was kept to a minimum.

Speaking to the community's local newspaper, the Smithtown Messenger, Smithtown Fire Chief Michael Felice spoke proudly of the dedication his firefighters bring to the job of protecting their community and the people who live in it. Smithtown firefighters "take a lot of pride in giving something back to the community. They work closely with a lot of people. You have to count on people 100 percent, because life is always on the line."

Service to our fellow man is the hallmark of a civilized society and the courageous selflessness of all volunteer firefighters is an example that all of us in this historic House should honor and recognize. That is why, Mr. Speaker, I ask my colleagues to join me on this 90th anniversary in saluting the courageous, devoted volunteers of the Smithtown Fire Department. May God keep them safe, just as they have worked to keep safe the Smithtown community.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. NADLER. Mr. Chairman, I speak today in order to voice my disappointment with the current status of the census debate. The partisan politics that have been paralyzing the implementation of the census are an embarrassment, and ultimately detrimental to the public, the people for whom the Census is supposed to work.

In 1990, there were 26 million errors in the census. About 8.8 million people were missed, a population almost equal to Michigan's. Most of those missed were poor people and minorities. The 1990 census was long, expensive, labor intensive, and inaccurate. Despite the increase in the cost, this count was the first one in recent history to be less accurate than the preceding census. We should not be satisfied with a means of testing that misses millions of people.

The Census Bureau has a comprehensive plan for 2000 that will produce the most accurate census in our history. The methods intended for the 2000 census are the same ones the government uses to calculate the unemployment rate and the GNP. The method, statistical sampling, has thus already received government approval in other important arenas. There is no reason to believe that it would not be equally as effective for the Census.

In 1990, the census cost $2.6 billion. In 2000, the census will cost $7.2 billion if similar methods are used. This number could be cut to $4 billion, nearly in half, if statistical sampling were used. Why use all the additional funds on a method that has proven itself faulty and insufficient?

Mr. Chairman, no one listening to this is unaware that there has been a large effort on the side of the Majority to prevent statistical sampling from being used in the 2000 Census. One aspect of this effort is the current attempt to make only half of the census funds available for the time being. By denying full access to the census funds, members of this Congress are in effect paralyzing any sort of Census for 2000. Permitting only partial use of the monies allocated for the census is detrimental to whatever type of method is eventually used, statistical or otherwise. A census, of any sort, cannot be executed efficiently if all the funds are not available for the start up of the census now. It seems that many members of this Congress would prefer to have the census fail instead of having an accurate one. It is disgraceful that any Member would want to tamper with the accuracy of the census for their own political agenda. It is disgraceful that they would purposely ignore people of this country and compromise their fair representation by preventing an accurate census.

An accurate census helps Americans in every community. Every year, census data determines $180 billion dollars in federal spending. Census information help direct where the money goes for better roads and transit systems, schools, senior citizen centers, health care facilities and programs for children like Head Start and school lunches. If the census isn't accurate, local communities will be cheated of their fair share.

I urge my colleagues to stop the antics that are plaguing this debate, and realize that they are harming the census, any census, by continuing to halt full funding. I ask my colleagues to realize that only a Statistical Sampling Census will provide the accuracy needed and provide an accurate picture of our nation's population and communities.

HONORING DR. IRWIN M. JACOBS, ARCHITECT OF THE WIRELESS WORLD

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CUNNINGHAM. Mr. Speaker, I am pleased today to recognize my friend and fellow San Diegan, Dr. Irwin M. Jacobs, the founder, chairman and CEO of Qualcomm, Inc., who is being honored this September with the 1998 American Electronics Association Medal of Achievement.

Everyone who uses a modern digital wireless telephone, with its advancements in reliability and sound quality, its low cost, and its wide range of features, owes Dr. Jacobs a debt of gratitude. He pioneered the "Code Division Multiple Access" (CDMA) technology that enables all of these attributes of the wireless world. This innovation and many others have powered Qualcomm from its founding in 1985 to the multi-billion-dollar industry leader, innovator, and major employer that it is today.

I also want my colleagues to have an idea of what kind of man Dr. Jacobs is in my community of San Diego. Just in the past year or so, Dr. Jacobs has made a major donation to the University of California, San Diego, to improve and expand its school of engineering. His commitment to better education, particularly in the areas of mathematics and sciences, extends to all levels. I was honored to participate in a forum he and Qualcomm helped sponsor recently that recognizes and rewards best practices in math and science education in local schools. And when the financing anticipated for necessary upgrades to Jack Murphy Stadium fell through, Dr. Jacobs and Qualcomm came forward with funds sufficient to do the job, and now the home of the Chargers and the Padres bears the Qualcomm name.

Let the permanent RECORD of the Congress of the United States note the many contributions Dr. Irwin M. Jacobs has made to the fields of engineering and telecommunications, to his community of San Diego, California, and to everyone's ability to communicate with one another clearly across a block or across the globe. I commend to my colleagues the following article from the San Diego Union-Tribune describing the honor that the AEA is awarding my friend and fellow San Diegan.

[From the San Diego Union-Tribune, Aug. 6, 1998]

QUALCOMM BOSS TO GET AEA HONOR

(By Deborah Solomon)

> Irwin M. Jacobs, the chairman and chief executive officer of Qualcomm Inc., will receive the 1998 American Electronics Association Medal of Achievement.
>
> The award is one of the highest honors given by the electronics industry and goes to individuals for their overall contributions to the industry. Previous winners include Intel Chairman Andrew Grove, Ross Perot of Electronic Data Systems and William Hewlett and David Packard of Hewlett-Packard.
>
> Jacobs, who co-founded Qualcomm in 1985, helped pioneer its trademark Code Division Multiple Access technology. He took the company from a start-up specializing in truck-tracking systems to a $3 billion digital wireless communications company. Qualcomm now has offices around the world and has grown to more than 10,000 employees.
>
> "He is generally considered to be the primary catalyst in shaping the wireless technology industry and has long been recognized as a philanthropist and community leader," said William T. Archey, AEA president and CEO.
>
> Jacobs will be presented with the award on Sept. 17 at AEA's annual dinner. The organization is the largest high-tech trade group in the United States, representing more than 3,000 U.S.-based technology companies.

SUCCESS OF THE CHRISTIAN REFORMED WORLD RELIEF COMMITTEE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. EHLERS. Mr. Speaker, as Congress moves forward on consideration of spending for foreign affairs, I would like to draw attention to the successes of the Christian Reformed World Relief Committee (CRWRC) headquartered in Grand Rapids, Michigan.

In 1997, CRWRC received a USAID grant of $75,000 for a Development Education project. In collaboration with Bread for the World Institute (BFW), CRWRC used the money to fund a national event which linked international development organizations with U.S. leaders who were interested in public policy, sustainable development, and hunger. The event was a huge success.

The Gathering, which took place in Washington, D.C. in June of 1997, was preceded by a number of training materials and publicity brochures and newsletters. Participants were divided into one of three groups: Track I, which involved over 300 people who were interested in poverty and hunger and wanted to learn more; Track II, the "leadership corps" or those who expressed a higher level of interest and would apply the "miltiplier effect" in their own regions after leaving the Gathering; and finally, Track III, the six foreign nationals who were development practitioners working in partnership with CRWRC overseas.

Attendance at the Gathering exceeded expectations, drawing over 500 people. The conference was a time to share stories and learn from others. According to the increase in learning based on the results of a baseline survey given at registration and a follow-up survey that followed the conference, each of the three groups was impacted significantly by new information. The follow-up survey showed that Track II participants tripled in their learning and Track I showed a positive increase as well. In addition, the visiting international developers were able to learn about the democratic process in the U.S. and the possibility of creating their own action in their own countries.

Other evidence of learning appeared in the comments from participants after the Gathering:

From Jean Claude Cerin, a development practitioner from Haiti, and one of the international presenters:

> There was a woman in my small group the first day of our meetings who felt forced to adopt international issues. [. . .] She said that's not what she's concerned about, she's more interested in what's happening in her own backyard. After going through the workshops and interchanges, she became so interested. She's interested in the mailing lists, to publish talks of folks at the Track II workshops in her local newsletter, and to be in communication with international folks through email. She said, "I'm able to connect these international issues to my own backyard, now." *She caught the connection, the link. We are interconnected.* [emphasis added]

From a Track II participant: "Thanks again for your faith-filled leadership and courage in conceiving creating funding and hosting the [TrackII] sectional. It's a milestone in raising awareness for me!"

Mr. Speaker, I would like to emphasize the positive aspects of this program and believe it shows how far public dollars can go to serve the world's poor when coupled with private effort.

THE DEPOSITORY INSTITUTION MERGER PLEDGE ENFORCEMENT ACT (H.R. 4420)

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LAFALCE. Mr. Speaker, we find ourselves in an era of mega-mergers among financial institutions, and the trend is likely to continue. There is some public concern about these mergers, and with a good reason. Diversified financial services companies offer real opportunities for consumers, including easier access to a larger array of financial services at lower cost. But they also carry risks: higher or hidden fees; intrusions upon consumer privacy; and indifference to community needs and concerns on the part of institutions with only a tenuous link to the local community.

Today I am introducing legislation intended to help ensure that these larger conglomerates remain responsive to community needs, fulfill their community reinvestment obligations and honor their own community reinvestment pledges.

As part of the regulatory approval process for merger applications, the banking and thrift regulators are required to consider the financial institution's community reinvestment record. It is becoming increasingly typical for financial institutions to announce sizeable financial commitments to provide loans within low and moderate income communities in the context of these pending applications. These pledges are typically intended to enhance the institution's perceived performance; gain support or approval for the application; and assuage public concern or—in some cases—reduce community opposition.

Let me provide some examples. In the NationsBank/BankAmerica merger, a CRA commitment of $350 billion over 10 years was made: $180 billion for small business; $115 billion for affordable housing; $30 billion in consumer loans; and $25 billion in community development investments. Citibank-Travelers announced a commitment of $115 billion over 10 years in small business and consumer loans; mortgages and community investments. Washington Mutual/Great Western/H.F. Ahmanson committed to $120 billion in affordable housing, multifamily housing, small business and consumer loans.

These financial institutions and others are to be congratulated on the pledges they have made. The commitments have been substantial and wide-ranging. I believe they are seriously intended and I have confidence they will be pursued. But the public must have confidence as well, and the current regulatory oversight system does not provide any.

These commitments have typically been for ten years and generally involve sizeable, but unspecified pledges of credit for affordable housing, business loans, consumer loans and investments in community projects. Yet current supervisory oversight under CRA focuses on an institution's lending and investment activities during one-year periods only, and seeks to determine whether the institution is meeting minimum required levels of community reinvestment, not the higher levels promised in these commitments. Several recent studies have found that even these routine CRA examinations have been inadequate and that CRA ratings are generally "inflated."

The capacity to monitor the higher levels of lending and investment committed to in conjunction with proposed mergers does not now exist either among the regulators or the community groups. As a result, the community investment pledges we are now routinely seeing cannot and will not be measured or monitored over time. But they must be, if they are to be more than empty promises. It is difficult for the public and community groups to have confidence that the generalized pledges of these institutions will take concrete and positive shape within their communities if there is no way to monitor pledge implementation.

Some of the regulators have suggested that community organizations should enforce community investment pledges by banks. I fear that may be unrealistic as few such groups would have adequate enforcement capacity. Moreover, it is difficult to enforce commitments as highly generalized as some we have seen.

Community groups are pressing for commitments that involve highly specific goals for improvement in specific types of lending in more narrowly targeted communities. That approach may have merit. Some institutions have taken it with substantial success, while others are strongly resistant.

My legislation attempts to strike a middle ground. The bill would direct the Federal banking regulators to develop and maintain procedures to monitor compliance with community reinvestment pledges made by financial institutions. In addition, it would:

Require the regulatory agencies to notify institutions when commitments are not being met and make such non-compliance public; and

Authorize the regulators to take an institution's record of compliance with these pledges into account in any future decision-making regarding the institution.

The community investment pledges being made by financial institutions are becoming an integral element of the mega-merger trend. They must be taken seriously by the regulators as well as the institution which makes them. Community groups and the public at large must have confidence in the integrity and meaningfulness of these pledges. The development of a mechanism for monitoring compliance can afford that confidence without undue regulatory intrusion.

These pledges must be more than public relations devices. If public concern about the wave of mega-mergers is to be assuaged, these commitments must show tangible results in local communities. I believe my bill will help accomplish that important objective, and I would welcome the support of my colleagues.

The text of the bill follows:

H.R. 4420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depository Institution Merger Pledge Enforcement Act".

SEC. 2. ENFORCEMENT OF COMMITMENTS MADE IN CONNECTION WITH ACQUISITION OR MERGER APPLICATIONS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(t) ENFORCEMENT OF MERGER AND ACQUISITION PLEDGES.—

"(1) IN GENERAL.—Each appropriate Federal banking agency shall establish and maintain procedures for monitoring, on an ongoing basis, compliance by any insured depository institution, bank holding company, savings and loan holding company, foreign bank, or any affiliate of any such person with any pledge or commitment made by any such person in connection with the approval of any application by any such person under subsection (c), section 44, sections 2, 3, or 4 of the National Bank Consolidation and Merger Act, section 3 or 4 of the Bank Holding Company Act of 1956, or section 10 of the Home Owners' Loan Act, including any pledge or commitment relating to community lending and investment.

"(2) REPORT OF NONCOMPLIANCE.—Whenever any appropriate Federal banking agency determines that any insured depository institution, bank holding company, savings and loan holding company, foreign bank, or any affiliate of any such person is failing to maintain compliance with any pledge or commitment referred to in paragraph (1) at any time during the effective period of the pledge or agreement, the agency shall—

"(A) notify the institution, company, bank, or affiliate of such determination; and

"(B) shall publish a notice of such determination in the Federal Register.

"(3) NONCOMPLIANCE TAKEN INTO ACCOUNT IN CONNECTION WITH SUBSEQUENT APPROVALS.—If an appropriate Federal banking agency makes a determination of noncompliance under paragraph (2) with regard to any insured depository institution, bank holding company, savings and loan holding company, foreign bank, or any affiliate of any such person, the agency may take such noncompliance into account in making decisions in the future regarding the institution, company, bank, or affiliate.".

A TRIBUTE TO THE MEDFORD, LONG ISLAND FIRE AND RESCUE VOLUNTEERS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. FORBES. Mr. Speaker, I rise today to salute the brave volunteers of the Medford Fire Department for their valiant efforts to contain and extinguish a huge blaze at the Gershow Recycling plant in eastern Long Island, New York on July 23, 1998. I also commend the Medford Ambulance Corps volunteer members who worked tirelessly at the scene of the fire treating firefighters for smoke inhalation and heat exhaustion even as black smoke billowed around them.

A towering inferno erupted at the car recycling plant in Medford on that Thursday at around 3:45 p.m., emitting intense heat and flames until well into the next afternoon. The fire consumed tons of metal, petroleum and rubber tires from scrap automobiles measuring approximately two acres wide and 60 feet high. The Medford fire and rescue volunteers were first to arrive at the scene of the blaze and quickly unleashed torrents of water to prevent the fire from spreading to nearby homes and businesses.

The Medford volunteers were able to contain the inferno to the recycling plant site while awaiting mutual aid from 73 fire departments and emergency companies who responded to an Islandwide call for assistance. Thanks to the unrelenting efforts of the Medford firefighters, no one was seriously injured and no buildings or homes surrounding the recycling plant were damaged. Yet, the Medford Ambulance Corps, along with several other local emergency medical services, performed admirably in treating 36 firefighters for heat exhaustion, minor cuts and burns.

The quick response of the Medford fire and rescue volunteers ensured the containment of the blaze and kept the fire from resulting in tragedy. These volunteers work round the clock at perfecting their firefighting and emergency preparedness skills, and stand ready to help their neighbors at a moment's notice. They deserve our praise and heartfelt thanks for another job well done.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in honoring the brave volunteers of the Medford Fire Department and Ambulance Corps and to recognize their commitment and dedication to protecting the lives of my eastern Long Island constituents. We are truly blessed to count on these volunteers in our time of need.

PAYCHECK PROTECTION ACT

HON. MARK W. NEUMANN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. NEUMANN. Mr. Speaker, I appreciate this opportunity to briefly address the House about the Paycheck Protection Act. I regret that the campaign finance bill approved today does not effectively prevent organizations from forcing individuals to financially support campaigns. The Paycheck Protection Act authored by my friend from Colorado, Congressman BOB SCHAFFER, includes this fundamental principle of American democracy. Despite my concerns that the Paycheck Protection Act's language as originally drafted may not apply this principle equally to unions and corporations, I remain supportive of Congressman SCHAFFER's efforts. Congressman SCHAFFER has already made some improvements to the bill and I look forward to working with him in the future.

ESTABLISHING A PERMANENT DIVISION OF CHIROPRACTIC SERVICES IN THE VETERANS HEALTH ADMINISTRATION—H.R. 4421

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. EVANS. Mr. Speaker, today I am introducing legislation to authorize the employment of doctors of chiropractic as full-time health care professionals by the Department of Veterans Affairs and establish a permanent division of chiropractic services in the Veterans Health Administration. Joining me as original cosponsors of the bill in the House are Representatives PAUL KANJORSKI, DALE KILDEE, BOB FILNER, JIM MCDERMOTT, THOMAS MANTON, NEIL ABERCROMBIE, JOSEPH KENNEDY, LUIS GUTIERREZ, ELEANOR HOLMES NORTON, GEORGE BROWN, MARTIN FROST, and CHARLES RANGEL, ENI F.H. FALEOMAVAEGA, JAMES LEACH, PATRICK KENNEDY, BENNIE THOMPSON, and VIRGIL GOODE, JR.

Each day in the U.S. more than one million Americans seek the services of doctors of chiropractic, receiving effective, safe and appropriate care from highly trained, state licensed providers. Beneficiaries in federal programs such as Medicare, Medicaid and federal workers compensation, have routine availability to chiropractic services to meet their health care needs. In contrast, the Department of Veterans Affairs has not routinely provided veterans access to this beneficial form of health care regardless of their specific needs or personal wishes.

The research record continues to validate the use of chiropractic for a wide range of conditions. Even the U.S. Public Health Service, through the Agency for Health Care Policy and Research, rates "manual manipulation" as one of the top choices for back problems in adults because of its effectiveness and low cost. Chiropractic offers veterans a drugless, non-surgical option—an option that is a much-needed addition to the care available through VA.

In virtually all other areas of the Federal health-care delivery system, Congress has recognized the role of chiropractic care, thereby ensuring that beneficiaries have a voice in choosing health care options that are best for them. My legislation will provide veterans the same ability to make health care choices that best address their specific needs.

It is time to end this long-standing inequity in federal health care programs and give veterans a real choice in their health care. Our veterans deserve no less.

RAIL SERVICE IMPROVEMENT ACT OF 1998

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MORAN of Kansas. Mr. Speaker, rail transportation has long played an important role in shaping the American landscape. In recent years, however, this landscape has made for difficult situations for shippers, railroads, and farmers looking to move their grain to export markets.

Following the deregulation of the Staggers Act, a dramatic shift has occurred in the railroad industry in Kansas. Class I railroads have gone from operating over 6,500 miles of track in 1986 to 3,800 miles today. Short line carriers now have over 30% of the track in Kansas and make up an even greater percentage in the First Congressional District. Kansas still ranks fourth in the nation with over 5,500 miles of rail; however, we have lost nearly 700 miles of track through abandonments just since 1991.

These changes have left Kansas with fewer Class I carriers and back-to-back years where large harvests have crippled the grain transportation system in Kansas. While no single solution exists to cure all of the problems facing the industry, the federal role in regulating this industry can and should be improved.

The Surface Transportation Board (STB) is responsible for approving railroad mergers, approving abandonments, and mediating rate disputes. The agency is currently being considered for reauthorization. Earlier this year, the House Transportation and Infrastructure Committee held a series of hearings on the state of the railroad industry and the regulatory functions of the STB.

As a result of those hearings and my own experiences in dealing with the railroad situation in Kansas, I am introducing legislation aimed at improving the ability of the STB to address the critical transportation issues facing rural America.

Specifically, this legislation would:

Reduce the likelihood of additional abandonments by providing states an other small railroads an additional year to acquire an abandoned line;

Provide an expedited rate case procedure;

Provide direction to the STB to devote resources to promoting competition and reasonable rates; and

Direct the STB to place a priority on improving the economic viability of abandoned lines.

Maintaining an efficient transportation system has long been a key to the success of U.S. agriculture. As agriculture becomes more export dependent, rail transportation is more important than ever. As a member of the Railroad subcommittee of the House Transportation Committee, I am eager work to improve rail transportation.

The changes proposed in this bill would assist in solving the current rail transportation issues by quickly resolving shipper complaints and taking steps to ensure that over the long haul, rail transportation remains an option for America's agricultural producers.

Mr. Speaker, I ask my fellow colleagues to support this legislation and urge its early consideration and passage.

CRIME DOES NOT PAY ACT

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BLILEY. Mr. Speaker, it is my pleasure to introduce the Crime Does Not Pay Act on behalf of Margie Nolan Cowles of Richmond, Virginia. Margie Nolan Cowles wrote a letter to the editor of the Richmond Times-Dispatch decrying the fact that criminals were receiving payments from injuries received during the commission of a crime. I agreed and have introduced the Crime Does Not Pay Act to correct this injustice. This legislation prevents convicted felons from collecting damages for injuries incurred while committing the felony. It closes a loophole that permits criminals to get rich while committing a felony.

For example, in California, a jury awarded more than $100,000 to Brian Forrett, a career criminal who broke into a home and tied up the residents. He then fired at one of the residents and missed, and shot at the other resident, blinding him. Forrett was shot by police officers while trying to escape and is now receiving $26,183 from each of the four officers that fired on him while he serves a 32-year prison sentence for robbery.

It is not right that criminals can receive damages when they are injured in the commission of a felony. This is a travesty of justice and this bill will prevent such miscarriages of justice in the future. I look forward to earning the support of my colleagues and the American people for this legislation because Crime Does Not Pay and my legislation will correct this injustice.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes

Mr. CUMMINGS. Mr. Chairman, I rise today in opposition to the Commerce-Justice-State Appropriations bill.

There are many reasons for my opposition to this bill.

First and foremost, is the atrocity of this body's inability to pass the Mollohan amendment to restore full funding for a fair and accurate census.

At this time, however, I would like to address a matter which has not been discussed on the floor: The dramatic reduction in funding in the bill for the Small Business Administration.

The bill reduces funding for the Small Business Administration's *regular operating expenses* by 27 percent, or $75 million less than the President's request.

The Committee directs that reductions should come from "overhead" functions and primarily headquarters staff.

According to the SBA, this reduction "would literally shut down the Agency."

The cut is so extreme that, if enacted, it would result in the elimination of more than 1,200 Federal employees, or 40 percent of SBA's workforce.

But the situation gets worse!

The Committee Report language on the funding cuts prohibits staff reductions from SBA district offices.

However, of the approximately 3,000 Federal employees of the SBA, 2,000 are located in district offices.

In other words, even if the SBA eliminated every employee in its DC headquarters, it would still not generate the savings required under the legislation!

Thus, whether intended or not, this appropriations bill will de-fund the SBA.

Mr. Speaker, the many programs operated by the SBA are critical to the people of my district and I am sure, to those of every Member of this Congress.

The SBA helps to ensure that America's small business opportunities are available to the majority of Americans.

America's 22 million small businesses employ more than 50 percent of the private work force, generate more than half of the nation's gross domestic product, and are the principal source of new jobs.

In Maryland, SBA programs to encourage the establishment and growth of small businesses have proven invaluable:

In 1997, through its 7(a) program, the SBA made over 750 loans to Maryland small businesses, totaling over $145,000.

The SBA's Small Business Investment Company program financed over $19 million for Maryland small businesses in 1997, and

The SBA microloan program in Maryland financed over $190,000 for African American small businesses and $160,000 to 100% women-owned small businesses in 1997.

I hope that the Appropriations Committee did not actually intend to de-fund this vital agency and that this funding situation will be addressed in conference committee.

In addition to my concerns regarding the general operating budget, I am deeply troubled by the low funding levels for several key SBA programs.

Two of these programs, the National Women's Business Council and the Women's Development Projects, have been addressed by my colleagues Representatives MILLENDER-MCDONALD and SANDERS in two amendments which receive my full support. I thank my colleagues for their efforts.

However, there are at least two additional programs that were under-funded in this bill that are of particular concern to me and my constituents:

The 7(j) Minority Enterprise Development program, for which the President requested $9.5 million, was provided just $2.6 million; and

The HUB Zone program, enacted last year, for which the President requested $4 million, was provided only $2 million.

Just two weeks ago in Baltimore, Aida Alvarez, Administrator of the SBA, signed an agreement with the Maryland Minority Contractors Association reaffirming SBA's commitment to double the number of SBA-guaranteed loans to African Americans.

Alvarez joined Allan Stephenson, Baltimore SBA District Director, and Arnold Jolivet, President of the Maryland Minority Contractors Association in Baltimore, in the signing of a partnership agreement between the two groups.

The agreement represents each organization's commitment to work together to increase the participation of Maryland's minority contractors in SBA's financial and technical assistance programs.

I ask my colleagues, what purpose does it serve for SBA to promise to work more closely with the people of my district if there is no money in the programs for which my constituents apply?

Additionally, Baltimore is the home of dozens of HUB Zones or "Historically Under-utilized Business Zones."

The HUB Zone Empowerment Contracting Program was enacted into law as part of the Small Business Reauthorization Act of 1997.

The program encourages economic development in distressed communities through establishment of preferences for award of Federal contracts to small businesses located in these areas.

Such a program has immense potential to aid the residents of my district—both business owners and the employees they hire.

I would hate to think that after my colleagues demonstrated their wisdom in enacting the HUB Zone legislation, that just one year later they would provide inadequate funding to fully enact the program.

My constituents contact my office daily to learn of SBA programs that can assist them in their attempts to gain financial self-sufficiency and independence.

I urge the conference committee to fully fund both the Minority Enterprise Development and the HUB Zone Programs.

Mr. Speaker, I am not sure what the Republican majority meant to accomplish when it so dramatically under-funded the SBA and restricted those funds in a manner that would cause the elimination of virtually the entire SBA headquarters' staff.

I therefore urge the members of the conference committee to act with a clear head and a clear conscience when they consider restoring full funding to the SBA.

FOREST TAX RELIEF ACT

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mrs. BONO. Mr. Speaker, I rise to announce the introduction of the Forest Tax Relief Act, an important bill to let all our citizens enjoy the forests free from burdensome taxes. I am proud to announce that I have co-authored this bi-partisan bill with my dear colleague, Representative LOIS CAPPS (D-CA.)

Due to enabling legislation passed by a previous Congress, the United States Forest Service has implemented a new pilot project charging day users a per car fee to park on public lands. Dubbed the "Adventure Pass" by the U.S. Forest Service, this is nothing but a new tax on using public lands. Many of my constituents question the fairness and merits of this tax, and I share their concern. This tax goes against the concept of experiencing our free and open land making it a hardship on locals and visitors alike.

Within the forest of the 44th Congressional district, the per car fee for an Adventure Pass is $5. To residents in the communities of Idllywild, Anza, Hemet and San Jacinto and tourists who come to enjoy these precious lands, this fee is a source of much controversy. We have come to expect the freedom to enjoy this area without the inconvenience and tax imposed on us today.

To tax the Great Outdoors is offensive to the very concept of the national forest system. The forests are for the entire nation and therefore should be supported through the traditional funding process. Under this plan, Congress taxes Americans twice. It is now time to remedy this situation.

Mr. Speaker, not only are the fees unjust, but they are generating only half the projected revenue. I believe we are deterring individuals from discovering the wonder and beauty of our National Forest. We must encourage people to visit, not discourage them from doing so. When tourists go elsewhere, it hurts small businesses and it hurts our efforts to educate individuals on the importance of protecting this precious national resource. This tax serves as a barrier to working families, hikers, nature lovers and all those desiring access to our national forests.

I hope my colleagues will join me in supporting this effort to return the forests back to the people.

LIBRARY OF CONGRESS BICENTENNIAL COMMEMORATIVE COIN ACT OF 1998

SPEECH OF

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. GEJDENSON. Mr. Speaker, I rise in strong support of H.R. 3790.

The major beneficiary of this bill will be the National Digital Library. The "profits" from the bill will go to make millions of items available freely on the internet by the year 2000. It is a most fitting goal as the Library of Congress celebrates its 200th birthday in the year 2000. The Library will be using the world's most advanced technology for further education of all our citizens.

Already more than 500,000 items from the Library's incomparable collections relating to American history are on line, including Civil War photographs, presidential papers, documents relating to the civil rights movement, and women's suffrage. Nearly 62 million transactions are now being handled by the Library's on-line services.

These services are used by students, scholars and the general public in the U.S. and around the world. The Library's web site has been called a "publicly and privately financed funded taxpayers dream" by Wired Magazine and an "internet hit" by the New York Times.

We have more than the 290 co-sponsors required to bring this bipartisan bill to the floor. I applaud the Library and urge all my colleagues to support this worthy bill.

BIOMATERIALS ACCESS ASSURANCE ACT

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Ms. ESHOO. Mr. Speaker, I'm proud to support H.R. 872, the Biomaterials Access Assurance Act. The broad consensus of support that the bill now enjoys is the result of many months of hard work by many, especially the bill's sponsor, Representative GEORGE GEKAS.

"Biomaterials" are the raw materials that are used to make medical implants and devices. Examples of biomaterials include silicone, polyester, urethane, and polycarbonate. These materials have hundreds of non-medical uses, but their use in medical devices is one of the most important.

Despite having no role in the design, testing, or production of implantable medical products, biomaterials suppliers are exposed to millions of dollars in litigation costs from product liability suits. Courts have overwhelmingly found biomaterials suppliers not liable, but the costly litigation quickly overwhelms the relatively small financial benefits of selling to the medical device market. For this reason, many biomaterials suppliers no longer sell their products for medical use.

H.R. 872 would limit the liability of biomaterials suppliers to instances of genuine fault. It provides expedited dismissal for biomaterials suppliers, without extensive discovery or other legal costs, in product liability suits where plaintiffs allege harm from a medical implant.

Without congressional action, patients will lose access to life-enhancing and life-saving implantable medical devices and some device manufacturers will close their doors.

Passage of this legislation is critically important for the future of Millions of patients and the medical device industry. Anyone that uses a medical device or knows someone that uses a medical device should be heartened by the action of the House today. This bill is a victory for consumers and ensures that the United States' leadership in medical technology innovation will continue.

In closing, I want to emphasize how important it is that this bill remain narrow in scope. As written, it addresses a specific, well-documented public health problem. Any effort to expand the scope of the bill by our colleagues in the other body to include broader product liability reforms will seriously endanger passage this year. On behalf of the patients who depend on medical technology, we cannot afford to let that happen.

24TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. COYNE. Mr. Speaker, I rise again today to protest the Turkish invasion of Cyprus.

Even though the international community has condemned the Turkish government's action as a brutal violation of international law, Turkey has yet to comply with international pressures and remains the only nation in the world to recognize the Turkish Republic of Northern Cyprus as a sovereign entity. Since 1974, the United Nations and other international organizations have repeatedly attempted to find a solution to this dispute, but the border separating the Cypriot and Turkish forces remains one of the most militarized in the world. Currently, over 30,000 troops retain control over the northern third of the island. Tensions remain high in the region, and, with the recent Turkish threats of military action, the prospects for a peaceful solution in the near future have been furthering reduced.

The invasion of 1974 marked not just a defeat of Cypriot military forces, but the beginning of a policy of Turkish ethnic cleansing. Massive portions of the Greek Cypriot population were dislocated, exposing them to the threats of starvation and poverty. The Turkish invasion did not solve the political disputes that had already fueled factionalism and ethnic hostility in Cyprus, but only intensified the animosity between Turkish and Greek Cypriots. Today, these communities stand isolated from one another, with the hopes for a unified society greatly diminished.

Recurrent violence along the border has continuously proven detrimental to the United Nation's efforts to secure any type of lasting peace in the region. As recently as 1996, increased hostility along the buffer zone led to the injury and death of several soldiers. Strides toward gradual demilitarization remain essential to reducing tension in this delicate situation.

I applaud the Clinton Administration's efforts to find a peaceful solution to this conflict. Recent visits by Richard Holbrooke, U.S. Presidential Envoy for Cyprus, underscore the United States' commitment to furthering political stability in the region. I implore the President to make it clear that violence should not be used to resolve this most recent crisis. United Nations-sponsored negotiations should recommence immediately. The United States must make it clear that it is willing to use foreign aid, sanctions, and its power as a member of several international organizations in order to compel a resolution to this conflict.

While preventing violence is our immediate priority, our underlying goal of a lasting and constructive peace on Cyprus remains at the center of our efforts. When this most recent crisis passes, we must remain firmly committed to promoting peace and reconciliation on the island of Cyprus.

ISSUES FACING YOUNG PEOPLE TODAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD these statements by high school students from my home State of Vermont, who were speaking at my recent town meeting on issues facing young people today.

STATEMENT BY ABIGAIL NESSON REGARDING GUN CONTROL

ABIGAIL NESSON: I believe that our forefathers had the right idea. Their wish was to create a safe and free nation for all of us to live in, and they wrote this to prove it: "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

These are beautiful words. But more than beautiful, they can be used and enforced to create a more perfect union. But our country is at a time in its history when the words "domestic tranquility" and "general welfare" seem to signify things of the past.

I am here today to talk to you about guns. The widespread availability of these weapons is frightening and wrong. Thousand are killed every year in our country by guns bought legally, guns made not to hunt animals but to hunt humans. Many have killed or have been killed by the time they reach my age, if they ever do.

I am a strict constructionist when it comes to the preamble and the Second Amendment, meaning I believe that our forefathers wrote just what they meant. They meant for the Constitution to create domestic tranquility and general welfare and, especially, common defense. I believe—I know—that the guns that are available today do none of these things. I believe and I know that our forefathers would agree, because I refuse to think that the intentions of the ones who wrote the Constitution was to put lethal weapons in the hands of every person who wanted one. That is not "a well regulated militia." No, their intention was to ensure the safety and freedom of us, their posterity.

I propose that we follow the words of the preamble and of our constitution. I propose that we take a step to make our nation safe again, for me and for the children I want to have some day. I propose we remove the guns from our streets, our homes and our hands.

CONGRESSMAN SANDERS: Thank you very much.

STATEMENT BY ABE KLEIN REGARDING CAMPAIGN FINANCE REFORM

ABE KLEIN: The issue I am choosing to bring up today is that of campaign finance reform. You mentioned a moment ago, it is really quite a simple process, to some extent, for getting people elected to the smaller, local levels, including in Vermont, our state Congress and the senate, as well. But once you go beyond that, it is really a different story, and it takes a lot of money for people to get elected to office, as I'm sure you are aware of.

CONGRESSMAN SANDERS: Tell me about it. Yes, I know.

ABE KLEIN: You are the only person in the entire Federal Government of our nation who has been elected without the monetary support of the Democratic or Republican party. And I feel that this requisite amount of money required for people to attain office is really limiting who can be elected to office and who can hold power in our country, and the other real issue behind this problem is that, though people can get elected with the support of the democratic and republican parties, both of these parties get a large amount of their support from large corporations throughout the nation, and it seems to hold a really evident influence on the policies of our nation, and I think to the detriment of the people.

The one I am working with, there was a proposal, and there have been many proposals since 1974 when the first campaign finance reform proposal was passed, after the Nixon administration, but that particular proposal left a lot of gaps, including allowing organizations or PACs, these PAC organizations, to gather money for the political parties without restrictions. And a number of people in the Congress, including you, have attempted to reprimand that with new proposals, to no success.

I really wanted to bring that issue up as a discussion, because I feel that it's really limiting the viewpoints and the opinions of people in Congress, and who can get elected to Congress. I mean, people continue to work on it, but it really—I don't know—I think that, at some point, maybe with large amounts of grassroots support, it could be brought up as an issue for serious debate, and it could be really brought into a forefront, and it needs to be done in a manner which does not limit people's free speech. And that is a serious issue as well, because a lot of people claim that their ability to spend money for political elections is representing their free speech, and any limits on their ability to spend money is therefore infringing on their First Amendment.

I am not sure. I guess I would ask you, actually. Have you found any ways in which a seriously extensive limitation on who and how much money can be spent, or who can spend this money to elect people to federal office without infringing on their First Amendment.

THE COURT: Abe, thank you very much.

STATEMENT BY BRIDGET GUILFOY, MICHAEL HASTINGS, KATE CHARLEBOIS AND MANDY COLLIER REGARDING VIOLENCE IN THE SCHOOLS

BRIDGET GUILFOY: We are going to be talking about violence in schools. And so a real important question to be asked initially is: Has the violence actually increased over the last few years, or several years? And it seems very obvious that it has increased, but there is a surprising lack of evidence and information about it. The last official national study was done in 1978, and, since then, there has been no national one to compare it with. The only ones that have been done have been in smaller local settings. So all we can do is really speculate, based on local studies to compare the violence over the years.

In 1978, 1.3 percent of students reported being attacked, and 4 percent of those needed medical attention. And in a survey in 1989 of 31 Illinois public high schools, 8 percent of students reported being attacked, 8 percent of those had been cut, and 4 percent shot. And in a 1990 report, 20 percent of students said that they had carried a weapon to school within a month before the survey. So with these more informal reports, it seems clear that the violence has increased, but it is just very surprising and almost disturbing that there have been no studies, because it seems like there is a lack of interest.

It is also very interesting that, in the 1978 report, students reported 22 times the number of attacks and robberies that their principals and teachers reported, and it just is a shame, because it seems that if people are trying to cover up the problem here, it will make it a lot more difficult to actually get to the bottom of it and help it.

For causes, one cause attributed to the violence is the easy availability of guns. And another, violence is often blamed on gangs and drug traffic, but, really, I mean, violence occurs outside of major cities where gangs and drug issues aren't as big of a problem, and these are also just reasons that explain how the violence occurs and not why.

Violent children are usually victims of abuse themselves, and psychological studies have shown that child abuse is invariably connected with child violence.

KATE CHARLEBOIS: As Bridget was saying, there is a direct relation between child abuse and violence among teenagers. And recently, there was an article in The Burlington Free Press which stated that the number of reported child abuse cases is the lowest in 15 years. However, it has also been reported that these cases that are reported tend to be much more violent than ever before, which may be in relation to why there is more guns and shootings happening, rather than fights in schools.

So we feel as though there is a real need for both more child abuse programs as well as an increase in the availability of these programs. Also, as a solution for this problem, if I could just read a quote from Jimmy Foster, who is the Mayor of Pearl, Mississippi, where, on October 1st of '97, there was a shooting which killed two teenagers and wounded seven others. And he said: "You know the old cliche, it happens to somebody else. It happened to us this time, and it was shocking. It cut through the heart of the community. What happened to us that morning was unthinkable."

And I think the main thing that we would like to do is to have schools in Vermont be much more aware that this is a problem that is not just happening in the big cities, it is now moving to the suburbs. And Pearl, Mississippi, is only a population of 22,000. So it is definitely not happening just in the big cities.

MANDY COLLIER: We wanted to try to offer some solutions that maybe would help the problem. In doing that, we looked at the urban schools where school violence has occurred many times. And one of the solutions that they have been trying for the past years is to install metal detectors and go through, and in New York City they have 2,600 officers just for their schools. And there are many problems with this, and one of them is that it could take three hours to get all the students to go through the metal detectors, which cuts into the school time itself, and you end up spending half the day making sure no one has weapons. The other problem is the high cost, that these metal detectors range between $10,000 and $20,000, and many school districts don't have the money, and when they can afford it, then they have to rotate it between the schools, so schools are only getting checked once a week, and what happens the other four days when someone could bring a gun to school? And in rural communities and areas like these, it is a little unreasonable to spend that much money when an incident may occur once, a random incident, and the detector might not even be there.

So as far as solution, Rebecca Coffee is a Vermont author who has written a book on the subject and she suggests that the kids need to be taught by their parents, by their school community and by their leaders how to express themselves. They need to know they have control, because many kids go through and use guns as a way of gaining control, and they also need to have a strong sense of community. To do this, I think that parents need to be taught better and they need to be aware of how to teach their kids these values. And I think, also, that schools need to have more teachers and more guidance counselors in them, because many times there are only one or two per grade, which is one or two per a hundred or two hundred students, which isn't enough.

MICHAEL HASTINGS: It seems that violence in schools is a consequence of a much larger problem of education that affects our society, and the question would be, why can't every school be of the quality of a Phillip's Exeter Academy or another elite institution like that. And if the answer is, well, there is no money to give to the schools, then I would have to consider the question, why does the government give three times more money to corporations, corporate welfare, than to social welfare programs.

Also, why do we spend so much money on a massive military budget, which shouldn't come as a surprise—the military is a rather violent institution—that just breeds this kind of mentality of violence. Also, why it seems that we have been unable to mobilize this awesome American effort that was shown when we helped win World War II, when we put a man on the moon, and that we still use this American might to bully other countries around the world, but why can't we use this effort towards improving the conditions of our school standards? Why do we seem to be unable to even feed the children that go to school? That surely doesn't help the problems of violence. And when the question comes to what is the correlation between spending money and economic stability have to do with violence in schools, I think if you compare the amounts of shootings you have, say, in Andover, Massachusetts to southeast Los Angeles, the results are pretty clear-cut.

TRIBUTE TO SUPERIOR DIE SET CORPORATION IN CELEBRATION OF ITS 75TH ANNIVERSARY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to the Superior Die Set Corporation, one of the nation's oldest family-owned corporations, which is celebrating it 75th anniversary this year.

This American success story traces its roots to a 23-year-old Polish blacksmith, Kasimir J. "Casey" Janiszewski, who bid farewell to his mother and father in 1910 and left Poland for the United States. Ten years later he arrived in Milwaukee, home of his new bride, and soon established Superior Tool & Die Company.

As the family tree grew, so did the fortunes of the company. Casey Janiszewski's sons, Alphonse, Casimir H. and Edward, became key executives in the company. Casimir Janiszewski, also nicknamed "Casey," became president in 1968 and served the company for 55 years—longer than any family member—until his retirement in 1991.

His sons, Casimir J. and Frank J., took executive positions in the mid-1980s and in 1991 were named CEO and President, and Executive Vice-President, respectively, their current positions in the firm.

The company thrived under the stewardship of three generations of Janiszewskis. Headquartered in the Milwaukee suburb of Oak Creek since 1965, Superior Die Set Corporation employs 500 workers in the U.S. and overseas, is a regional source for a multiplicity of products and owns an array of patents on products developed by the founder and his son. In 1992, the Janiszewski success story came full circle with the establishment of a subsidiary in Poland that gives the company a global reach.

The three-day celebration of the company's 75th anniversary also includes the birthday celebration of Casimir H. Janiszewski, who also turns 75.

Mr. Speaker, in closing, I ask my colleagues to join me in congratulating Superior Die Set Corporation for being an outstanding corporate citizen, a community asset, employer of hundreds, and living proof that the American dream lives on.

EXPANDING CHILDREN'S HEALTH CARE COVERAGE

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SABO. Mr. Speaker, today I am introducing a bill that will enhance the well-being of federal employees' children by improving their access to health care. My bill will allow enrollees in the Federal Employee Health Benefit Program (FEHBP) to purchase an employee and children-only benefit option at a lower cost than current family coverage options.

We have worked hard this Congress to enact far-reaching legislation to correct the pervasive problem of children who go without health care. The billions of dollars allocated for the new State Children's Health Insurance Program in the Balanced Budget Act will help states reduce the number of low-income children without health coverage. However, I believe we can and must do more to insure the millions of children in this country who go without health benefits by expanding children's access to health care in the private market

One barrier to private coverage is the expense of family health insurance policies. Many working, financially-strapped families cannot afford premiums designed to cover two adults plus children. Since children are less expensive to cover than adults, employee and kids-only policies could provide an affordable option needed by these working families.

My bill helps those federal employees who, because of cost, defer purchasing family health coverage. The bill authorizes the Office of Personnel Management to offer group-rated employee and children-only coverage to enrollees of FEHBP. This new option will make health coverage even more affordable by allowing different rates for enrollees with one child, two children, or more than two children.

There is a real need for a health insurance product that better addresses the needs of low-income and non-traditional families than family policies that are currently available. Group-rated employee and children's-only policies would help meet this unfilled need.

By establishing an employee and children-only coverage option in FEHBP's benefits package, this legislation will provide a greater range of options and will encourage more federal employees to seek health coverage for their children. Finally, it will set an important example for other private insurance markets that serve millions more American families.

HONORING RONALD S. COOPER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in recognizing Ronald S. Cooper, one of our area's most distinct and valuable assets as he prepares for retirement. Go anywhere on Long Island and the name Ron Cooper will elicit great plaudits from the business sector and a constant chorus of praise from the diverse philanthropic institutions which make up the strong fabric of our community.

Ron currently serves as a Senior Partner in the Long Island office of Ernst & Young. Demonstrating his unique skill in the field of finance, Ron began his career with Ernst & Young as a partner in 1973 and quickly rose to the position of Managing Partner in 1985. In all his undertakings be developed an incisive level of understanding and leadership in the fields of corporate operations, debt structure, capital formation and numerous public acquisitions and offerings.

In his philanthropic and community activities, Ron applies the same attributes of tenacity and perseverance that have created countless successful ventures which have produced a rich blend of social institutions that serve to invigorate the Long Island community. As Past chairman of the Long Island Campaign Cabinet of UJA-Federation of Jewish Philanthropies, he oversaw an annual budget campaign that raised $17,000,000. He is Vice-President of the Long Island Philharmonic as well as Treasurer and Board Member of the Long Island Association. In addition, he provides guidance and leadership to other major Long Island-based organizations that include the Long Island Better Business Bureau, the Nassau County Museum of Art, the Board of Directors of the Institute for Community Development and the Council of Overseers of the Tilles Center of C.W. Post College of Long Island University.

Ron's constant giving of himself to the community has blessed us with business and cultural opportunities. Moreover, in his role as Chairman of the Long Island Regional Board of the Anti-Defamation League of B'nai B'rith, we have come to view a model of understanding and compassion that readily emerges as a yardstick by which all such future efforts must be measured. His unique talent for understanding and humanity have earned him great recognition and honor. Among these many accolades are the Long Island Distinguished Leadership Award, the Distinguished Community Service Award of the Anti-Defamation League of B'nai B'rith, the Brotherhood Award of the National Conference of Christians and Jews and the Frank Ornstein Human Relations Award of the American Jewish Committee.

Mr. Speaker, as Ron Cooper now looks toward retirement and happily spending those innumerable hours of leisure he has promised to his wife, Marcia, I ask my colleagues to join with me and rise to express their great admiration and joy for all he has done and all he will do.

INTRODUCTION OF TAX ASSISTANCE FOR CHILDREN WITH CHRONIC MEDICAL CONDITIONS ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MILLER of California. Mr. Speaker, I am introducing today the "Tax Assistance for Children with Chronic Medical Conditions Act" which will enable the parents of children with ongoing medical conditions to participate in medical conferences that provide timely information for the treatment of their children's health.

I am delighted to have as original co-sponsors of this bill Representatives WAXMAN, HILLIARD, FROST, MORAN, PELOSI, CARSON, SANDLIN, FURSE, FARR, STARK and MCNULTY.

This legislation will, at an extremely minimal cost, facilitate the ability of parents whose children have chronic medical conditions to attend conferences, meetings and conventions at which physicians and other health and service providers provide them important information not otherwise available to them. Under current law, the expenses of attending such a conference is not deductible for a parent. Everyone else attending the meeting—the physicians, the vendors, the association members—can deduct the cost of travel and lodging except the parent and child who are directly affected.

There are many areas of this country where access to state-of-the-art treatment and diagnostic capabilities are simply not available to physicians or to patients. For that reason, organizations that work on behalf of those with chronic illnesses and other conditions hold annual or biennial conferences at which researchers, physicians, vendors of mechanical and other equipment and others provide their latest information for each other. Parents often are encouraged to attend these meetings with their children to learn about the latest treatment techniques. For many, this is their only capability to have access to this level of medical expertise, and we should encourage their ability to participate in such conferences.

My legislation would create a $500 per year deduction for a parent and child to attend such conferences. Deductible expenses would include travel, lodging, registration and meals while attending the conference.

I would hope that Members will support enactment of this inexpensive but important provision that will benefit children with chronic medical conditions and improve both their medical treatment and their quality of life.

HONORING TECHNICAL SERGEANT OF THE UNITED STATES AIR FORCE SHELLY MCPECK KELLY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. NEY. Mr. Speaker, I rise today to pay tribute to an extraordinary constituent, Shelly McPeck Kelly. Shelly was tragically killed in a plane crash with Commerce Secretary Ron Brown in 1996. Shelly McPeck Kelly was an outstanding citizen who devoted a lifetime to helping those in her community and country, and she has been missed by all those who knew her.

Throughout her life, Shelly McPeck Kelly was a model citizen. She was loyal and devoted wife. As the proud parents of two children, she and her husband shared many wonderful memories. Shelly served faithfully in the United States Air Force as an airplane stewardess. Her hard work paid off by achieving the rank of Technical Sergeant. Shelly should also be commended for her service to the United States during the Bosnian Peacekeeping Operation.

On August 15, 1998, Shelly will be remembered by her family and friends as they plant a tree in her memory. I ask my colleagues to join the residents of Eastern Ohio and myself in remembering Shelly McPeck Kelly's courage, loyalty and service to her country.

MICHAEL BARSKI HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a dedicated community servant in Northeastern Pennsylvania, Michael P. Barski. Michael, who is eighty-seven years old, recently ended his tenth four-year term as Tax Collector of Conyngham Townships.

Michael Barski worked in the coal mines until he joined the U.S. Marines at the start of World War II. He returned to the mines following a tour of duty in Europe. Michael was first elected Tax Collector in 1957 and shortly thereafter began rising at dawn to do the bookeeping, a habit he would keep for forty years. Rather than publishing office hours. Michael make himself available to all members of the community at all hours.

Mr. Speaker, Michael is also a devoted baseball fan and an ardent follower of the New York Yankees. He was a local umpire from 1949 until just a few years ago. He also was an active member of the St. Mary's Church Choir and a Quartermaster of the Veterans of Foreign Wars for twenty-five years.

Michael is the son of the late Adam and Catherine Barski and is eldest of eleven children. He and his wife, the former Catherine Novelli, will celebrate their 62nd Wedding Anniversary on September 29, 1998. They have two grown children and one granddaughter named Lydia. Their son Michael is an executive with a financial firm and their daughter Barbara works with the Department of Health and Human Services in Washington, D.C.

I am extremely proud to bring this extraordinary American's life to the attention of my colleagues. I join with his family, his many friends, and the community in wishing him a wonderful, well-deserved retirement from public service and my very best wishes for continued good health and happiness

AID TO ISRAEL

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. ENSIGN. Mr. Speaker, just a few weeks ago, Iran test fired the Shihab-3 missile. Intelligence estimates by the CIA and the Israelis proved to be correct. This missile will likely have a range of 930 miles putting Israel's security in jeopardy. But this is not an issue for our closest friend in the Middle East, this is an American issue because it affects global security and our thousands of troops that are based in that critical region. Iran's stockpiling of chemical and biological weapons and acquisitions of nuclear technology make the situation even more dire.

There are two ways for our government to prove its commitment to dealing with this critical issue. The first is sanctioning entities that aid in Iran's missile development. I, like a majority of the House, cosponsored the Iran Missile Proliferation Sanctions Act (IMPSA), and it passed this body 392 to 22. Last week the President followed Congress' lead and strengthened an existing executive order by placing sanctions on 7 Russian entities. We must keep a close watch on this and remain vigilant on the issue of Iran's acquisition of weapons of mass destruction and the weapons to deliver them. President Clinton will be traveling to Russia in September, and if the legislation is still needed, we should bring up IMPSA for veto override.

Another way to counter the Iranian threat is by strengthening our closest ally and outpost in the region. In September, when we return to Washington, we will vote on the Foreign Operations Appropriations bill which contain Israel's annual aid package. I have voted for this bill in the past because I believe that foreign aid, when used wisely, is an important instrument in American foreign policy.

This year, I again intend to vote for aid for Israel, and I want to draw special attention to what makes this bill so special and historic. Based upon Prime Minister Netanyahu's pledge to a joint meeting of Congress two years ago, Israel has started to reduce its request for aid. Imagine an aid-receiving nation saying it does not need as much money—well it's happening this year.

Israel has made dramatic economic strides over the past two decades including the privatization of most of its industries. As a friend and supporter, the United States helped in Israel's economic gains. Now Israel is telling us that they feel confortable phasing out all of their economic aid over a ten year period. However, based upon the continued threats in the region like Iran, Israel does need continuing military assistance which I will continue to support. I am also pleased a note that it looks as though this year's Foreign Operations Appropriations bill will hold spending level to that of Fiscal 1998.

IN TRIBUTE

SPEECH OF

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. WATKINS. Mr. Speaker, I would like to have printed in the Congressional Record a prayer I received from Chaplain James Paul Maxwell from Shawnee, Oklahoma. When Reverend Maxwell learned of the tragic deaths of Officer Chestnut and Detective Gibson he composed a beautiful prayer and asked that I share it with Congressman DeLay. After reading the prayer myself, I was so moved that I felt it would be a shame not to share this with the entire Congress so I therefore ask that it be made a part of the formal Congressional Record.

> Dear Heavenly Father, Our Lord
>
> We come to rejoice in Your gracious mercy and forgiveness of sins. Today we praise Your name for taking bad things and working them together for good.
>
> Lord, we are grieved at the unnecessary death of two Washington, D.C. police officers. We come to You, leaning on Your love and Holy Spirit for patience, for strength, and for courage in the midst of great sorrow.
>
> Dear Lord, we pray for the wives and children of Officer Jacob J. Chestnut and Officer John Gibson. And we pray for the family, friends, and colleagues of these men. We know their hurt and sorrow is almost unbearable. Lift these up with Your love and healing and fill their loneliness magnified with grief with the presence of Your Spirit, and the Hope of Your gift of eternal life.
>
> Heavenly Father, we pray for our Nation's congressional leaders and for our President. Give our nation's leaders Your wisdom that they will lean upon You for understanding and direction.
>
> Lord we pray for all law-enforcement officers. Give them Your protective care and wisdom to respond in courage to perform their duties with firmness and with love. We long for the final victory over sin and evil and sorrow in this world and pray that You will give us determination and faith to take our stand for righteousness in our land. Thank You Lord Jesus for laying down Your life for us that we might have life and have it more abundantly. Lift us up through this darkness of evil that we might praise You in Jesus Name. Amen. Chaplain James Paul Maxwell, Shawnee Police Department, Shawnee, Oklahoma.

HONORING FRIENDS OF DIALYSIS DAY

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise today to declare a day of recognition on August 16, 1998, for the Friends of Dialysis Day. Everyone who participates in this important day is taking an essential step in helping to increase awareness of kidney disease and the need for organ donation. We all know that organ donations save lives, and increasing the number of donors throughout the country could potentially save the life a loved one for many families in our community and throughout the nation. I hope by declaring this Friends of Dialysis Day we can increase the willingness to donate organs by friends and members of our community.

The citizens of my district have participated in the Friends of Dialysis Day through an annual golf tournament. Participants, including patients, transplant recipients, medical staff, and family members, come together to raise money for this important cause. I urge other communities around the country to follow their example and help promote organ donation.

I commend all who have taken up this important fight and I hope we can all work together to continue to increase the awareness of kidney disease and the need for organ donations in our communities.

SOCIAL SECURITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CRANE. Mr. Speaker, as we move into the 21st century, we must address the issue of Social Security. When I support privatizing the system which would allow Americans to more fully control the financial aspects of their retirement years, I realize we must have a national debate on the issue. In an effort to contribute to the discussion, I would recommend that my colleagues read this following column written by Jose Pinera as it appeared in the European edition of the Wall Street Journal on June 25, 1998.

[From the Wall Street Journal Europe, June 25, 1998]

A WAY OUT OF EUROPE'S PENSION CRISIS

(By Jose Pinera)

On the wall of my office in Santiago, Chile, I have a map of the Americas with South America's sharp southern tip pointing toward the top and the United States and Canada at the bottom. Visitors often look puzzled, then exclaim, "Oh, they've hung your map upside down."

"No," I say, "It's just a different way of looking at the world." I often think of that map when I'm asked how Europe's crisis-riddled pension systems can fixed.

Reform is possible, I reply, if people are willing to look at the world in a different way. Most importantly individuals will need more power to provide for their own retirement—and the government's role must be scaled back. We've accomplished this in Chile, and reform on the Chilean model is being seriously considered in the United States. In the meantime, the system has already spread to several other nations around the globe.

Beneath its veneer of egalitarianism, Europe's present pension systems are hideously unfair to tens of millions. Most young workers can look only to paying more and more to support those on retirement today—and then to receiving less and less when they themselves retire. Many under-40 members of today's working population may end up on income support to make ends meet in the next few decades, even though they pay up to 20% or more of their income in social security taxes.

SIMPLE YET RADICAL

Part of the problem is demographics. Europe's state pension systems are based on the so-called pay-as-you-go (Paygo) principle, meaning that the pension payroll taxes of today's working populations are passed through immediately to today's retirees. This system worked half-a-century ago in a world where there were seven or more workers for each retiree, who typically lived only a few years after he left the work force.

That world is gone. Thanks to a sharply declining birth rate and longer life expectancy, there is now an average of only four people of working age to support each pensioner in the 15 member states of the European Union. By 2040 there will be only two, and in some countries like Germany the ratio of workers to pensioners will be closer to one to one.

As a result, the financial burdens will become enormous. Pension contributions in Germany, for example, are now 20.3% of earnings, and the government has just increased VAT to finance the cost of pensions. And that is just the beginning. In France, pension contributions may have to double to 40% of earnings. But higher payroll taxes lead to even high unemployment and thus fewer contributions to the pension system.

At the same time, the payouts will be rimmed. European governments have already begun doing so, for example, by increasing the retirement age.

Meanwhile, every pressure group grants to cut the best deal for its members. Thus we see that Italian civil servants retire in their early 50s and that French truck drivers can end their working lives at 55. Does anyone seriously believe that such a system can survive in the 21st century?

Twenty years ago my country faced a similar crisis. Chile had created a state pension system in 1925 and by the 1970s it was on the brink of bankruptcy, life with special privileges and burdened by high payroll taxes.

When I was appointed minister of labor and social security, my team and I hit upon a simple, yet radical way to keep the idea of a national retirement system, but change the way it is structured. Every worker's payroll taxes, we proposed, could go into a private, individual pension account that would be his own property. His money would be invested in professionally managed funds of stocks and bonds. If he changed his job, his retirement accounts would move with him. These would fuel—and keep up with—a growing economy, yielding a far better pension income than if the same sums went to the government.

Here's how the Pension Savings Account (PSA) system works. To start with every working man and woman gets a PSA passbook to keep track of how much as accumulated and how well the investment fund has performed.

To manage these growing assets, individuals choose freely among a number of private companies that invest in a diversified, low-risk portfolio of stocks and bonds. Since workers can change freely from one company to another, they compete to provide better customer service and lower commissions. Many have user-friendly computer terminals where individuals can calculate the value of their pensions or find out how much to deposit in order to retire at a given age.

The companies are regulated by the government and there's also a safety net: the state guarantees a minimum pension if the worker's savings fall short.

The PSA system changes the very notion of what a pension is. For example, Chile no longer has a right legal retirement age. People can retire whenever they want, as long as they have sufficient savings in their accounts for a "reasonable pension" (50% of average salary of the previous 10 years, as long as it is higher than the minimum pension). If they want to, they can continue working without contributing to the plan after their pension begins. No longer is anyone forced to leave the labor force—or work on the black market—because he draws a pension.

The result? Today Chile's private pension system has accumulated an investment fund of some $30 billion, in a country of only 14 million people and a gross domestic product of only $70 billion. As University of California economist Sebastian Edwards noted, the system "has contributed to the phenomenal increase in the country's savings rate, from less than 10% in 1986 to almost 29% in 1996."

Chilean people have reaped a rich harvest. The average worker has earned 12% annually after inflation, and pensions today are much higher than under the old system nearly 80% of annual income over the last 10 years of working life.

Can this system work in Europe? Some economists assert that it can't. Let's examine their objections.

"The transition to an investment-based system is too costly." If today's worker's taxes get redirected into individual retirement funds, critics wonder, who will pay the pensions of today's retired workers? In Chile, we covered the guarantees to already retired workers in several ways. The government issued new bonds, which spread some of the cost over the generations. Privatization of state-owned business, and a reduction in government spending elsewhere, were also important. We levied a small temporary transition tax; and the economic growth unleashed by the PSA system brought in greater overall tax revenues.

In the meantime, during the transition, everyone contributing to the old system could remain in it, but those who moved had their rights to partially accrued pension. Income guaranteed by the government. All new entrants by the work force were required to go into the PSA system.

"Operating costs of an investment-based system are higher." True, professional pension fund managers do have advertising and investment costs that tax-and-spend government programs run by civil servants do not incur. But the costs are low—and are dwarfed by the higher returns the PSA system generates.

"Private pensions are less reliable and safe." In fact, it's hard to consider the present setup reliable, with governments increasing taxes and decreasing payouts. The investment results of private funds cannot be guaranteed. But all studies of past performance show that the long-term gains of a well-chosen portfolio of bonds and equities have been far greater than that of paygo systems. The government supervises the investment companies, and of course the fund manages themselves keep a constant watchful eye on the accounts.

EMPOWERING WORKERS

The PSA system has other benefits. For example, if this system were adopted Europe-wide, workers would not risk losing their pension rights if they left a job in one country for a job in another. Interestingly, the EU Commission is considering a change from Paygo to an investment-based retirement system for its own workers.

Harvard University economist Martin Feldstein has estimated that the value of future benefits to the American economy of privatizing Social Security pensions could reach an astounding $20 trillion. "It is difficult to think of any other policy," he recently wrote, "that could produce such a substantial permanent rise in the standard of living of the vast majority of the population." Europe could also derive a similarly huge benefit.

I cannot emphasize enough that the PSA is not a solution of the political right or left; it empowers all workers. It allows them ownership of financial capital that many have never had, giving them a greater stake in the economy than ever before. It may seem revolutionary to suggest that Europeans give up their dependence on the state for their old-age livelihood in favor of taking their pension provision into their own hands. Nevertheless, millions of people in countries such as Peru, Argentina, Colombia, Bolivia, El Salvador, and Mexico have already done so, with excellent results for themselves, their economies and their societies.

To all who say it cannot be done, my reply is twofold: it has been done, and—considering the ruinous state of Europe's pensions financing—It must be done.

THE FUTURE OF TAIWAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. GILMAN. Mr. Speaker, today I received a copy of a speech by the President of the Republic of China, Taiwan, Lee Teng-Hui, which he delivered before the Thirteenth Plenary Session of the National Unification Council on July 22, 1998.

Minister Lee's speech outlines his thoughts and aspirations for the future of Taiwan, especially the question of unification with the People's Republic of China. His remarks are thought-provoking and insightful and considering the interest in the future of Taiwan in this body, I urge my colleagues to read President Lee's speech.

Accordingly, Mr. Speaker, I ask that President Lee's speech be inserted at this point in the CONGRESSIONAL RECORD.

CLOSING REMARKS TO THE THIRTEENTH PLENARY SESSION OF THE NATIONAL UNIFICATION COUNCIL BY LEE TENG-HUI, PRESIDENT, REPUBLIC OF CHINA

Vice Chairman Lein; Vice Chairman Siew; Vice Chairman Hsu; Members of the Council; Members of the Research Council:

I would first like to thank everyone again for attending the conference today. We have just heard reports from Minister Hu, Chairman Chang and Director General Yin. These reports have inspired ample discussion of the foreign relations of the Republic of China, the cross-strait relationship, and communist China's strategic maneuvers toward Taiwan. In total, councilors have expressed their views. I already have made note of these valuable opinions and will request the Executive Yuan to study them further. Thank you for your advice.

Since assuming the office of President, I have on many occasions declared that the future of the nation is an issue of utmost seriousness; not a romantic aspiration. Today, we stand poised to forge ahead into the 21st century, working toward national development on a grander scale. At this pivotal point, we must all give rational and pragmatic thought to this matter of epochal importance.

On the eve of the new century, let us look back on the state of our world. The Cold War has faded into history, and communism is in full retreat. Even though communism and one-party rule remain entrenched on the Chinese mainland, the system is facing strong demands for change both from within and without. Try as they may, the mainland authorities cannot check or deflect these demands. The tide of democracy defies obstruction. Indeed, we believe that Peking has no choice but to squarely face this global trend and adopt thorough reforms.

Therefore, we must take this opportunity to once again state clearly and solemnly: China must be reunified. However, this reunification must be under a system of democracy, freedom and equitable prosperity that will safeguard the rights and interests of all Chinese, and is in keeping with the global trend. The nation should, by no means, be reunified under the proven failure of communism or the so-called "one country, two systems" formula.

Our position on this issue is firmly grounded in our belief that:

First, reunification under communism or the "one country, two systems" formula will not help bring democracy to the whole of China. Instead, it will send the people of the mainland even further from their aspirations to enjoy a democratic way of life.

Second, only if china is reunified under a democratic system can the strengths of Taiwan. Hong Kong and the Chinese mainland be forged together as a force for regional stability. A reunified China that is closed and autocratic would necessarily provoke anxiety in neighboring countries, upset the power balance in Asia and threaten the peace and stability of the Asia-Pacific region.

Third, only the implementation of a comprehensive democratic system, through the rule of law and transparent political processes, will mutual trust be enhanced between the two sides. And only democracy will ensure that both sides in fact honor their agreements and guarantee a new win-win situation.

Once again, we resolutely reject the so-called "one country, two systems" scheme. It has a number of fundamental flaws, the first of which is ambiguity. While the formula seems to offer two equal systems, it in fact makes a very unequal distinction between central and local. The formula is also contradictory, for it seeks to wed communism with capitalism. Finally, the "one country, two systems" model is undemocratic, power is exercised from the top down, not from the bottom up. This runs completely counter to the democratic reunification that we seek.

Hence, we further advocate that:

First, although there will be only one China in the future, at present there is "one divided China." The Republic of China was established in 1912, and although the government moved to Taiwan in 1949, the Peking authorities have never exercised jurisdiction over Taiwan. That the two sides of the Taiwan Strait are ruled by two separate political entities is an objective fact that cannot be denied.

Second, the reunification of China should proceed in a gradual and orderly fashion. When the conditions are ripe, success will come naturally. No timetable need be set. The pace of democratization on the Chinese mainland and the improvement of cross-strait relations will decide the progress towards peaceful reunification.

Third, prior to reunification, the people of the Republic of China on Taiwan should possess the right to full self-defense. This is the inherent right of the 21.8 million people on Taiwan. It is also necessary to preserve the achievements of democratic reform in the Taiwan area and encourage democratic change on the Chinese mainland.

Fourth, in light of the needs for survival and development, the people of the Republic of China on Taiwan should enjoy the right to participate in international activities as they did in the fifties and sixties. This way, the people on both sides will have equal opportunity to contribute to the international community.

Fifth, Taiwan and the mainland should expand exchanges and enhance the prosperity of both sides. Cooperation should replace antagonism, and reciprocity should dissolve animosity. In this fashion, a propitious foundation can be laid for the future peaceful reunification of China.

Finally, the two sides should pursue full communication on the principles of equality and mutual respect in order to resolve differences and seek common ground. They should hold consultations based on the reality of a divided China and sign a cross-strait peace agreement, thereby ending the state of hostility, promoting harmony in cross-strait relations, and preserving the stability of the Asia-Pacific region.

Over the past ten years, the ROC government has followed a positive and pragmatic mainland policy in an effort to promote salutary cross-strait interaction and move towards democratic reunification. As early as May 1991, I declared an end to the Period of National Mobilization for Suppression of the Communist Rebellion, thereby formally renouncing the use of force as a means of resolving the issue of reunification. Also over the past decade, the ROC has established the National Unification Council the Mainland Affairs Council, and the Straits Exchange Foundation. Up to the present, the two sides have held eighteen rounds of talks. At the same time, we have actively worked to build the necessary legal foundation and put cross-strait exchanges on a proper legal track.

From 1987 through the beginning of this year, residents of Taiwan have made more than 12 million trips to the Chinese mainland. By 1997, the amount of trade between the two sides had reached US $26.4 billion—sixteen times greater than the 1987 figure. Meanwhile, entrepreneurs from Taiwan have agreed to invest more than US $38.1 billion on the Chinese mainland, making them the second largest source of outside investment there. The ROC government has also raised numerous friendly and concrete proposals concerning such issues as meetings between the top leaders of both sides, cooperation in the international area, an offshore transshipment center, cultural exchanges, agricultural cooperation, and the reform of state enterprises. It is through the perseverance and hard work of the ROC that cross-strait relations have been built from the ground up. Relations have progressed without fail, and exchanges have expanded without setback. A new opportunity for peaceful cross-strait competition has been created.

What is regrettable, However, is that the Peking authorities have never been able to shake their rigid mentality. Not only have they been unable to squarely face the state of private-sector exchanges across the strait and respond to the ROC"s well-intentioned expectations, but they have stepped up the promotion of a Taiwan policy that seeks to "limit (our) foreign relations, suppress (our) military, and bind (our) economy (to theirs)". This has hindered and obstructed the development of normal cross-strait relations, forcing us to adopt a counter policy emphasizing "patience over haste" and "steady progress for the long term."

Last year, the mainland authorities convened the 15th National Congress of the Chinese Communist Party and the First Plenary Session of the Ninth People's Congress, during which their new leadership was formed. It is our hope that this new leadership will pragmatically face up to the global trends of democracy, globalization, and information in the 21st century, and demonstrate the broadness of mind and new vision necessary to bring about a new era of reciprocity and mutual trust between Taipei and Peking, thereby achieving win-win for both sides.

In fact, the accumulated experience over decades of the Republic of China on Taiwan in the areas of political, economic and social development would serve as a more valuable reference for the Chinese mainland than that of any other country. In particular, the ROC's tangible success in realizing democracy fully demonstrates that Chinese people are capable of implementing democracy. We are pleased to see that the mainland authorities have in recent years undertaken the promotion of grass-roots democracy in some areas. Furthermore, we look forward to even more active efforts on the part of Peking to carry forward political reforms in order to widen the scope and degree of democracy, further release the wisdom and energy of the residents of the mainland, and establish a diverse, open and modern society.

Just recently, U.S. President Bill Clinton traveled to the Chinese mainland, and his visit brought new changes to the relationship between Washington and Peking. On the mainland, he spread the messages of democracy, freedom, human rights, market economy, open society, and peaceful dialogue. The visit has been the focus of much concern, and all expect it to lead to a more diversified, democratic, and free Chinese mainland that will return to the right side of history.

We have surely taken note of the possible impact that President Clinton's remarks may have on interaction across the Taiwan Strait, as well as on our efforts to promote pragmatic diplomacy. The ROC government agencies concerned certainly will not ignore the importance that the public attaches to these developments, will carefully assess the effects and respond appropriately. However, in light of the strong ties and close friendship between the ROC and the U.S., as well as our common ideals and interest in the pursuit of democracy, freedom, human rights, peace, and prosperity, we are confident that through the cooperation and efforts of people in both nations, ROC–U.S. relations will continue to grow stronger. Only by allowing the enhancement of ROC–U.S. relations, the improvement of cross-strait relations, and the development of ROC–PRC relations to proceed in tandem, can we establish what President Clinton referred to last October as a healthy framework for a triangular relationship. And only in this way can we ensure peace and prosperity in the Asia-Pacific region.

The ROC has spared no effort to establish mutual trust and enhance positive interaction between the two sides of the Taiwan Strait. Although three years ago Peking unilaterally suspended bilateral consultations between the two sides, Taipei has never abandoned hope for dialogue. In April of this year, the Straits Exchange Foundation and the Association for Relations Across the Taiwan Strait held talks and reached an agreement to have Mr. Koo Chen-fu visit the Chinese mainland this autumn. It is my earnest hope that the two sides will take advantage of this opportunity to engage in a frank exchange of views in order to resume institutionalized consultations and formulate a feasible blueprint for the improvement of bilateral relations and the democratic reunification of China.

Ladies and gentlemen: Since the day it was founded, the Republic of China has faced incessant challenges. Since the government relocated in Taiwan, the ROC has existed for a long time in an environment made difficult by military threats and diplomatic isolation. However, under the concerted efforts of its government and people, the Republic of China has overcome the obstacles and built the world-acclaimed "Taiwan experience." Today, the ROC stands as a top-ranking nation in terms of gross national product, per capita income, economic growth rate, foreign exchange reserves, total trade volume, total outbound investment, and level of technological development. The ROC is also a rare example in modern history; one that was able to successfully achieve democratization while maintaining economic development and social stability. Thus, it is my deeply held belief that the most significant aspect of the "Taiwan experience" lies in the dauntless courage of the government and people of the ROC and their ability to work hard together and constantly make adjustments in order to overcome all difficulties.

In the larger perspective, the "Taiwan experience" represents not only the cooperative fruits of the 21.8 million hardworking people on Taiwan, but also a valuable asset for all Chinese people. It is the developmental experience achieved by Chinese people, with Chinese knowledge, on Chinese land, and most suitable to the conditions of the Chinese nation. We are willing to share this experience with our fellow compatriots on the mainland. We hope that with successive democratization, modernization, and the rule of law on both sides, Taiwan and the mainland can work together to create a free, democratic and equitably prosperous new China.

Your active discussions today serve as an excellent source of valuable opinions on current mainland policy and the future of China. I am confident that after a full exchange of views at all levels of society, we will certainly be able to form an even broader consensus and work toward the grand task of reunifying China under democracy.

In closing, I would like to offer all of you my best wishes for good health and happiness. Thank you.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise today to discuss an international organization funded by this bill—the Organization for Economic Cooperation and Development (OECD). As many of my colleagues know, the OECD was founded in 1961 as a successor to the Organization for European Economic Cooperation (OEEC). Since its inception, the OECD has never strayed too far from its core missions: to see that its member nations achieve the highest sustainable economic growth and employment, to contribute to sound economic expansion in Member as well as non-member nations, and to contribute to the expansion of world trade on a multilateral, non-discriminatory basis.

The OECD continues to do important economic work. For example, it is working on the Asian economic crisis. It is making an effort to help Russia get on the right economic track. The OECD is also the organization that developed the Anti-Bribery Convention now pending before Congress. OECD economic studies are considered crucial to understanding the functioning of the global economy. It is doing cutting edge work on regulatory and tax reform. And the OECD is taking the lead on understanding the impact that electronic commerce will have on global economic issues. In short, the OECD is as important today to its member nations as it was at its inception.

Nonetheless, the OECD understands that in today's tough budgetary environment, they need to find ways to do more with less. The OECD is reforming on its own initiative. In fact, I believe it has shown real leadership in this area. As its internal reforms continue, I believe we should take a close look at how these reforms are being implemented, and perhaps even hold it up as example for other international organizations.

I would also like to draw the Chairman's attention to the work of the OECD Development Center. Over the years, the OECD Development Center has served as a bridge between OCED nations and emerging economies around the world. The Center's reputation as an "honest broker," along with its commitment to promoting market-opening reforms, makes it an excellent resource to policy makers in developed nations and developing countries alike.

Mr. Chairman, the OECD and the OECD Development Center are important to U.S. international economic interests. I am hopeful that their important work will continue.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BALLENGER. Mr. Speaker, last night, during consideration of H.R. 4276, the Departments of Commerce, Justice, State and the Judiciary Appropriations bill for Fiscal Year 1999, on roll call vote 398, the Hefley amendment, I was recorded as voting "aye" but intended to vote "no."

On May 28, President Clinton issued Executive Order (13083) intending to provide a uniform policy for the federal government to prohibit discrimination based on sexual orientation. The order amended an Executive Order signed in 1969 by President Richard Nixon which prohibited discrimination in federal employment "because of race, color, religion, sex, or national origin * * *." The new order does not create any new enforcement rights for discrimination based on sexual orientation since such enforcement rights must be passed by the Congress. The Hefly amendment would have prohibited any federal funds from being used to implement or enforce Executive Order 13803.

I have always strenuously opposed discrimination of any kind. I believe that employment opportunities should be given on the basis of ability and therefore feel that one's sexual orientation should play no part in hiring, promotion or firing decisions. Accordingly, I intended to vote against the Hefley amendment.

GOVERNMENT DISCRIMINATION IN GERMANY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. NEY. Mr. Speaker, I would like to extend my support to the House Resolution that expresses the sense of Congress with respect to government discrimination in Germany based on religion or belief, particularly against United States citizens.

Government discrimination against members of minority groups, including American citizens, solely because of their religious beliefs, is occurring in Germany at the federal, state and local level. All acts have been documented in the last five State Department Human Rights Reports, United Nations Reports, and the most recent reports of the State Department Advisory Committee on Human Rights. Despite attempts of our State Department to address the issue with the German government, it is only getting worse.

Because of a strong grass roots movement in this country by people of faith who are committed to ending religious persecution, Congress is taking a strong step toward helping to end international religious persecution. The right for someone to practice their faith should not be infringed by government actions. Our country was founded on this principle, and we should stand up for this principle when we deal with other countries.

Religious persecution is morally unacceptable. Government discrimination based on religious belief, especially when it impacts American citizens, should not be allowed to persist without comment. I support this resolution offered by Representative MATT SALMON and I urge other Members to do the same.

IN MEMORY OF WILLIAM AULL, III

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SKELTON. Mr. Speaker, today, I wish to pay tribute to William (Bill) Aull, III, a good friend and outstanding attorney, who recently passed away at the age of 82.

A native of Lexington, MO, Aull graduated from Westminster College in Fulton, MO, and continued his education at the University of Missouri-Columbia, where he received his Juris Doctorate degree. Bill began his law profession as the Prosecuting Attorney in Lafayette County, which led to a position as Assistant U.S. Attorney for the Western District of Missouri. He continued as the City Attorney for his hometown of Lexington, and spent most of his professional career practicing law there.

A veteran of World War II, Bill commanded a company of the 442nd Japanese-American Infantry Regiment in Italy. He received numerous decorations during his tour, including the Silver Star. He retired as a Lieutenant Colonel after twenty years of service with the United States Army Reserve.

In addition to his outstanding professional and military service, Bill served as the president of the Commerce Bank of Lexington, the Lexington R–5 Board of Education, the Missouri Historical Society, and the Wentworth Military Academy Board. He also served as an elder in the First Presbyterian Church of Lexington.

Aull is survived by his wife Tuni, one son, two daughters, one step-son, one step-daughter, and eight grandchildren. He was preceded in death by his first wife, Martha Bolding Aull.

Mr. Speaker, Bill Aull's public service and military career make him a role model for young civic leaders, and his closeness within the Lexington community will greatly be missed. I am certain that the Members of the House will join me in paying tribute to this distinguished Missourian.

BREAK THE CYCLE OF PERSECUTION OF IRANIAN BAHA'IS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. GILMAN. Mr. Speaker, adherents of the Baha'i faith in Iran have lived a precarious and dangerous existence since the religion originated in what was then Persia in the 1840's.

Originally the Baha'i faithful were persecuted by Muslims in Iran as heretics. They were exiled to Baghdad and then to Akka, in Palestine, then part of the Ottoman Empire. As a result, the Baha'i World Center was established in Haifa, Israel, near the site of Akka, where it remains today. From those humble beginnings, today about 300,000 Baha'is live in Iran, with millions more in communities elsewhere around the world. As such, Baha'is comprise the largest religious minority in Iran today.

Unfortunately, little has changed for the Iranian Baha'is since the time the faith was founded. Although the U.S. State Department reports that exile is not a tool presently used to persecute Iranian Baha'is, Baha'is in Iran are subject to ongoing, egregious violations of their human rights.

Since the Iranian Revolution in 1979, over 200 Baha'is have been executed by the government solely for their religious beliefs. It is important to note that Baha'is have never engaged in any illegal activity nor participated in any form of opposition to the Iranian government. In fact, one of the basic tenets of the Baha'i faith is obedience to the civil law in the country where the adherent lives and the Baha'is in Iran have followed the tenet to the letter. When Iranian law was changed to effectively forbid the administration of the Baha'i Faith by elected groups and require the disbanding of Baha'i schools, the Baha'is of Iran complied, although these steps are a major impediment to the continued vitality of the Baha'i community in Iran.

Since the founding of the faith, Baha'is have been persecuted to varying degrees. Unfortunately, there are disturbing new signs that we may be entering a period of increased persecution. On July 21, the Government of Iran executed by hanging Mr. Ruhollah Rowhani, a Baha'i from the northern Iranian city of Mashad. He was arrested over ten months ago and charged with converting a Muslim to the Baha'i faith. He was held in solitary confinement without access to lawyers or his family. Then, after a sham trial in which he was deprived of the right to offer a defense, he was sentenced and killed.

A further cause for alarm over this heinous act is the fact that fifteen other Baha'is are currently in detention in Iran and three may face imminent execution. It is unclear when or if these men—all charged with religious crimes—will be put to death, but three have been found guilty and are essentially in the same position Mr. Rowhani was immediately prior to his execution.

Mr. Speaker, the Government of Iran clearly marches to the beat of its very own drummer. Nevertheless, I cannot see one single reason the Iranian government would execute Mr. Rowhani and threaten the lives of other Baha'is at a time when the outlook is more promising than it has been in a long time for an exploration of the possibility of a gradual move toward normalization with the rest of the world community. The Iranian authorities must be made to realize that the U.S. Congress, the administration, and the world community consider treatment of Baha'is and other religious minorities as one of the crucial yardsticks to measure Iran's progress toward re-entering the ranks of the global community.

The Government of Iran must be aware that the U.S. Congress has passed no less than seven resolutions since 1982 condemning persecution of Baha'is in Iran and calling for their emancipation. The Iranians must also know that the UN has adopted a number of resolutions regarding the persecution of the Baha'is in Iran and that the U.S. State Department carefully monitors and releases a widely-read annual report on such persecution. Congress, the administration and the world know when the Iranian Government is violating the principles of the UN Universal Declaration on Human Rights, which Iran has signed. We are watching carefully.

I call on the Government of Iran to cease the persecution of all of its citizens, including Baha'is, to release those currently being held, and to break the historical, mindless pattern of persecution of the Iranian Baha'i and all other religious minorities in Iran.

INTRODUCTION OF INDIAN TRUST FUND JUDICIAL PROCEDURE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MILLER of California. Mr. Speaker, I rise to introduce, by request, the Indian Trust Fund Judicial Procedure Act on behalf of the Intertribal Monitoring Association (ITMA). Earlier this session I introduced legislation to address the Indian trust fund problems as proposed by the Administration.

The legislation I am introducing today would set up a temporary court to address claims against the United States regarding tribal trust funds. A Special Master would be appointed and staffed to get as much information as possible together on all trust fund accounts and activity in order to come up with a formula to then apply to each account for restitution.

The problems with the Indian trust fund accounts is one I have worked on for much of my time in Congress. It it complex and controversial. I believe that this legislative approach by the ITMA and its member Indian tribes will continue the debate begun with the Administration's approach on how to come to a resolution regarding the Indian trust fund accounts held by the Bureau of Indian Affairs.

WASHINGTON WELCOMES THE TAOTAO TANO DANCERS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. UNDERWOOD. Mr. Speaker, on July 17, 1998, I was delighted to co-host an event with the Smithsonian showcasing the impressive talents of Guam's Taotao Tano Cultural Dancers. For their first performance in Washington, D.C., the dancers traveled many miles to perform in the Meyer Auditorium at the Smithsonian's Freer Gallery of Art. Newcomers, as well as those familiar with and native to our island, were given the opportunity to share in Guam's cultural heritage. Some of us were even invited to go onstage with the dancers and learn some of the steps of the batsu, a native dance influenced by the Spanish. Under the guidance of choreographer Frank Rabon, the dancers also took the audience back in time by revitalizing ancient dances, chants and songs from prior to European colonization. Colorful and authentic costumes enhanced the women's graceful movements and strong voices. The intense energy and well-honed skills of the male performers impressed everyone in attendance that evening.

I take this opportunity to congratulate the Taotao Tano Cultural Dancers for their lively and engaging performance, as well as to thank the staff members of the Guam Council of Arts and Humanities (CAHA) who facilitated the event. These individuals were:

CAHA Staff: Ms. Jackie Balbas, Mr. Vid Quitoriano, and Mr. Paul Cruz.

Performers: Mr. Frank Rabon, Choreographer, Mr. Ryan Aguigui, Ms. Maxine Bigler, Mr. Frank Cruz, Mr. Darrell Lujan, Mr. Dominic Mendiola, Ms. Eileen Meno, Ms. Renati Narcis, Mr. Art Pangelinan, Mr. Angel Pares, Mr. Jonathan Paulino, Mr. Eric Reyes, Ms. Judene Salas, Mr. David San Luis, Ms. Rosanna San Luis, Mr. Brian San Nicolas, and Ms. Bobby Tainatongo.

Having received the invitation from the Guam Society of America to come to Washington, the Taotao Tano dancers were fortunate to receive their continued support upon arrival. Under the leadership of president Lou Barrett, the members of the Guam Society opened their hearts and their homes to the dancers in order to ensure a pleasant stay and help them travel throughout the city.

With less than a week to make this performance a reality, I am indebted to the Office of the Governor of Guam for finding the funds to support the dancers. I also extend my heartfelt gratitude to two members of the Smithsonian, Mr. Franklin S. Odo, Counselor of the Provost, and Ms. Stacey Suyat, Program Associate of the Office of the Provost, whose prompt efforts in securing a venue for the performers were invaluable given the time constraints to which we were subject. I also wish to thank Ms. Lucia Pierce, Head of the Education Department at the Sackler Gallery of Asian Art, and Mr. Michael Wilpers, Public Programs of the Freer Gallery, for their aid in finding a performance space for the dancers.

It was truly a privilege to collaborate with such dedicated individuals. It is my hope that future events which promote Guam's culture and arts will be as warmly received as the performance of the Taotao Tano Cultural Dancers.

ADDRESS OF JOHN BRADEMAS AT THE UNIVERSITY OF MEMPHIS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. ROEMER. Mr. Speaker, one of my distinguished predecessors as Representative in Congress of the Third District of Indiana is my friend, Dr. John Brademas, now President Emeritus of New York University.

John Brademas is also, by appointment of President Clinton, Chairman of the President's Committee on the Arts and the Humanities.

On July 18, 1998, Dr. Brademas delivered an address to delegates attending the National Conference of Academic Deans in which he discussed the recommendations of the President's Committee contained in "Creative America", the Committee's report to the President, with recommendations for strengthening support for these fields in our country.

Dr. Brademas also spoke of the significant role of the nation's colleges and universities in teaching the arts and the humanities.

Because I believe Members will find Dr. Brademas' remarks in Memphis of interest, I insert the text of his address at this point in the RECORD.

REMARKS BY DR. JOHN BRADEMAS, CHAIRMAN, PRESIDENT'S COMMITTEE ON THE ARTS AND THE HUMANITIES, NATIONAL CONFERENCE OF ACADEMIC DEANS, UNIVERSITY OF MEMPHIS, MEMPHIS, TENNESSEE

I am for several reasons honored to have been invited to the University of Memphis to address this distinguished company tonight.

You may be surprised to learn that I have a special connection to this city and region. Some 52 years ago, I first came to Memphis en route to the Millington Naval Air Training Base where I went through Boot Camp. Soon thereafter, still in a sailor suit, I went next door to Oxford, Mississippi, and as a Naval Officer candidate, spent my freshman year at the University of Mississippi, Ole Miss, a fascinating experience.

I add that one of the consequences of my time at Ole Miss was that last fall I had the great honor of delivering the principal address, on the Town Square in Oxford, at the centennial celebration of the birth William Faulkner.

From Oxford, Mississippi, I went on to Cambridge, Massachusetts, and Harvard where I took my B.A. and did a year of graduate study. Next it was three years at the other Oxford, in England, where I earned my Ph.D. with a dissertation on the anarcho-syndicalist movement in Spain.

In 1953, I returned to my hometown, South Bend, land of the Fighting Irish of Notre Dame, and in 1954 won the Democratic nomination for Congress from the Third Indiana District. I lost that race, by half a percent. In 1956, I was an assistant to Adlai Stevenson in his second presidential campaign. He lost again that year, and so did I, but on my third try, in 1958, I was elected and then ten times re-elected to the United States House of Representatives.

In the House I served on the Committee on Education and Labor where I took part in writing all the Federal legislation enacted during those 22 years, from 1959 to 1981, to assist schools, colleges and universities; the arts and the humanities, libraries and museums; and to provide services for the elderly and the handicapped.

MEMBER OF CONGRESS

During my last four years in Congress, I served as Majority Whip of the House, that is, third-ranking member of the Democratic Leadership, responsible for counting votes and pressing my fellow Democrats to support the positions of the Speaker, then Thomas P. ("Tip") O'Neill, Jr.

You will understand from this chronology that I served in Congress during the Administrations of six Presidents; three Republicans: Eisenhower, Nixon and Ford; and three Democrats: Kennedy, Johnson and Carter.

In some ways, the most gratifying years of my service were those of the "Great Society" of Lyndon Johnson, during which, among other measures, we created the Elementary and Secondary Education Act; Head Start; college student aid; the National Endowment for the Arts and National Endowment for the Humanities, of all of which I was co-sponsor.

And, of course, it was during the Johnson presidency that Congress passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965, both of which I strongly supported, motivated in part, I must note, by my year in Mississippi.

In my last ten years in the House, I chaired the subcommittee with jurisdiction over the NEA and NEH, the subcommittee that also produced the laws that created what is now the Institute of Museum and Library Services.

In 1980 as a Democrat representing a basically Republican constituency in Indiana, I was defeated in Ronald Reagan's landslide victory over President Carter.

PRESIDENT, NEW YORK UNIVERSITY

A few months later I was elected President of New York University, the nation's largest private university, headquartered on Washington Square in the Heart of Greenwich Village.

For eleven years, from 1981–92, during which period, I think it fair to say, my colleagues and I transformed what had been a regional—New York, New Jersey and Connecticut—commuter school into a national indeed, international—NYU now has more foreign students than any other university in the country—residential, research university.

So after life as a legislator, I joined your ranks and became an academic administrator.

I must tell you, however, that everything I learned as a practicing politician on Capitol

Hill proved immediately applicable at the University—making speeches, raising money, resolving conflicts, wrestling with big egos!

And although now president emeritus of NYU, I continue to be deeply engaged in issues that affect the institutions of learning and culture in our country.

In 1994 I readily accepted President Clinton's invitation to chair the President's Committee on the Arts and the Humanities. The President's Committee is composed of 40 persons, 27 from the private sector and 13 heads of Federal agencies with cultural programs, and our mission is to encourage support, from both government and the private sector, for the arts and the humanities in American life.

Slightly over a year ago, the President's Committee issued a major report, Creative America, warning that the entire structure of support, both public and private, would be endangered by the draconian cuts of approximately 40% that Congress had inflicted on the two Endowments as well as by proposals to eliminate Federal funding altogether. I am pleased to say that, in response to the work of such groups as Americans for the Arts, Americans United to Save the Arts and Humanities and of individual men and women all over the country, moderate Republicans in the House and Senate joined a majority of Democrats to continue support for the Endowments and the Institute of Museum and Library Services. There now appears, I am glad to say, to be revival of the bipartisan advocacy of these programs that characterized my own time in Congress.

Indeed, I must take advantage of this opportunity to remind you that only next week, the House of Representatives is scheduled to vote on appropriations for these agencies. I hope very much, therefore, that all of you will get in touch—and do so urgently—with your own Representatives in Congress to urge their votes for continuing funds for the Endowments and against attempts to kill them or further reduce their budgets.

Here I want to pay tribute to two outstanding leaders from this part of the United States, both members of the President's Committee.

BILL IVEY, CHAIRMAN, NATIONAL ENDOWMENT FOR THE ARTS

One is Bill Ivey, of Tennessee, for many years director of the Country Music Foundation in Nashville, and last month sworn in as new chairman of the NEA by another eminent Tennessean, my friend and former colleague in the House of Representatives, now Vice President of the United States, Albert Gore.

Bill Ivey is already doing a splendid job in carrying the message of the arts across the land and making the point that "the arts are . . . important to how Americans explain ourselves to each other—and how we present ourselves to the world. . . . American art," says Bill Ivey, "is democracy's calling card".

BILL FERRIS, CHAIRMAN, NATIONAL ENDOWMENT FOR THE HUMANITIES

The other native son to whom I refer is the new chairman of the National Endowment for the Humanities. For 18 years, founding director of the Center for the Study of Southern Culture at the University of Mississippi, Bill Ferris is also energetically articulating the superb contributions the NEH has been making to America's schools, colleges, universities, libraries, museums, archives, public television and radio stations and other cultural institutions.

That other eminent Southerner, from neighboring Arkansas, the President of the United States, Bill Clinton, is greatly to be commended for having appointed such first-class persons to these important positions.

And although a Democrat, I'll even tip my hat to another former Congressional colleague from this region, the Senate Majority Leader, Trent Lott of Mississippi, for having expeditiously moved these nominations through the confirmation process!

I want also to salute someone who is with us here today and who has been making an invaluable contribution to the work of our Committee, its dedicated and hardworking Deputy Director, Malcolm Richardson.

Malcolm was a co-author of Creative America and he continues to provide the Committee wise and informed counsel.

Malcolm received his Ph.D. in History from Duke University and has taught history at Duke, Furman and, you will be interested to know, the University of Memphis. He has a particular interest in the history of philanthropy as well as in the arts and humanities and in the role of nonprofits in promoting educational reform and international cultural exchanges.

The Executive Director of the President's Committee is yet another person whose name will be known to you, Harriet Mayor Fulbright, widow of the great Arkansan—and American—statesman and an authority on arts policy in her own right.

"CREATIVE AMERICA"

Now I have earlier mentioned Creative America, the report to the President—and the country—which the First Lady, Hillary Rodham Clinton, who is Honorary Chair of the President's Committee, and I released at the Library of Congress last year. Our report contains over fifty specific proposals for generating both public and private support.

Our recommendations are subsumed in several categories. We call for:

A renewal of American philanthropy for the arts and the humanities;

An assessment of the nation's preservation needs and a plan to protect our cultural legacy;

A public-private partnership to digitize cultural materials to make them available through new technologies;

A series of measures to strengthen education in the arts and the humanities;

Gradual increases in funds for the NEA, NEH and Museum Services program to rise from the current level of 85 cents per person to reach $2 per capita by the year 2000; and

A national forum on enhancing knowledge of other cultures, including international cultural and educational exchanges.

Tying these specific recommendations together, our Committee called on the President to help the nation realize this ambitious agenda by leading what we called a "Millennium Initiative".

I am pleased to say that President Clinton and the First Lady enthusiastically endorsed our proposal and have created a White House Millennium Council to enlist the aid not only of the cultural agencies but virtually the entire range of Federal agencies and cabinet departments. The President's announcement eloquently challenged the nation to embrace the next century and new millennium as an opportunity, in the President's words, "to honor the past and imagine the future".

I can report too, that the President has been seeking additional resources for the arts and the humanities. Beyond asking Congress to increase the level of funding for NEA and NEH from $98 and $110 million respectively to $136 million each, he has announced a plan to provide another $50 million annually for the next three years to preserve America's cultural heritage.

MILLENNIUM INITIATIVE

As part of their Millennium Initiative, the President and First Lady have also acted to enlist more private support to preserve our cultural legacy. I was among those present on Monday of this week at the Smithsonian Institution's National Museum of American History where the President and Mrs. Clinton launched a White House Millennium project, "Save America's Treasures". You may have read that the American fashion designer Ralph Lauren helped kick off this effort by donating $13 million to restore the original Star Spangled Banner, the flag that flew over Fort McHenry in Baltimore Harbor and inspired Francis Scott Key to write our national anthem.

And you have also probably seen this week on television pictures of the First Lady visiting historic sites like the home of Thomas Alva Edison in New Jersey and Seneca Falls, New York, where the Women's Rights Movement was born.

In short, the White House is providing the leadership we asked in Creative America.

Now one of the areas where our report has not, in my view, received enough attention will, I think, be of particular interest to you. Let me quote from Creative America: "We find that institutions of higher education constitute a crucial, but often overlooked, part of the nation's cultural infrastructure. Although America's universities provide the overwhelming majority of support for research and teaching in the humanities, the humanities are losing ground in the academy and find few external sources of funding. Support for the humanities and for liberal arts education generally is eroding as universities responded to market pressures and shift resources to vocational courses and to departments that attract substantial research dollars."

My colleagues on the President's Committee and I have called on both the private sector and on arts and humanities organizations to do their part in reversing these trends.

We found the deficiency in private funding most pronounced in the humanities. In 1996, in preparation for our report to President Clinton, the President's Committee examined funding for the humanities. (We published our findings in a separate report entitled, *Looking Ahead: Private Sector Giving to the Arts and the Humanities.*) We observed that private contributions to the humanities were meager and becoming more so each year.

When we issued *Looking Ahead*, grants to the humanities for all purposes accounted for less than one percent of all foundation giving, and that figure has been declining since then. Even by the most generous definition of the humanities, private foundations gave no more than $100 million to the humanities in the early 1990s, and our estimate in 1996 was closer to $50 million.

Still, with its budget slashed nearly in half, the National Endowment for the Humanities, at $110 million, remains by far the largest single source of funds for the humanities in the United States.

It is clear, then, as we said in *Creative America*, that we must strengthen *both* public and private support for the humanities.

THE HUMANITIES

When in 1981 I was inaugurated as thirteenth president of New York University, one of my pledges was to strengthen the liberal arts. I made this commitment because I believed then, and still do, that it is through the requirements of a first-class liberal arts education that our schools and colleges provide society its most valuable resource: people who can think logically and write lucidly. It is the arts and the sciences that prepare people not only to enter the world equipped to practice their professions but also to act as intelligent, creative and honorable human beings.

Ideas and imagination are the province of the humanities, and a liberally educated person should be prepared to tackle complex problems, develop a critical perspective and be open to new concepts and experiences. Learning how to learn, one of the fruits of a liberal education, endows individuals with the flexibility to change careers as their interests, needs and ambitions change.

There is still another reason a humanistic education is important. Since the Golden Age of Greece—and I remind you that my father was born in Greece and that I was the first native-born American of Greek origin elected to Congress—what we now call liberal learning has been expected to contribute to the development of an individual's sense of civic responsibility. Certainly, no democracy can survive unless those who express their choices are able to choose wisely. And the American democracy cannot survive unless we as citizens rely on the processes of reason, accommodation and civil discourse—processes made possible only with an educated populace.

I must mention another area where *Creative America* identified a vital activity carried out by many colleges and universities, including some represented here tonight. Said our report: "In addition to their indispensable role in supporting humanities scholars, colleges and universities are increasingly the employers of artists and writers, providing them salaries, offices, rehearsal spaces, studios, and access to audiences. In many towns, colleges are often the leading cultural centers. For example, colleges and universities now sponsor nearly one-third of all chamber music concerts."

To the best of my knowledge, no one has adequately catalogued the full extent of university support for the arts. It would not be easy to quantify such support as so much of it comes in the form of in-kind donations. Yet I think it evident that the nation's artistic as well as scholarly and intellectual life depends to a significant degree on what happens in our colleges and universities.

Given this largely unrecognized support, it might seem unrealistic for us to ask the academic community to do more. But, in *Creative America*, our Committee did just that.

First, we called upon higher education to redouble its efforts to help our schools improve K through 12 education in both the arts and the humanities, and we offered several specific recommendations to improve teacher training. For example, we asked higher education to take the lead in strengthening foreign language requirements and in providing all elementary school teachers with some training in the arts.

ARTS EDUCATION

You and I know, to press the point, that arts education is essential to developing audiences for the arts. And we know, too that education in the arts helps students develop a capacity for creative thinking that is transferable to other subjects. So my colleagues on the President's Committee and I were heartened to see innovative partnerships formed by some universities, cultural institutions and school districts. To illustrate, Yale University and the public schools of New Haven have worked together for 20 years to strengthen teaching in the city's schools. The Yale-New Haven Teacher Institute brings college faculty and school teachers together to develop new course material in the humanities and sciences and to discuss issues chosen by the teachers.

There is another recommendation in *Creative America* that represents a challenge—and an opportunity—for our colleges and universities. Our report asserted that "international artistic and scholarly exchanges" are more important than ever in a world in which ideas, information and technologies travel freely across national borders.

We urged Congress to restore funding to international exchange programs, in particular the Fulbright and Arts America programs, and pressed the Administration to strengthen its commitment to the arts and the humanities as a "crucial component of American foreign policy".

Certainly the American economy is linked to international markets, as the current troubles in Asia demonstrate, and as a global political power, the United States has a vital interest in supporting programs in our schools, colleges and universities that enhance our knowledge and understanding of other nations, cultures and languages. To single out countries very much in the news right now, I would assert that most Americans, including Members of Congress, know very little about three of the largest nations in the world, India, Indonesia and Pakistan. Yet knowledge about and understanding of other countries are essential if the United States is to have informed and capable leaders for the next Millennium.

INTERNATIONAL EDUCATION

International education, I confess, has been a concern of mine for many years. A generation ago, in 1966, I authored—and President Lyndon Johnson signed into law—the International Education Act, to provide Federal funds to colleges and universities in the United States for teaching and research about other countries. Unfortunately, Congress failed to appropriate the money to implement the statue and I believe the nation—of course, not for that reason alone—has suffered a great deal in the ensuing years from our ignorance of such places as Vietnam, Iran and Central America.

Certainly as president of New York University, I worked to strengthen the University's offerings in the international field.

Already powerful in the study of French civilization, we established the Alexander S. Onassis Center for Hellenic Studies and the Casa Italiana Zerilli-Marimo.

We founded the Skirball Department of Hebrew and Judaic Studies and, in our Business School, a Center on U.S.-Japanese Business and Economic Studies.

Only last year, I had the honor of welcoming to our campus Their Majesties, King Juan Carlos I and Queen Sofia of Spain, as well as the First Lady of the United States, to dedicate the King Juan Carlos I of Spain Center of New York University, for the study of modern Spain, its economics, history and politics, and the Spanish-speaking world, generally.

So I hope that you as academic deans will on your respective campuses give attention to the development of programs for the study of other countries and cultures.

Let me, indeed, urge all of you to read *Creative America* and determine which of its over 50 recommendations may relate to your own institution.

Before I conclude these remarks, I want to add one more exhortation. In addition to all the specific recommendations I have cited, I must tell you that we what we most need from you is *leadership*. I am sure that all of you, deans and community leaders alike, attained your positions precisely because your colleagues and neighbors recognized your abilities.

Here I want to draw on my own background in Congress and public life generally to say that one of our failures in higher education and in the cultural community more broadly is that we have not always made our voices heard.

In this respect, I call your attention to a recent story in *The Chronicle of Higher Education* about "the higher education lobby". The story quotes Rep. John Kasich of Ohio as saying that "Higher education couldn't organize its way out of a paper bag".

Although the article paints a slightly better portrait of our efforts, it also underlines how silent so many in the arts and the humanities have been on issues vital to their future.

IMPORTANCE OF COLLEGE AND UNIVERSITIES

You need to speak up, especially on matters, such as student aid, crucial to every college and university. You need to make the case to your elected representatives in Washington and in your state capitals that public support for our institutions of learning and culture is absolutely essential. As I trust I have made clear, education has been a central preoccupation of my life—as student, teacher, legislator and university president.

For all of the problems confronting American higher education, for all the legitimate criticisms directed to it, I would assert as strongly as I can that America's colleges and universities are among the glories of our nation. Indeed, it is not too much to say that the future of the American people and, given the immense power of the United States in the world today, to a significant extent, the future of other peoples, depends on the strength of America's institutions of higher learning.

And surely it is true that indispensable to sustaining and strengthening the arts and the humanities in our country are our colleges and universities.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. McDADE. Mr. Chairman, I rise in unequivocal opposition to the Hutchinson amendment. It unfortunately turns the country toward the darkness of yesterday's night of oppression.

We speak of a time when the king rules by fiat, and could not be questioned, no matter how oppressive or heinous his conduct.

And so it was till that magnificent new beginning in 1215 on the plains at Runnymede, when King John was forced to submit to the rule of law.

So too, at Philadelphia in 1776 when the Founding Fathers penned the Declaration of Independence and began writing the Constitution, all intended to limit governmental power in the quest for liberty.

So it is today when you are called on to vote on the Citizens Protection Act.

For the same question is asked: Should the Department of Justice and its employees be subject to the rule of law in the same fashion as all other citizens of this nation, or should they be given the right to decide, like monarchs of old, when and if the universal law applies to them.

But this executive department has the arrogance to proclaim their right to enact law and to decide as if in a separate government how and if the law shall apply to them.

Listen to this language the Department of Justice wrote and tried to enact (in the 104th Congress, in the other body, in "crime" bill S. 3):

> **Sec. 502. Conduct of Federal Prosecutors**
>
> Notwithstanding the ethical rules or the rules of the court of any State, Federal rules of conduct adopted by the Attorney General shall govern the conduct of prosecutions in the courts of the United States.

The Department is so wrong in its thinking that all 50 States, though their chief justices, condemn the department's position, the 8th Circuit Court of Appeals unanimously found against them, the American Bar Association and the leading professional legal organizations join in the unanimous disapproval. And most importantly, 200 members of this body have voiced their disapproval, by co-sponsoring the legislation which is included in this bill as the McDade-Murtha amendment.

Tell the lawyers at DOJ to abide by the same ethics rules which govern all other lawyers. Vote against the Hutchinson amendment.

That's title 1 in the bill . . . not difficult to understand.

Neither is title 2.

Just as we acted to reform the IRS, today we set about reform in the Department of Justice.

Most people at the Department are fine motivated citizens. As is always the case, this legislation is required to protect citizens of our Nation against predatory actions of rogue employees, out of control, and acting inimically towards citizens and therefore the Nation at large.

Where there is injustice to one of us, there is injustice to all of us.

And the power, for good or evil is without peer.

In 1940, then Attorney General and later Supreme Court Justice Robert H. Jackson counseled the 2nd annual conference of U.S. attorneys.

Listen to his words:

> The prosecutor has more control over life, liberty and reputation than any other person in America. . . . If the prosecutor is obliged to choose his cases, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him.

To protect the constitutional right to liberty of our citizens, title 2 sets a series of standards, clear, unambiguous and self evident. They set guidelines for DOJ employees which must be met. They are neither controversial nor hostile. Unless, that is, you consider it hostile to be directed not to lie to the court:

Alter evidence;

Influence witnesses to color their testimony;

Fail to release information that would exonerate a person under indictment;

Impede a defendant's right to discovery;

Leak information during an investigation;

Mislead a court as to the guilt to any person; or

In the absence of probable cause seek the indictment of any person.

All of these standards are in fact court decisions which found specific improper conduct by the DOJ.

Let me quote from just one court decision, U.S. v Taylor, in which the court found that employees of the DOJ had convicted citizens of our country on perjured testimony.

We should all be familiar with this case before we vote . . . after the finding of perjury, the judge of course freed the citizens from jail, their lives ruined, reputations destroyed, chewed up by corrupt power.

The employees responsible for the false conviction on tainted testimony were punished, punished by main DOJ with 5 days suspensions, and 6 months probation. A 5-day suspension.

Because of cases like this, section 2 of the bill also sets up a review process to afford a citizen a process which will limit if not eliminate corrupt uses of power, and by limiting government powers, enhance the liberty of every citizen of this country.

And we must do so . . .

I conclude with a statement by Justice Brandeis:

> Decency, security and liberty alike demand that government officials should be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously . . . Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that prenicious doctrine this Court should resolutely set its face. (Olmstead v. U.S., 1928).

THE HIV PARTNER PROTECTION ACT

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. COBURN. Mr. Speaker, for over fifty years, health authorities have used partner notification programs to stem the spread of contagious diseases. Such an approach helps to identify those at risk, provide them with counseling and testing as well as treatment, if necessary, thereby breaking the cycle of transmission. During the first years of the AIDS epidemic, however, partner notification programs were suspended and replaced with extraordinary privacy protections in the hope that such an approach would encourage high risk individuals to come forward and be voluntarily tested. Because of this decision, if you have been unknowingly exposed to HIV, the deadly virus which causes AIDS, you have no right to know that your life may be in danger—even if public health authorities know that you are in danger.

While every state is required to have a procedure to notify those who may have been exposed, only 30 states have enacted HIV notification laws, and most do not mandate a duty to notify. Because of this inconsistency, most of those exposed to HIV do not find out until they have been infected for some time and are already sick with AIDS-related disease. By this point, they have been denied the medical care that can prolong their lives and stave off illness and may have infected others unknowingly.

Due to this abhorrent policy, it is not shocking that nearly 400,000 Americans have died from AIDS in the short period since the disease was discovered in 1981 and another one million Americans are believed to be infected with HIV today. And despite billions of dollars spent on prevention and research, more than 40,000 new infections are estimated to occur each year in the United States and no cure or vaccine appear to be on the horizon.

We do, however, know enough about the virus to prevent its spread, but the response of the federal government and the public health community has contributed to the growth of the epidemic. From its onset, proven public health practices which have been successful in helping to curtail other contagious diseases were abandoned in our efforts against HIV. Due to the unfair stigmas associated with the populations most at risk, it was decided that HIV would be treated as a civil rights issue instead of a public health crisis. As a result, our response has been based almost exclusively on the rights of those infected to the detriment of the uninfected.

But times have changed. Women and communities of color are now the fastest growing casualties of HIV. New drug therapies have been developed that offer hope for many of those who are infected to lead longer and healthier lives, especially when they are diagnosed early. And federal, state and local laws, including the Americans With Disabilities Act have been enacted to protect the civil rights of the afflicted.

Due to these changes, many who initially opposed public health measures such as partner notification have now reconsidered. Just this year, the New York Assembly overwhelming passed legislation, which is now state law, which would mandate notification of those who may have been exposed to HIV. Even civil libertarians such as Senator TED KENNEDY have advocated partner notification. In 1990, Senator KENNEDY, stating that "there is a duty to warn," proposed HIV partner notification legislation which was approved by the Senate.

The HIV Partner Protection Act gives Congress another opportunity to enact this important procedure which would alert those at risk and save lives. This bill introduced by Rep. GARY ACKERMAN (D–NY) would guarantee that everyone who is diagnosed with HIV receives appropriate counseling for preventing infecting others and information regarding treatment to protect their own health. It would also protect those who seek HIV testing by forbidding insurance companies from discriminating against anyone who receives a test for HIV, regardless of the results. But most importantly, the HIV Partner Protection Act would require that anyone who may have been exposed to HIV by a past or present partner be notified.

Partner notification is extremely important to disease control because it is the only timely way to alert those in danger of infection. It is the standard public health procedure for curtailing the spread of virtually all other sexually transmitted diseases and has been credited in part for the fact that syphilis cases in the U.S. have fallen to the lowest levels in U.S. history.

Partner notification essentially requires two steps. The first is to counsel all infected individuals about the importance of notifying their partner or partners that they may have been exposed. The second is for their doctor to forward the names of any partners named by the infected person to the Department of Health where specially trained public health professionals complete the notification.

In all cases, the privacy of the infected is—and must be—protected by withholding the name of the infected person from the partner being notified. Because names are never revealed, the infected retain their anonymity.

Partner notification has proven to be highly effective and there is no evidence that partner notification programs discourage individuals from being tested. Between 50% and 90% of those who tested positive cooperate voluntarily with notification. Further, even higher proportions of those partners contacted—usually 90% or more voluntarily obtain an HIV test.[1] But only 10% or less of people who have recently tested HIV-positive manage, by themselves, to notify their partners.[2]

Federal law already requires spousal notification (Public Law 104–146). Since it applies only to those partners who are or had been married, it makes perfect sense to expand notification to all of those who may have been exposed to HIV.

Partner notification is especially important for women because many HIV-infected women (50% to 70% is some studies) do not engage in high risk behaviors but were infected by a partner who does.[3] Recent studies also indicate that AIDS develops more quickly in women who would therefore benefit from being alerted to their condition as early as possible.

In addition to saving lives, partner notification also saves money. The Centers for Disease Control and Prevention (CDC) has concluded that even if only one in 80 notifications results in preventing a new case of HIV-infection, given the huge medical and social costs of every case (liftime cost for HIV treatment is $154,402), notification pays for itself.[4]

Jack Wroten, who heads the Florida partner notification program, said that "I would hope that the controversy surrounding partner notification would cease" because "it works" and "it's very, very productive. And the fact is that the majority [of people], if you ask them, 'Do you want to be notified?'—absolutely."[5] A poll published in the New York Post[6] supports his statement with an overwhelming number of Americans stating that the rights of partners of those infected with HIV should outweigh the privacy rights of the infected.

Clearly, this important piece of legislation is long overdue. Every day we put off enacting this life saving policy, HIV will continue to claim more innocent victims whom could have been saved.

FOOTNOTES

[1] Chris Norwood, "Mandated Life Versus Mandatory Death: New York's Disgraceful Partner Notification Record," Journal of Community Health, vol. 20, No. 2, April 1995. Page 164.

[2] Norwood, page 168.

[3] Tracey Hooker, HIV/AIDS Facts to Consider: 1996, February 1996. Page 13.

[4] Norwood, page 164. Lifetime treatment cost data presented by the Centers for Disease Control and Prevention at the 12th World AIDS Conference in Geneva, July 1998.

[5] Nina Berstein, "When Women Aren't Told," Newsday, February 3, 1996.

[6] "POLL" New York Post, May 6, 1991.

WELL DESERVED TRIBUTES FOR GUILLERMO MUNIZ

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MILLER of California. Mr. Speaker, I know that all Members of the House of Representatives want to join me and the Contra Costa community in saluting one of the most dedicated and generous men I have ever known, Guillermo "Bill" Muniz, who will be honored at two public ceremonies this weekend for his outstanding contributions to youth and the future of our region.

Bill is a legend. His New Mecca restaurant is a legend. His generosity to children, to athletic teams, to his community of Pittsburgh, to education—the list is virtually endless—is the stuff of legend. For three decades, Bill Muniz has operated more than a restaurant. The New Mecca serves as his control center for a never-ending, community-wide program of supporting schools and volunteers, sports teams and a remarkable cross-section of northern California.

Bill's generosity is as fabled as his enchiladas and burritos, and just as gratifying. No one asked Bill to donate thousands of meals for church fundraisers or to feed workers clearing the Bay Bridge after the Loma Prieta earthquake; no one asked him to help feed the volunteers at the Polly Klauss Foundation. Bill pitched in because he loves his community. it is with that same spirit that he has catered the local professional sports teams that now consider New Mecca dinners a major advantage of being located in the Bay Area.

For years, a lunch at the New Mecca with friends has been my tradition on Election Day, and on those occasions as on any other day that you enter this deceptive storefront in downtown Pittsburg, the restaurant is a hive of activity, with counter and booths packed and overflowing, waitresses racing through the crowd, and presiding over it all with an enormous smile on his face, Bill Muniz, who is never too busy to talk about his plans for his community is excited and upbeat words.

"I go to schools, I talk about the opportunities they have," Bill is quoted as saying. "I believe in dreams. I also believe people have to work for them." And he has worked hard, since arriving more than 30 years ago from Guadalajara where he was an internationally recognized cyclist. He worked as a delivery boy, in canneries, in a chocolate factory and elsewhere before becoming the owner of the New Mecca in the 1960s and building it into a legendary institution in downtown Pittsburg.

So it is fitting that this weekend, the public square near the New Mecca will be dedicated to Bill Muniz, whose efforts have brought thousands of people to downtown Pittsburg and helped revitalize an entire city. And it is also appropriate that the Chicano Latino Academies Reaching Out (CLARO) will be naming its new computer center in nearby Brentwood for Bill in honor of his dedication to children, education and the community.

This is far from the first time Bill has been recognized for his civic contributions. He has been Pittsburg's Man of the Year (1978), UCSSO Mexican American of the Year (1980), original member of the Contra Costa Hall of Fame (1988), Hispanic Chamber of Commerce Member of the Year (1992), City of Concord Commendation (1995), California State Senate Commendation (1995), and many more awards and recognitions. In 1995, the Contra Costa Board of Supervisors declared November 3 "Bill Muniz Day" to recognize his longstanding service to our community.

And so, Mr. Speaker, I ask all Members to join in saluting a man who has lived the American Dream because of his own hard work and community spirit, and who now is doing so much to make that dream a possibility to others who are prepared to follow his example. He is a truly special and gifted man whose public enthusiasm for his community is as great as his personal modesty. I am lucky to call Bill my friend, and that is a genuine honor I share with thousands who will join to honor him for his many contributions and services.

A SPECIAL TRIBUTE TO THE SERVICE WOMEN OF GUAM ON THE 50TH ANNIVERSARY OF THE WOMAN'S ARMED SERVICES INTEGRATION ACT OF 1948

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay special tribute in the name of equality, in the name of justice and in the name of opportunity. Fifty years ago, President Harry S Truman issued an executive order, desegregating the U.S. Armed Forces and signed into law the Women's Armed Services Integration Act. This monumental piece of legislation was the realization of, at the time, a one hundred year struggle for women's rights. It begun in 1848 with the "Declaration of Sentiments" in Seneca Falls, New York where women for the first time congregated together to discuss women's rights. Their immediate cause was achieved in 1920, when women were granted suffrage—the right to vote and participate in the American political family. In the 1920's women were asserting their rightful place in the workforce and began to embrace their independence in unimaginable ways. Yet, women were still not accepted as full fledged participants among the social and cultural fabric of American life. They were still treated as second-class citizens, in the male-dominated workplace. Few women were permitted entry into high executive positions, law schools and medical schools.

The onset of the Second World War, flooded the work place with tens of thousands of women eager to help the war effort by laboring in the factories producing valuable war supplies and armaments. These patriotic women showed America their superb abilities in tackling jobs that were previously performed only by men. Through their efforts, these pioneering women laid the seeds of the modern women's movement by forcing America to conform the double-standard in basic civil and social rights. There were many women who sacrificed much for the war effort by participating in the WAACS, the WAVES and the USO. Some women even volunteered for the hazardous assignments of being a test-pilot (WASPs) for new fighter aircraft or agents for the Office of Strategic Service (OSS). Many were nurses, codebreakers, truck drivers, and clerks. Most served at home but there were many who were assigned to front line areas. They risked their lives in the same combat zones as their male counterparts and in some cases died while performing their essential duties.

After the war, these courageous women were told to return to the homes and kitchens of America. The ironic injustice of helping to defeat oppression overseas and yet be denied equity at home did not pass un-noticed. With the force of history held in the balance, President Truman's executive order and Senator Margaret Chase Smith's Women's Armed Services Integration Act were both signed into law. The act authorized regular and reserve status for women in the Army, Navy, Air Force and Marine Corps. All at once, women, at least in the military, had finally achieved a significant step towards equality.

Since 1948, many of the limitations that were included in the act have been amended to ensure even greater equity for women in the military. As a result, women today may attend the service academies, train and serve in gender-integrated units and in many cases women have risen to general and flag officer ranks. As a direct result of this historic act, women are now able to fully participate and serve in the U.S. Armed Forces. Today, about 200,000 women serve on active duty and make up about 14% of the force; and about 225,000 women serve in the reserve components and comprise 15.5% of their strength.

Mr. Speaker, the Women's Integration Act laid down the foundation for the future achievement of America's women in the Armed Services. Today we celebrate and honor the past and present achievements of Guam's daughters who have dedicated their lives in some capacity to the service of their country. Women such as the late Lieutenant Colonel Marilyn Won Pat (U.S. Army), Lieutenant Colonel Evelyn Salas Leon Guerro (Guam Army National Guard) and Master Sergeant Victoria R. Laganse (U.S. Army) are just a few of the high quality individuals who have served with honor and distinction. These dedicated few represent all of the women of Guam in their greater struggle for equality of women's rights. It has been 150 years since the first American convention of women's rights in 1848. And although our society has made progress towards the goal of complete enfranchisement for women, we can no doubt look forward towards an even brighter future, in part due to the work and accolades achieved by our service women. As members of Guam's family we are all justly proud of Guam's women military "pioneers" and extend to them an official Dangkulo Si Yu'os Ma'ase in their honor.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purpose.

Mr. DEUTSCH. Mr. Chairman, I rise to express my strong opposition to the Hefley amendment. I am pleased to see so many of my colleagues from both sides of the aisle firmly committed to nondiscrimination in the workplace.

However, it is absolutely appalling that the House would even consider this outrageous amendment. President Clinton's executive order reaffirms every American's right to nondiscrimination in the workplace. Yet the Hefley amendment would reverse this policy against discrimination on the basis of sexual orientation.

Non-discrimination is a fundamental American right, whether it be on the basis of sex, religion, or sexual orientation. Unfortunately, this amendment is yet another example of a concerted assault on human rights pushed by extremists who wish to divide Americans. It strikes a blow to the core of democracy and should be rejected by all Americans who value the principle of freedom in the workplace.

Mr. Chairman, we must stand up in defense of all Americans and reject this amendment.

THE NEED FOR POSTAL REFORM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. WALSH. Mr. Speaker, I rise today to express concern about the continual rise in postal rates by the U.S. Postal Service. The recent decision by the Board of Governors to increase the price of a postage stamp is questionable in lieu of the fact that the Postal Service has made a profit of over $6 billion in the last four years.

Clearly, we need to exercise the oversight function of Congress more vigorously in the future. I want to congratulate my good friend, Representative JOHN MCHUGH, Chairman of the Government Reform Subcommittee on Postal Service for his diligence in this oversight arena. However, he cannot do the job alone. Congress needs to be more vigilant in ensuring that we exercise our oversight responsibilities. In that regard, I would like to include in the record a column by the President of the United Postal Service, James P. Kelly on the operation of the Postal Service. Reading and taking notice of Mr. Kelly's words is a good start in helping Congress to become more aware of the Postal Service problems.

[From the Washington Times, July 15, 1998]

THE MAIL MONOPOLY

(By James Kelly)

The woman on the other end of the phone sounds frightened and angry. She owns a small Parcel Plus store in Maryland and just found out that the United States Postal Service is opening up shop right around the corner. She's worried that the arrival of the Postal Service will put her own small store out of business and wants to know what she can do about it. She has reason to be scared.

In the past, the opening of a local post office wouldn't raise an eyebrow. But that was before the Postal Service began targeting private-sector companies with predatory pricing on services and products that few businesses can match. The business owner in Maryland knows she can't compete with a government agency that enjoys huge advantages not available to private-sector companies. Her plight is but one example of why the Postal Service needs significant reform.

Most Americans agree that fair competition is necessary for a healthy economy and a strong private sector. At our company, we have embraced competition and believe it makes us a smarter, stronger, more responsive business. But the Postal Service represents something that no competitor should have to face—a government monopoly that is able to use its government-granted advantages to unfairly undermine its private-sector competitors. In this age of government reform and downsizing, the Postal Service is the poster child for needed government reform.

Most Americans don't know that the Postal Service pays no taxes, local, state or federal, pays no vehicle licensing fees, is exempt from OSHA enforcement, can ignore zoning regulations, and is immune from antitrust accountability. These advantages would not be of much concern if it weren't for the fact that the Postal Service is using them like a weapon in the marketplace to beat out private-sector businesses. That is simply, unequivocally not the role of government.

One particularly egregious example of how the Postal Service is able to use revenue from its monopoly on first-class mail to subsidize products that compete with the private sector is obvious. The Postal Service charges $26.63 to ship a 10-pound package from San Francisco to London via Global Package Link. But the agency charges $29.80 to ship that same package Express mail from Washington, D.C. to Baltimore, Maryland.

Common sense tells us that a package shipped across a continent and over the Atlantic Ocean should cost more than a package shipped 35 miles up I–95. But the Postal Service vice keeps its Global Package Link prices artificially low with revenue from its letter mail monopoly, with which private businesses are prohibited from competing. This pricing disparity is particularly puzzling given that the private-sector charges an average of $110 to ship a 10-pound expedited package from San Francisco to London.

Now consumers are being asked to pay an additional billion dollars through a penny increase in the price of a stamp. Why is the Postal Service asking for another billion dollars every year when the agency has generated more than a billion dollars in surplus every year for the past three years and is doing so again this year?

If the Postal Service were truly committed to its mandate of providing universal letter mail service,why is it entering into numerous other activities wholly unrelated to this mission? The Postal Service is now processing bill, selling mugs, T-shirts and hats, and is hawking telephone cards. What does this have to do with delivering the mail? Absolutely nothing. In fact, it forces the Postal Service to lose focus on its primary mission.

It is painfully obvious that reform is desperately needed. Congress is working this year to craft fair legislation that would level the playing field for the Postal Service. Any reform bill must require the agency to abide by the same laws as the private sector when competing with private businesses. Postal reform must remove the massive advantages enjoyed by the Postal Service so that real competition can provide consumers with real choice. At the same time, the Postal Rate Commission, the Postal Service's oversight body, must be given real authority to regulate the agency both domestically and internationally.

Congress must act quickly to level the playing field so the Postal Service can focus on delivering mail—not delivering small business owners into the unemployment line.

ROSIE THE RIVETER NATIONAL PARK SERVICE AFFILIATED SITE STUDY ACT OF 1998

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MILLER of California. Mr. Speaker, today I am introducing the "Rosie the Riveter National Park Service Affiliated Site Study Act of 1998." This legislation authorizes the National Park Service to conduct a feasibility study to determine if the Rosie the Riveter Park located in Richmond, California meets the requirements of being nationally significant to become an NPS Affiliated Site.

Rosie the Riveter Park is located on the Richmond waterfront on the site of Kaiser Shipyards where the Liberty and Victory ships were built during World War II. These ships were built almost entirely by women who took over shipbuilding jobs to replace men who went off to war. Quickly these women became know as "Rosie the Riveter" and "Wendy the Welder" as their numbers grew and their competency as shipbuilders became well known.

These "Rosies" and "Wendys" built some 747 ships which were immediately commissioned into the U.S. Navy and sent to fight in the war. Their individual and collective stories are rich with excitement of being involved in producing the Liberty and Victory ships, as well as the realities of facing numerous new fears. We must remember that prior to this time, most women did not enter the work force, especially once married with children. With their husbands off to war, they were faced with the responsibility of providing food and shelter for their families alone. Encouraged by the familiar slogan of "We can do it" and the lure of salaries never before offered to women, thousands of women of all ethnicities flocked to the town of Richmond in search of jobs not previously available to them.

Realizing the value of the women workers, many shipyards including Kaiser conducted around the clock day care centers and schools on site so the mothers could work knowing their children were well cared for nearby. Some perceive this as a new concept that is cost prohibitive for business, but it was just the regular order for shipyards during this time.

With the support of the City Council and in particular Councilperson Donna Powers, the City of Richmond in my district has dedicated the Rosie the Riveter Park to honor all the women of the World War II effort. Plans to erect a monument remnant of the Liberty and Victory ship are underway as are collections of oral histories from the women workers.

Mr. Speaker, I was honored to be among so many of the former "Rosies" and "Wendys" at the kickoff for the memorial on October 5, 1996. Many told me of the fears they had working deep in the bowels of a huge ship or dangling over the side in order to do their job. Several stated that when the fear enveloped them, they would think of their loved ones in the war and just keep moving. This feeling of connection with the men fighting on the ships caused the workers to try for perfection with each task.

What little safety and protective equipment existed in the 1940's was made for men and tended not to give the same protection to the women who used them. Numerous women still bear the scars they received during such unprotected work. I learned so much from talking with the women about their experiences and quickly realized that these stories are part of who we are as a nation and must be preserved for generations to come.

Rosie the Riveter Park and the history it represents should be designated an affiliated area to the National Park Service and I'm confident that the study proposed in my legislation will come to the same conclusion. I hope the Congress will move quickly to enact this legislation.

SALUTE TO ROBERT ESTEL ENGLAND AND ALL THE BRAVE MEN WHO SERVED IN THE NAVY ARMED GUARD

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. ROGERS. Mr. Speaker, throughout our nation's history, men and women from all corners of our country have stood tall in her defense. It is the bravery and honor with which these men and women have served that has helped keep America free and strong over the years.

Today, I would like to commend one such individual: Gunners Mate 3rd Class Robert Estel England of Laurel County, Kentucky. Gunners Mate England served during the Second World War as a member of the U.S. Navy's Armed Guard. His first assignment was aboard the SS *West Cheswald*, which was charged with carrying arms, ammo and food to allied troops in Russia.

During his service, Gunners Mate England fought bravely and honorably. Like so many others who served on ships, in the air, or in the trenches during World War II, Robert England and his fellow servicemen saw battle and fought bravely. Unlike so many of his fellow servicemen, England and the other members of the Navy Armed Guard have never been properly recognized for their outstanding service.

The Armed Guard was created as a branch of the Navy during World War I to protect the merchant ships of the United States. During World War II the Armed Guard was reactivated in response to the German attack and sinking of merchant ships, event those of neutral countries, that appeared to be bringing goods to Allied Nations. The mission of the merchant ships was absolutely critical: they were the lifeline for many allied troops, delivering ammunition, food, weapons, clothing, and other badly-needed supplies.

The men of the Armed Guard who helped protect these ships were heroes in the true sense of the word. They made tremendous sacrifices, and many died in the hands of an unforgiving sea. They endured torpedoes, gunfire, and bombs. They were the target of enemy destroyers, submarines and bombers. They fought off Japanese planes and German

U-boats. They fought for freedom and democracy, and they made our nation proud.

Mr. President, for too long the men of the U.S. Navy Armed Guard have not received the recognition they deserve, but, earlier this year the House of Representatives moved to correct this injustice. The Defense Authorization Act for 1999 contains a provision that recognizes the service, honor and bravery of the men who served in the Armed Guard. It expresses the appreciation of the Congress and American people for their service and their sacrifices.

During their service, the men of the Navy Armed Guard served with honor, dignity, and courage. Nearly 145,000 men served in the Armed Guard on 6,236 merchants ships during WW II. Nearly 2,000 of these men made the supreme sacrifice by giving their lives in the defense of their country.

It is time these men—men like Robert England—receive the appreciation of a grateful nation. It is time that these men receive the recognition they deserve.

AMERICAN CITIZENSHIP DAY GREETINGS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. UNDERWOOD. Mr. Speaker, the Guam Organic Act was signed into law by President Harry S Truman on August 1, 1950. As this law granted citizenship to the people of Guam, August 1 is celebrated on the island as "Citizenship Day." I would like to share with my colleagues my statement for this year's observance. I have also included a speech presented by a former Guam legislator. Carlos Taitano, was a member of the Guam Congress and the Speaker of the 8th Guam Legislature. For his contribution towards the passage of the Guam Organic Act, he was invited to witness President Truman sign the bill into law.

AMERICAN CITIZENSHIP DAY GREETINGS

(By Robert A. Underwood)

As we commemorate the centennial anniversary of the Spanish-American War, it is most appropriate to reflect on this, the 48th Anniversary of the Organic Act of Guam and the grant of U.S. citizenship. The dawning of the American Era in Guam in 1898 brought with it the promise of the freedoms, rights, duties and responsibilities of American Democracy, and the birth of the Chamorro quest for political justice, equality and self-governance under the American flag. Though couched differently at various times, this has been our unchanging theme for nearly a hundred years.

In 1901, just three years after Guam became an American possession, our grandfathers and great-grandfathers sent a petition to Washington, calling on the Federal government to clarify the political status of Guam and its people. Subsequent efforts were geared toward the acquisition of U.S. citizenship as a means of political rights and protection. The passage of the Organic Act in 1950 satisfied the Guamanian desire of citizenship and civilian governance, but we still have unfinished business in the political status of Guam. Our desire for greater self-government is undaunted, even as we continue the quest. The struggle of the Chamorro people has been long and arduous, the triumphs have been hard-won, but our cause is steadfast and our faith in America remains steadfast.

Today, as we celebrate nearly half a century of U.S. citizenship, enjoying the rights and privileges therein, I humbly restate the undying commitment of the people of Guam for political recognition, equality and greater self-government, in memory of all of Guam's political pioneers who surely must be with us in spirit, happy to know that their efforts were not in vain.

(By Carlos Taitano)

At the end of the past century, The United States almost simultaneously took possession of the Philippines, Guam, Hawaii, and Puerto Rico. The full or "plenary" powers of the U.S. Congress were extended to these new possessions. Fifty years later, all these territories, except Guam, had received some attention from the U.S. Congress resulting in some changes from their initial status. Hawaii, for example, was made an incorporated territory and its people were granted U.S. citizenship. Later, it would become a U.S. state.

In the Philippines, the military government which began with the U.S. occupation after the end of the Spanish-American War, was replaced by a civilian government. The Philippines was granted independence in 1946.

In Puerto Rico, the military government that was established after the island was acquired from Spain in 1898, was replaced by a civilian government only two years later. An organic Act for Puerto Rico was enacted by Congress in 1917, including a grant of U.S. citizenship.

The treaty ending the Spanish-American War required the United States to determine the civil and political rights of the Chamorro people. By failing to act on this provision of the treaty, the U.S. Congress allowed autocracy to exist within the American democracy. Two generations of Chamorros lived under a U.S. military government in which a single person, a naval governor, exercised absolute control over all Chamorros on Guam and every aspect of their lives. During the 50 years that Guam was under military government, the Chamorros sent several petitions to Washington for U.S. citizenship. All were denied.

After 50 years living under conditions of inequality and without regard for the rights of the individual . . .

After 50 years of military occupation in which virtual martial law applied . . .

After 50 years of a government policy of discrimination in our own homeland, resulting in the loss of our dignity, self respect, and freedom . . .

After a series of congressional legislation providing opportunities for many people around the world to become U.S. citizens . . . opportunities extended to Chinese, Filipinos, and others . . . but not to Chamorros.

By 1949, we were a restless people. We decided to demand in an aggressive, but peaceful manner, some action from the U.S. Congress hopefully, leading to some fundamental reforms in the way we were governed.

I was a member of the House Assembly of the Guam Congress at that time. This body decided to stage a "walkout" on March 5, 1949 and to stay out of the halls of the Guam Congress until we saw some evidence that some reforms were in the making. This was the first revolt by the Chamorros against an occupying power since the Spanish-Chamorro wars at the end of the seventeenth century.

Unlike most other people under colonial rule, the Chamorros were not seeking independence from the colonial power. On the contrary, they had been petitioning all along for closer association with the United States.

The "walkout" received nation-wide publicity, made possible by two newsmen that I had met three months earlier . . . one from the United Press, the other from the Associated Press. Influential newspapers and individual citizens across the nation were now calling for fundamental reforms in the Governance of Guam.

President Harry S Truman quickly took over and ordered the transfer from a military government to a civilian government of Guam. The President successfully convinced the leaders of the U.S. Congress that organic legislation for Guam could no longer be ignored.

The Chamorros were finally granted U.S. citizenship. This could have been the only grant by the U.S. Congress and the Chamorros would have been happy and grateful. Citizenship would open many doors leading to economic opportunities. But, most important, the Chamorro was now an American.

The government created by the Guam Organic Act was not exactly self-government for Guam. It was limited Home Rule. The people did not constitute a sovereign power. All political authority was derived from the federal government.

Nevertheless, when one considers the 50 years of political neglect, these gains were substantial. 1950 is the most important year in the history of Guam's Chamorro people over the centuries since they lost their independence to Spain in 1693 at the end of the Spanish-Chamorro wars. Nothing that has happened to them since that time can compare with the dramatic reforms contained in the Guam Organic Act.

Because of the role I played in the "walkout," I was invited to be present at the signing ceremony of the Guam Organic Act at the White House on August 1, 1950. Also present at the signing ceremony were senators and congressmen who guided the Guam bill through Congress and the two men who would carry out the mandate of the Congress . . . the Secretary of the Navy and the Secretary of the Interior.

While waiting in the Oval Office of the White House with these dignitaries, I recalled the statement made by President Franklin D. Roosevelt by radio to the nation in this same Oval Office about a decade earlier. At that time, President Roosevelt proclaimed that one of the post-World War II goals of the United States would be to decolonize the various territories under colonial powers around the world. As a member of the U.S. Army at the time, and as a Chamorro, I was overjoyed and encouraged. For me, it was another good reason to serve in the military during that world conflict.

Although the signing of the Guam Organic Act at the White House took place five years after the end of World War II, I thought at the time that it was the beginning of the decolonization of Guam. Unfortunately, almost half a century after the signing of the Guam Organic Act, the Chamorros are still trying to set up an island government without the bounds or restraint of colonialism.

It is our hope that before another 50 years have passed since the signing of the Guam

Organic Act, we would see the passage of the Guam Commonwealth Act, now before the U.S. Congress.

I took President Roosevelt's statement about decolonization as a promise to me. I surely hope that the decolonization of Guam would happen while I'm still around.

Si Yu'os Ma'ase'.

25TH ANNIVERSARY OF THE KENDALL MEDICAL CENTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, this year marks the 25th anniversary of Kendall Medical Center, an institution which has been responsible for providing South Florida with the best medical care possible. The facility, which provides full-service, state of the art care in a wide variety of medical specialties and has nearly 100 doctors on staff, has been honored for three consecutive years as one of America's "700 Top Hospitals" and is currently "Accredited with Commendation" by the Joint Commission on Accreditation of Healthcare organizations.

Among the 1,000 plus employees at Kendall Medical Center, I would like to honor the following thirteen individuals who have worked toward the evolution of Kendall Medical Center throughout the last 25 years: Teresita Beiro, Angela Carrodeguas, Rosa Cerulia, Marta Cortes, Rosa Crespo. Elizabeth Mirone, Jo An Plumlee, James Rosenzweig, Elizabeth Sollogub, Patricia Stiers, Nancy Tablada, Judith Williams and Victor Maya.

Victor, whom I have known for many years, has been with the hospital since its inception and has served as its Chief Executive Officer Center since 1987. It has been through his leadership, vision, and determination, combined with the efforts of his employees, which have led to the outstanding achievements of Kendall Medical Center.

On the date of its 25th anniversary, I extend my thanks and my congratulations to those 13 individuals who have dedicated their lives to a quarter of a century of continuous care. You have provided South Florida with an excellent medical facility.

PERSONAL EXPLANATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CASTLE. Mr. Speaker, On August 6, 1998, I was not present to vote on rollcall vote 403 because of a pressing family matter in my home State of Delaware. Had I been here, I would have voted "no" on the Doolittle substitute.

When we started this debate, there were many sound proposals on how to improve our current framework of campaign finance. However, only one of these proposals has emerged as a realistic approach to significantly improve our election system.

My opposition to this substitute does not reflect a negative opinion of the author's hard work or ideas, but rather my opinion that the Shays-Meehan bill is the best method for reform.

Reformers who want to see significant changes to our election system signed into law must rally around the one bill that has the best chance of passing—that bill is the Shays-Meehan substitute.

DOMESTIC KAOLIN COMPETITIVENESS ACT OF 1998

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. NORWOOD. Mr. Speaker, today it is my pleasure to introduce the "Domestic Kaolin Competitiveness Act of 1998." This legislation will revise the Merchant Marine Act of 1920 (The Jones Act) to ensure that laws meant to protect U.S. shipbuilding jobs will not hurt U.S. kaolin jobs.

Currently, the Jones Act requires all shipping between U.S. ports to be conducted exclusively by American built, owned, and crewed vessels. However, it does not apply to import/export shipments.

My legislation specifically targets the domestic shipping of kaolin, a fine clay found primarily in middle Georgia. Kaolin is used in a variety of industrial applications, such as producing the glossy finish on magazines, as well as the manufacture of porcelain products.

Currently, there are no American barges available that are suitable for shipping kaolin. Accordingly, Georgia clay producers are forced to use more expensive truck and rail transportation to supply American manufacturing customers, giving Brazilian kaolin producers a price edge in delivered costs. Mr. Speaker, when it is less expensive to transport kaolin from Brazil to Maine than it is from Georgia to Maine, something is not right.

This legislation would allow kaolin producers to request a waiver of the Jones Act, but only if there are no available American barges to transport the clay. In other words, if there are American barges available, clay producers would still be required to use them in order to ship by water, regardless of the price.

Mr. Speaker, this is a prime example of allowing federal regulations to strangle domestic industries, while granting de factor waivers to foreign competitors. It is also a case in point of the need for Congress to review past legislation to determine if it is still accomplishing the goals it was originally intended to accomplish.

Mr. Speaker, I look forward to working with my colleagues to ensure that the kaolin industry is put on equal footing and can compete fairly with its foreign competitors.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. LEVIN. Mr. Chairman, I rise in opposition to the Kucinich amendment.

Some of my colleagues oppose this amendment because they believe it is a fig leaf for protectionist impulses. Others support the amendment because they believe it is necessary to preserve basic American values from encroachment by an evil international trade bureaucracy.

These attitudes are typical of the way we debate trade in this town. We choose up sides, either as "free traders" or as "economic nationalists," and throw epithets.

But it's never that simple.

This amendment raises a legitimate issue. We visited this issue during negotiations on the World Trade Organization. A major impact of the creation of the WTO was that the United States, and all of the other members, lost what was in essence a veto power over decisions of WTO trade panels. At the time, we raised questions about the relationship between federal and state law in the context of our membership in this trade organization.

This amendment focuses on the impact of the WTO on state efforts. These are not simple issues with simple answers. They deserve our thorough and thoughtful consideration.

But an amendment to a funding bill does not provide an appropriate forum for this reasoned discussion. The implication of the amendment is that state laws affecting trade and international trade agreements are immune from action by federal authorities. While there has never been such federal action in the past, it is not wise—without very serious discussion—to immunize state laws, whatever their nature, from any such challenge in the future. Would our next step be to prohibit the use of federal funds to implement the decision of a WTO dispute settlement panel perceived to be adverse to federal laws? Doing so nullifies our prerogatives for involvement in trade organizations.

I took a lead position in trying to raise and resolve issues of interaction between WTO decisions and our federal and state laws when the WTO was being negotiated. We made some progress in protecting the integrity of American law, particularly with regard to dumping. There still remain a number of gray areas, some of which this amendment sheds light upon. But these issues cannot be resolved by simply waving banners or invoking slogans, whether "free trade" or any other. They require and deserve much more than a clash of polarized debate.

THE INTRODUCTION OF THE NEOTROPICAL MIGRATORY BIRD HABITAT ENHANCEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today the Neotropical Migratory Bird Habitat Enhancement Act.

This important conservation measure is modeled after the highly successful programs that Congress created to assist African and Asian elephants, rhinoceroses, and tigers. In fact, I am hopeful that later this week the President will sign into law my bill, H.R. 39, to extend the African Elephant Conservation Act.

This legislation is very similar to the African Elephant Conservation Act, and I am confident that this small investment of Federal funds will provide the lifeline that neotropical migratory birds need to survive in the wild.

Neotropical birds, like bluebirds, robins, orioles, and goldfinches, travel across international borders and depend upon thousands of miles of suitable habitat. In fact, according to the U.S. Fish and Wildlife Service, neotropical migratory birds typically spend five months of the year at Caribbean/Latin American wintering sites, four months in North American breeding areas, and three months traveling to these sites during spring and autumn migrations.

Sadly, there are 90 North American bird species that are listed as either threatened or endangered under the Endangered Species Act and an additional 124 birds that the U.S. Fish and Wildlife Service has identified on its list of Migratory Nongame Birds of Management Concern.

In North America, an estimated 70 percent of prairie birds are declining. The Government of Mexico lists approximately 390 bird species as endangered, threatened, vulnerable, or rare. What is lacking, however, is a strategic plan for bird conservation, money for on-the-ground projects, public awareness, and any real coordination among the various nations where neotropical migratory birds reside.

While the full extent of the problems facing neotropical migratory birds is unclear, there is no debate over the fact that both bird populations and critical habitat declined significantly in the 1990's. We must act now before more of these species become endangered or extinct. This bill will contribute to the recovery and conservation of migratory birds, without violating private property rights.

There are 60 million adult Americans who enjoy watching and feeding birds at their homes. In fact, these activities generate some $20 billion in economic activity each year. In addition, healthy bird populations are an invaluable asset for farmers and timber interests. By consuming detrimental insects, these birds prevent the loss of millions of dollars each year.

Under the terms of this legislation, an individual or an organization would be able to submit a project proposal to the Secretary of the Interior. While the bill does not limit the type of projects, I would expect that efforts to determine the condition of neotropical migratory bird habitat, implement new or improved conservation plans, undertake population studies, educate the public, and reduce the destruction of essential habitat would be forthcoming. Since these birds migrate between the Caribbean, Latin America, and North America, comprehensive plans must be developed. It does little good if we are successful in conserving suitable habitat in only a portion of their range.

I am confident that a Neotropical Migratory Bird Conservation Fund would provide much-needed support for projects designed to conserve critical habitat for declining migratory bird species in an innovative and cost-effective way.

I urge my colleagues to support the Neotropical Migratory Bird Habitat Enhancement Act.

THE ATLANTIC SWORDFISH MANAGEMENT IMPROVEMENT ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SAXTON. Mr. Speaker, the effective management of Atlantic highly migratory species (HMS) and their fisheries is perhaps the most complex challenge facing the National Marine Fisheries Service (NMFS) today. These species range widely throughout international waters and the jurisdictions of many coastal nations with diverse policies and perspectives on resource utilization and management. The fishing practices and marketing priorities for these species are equally diverse. Seriously compounding these challenges is that the biology of these species is not well known and remains difficult to determine.

Congress has recognized the unique and difficult challenges associated with effective conservation and management of HMS and those who fish for them. Fundamental to this recognition is that effective management of these species and fisheries cannot be achieved on a unilateral basis, but instead must be pursued on a multilateral basis throughout their range. Unlike most other U.S. fisheries, effective multilateral management is the goal of U.S. HMS policy. A number of specific provisions in both the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA) are intended to express this policy.

For example, Congress deliberately placed Atlantic HMS management authority in the hands of the Secretary of Commerce instead of the regional Councils for the purpose of ensuring that the U.S. maintained a multilateral, Atlantic-wide perspective and vision. As U.S. policy and law dictate, the principal purpose and obligation of domestic Atlantic HMS management measures is to faithfully implement and enforce the multilateral ICCAT measures. U.S. law requires such implementation to achieve but not exceed the conservation (fishing mortality) objectives of ICCAT measures and ensure that U.S. fishermen are provided a reasonable opportunity to harvest their allocation. U.S. law and common sense also dictate that domestic HMS management should avoid unnecessary regulatory burdens that serve to increase waste in the fisheries or disadvantage U.S. fishermen relative to their foreign competitors. These are some of the more important aspects of U.S. HMS policy.

As a matter of general fishery policy, section 303(b)(6) of the Magnuson-Stevens Act authorizes the Secretary to include a limited access system in any fishery management plan for any fishery, subject to certain considerations. The establishment of a limited access system is of critical importance in effectively managing fisheries for which U.S. harvesting capacity far exceeds the available resource—particularly if that resource requires rebuilding and is subject to quota reductions. Such is the case with our U.S. pelagic longline fisheries.

A limited access system also provides the opportunity to reduce harvesting capacity in such fisheries through attrition, a buy-back program, phase-out of latent permits, or other means. Such capacity reduction measures can facilitate the establishment of other important management tools designed to protect nursery and spawning areas and reduce bycatch while minimizing the economic consequences on the fishermen. Current Federal regulations provide that virtually any U.S. citizen who can pay a small administrative fee may enter the Atlantic swordfish fishery. This practice of allowing a continuous stream of new and inexperienced fishermen into this fishery has seriously hindered progress in achieving a number of key management objectives.

Although for many years the U.S. Atlantic pelagic longline community has petitioned NMFS to establish a limited access system, the agency has repeatedly failed to move beyond endless deliberation and still has not put such a system into place. This delay has served to exacerbate the problems associated with this overcapitalized industry and has precluded consideration of some of the more important conservation needs facing pelagic longline fisheries. Meanwhile, NMFS has established limited access systems in other overcapitalized fisheries leaving the pelagic longline fishery open to fishermen displaced from these other closed fisheries. There are a large number of unused, latent permits in these fisheries and many new vessels have entered in recent years. The pelagic longline community and fisheries are in a state of emergency and can no longer wait for the agency to respond.

There are two purposes of the legislation I am introducing today. The first is to prevent any new fishing vessels from entering the U.S. Atlantic swordfish pelagic longline fishery by placing a moratorium on the issuance of any new fishing permits for vessels that did not hold a valid permit to fish in the U.S. Atlantic swordfish pelagic longline fishery on August 1, 1998. I would note that although this permit moratorium provision relates specifically to the Atlantic swordfish pelagic longline fishery, it is not intended to preclude or prejudice any possible future consideration of a similar moratorium with respect to other Atlantic swordfish fisheries including the drift gillnet and handgear fisheries.

The second purpose of this legislation is to prevent those latent permits for the U.S. Atlantic swordfish fishery under which no swordfish was reported to NMFS as landed after January 1, 1987, from being used to fish in the U.S. Atlantic swordfish pelagic longline fishery. Again, I would note as before that although this latent permit provision relates specifically to the use of such permits in the Atlantic swordfish pelagic longline fishery, this is not intended to preclude or prejudice any future consideration of a similar latent permit prohibition with respect to other Atlantic swordfish fisheries including the drift gillnet and handgear fisheries.

I believe the combination of these two provisions will go a long way toward addressing the threat of further overcapitalization within the swordfish pelagic longline fisheries and begin moving the fishery in the direction of reduced capacity. However, it is my sincere hope and intent that the NMFS will respond to this wake-up call and move forward expeditiously with the timely implementation of a comprehensive system of limited access for not only the Atlantic swordfish pelagic longline fishery, but also the closely related pelagic longline fisheries for Atlantic tunas and Atlantic sharks.

On a broader note, I would like to take this opportunity to express my increasing concern—and that of a number of my colleagues—over the interpretation by NMFS of U.S. HMS policies and laws relative to the setting of our multilateral objectives at ICCAT, as well as in the context of domestic implementation of our international obligations. We are equally concerned about the ability and efficiency of NMFS to put into place sensible and practicable domestic measures that are fair and equitable to all U.S. fishermen. These concerns are heightened by the impending rebuilding requirements of the Sustainable Fisheries Act and the fact that fishermen are increasingly turning to the judicial branch for solutions.

For example, it remains unclear how NMFS plans to implement the new rebuilding provisions of the Magnuson-Stevens Act as they relate to HMS. Specifically, it is unclear how NMFS plans to coordinate the promulgation of a rebuilding plan for bluefin tuna with the results of the upcoming ICCAT meeting in November which is scheduled to focus on bluefin tuna. Perhaps even more unsettling is how the agency plans to coordinate the promulgation of a rebuilding plan for swordfish with existing ICCAT swordfish management measures, given that ICCAT will not focus on swordfish again until November, 1999.

Another concern is that in 1995, ICCAT recognized the need to further protect juvenile swordfish and authorized ICCAT member nations to prohibit the sale, including importation, of small swordfish less than 33 pounds. This was done with the concurrence of the Office of U.S. Trade Representative. This initiative has been a priority of the U.S. swordfish industry for several years, and earlier this year, the President pledged to impose and fund the implementation of a ban on the importation of undersized swordfish. However, while the NMFS has succeeded in imposing and enforcing the undersize swordfish prohibition on U.S. fishermen, it has failed to impose or fund the enforcement of a equitable restriction on foreign fishermen through the import prohibition authorized by ICCAT and promised by the President. It remains unclear to this day how and when NMFS plans to implement or fund this crucial ICCAT recommendation.

As one further example of concern, there is a great deal of interest in the use of gear modification such as circle hooks in Atlantic HMS fisheries as potential tools to at least partially address one of the most critical problems facing HMS fisheries today including: reducing the mortality of bycatch in commercial HMS fisheries; reducing the mortality of fish that are released in recreational HMS fisheries; and reducing the catch (and mortality) of small swordfish in the pelagic longline fisheries.

Reducing bycatch and minimizing the mortality of bycatch that cannot be avoided is, of course, a strong statutory mandate for NMFS. But, it concerns me that the first and primary approach considered by NMFS for HMS seems to be to shut down pelagic longline fisheries during some rather uncertain times and in some rather uncertain areas based on some very uncertain scientific data. This appears to be a very disruptive approach with a very high cost relative to a very uncertain benefit. It is unclear what alternative steps NMFS plans to take to quickly and efficiently evaluate the benefits of circle hook use as a potentially more effective and certainly less disruptive measure.

As we conclude our consideration of the reauthorization of the ATCA this year and begin our preparations for the reauthorization of the Magnuson-Stevens Act in the next Congress, it may be necessary for us to consider a more comprehensive package of legislative measures intended to improve the management of Atlantic HMS and their fisheries by the NMFS. The legislation I am introducing today represents a good start in that direction and, to the extent a larger package becomes necessary, I look forward to working with my colleagues, the NMFS, the U.S. ICCAT Commissioners, the commercial and recreational fishing industries and other affected parties toward achieving some of the most important goals of HMS fisheries management.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of my good friend and colleague, Congresswoman PATSY MINK's amendment. Her amendment increases funding for the U.S. Commission on Civil Rights by $2.26 million, the amount requested in the President's budget.

As my colleagues know, the U.S. Commission on Civil Rights is an independent, bipartisan agency established to monitor, investigate, and report on the status of civil rights protections in the United States. In recent years we have experienced a disturbing trend of increased hate crimes, racial violence, discrimination against the immigrant population, and an intolerance for those who are perceived as "different" because of their color, national origin, gender, religion, or disability.

Now is the time to invest in a modest increase in the U.S. Commission on Civil Rights. It is important that we assess the current trends which violate the civil rights of groups and individuals in this Nation. I urge my colleagues to support the Mink amendment to H.R. 4276.

53RD COMMEMORATION OF HIROSHIMA AND NAGASAKI

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. LEE. Mr. Speaker, today, we solemnly commemorate the 53rd anniversary of the uranium bombing of Hiroshima on August 6, 1945 and, three days later, the plutonium bombing of Nagasaki on August 9, 1945.

The August 6th bombing was a shocking and tragic event; the second bombing three days later was no less cataclysmic. Now, 53 years later, for those of us who dare to look into the pit of this, our historical act, we can see the impact and the aftermath of the bombings and their implications in the arenas of defense and arms control, international relations, and human rights. As we commemorate these two events, it is not only to remember; we must also call upon ourselves to say to ourselves, to our neighbors, and to our children: Never again.

Today we must also recognize those heroes and heroines who called our attention to the danger of strontium 90 distributed in our air—strontium 90 released into our atmosphere during the testing of ever more powerful nuclear weapons. These pioneers in the anti-nuclear movement helped to create a force that alerted people all over the world to the incredible menace of an arsenal of over 36,000 nuclear weapons.

Thankfully, the cold war is over. But the danger of nuclear war, of nuclear accidents, or of nuclear terrorism, is as real as it was during the long cold war. The United States had 6 nuclear warheads at the end of 1945. We now have 12,000. The USSR, now Russia and the Ukraine, had one warhead in 1949, and now have 23,000. In 1953, the United Kingdom had its first nuclear weapon; now, the nation has 260.

France built 4 in 1964 and now has 450. China also built its first in 1964, and now has 400. Today we have definitive proof that India and Pakistan have nuclear bombs. Israel, North Korea, Iran, Iraq, and other nations appear poised to inform us that they, too, belong to the "club."

It is extremely difficult to contemplate any level of normalcy when we consider the implications and the threat that these weapons pose, the constant and ever-present possibility that something, or a combination of somethings, might go terribly wrong once again.

The New England Journal of Medicine, in its April 30, 1998 issue, gave a special report on "accidental nuclear war—a post-cold war assessment." I want to share with you some of their results and conclusions:

"U.S. and Russian nuclear-weapons systems remain on high alert. This fact, combined with the aging of Russian technical systems, has recently increased the risk of an accidental nuclear attack. As a conservative estimate, an accidental, intermediate-sized launch of weapons from a single Russian submarine would result in the death of [almost] 7 million people from firestorms in 8 U.S. cities. Millions of others would [probably] be exposed to potentially lethal radiation from fallout. An agreement to remove all nuclear missiles from high-level alert status and eliminate the capability of a rapid launch would put an end to this threat."

Part of their conclusion is that "the risk of an accidental nuclear attack has increased in recent years, threatening a public health disaster of unprecedented scale."

I am one of three cosponsors of H. Con. Res. 307, a bill that proposes to address this most serious of issues. Our bill proclaims that it is in the best interest of the nation and the world to ban nuclear tests forever. The bill directs the Department of Energy, which has the responsibility for stewardship of the nuclear stockpile, to develop a program that is less costly, less provocative, and less likely to spend billions on facilities with little relevance to the safety of the arsenal.

On this day, let us recall and celebrate that our collective efforts to achieve peace have prevented the unleashing of further, nuclear horrors like those seen 53 years ago in Hiroshima and Nagasaki. Yet on this day in particular, let us be reminded that we must keep on working to educate ourselves and our society, and continue to make advances toward total nuclear disarmament.

TRIBUTE TO ERNESTO "ERNIE" AZHOCAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to remember a hero and leader of our community—Ernesto "Ernie" Azhocar, who died one year ago on August 18, 1997 at the age of 73. On this first anniversary of his death, we remember the many good things that Ernie did for our community, and the special ways that he touched each of lives.

Ernie was an important leader in our community, a champion of youth and education. he served as a Sweetwater Union High School district official for 13 years, as a liaison for Assemblyman Wadie P. Deddeh for 18 years, chaired the National City Lincoln Acreas Community Action Council, and was a charter member and Board Chair for the Metropolitan Area Advisory Committee (MAAC). He also served on the National City Service Commission and was the Chairman of the National City Youth Athletic Association.

He was recognized in our community as both a leader and a champion of causes that are important to us. As a result of his civic activities, he was honored with the PTA National Lifetime Award, and was awarded "The Key to the City" by National City. Also because of Ernie's extensive work with the MAAC Project, The Sweetwater Union High School District Board of Trustees named the administration center at the new National City Adult Education Center in his honor.

Ernie was born in Los Angeles in 1924, and attended local schools through high school. He then attended Military Academy in Tijuana, Mexico. In 1949, he married Maria Consuelo Aguilera, and then moved to National City. Ernie served with the United States Army in Normandy and Belgium, and also served in the National Guard and National City Police Reserve.

Ernie lives his life by his personal philosophy that "charity begins at home." He was a family man, community leader, and good friend to many of us. President and CEO of the MAAC project Roger Cazares said, "Mr. Azhocar's professional and volunteer pursuits always promoted community service, youth and education."

He dedicated his life to helping others and making our community a better place to live. His was a wonderful life. Although we have all missed him greatly in this one year, we have all had his legacy of service, love and community to carry us through, and we always will.

My thoughts and prayers go out to his wife and children and to the larger community who was touched by his presence. We all remember and miss him.

HONORING STEVEN AND JENNIE GRANT ON THE OCCASION ON THEIR 50TH WEDDING ANNIVERSARY AND FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY

HON. ESTABAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend, a fellow veteran and brother from the United Auto Workers, Steven M. Grant, and his lovely wife, Jennie, on the occasion of their 50th wedding anniversary.

Steven is a former recipient of the Norwalk Citizen of the Year Award for his many years of exemplary service to the community. He has served, and continues to serve, on the boards and committees of many civic and community based organizations including: Norwalk Coordinating Council; Norwalk Friends of the Library; LULAC Council #2043; Knights of Columbus Post #3678; Norwalk Mayor's Prayer Breakfast Committee; Veterans of Foreign Wars (VFW) Post #7138; VFW House Committee and Color Guard; Norwalk Senior Citizens-San Antonio Club; Golden Age Senior's Club-St. Linus Catholic Church; Sierra Madre Retreat Co-Chairman St. Pius X; District Knights of Columbus-St. John Bosco Assembly 4th Degree; California Congress of Seniors and the National Council of Senior Citizens.

Even after his retirement from the Chrysler Auto plant, Steven remains committed to his brothers and sisters of the United Auto Workers (UAW). He has held the post of President and Counselor of the UAW Chrysler Retirees Local #230, Recording Secretary for the UAW Los Angeles Region Five Retirees, a member of the UAW Community on Political Action and the Federation of Retired Workers.

Steven and Jennie were married August 29, 1948, at St. Mary's Catholic Church in Boyle Heights. Since 1955, they have made their home in Norwalk, California. Together they have four children: Loraine; Mary; Lucille and Steve Jr. They have eleven grandchildren: Thomas; Marie; Dex; Albert; Steven; Lucille, Stephanie; Patricia; Olivia; Drew and Derek. Also, they have six great-grandchildren: Rachel; Brianna; Ryan; Nicholas; Joselyn and Issac.

Mr. Speaker, on Sunday, August 29, 1998, Jennie and Steven will celebrate their 50 years of matrimony with their family and friends at St. Pius X Catholic Church in Santa Fe Springs. I ask my colleagues to join me in congratulating them on this joyous occasion and sending our best wishes for many more years of happiness.

TRIBUTE TO CAPTAIN ROBERT J. GREENE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BONIOR. Mr. Speaker, I rise to pay tribute and congratulate Captain Robert Greene on a distinguished career as a Great Lakes pilot, and to wish him the best in his retirement. Our home area, from the base of Lake Huron to the Detroit River, will truly miss Capt. Greene's leadership in ensuring safe pilotage and advocating on behalf of our pilots. From the time he first sailed as a 16-year-old, Capt. Greene garnered the respect and admiration of his fellow pilots, those involved in the maritime trades along the Great Lakes and many of us in Congress.

Over the 34 years of service to the waters he loved, Capt. Greene rose from an officer to the esteemed position of President of the Lakes Pilots Association located in Port Huron, Michigan—a position to which he was elected by his fellow pilots. In addition, he served as Vice President for the Great Lakes of the American Pilots Association. The responsibilities Capt. Greene took on often led him to Washington to fight for the interests of his fellow pilots and to ensure shipping safety on the Great Lakes.

At the time of his retirement, Capt. Greene was the longest serving pilot on the Great Lakes. He first sailed in 1945 and received his first license in 1952. In 1964, he joined the ranks of Great Lakes pilots, the dedicated individuals who ensure the safe passage of foreign vessels through our Great Lakes. Capt. Greene was a leader among our pilots—ensuring safety, promoting commerce, and protecting our environment. Capt. Greene met these challenges head on and put our pilots in a strong position as we near the next century.

He also understood our lakes and their importance to our community. For those of us in Michigan, our lakes are among our most important economic and recreational resources. The need to ensure commerce can safely pass through the sometimes treacherous waters is vital to economic growth in our region. The understanding of the need to protect our waters from environmental harm is equally as crucial. Capt. Greene is one of those rare individuals who understood the importance of both needs.

I came to know Capt. Greene through his many years of service to pilots, but I also consider him to be a true friend. We have been through many battles together, and I always have admired his resolve to fight for what he believes is right. In Capt. Greene's eyes, no challenge was too great or insurmountable. He is the type of person you want on your side—he is also the kind of leader who will truly be missed. Indeed, Great Lakes pilots lost a friend, but if I know Bob, he'll be active in retirement and will, hopefully, have a little fun along the way. I wish all the best to you Bob, on your well-deserved retirement.

A TRIBUTE TO FLORENCE LeCRON JURS, SEPTEMBER 28, 1912–JULY 24, 1998

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. LEE. Mr. Speaker, I am here to share with you the life of a legendary Oaklander, Ms. Florence LeCron Jurs, who died on July 24 after several months of failing health at age 85.

Ms. Jurs, a well-known citizen of Oakland, has sought out ways to improve the city she called home for sixty-some years. In 1965 she was a founding member of Oakland Public School Volunteers which grew to a corps of 2,000 during the time of the late Superintendent Marcus A. Foster. In 1970 she was a delegate to the White House Conference on Children. In 1977 she was an original board member of A Central Place, where non-profit organizations shared downtown office space. The Oakland Potluck, a food salvage organization, was founded by her in 1986 and now feeds 600,000 meals a year.

Florence LeCron Jurs was borne in Cheyenne, Wyoming on September 28, 1912 and grew up in Des Moines, Iowa, where she was exposed to stimulating conversations and experiences as a member of the Cowles publishing family. Her father, James LeCron, was the editor of The Des Moines Register and Tribune newspaper. Her mother, Helen Cowles LeCron, was a member of the Cowles Publishing family (Minneapolis Star Journal, and Look Magazine).

She was schooled in Switzerland and France before matriculating at Stanford University. While in Stanford she met Gene Jurs and decided that California was to be her lifelong home.

Ms. Jurs was involved in Oakland Public Schools, city of Oakland politics, the Lincoln Child Center, the Marcus Foster Institute, the Management Center, St. Paul's School and served on numerous Boards of Directors of nonprofit agencies dealing with board development and services for children, mental health, food for hungry people, to name a few. The California Legislature named her "Woman of the Year" in 1989. The Oakland City Council declared August 31, 1986 "Eugene and Florence Jurs Day" for outstanding service to the City of Oakland.

Networking and hard work have been hallmarks of Florence Jurs' life. She involved herself in projects with a passion and inspired the same in others, a reason every group of which she was a member flourished. There are strong community-based organizations that would not exist today had it not been for her passion, inspiration, guidance, and leadership. The City of Oakland has been blessed with thousands of hours of her volunteer time and expertise.

Her husband, Eugene; daughters; Karen, Emily, Christina and Cynthia, six grandchildren and one greatgrandchild, together with all the people she has touched in her life, take pride in her legacy.

H. CON. RES. 315—ON SERBIAN ATROCITIES IN KOSOVA AND USING BLOCKED SERBIAN ASSETS TO COMPENSATE ETHNIC ALBANIANS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LANTOS. Mr. Speaker, earlier this week I introduced House Concurrent Resolution 315, which expresses the sense of the Congress condemning the atrocities by Serbian police and military forces against ethnic Albanians in Kosova. The resolution also urges that blocked assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) which are under control of the United States and other governments be used to compensate the Albanians in Kosova for losses suffered as a result of Serbian police and military action. In introducing this resolution, I was joined by our colleagues, the distinguished Chairman of the Committee on International Relations BENJAMIN GILMAN, my fellow Californian Congressman DANA ROHRABACHER, our colleagues from New York Congressman ELIOT ENGEL and Congresswoman SUE KELLY, and our colleague from Virginia JIM MORAN.

Mr. Speaker, this week, we have seen continuing media reports about the ongoing violence in the province of Kosova and about atrocities by Serbian military and police forces against ethnic Albanians. This week there were reports of a mass grave. Last week, human rights groups reported about summary executions by Serbian forces, including the killing of women and children. International human rights organizations have reported on these atrocities and are documenting the violence and the deaths.

Until about a decade ago, the province of Kosova was an autonomous province of Serbia, and as such the ethnic Albanian majority were able to exercise considerable autonomy and self government in the conduct of their local affairs. Ten years ago, as Slobodan Milosevic began his rise to power in Serbia, and in that effort, he fostered the rise of Serbian ultra-nationalism for narrow partisan political purposes. One of the results of that policy was that under Milosevic, the Serbian government began a systematic process of limiting the self-government rights of the ethnic Albanian majority in the province of Kosova and restricting the human and civil rights of these people. Over the past decade, the Department of State has reported and documented this systematic and brutal repression of the ethnic Albanians of Kosova.

Despite these Serbian policies, a highly respected Albanian leadership emerged which favored a peaceful, non-violent effort to win local government autonomy and respect for the civil and human rights of the majority population. Because of the increasingly repressive Serbian policies, however, Albanians who favored a violent and confrontational approach have gained strength. The increasing assertiveness of Albanians is the direct consequence of this ill-conceived aggressive nationalist Serbian repression and the failure of the Serbian government to recognize the legitimate rights of the ethnic Albanians of Kosova.

After radicalizing the Albanian population by its disastrous policies, the Serbian government has sent increased numbers of ethnic Serbian police forces and Serbian military forces into Kosova in an effort to repress the effort of the ethnic Albanian majority to secure their legitimate political, civil and human rights. Thus far, Mr. Speaker, there have been several hundred confirmed deaths of ethnic Albanians, including women and children, and there are an estimated 200,000 ethnic Albanian refugees who have been driven from their homes by the fighting. These tragic numbers are increasing as the Serbian violence continues.

At a recent hearing of the House Committee on International Relations we heard from officials of the Department of State about the increasing violence taking place in Kosova. It struck me at that time, Mr. Speaker, that the government assets of the government of the Federal Republic of Yugoslavia (Serbia and Montenegro) which have been blocked by the United States government should be used to pay for the destruction which has been cause by the actions of the Serbian police and military forces in Kosova. For this reason, I have introduced House Concurrent Resolution 315. Our resolution expresses the Congress' outrage at the wanton destruction of life and property that has resulted from Serbian military actions in Kosova.

Mr. Speaker, I invite my colleagues to join me as a cosponsor of this resolution, and I ask that the text of this resolution be included in the RECORD.

H. CON. RES. 315

Expressing the sense of the Congress condemning the atrocities by Serbian police and military forces against Albanians in Kosova and urging that blocked assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) under control of the United States and other governments be used to compensate the Albanians in Kosova for losses suffered through Serbian police and military action.

Whereas the ethnic Albanian population of the province of Kosova, which makes up the overwhelming majority of the population of that area, has been denied internationally recognized human rights and political rights, including the protection of life, freedom of speech, freedom of assembly, and freedom of the press;

Whereas Serbian police and military forces have engaged in brutal suppression of the Albanian people, and the number of Serbian police and military forces which have been deployed in Kosova is estimated at some 50,000 men;

Whereas human rights groups have reported and documented instances of Serbian forces conducting abductions and summary executions of innocent ethnic Albanian civilians in reprisal killings that are similar to those conducted by Nazi forces during World War II and are similar to the ethnic cleansing which was carried out by ethnic Serbian troops in Bosnia;

Whereas Serbian forces have indiscriminately shelled and burned villages, reducing them to rubble, in order to drive out the ethnic Albanian inhabitants, inflicting heavy material losses upon the ethnic Albanians in Kosova;

Whereas hundreds of ethnic Albanians, including women and children, have been killed and over two hundred thousand ethnic Albanians have been forced to flee and have become refugees as a result of this Serbian military action;

Whereas the stubborn denial of human rights and political rights to the ethnic Albanian majority in Kosova by the Government of Serbia has been the major factor in the radicalization of the political situation in the province and made the prospects of a peaceful resolution of the conflict there difficult if not impossible; and

Whereas the United States and the governments of other countries have blocked the assets of the Federal Republic of Yugoslavia (Serbia and Montenegro);

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) that the Congress

(1) deeply deplores and strongly condemns the appalling loss of life and the extensive destruction of property in Kosova that is the consequence of the brutal actions of Serbian police and military forces against the ethnic Albanian population of the province;

(2) believes that the government of Serbia is primarily responsible for the loss of life and destruction of property, and thus Serbia should bear the principal burden of providing compensation for the loss of life and for the costs of rebuilding areas which it forces have devastated;

(3) urges the President and officials he designates to work with the Congress to draft legislation and regulations which will permit ethnic Albanians from Kosova who have suffered as a consequence of the brutal actions of Serbian police and military forces in Kosova to make claims against the assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) which are in the control of the United States or which have been blocked by action of the United States government, and in drafting this legislation and regulations special consideration should be given to the circumstances of the Government of the Republic of Montenegro and to persons located in and organized under the laws of the Republic of Montenegro;

(4) urges the President and the Secretary of State to urge all other countries to follow this same policy to permit claims by ethnic Albanians who have suffered as a consequence of the brutal actions of Serbian police and military forces in Kosova to make claims against the assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) which are in the control of the respective country; and

(5) requests that a copy of this resolution be transmitted to the President and the Secretary of State by the Clerk of the House of Representatives and the Secretary of the Senate.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mrs. EMERSON. Mr. Speaker, I rise to clarify my vote on Roll Call vote 384, Mr. BASS' amendment to the Commerce, State, Justice, and the Judiciary Appropriations bill. Yesterday, I inadvertently voted "Nay" when I intended to vote "Aye."

Mr. BASS' amendment would have transferred funds from the Advanced Technology Program (ATP) to the Edward Byrne grant program at the Department of Justice, an effort which I strongly support. The Byrne grant program is a valuable tool for local law enforcement in the fight against the crime and drug problems that threaten our neighborhoods. I believe that scarce taxpayer dollars are better spent in this anti-crime program than in the "corporate welfare" ATP, which I have consistently opposed.

HONORING JACK SULLIVAN ON HIS RETIREMENT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. McGOVERN. Mr. Speaker, I ask my colleagues to join me in honoring John (Jack) Sullivan of Sandwich, Massachusetts, who retired July 31, 1998, from the Internal Revenue Service.

Jack is truly one of the finest public servants I know. Not only did he do his job professionally, responsibly, with dignity and with courtesy, he sought to teach those attributes to those around him.

Jack continues to serve the public through his civic activities. He believes in the importance of getting involved, and exemplifies the idea that one man can truly make a difference, and that all men should try. As the leader of the NTEU Massachusetts Coalition, he has dedicated himself to educating public sector employees and the public sector about the importance in getting involved in legislative and political activities. He was part of the fight to ensure that federal employees have more of an opportunity to exercise their political rights and then to persuade them to use those political rights. And, he has taken the time to educate me about the issues that are of importance to federal employees—especially those of the employees at the IRS.

I am proud to call Jack my friend, proud to know that our country was served for over thirty years by such a dedicated public servant and proud that I will continue to be able to work with Jack on the federal employee and PKU issues that are so important to him.

I ask my colleagues to join me in wishing the best of luck to Jack and his family upon the occasion of his retirement.

TRUE REALITIES OF OUR HEMISPHERE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CONYERS. Mr. Speaker, with an eye toward this country's emerging all-embracing trade arrangement with our Latin American neighbors, as outlined in the recent second heads-of-government meeting at the Summit of the Americas in Chile, we in this country would do well to better familiarize ourselves with the true realities found in the rest of the hemisphere. We will then be in a better position to discharge our responsibility of expressing some words of caution or encouragement to our citizens and U.S.-based corporations that are considering whether to make investments throughout the region, including in Argentina.

Over the last few years, Latin America undoubtedly has made genuine improvements in the fields of economic development as well as in its observance of minimal standards of human rights, but much work remains to be done regarding the region's respect for the rule of law. This was one of the main points made in a major article in the July 27th issues of the highly regarded British publication, The Financial Times, in which judicial corruption was listed as a major problem in Argentina today. Similar articles have indicated that problems stemming from a tainted judiciary are found throughout the region.

We are familiar with the need to wage similar battles in the U.S. to achieve the observance of justice and tough human rights standards, so we cannot be smug over such matters. But we can and must be forthright in expressing our opinions when the well being of our fellow citizens may be at stake and the welfare of one of our neighbor's citizens is being flagrantly flouted. After all, the same judiciary that protects the human rights of its own citizens in Latin America also enforces commercial law respecting foreign investments.

It is for this reason that, with alarm, we read reports issued by the OAS and USAID, as well as by the State Department, speaking about the inadequacies of the Latin American judiciaries, where the presence of corruption and venality is at times, almost beyond exaggeration, be it in Honduras—perhaps the worst case of a venal judiciary in the hemisphere, or Argentina (one of the worst). Without an honest judiciary there is no level playing field and no reliable rules of the game. The pseudo integrity of the Latin American court system is only rivaled in scope by the substitution of democratic form in place of substance in much of the region. This reality has to be of great concern to us.

Argentina is a good example of may of these points. Despite Buenos Aires' continued claim that it is reforming its admittedly gangster-like judiciary into one that is less at the mercy of politics, cronyism, influence peddling and payoffs, and more into one that can fearlessly uphold and conform to the country's constitution, there are good reasons to believe that its court system is apparently taking serious steps backwards. This is the case in spite of the fact that Argentine justice officials have begun to put together the long promised "Consejo de la Magistratura," which is a judicial oversight committee.

Unfortunately, the brutal military dictatorship, which wiped out a generation of democratic leaders during Argentina's "Dirty War" and drove much of its intellectual class into exile, has left a malodorous legacy in the person of many of the judges it selected who still sit on the country's bench. For years, the judiciary has enjoyed a period of relative anonymity from the scrutiny its tawdry performance all but required, but today it is subject for close examination by the international community, including the aforementioned issue of The Financial Times.

One example of the many instances of serious miscarriages of justice that have taken place in that country is provided by the bizarre case of the Buenos Aires Yoga School (BAYS), of which the following article from the Council on Hemispheric Affairs' distinguished biweekly publication, the Washington Report on the Hemisphere, provides a thorough critique. This includes outlandish tactics which that highly regarded Buenos Aires cultural and educational institution has had to endure at the hands of extremist and unprincipled elements of the Argentine judiciary.

We all have heard stories concerning the continued legacy of corruption and disregard for constitutional guarantees that exists in Argentina. These have been compounded by the long tradition of virulent anti-Semitism in the country, as exemplified by the sanctuary that a succession of Argentine presidents provided to fleeing World War II war criminals of the Nazi era. Other examples of outrageous behavior on the part of local Argentine authorities have been the Keystone cop antics surrounding the farcical investigation of the bombings of two Jewish-related Buenos Aires facilities in the last few years, at a cost of over 100 lives. Last April, a delegation of our Hill colleagues went to Argentina, where they were diligent in promoting the cause of human rights, and in urging the local authorities to investigate the unresolved bombing of the AMIA, one of the two aforementioned wantonly destroyed Jewish facilities.

We now have another opportunity to take action in helping to strengthen Argentine democracy. Unfortunately, as in this country we must face the fact that religious and racial persecution is found in many places in the Americas, representing a frontier that the international conscience must strive to conquer. Unequivocally, the facts surrounding the treatment of the Buenos Aries Yoga School reveal that this is one of a number of disturbing instances where injustice has been done: where the courts have served as a persecutor of the human spirit, rather than its defender. The reason that this highly regarded institution of scholars, professionals and others seeking an inner light has been singled our for threats, intimidation, sexual harassment and a campaign of terror largely is because many of its members are highly distinguished cultural, professional, and academic figures of Jewish background. COHA's article on the ordeal experienced by BAYS sheds some light on the tribulations that all those in this country who really care about democracy will have to be concerned about. I call upon my colleagues to carefully read the following article by the director of the Council on Hemispheric Affairs, Larry Birns, and COHA research associate, Anna M. Busch.

COUNCIL ON HEMISPHERIC AFFAIRS

ARGENTINA'S FLAWED COURT, CORRUPTED SOCIETY

By Larry Birns and Anna Busch

After years of being held in contempt by most Argentines because of its lack of professionalism and absence of even elemental integrity, the Buenos Aires police force has begun the protracted task of cleansing its own Augean stable, easily among the hemisphere's most egregiously corrupted institutions. Last December, 2,000 of its personnel were terminated and almost 50,000 were implicated in some form of corrupt practices.

The pressing need for massive restructuring in the police's selection and training procedures was highlighted by the alleged involvement of Buenos Aires' assistant police chief in the bombing of a Jewish community building, resulting in almost 100 deaths. Five years was then wasted on a scandalously farcical investigation. Although such facts have become widely known to the Argentine public, its sensibilities have been dulled by the hecatomb of corruption charges leveled from all directions at the government of President Carlos Menem.

Merely one of hundreds of examples where Argentine justice is chronically denied or manipulated to serve the ends of cronyism and venality, is the fate of the Buenos Aires Yoga School (BAYS), a tiny entity devoted to pursuing education and philosophic studies, akin to New England's literary Athenaeum movement of a century ago.

Although BAYS' ordeal has been hardly remarkable, it well illustrates the grevious condition of one of Argentina's basic institutions—its notoriously flawed court system. BAYS regards itself as an apolitical, non-religious, NGO. The Argentine government calls it a cult. The group has attracted a long list of tributes for its work in the fields of public health and in the war against drugs. In the arts, BAYS members also has made their mark through composing a number of major works, including an opera, a ballet, and a symphony, which have won plaudits worldwide. Nevertheless, the group has been greeted with singular hostility in Argentina.

A motivating factor for the judiciary's prejudice against BAYS is the high percentage of Jews in its leadership as well as among its members (no small fact in a country which is anti-Semitic to its marrow).

Legal proceedings against BAYS' members were initiated in 1993, and were accompanied by an unrelieved spate of hostile media coverage. The original trial judge was well-known for his neo-nazi ideology, redolent of that of the brutal military regime that had seized power in 1976, and which ruled for almost a decade through a level of violence unparalleled in Argentine history. The complaint against BAYS was entered as a counter suit to one filed by one of its own members, a 24-year-old student who accused her stepfather, a former employee of the military junta, of sexually molesting her. In turn, the stepfather charged that his stepdaughter was a victim of a cult which had "corrupted" her. The judge eventually recused himself, but only under pressure of his own imminent Senate impeachment on charges of having committed scores of illegal acts against BAYS. He imprisoned the innocent and demanded that children testify, but not in the presence of their parents or attorney, he questioned defendants for hundred-hour stints, carried out more than thirty illegal searches including raiding the offices of the defendant's attorneys, as well as authorizing the stealing of evidence.

The judge, well known for his sleaziness and his sexual improprieties, also insisted at the time that he was removing himself from the case only because he had been "bewitched" by the group. He then handed it to a fellow right-winger. Although the new judge favored a more discreet approach, he could barely contain his personal antipathy toward BAYS, capriciously adding fraud and larceny to the existing charges. He also openly ignored a superior court's decision nullifying part of the case on the grounds that no convincing evidence against BAYS was established. Nevertheless, the judge refused to invalidate the previous illegal actions sanctioned by his predecessor, and proceeded to recklessly indict even more individuals, as well as ignoring that the statute of limitations had run out.

BAYS' fate is illustrative of the corruption, bigotry and criminality that pervades every level of Argentina's court system and also infects its broader society. The nation's ill-reputed judiciary and police force are a liability for the nation's reputation abroad, which could hurt the country from fully benefiting from the opportunities afforded by the regional trade pact, Mercosur, as well as the FTAA, once enacted.

Demonstrably, Argentina is far less along the democratic continuum than Presidents Menem and Clinton wrongfully insist it is. On the eve of the Santiago Summit, in his speech gave to the Chilean legislature, President Clinton stressed the theme of "deepening" democratic institutions (millions of dollars already have been allocated from abroad to reform Argentina's bedeviled judiciary). Argentina and other hemispheric nations desperately need that "deepening" to make credible the now pseudo-democratic nature of their institutions.

It hasn't helped that Menem fosters political cynicism as his modus operandi, rather than providing genuine leadership or anything approaching a vision. His lack of class and his inability to comprehend strong ethical standards, has left the country without a moral compass. His readiness to participate in the cover up of a number of infamous cases, including the bombing of two Jewish entities, with heavy loss of life has emphasized the desperate need for reforming the region's deplorable court systems, beginning with Argentina's.

TIME TO BRING PEACE TO CYPRUS

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. BONIOR. Mr. Speaker, it has been 24 years since the Turkish invasion of Cyprus. In 1974, almost 200,000 Greek Cypriots—a third of the total Greek Cypriot population—were forced to abandon their homes and became refugees overnight. For the past two decades Greek Cypriots have been denied one of the most basic of human rights—the right to live in the communities that have been home to generations of their families.

The human rights problem also includes the thousands who have disappeared since the onset of the conflict. In addition to those who were killed and expelled at the time of the invasion, today there are still more than 1,600 unaccounted for Greek Cypriots.

One such case concerns the fate of Andreas Kassapis whose parents living in Michigan recently learned of his fate after 23 years of searching for him. During the 1974 invasion, Andreas was kidnapped in Cyprus by Turkish-Cypriots. In 1994, Congress mandated the President to conduct a thorough investigation to determine the whereabouts of missing American citizens. This spring, Andreas' parents were informed that their son's remains have been found. In June, his remains were released to the Kassapis family for a formal burial. This tragedy is one of many that continue to occur in divided Cyprus.

The illegal occupation of 37 percent of Cyprus territory by the Turkish troops, as well as the unwillingness of Turkey and the Turkish Cypriot leadership to conduct talks have caused the existing standstill. In the meantime, a new generation is coming of age amid a divided and militarized society within a country that will never be an equal free member of the European Community as long as it stands divided.

As a defender of freedom and human rights, we cannot allow ourselves to ignore this illegal occupation and denial of human rights. As a nation, we must insist that turkey withdraw its occupying forces and allow the return of refugees to their communities.

We must send a clear message stating that violations of human rights and international law will not be tolerated, especially when perpetrated by a nation to which we grant significant amounts of foreign aid. A truly democratic foreign policy will seek the restoration of a united Greek-Cypriot state and serve as a testament to our commitment to democratic self-government and fundamental freedoms.

A TRIBUTE TO IAN B. ZELLICK

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. LEE. Mr. Speaker, I am here to share with you the life of a legendary Oaklander, Mr. Ian B. Zellick, television pioneer and civic leader, who died on July 27 after a brief illness at age 73.

Mr. Zellick was the first staff member at a local television station in the City of Oakland KTVU–TV Channel 2 where he was hired in 1958 as employee number 001. He worked at Channel 2 for more than 32 years; first as a set designer and artist, but it is for his more than 20 years as Director of the Community Affairs Department that Mr. Zellick is best remembered.

Under his direction, the Community Affairs Department's share of air time at KTVU grew from 30 minutes a week to more than six hours a week. Show topics ranged from politics to the concerns of various ethnic and minority communities. He opened the doors of the station to all corners of the community. If more than two people wanted to debate or discuss something, Mr. Zellick gave them air time.

His enthusiasm for the community also took him outside the station to serve on dozens of boards and commissions. One year (1984) Mr. Zellick was on 26 community boards and commissions, including The Oakland Ballet, Philharmonia Baroque Orchestra of the West, Booth Memorial Home, the displaced Homemakers, the Oakland Symphony, and the Oakland Opera. People who knew him described him as a self-styled one-man community network, involved in education, music, dance, mental health, and pregnant teens. He was able to form links between dissimilar agencies. For instance, when an important resident service for pregnant teens was threatened, he facilitated an arrangement between Oakland's YWCA and the Salvation Army's Booth Center, thus insuring the service would continue.

After he retired from KTVU in 1990, Mr. Zellick concentrated on the Philharmonia Baroque, the San Francisco Early Music Society and the East Bay Agency for Children. EBAC runs residential and day care facilities for disturbed kids and he was honored by them for "A Lifetime of Service to the East Bay Community." He received accolades and numerous awards, as a founding member of the Philharmonia and the Preceptor Award from the annual national Broadcasting Industry Conference in recognition of his work encouraging and supporting young people in the field of broadcasting.

Mr. Zellick was born on June 7, 1925 in San Francisco. He got his BA from San Francisco State University and his MA from Mills College. As a Marine during WWII, he saw action in the South Pacific. He is survived by his wife Beverly, a daughter Kate; two sons: Vaughn and Arch; and five grandchildren.

KHALISTANI DELEGATION TESTIFIES AT UNITED NATIONS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BURTON of Indiana. Mr. Speaker, recently a delegation of Khalistani Americans led by Dr. Gurmit Singh Aulkah, President of the Council of Khalistan, testified before the United Nations Working Group on Enforced and Involuntary Disappearances, which was meeting in New York City. While there, they exposed the massive human rights violations by the Indian Government in Punjab, Khalistan. Joining Dr. Aulakh were Dr. Paramjit Singh Ajrawat of Maryland, Professor Gurcharan Singh of Marymount University in New York, Judge Mewa Singh of New Jersey, and Malkiat Singh Heir, also of New Jersey.

The Working Group revealed that it has requested permission to visit India and has been denied. The same thing has happened to Amnesty International, Human Rights Watch, and others who have tried to conduct an independent human rights investigation. India obviously has plenty to hide.

Even though the government in Punjab is not led by the Sikh Akali Dal political party, there have still been over 150 atrocities documented since they formed a coalition with the Bharatiya Janata Party (BJP) in 1997. It is ironic that while the Khalistani delegation was testifying, the news broke that Rajiv Singh Randhawa, a witness who identified the police officers who kidnapped human rights activist Jaswant Singh Khalra, was himself abducted by the police. A few days later, Japal Singh Dhillon, who worked with Mr. Khalra on his report exposing the mass cremations of Sikhs by the Indian Government, was also arrested on a false charge. Shortly after that, his lawyer, Daljit Singh Rajput, was picked up on the same false charge.

The July 9–15, 1998 issue of Awaze Qaum reported that the police picked up Kashmira Singh of the village of Khudial Kalan on the pretext that they were investigating a theft. They then tortured Kashmira Singh for 15 days. They rolled logs over his legs until he couldn't walk. They submerged him in a tub of water. They slashed his thighs with razor blades and stuffed hot peppers into his wounds. Then the police claimed that Kashmira Singh had escaped, a bad sign that he has most likely been murdered by the police. In addition, they arrested his father and brother, who I understand are also being subjected to torture. How can a country that systematically violates basic human rights like this call itself democratic?

It is clear from these events that there is no place for Sikhs or other minorities within India's borders. As Dr. Aulakh has said, "police abuses including illegal detentions, forced abductions, use of torture, rape, and murder have continued much like they have continued since 1984. What is worse is that there has been active collusion by the Akali Government with police forces to cover up past abuses and to distract from present abuses. Without effective international pressure, the whereabouts of the abductees will never be determined and every day, other innocent people will join the ranks of the disappeared." With nuclear weapons involved in South Asia, these terrible violations of basic human rights are even more dangerous to the entire world.

I am inserting Dr. Aulakh's testimony and the Council of Khalistan's press release into the RECORD for the information of my colleagues. I urge them to read it carefully. It is frightening, but quite informative. Thank you, Mr. Speaker.

TESTIMONY OF DR. GURMIT SINGH AULAKH, PRESIDENT, COUNCIL OF KHALISTAN BEFORE THE 54TH SESSION OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

Ladies and Gentlemen: Let me begin by thanking you for the opportunity to speak to the Working Group again this year. I would like to update you on disappearances in the Sikh homeland, Punjab, Khalistan. When I reported to you last year, the Sikh homeland was in a deplorable situation. It has not improved. If anything, it has been made worse by the presence of Indian missiles deployed in Punjab after its recent nuclear tests.

This deployment puts Sikh lives at risk to preserve those of the ruling class. The BJP has shown an openly hegemonic agenda towards its South Asian neighbors. There is no doubt that if war breaks out between India and Pakistan, Punjab will be the battleground, as it was for the last three wars fought between the two nations and once again, Sikhs will bear the most casualties in this nuclear holocaust.

I would like to thank the many committed people whose efforts have helped us develop this information to present to you. My statement is more a result of their efforts than my own.

The human-rights situation in Punjab, Khalistan remains as bad as it ever was. The renowned journalist and writer Kushwant Singh has said last May that he personally approved of the police method of simply grabbing Sikh youth and shooting them in the head without bothering with the courts, he stated, and I quote, "I supported the police in its extra-judicial killings."

Former Speaker of the Indian Parliament Balram Jakhar said, "If we have to kill a million Sikhs to preserve India's territorial integrity, so be it." In an interview broadcast by NPR on August 11, 1997, Narinder Singh, identified as a spokesman for the Golden Temple, said that "The Indian government all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with a secularism. They try to crush Sikhs just to please the majority."

On May 12, the chairman of India's National Human Rights Commission reported that the NHRC had received 38,000 cases in the last few months. This tells us the magnitude of human-rights violations in India because only a small fraction of cases are reported due to intimidation by the police, poverty, and illiteracy.

What terrifies the Sikh community about this dangerous scenario is the ease by which past Indian Governments have been able to make Sikhs disappear and kill them with impunity. Since 1984, an estimated quarter million Sikhs have lost their lives, but those responsible, men like K.P.S. Gill, are applauded in India as superheroes. It has been proven in the ballot box that when a political party, be it BJP or Congress, targets a minority community such as Muslims, Christians, or Sikhs, they win elections.

Information on the extent of disappearances and extrajudicial killings is by no means complete, but new cases continue to come to light. According to the July 9–15 issue of Awaze Qaum, the police picked up Kashmira Singh of the village of Khudal Kalan on the pretext of investigating a theft. They tortured him by rolling logs over his legs, submerging him in a tub of water, cutting his thighs with a blade and stuffing red peppers into the cuts. For 15 days they tortured him.

When his family and villagers came to see him, he could not walk. Then the police claimed that Kashmira Singh had escaped from the police station and they arrested his father and a minor brother. They, too, are being tortured, but they are so poor that they can not even go to court. The people of the village are afraid that Kashmira Singh was killed during the torture and that his body was disposed of as usual, another case of disappearance.

Keep in mind that Kashmira Singh is not a terrorist, the young man picked up on suspicion of theft, and he had never been formally charged.

In the July 10 issue of India West, it was reported that the National Human Rights Commission asked the Central Bureau of Investigation (CBI) to investigate the abduction of a journalist named Avtar Singh Mandar by the Punjab police. Mr. Mandar was a correspondent for the Punjabi daily Ajit who was abducted from his house in Jalandhar in 1992. His whereabouts remain unknown. This is just another typical case.

Recent reports show that a police official named Swaran Singh, known as Ghotna after a brutal type of torture he regularly employs, tortured Gurdev Singh Kaunke, the former Jathedar of the Akal Takht, and finally murdered him by tearing him in half. The next day, the government announced that Jathedar Kaunke had escaped from police custody. This is a typical disappearance.

You are all aware of the case of Jaswant Singh Khalra. Mr. Khalra has done accurate and detailed work regarding the disappearances and genocide. His findings are extremely useful in understanding the extent of State repression of Sikhs. For his work, Mr. Khalra was abducted by police from his residence in Amritsar on September 6, 1995. A few days earlier, Tarn Taran SSP Ajit Sandhu told Mr. Khalra, "We made 25,000 disappear. It would not be hard to make one more disappear." The police subsequently murdered him, according to a witness, but they have never acknowledged his death.

Amnesty International issued a report on April 27 entitled A Mockery of Justice: The Disappearance of Jaswant Singh Khalra. In this report, Amnesty International noted that "Khalra had been part of a campaign to highlight the plight of hundreds of people (Sikhs) who disappeared after being arrested by the Punjab police during the 1980s and early 1990s. Those who now seek to defend his rights are being threatened and witnesses are being intimidated."

One example of this intimidation is a former police officer named Kuldip Singh. Chandigarh-based journalist Sukhbir Singh Osan reported in The Hitvada that Kuldip Singh heard the police murder Jaswant Singh Khalra at the Chhabal police station on October 27, 1995. Like so many of the innocent Sikhs whose disappearances he reported on, Khalra's body was thrown into the Harike canal.

Here is how Kuldip Singh described the killing: "He was made to stand, thrashed and pushed onto the ground. His legs were stretched apart more than 180 degrees. Seven policemen kicked him in the abdomen and chest. Save me. Please give me some water, he cried. As I was about to fetch some water, I heard two shots. I ran back into the room and he was bleeding profusely. He had stopped breathing." This is what happens to someone when he tries to expose India's brutal policy of disappearances and mass cremations.

According to Indian Express, Kuldip Singh told the Central Bureau of Investigation (CBI) that the brutal former Director General of Police, K.P.S. Gill, was involved in the Khalra kidnapping and murder. Kuldip Singh states that he was present when Gill met with Mr. Khalra just days before his death. The meeting took place at the home of Ajit Sandhu, who committed suicide when the Supreme Court of India ordered him indicted along with eight other officers for the Khalra kidnapping.

When Khalra and several police officers were riding back to the police station, according to Kuldip Singh, Satnam Singh, the SHO of the Chhabal station, told Mr. Khalra that "if you agree to Gill, you will be spared." The Coordination Committee for Disappearances in Punjab, a human-rights group from Punjab, has demanded that CBI file charges against Gill for his involvement in the abduction and murder of Mr. Khalra.

After Kuldip Singh's testimony but before it became public, the government filed false charges that Mr. Khalra's widow, Paramjit Kaur Khalra, tried to bride Kuldip Singh. This was an effort to discredit Kuldip Singh's testimony and undermine Mrs. Khalra's case against the government. Even the Punjab DGP said that the matter was investigated by the crime branch, which found the case untenable. Kuldip Singh is now under the protection of the Central Reserve Police Force (CRPF) because he fears liquidation by officials of the Punjab police.

Unfortunately, the Khalra kidnapping is typical practice by Indian security forces. Lawyers, journalists, and rights activists have been made to disappear to instill a fear psychosis among the people. According to The Hitvada, at least one journalist received a phone call warning him that "it is dangerous to report against the government." The lawyer for Mr. Khalra's widow was subjected to an intimidation attempt in a courtroom in front of a judge and his tires were slashed. Mr. Sodhi, a lawyer from Ropar who was representing accused Sikh militants in courts, was abducted along with his wife and 18-month-old child. They went into the police station and never returned. Police dumped their bodies in the canal and falsely blamed the killings on militants.

Khalra found that at least 25,000 cases of cremating "unidentified" bodies have been recorded in various municipal cremation grounds throughout Punjab. Khalra's team found that in the Patti cremation grounds, a total of 538 bodies were brought to the cremation ground by police between 1991 and October of 1994. 10 different police stations were bringing bodies to be burned. Officials at the cremation ground would describe that on some days 2 bodies would be brought, on other days 10 bodies would be brought. Often, more than one body was burned with a single allotment of wood.

Last year I gave the Working Group a preliminary list of 4,694 Sikhs who have been in Indian police or security force custody, some going as far back as 1981. Despite their deaths being reported by Indian authorities, in virtually every case, the body has not been released to the families, no positive identification has been made of the deceased, post-mortem examinations have not been conducted and no death certificate has been issued. In those case where post-mortem examinations were conducted, the identification of the victim is always listed as "unidentified."

It is very important to note that because bodies are not returned, and no valid death certificate is ever issued, there is no confirmation that Sikhs who are reportedly killed are actually dead. These Sikhs must be considered disappeared until they can be positively identified as being killed.

Even with more recent disappearances there is an additional alarming trend, police regularly deny picking up an individual in the first place thereby bypassing the judicial system altogether. Sikh families are left with the fear and frustration of having their loved ones very abduction denied.

The patterns of these abductions are virtually the same wherever they occur in Punjab, Khalistan. Sikhs are either arrested openly, or a special squad is dispatched which raids the person's residence in the middle of the night. The person is handcuffed and taken to normal police headquarters or special interrogation centers set up in the 80's for the sole purpose of torture. Police methods include:

Rolling heavy wooden or iron rods along the victim's thighs rupturing the muscles.

Electrical shocks in sensitive areas, including genitalia.

Rape if the victim is female.

Hanging the victim upside down or by the hands until consciousness is lost.

Beating at the bottom of the victim's feet with hard blunt wooden staffs, and thick leather cudgels.

Stretching the victim's limbs.

Inserting an iron bar in the rectum and heating it up electrically. This causes tremendous pain and damage, but shows no exterior evidence of torture.

As you know, a battery of Draconian laws were issued throughout the 80's which, in addition to the cash bounty system, give the security forces shoot-to-kill powers with immunity from prosecution. These laws also give security forces broad detention powers.

In a much heralded declaration in May of 1995, the Indian government announced that the Terrorist and Disruptive Activities Act (TADA) has not been renewed and that it is no longer the law of the land. This is plain wrong. As reported by Human Rights Watch's 1996 annual report, "6,000 prisoners remain under TADA custody." But that number may be in the tens of thousands. Amnesty International, in its 1996 report, stated "Legislation allowing detention without charge or trial remained in force in India. . . . many of those detained under its provisions remained in custody."

Furthermore, TADA revocation only applies to crimes committed after the revocation date. As long as the police allege that the accused committed a crime BEFORE the revocation date, which they can do without any evidence to back their claim, TADA methods can be used to detain the accused indefinitely. For all intents and purposes, TADA remains in effect.

Today, there are thousands of detainees languishing in jails throughout India who are officially declared missing or escaped, but are in fact in detention. Exact estimates are impossible to ascertain, but the number of Sikhs may be 20,000. This does not include the tens of thousands of Muslims, Assamese, Manipuris and other minorities detained under TADA.

Since 1993, India has also defended its human rights record by pointing to the National Human Rights Commission (NHRC); a Commission set up under pressure by the international community. Like any effective organization, the NHRC cannot operate without power, resources and credibility. The NHRC has none of these attributes.

As I had mentioned in my testimony last year, the NHRC has no power to directly investigate human rights violations and no jurisdiction over violations committed by the security and military forces. The NHRC has no power to prosecute violators or compensate victims. Also, there is a one-year statute of limitations based on when the crime was committed. Thus, you could only bring forth killings within a year after they allegedly occurred. Therefore, the vast majority of Sikh killings, disappearances, rape and other violations cannot even be brought before the NHRC!

Cases filed with the NHRC are often ignored by the NHRC itself, even when human rights activists file them. In my previous report to you, I reported on how the co-producer of the video documentary "Disappearances in Punjab", Ram Narayan Kumar was illegally detained at Delhi airport by the Indian security and intelligence personnel on January 19 and 20, 1997.

The complaint for the illegal detention that Mr. Kumar sent to NHRC and India's Union Home Minister have not been acknowledged by either party.

He stated in a letter he wrote to me last year that he intended to travel to Punjab, Kashmir and other north eastern regions where, and I quote, "the armed forces have for decades followed a systematic policy of terror to combat secessionist movements." He also stated, quote, "Frankly I am worried about my safety when I travel in these regions . . . I am aware that a man like Jaswant Singh Khalra, who assisted me with my researches in Punjab, has simply disappeared. Personally too, during my time in Punjab, I experienced intimidation, including manhandling by unidentified people in Amritsar."

Given Mr. Kumar's misgivings about the ability of the NHRC to protect him, it is unrealistic to expect Sikhs to bring cases of human rights violations to the NHRC. Given the statute of limitations imposed, they are barred from doing so anyway.

In the year since I first reported to the Working Group on the NHRC's ineffectiveness, the NHRC has received an estimated 38,000 complaints throughout India in just the past few months. The NHRC Chairman, Justice Venkatchaliah, has echoed the very same problems regarding the effectiveness of the NHRC. The NHRC Chairman also strongly objected to the fact that India continues to bar international human rights groups like Amnesty International, Asia Watch and others from being allowed to visit troubled regions like Punjab.

I mentioned last year that with the Akali party election victory in the state of Punjab last February, there was hope that finally peace, stability and a measure of democracy would return to the Sikh homeland. Unfortunately, this has not been the case. In fact, police abuses including illegal detentions, forced abductions, use of torture, rape and murder have continued much like they have continued since 1984. What is worse is that there has been active collusion by the Akali Government with police forces to cover up past abuses and to distract from present abuses.

The result is that the Akali Government does not merely condone abductions and disappearances by Punjab security personnel, the Government actively shields such conduct from public scrutiny by reminding the world that the government is run by an indigenous Sikh party (the Akalis) and they therefore must be respectful of the human rights of their own people.

Yet the Chief Minister of Punjab, Parkash Singh Badal, refuses to let his government investigate these disappearances and mass cremations. He proudly boasts that his government has not taken action against any police officer. Instead, former Supreme Court Justice Kuldip Singh, chairman of the World Sikh Council, was forced to appoint a Peoples' Commission to investigate these atrocities. According to Mr. Jaijee, the government has spent Rs. 2 crore (20 million rupees) for lawyers to protect these brutal police officers.

The Peoples' Commission is a response to the ineffectiveness of the NHRC, the refusal of the Akali state government to investigate abuses, and the active suppression of evidence gathering by Indian and Punjab security forces. The members of the Peoples Commission have impeccable credentials. All are former jurists.

The People's Commission is a response to the failure of Indian State terrorism. It must be nurtured and supported by the international community. If the People's Commission is successful in documenting and broadcasting the truth of the last 14 years, it will serve as an example of a peaceful and effective response to state violence. The model of the People's Commission can be applied to other situations throughout the world where bloody conflict is the norm instead of the exception.

Unfortunately, the Akali state government continues to resist the People's Commission. Instead, the state government has given into temptation and used the police and security forces much like previous state governments, to eliminate any and all opposition to their rule; including political opposition.

I have enclosed a partial list of atrocities that lists almost 150 atrocities, including several disappearances, in Punjab since the Akalis took power in March 1997.

I had mentioned and submitted last year to the Working Group a letter written by a group of respected human-rights activists last year states that 50,000 cash bounties were disbursed to Punjab police for killing Sikhs between 1991 and 1993. The figure does not include paramilitary and vigilante force killings. Some of the militants allegedly killed by police have appeared before the Punjab and Haryana High Court requesting protection from the police. The letter rightly asks, and I quote, "If these dead men are alive, who have the police killed?"

The letter cites evidence from human-rights groups and the national press that 50,000 Sikhs disappeared in the state in 1994 alone. The Indian government has murdered more than 250,000 Sikhs since 1984 according to the book, The Politics of Genocide, by the convenor of the Movement Against State Repression, Inderjit Singh Jaijee which draws its figure from the Punjab State Magistracy.

It is my fervent hope, a hope shared by Sikhs throughout the world, that the work of the People's Commission will account for every last person killed in this last decade and a half. It will be the first step in a long road to bring those responsible to account for their crimes.

In light of these facts, I would respectfully submit the following recommendations for the working group to consider:

RECOMMENDATIONS

Recommendation 1

The Working Group should recommend the long-term presence of international human rights monitors in Punjab, Khalistan. In addition to UN Organs, groups like Amnesty International, Human Rights Watch/Asia and other international groups must be allowed to operate freely throughout Khalistan.

Domestic institutions alone cannot deal with the human rights crisis plaguing the Sikh homeland. Neither the courts, the NHRC or the Punjab state government is willing to begin the arduous task of surveying 13,000 villages throughout Punjab and documenting the quarter million victims of State terror. An added problem is the vexing question of what happens when the human rights workers leave? No one will talk to Amnesty International or the appropriate UN organ if they know that they will be gone next week. Although Amnesty was recently allowed to operate in other parts of India, they have been denied access to Punjab since 1978. Until there is a permanent and pervasive presence of international monitors throughout Punjab, who will be there until all of the facts of the genocide are collected, the fear of Indian government retaliation will be too great to yield an accurate picture of the death toll.

Recommendation 2

The Working Group should encourage internationally monitored investigation of public crematoriums throughout Punjab, as it will likely bring to resolution many of the disappearances.

As far as we can determine, virtually none of the individuals named in the list I gave the Working Group last year has been released. A year later, this is still the case. Although the police allege that these persons were killed, no bodies have been returned, no identification has been verified and no valid death certificate has been issued. It is highly likely that many of them were cremated as unidentified by the Indian police. A thorough investigation of all public crematoriums throughout Khalistan will provide a final, albeit tragic, resolution as to what actually happened to the tens of thousands of Sikhs who were taken by police and never seen again.

Recommendation 3

The Working Group should urge India to dismiss all pending cases under TADA. Internationally monitored investigations should be made of detention centers throughout India to ensure that the tens of thousands of TADA detainees are released from custody.

Despite India government claims to the contrary, TADA remains in effect. An immediate census should be conducted involving international monitors to ensure that detention center's throughout India no longer contain political and religious prisoners. Many Sikhs were taken to jails outside Punjab and are rotting there.

Recommendation 4

The Working Group should recommend that Indian authorities cease abducting, harassing and murdering human rights activists and other Sikhs. The persons involved in the kidnapping and murder of Jaswant Singh Khalra and that of Jathedar Kaunke should be punished and the government should guarantee the safety of human-rights activists, monitors, all Sikhs, and all the other minority peoples.

About two weeks ago, Jaspal Singh Dhillon, a human-rights activist, and four others were falsely charged with conspiracy to blow up a jail to free a Sikh militant. The police had filed an FIR (First Investigative Report) charging that Mr. Dhillon and the others were involved in a conspiracy to break into jail and alleged Sikh militants. No court magistrate has validated these charges by the police and when human-rights groups protested the charges, the police relented in their pursuit to arrest Mr. Dhillon and the others. However, the police shifted the very same charges to ten other Sikh youths, very young Sikh boys who would less capable for resisting police tactics. They are now in detention and it is extremely likely that they are being tortured. This is typical of the way the police concoct false cases against human-rights activists and any other Sikhs they want to harass.

Recommendation 5

The Working Group should publicly support the work of the People's Commission and provide them with technical assistance in achieving the most comprehensive and objective investigation possible.

The Working Group should acknowledge in its annual report the work of the People's Commission. This will not only provide much need international recognition of the Commission, but will make much harder for Indian security and government officials to harass or even kill those individuals involved in the very risky business required by the Commission's work. The Working Group should also provide technical assistance to the Commission so that the data they collect and the method of collection conforms to international standards of human rights documentation.

Recommendation 6

The Working Group should recommend measured and appropriate sanctions against the Government of India until they comply with all of the international treaties and covenants regarding human rights to which they are signatories.

The above recommendations do not resolve the core issues between Sikhs and the Indian Government which gave rise to these abuses, issues that boil down to the right of the Sikh nation to national self-determination. But they do help open Punjab, Khalistan to the international community. This must occur before any credible investigation regarding disappearances, extrajudicial killings, torture and rape can begin.

Only international pressure will stop the campaign, and only sanctions will yield the necessary pressure to make India act in accordance with international law. Only sanctions will force India to respect the human rights of the people it purports to govern. Without effective international pressure, the whereabouts of the abductees will never be determined and every day, other innocent people will join the ranks of the disappeared.

Thank you.

KHALISTANI DELEGATION TESTIFIES BEFORE UN WORKING GROUP ON DISAPPEARANCES

WASHINGTON, July 18.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, testified yesterday before the United Nations Working Group on Enforced or Involuntary Disappearances. Also testifying were Dr. Paramjit Singh Ajrawat, Professor Gurcharan Singh of Marymount University in New York, Judge Mewa Singh of New Jersey, and Malkiat Singh Heir, also of New Jersey.

The Working Group said that if they can get a list of the disappeared, they will investigate. They have asked India for permission to visit and were denied, as other independent human-rights monitors have been. They said that they will try again.

While the Khalistani delegation was testifying to the United Nations, word came out that the police abducted Rajiv Singh Randhawa, who was an eyewitness to the police kidnapping of human-rights activist Jaswant Singh Khalra, yesterday. This abduction is typical of police conduct in Punjab. The police have murdered more than 250,000 Sikhs since 1984. Disappearances continue to be routine.

"With the Akali party election victory in the state of Punjab last February, there was hope that finally peace, stability and a measure of democracy would return to the Sikh homeland," Dr. Aulakh told the Working Group. "Unfortunately, this has not been the case. In fact, police abuses including illegal detentions, forced abductions, use of torture, rape and murder have continued much like they have continued since 1984. What is worse is that there has been active collusion by the Akali Government with police forces to cover up past abuses and to distract from present abuses," he said. He presented a partial list of almost 150 atrocities that have been reported since the Akali government took power in March 1997.

According to the July 9–15 issue of Awaze Qaum, the police picked up Kashmira Singh of the village of Khudal Kalan in Mansa district on the pretext of investigating a theft. They tortured him for 15 days by rolling logs over his legs, submerging him in a tub of water, cutting his thighs with a blade and stuffing red peppers into the wounds. Then the police claimed that Kashmira Singh had escaped from the police station and they arrested his elderly father and a minor brother. They, too, are being tortured. The villagers are afraid that Kashmira Singh was killed during the torture and that his body was disposed of as usual.

In another recent development, Jaspal Singh Dhillon and four other human-rights activists were falsely charged with conspiring to blow up a jail to free an alleged "militant." When the human-right community objected, the charges were dropped under pressure. The Punjab government under Chief Minister Badal has spent more than 2 crore (20 million) rupees for legal fees to protect the police officers who participated in the genocide against the Sikh Nation.

"Only international pressure will stop the campaign, and only sanctions will yield the necessary pressure to make India act in accordance with international law," Dr. Aulakh said. "Without effective international pressure, the whereabouts of the abductees will never be determined and every day, other innocent people will join the ranks of the disappeared," he said.

AUBURN HIGH SCHOOL CHAMPIONSHIP BASEBALL TEAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. McGOVERN. Mr. Speaker, it is my privilege on this special occasion to highlight the 1998 Massachusetts State Champion MIAA Division 2 Auburn High School Rockets from Auburn Massachusetts. This remarkable group of young men ended the season with a record of 25–0, remaining undefeated during District and State competition. The Championship game was held in Fenway Park, home of the World Renowned Boston Red Sox.

The history of this team foreshadowed their success. In 1993 they won the State Junior Little League Championship, and in 1995 the State Senior Little League Championship. Team Captain Greg Spanos broke the school batting record with .544, edging out his older brother Bryan who previously had the distinction.

The team members are number and name: 7—Greg Spanos, Captain; 8—Mark Porcaro; 9—Dave Lebel; 10—Matt Clark; 11—Dan

Dufrefne; 12—Sean Lucey; 13—Derrick Hume; 14—Scott Wrenn; 15—Brian Macphee; 16—Tom Janowski; 17—Darren Natoli; 18—Joe Lacombe; 19—Justin Blanchard; 20—Buddy Penny; 21—Seth Paradis; 22—Mike Richard; 23—Adam Silun; 24—Keith Gonyea; Coaches: Paul Fenton—Varsity, Kevin Sloan—Junior Varsity; Assistant Coaches: Pete Pellegrino, Bruce Richards, Brian Finn; Manager/Scorekeeper: Derek Charbonneau; Bat Boys: Drew Gribbons and Kurt Bowes.

The citizens of Auburn celebrate with pride the accomplishments of these talented young athletes. On behalf of everyone in my district, I offer my heartfelt congratulations.

A TRIBUTE IN MEMORY OF JAMES WELDON HADNOT, SR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. LEE. Mr. Speaker, it is with a great sense of loss that I pay tribute to Mr. James Weldon Hadnot, Sr., a legend in the Bay Area and to the world of basketball, who left us on August 3, 1998. James was the father of my Oakland District Staff, Julie Hadnot.

James Weldon Hadnot, Sr., was born in Jasper, Texas on January 5, 1940 to Roosevelt and Arvetter Hadnot, the third of five children. At the age of three, his family moved to Oakland, California. James attended Oakland Public Schools graduating from McClymonds' High School in 1958. At McClymonds' he was a premier athlete, leading his basketball team to three outstanding seasons. In 1958, his team won the Tournament of Champions with a 28–0 win.

James received a basketball scholarship to attend Providence College in Rhode Island. While at Providence, he led his team to three consecutive NIT appearances, receiving First Team All-Tournament honors at each of these appearances. In 1961, James led the Friars to the NIT Championship award. His Providence Friars' team garnered a record of 68 and 16 during his career. In 1974, James was inducted into the Providence College Hall of Fame.

He graduated from Providence in 1962 with a Bachelor of Arts degree in Economics. Shortly thereafter, he was selected by the Boston Celtics of the National Basketball Association (NBA).

In 1963 he returned to Oakland to play for the Oakland Oaks of the American Basketball League (ABL). He later played for the Oakland Oaks of the American Basketball Association (ABA), which won an ABA Championship in 1969. Between 1982 and 1987 James coached basketball at Laney and Alameda Community Colleges and Holy Names College. In 1987, he rejoined the NBA as a Scout for the Sacramento Kings. In 1991 he began working with the New Jersey Nets as a Scout for the western region.

James was also an entrepreneur with three liquor stores in 1963. The most notable was Hadnot Liquors on Shattuck Avenue in Berkeley. He later sold them and opened the Safari Cocktail Lounge on Foothill Boulevard in Oakland.

Throughout his life, James was actively involved in the civic and sports community. He was a member of the California State Package & Tavern Owners Association, the Grass Valley PTA, the Alameda County Cerebral Palsy Board, the American Basketball Association Alumni and the McClymonds' Alumni Association, just to name a few of the many. He also served as a Catholic Youth Organization Basketball Coach at St. Paschal's School in Oakland.

He found great pleasure in spending time with his family and friends. James was an avid golfer, spending many days as a Marshall at the Lake Chabot Golf Course.

James is survived by his wife Norma (Cookie), sons, Dorian, Shawn; daughters, Julie and Jana; daughter-in-law Ebony; grandson, James III; sister, Virgle Stringfield; brother, Benny Hadnot; mother-in-law, Edith Del Prete; brother-in-law, Gino Del Prete. He was preceded in death by his son James, Jr. He will be missed by his family, friends, colleagues and the community.

TRIBUTE TO SOPHIE MADEJ

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to Sophie Madej, a remarkable woman, a Polish-American from Chicago who recently closed the doors to her neighborhood diner, The Busy Bee Restaurant. Ms. Madej's Busy Bee was a beloved community gathering place for 33 years. Ms. Madej purchased the restaurant in 1965, fourteen years after she courageously immigrated to the United States from Germany. Her country of birth was Poland though, a land which she was forced to flee in 1943 due to the Nazi's labor laws. Ms. Madej, who recently turned seventy on July 5, plans on visiting her homeland during her retirement.

Mr. Speaker, it is with great pleasure that I submit today, for the record, an article from The Chicago Sun-Times that acknowledges the work of Sophie Madej and the closing of her Busy Bee Restaurant. Although, the Busy Bee will be missed, all of those who dined there will have many lasting memories. May I wish Ms. Madej continued happiness and success.

RETIREMENT OF THOMAS SHIVELY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to pay tribute to a distinguished gentleman in my district who has performed commendable service to the U.S. Air Force.

On Friday, August 7, 1998, Colonel Thomas L. Shively, Commander, Air Force Cataloging and Standardization Center (CASC), in Battle Creek, Michigan, will retire from active duty after over twenty-six years of service in our U.S. Armed Forces. Also on this day CASC will be deactivated and Michigan will lose its last remaining active duty Air Force installation.

Colonel Shively served as CASC Commander from September, 1996 to August of this year. During that time, I have had the distinct pleasure of working with him and his staff on issues facing the CASC and all cataloging operations at the Federal Center.

Tom served as the Air Force's representative to the Department of Defense's Cataloging and Centralization Study which selected Battle Creek as the site at which to centralize all cataloging operations. Colonel Shively and the men and women of CASC, along with the Defense Logistics Service Center, now known as the Defense Logistics Information Service (DLIS), were instrumental in the decision-making process to locate the new cataloging center in Battle Creek in March of 1997.

Mr. Speaker, it should be readily apparent that Colonel Thomas Shively accomplished much during his tenure as Commander. CASC has been a leader in improving its operations through automation, process improvements, and entrepreneurship, which has resulted in improved efficiency throughout the organization. As the Air Force has moved away from focusing on measuring processes to measuring performance, CASC has been a role model for the extensive customer service oriented approach it has taken over the last several years.

The men and women of CASC have become experts at what they do. So much so that today they handle cataloging functions for the National Weather Service and the Federal Aviation Administration, and, at this time, are negotiating contracts with other agencies as well.

CASC also has put its expertise to work to help identify those Missing in Action during the Vietnam War by matching aircraft parts to the corresponding aircraft, which in turn help identify the crews aboard those planes.

Colonel Shively also reduced the work force by over one hundred people without involuntary separation and streamlined the budget for 1998 saving taxpayers over $3.7 million, which was returned to the Air Force Material Command to meet other budget shortfalls. These are examples of the bold and responsible leadership Colonel Shively has demonstrated and what others have come to expect from him.

Colonel Shively also has been an active member of our Battle Creek community. He is a member of the Battle Creek Area Chamber of Commerce, the American Business Clubs (AMBUCS), the Knights of Columbus, Character Counts, a volunteer at the Veteran's Administration Hospital, a speaker before numerous groups, and a member of St. Phillip's Catholic Church.

Colonel Shively plans to remain in the Battle Creek area to become the Assistant Director of the Battle Creek Area Math and Science Center. I am confident that the bright and talented students of the Math and Science Center will benefit from the same type of leadership that Tom has given CASC over the years.

In closing, Mr. Speaker, Bonnie and I salute Colonel Shively and wish him, his wife Barbara and their two children the very best in the years to come. On behalf of my constituents in Calhoun County, I also offer Colonel Shively my profound thanks for a job well done.

HAPPY ANNIVERSARY, MR. STARR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CONYERS. Mr. Speaker, anniversaries are typically a time for reflection—a time to think about where we came from and where we are going. Yesterday was the fourth anniversary of Mr. Starr's $40 million investigation of the President, and it is appropriate that we take a moment to reflect upon what the Independent Counsel has done over the years, and what he is doing now.

Four years ago, Mr. Starr was appointed by the Special Division of the D.C. Circuit to look into allegations of wrongdoing involving an Arkansas land deal called Whitewater. While he did obtain several convictions and guilty pleas in that case, I think it is wrong that he has never publicly cleared either the President or First Lady. His role as Independent Counsel is not simply to charge wrongdoers with crimes, but to clear the innocent when the facts warrant it. When the Whitewater grand jury in Arkansas finished its business months ago without any further indictments, a duty arose to publicly clear the President and First Lady of the public smears that have been made against them.

Two-and-a-half years ago, Mr. Starr turned his attention to the firing of the White House Travel Office, the so-called Travelgate matter. So far, we have not heard a peep from the Independent Counsel on Travelgate, even though it is widely reported that there has not been any grand jury activity on that front for some time. Once again, Mr. Starr has not admitted to the public that the President and First Lady were innocent of any wrongdoing.

Two years ago, Mr. Starr's investigation expanded again, this time to whether White House staff may have misused confidential FBI files, the so-called Filegate matter. As with Travelgate, we have not heard anything from Mr. Starr on this topic, even though there does not seem to have been any grand jury activity in some time. But again, no steps have been taken to publicly clear anyone in the White House.

Now, as we know, Mr. Starr is investigating the President's sex life. That is unheard of in the history of American politics. I think George McGovern said it best this week when he remarked that "this whole Ken Starr shenanigan is a disgrace to the Republic. I find it almost impossible to believe that we have a publicly-paid sex policeman roving around this country."

I couldn't have said it better. After four full years and $40 million, we are investigating things that are strictly the business of the President and the First Lady, and no one else. Mr. Starr, if you are going to send a report to Congress, send a report. But let's not drag this never-ending investigation on toward another unprecedented and unnecessary anniversary.

AFRICAN-AMERICAN CIVIL WAR MEMORIAL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. PELOSI. Mr. Speaker, on July 18, 1998 the African-American Civil War Memorial was dedicated in Washington, DC. This memorial pays tribute to the Black soldiers who fought in the Union Army to end slavery and preserve the United States of America as one nation committed to freedom and justice for all. Among the words of praise given for these brave souls was a poem written by San Francisco columnist and civic leader Noah Griffin. I submit for the RECORD To The Massachusetts 54th, In Memoriam, a tribute to one of the black regiments which fought in the Civil War.

TO THE MASSACHUSETTS 54TH IN MEMORIAM

When the drumbeat and the fife subside
And the celebration's done,
When the memory of the men who died
Both North and South is one.

This regiment will still shine forth
In annals of the free:
The Massachusetts Fifty-Fourth
Who fought for Liberty.

Abe Lincoln had refused to act,
Moreover, Stanton too.
The one to recognize the fact
Was the Governor John Andrew.

He fought to do what saved the war:
Bring Blacks into the fray.
For up 'til then there'd been a bar
By both the Blue and Grey.

When Lincoln signed the document
Which brought Emancipation,
The administration did relent,
Accompanying authorization.

From the Commonwealth the call rang out:
"Come Colored Men to Arms."
Amid the ridicule and doubt
They answered war's alarm.

They came from city and the farm;
Left sweethearts, wives and mothers
To wear that Union uniform,
And free their shackled brothers.

From every state they filled the roll,
From Maryland to Maine.
The Gov'nor more than reached his goal,
The mandate now was plain:

To show that these Black fighting men
Were equal to the task:
To never have to prove again;
To never have to ask.

They served for less than equal pay,
Accepting none, 'til righted.
Enlisted, they remained to stay,
Their honor yet unblighted.

Eli George Biddle, Edward Hines
And Sergeant William Carney:
The knowledge of whom redefines
The Northern Grand Old Army.

Andrew had turned to Robert Shaw
To lead this regiment.
For in this bold Brahmin he saw
The strength of firm commitment.

The men trained with exactitude,
To Milit'ry precision.
With courage, strength and fortitude
They faced their disposition.

Fort Wagner in South Caroline
Would prove their maiden test,
To see if courage would align
By bringing forth the best

From Blacks who fought to free the slave,
For Justice and the Right—
These soldiers who when called on gave
New meaning to the Fight.

With neither map nor smooth terrain
They charged the mouth of Hell.
Into the with'ring blast they came
Ignoring shot and shell.

Young Colonel Shaw, while rallying forth
With sword clutched in his hand.
Exhorted, "Onward Fifty Fourth"
His ultimate command.

He died upon the parapet.
He fell amidst his men.
All buried in a common pit,
Returned to earth as kin.

The standard bearer breathed his last;
The flag was going down.
Thrice wounded Carney grabbed it fast:
"It never hit the ground."

This soldier from New Bedford soil,
Who hailed from Company "C"
Half-dead amid the bloody toil,
Dismissed his own safety.

The men fought valiantly that day,
Though victory was denied.
Amid the wreaths and laurels lay
A source of new found pride.

For courage, neither black nor white;
Resides within us all,
When we surrender to our plight
And answer duty's call.

When the drumbeat and the fife subside
And the celebration's done,
And the memory of the men who died
Both North and South is one.

This regiment will still shine forth
In annals of the free:
The Massachusetts Fifty-Fourth.
They died for Liberty.

SOCIAL SECURITY REFORM: AMERICANS SKEPTICAL ABOUT PRIVATE INDIVIDUAL ACCOUNTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, during the past year the President has engaged Americans in a dialogue about the reform of Social Security. This dialog is a precursor to the President and Congress addressing Social Security reform next year.

Last week, President Clinton participated in dialog in Albuquerque, NM, and he outlined five fundamental principles with are essential to Social Security reform. These principles are: universality and fairness, provide a benefit people can count on, continue to protect the disabled and low-income beneficiaries, fiscally disciplined approach, and strengthen and protect the guarantee.

Social Security was created as part of the New Deal and it benefits 44 million elderly and disabled Americans. The system needs to be reformed, but there should not be a shift away from its fundamental principles. Without making changes, the system will be insolvent by 2032.

Many of us in Congress differ on how to fix Social Security. Even a commission assigned with the task of reforming Social Security could not reach a unanimous consensus and instead, reported out three very different solutions. The concept of allowing individuals to place a portion of their payroll tax in a private account has been suggested and serious deliberation needs to occur to understand the consequences such a change would have on the guarantee of the benefit provided by the system.

On July 25, the National Committee to Preserve Social Security and Medicare released a study which was conducted by Peter Hart Research Associates which surveyed a sample of 1,094 adults and 326 of these individuals were aged 18–34. The survey focused on Social Security and proposals to reform the system which included private accounts. The crux of the survey was Generation Xer's want the Social Security system fixed but oppose tax increases, benefit cuts, and a higher retirement age.

Generation Xer's share the same sentiment as their parents and grandparents in agreeing that "Congress should fix Social Security by strengthening its financial condition, so that future retirees will be guaranteed a reasonable level of benefits." Many believe that younger Americans would like Social Security privatized and invested in individual accounts. This study showed that most Americans including younger Americans want the system fixed and do not think privatization is the answer.

Of all the adults surveyed, 73 percent believe the Social Security system can work for young people when they retire if Congress will strengthen the system's finance and 69 percent of the adults surveyed that were between 18 and 34 years old agree. The survey inquired about private accounts and only 39 percent of those surveyed between 18 and 34 years of age supported allowing individuals to invest their Social Security contributions in the stock market, so that people can manage their accounts. Only 32 percent of all individuals surveyed support private accounts.

This survey helps us realize that Americans are concerned about Social Security, but they do not want the guarantee that is the fundamental principle of Social Security changed. Social Security has become a safety net for retirement for all American workers and we should not take action to weaken this safety net. We should consider all aspects of the Social Security system as we moved forward with the debate on reform.

REGARDING THE ANNIVERSARY OF THE VOTING RIGHTS ACT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to call attention to, and recognize the anniversary of the historic Voting Right Act, August 6th. It was almost a frightening coincidence that on the anniversary, many of my colleagues were attempting to defeat efforts that would prevent the use of statistical sampling to accurately count America's minorities. The opponents of an accurate count wanted to prevent minorities from being counted because it could indirectly heighten their influence in elections and the drawing of congressional districts. Mr. Speaker, the floor debate did not mark the first time that efforts were used to prevent the political franchisement of African-Americans. Indeed, the very purpose of the creation of the voting rights act was done to address the countless obstacles African-Americans faced in electing their own to Congress.

Before the enactment of the Voting Rights Act, minorities were subjected to these efforts to dilute their voting power: Gerrymandering, removing minorities from voting rolls and even outright threats of bodily harm.

The Voting Rights Act was instrumental in protecting the voting opportunities of minorities. In addition, to the chagrin of those who would like to see the clock of progress turned back, the Voting Rights Act has directly resulted in the fair election of African-Americans to Congress.

However, Mr. Speaker, I stand not only to call attention to the benefits of the Voting Rights Act, but to ask that Americans be ever vigilant in protecting the Voting Rights Act from those who wish to forever confine it to the annals of history.

As the uses and benefits of the Voting Rights Act are forever enduring, so are the attacks and efforts to eliminate it. Unfortunately, there are those who seek to eliminate or weaken the protections provided by the Voting Rights Act. If they are successful, then the wonderful diversity of Congress that mirrors the rich cultural tapestry of our Nation may be jeopardized. If they are successful, the Congress of tomorrow could look like the Congress of a hundred years past.

Mr. Speaker, I highly suspect that arguments of fairness, constitutionality and righteousness are thinly-veiled attacks on the Voting Rights Act and seek to imperil the ability of African-Americans to gain elective office.

Some of my African-American colleagues are now experiencing the attacks that I went through; nevertheless, I am confident that the can prevail as I have.

One way that I believe we can continue to prevail and protect the letter of the law that is inherent in the Voting Rights Act is to teach future generations to study what it means and what it has accomplished. If we allow future generations to forget the strides we made in voting that has enabled African-Americans to serve in Congress, then they will not be able to recognize threats to the voting franchise, or fully appreciate how fragile the right to vote truly is. I ask that in the days following this historic anniversary, we teach new generations to be forthright students of history, so that they may be informed protectors of our future.

Mr. Speaker, as it was once said, "That is the supreme value of history. The study of it is the best guaranty against repeating it."

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise in strong opposition to the proposed $141 million account cut in funding to the Legal Services Corporation contained in H.R. 4276, the FY 1999 Commerce, Justice, State, and Judiciary appropriations bill. I would like to fundamentally affirm—from the outset—the tremendous contribution which the Legal Services Corporation has made to this country's most vulnerable populations.

The Legal Services Corporation provides a wide host of benefits to those Americans who cannot otherwise afford legal support. A precipitous decrease in funding, as would occur if this proposed 50 percent decrease takes place, would resign America's poor and underserved to an unenviable situation where they would have little or no access to legal services. A measure of this sort would prove nothing less than unconscionable.

The Legal Services Corporation was created in 1974 by the Nixon administration with broad bipartisan congressional support. The program was created to provide civil legal support to those American citizens and legal aliens who could least afford it. Since its inception, the program has characteristically served those generally underrepresented segments of our society, Including African-Americans and Hispanics, as well as women who are victims of domestic violence. Statistically speaking, the Legal Services Corporation's client pool is as follows: 27 percent are African-American, 16.3 percent are Hispanic, 2.6 percent are native American, and an overwhelming amount, 68 percent, are female.

Last year alone, the Legal Services Corporation provided legal support to over 57,000 spouses who were victims of domestic abuse. The LSC provides legal support and counseling to close to 4 million Americans, and in 1997, the corporation was responsible for closing approximately 1.5 million legal cases.

Without the support of the LSC, many of these individuals would have absolutely no place to turn because the LSC is very often the place of last resort for those who can ill afford it. This was demonstrated in 1996 when Congress irresponsibly reduced funding for the LSC by 31 percent. According to estimates from the LSC itself, this reduced the amount of legal support offered by the organization by 14 percent.

This number does not represent a number in the abstract. Rather, it designates Americans and legal immigrants who—simply because they are poor—did not receive a day in court to address, and perhaps receive compensation for the wrongs that they have suffered.

Mr. Chairman, we must not close the only door that the most vulnerable of us have to address their legal wrongs. Thus, I urge my colleagues to vote no to the amendment to cut funding for the Legal Services Corporation by 50 percent.

A THREAT TO DEMOCRACY IN PANAMA

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. ROHRABACHER. Mr. Speaker, when John Adams was inaugurated as the second President of the United States in 1797, President Washington turned to him and said "I am fairly out and ye are fairly in." That inauguration was the most important in American history because it established the precedent of peaceful transitions of power, which are crucial to all democracies.

Unfortunately, a contagious trend is catching on in Latin America: Presidents are seeking to extend their reign by working to amend the constitutions that limit their terms. The result is that they are preventing democracy from developing deep roots.

What is happening today in Panama exemplifies the problem. Panama's president, Ernesto Perex Balladares, and his ruling PRD party, are attempting to amend the constitution to eliminate its one-term limit on the presidency. On Aug. 30, the people of Panama will vote on the adoption of this amendment.

This referendum is a power grab by the PRD, cleverly cloaked as constitutional reform. It should not be forgotten that the PRD is the party of Manuel Noriega. Twice in 30 years the PRD has stolen democracy from the people through military means. The last time this happened, 28 Americans lost their lives in order to restore the democratically elected President, Guillermo Endara.

Perez Balladares has hired Democratic party operative James Carville in an effort to ease any pressure that might have come from the White House to put a stop to Balladares' power grab. He should have saved his money. If one looks at the way this Administration has coddled the world's dictators, from Hun Sen in Cambodia to the Politburo in Beijing, from the Taleban in Afghanistan to the North Korean regime, Perex Balladares has little to worry about from the people in the White House who are concerned about democracy.

For the sake of the Panamanian people and the tens of thousands of Americans who have served in Panama, especially those who have given their lives in Panama, I ask my colleagues to watch this referendum closely.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BECERRA. Mr. Speaker, on July 30, 1998, I was unavoidably detained during roll call vote number 355, the vote on passage of H.R. 4328, providing funds for transportation and other related agencies for fiscal year 1999.

Had I been present for the vote, I would have voted "yes."

ZEKE GRADER—ENVIRONMENTAL HERO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. PELOSI. Mr. Speaker, Vice President GORE recently honored William F. Grader, Jr.—Zeke to his many friends—with the presentation of an Environmental Hero Award. This award, by the National Oceanic and Atmospheric Administration (NOAA), is particularly meaningful as we celebrate the International Year of the Ocean.

Zeke Grader has been an environmental leader in the San Francisco Bay Area community for many years and has always stood firm in his conviction that sustainable fisheries could be an achievable goal on the Pacific Coast. His efforts on behalf of fishery restoration and sustainable fishing practices set an example for our government and for coastal communities throughout America.

Zeke was responsible for creating the Pacific Coast Federation of Fishermen in 1976 and he has served as its Executive Director since that time. His leadership at the Federation has resulted in the implementation of federal safeguards to bring greater protection to our marine resources and to restore weakened fisheries.

The human hand on the environment has been anything but gentle. By 1997, one third of U.S. marine fisheries were overfished, costing the U.S. economy $25 billion and coastal communities thousands of jobs. In managing our U.S. fisheries, the effect has been evident in the loss of salmon in the Pacific Northwest, including northern California, lake trout in the Great Lakes, oysters in the Chesapeake Bay, cod in the Georges Bank; and these are only a few examples of the great loss worldwide in fisheries depletion.

At a time when the reports about "scorched earth fishing" are so alarming, it is heartening to know that individuals like Zeke are making such an important contribution to preserve fishing stocks and to seek solutions to reverse this aspect of our planet's deterioration. For the 22 years Zeke has been head of the Pacific Coast Federation of Fishermen, he has been responsible for sounding the alarm on overfishing along the north Coast and for striving to bring about improvements to sustain our marine resources.

These concerns are very important to the San Francisco Bay Area where healthy fisheries depend on healthy habitats in the wetlands and waters of our great delta and estuary that feed into the Pacific Ocean. Zeke has been an extraordinary leader and we are grateful for his dedication to the environment, and particularly to its marine resources. We are all beneficiaries of his great efforts in support of a strong and sustainable environment. Zeke is one of those rare leaders who we will look to for guidance on our troubled waters in the next century.

INTRODUCTION OF FINANCIAL SERVICES PRIVACY LEGISLATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MARKEY. Mr. Speaker, today I am introducing two bills which are aimed at addressing the confidentiality of personal financial information, the "Securities Investors Privacy Enhancement Act of 1998" and the "Depository Institution Customers Financial Privacy Enhancement Act of 1998."

Today, the legal and regulatory walls are breaking down that previously have restricted or limited affiliations between banks, securities firms, and insurance companies. This makes sense in light of the trends currently taking place in our economy: globalization, rapid technological change, and demonopolization. But the great truth of the Information Age is that the new telecommunications technologies that financial services giants use to create and market stocks, bonds, insurance policies, and loans to homes and businesses have a certain Dickensian quality to them: we have the best of wires and the worst of wires.

Electronic commerce can allow corporations to become more efficient and workers more productive. But this same technology can avail financial services conglomerates of the opportunity to track personal information, compile sophisticated, highly personal consumer profiles of peoples' buying habits, hobbies, financial information, health information, and other data.

As a consequence, as our nation moves to allow securities, insurance companies, and banks to affiliate, we must recognize that the resulting conglomerates will have virtually unprecedented access to the most sensitive personal and financial information, and they will be largely free to share this information among the various affiliates or even sell it to others. The companies say this will produce "synergies" that will benefit the consumer. But it may also facilitate intrusions into personal privacy.

What will this brave new world look like?

When a husband dies, will the life insurance company tip off the securities affiliate to cold call the grieving widow as soon as she's received the check from her deceased husband's insurance policy in order to try and sell her stocks and bonds?

Will a bank deny a consumer a loan, because information it's obtained from its affiliated medical insurance company indicates that he or she has cancer?

Will a bank share or sell information about a consumer's credit car or check purchases with affiliated or non-affiliated parties?

The answer is yes. These companies will exploit their access to consumer personal information whenever they see a business advantage in doing so. The consequences for consumers can be disasterous. Just a few months ago, for example, the SEC signed a consent decree with NationsBank for making misrepresentations to their bank customers that the risky derivative securities their operating subsidiary was going to try to sell them were as safe as CDs. According to the consent decree:

> NationsBank assisted registered representatives in the sale of the Term Trusts by giving the representative maturing CD lists. This provided the registered representatives with lists of likely prospective clients. Registered representatives also received other NationsBank customer information, such as financial statements and account balances. These NationsBank customers, many of whom had never invested in anything other than CDs, were often not informed by their NationsSecurities registered representatives of the risks of the Term Trusts that were being recommended to them. Some of the investors were told that the Term Trusts were as safe as CDs but better because the paid more. (unquote)

In reality the "Term Trusts" that NationsSecurities was selling the public consisted of funds that invested in risky derivatives that largely have lost value for investors. We need to protect the public against the type of abuses of bank customers' privacy that this episode has so dramatically exposed. Moreover, a letter I recently received from the SEC indicates that a proposed rule to strengthen privacy protection has been languishing before the NASDR for over a year without action and that the proposed rule may need to be strengthened. In addition, the SEC letter indicates that there are gaps in SEC authority to protect the privacy of mutual fund investors and investment adviser customers. The legislation I am introducing today would address problems in each of these areas.

I think we should all be able to agree that consumers have a right to know when personal information is being collected about them. They should receive adequate and conspicuous notice whenever any personal information collected is intended to be reused or sold for marketing purposes. And, most importantly, they should have the right to say "NO" and to curtail or prohibit the use or resale of their personal information.

Current law provides consumers very little protection for their private financial records. The Right to Financial Privacy Act applies only to the federal government. The Fair Credit Reporting Act applies only to consumer reports provided by consumer reporting agencies. It generally exempts a bank's disclosure of its customers' account records. Moreover, a 1996 amendment to that Act has weakened the restrictions on transfers of financial information among persons related by common ownership or control. State law is also inadequate, because the vast majority of states lack laws which establish any meaningful restrictions on banks disclosing customers' records to nongovernmental entities. Only seven states—Alaska, Connecticut, Illinois, Louisiana, Maine, and Maryland—have financial privacy statutes that forbid disclosures of confidential financial information to private as well as governmental entities. One state—California—has a statute constitutional guarantee of private that has been interpreted by the courts to apply to a bank's disclosure of customer financial records. Some states have recognized common law doctrines that recognize some privacy protection for financial records, but only seven states have adopted the common law doctrine of implied contract of confidentiality in the context of bank-customer relations. Unfortunately, the scope of the duties imposed by such implied contracts of confidentiality are unclear.

The two bills I am introducing today, the "Securities Investors Privacy Enhancement Act of 1998" and the "Depository Institution Customers Financial Privacy Enhancement Act of 1998" would help reverse this unfortunate trend. These twin bills would give investors in stocks and bonds, mutual funds, clients of investment advisors, as well as depository institution customers, and other consumers of other affiliates of financial services companies the privacy protections they deserve. The bills would establish under federal law the principle that financial services institutions generally must provide notice to the consumer of when information is being gathered about them, disclosure whenever the institution intends to offer such information to any other person, and a requirement for the express written consent of the consumer if the information is to be transferred or sold to any other person.

I urge my colleagues to support these two bills, and I look forward to working with all interested parties to secure their enactment.

PTFP

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MINGE. Mr. Speaker, earlier this week, the House debated amendments to H.R. 4276, the Departments of Commerce, Justice, and State and Judiciary and Related Agencies Appropriations Act of 1999. One of the amendments of interest to me was an amendment to cut funds for the Public Telecommunications Facilities Program (PTFP) which funds new equipment for public television and radio stations in the United States. Because of time constraints, I was not able to speak on the amendment but I have several points and corrections to the record I would have made if I had had a chance.

In Minnesota we are blessed with having the nation's largest and to us, the finest, public radio system in the country, Minnesota Public Radio (MPR). MPR owns and operates 30 radio stations around the state and in border states to provide public radio coverage to 98 percent of the residents of Minnesota. In most communities, they operate dual channels, a news and information station and a music station. In my district, they have stations in Appleton, Worthington and St. Peter. In addition, other parts of my district are served by stations in Minneapolis, St. Cloud and Sioux Falls, South Dakota. They are truly a state treasure, bringing 24 hour-a-day news coverage and classical music to many parts of rural Minnesota that would not otherwise get those services through commercial radio.

Minnesota Public Radio is however, more than just a treasure to my state. It is a national resource, producing more national radio programming than any radio station or system in the United States. Many people around the country identify Minnesota with the image of Lake Wobegon and the nationally known program A Prairie Home Companion produced by MPR in St. Paul. As for music, over 500,000 people a week from around the country listen to concerts on St. Paul Sunday, which is about the same number that attend live classical music concerts in the U.S. every week. In addition, MPR produces other nationally known programs such as Sound Money and A Splendid Table.

Minnesota Public Radio is also an international media entity and has the U.S. distribution rights to the British Broadcasting Corporation (BBC) radio productions on BBC3 and BBC4, It also has U.S. distribution rights to certain productions of the Canadian Broadcasting Company (CBC).

In 1981, Congress, recognizing the likelihood of future federal funding shortfalls, urged nonprofit organizations like MPR to earn more of their revenues by stating the "Public Broadcast stations are explicitly authorized to provide services, facilities or products in exchange for remuneration . . .". In response to that challenge, MPR expanded its product marketing activities into catalog mailings and then, in 1987, launched the Greenspring Companies, a for-profit, tax paying group of companies. Working off its successful A Prairie Home Companion and the internal talent of its organization, it set up several for-profit companies to market products associated with its productions. Through sound management and understanding the value of its intellectual property, they turned one of those for-profit companies into one of the largest mail order companies in the country. Over the years, the for-profit companies contributed over $40 million to the growth of MPR and allowed them to build new radio stations in Minnesota communities like Appleton, Thief River Falls, and La Crescent.

As a for-profit company, Greenspring departed from the norm for "unrelated business activity" at nonprofit organizations and proceeded to employ all of the traditional mechanisms of capitalism, beginning with a strong, experienced, separate Board of Directors, state of the art facilities, recruitment of top industry professionals, incentive compensation, equity participation by employees and public reports similar to those of a publicly traded company. In 1998, after growing one of the for-profit companies, Rivertown Trading Company, from nothing to annual sales of $200 million, it was sold to the Dayton Hudson Corporation, another Minnesota company. That sale allowed Minnesota Public Radio to put $90 million into an endowment, the largest endowment of any public broadcasting company in the country. The bonus to management of the for-profit Rivertown Trading Company and Greenspring were about 6 percent of the sales price.

Some Members of Congress would have us penalize the success of organizations such as

Minnesota Public Radio. They would say, that since organizations such as MPR are successful capitalists, they should be punished. I, however, believe in the marketplace and do not wish to punish that type of success.

In the meantime, Minnesota Public Radio continues to provide me and my family with our share of Minnesota, whether we are at home in Minnesota or here in Washington. I continue to listen every Saturday night that I can, to Garrison Keillor and all the news from Lake Wobegon and I hope you will also.

DEACTIVATION OF CASC

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to recognize the end of an era in the United States Air Force and in my district.

On Friday, August 7, the Air Force Cataloging and Standardization Center (CASC) of Battle Creek, Michigan, will be deactivated from active duty at 0900. The functions of (CASC) will be incorporated as part of a new service-wide cataloging effort of the Defense Logistics Agency, known as the Defense Logistics Information Service (DLIS). CASC was the last remaining active duty Air Force facility in Michigan.

CASC began cataloging operations in Battle Creek in 1973. This was the beginning of efforts to centralize all Department of Defense (DOD) cataloging in Battle Creek. In 1976, all Air Force cataloging functions were transferred to Battle Creek.

The Air Force and CASC sought to encourage other branches of our Armed Forces and agencies to centralize their cataloging efforts in Battle Creek as well.

Mr. Speaker, in 1996 the Office of the Secretary of Defense approved their idea to have the Defense Logistics Agency (DLA) lead the new consolidated center and to deactivate CASC. That plan was finalized in March of 1997. This entrepreneurial spirit and their willingness to deactivate their unit for the greater good is simply the kind of innovative and decisive leadership CASC has shown over the years.

CASC's Corporate Board developed a comprehensive strategic plan, putting customer service first. Independent customer surveys support this claim. Such efforts should be a role model for every federal agency.

CASC's efforts to incorporate state-of-the art automation into their work processes led to a significant workload enhancements and improved efficiency throughout the organization. These significant modernizations reduced the work force by nearly 300 people, however, all reductions were done without any involuntary separations. CASC workers retired, resigned or were placed in other organizations.

One of the technical accomplishments of CASC has been to identify crashed aircraft from the Vietnam War. CASC employees were able to match recovered aircraft parts to specific aircraft, making it possible to identify aircrews missing in action.

In 1983, CASC established a helpline (call center) to provide Air Force personnel with answers to complex logistic information questions. CASC's call center exceeds industry standards in all categories.

Over its twenty-two year history., CASC's innovative approach to cataloging has saved taxpayers over $60 million. the entrepreneurial spirit within CASC has led to agreements with non-DoD agencies such as the National Weather Service and the Federal Aviation Administration to provide cataloging services which have saved taxpayers $250,000 per year. Negotiations with further agencies continue.

Such efforts has moved CASC away from measuring processes to measuring performance. Their efforts are a model for our entire U.S. Air Force to emulate.

Mr. Speaker, as an Air Force veteran and on behalf of my constituents in Calhoun County, I am proud to offer this tribute in recognition of the accomplishments of the outstanding men and women of CASC.

PROTECTING THE CREDIT UNION MOVEMENT

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. LAFALCE. Mr. Speaker, I appreciated and supported the necessity to move quickly to pass H.R. 1151, the credit union field of membership bill, before the August recess. However, I remain troubled by one of the modifications the Senate Banking Committee made to the House version of the bill, which makes it easier for credit unions to become other types of financial institutions. I will continue to try to rectify this problem in other appropriate contexts. And I also encourage NCUA to use every means at its disposal to prevent credit union members from losing their ownership in a credit union at the hands of a very small minority.

A brief history of the conversion issue will illustrate my concerns. Through its regulations, the NCUA has quite rightly kept a tight rein on the conversion process, requiring a majority vote of all members of the credit union before a credit union can convert to a mutual thrift. This is a difficult standard, and it is meant to be. A credit union's capital, unlike that of any other financial institution, belongs to its members. Once the conversion to a mutual thrift is accomplished, the institution can easily convert to a stock institution, with the result that a few officers and insiders of the former credit union—not to mention the attorneys who encouraged the deal—wind up owning all the former credit union's capital in the form of stock. Thus, in order to prevent insiders and lawyers from walking away with capital which belongs to the entire credit union membership, and depriving that membership of their credit union access, NCUA instituted the majority vote requirement. This requirement was subject to notice and comment rulemaking in 1995. The agency received no comments opposed to the majority vote requirement while fully half the comments on this section urged the agency to institute a supermajority requirement. 60 F.R. 12660 (March 8, 1995). The NCUA Board then imposed the least burdensome voting requirement suggested by the commenters.

Recently, credit unions have been under tremendous pressure to convert to other types of institutions. Legitimate uncertainly about the outcome of the AT&T case, encouraged by lawyers who specialize in conversions, produced a record number of conversion applications over the past several years. These same lawyers then complained that NCUA processed applications too slowly and that the conversion requirements were too rigorous. They persuaded some members of the Senate Banking Committee to override NCUA's regulation and to weaken conversion requirements by allowing conversions upon a majority vote only of those members voting. This means that a small fraction of credit union members could force a credit union to convert, even against the wishes of the overwhelming majority of members who are unaware or did not participate in a vote. This same faction can then profit by a further conversion to a stock institution.

While H.R. 1151 will address the field of membership issue for most credit unions, other restrictions imposed by the Senate version of the bill, such as the limits on loans to members for business purposes, will cause some credit unions to consider converting to other types of institutions. You can be sure that some in the legal profession are already analyzing this legislation and preparing new arguments to credit unions as to why they should convert. This is why I urge NCUA to continue its close scrutiny of conversion applications. While it may seem as if NCUA has very little discretion in this area, the legislation does at least grant them authority to administer the member vote, and require that a credit union seeking to convert inform the agency of its intentions 90 days before the conversion. I would like to point our several ways in which NCUA can continue to exercise oversight over the conversion process within this 90-day period.

First, I encourage NCUA to strictly supervise the notification of members regarding the impending conversion vote. The legislation requires that notice be sent 90, 60 and 30 days before the conversion vote. NCUA should require that these notices be separate and distinct from other mailings and statements. The notice must go beyond NCUA's current notice requirement and explain to members not only the facts of the conversion proposal, but also the fact that they will lose their ownership rights and that the member capital of the credit union could potentially be converted to private stock. Now that the members lack the protection of the majority vote requirement, they must be informed about any and all possible outcomes of the conversion.

Further, NCUA must strictly supervise the process of taking the member vote. Where so much is at stake, both for the general membership and those seeking to convert, outside election monitors must be employed. NCUA should ensure that firms used for monitoring elections have no ties to the credit union, those seeking the conversion or the lawyers assisting in the conversion process. The monitoring firm should be required to submit a list of all its clients for the past five years. The monitoring firm and each member of the credit union board should then be required to sign a statement indicating that they have had no prior dealings, with falsification of these statements subject to criminal and civil penalties.

I would like to point our that such requirements are not barred by the instruction to NCUA to develop regulations consistent with other regulators' conversion requirements, as other types of financial institutions do not have members threatened with losing their capital. While I agree that regulatory requirements should be comparable between agencies when possible, this is a case where strict parallels are impossible. Also, the law allows NCUA to require the conversion vote to be taken again if it "disapproves of the methods by which the member vote was taken or procedures applicable to the member vote." This provision explicitly permits strict oversight by NCUA and I sincerely hope they will use it to protect credit union members.

Mr. Speaker, as I said earlier, I do not want to hold up such an important piece of legislation. However, I did feel obligated to note my concerns with the conversion provision and strongly encourage NCUA to enforce this provision strictly.

BUSY BEE TO BUZZ NO MORE

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. HOEKSTRA. Mr. Speaker, the Busy Bee Restaurant closes for good on Sunday night. It marks the end of an incredible 33-year run for the Polish-American diner nestled like a robin's egg under the L tracks at 1546 N. Damen.

The Busy Bee always held the promise of spring for old men from the Elm Park and Viceroy hotels. The Busy Bee was for the late Abbie Hoffman, who recommended its affordable menu for anti-war demonstrators; it was also for Mayor Harold Washington, who loved the diner's oxtail stew.

The Busy Bee was for one-armed piano player Eddie Balchowsky, a friend of two-fisted running partner Nelson Algren. The Busy Bee was for Shakespeare District cops, particularly Officer William Jaconetti, who wrote the prose for the framed, weatherproof plaque that police and community members installed Thursday outside the restaurant.

The Busy Bee was for everyone.

The loss stings.

Jaconetti became a Chicago cop in 1968, the year all the Busy Bee's windows were broken in West Side riots. In part, the plaque reads: "The American Dream was fulfilled by many who came to the Wicker Park; Bucktown neighborhood for over 100 years. Arriving in the neighborhood in 1965 was Sophie Madej who purchased the Busy Bee Restaurant in 1972. Sophie, a married lady with four children, had come from Poland in 1951, worked at a Chicago packing house for 10 years. saved her money and bought the restaurant . . ."

For 33 years, Sophie served her customers pierogis, homemade spinach soup, meatloaf and stuffed green peppers, all seasoned with love and understanding.

"Sophie is the pioneer of this neighborhood," Jaconetti said. "They talk about community policing? It starts at a multicultural place like this. We will miss her. At tough times, she was always here for the police. For every Bulls victory, for every demonstration, for the Rolling Stones concert (at the nearby Double Door) she stayed open so the police would have somewhere to go. We're all friends with these people. This didn't happen because it was a business. She did something special. She opened the doors to everyone."

Sophie had put the restaurant on the market before. This time it made sense. Sophie turns 70 on July 5. She wants to retire and visit her homeland. In 1943, Sophie was moved to Germany under the Nazis' forced-labor laws. She met her husband, Henry, in 1946 (they divorced in 1985) in Germany, where they remained until 1951, when Catholic Charities gave the young couple $100 to sponsor their voyage to America. They arrived in the United States with the cash, two children and two suitcases.

The new owner, Mitch Gerson, will close the Busy Bee, remodel it and upscale the 16 apartments above the restaurant. Sophie whispered, "He has to do it that way. There's no way he can compete with this."

There's no way Gerson's grand opening can compete with the Busy Bee's closing. Sunday will be just another day and nothing special will happen at 6 p.m. when Sophie closes the doors for the last time.

The Busy Bee has been buzzing with adoration for the Madej family over the last two weeks. Sophie and three of her children, Elizabeth, 50, Hank, 47, and Bob, 46, have been working around the clock at the crowded diner, where in recent days there has been a half-hour wait to be seated. (Her fourth child, Chester, 44, works for the National Oceanographic and Atmospheric Agency in Boulder, Colo.)

By noon on Thursday, the restaurant had run out of pierogis. Cops, friends and neighbors arrived, most of them taking pictures so they could hold onto the sense of community. Other people brought Sophie bouquets and flowers.

"I never knew people cared like this," Sophie said. "Never. The first time I walked into the restaurant after I bought it, I asked myself and God if I could make it for a year or two. That was my biggest question. And this became my home. We've had all our family gatherings in the restaurant. But it's time to let go and move on."

John Schacht sat across the counter from Sophie, listening to her talk like a doting son. Schacht, a painter-photographer, lives in a trailer in the woods of southwest Iowa. He took a train to Chicago so he could have one last meal at the Busy Bee. Schacht, 60, is a third-generation customer. When Sophie bought the restaurant, it was already called the Busy Bee—renamed from the Oak Room, its name when it was built in 1913.

"My dad would come before his shift as a bouncer at the Bucket O' Blood Saloon on North Avenue," Schacht said. "The first time I came in here was 1946. The neighborhood has changed. Around 1972, I was walking home from Sophie's and walked right into crossfire with two street gangs. . . . I'm sad to see Sophie go, but I'm glad to see her retiring. She's been working for all the years I've known her."

Sophie has seven grandchildren and two great-grandchildren. The hardest question to ask is why the restaurant couldn't stay in the family.

"That is tough," Bob Madej said. "It's not an easy business. You're here 16 hours a day, seven days a week. I've been part of this since I was in high school, mopping floors with my brother.

"Maybe something could have been worked out a few years ago where one of the sons could have taken it over. But it didn't happen. And it's best now. There's no strings attached. We're all set. And Mom's happy. Now she'll have time to spend with the grandchildren and great-grandchildren. And that's important"

Bob, a district manager for Superior Coffee, paused and looked across the counter. "I met my wife (Teresa) here," Bob said. "I was working behind the counter when she walked in. Her sister was working in the kitchen. Maybe it won't be as emotional for my mom . . . But I have a lot of memories here, too."

It's important for future Wicker Park residents to understand the memories within the walls of the restaurant. That is the purpose of the commemorative plaque. On Thursday, through an old white bullhorn, Jaconetti read the plaque honoring the Busy Bee. Sophie watched, her head bowed in humility. She cradled her 1-year-old great-grandson Anthony, who someday will hear stories about his grandmother's great restaurant.

Her hard thumbs fidgeted nervously as Jaconetti reached the last sentence on the plaque. ". . . She may be gone from the Busy Bee, but not from our memories and hearts." And honey-soaked tears fell from the eyes of a city's queen bee.

INTRODUCTION OF BUFFALO COIN ACT OF 1998

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BROWN of California. Mr. Speaker, this year marks the sixtieth anniversary of the issuing of the Buffalo Nickel. This nickel is still very popular and widely collected today. It remains a respected and cherished symbol.

That is why it is my pleasure to introduce the House companion bill to S. 1112, sponsored by Senator BEN NIGHTHORSE CAMPBELL of Colorado. S. 1112 authorizes the minting of the original Buffalo Nickel design on a new commemorative silver half-dollar coin to help honor our nation's Native Americans. While this coin will be minted at no cost to the government, it will help raise funds for the Smithsonian's National Museum of the American Indian, which is scheduled to open in 2002. These funds will be used to set up an endowment and an educational outreach fund.

This coin has already received the full endorsement of the U.S. Mint's Citizens Commemorative Coin Advisory Committee and now needs our support in order for it to be minted in 2001.

This legislation is a bipartisan effort and has 17 original cosponsors. I ask my colleagues to join us in supporting the Buffalo Coin Act of 1998.

INDIAN HEALTH EQUITY ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that would fix an inequity in the current reimbursement rates for low-income Native Americans who receive health care through the Indian Health Service (IHS).

Under current law, a 100 percent Federal medical assistance percentage (FMAP) applies for the cost of services provided to Medicaid beneficiaries by a hospital, clinic, or other IHS facility, as long as they are run by the IHS, tribe, or tribal organization. While IHS facilities (usually in rural areas) are eligible to receive the 100 percent FMAP, similar services provided through IHS programs (usually in urban areas) receive only 50–80 percent reimbursement depending on the service.

My legislation would fix this inequity by raising the IHS program FMAP to 100 percent as well.

Equalizing the FMAP for health care received through IHS programs is especially important given that roughly half of the nation's Native Americans now live in urban areas. Furthermore, many urban IHS programs are run through Federally Qualified Health Centers whose state funding have been threatened by repeal of the Boren Amendment.

Passing this legislation would benefit IHS programs in over 35 cities throughout the country and would have little impact on the federal budget. Informal estimates illustrate that equalizing the FMAP for IHS programs would cost $17 million over the next 5 years.

I urge my colleagues to join me in support of the Indian Health Equity Act.

IN HONOR OF COLONEL NATHANIEL P. WARD, III

HON. JOHN H. CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CONYERS. Mr. Speaker, I rise today to honor the memory of a truly exceptional citizen whose entire life was spent in service to his country.

Colonel Nathaniel P. Ward, III, a native of Durand, Wisconsin, was born February 29, 1912. He attended Stout Institute, in Menomonie, Wisconsin before entering U.S. Military Academy, West Point, NY, from which he graduated in 1934. Upon graduation, he married Evelyn Gardner of Hampton, Virginia.

Prior to the outbreak of World War II, he served in company assignments with the Second Infantry at Fort Brady, Michigan; the 14th infantry in the Panama Canal Zone; and the 66th Tanks at Fort Benning Georgia. He served in the European and Asian-Pacific Theaters of Operation.

While serving in Europe he took part in 4 major campaigns, including those of Normandy, Northern France, the North Appennines, and Rome-Arno. As Commander of the 637th Tank Destroyer Battalion in 1945 he participated in the Luzon Campaign which resulted in the liberation of the Philippine Islands. During the occupation of Japan, Colonel Ward was assigned to the staff of the 1st Cavalry Division and as a battalion commander.

After tours in Canada and the Pentagon, Colonel Ward served in Vietnam as a senior advisor and Chief of Staff of the Military Assistance Advisory Group from 1958–60. Upon returning to the U.S., he assumed duties with the XXI U.S. Army Corps from which he retired in 1964. After his retirement from the U.S. Army, Colonel Ward and his wife Evelyn lived in Hampton, VA, where he was active in the Hampton Historical Society and the Lions Club for over thirty years.

Colonel Ward's passions were his family, the U.S. Army—especially West Point—and the cavalry. He was extremely proud of his service in Vietnam. Two of the soldiers under his command, killed in 1959, were originally left off the Vietnam War Memorial in Washington, DC, considered to have died before the conflict began. Through Colonel Ward's efforts, their names are now the first ones inscribed on the Wall.

Colonel Ward served our country well, and made us proud. He passed away on April 3, 1998, and was buried with full honors at Arlington National Cemetery. He is survived by his devoted wife, Evelyn, his daughter Chartley Rose Ward and son Nathaniel P. Ward, IV, also retired from service in the U.S. Army, three grand children and a great-granddaughter.

IN HONOR OF PAUL O'DWYER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the passing of Paul O'Dwyer, a man who fought in the interests of justice without counting the costs. As "the people's lawyer," Mr. O'Dwyer dedicated his life to defend those unable to defend themselves.

Immigrating from Ireland in 1925, Mr. O'Dwyer began his American experience as a foreign face on the streets of New York City, surviving purely by hard work and street smarts. Working as a longshoremen, Mr. O'Dwyer put himself through undergraduate studies at Fordham University and law school at St. John's University.

As his fellow Americans faced the pressures of the Great Depression, Mr. O'Dwyer committed his legal smarts to the defense of those struggling to earn an honest living. A labor lawyer in days when labor was scarce, he often worked without compensation, guided not by self-interest or commercial impulse, but a calling to social justice. Mr. O'Dwyer's efforts on behalf of the working man earned him the suspicions of the House Un-American Activities Committee, his defense of labor leaders like "Red Mike" Quill raising speculation that he was a communist. Such accusation always lacked sufficient evidence.

A champion of civil rights in the fifties and the sixties, Mr. O'Dwyer fought passionately in southern courtrooms to integrate publicly subsidized housing. Mr. O'Dwyer's philosophical difficulties with the Vietnam War culminated in his leading anti-war delegates as they walked out of the 1968 Chicago Democratic convention. This brave act of defiance against the establishment would later be used against Mr. O'Dwyer in his numerous attempts at being elected to public office. Mr. O'Dwyer did serve as President of the New York City Council from 1973 to 1977.

My fellow colleagues, join me in recognizing the passing of Paul O'Dwyer, a man who rigidly and without pause adhered to principle at the price of self-interest. Let us aspire in our own efforts to show such a commitment to the truth.

THE NEIGHBORHOOD IMPROVEMENT FOUNDATION OF TOLEDO, INC.

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to acknowledge The Neighborhood Improvement Foundation of Toledo, Inc., commonly referred to NIFTI, on its recent selection as a Citationist for the 1998 President's Service Awards. Awarded from a pool of approximately 3,600 nominations, NIFTI was one of thirty chosen for this prestigious recognition.

Organized in 1957, NIFTI's mission over the past 41 years has been to improve the quality of life in the Toledo metropolitan area through cleanup, beautification efforts, and by encouraging environmental awareness. NIFTI's role as a community organizer and activist has provided Toledo residents with a voice along with a viable means to eliminate urban blight, making our city a cleaner and safer place to live and work.

NIFTI volunteers, numbering in the thousands, are a collaboration of concerned individuals, corporations, local government and other community organizations. NIFTI, through its various programs, encourages volunteerism in both the adult and youth populations. In addition, NIFTI has effectively promoted neighborhood responsibility in the central city.

Mr. Speaker, it is with great pleasure that I rise today to thank NIFTI for all of its positive contributions to the city of Toledo. NIFTI's efforts toward solving serious social ills are representative of the spirit of community service that has made our nation and my congressional district a better place to live. To the Neighborhood Improvement Foundation of Toledo, Inc., congratulations on being named a recipient of such a noble award.

PRIVATE MORTGAGE INSURANCE CANCELLATION SIMPLIFICATION ACT OF 1998

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LAFALCE. Mr. Speaker, on Wednesday, July 29, 1998, the President signed into law S. 318, the "Homeowners Protection Act of 1998." While the law provides important new rights to consumers who are required to purchase private mortgage insurance in order to qualify for a home loan, I wish the law had gone further. I am particularly concerned that the Federal law pre-empts State law, unless the State had enacted a law prior to January 2, 1998. Even the eight States that have private mortgage insurance (PMI) cancellation and termination laws on the books, are prohibited from passing stronger laws two years after the date of enactment. It is my belief that the law should protect the rights of all states to pass stronger consumer protection laws.

I am also troubled that the law provides Fannie Mae and Freddie Mac, the Government Sponsored Enterprises (GSEs) that secure mortgages, broad discretion to distinguish certain borrowers as "high risk." Those borrowers, under the law, are prohibited from even initiating cancellation of their mortgage insurance after 20 percent of their mortgage is satisfied, and instead are required to carry mortgage insurance for half the life of the loan. While certain types of borrowers at loan origination may be riskier than others, by the time the borrower has satisfied 20 percent of their mortgage, the lender's risks are negligible. At that point, consumers should not be required to make costly payments to the private mortgage industry.

For the above-mentioned reasons, today I am introducing the "Private Mortgage Insurance Cancellation Simplification Act of 1998." The bill protects the rights of all states to enact stronger PMI cancellation and disclosure laws and provides the same cancellation rights to all consumers with conforming loans.

The text of the legislation follows:

H.R. 4435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Mortgage Insurance Cancellation Simplification Act of 1998".

SEC. 2. APPLICABILITY TO HIGH-RISK LOANS.

(a) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (Public Law 105-216) is amended by striking subsection (f).

(b) CONFORMING AMENDMENTS.—Section 4(a) of the Homeowners Protection Act of 1998 (Public Law 105-216) is amended——

(1) in paragraph (1)——

(A) in the matter preceding subparagraph (A), by striking "(other than a mortgage or mortgage transaction described in section 3(f)(1))";

(B) in subparagraph (A)(ii)——

(i) in subclause (II), by inserting "and" after the semicolon at the end; and

(ii) by striking subclause (IV); and

(C) in subparagraph (B)——

(i) in clause (i), by inserting "and" after the semicolon at the end;

(ii) in clause (ii), by striking "; and" and inserting a period; and

(iii) by striking clause (iii);

(2) by striking paragraph (2);

(3) in paragraph (4), by striking "through (3)" and inserting "and (2)"; and

(4) by redesignating paragraphs (3) and (4), as so amended, as paragraphs (2) and (3), respectively.

SEC. 3. PROTECTION OF STATE LAWS.

Section 9 of the Homeowners Protection Act of 1998 (Public Law 105-216) is amended by striking subsection (a) and inserting the following new subsection:

"(a) EFFECT ON STATE LAW.——

"(1) IN GENERAL.—This Act does not annul, alter, or affect, or exempt any person subject to the provisions of this Act from complying with, the laws of any State regarding any requirements relating to private mortgage insurance in connection with residential mortgage transactions, except to the extent that such State laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

"(2) INCONSISTENCIES.—A State law shall not be considered to be inconsistent with a provision of this Act if the State law——

"(A) requires termination of private mortgage insurance or other mortgage guaranty insurance——

"(i) at a date earlier than as provided in this Act; or

"(ii) when a mortgage principal balance is achieved that is higher than as provided in this Act;

"(B) requires disclosure of information——

"(i) that provides more information than the information required by this Act; or

"(ii) more often or at a date earlier than is required by this Act; or

"(C) otherwise provides greater protection for the private mortgage insurance consumer.".

INTRODUCTION OF THE TELECOMMUNICATIONS TRUST ACT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. KLINK. Mr. Speaker, today I'm introducing legislation to end the controversy over funding for the e-rate, make Federal telecommunications subsidies more explicit and stable and begin a needed national debate on the Federal role in supporting universal telecommunications service.

My bill, the Telecommunications Trust Act, will dedicate the Federal phone excise tax to Federal universal service support through a Telecommunications Trust Fund, very much like the Federal gas tax funds Federal transportation spending.

This bill will accomplish several things. First, it will remove the new line-item charges many consumers are seeing on their phone bills and end the debate over funding the schools and libraries part of universal service. That program will be funded through the Telecommunications Trust Fund, as will rural health care, rural high cost and lifeline Federal service support.

Furthermore, by dedicating the phone excise tax to universal service, we will be fulfilling the directive of the Telecommunications Act of 1996 that universal service subsidies be explicit rather than implicit.

Universal service has been subsidized implicitly for 60 years by consumers and businesses paying more for phone service so that those in high cost and rural areas could have affordable phone service. My legislation will make that support explicit and dedicate the phone excise tax to that purpose.

Furthermore, it will provide honesty to phone bills by shifting the revenue from the excise tax from the treasury to telecommunications. The Federal phone excise tax is a vestige of the Spanish-American War and has been in effect off and on for a century. It is time this tax revenue went to telecommunications, just as the gas tax goes to transportation.

Finally, I am hoping that this bill will begin a public debate on issues currently being discussed at the Federal Communications Commission (FCC) and in Congress: how should Federal universal telecommunications support be achieved in the digital age.

INTRODUCTION OF BILL TO ENSURE ZIP CODE ALLOCATION

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. HORN. Mr. Speaker, I rise today to introduce a bill, H.R. 4429, that would ensure fairness in Zip code allocation. This issue was brought to my attention by the ongoing plight of one city in my district—that of the city of Signal Hill. Signal Hill is a bustling community of over 9,000 residents located in Southern California, surrounded completely by the city of Long Beach. Unfortunately, this community's growth and economic expansion are hampered by the three way division of the city among Zip codes. While the issuance of five little numbers may not seem like a big deal to many of those in Washington, it is of paramount importance to this community back home.

This division results in mail addressing and delivery problems and higher insurance rates for residents. It is unfair at best and inefficient at worst to punish residents of Signal Hill with unnecessarily high costs simply because the Postal Service mandated this division without any input from this active community. I have worked with the U.S. Postal Service to find a solution to this issue that benefits both parties, however I am afraid we have come to an impasse. The Postal Service refuses to allocate a unique Zip code to this city despite the overwhelming evidence that Signal Hill needs and deserves its own Zip code. The time has come for a new approach to this ongoing problem.

I introduced H.R. 4429 which today would ensure that all cities like Signal Hill can count on efficient mail service and a distinct community identity. It says any city with a population of at least 5,000 residents that is completely surrounded by another city would not have to share its Zip code with any other city. This legislation takes the politics out of Postal Service decisionmaking and institutes instead, a straightforward, fair system for Zip code allocation. H.R. 4429 will put an end to years of delivery problems, community identification problems, and insurance rate problems. Simply put, an economically independent community shouldn't be forced to share its identity with any other city simply due to geography and the failure of the Postal Service to make the right decisions. The city of Signal Hill is a distinct and viable city and deserves to be recognized as such. The passage of H.R. 4429 will assure that.

Mr. Speaker, I ask that the text of H.R. 4429 be printed at this point in the RECORD.

H.R. 4429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ZIP CODE REQUIREMENT.

(a) REQUIREMENT.—Effective 1 year after the date of enactment of this Act, no ZIP code that is assigned to a city (or portion of a city) that is completely surrounded by any other city may also be assigned to any area outside of the city so surrounded.

(b) DEFINITION.—For purposes of this section, the term "city" means any unit of general local government that is classified as a city, town, or municipality by the Bureau of the Census, and within the boundaries of which 5,000 or more individuals reside.

INTRODUCTION OF THE YEAR 2000 READINESS DISCLOSURE ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. DREIER. Mr. Speaker, by now most Americans know about the Year 2000 computer problem and understand that if preventive steps aren't taken, computer failures may cause serious problems. To mitigate the severity of the problem, Congress must not only act to ensure that the Federal Government's mission critical computers can function on January 1, 2000, but that the private sector can use all of the tools at its disposal to prevent unnecessary Year 2000 computer failures. Today I've joined with a number of colleagues from both sides of the aisle to introduce a modest, targeted measure to do just that.

I want to commend the President for calling attention to an important part of the Year 2000 problem for private sector firms. Many companies are afraid that the information they share about their Year 2000 readiness and their efforts to become Year 2000-compliant will later be used against them in civil suits. While the President submitted a bill intended to encourage information-sharing by preventing some of this information from being used in subsequent suits, his proposal is crafted so narrowly that it really won't make any difference. The bipartisan "Year 2000 Readiness Disclosure Act," which I introduced today, gives companies the liability protection they need to make statements about Year 2000 compliance efforts, knowing that they're not just pouring gasoline onto some litigation bonfire.

The Year 2000 Readiness Disclosure Act is by no means the last word on the subject. I look forward to working with the administration and committees of jurisdiction to make it better. In particular, I would support language to clarify that firms working together to minimize Year 2000 problems and promote Y2K compliance are not in violation of antitrust laws. Furthermore, starting this fall and moving into next year, it's critical that Congress address the problem of liability for Year 2000 failures themselves. Legal analysts are already anticipating that the total litigation burden for Year 2000 failure suits will climb into the hundreds of billions of dollars. Congress and the President need to work together to make sure that companies are concentrating on preventing Year 2000 failures, not protecting themselves from wasteful suits after they've occurred.

While I'm not an alarmist, Year 2000 failures have the potential to have a significant impact on the economy of the United States and the world. Just as a stitch in time saves nine, Congress can prevent a lot of headaches down the road by passing legislation that's carefully crafted to encourage companies to share information now.

INTRODUCTION OF LEGISLATION TO SIMPLIFY THE CHILD CREDIT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation which will simplify the child credit in a revenue neutral manner. Over the past three years, the tax code has become unbelievably complex for the average individual taxpayer. The capital gains form that was part of last year's Federal income tax return is only the first installment. The next installment will be the extraordinarily complex child credit form that will be required on next year's tax return. In a recent article in the Wall Street Journal, a tax expert stated that many people "will be totally overwhelmed" by required forms.

The Internal Revenue Service (IRS) has released proof copies of the 1998 child tax credit worksheet. These forms are extremely complicated. Some will be quick to blame the IRS for the complexity of the forms. In fact the IRS is merely the messenger. The complexity of the forms is the result of deliberate decisions last year by the Republican majority in Congress.

Taxpayers will find out next spring that the two-page child tax credit work sheet is difficult to fill out and time consuming. Claiming the child credit goes beyond filling out the child credit forms. Additional calculations and forms are required.

Under current law, all taxpayers who claim the child credit with incomes above $45,000 for joint filers and $33,750 for single filers will have to make at least a rudimentary minimum tax calculation. Many of these taxpayers will also have to fill out the full alternative minimum tax (AMT) form. In addition, large groups of taxpayers such as self-employed and individuals who have a capital gain distribution from a mutual fund will have to fill out the full AMT form regardless of their income level.

The Internal Revenue Service has not completed an analysis on the amount of time it will take to complete the new child credit forms, but the Internal Revenue Service has completed a time analysis for completing the AMT form which will be required for many taxpayers claiming the child credit. It takes approximately 5 hours to complete this form. Not only will the taxpayer have to spend time on this form, many will have to fill out the Schedule D form for capital gains twice. The IRS estimates that it takes 5 hours and 20 minutes to fill out this 54-line form.

Not only is the AMT complicated, it can penalize taxpayers with middle-income who claim some of the new tax credits such as child credit and the Hope scholarship credit. In 1998, tax policymakers estimate that the minimum tax will cause roughly 700,000 taxpayers to fail to receive the full benefits of nonrefundable personal credits. This number is expected to increase drastically because AMT thresholds are not indexed for inflation. By 2007, the AMT will cause approximately 8 million people to lose some of the benefits of the nonrefundable personal credits.

The following example shows the interaction between the child credit and the AMT. A married couple with 3 children and 1 child in college have a gross income of $67,000. They claim the family credit for a $1,000 and the Hope credit for $500 and this totals $1,500 in credits. They are required to pay the minimum tax and the minimum tax disallows $1,477 of their credits.

My legislation simplifies the child tax credit and other personal nonrefundable credits such as the new education tax credits in the Taxpayer Relief Act of 1997 by eliminating their interaction with the AMT. The legislation allows nonpersonal refundable credits against the minimum tax. Under current law, a taxpayer with three or more children is allowed a partially refundable child credit and my legislation also simplifies this partially refundable credit by repealing the provision which reduces the credit by AMT liability.

In order to eliminate the complexities of the AMT for nonfundable credits and the child credit for families with three or more children, and to have revenue neutral legislation, the income limits for the beginning of the phase-out of the child credit have to be reduced from $110,000 to $89,000 for joint filers and $75,000 to $60,000 for single filers. Even with this reduction in the thresholds for the child credit, the thresholds are still higher than the thresholds which were included in last year's House Democratic substitute.

My legislation simplifies the child credit for all taxpayers. The vast majority of Americans will have a modest tax reduction or will not be affected. I urge my colleagues to join me in cosponsoring this legislation. Proposing such legislation is not without risk—opponents can distort it for political purposes. However, I believe that it is important to propose constructive solution to problems. The complexity of the child credit is a problem that needs to be addressed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. STOKES. Mr. Chairman, I rise in strong support of the Mollohan census amendment to H.R. 4276, the FY 1999 Departments of Commerce, Justice, and State, the Judiciary, and related agencies, appropriations bill.

This important measure will remove language in the bill that withholds half of the FY 1999 appropriation for the decennial census until future legislation releasing the funds is enacted. By avoiding the risk of a census shutdown, the Bureau can proceed without hindering its ability to prepare for the most accurate census possible.

Americans want, and deserve, an accurate census conducted with the latest scientific methods and technology available. However, the recent census was the first census enumeration to be less accurate than its predecessor. It is estimated the 1990 census undercount, of which 8.8 million people were not included, was 33 percent less accurate than that of the 1980 census. Subsequently, 4 times as many blacks, 5 times as many Hispanics, American Indians, and non-Hispanic whites, and 2 times as many Asians and Pacific Islanders were not included.

As the U.S. Census Bureau prepares for the largest peace-time mobilization effort undertaken by the Government, we must apply modern scientific sampling methods to ensure a more accurate census.

The census is a constitutional requirement for the reapportionment of the House of Representatives. An accurate census is also absolutely essential for a fair distribution of Federal funding for roads, transit systems, schools, senior citizens centers, health care facilities, and children's programs, including Head Start and the school lunch program. With such services and resources at stake for our urban communities and rural areas, we must be mindful of the human capital costs involved with an "undercount" of the population.

In 1991, Congress directed the Secretary of Commerce and the National Academy of Science (NAS) to determine the most scientifically accurate and cost-effective means of conducting the decennial census. The National Academy of Science panel concluded that statistical sampling would fulfill such criteria. These findings were echoed in 1992 and 1996 reports from a second panel of experts who stated that sampling is critical to the success of the 2000 census.

The Mollohan amendment directs the National Academy of Sciences (NAS) to review the Census Bureau's plans and determine if they are consistent with recommendations made by the academy in response to bipartisan legislation enacted in 1991. By enlisting the aid of the academy, the U.S. Census Bureau can refine and improve their techniques in order to attain a more accurate census.

The Bureau's "census 2000 plan" has been endorsed by the American Statistical Association, the American Demographics Association, and virtually all other professional organizations concerned with the census.

Mr. Chairman, the Congress must ensure that adequate and timely funding is available for the task of determining our Nation's population. Any delay in funding to fulfill our constitutional obligation would delay and place in jeopardy many of the planning requirements necessary for an accurate census. By removing the six month cap on funding for census 2000, the Congress will enable the Bureau to continue its preparations for its most important task ahead.

Mr. Chairman, I ask my colleagues to ensure that progress will continue toward the most fair, accurate, and inclusive census in our Nation's history. Support the Mollohan amendment.

IN HONOR OF THE CHURCH OF ST. CLARENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to commemorate the 20th anniversary of the Church of St. Clarence.

St. Clarence Church has served as a welcoming community for the citizens of North Olmsted for twenty years. Bishop James E. Hickey named the Church of St. Clarence in memory of his immediate predecessor, Bishop Clarence Issenman. He designated Reverend Thomas A. Flynn as its founding pastor in June, 1978.

The Church of St. Clarence consists of the Parish School of Religion, the Gathering Room and St. Kevin's Chapel. St. Clarence uses these three components to achieve a mission statement that calls for opportunity, education, and friendship among its community's members. St. Clarence provides its members with opportunities to worship God by offering the Eucharist on a daily basis at St. Kevin's Chapel. St. Clarence's Parish School of Religion hopes to educate and nurture all its members by making available classes in religion, including those of bible study. The Gathering Room promotes a community of prayer and friendship by providing a place for members to meet outside of regular church hours for extra-curricular activities. The Church of St. Clarence clearly meets the needs of all its members.

The population of St. Clarence's Parish has grown significantly since its first beginnings in 1978. I stand here today in reassurance that St. Clarence will continue to grow and serve every one of its members, past and future, with the same commitment and the same faith that has helped it develop into the thriving community it is today. Once again, congratulations and God Bless!

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Ms. PRYCE of Ohio. Mr. Chairman, I rise in strong support of the amendment offered by my fellow Buckeye State colleague, Mr. TRAFICANT, and I commend him for his leadership on this issue.

All families in Ohio, which include my constituents in and around Columbus, were placed in serious harm's way as a result of the recent breakout of six inmates from the Northeast Ohio Correctional Center located in Youngstown. Five of the escapees were murderers who had been transferred to Youngstown by the District of Columbia.

We are all a little bit relieved to know that, thanks to excellent law enforcement, five of the six inmates have been caught, but one remains at large and remains a menace to all citizens of this country.

Mr. Chairman, what is particularly alarming about this situation is that some of those murderers who escaped had absolutely no business being transferred by the District of Columbia to the Youngstown facility, which is designed to house medium risk criminals—not the extremely violent, high-risk variety like those thugs who escaped. This situation is unacceptable, and the people of Ohio will not stand for it.

Who is responsible for this? One thing appears certain, the District of Columbia agreed only to transfer medium-risk criminals to Youngstown. Yet, in the words of the director of the D.C. Corrections Department, many of the prisoners transferred by the District of Columbia to Youngstown were inmates who had "committed murder and mayhem" and were "some of the most recalcitrant inmates to come out of" the D.C. penitentiary.

In other words, the District of Columbia either was grossly negligent or they callously hoodwinked the people of Ohio. Either way, the gentleman from Youngstown, and I demand that the District of Columbia fully account for this situation and be held accountable, accordingly.

Mr. TRAFICANT'S amendment will help ensure that the events of the past are not repeated by the District of Columbia. In addition, I believe we should explore other avenues in coordination with state officials like Ohio attorney general Betty Montgomery, who has expressed to me her commitment to make sure that the people of Ohio are protected.

I urge support for the Traficant amendment.

CRISIS IN CYPRUS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. WHITFIELD. Mr. Speaker, we are on the verge of yet another crisis in Cyprus.

The Greek Cypriots propose to purchase new S–300 missiles from Russia, and by all accounts, Russia intends to proceed with delivery of the missiles this fall. The installation of these sophisticated new antiaircraft missiles and accompanying powerful air surveillance radars needlessly escalates the level of military confrontation in Cyprus, and pushes the two sides further away from a more sensible path of mutual arms reductions. It also raises the disastrous prospect of conflict between two of our NATO allies, Turkey and Greece. Indeed, the placement of these missiles in Cyprus seems intended for no other reason than to provoke conflict.

The Cyprus problem has been with us for a long time. United Nations peacekeeping forces have been there for a quarter of this century. Some of our European allies have invested, and continue to invest, considerable effort in finding a long-term solution there. The United States, of course, is also actively engaged in diplomatic efforts in Cyprus. The problem is daunting and filled with frustrations. For example, I was disturbed to read last week that the Foreign Minister of Greece had referred to the President's efforts in Cyprus as "utter lies". These kinds of remarks from senior government officials are not helpful.

I wish the Greek Cypriots would reconsider their decision to deploy these dangerous new missiles, but I fear that they will not. Unfortunately, restraint has not been a common feature of Cyprus' history. In light of this, I am very troubled that Russia will allow this sale to go forward. Russia is a member of the United Nations Security Council, and I simply cannot understand why President Yeltsin would permit these missiles to be sent into this explosive environment—particularly after repeated Security Council resolutions expressing concern about the introduction of sophisticated weaponry in Cyprus, and admonitions to all parties to avoid further expansion of military forces and armaments.

Mr. Speaker, some of my colleagues and I have sent a letter today to the President urging him to speak directly to President Yeltsin about this crisis, and to prevail upon him to cancel the S–300 missile transfer. At a time when Russia is looking to the United States and other members of the international community for help with its financial crisis, I think that Russia should understand that international cooperation is not a one-way street and not limited to the subject of finance. Like all of us, Russia has a responsibility to promote solutions, not new crises. I hope that President Yeltsin will see that this missile sale threatens to damage Russia's goodwill in the United States, and this makes it more difficult for us to cooperate on other issues.

A few weeks ago, some of my colleagues here spoke of the Cyprus problem, but the common message was not solution-oriented. Instead, we heard that one side in Cyprus was to blame for all its problems, and the other side was innocent. I want to suggest to my colleagues that taking sides in this old and complex problem is not constructive, and will not enhance the ability of the United States to be an effective catalyst for solutions. I also want to point out that the history is not so clear as some have suggested.

Even before this most recent crisis was precipitated by a weapons purchase from Russia, the last major crisis in 1974 began for reasons that some of us have forgotten. The American Secretary of State at the time, Henry Kissinger, succinctly summarized the events in his book, "Years of Upheaval":

> After World War II, the old enemies Greece and Turkey were allies in NATO with a common stake in the security of the eastern Mediterranean. But their atavistic bitterness found a focus in the island of Cyprus, forty-four miles from mainland Turkey, with a population 80 percent Greek and about 20 percent Turk—a lethal cocktail.
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> As in many other nations of mixed nationalities, a tenuous civil peace had been possible while the island was under foreign rule. But when the British granted independence to the island in 1960, with Britain, Greece, and Turkey as guarantors of its internal arrangements, the subtle Greek Orthodox Archbishop Makarios III, leader of the Greek Cypriot community and of the campaign against British rule, found himself obliged to concede a degree of self-government to the Turkish minority, offensive to all his notions of government or nationality. He did not have his heart in it, and with independence he systematically reneged on what he promised, seeking to create in effect a unitary state in which the Turkish minority would always be outvoted. The history of independent Cyprus was thus plagued by communal strife, and in 1967 Turkey's threat to intervene militarily was aborted only at the last moment by a strong warning from President Johnson. It had become since an article of faith in Turkish politics that this submission to American preferences had been unwise and would never be repeated. I had always taken it for granted that the next communal crisis in Cyprus would provoke Turkish intervention.
>
> Makarios nevertheless continued to play with fire. In 1972 he introduced Czech arms on the island for the apparent purpose of creating a private paramilitary unit to counterbalance those set up by the constitution. In 1974 he again took on the Greek-dominated National Guard in an effort to bring them under his control. Greece was then governed by a military junta, violently anti-Communist, deeply suspicious of Makarios's flirtation with radical Third World countries, which it took to be a sign of his pro-Communist sympathies. It therefore encouraged plans to overthrow him and install in Cyprus a regime more in sympathy with Greece, oblivious to the fact than an overthrow of the constitutional arrangement on Cyprus would free Turkey of previous restraints. . . .
>
> On July 15—six days after my return from the Soviet Union and Europe—Makarios was overthrown in a coup d'état just as he returned from a weekend in the mountains; he was nearly assassinated. He was replaced by an unsavory adventurer, Nikos Sampson, known as a strong supporter of union with Greece. A crisis was now inevitable.
>
> There was nothing we needed less than a crisis—especially one that would involve two NATO allies. Whomever we supported and whatever the outcome, the eastern flank of the Mediterranean would be in jeopardy. . . .
>
> During the week of July 15 I therefore dispatched Joe Sisco to London, Ankara, and Athens. Britain, as one of the guarantor powers, was seeking to mediate between the parties. Sisco's mission was to help Britain start a negotiating process that might delay a Turkish invasion and enable the structure under Sampson in Cyprus to fall of its own weight. But Turkey was not interested in a negotiated solution; it was determined to settle old scores. On July 19 it invaded Cyprus, meeting unexpectedly strong resistance. . . .
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> During the night of July 21–22, we forced a cease-fire by threatening Turkey that we would move nuclear weapons from forward positions—especially where they might be involved in a war with Greece. It stopped Turkish military operations while Turkey was occupying only a small enclave on the island; this created conditions for new negotiations slated to start two days hence, with the Turkish minority obviously in an improved bargaining position and with some hope of achieving more equitable internal arrangements.
>
> On July 22, the junta in Athens was overthrown and replaced by a democratic government under the distinguished conservative leader Constantine Karamanlis. Within days, the mood in America changed. The very groups that had castigated us for our reluctance to assault Greece now wanted us to turn against Turkey over a crisis started by Greece, to gear our policies to the domestic structures of the government in Athens and Ankara regardless of the origins or merits of the dispute on Cyprus, to take a one-sided position regardless of our interest in easing the conflict between two strategic allies in the eastern Mediterranean. . . . For two weeks we maintained our tightrope act, but during the weekend following Nixon's resignation the crisis erupted again, culminating in a second Turkish invasion of the island. While Ford struggled to restore executive authority over the next months, a free-wheeling Congress destroyed the equilibrium between the parties we had precariously maintained; it legislated a heavy-handed arms embargo against Turkey that destroyed all possibility of American mediation—at a cost from which we have not recovered to this day. . . .

What I learn from this is that we do a disservice to ourselves and to the cause of peace in Cyprus by being too quick to take sides in the matter. The situation requires a steady hand and an honest broker, and we do not contribute either if the Congress of the United States is waving the flag of one of the parties to the dispute.

I hope the President can persuade our friends in Russia to adopt this same approach, and to abandon this very dangerous new transfer of weapons to Cyprus.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaign for elections for Federal office, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise in strong support of H.R. 3526, the Bipartisan Campaign Reform Act of 1998, the Shays-Meehan substitute. This important measure will remove the element of "soft money" raised at the Federal level, while curbing its influence on Federal elections through State parties.

By weighing in on such unlimited contributions, we can overwhelmingly reduce the appearance of wealthy individuals placing a stranglehold on our Nation's party system. It is our responsibility to close these loopholes which encourage the endless quest for funds in our election system.

While strengthening the laws governing campaign finance, Shay-Meehan seeks to weed out the special interests who attempt to influence elections with unregulated sham advertisements. This measure expands the definition of what constitutes "express advocacy" advertisements by third party groups who circumvent current campaign finance regulations. Such advertisements, while purporting to be issue advocacy, have created a negative and costly environment for candidates to debate issues during the campaign season.

Throughout my tenure in Congress, I have weighed the merits of measures that seek to improve our political system against those that have an adverse influence on it. Unfortunately, there have been attempts by our colleagues to weaken the Shays-Meehan substitute by imposing "poison pill" amendments to the measure. Some of these would not only limit the effectiveness of Shays-Meehan, but would hinder specific rights provided for all voting Americans.

For example, I strongly oppose efforts allowing States to require picture identification in order to vote. This affront To Federal anti-discrimination requirements has no place in a debate over campaign finance. Additionally, I take exception to amendments requiring candidates to raise a specific percentage of campaign funds from within their home State and the elimination of particular fundraising mechanisms, such as "bundling." I have voted against these amendments because such limitations place far too many candidates at a disadvantage, especially minorities and females, while still not remedying the core problems relating to our current campaign financing system.

It has become clear that the financing of Federal elections has become too large a concern for both congressional candidates and incumbents alike. During the 1996 election cycle, candidates for both the House and Senate reported spending over $765 million, a 72 percent increase over 1990. As campaign costs continue to outpace the rate of inflation, particularly media expenses, candidates are forced to spend disproportionate amounts of time raising funds just to remain competitive.

Mr. Speaker, I urge my colleagues to support final passage of the Shays-Meehan substitute. I believe now is the time to restore the American people's faith in the electoral process by reining in on the unsavory special interests who pollute our political system. Support the Shays-Meehan substitute. Our democracy deserves nothing less.

RECOGNIZING THE FIFTIETH ANNIVERSARY OF THE SOMERSET COUNTY 4-H FAIR

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. PAPPAS. Mr. Speaker, as we begin to gear up for Congress' annual August district work period, I rise today to recognize the 50th annual Somerset County 4–H Fair. As a member of 4–H for many years, an annual attendee, active supporter and volunteer, as well as fair manager, I have maintained close ties to this organization and it holds a very special place in my life.

As one of many 4–H Fairs in the State of New Jersey, it is the only fair that does not charge admission. The Fair exhibits a variety of 4–H youth projects for public observation. The Somerset County 4–H Fair is located at the County Fairgrounds at North Branch Park on Milltown Road in Bridgewater and attracts more than 75,000 people annually.

I am pleased to be part of the 4–H program that gives the youth of our county the tools and knowledge to succeed in life. Today's children represent the future of our nation and it is gratifying to know that this program exists throughout New Jersey and especially in Somerset County.

Throughout my time as a Somerset County Freeholder, I sponsored County Government Career Days for 4–H participants and have continued the tradition as a Member of Congress beginning a Twelfth Congressional District Day. Over the past two years, 4–H participants from around the 12th district have spent a day in my district office in Flemington and then in Washington learning about congressional operations.

4–H has been and continues to be a model program in our nation. It offers our nation's youth an opportunity to learn the values and skills that are needed to succeed. The 4–H should be commended for its on-going efforts to educate the youth of our country and instill in them a sense of community service and awareness. As Congress continues to emphasize the need for service organizations and volunteers to assume a greater role, it will be creative programs like 4–H that year after year continue to bring about positive change.

Make no mistake about it—4–H makes a positive difference in the lives of so many children. When they are learning to choose between right and wrong—4–H is there to show them the right thing to do. And the skills that they learn stay with them for life.

Mr. Speaker, I look forward to spending a great deal of time at the Somerset County 4–H Fair over the district work period and spending time with participants, volunteers, and parents that make this program and this fair such a great success.

A TRIBUTE TO ROGER KUNKEL ON HIS RETIREMENT AS PASTOR OF RIVERSIDE PRESBYTERIAN CHURCH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Roger Kunkel, pastor of the Riverside Presbyterian Church in my district, as he retires from 21 years of dedicated service to his congregation and community.

Roger Kunkel was appointed the Interim Pastor of the Riverside Presbyterian Church in March 1978, and shortly thereafter became Senior Pastor, a position he held until this past May of 1998. As a man of faith and friend to the community, Roger Kunkel served his congregation with kindness, grace and leadership in promoting ministry and fellowship.

Roger Kunkel is a man with visions, and saw the needs of the church to expand the ministry staff to serve the congregation more efficiently, which directly increased to activity in the youth programs. In addition, Roger Kunkel organized the Ryan Womack Scholarship Fund that has awarded over $100,000 in college scholarships since its inception in 1991. Because of his service and dedication, the congregation not only grew in number, but also in spirit and fellowship.

Roger Kunkel is a man of great faith who has touched the lives of many. Roger Kunkel's service and dedication will be remembered by all he came in contact with. Mr. Speaker, I would also like to extend my warmest wishes as Roger Kunkel embarks on the journey his retirement will bestow upon him.

MARCHING INTO ANOTHER CENTURY OF EXCELLENCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BARCIA. Mr. Speaker, nothing can be more invigorating than being proud of where we live, and I must tell you that the people of Caseville, Michigan, are among the proudest people I have ever met. This Saturday, Caseville will be holding its Grand Parade as part of its Centennial Celebration, and what a century it has been.

The history of this area rightfully claims that "this pretty little village is located on Saginaw Bay at the mouth of the Pigeon River." Tracing its development back to the mid-1800's, the first settlers were Reuben Dodge, his wife and family, who came from Maine in 1840. William Rattle came in 1852 on behalf of Leonard Case, establishing a sawmill in the town that was then called Port Elizabeth in honor of Mr. Rattle's wife. The first school opened in 1859. The first hotel was opened at the head of Main Street by Robert Squiers in 1856, and the first mail came into town in 1858. A flouring mill was opened in 1870, and the first salt well in the area opened in the spring of 1871. The Pigeon River salt and iron works was started in 1873. The community continued to change and grow with the change, until on October 15, 1898, the Village of Caseville was incorporated at a session of the County Commission.

The first election of officers was held on December 5, 1898. John Poss became the first Village President, and Frank Poss was the first Village Clerk. The first ordinance, adopted in 1899, dealt with riding or driving on sidewalks, emphasizing that from the very beginning the people of this fine community were concerned with keeping it special.

Over the past 100 years, Caseville has been a major economic center for the Thumb of Michigan, a geographic feature recognized from the Michigan elementary school student to the orbiting Space Shuttle astronauts. The history of commercial fishing, saw mills, iron and salt processing, are important elements in Caseville's development. Agriculture was vital to this area as well, going from the early days of the Indians in Michigan who grew corn in this area, to today's bounty of corn, wheat, sugar beets, dry beans, and other specialty crops. Railroads, beginning with the Pontiac, Oxford, & Port Austin Railroad, have been vital arteries of commerce, even though their presence today is less significant than it had been in the past.

Today, Caseville is known as a tourist destination offering ideally sandy beaches, camping, marinas with access to Lake Huron and all of its bounty, and a way of life that is envied by its thousands of annual visitors. Mr. Speaker, it is only fitting that we take the time to congratulate Caseville on its Centennial. I urge you and all of our colleagues in wishing its residents the very best on this occasion, and the very best as the Village of Caseville begins its next century.

TRIBUTE TO REVEREND DR. PAUL M. MARTIN

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. DEGETTE. Mr. Speaker, I rise today to recognize the Reverend Dr. Paul M. Martin, the Senior Pastor of the Macedonia Baptist Church of Denver, Colorado. Dr. Martin recently celebrated his 8th Anniversary at Macedonia, and in celebration of his tenure, a street in the City and County of Denver was renamed for a week in his honor. I want to add my voice to all those in his congregation and throughout the city who are taking this opportunity to honor Dr. Martin and praise him for his leadership.

Dr. Martin came to Denver from the South Central Community of Los Angeles where he grew up. He received his undergraduate and graduate degrees with honors at several California schools, and holds a Masters of Divinity Degree, and the Doctors of Philosophy Degree.

Dr. Martin was appointed by Federico Peña, former Mayor of Denver, to serve on "Stapleton Tomorrow" where he has served continuously as the Co-Chairperson of the Citizens Advisory Committee and a member of the Board of Directors of the Stapleton Development Corporation. Additionally, he serves as the Chairman of the Board of Directors of the Urban League of Metropolitan Denver and is Chairman of the Department of the Ministry for the American Baptist Churches of the Rocky Mountain Region. He is also a life member of the NAACP and his fraternity Kappa Alpha Psi.

Dr. Martin is known for his concern about maintaining the ethics and integrity of the Christian Ministry and the traditions of the African-American religious experience. He is a highly respected citizen and I am honored to be able to pay homage to him in recognition of his service and contribution to Macedonia Baptist Church, to honor his dedication and fellowship to people of Denver.

TRIBUTE TO BEATRICE AYALA VALENZUELA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Beatrice Ayala Valenzuela who is honored with the 1998–1999 Trustees Award for Outstanding Achievement, presented by California State University, Fresno.

Mrs. Valenzuela is one of three students among the 343,000 in the California State system to receive such an award and is the third Fresno State student to be honored since the award's inception in 1988. With a major in English and a 3.75 grade point average, Mrs. Valenzuela has not only displayed superior academic skills, but also a dedication to community service and personal achievement. She is very deserving of this award.

Mrs. Valenzuela graduated from Roosevelt High School in 1969. In hopes of receiving a collage degree, Mrs. Valenzuela resumed school in 1990, starting at Fresno City College and transferring to Fresno State in 1996. To further challenge herself, Mrs. Valenzuela applied and was accepted into the McNair Scholar Program, an academically intense effort that prepares college seniors for advanced studies.

In addition to her outstanding academic achievements, Mrs. Valenzuela has served her community in more ways than one. She has taught English as a second language to potential U.S. citizens and is a tutor at Fresno State's writing center. Beatrice Valenzuela is an exceptional woman who has displayed an outstanding achievement in the academic arena without compromising her commitment to the well being of others.

Mr. Speaker, it is with great honor that I congratulate Beatrice Valenzuela in receiving the 1998–1999 Trustees Award for Outstanding Achievement. She is a role-model for all future scholars. I ask my colleagues to join me in wishing Beatrice Valenzuela many more years of success.

NEW YORK STATE CANAL SYSTEM

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LAFALCE. Mr. Speaker, today, I am introducing legislation to recognize the historically significant role the New York Canal System has played in developing American culture. The New York State Canal System is the largest and most ambitious public works project ever undertaken by a single state. It has been the catalyst for enabling New York State to become the nation's leader in industry and commerce by establishing the first effective route for inland interstate commerce in the country.

During the nineteenth century, the system played a vital role in fostering settlement, expansion, and ethnic diversity in the entire northern half of the United States. During this time, it was seen as a symbol of westward movement, and has found an enduring place in American legend through song and art. It has also been instrumental in developing a strong political and cultural connection with our Canadian neighbors by providing a link that extends through New England, Upstate New York, and the Old Northwest.

Today, the Canal's banks are bordered by more than two-hundred diverse municipalities, ranging from urban industrial areas, farmland, and wildlife preserves. More than four million people live in the counties surrounding the canal system. In all, thirteen million people, or 75 percent of the state's population, live along the Erie Canal-Hudson River corridor between Buffalo and New York City.

Because of the vital role that the Canal System has played in our nation's history, it is certainly appropriate that it be recognized by the federal government, and that every effort be made to preserve and develop its rich resources and those of the communities that surround it. The bill that I and several of my New York colleagues introduce today will designate the New York Canal System and its adjacent counties and connecting waterways as an affiliate of the National Park Service. This will allow the Park Service to provide technical assistance to enhance the canal region without infringing upon the autonomy of local governments and private property owners. This legislation will complement and build upon other federal efforts, such as the U.S. Department of Housing and Urban Development's Canal Corridor Initiative, that are committed to enabling communities along the canal to maximize their potential for economic growth and community revitalization.

A TRIBUTE TO STU BYKOFSKY AND THE VARIETY CLUB OF DELAWARE VALLEY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor my friend and fellow Philadelphian, Stu Bykofsky. Stu is a long time columnist, author and man about town. He is also a board member of the Variety Club, one of America's most prominent charities. For the past eight years, Stu has organized and hosted "Stu Bykofsky's Candidates' Comedy Night."

The Candidates' Comedy Night raises funds for the Variety Club of Delaware Valley. I know that all my colleagues are aware of the fine work done by Variety Clubs throughout this nation, and indeed in several other countries throughout the world. But, only my fellow Philadelphians could truly appreciate Stu and his Comedy Night. This event is absolutely unique. There is nothing like it anywhere in the world. And, if this fundraiser is unique, it has nothing on Stu Bykofsky.

We all know that politics sometimes has its lighter moments. But Stu's Comedy Night is one of the few times during which the laughs are on purpose. It is a bipartisan, indeed a multi-partisan event—one that moves candidates from the heat of battle to the heat of the stage lights for one night each year. At this show, candidates for political office stand up and tell jokes. In its eight years, more than $50,000 has been raised for the kids served by Variety Club.

The mission of the Variety Club of the Delaware Valley is to provide programs and services to children with disabilities. It serves children between birth and 18 years of age with temporary or permanent disabilities resulting from injury, illness, or congenital conditions. It serves children with disabilities residing in parts of Pennsylvania, New Jersey, and Delaware.

"Stu Bykofsky's Candidates' Comedy Night" will help Variety Club buy medical equipment, wheelchairs, hearing aids, and run its summer camp for disabled kids. Mr. Speaker, if not for the Variety Club, untold number of children in my district, and throughout our region would live much more difficult lives. And if not for Stu Bykofsky, the Variety club would have a much more difficult time helping those kids. I know that all my colleagues will join me in congratulating Stu and the Variety Club for all their hard work.

HONORING THE 111TH SECURITY POLICE SQUADRON, PENNSYLVANIA AIR NATIONAL GUARD

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BORSKI. Mr. Speaker, I rise today to honor and give thanks to the 111th Security Police Squadron, Pennsylvania Air National Guard. These admirable Pennsylvania citizens provided heroic assistance during the 1996 Olympic games in Atlanta, Georgia when a bomb exploded in Centennial Park.

Approximately 1300 Security Policemen and women were assembled by the Air National Guard Bureau to serve as a uniformed presence on the streets of Atlanta along with various other Olympic sites. This brave group of men and women were the eyes and ears of a special civilian force that maintained security. Twenty-six of these Security Police were the men and women of the 111th Security Police Squadron from Willow Grove Air Reserve Station, Pennsylvania.

During their Friday night shift, on July 25, 1996, a bomb went off in the Olympic Park area. This tragic event was alleviated by the commitment and dedication of the 111th Security Police Squadron. They assisted Atlanta police officers with the evacuation of the park while clearing the crowds that had assembled around the disaster area. The squadron ensured that the emergency roads were opened for ambulances, fire trucks and police cars, in addition to other emergency vehicles. Atlanta's inbound and outbound roads were cleared by members of the 111th Security forces which made for a rapid entrance and exit of emergency vehicles. In turn, this ensured that those who were injured in the explosion were transported to nearby hospitals for immediate medical attention.

These proud Pennsylvania civilians assisted in bringing peace and order to the turmoil in the streets of Atlanta after the devastating bombing. Approximately 120 injured people were transported to area hospitals while the Olympic Park site was secured and the fearful masses were calmed. Amazingly, the Security Forces patrolled their afternoon shifts the very next day.

The members of the 111th National Guard should be applauded for their noble efforts to provide for the well-being of their fellow citizens. Their devotion proves that they are true American heroes. I ask you to join me in thanking these brave men and women for their commitment in keeping our nation safe.

INTRODUCTION OF THE FEDERALISM ACT OF 1998

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MORAN of Virginia. Mr. Speaker, today I, along with Representatives MIKE CASTLE, GARY CONDIT, TOM DAVIS, KAREN MCCARTHY, and ROB PORTMAN are introducing the "Federalism Act of 1998."

This legislation will codify two executive orders on federalism: Executive Order No. 12612 issue by President Ronald Reagan on October 26, 1987 and Executive Order No. 12875 issued by President Bill Clinton exactly five years later. President Reagan's executive order helped bring clarity to the division of responsibilities among federal, state, and local governments. President Clinton's executive order sought to reduce the imposition of unfunded mandates on state and local governments. Both executive orders affirmed the need to consult with state and local governments prior to undertaking any new federal agency actions.

Unfortunately, it appears that the current administration failed to abide by its own policy, when it issued a new executive order on federalism earlier this year. On May 14, 1998, the administration issued Executive Order 13083 with little or no consultation of state and local officials prior to its issuance.

A careful review of this new executive order reveals both substantive and stylistic changes, that from the state and local perspective, present a retreat from the two previous executive orders the new order replaces. On the issue of preemption of state and local laws, for example, President Reagon's executive order sought to limit preemption to only problems of national scope and not common to the states—it should be done only to the minimum level necessary. President Clinton's first executive order on federalism clearly stated that mandates should not preempt state and local law unless health, safety and national interests are at stake. President Clinton's new executive order, however, makes preemption permissible in problems of national and multistate scope and then expands the list of policy areas provided in his first executive order where preemption is permissible.

State and local officials are seriously concerned that the new executive order threatens their current relationship with the federal government and undermines their position and status within our republican form of government.

In response to these concerns we need to repeal Executive Order 13083 and provide state and local officials with an opportunity to sit down with the administration and iron out a new policy on federalism. The starting point for drafting any new executive order should be the two existing executive orders. The legislation I am introducing today with my colleagues, from both sides of the aisle, takes us to this starting point.

From this starting point, it may be entirely appropriate to consider other legislative changes that strengthen the Unfunded Mandate Reform Act and judicial review of agency actions. But, before we consider these changes, let us agree on preserving the commitments, safeguards and procedures established by both President Reagan's executive order and President Clinton's first executive order on federalism by codifying them as federal law.

TRIBUTE TO RABBI LEIBISH LEFKOWITZ

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Rabbi Leibish Lefkowitz, who passed away on August 1, 1998. Rabbi Lefkowitz, an esteemed leader of the Satmar community, earned the respect and gratitude of countless citizens whose lives he touched. Rabbi Lefkowitz was born in St. Peter, Hungary on June 20, 1920. In 1941 he married Dinah Fischer, and graduated from the Yeshivah of Rabbi Rosner in Sekelhid, Hungary the following year. After escaping from a Budapest prison in 1944, he and his wife overcame immense challenges and arrived in the United States in 1956. Rabbi Lefkowitz established a crystal and gift store on the Lower East Side of Manhattan. This store eventually evolved into the Crystal Clear Industries Enterprise, now one of the largest crystal companies in the U.S.

Rabbi Lefkowitz became the lay leader of the Satmar community in 1970. Rabbi

Lefkowitz held many leadership positions within the community. He served as president of numerous educational and service organizations, and was well known for his philanthropy and leadership. He was the president of both the United Talmud Academy and Beth Rachel of N.Y. State, which educates over 18,000 students. Rabbi Lefkowitz was also the president of the Satmar Congregation Yetev Lev and leader and president of the United Jewish Organization located in Williamsburgh. Rabbi Lefkowitz also founded and became the mayor of the Kiryas Joel Village, located in Monroe, N.Y.

Rabbi Lefkowitz did not reserve his generosity only for his many public endeavors, he was also well-known for his compassion he exhibited to every person he encountered. He was deeply kind and caring, and he will be missed sorely by all who were touched by him.

INTRODUCTION OF THE "PROTECT AMERICAN JOBS THROUGH THE FOREIGN TRADE ANTITRUST IMPROVEMENTS AMENDMENTS ACT OF 1998"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CONYERS. Mr. Speaker, I am pleased to join with my colleagues, Judiciary Committee Chairman Henry Hyde, and Commerce Committee Ranking Member John Dingell, in introducing today the "Protect American Jobs Through the Foreign Trade Antitrust Improvements Amendments Act of 1998." This bill clarifies one of our most important U.S. antitrust laws in order to enshrine the principle that U.S. law reaches anti-competitive foreign cartels, acts, and conspiracies designed to unfairly exclude American products from overseas markets. The principal aim of my bill is to codify the U.S. Department of Justice's current and correct interpretation of the Foreign Trade Antitrust Improvements Act ("FTAIA") which is embodied in footnote 62 of the International Antitrust Guidelines. The footnote makes it clear that there are no unnecessary jurisdictional or legal roadblocks to challenging anti-competitive acts and conspiracies that take place outside our borders.

We live in an era of economic globalization. Today, America's prosperity depends, not just on vigorous competition within our territorial borders, but on free and fair access to markets in Japan, Europe, Africa, Latin America, China, Russia, and a host of other countries. Anti-competitive practices that block foreign markets to U.S. exporters are just as much a threat to the U.S. economy, as the purely domestic cartels and combinations that the Sherman Act sought to address at the turn of the century.

The opening of global markets has advanced America's current economic prosperity, but it also poses fundamental challenges for U.S. antitrust laws. One example is the U.S. flat glass industry. For the better part of a decade, America's leading flat glass producers have been seeking access to the Japanese market, the biggest and richest in Asia. This isn't a situation where America doesn't have a good product. American companies are leaders in producing and selling high-quality innovative glass products around the world; and in fact, have succeeded in Europe, Asia, the Middle East, Latin America, but not Japan. The fact is that securing distribution effective channels for American glass products has not proved to be a significant barrier to entry in any country but Japan.

My bill aims to address this situation by making an important clarification in the U.S. antitrust laws that govern jurisdiction over foreign firms. It does not change U.S. antitrust law. Instead, it is designed to codify and clarify U.S. antitrust doctrine. Although most observers would agree that the FTAIA established conclusively that DOJ and U.S. firms have jurisdiction to bring an antitrust case against foreign firms engaged in anti-competitive conduct that harms U.S. exporters, enforcement officials misinterpreted the law and said so in a footnote to the International Antitrust Guidelines. That footnote—Footnote 159—created a higher burden for U.S. exporters than Congress had intended by requiring that they show harm to U.S. consumers in order to get their day in court.

This bill would ensure that the will of Congress and the plain meaning of the FTAIA could never again be misconstrued by the federal antitrust agencies, a foreign litigant or a U.S. court. In doing so, it would assist in breaking down anti-competitive foreign barriers to U.S. exports.

While the correction to Footnote 159 was drafted by Assistant Attorney General Jim Rill in the Bush Administration, it has been fully endorsed by the Clinton Administration. I commend Assistant Attorney Generals Rill, Bingaman, and Klein for their strong leadership in strengthening international antitrust enforcement and for bringing cases under the authority of the FTAIA.

By clarifying the jurisdictional requirements of the FTAIA, I hope to encourage the Department of Justice and injured industries to make any necessary use of this important power by challenging cartels, such as those blocking distribution of U.S. products in the U.S. courts, before U.S. juries, under U.S. law.

My bill makes a simple and straightforward point. Anti-competitive foreign cartels and conspiracies are subject to the long-arm of U.S. antitrust law. Foreign producers can run . . . but they can't hide. The global economy may be a reality, but U.S. law applies fully to anti-competitive international cartels, combinations, and conspiracies.

This bill already has the support of industry leaders, including Kodak, PP&G Industries, and Guardian International Corporation, and the National Association of Manufacturers. I look forward to working with other interested parties to bring U.S. law into a new era of international economic globalization, and to ensure that American firms and workers have a timely and effective remedy against those who engage in anti-competitive acts designed to exclude American products or services from the international marketplace.

NAFTA=AMERICAN GHOST TOWNS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to highlight the inequity that NAFTA has created along the U.S.-Mexico border in Texas. As a recent New York Times article has shown, NAFTA has been a boon to the big companies, and to Mexican labor, but has created ghost towns in American border communities where vibrant, growing cities once burgeoned.

"This whole free-trade thing turned out to be for the big companies, not the little guy," Ricardo Grando, a manager at a Brownsville money exchange was quoted as saying in the Times article. For many in the border towns, NAFTA has not brought prosperity, like its supporters claimed, and border communities hoped for. With tariffs removed, workers in Brownsville, El Paso, Laredo, and other towns have watched their jobs walk across the borders to cities like Ciudad Juárez and Matamoros. In fact, Ciudad Juarez boasts a lower unemployment rate than its sister city El Paso.

Ciudad Jaurez's largest employers are corporations such as General Motors, Ford, and United Technologies, where average wages are $1.36. Compare this to the $7.71 for factory jobs in El Paso, when there are no jobs. The largest employers in El Paso are two schools and a military base. With lower wages just feet away, it is no wonder why companies take their operations across the border.

Mr. Speaker, NAFTA's ill effects can be seen along the U.S.-Mexican border. Just as I and other critics of NAFTA said in 1993, the cheap, unsafe labor markets in Mexico are too inviting to U.S. companies, and American workers are losing jobs by the thousands. Not only are jobs stolen in El Paso, but they are lost in major cities far away from the border, such as my hometown of Chicago. If we do not end this NAFTA injustice, NAFTA ghost towns will pop up all across America.

PANAMANIAN ELECTION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BALLENGER. Mr. Speaker, the Panamanian people are soon to encounter an important vote that may affect the future of their democracy. On August 30, Panama will hold a plebiscite to decide whether to amend the constitution to allow the current president, Ernesto Perez Ballardares, to run for a second term. The Panamanian people seem to have developed a stable democracy and I hope they understand that any change could be the beginning of a retreat from this democracy. I trust the Panamanian people will recognize the importance of this vote. In addition, I hope international election observers will help guarantee an honest vote.

TRIBUTE TO DR. JOHN H. BLOSSOM

HON. GEROGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Dr. John H. Blossom for his life long dedication and hard work in the health care arena. Mr. Blossom's care giving efforts in decentralized rural clinics has allowed other physicians to enter and start their own practice.

For nearly three decades, Dr. John H. Blossom has worked to establish physician training programs in rural clinics through his long-standing relationship with the University of California, San Francisco-Fresno Medical education program.

Dr. Blossom began training family practice residents in decentralized rural clinics. This idea of recruiting physicians to generally underserved areas worked well and has since been used in many other parts of the country.

Dr. Blossom first came to Fresno for training at Valley Medical Center and was appointed chief resident in 1974. Once he completed his residency training, Dr. Blossom became a medical director of a community health center in Mendota, a small rural town west of Fresno.

During the two years that he provided patient care services there, he introduced that site to medical education, forging an alliance between the Fresno Family Practice and the Firebaugh-Mendota Health Center. This brought medical students from a variety of west coast medical schools.

Mr. Speaker, it is with great honor that I pay tribute to Dr. John H. Blossom. Dr. Blossom's life long dedication and hardwork in the health care arena has allowed other physicians to enter and start their own practice. I ask my Colleagues to join me in wishing Dr. Blossom many years of success.

CONGRATULATING, POLISH LEGION OF AMERICAN VETERANS LADIES AUXILIARY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a group of people who are the embodiment of the American spirit of volunteering and selfless dedication to others. These people are the members of the Polish Legion of American Veterans Ladies Auxiliary. The objective of this group is to bring moral and material support to hospitalized veterans and aid widows and orphans of the Polish Legion of American Veterans. It is these wives, mothers, sisters, daughters, granddaughters and nieces of honorably discharged Veterans of the Armed Forces, who preserve the eminence and sanctity of American ideals.

On Saturday, August 22, 1998, Michigan will celebrate the Legion's 75th anniversary in Lansing. With members from 66 chapters throughout the nation, in attendance, this event will not only be a time to celebrate, but also a time to reflect. It will be a time in which both members and the community will come together and solemnize 75 years of community service and involvement.

The first chapter of the "Ladies Legion" of the American Veterans of Polish Extraction Association was formed, in Chicago Illinois in September 1920. It wasn't until 1931 that the Polish American Veterans held a Consolidating Convention in Cleveland. It was at that time Ohio formally adopted the name of Polish Legion Of American Veterans, U.S.A. An Auxiliary of the National Ladies Legion was also formally formed. The first official consolidated Ladies National Convention was held in 1932 in Hamtramck, Michigan, represented by 56 delegates from the several states where their membership originated.

Today membership in the Ladies Auxiliary continues to grow and new projects have been implemented. The Auxiliary provides service to U.S.O. centers (Detroit), the Aid to the Blind Program (Illinois), which includes braille flags, books to schools, American essay and poster contests for middle school students, financial aid and scholarships to students and Hospitalized Veterans Wheelchair Olympics, to name a few.

Mr. Speaker, PLAV Ladies Auxiliary has been working tirelessly for 75 years to improve the quality of the lives of others. Their efforts should not go unrewarded. Please join me today in congratulating the Ladies Legion on its 75th anniversary, and hoping they will enjoy countless more years into the future.

BLACK AMERICANS' RIGHT TO VOTE WILL NOT EXPIRE IN 2007

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. RANGEL. Mr. Speaker, I rise in commemoration of the thirty-third anniversary of the signing of the Voting Rights Act of 1965. On this day, it is fitting that we take the time to assure Black Americans that they will not lose their right to vote in 2007, contrary to a widespread rumor that has been circulating around the country.

To correct the misunderstanding of the Voting Rights Act, I am introducing in the CONGRESSIONAL RECORD an article that was featured in The New York Amsterdam News (July 16–July 22, 1998.

DON'T PANIC—YOUR RIGHT TO VOTE WILL NOT EXPIRE

(By Charles B. Rangel)

I am writing to address a widespread rumor that in the year 2007, Blacks will lose the right to vote. The recent editorial by Brandy Darling, "Blacks' right to vote ends by the year 2007," is the latest reinforcement of well-intentioned but frightening misinformation. There is no expiration date on African-Americans' voting rights. This right is provided and guaranteed by the 15th Amendment to the U.S. Constitution.

The confusion is due to a misunderstanding of the Voting Rights Act. First enacted in 1965, the law removed the infamous barriers that had been systematically imposed to prevent Blacks from voting for nearly a century, despite the mandate of the 15th Amendment. Among those forbidden practices were the imposition of poll taxes and literacy tests, not to mention the threat of violence.

While some provisions of the Voting Rights Act will expire in the year 2007, the most important protections of African-American voting rights will remain in place. The prohibition against racial discrimination in voting is permanent and is guaranteed in the 15th Amendment. Prohibitions against poll taxes, literacy tests and the like have no expiration date. Technically these protections could be removed by amending the law, but that would provoke a monumental battle.

Certain provisions in the Voting Rights Act will expire in 2007 with serious implications for non-English speaking citizens and for the election of minority office holders.

States or political subdivisions with significant numbers of non-English speaking citizens would no longer be required to provide bilingual services to eligible voters. If not corrected, this could minimize the growing political strength of Hispanics.

The growth in number of minority elected officials could also be affected by the expiring administrative provisions of the act. It includes the requirement for preclearance of election observers. This provision does not guarantee election of minorities. Rather, it prevents jurisdictions with a history of discrimination and racial polarization from manipulating the electoral systems to render the Black vote ineffective.

Although African-Americans were granted the right to vote in 1870 with the passage of the 15th Amendment the legal and illegal measures which many southern states used to prevent Blacks from voting resulted in the exclusion of most African-American citizens from voting for nearly a century. In response, in 1965, Congress passed the first Voting Rights Act.

Generally, the Voting Rights Act was first applied to any stake or political jurisdiction that used tests or other devices as a condition for voter registration. The law was amended by Congress in 1970, 1975, 1982 and 1992 to expand coverage beyond the southern states and to apply to non-English speaking citizens. There is no truth to the claim that the extension of the Voting Rights Act requires ratification by the states. To be renewed, only a vote by Congress is required.

Soon after emancipation from slavery, Blacks earned the right to vote. This victory did not come easily. African-Americans were subjected to fraud, violence (including murder) and other unsavory tactics as a means to stop them from voting. Over the years, Blacks have sacrificed unduly for the right to vote. No one should ever have to experience such threats. That is why it is extremely important for African-Americans to continue to monitor potential threats to their right to vote.

We must be mindful of the fact that most of the gains made over the years have resulted from political activism. On the other hand, many of the losses that we are now experiencing stem from political apathy. In the 1996 presidential election, approximately 51 percent of African-Americans voted. To look at it another way, almost half of the eligible African-Americans voters did not vote in the last presidential election. If there are 40 African-American members in the U.S. Congress using a little over half of the voting power, imagine what can be done if all Black Americans participated in the political process.

Black America is under attack. Affirmative action is being dismantled; Black churches are burning; racial hate crimes are on the rise; public schools are crumbling; and young Black men are filling the jails. These are reasons why we must fight back politically. And the struggle cannot end there. There is a serious need for improvements in education and training, affordable housing and increased job opportunities. Blacks must be prepared to compete in a global technological society.

Although the rumors over the Voting Rights Act are not true, the concern is real. Blacks are not in danger of losing the right to vote. However, the political power of African-Americans is being diluted. There is a need to monitor political threats and to inform the president and Congress of your concerns.

EXECUTION OF BAHA'I IN IRAN—PERSECUTION OF MINORITY RELIGIONS CONTINUES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. PORTER. Mr. Speaker, it was with cautious hope that we observed last year the election of a "moderate" leader of Iran and the first tentative signs that the government of Iran might be willing to rejoin the community of nations. Iranian President Mohammed Khatami addressed the American people and expressed his dedication to the principles of freedom, justice, and the rule of law for all Iranians. Unfortunately, it appears that Iran's hardliners, led by Ayatollah Khomenni, remain committed to keeping Iran a pariah state and are apparently using Iran's largest religious minority, the Baha'is, to send a rebuke to both the moderates in Iran and to the international community.

On July 21st, the government of Iran executed Mr. Ruhollah Rowhani, a Baha'i man, after having charged him with apostasy—specifically, converting a Muslim to the Baha'i faith. Mr. Rowhani, who had been held incommunicado for ten months, was evidently not accorded basic legal protections such as access to an attorney. His family learned of his execution only after it had taken place and they were notified they had one hour to prepare for his burial.

Since 1979, over 200 Baha'is—mostly elected community leaders—have been executed in Iran, solely on account of their religion. For the past six years, however, none had been executed and the number of Baha'is in custody had been rapidly declining. This apparent lessening of overt persecution, coupled with the new leadership in Iran, had raised hopes that a change in attitude towards the Baha'i and other minority religions might be forthcoming. The execution of Mr. Rowhani dashed those hopes. Currently, 15 Baha'is are being held by the Iranian authorities—four of whom are on death row.

In the days since the killing, the international community has joined forces to condemn this shameful execution and petition for the humane treatment of those Baha'is facing possible death at the hands of the Iranian government. President Clinton and State Department Spokesperson James Rubin have issued strong statements condemning the killing. The German, Australian and Canadian foreign ministries have issued strong denunciations and Representatives of the European Union have made their disapproval and concern known to the Iranian government in very clear terms. The Office of the UN Commissioner for Human Rights has urgently appealed to the Iranian government on behalf of the detained individuals.

For its part, the Iranian judiciary—which is controlled by Khomenni and the hardliners—responded by initially denying the charges were ever filed, denying the execution ever took place, and, incredibly, denying that a man named Ruhollah Rowhani ever existed. The Foreign Ministry later acknowledged that the execution had taken place.

Mr. Speaker, it is tremendously disappointing that the hardline elements of the Iranian government have resumed their assault on the Baha'i community. The hardline leadership continues to deviate far from the norms of civilized behavior by executing a man for nothing more than his faith. I believe that the execution of this innocent man marks a new phase in the ongoing power struggle in Iran between the hardliners and the more moderate elements. Given the fact that the hardliners control the judiciary, it is not insignificant that this execution happened close in time to the conviction of the mayor of Tehran, an ally of President Khatami, and a long-scheduled visit by the European Union troika to discuss normalization of relations. I believe that the Baha'is and others who are at odds with the hardliners will continue to be used as pawns to weaken President Khatami's hand in this power struggle. I urge the hardline elements of Iranian government in the strongest possible terms not to compound this grievous situation by harming the other Baha'is in custody. I also call on President Khatami to give substance to his statements about religious freedom and the rule of law by taking a strong stand against the reactionary clerics who want to keep Iran isolated from the international community and the modern world.

STATEMENT ON INTRODUCTION OF THE NORTHERN MARIANAS DELEGATE ACT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. UNDERWOOD. Mr. Speaker, today, I introduce the Northern Marianas Delegate Act, to provide for a non-voting Delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands (CNMI).

The Commonwealth of the Northern Mariana Islands is the newest and only American territory acquired by the United States in this century. The composition of the CNMI includes the principal islands of Saipan, Tinian and Rota as well as other northern islands in the Mariana Island chain. Guam is also located in the Marianas chain and sits as CNMI's closest neighbor in the Pacific and sister American territory. It is befitting that the people of Guam have the honor today to share in the introduction of this bill for our neighbors, and for our brothers and sisters of Chamorro heritage in the Northern Marianas who share Guam's indigenous identity.

The Northern Mariana Islands began its relationship with the United States more than fifty years ago. On the beaches of Saipan and Tinian, American Forces expelled a colonial power that had acquired these islands as part of its larger Pacific empire. In the following years, the seeds of American democracy sprouted a young vibrant American community eager to venture their own path. In 1976, the Northern Mariana Islands entered into a commonwealth arrangement with its American liberators and have since made great strides in developing its unique island community and economy.

This legislation is consistent with recommendations of the Commission of Federal Laws appointed by Presidents Reagan, which recommended a CNMI Delegate in 1985. The Commission outlined three reasons for this recommendation: Fairness, Democratic principles and Practical utility.

Today the American citizens who live in the Northern Marianas contribute and participate in the life of our nation in all the same ways that every other American citizen does in his own community. They pay taxes, serve in the military and work hard for the progress of their communities.

America's experiment with democracy continues to evolve and develop. We seek and pursue a more perfect union. We are a proud nation of free citizens that enjoy elected representation in the federal government. It is unfortunate that our current system dictates that Americans in the fifty states enjoy perfect representation in the forms of Congressional representatives and U.S. Senators, representation of our citizens in the territories and the District of Columbia are by Delegates and a Resident Commissioner who cannot vote on the floor of this House and then there are those American citizens in the Commonwealth of the Northern Mariana Islands who receive no representation at all.

Citizens of American territories are a unique group. Our constituents are grateful Americans and the citizenry are perhaps more loyal than any other in any state. Per capita, we have more men and women serving in the armed services and protecting our country and our way of life. With fervor, we engage ourselves in the political process. At elections, our voter participation far exceeds the national average. Our citizens are excited about freedom and we work to preserve democratic ideals and strive for equality of opportunities.

It is no different for my Pacific brethren to the North of Guam. They too are committed to the ideals of American democracy and have a long history of developing their island within the American political framework. They chose to have a close and permanent relationship with the United States through a commonwealth arrangement. However, when the CNMI signed a covenant with the U.S., they were denied representation in Congress. Their current non-representation in the U.S. House of Representatives is the least perfect representation of any citizen on American soil.

The dedication and loyalty of our American citizens in the Commonwealth of the Northern Mariana Islands should not be overlooked. They deserve representation in the U.S. House of Representatives. It is an injustice that the American citizens in the CNMI are the only U.S. citizens without representation in the U.S. Congress.

Without appropriate representation, miscommunications and problems arise because there is no one among our membership who stands up to speak for the Americans in the CNMI. There is no one amongst us willing to make the political investment to advocate on behalf of the CNMI on a daily basis. A Delegate for the CNMI will advance their cause and can work to resolve situations and concerns before they snowball into larger issues.

There are those amongst us who may argue that representation is contingent on tax contribution to the Treasury. I do not recall that a deposit into the treasury is a condition for your rights as a citizen.

There are those who will resist entertaining this issue because there are problems in the CNMI that have made its way to the surface and have received national and international attention. They will argue that the CNMI Delegate Act should not be addressed until the concerns are resolved. I disagree.

I believe that the best way to resolve these problems is to throw open the doors of the House and invite a representative of the CNMI to the table of public discussion. Even criminals have the right to representation in a court of law.

Whether a state or a territory, we all have our problems with the federal government. At times, it's on an individual basis with an agency over a Social Security check or a Medicaid payment. Other times it is contradiction between state and federal viewpoints. In one way or the other, as Representatives in the U.S. Congress we become involved or can involve ourselves in the process. It's an advantage for our electorate and a right of American citizenship. We should not leave other citizens behind or alienate them from this process. Perpetual denial of a Delegate for the CNMI is a denial of the basic right to represent oneself in the formation of public policy.

Participation must be extended to all citizens. Our American citizenship has as its foundation a promise of fair and equal treatment by our government and that promise extends into the halls of Congress where fair and equal treatment demands that the Northern Marianas be represented by a Delegate.

The bill I introduce today mirrors the legislation which granted Guam and the United States Virgin Islands representation in 1972 and the legislation which granted American Samoa representation in 1980. The Northern Marianas will join the ranks of Delegates representing these islands, Puerto Rico and the District of Columbia, and the Northern Marianas will add its voice to those who represent American citizens who do not reside in the fifty states, but who reside in a diverse group of American communities on American soil.

As a Delegate, I know the difficulties attached to the kind of office I hold. There are real limitations to what I can do here. But I have the freedom to speak, to argue, to introduce legislation, to participate in debate, to make friends for the people who sent me here. The fate of my island rises and fails with my ability to represent my constituents. How unfair, how unkind, how un-American it is to keep any American from having the same privilege.

I hope that the U.S. House of Representatives and U.S. Senate will act on this legislation and I urge my colleagues to co-sponsor the Northern Marianas Delegate Act.

For the record, I am attaching a statement from CNMI Resident Representative Juan Babauta.

THE NORTHERN MARIANAS DELEGATE ACT, AUGUST 6, 1998

Statement of the Honorable Juan N. Babauta, Resident Representative to the United States, from the Commonwealth of the Northern Mariana Islands

The people of the Northern Marianas voted overwhelmingly in 1975 to join the United States of America. After three centuries of colonial rule we longed to be citizens of a democratic republic, free to participate in our own governance.

Twenty-three years later, we still wait, governed from afar, the only people within the United States without a voice in Congress.

In negotiating our entry into the American political system we were advised that our small population (about 14,000 in the early 1970s) did not warrant representation in Congress. We accepted that explanation knowing that Congress had recently provided representation in the House of Representatives for Guam, the Virgin Islands, and the District of Columbia and confident that once we, too, became United States citizens we would be accorded representation in our national government.

When, in 1978, Congress provided representation for the US nationals of American Samoa, a population of approximately 27,000, we in the Northern Marianas were further encouraged to believe that as a growing population of US citizens, we, too, would soon have a voice in shaping the laws which now governed us.

Our hopes rose again in 1986 when the Commission on Federal Laws appointed by President Ronald Reagan recommended to Congress that the people of the Northern Marianas be provided a Delegate in the US House of Representatives. The Reagan Commission reasoned that:

Every other area within the American political system with a permanent population is represented in Congress;

Northern Marianas representation in Congress is in keeping with American traditions of participatory democracy and would dispel any lingering taint of American colonialism over the islands; and

A Northern Marianas Delegate would effectively represent the needs and interests of the islands, relieving other Members of this responsibility.

Although legislation was introduced supporting the Reagan Commission recommendation, the House took no action on it.

When, in 1989, I first ran for the office of Resident Representative to the United States from the Northern Mariana Islands, I pledged to make representation in Congress a priority. Despite joint resolutions from the Northern Marianas Legislature and the support of Governor Lorenzo I. DeLeon Guerrero, it was not until 1994 that a bill, HR 4927, was finally introduced. It was Robert Underwood, joined by co-sponsors Mr. Murphy, Mr. Flaeomavaega, Ms. Norton, Mr. Romero-Barceló, and Mr. de Lugo, who made that important first step on our behalf.

Their effort was followed in 1996 by the introduction of legislation by Mr. Gallegly, cosponsored by Chairman Young, Mr. Faleomavaega, Mr. Underwood, Mr. Abercrombie, Mr. Hamilton, Mr. Romero-Barceló, Mr. Frazer, Mr. Kim, and Mr. Rahall. The Northern Marianas Delegate bill was reported favorably by the Resources Committee. Opponents, however, were able to discourage floor consideration of the measure in the waning days of the 104th Congress.

In opposition to the Gallegly/Young bills, both in committee and after the bill was reported favorably, it was argued that, although the people of the Northern Marianas are US citizens, they have no inherent "right" to participate in our Nation's governance. This argument is technically correct. The Constitution makes no provision for representation in Congress for US citizens not residents of the several States. However, since the very first days of our Republic, this Congress has acknowledge that US citizens, even outside the States, should in justice have a voice in Congress. And, over the last two hundred years, Congress has so provided, giving representation in the US House to Tennessee, Oklahoma, and Michigan—together some 30 territories ranging in population from 5,000 to 250,000.

At times, though, Congress has delayed in granting this representation—in the case of Alaska because of its remoteness and its population's racial and ethnic composition. But we live in modern times, when concerns about distance and homogeneity have been superseded by technology and a more enlightened sense of justice and civil rights.

It was further argued that representation in Congress is a "privilege" and that the people of the Northern Marianas are unworthy—because of the abuse of foreign laborers which has occurred in the islands—to have the same privileges as other people living in the United States. But the privilege—if privilege it be—has been denied the people of the Northern Marianas for twenty-three years, since long before the issue of foreign labor abuse arose.

In approving the Covenant of political union with the United States, the people of the Northern Marianas elected to live under federal law. We do not fear it. We seek its protection for ourselves and for all persons living in the Northern Marianas. What we want is to have a voice in making those federal laws which govern us.

The Supreme Court of the United States opined in 1964. "[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live." It is with respect for that fundamental principle that we ask for passage of the Northern Marianas Delegate Act.

HONORING GREG GOODMAN FOR HIS PERSONAL AND PROFESSIONAL ACCOMPLISHMENTS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. Greg Goodman, a valued constituent of the Fifth Congressional District of Tennessee.

Greg Goodman has taken top origination honors for the State of Tennessee for the third year in a row. Greg is a vice president of Sun Trust Bank in Nashville and has been with the bank since graduating from David Lipscomb College in 1991.

Greg has closed over $240 million in residential loans since 1991. Greg is not only number one in the State of Tennessee, but also has the honor of being one of the top originators in the southeastern United States. Greg has completed Course I at the School of Mortgage Banking at Charleston University and is one of the top marketers in the United States.

Greg's secret is based on the utilization and building of relationships. In his words: "My commitment starts with relationships. Relationship selling is focused on the customer. Exceeding expectations is the single most powerful way our team has of building credibility." Greg is a strong advocate of under-promising and over-delivering.

Greg is an active social person, married to the former Alethea Barker, a member of the Church of Christ, and he celebrates his 30th birthday on August 14, 1998. Greg is destined to continue breaking records in selling. I wish him the best of luck in his future endeavors.

HEFLEY AMENDMENT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CUMMINGS. Mr. Speaker, last night I voted against the Hefley Amendment. As Ranking member of the Subcommittee on Civil Service, I strongly opposed the Hefley amendment because I believe that no employee, federal or otherwise, should be subjected to employment discrimination.

Executive Order 13087, signed by President Clinton on May 28th, creates no new rights, it merely codifies existing non-discrimination policies already in force in every Federal department and agency throughout the executive branch. The Executive Order simply says that supervisors in the Federal government may not consider race, religion, gender or sexual orientation, in hiring, firing or promotion decisions. It states a fair and reasonable policy with which no true believer in our nation's founding principle of equal justice under law could disagree.

The Hefley Amendment would prohibit the expenditure of funds to implement the Executive Order. By doing so, it sends the wrong message. It signals that it is permissible to discriminate based on sexual orientation. I find this particularly inappropriate for the Federal government which should be doing everything possible to discourage all forms of discrimination.

Last fall, at my request, the Subcommittee on Civil Service held a series of hearings on employment discrimination in the Federal workplace. During these hearings, the current evidence of discriminatory conduct in the Federal workplace was overwhelming. I asked the General Accounting Office (GAO) to look into this matter, and in a report issued last month GAO found that the number of Federal employee discrimination complaints has risen sharply over the past few years. Clearly, more must be done to stamp out discrimination. What the Helfey amendment does is promote it.

RECOGNITION OF LEESBURG STUDENTS IN AAA "NATIONAL AUTO SKILLS" CONTEST

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. WOLF. Mr. Speaker, I want to take a moment to recognize two young students. They are Jason Kmak, age 17, and Gregory J. Welch, age 19. These two students represented Virginia and placed second in this year's American Automobile Association (AAA) "National Auto Skills Contest." Jason and Gregory competed as a team from the C.S. Monroe Technical Center in Leesburg, Virginia, against 49 other teams across the nation and represented AAA Potomac.

The annual competition pits the best high school auto repair teams in the nation against each other. Nationwide, more than 5,000 students competed in the competition. Over $8 million in scholarship money is awarded in the contest. The competition is based on written exams and a timed challenge for teams to find and fix bugs deliberated created in an automobile. Only the team from Oregon placed better than Virginia's team.

Mr. Speaker, today's automobiles have more computer processing power than the first Apollo spacecraft. According to AAA, a 1998 Ford automobile has about 84 percent its functions controlled by computers, compared with 14 percent for 1990 models. The skills needed to repair automobiles today are complex and highly technical. These students displayed amazing talent by placing second in the competition. As second place winners, they will be awarded scholarships worth thousands of dollars. The team's efforts have also earned their Leesburg school a Ford vehicle for use in the school's automotive training program.

Mr. Speaker, more students should be encouraged to learn computer and advanced technology skills because it is the way of the future. From automobiles to television sets to the Internet, students must learn these skills if our nation is to remain globally competitive. I commend Jason and Gregory on their hard work and achievement, encourage them to continue to build on this success, and wish them all the very best in their future endeavors.

TRIBUTE TO THOMAS S. CHAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MATSUI. Mr. Speaker, I rise to pay tribute and to honor the memory of the late Thomas S. Chan of Sacramento, CA. As Mr. Chan is memorialized today he will be remembered by his many friends and family members as an intelligent businessman and dedicated community leader.

Mr. Chan was a true Sacramentan. Born on July 17, 1919 he was raised in Sacramento and has always called Sacramento home. He graduated from Sacramento High School in 1937. In 1942, he met Mae Chuck and the two were wed in 1947.

Tom Chan devoted much of energy into helping his family's produce business flourish. Begun by his father, Mr. Chan assumed management of General Produce Co. during the 1950s. Yet the produce business was not the only field in which Tom Chan excelled. He went on to establish himself as one of Sacramento's most innovative retailers and custom home developers. He was also an immensely talented furniture craftsman as well as an avid sportsman. General Produce Co., South Land Park Terrace, and Riverside Estates will endure as Thomas Chan's lasting legacy in Sacramento.

But like his father, Tom also leaves behind a wonderful family, friends, and a community of people who are better for having known him.

The Chan family will always hold a special place in my memories. When my family and I returned to Sacramento after the incarceration of Japanese Americans, we had few possessions, little money, and no income. Moreover, because of the internment, there was a presumption of guilt and a suspicion of Americans of Japanese ancestry throughout California.

But amidst such indignities, there were families like the Chans who reached out to my family and others like us.

My father, who was forced to give up his own produce business when the internment order came, was hired by Tom's father to work at General Produce, where he worked with and for Tom Chan for more than 30 years.

There are scores of people and families who have been similarly influenced by Tom Chan and his family. It is they who will feel the great loss in our community and remember him as an admired leader.

Mr. Speaker, as Thomas S. Chan is laid to rest today in Sacramento, I respectfully ask all of my colleagues to join me in commemorating his dual legacies as a successful businessman and beloved family figure. Our thoughts are with Mae Chan, Tom's four children, and two grandchildren during their most difficult time.

HONORING BAISAKHI–1999

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to honor BAISAKHI–1999, which is the Tercentenary Celebration of the birth of Khalsa. BAISAKHI–1999 is where Indian-Americans, the government of Punjab, and the people of India will celebrate the rich Khalsa heritage of the last three hundred years. It will offer everyone an opportunity to reflect on Sikh values and traditions.

Punjab, India, is the land where the soul of Kabir found its resonance in the inspirational hymns of Guru Nanak, and the grandeur of Guru Gobind Singh's spirit inspired countless people. Punjab has always been known for the rich heritage of Sikh culture.

BAISAKHI–1999 represents the culmination of extensive planning, and has come about only through the remarkable efforts of devoted people whose commitment to the project should be commended. I would like to personally recognize the Chief Minister of Punjab Prakash Singh Badal and his council of ministers; members of the Legislative Assembly; Members of the Parliament; Serv Shri Surjeet Singh Barnala, Union Minister of India; Sukhbir Singh Badal; Jathedar Bhai Ranjit Singh; Jathedar Bhai Gurucharan Singh Tohra, M.P.; Bhajedra Singh Haumdard, M.P.; Didar Singh Bhens; and the founder president of the Ambedkar International Mission U.S.A., Hardyal Singh.

To further mark this auspicious occasion, the Honorable Chief Minister of the State of Punjab, Mr. Prakash Singh Badal, has proposed the development of Anandpar Sahib, a city in Punjab to reflect the rich heritage of Sikh culture. Included in the proposal is the Khalsa Heritage Memorial Complex, the Khalsa Memorial Academic Institute, a gallery of paintings, and a Sikh military museum among other things. Also planned is a Khalsa heritage memorial which will be three hundred feet high to mark this Tercentenary Celebration.

Once again, I would like to send my best wishes for this event, and my personal congratulations on this joyous occasion.

INTRODUCTION OF THE CAPITAL GAINS TAX SIMPLIFICATION ACT OF 1998

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. COYNE. Mr. Speaker, on April 1 of this year, several of my colleagues and I introduced H.R. 3623, the "Capital Gains Tax Simplification Act of 1998," which would simplify the computation of capital gains taxes for all individual taxpayers. The bill would also provide modest capital gains tax reductions for millions of Americans.

At the time of introduction, I stated that we would modify the legislation if the Joint Committee on Taxation (JCT) determined upon reviewing the bill that there would be a revenue loss. Since then, I have learned from the JCT that this bill as originally introduced would lose revenue. With this concern in mind, I have decided to modify and reintroduce this capital gains legislation. The bill would now raise $600 million over a ten-year period.

Based upon revenue considerations, we have modified the Capital Gains Tax Simplification Act of 1998 in several areas, none of which would affect the basic goal of substantially simplifying the taxation of capital gains for individual taxpayers. The principal modification would reduce the basic deduction from gross income for the net capital gains of individual taxpayers to 38 percent, rather than 40 percent in the original legislation. Another modification would change the taxation of collectibles so that any gain or loss from the sale or exchange of a collectible would be treated as a short-term capital gain or loss. Consistent with the treatment of capital gains under current law, the tax rates that apply to capital gain income for regular tax purposes would also apply for alternative minimum tax purposes.

Under current law, the Schedule D has become very burdensome for ordinary taxpayers as they attempt to comply with the current capital gains tax law. The IRS estimates that a typical taxpayer with a capital gain will spend 5 hours and 20 minutes filling out his or her Schedule D. This is two hours more than in 1994. Moreover, the changes of making an error in filling out this complicated 54-line form have increased due to this additional complexity. In this respect, this bill's simple 38 percent exclusion for capital gains would be substituted for the confusing array of capital gains tax rates under current law, and at no cost to the U.S. Treasury.

Mr. Speaker, should the Ways and Means Committee decide to take up a tax bill this year, it is my hope that this legislation would be included as part of any ultimate package. We need to make the tax code less complex—and less burdensome—for the American taxpayer. The Capital Gains Tax Simplification Act of 1998 would go a long way toward achieving that goal.

Several of my colleagues on the Ways and Means Committee, including Representatives RANGEL, STARK, MATSUI, KENNELLY, McDERMOTT, LEWIS, NEAL and BECERRA, join me in introducing this legislation. I urge my other colleagues to join me in cosponsoring this capital gains simplification bill.

RETIREMENT OF JACK B. CRITCHFIELD

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. McCOLLUM. Mr. Speaker, I rise today to commemorate the retirement of Jack B. Critchfield, a good friend of mine. On June 30, 1998, Jack Critchfield retired from his post as Chairman of the Board of Florida Process Corporation, which is the holding company for Florida's second largest investor-owned electric utility. Jack was born and raised in Pennsylvania. He graduated from Slippery Rock State College with a Bachelor of Science degree, then went on to the University of Pittsburgh for a Master's Degree and a Doctorate. Jack also holds an honorary law degree from Rollins College, which is located in my district.

He began his career in academics as a history teacher and counselor at Rockwood High School in Pennsylvania, then went to the University of Pittsburgh as Dean of Admissions and Student Financial Aid, Asst. Chancellor and Associate Professor of Higher Education. After his accomplishments in Pennsylvania, he moved to Winter Park, Florida, where Jack was President of Rollins College. After devoting many years to education Jack decided to enter the business world. He began his pursuit as President of Winter Park Telephone, then joined Florida Power Corporation as Vice President. Jack moved to the Florida Progress Corporation, the parent corporation of Florida Power Corporation, as Vice President of Energy and Technology, and was subsequently promoted to President and Chief Operating Officer. In Federal of 1990, he became Chief Executive Officer of Florida Progress Corporation, and a year later was named as Chairman of the Board.

Jack is the past chairman and current director of the Florida Council of 100. He is the former director of Barnett Banks of Florida, and of Barnett Bank of Pinellas County. He is also associated with and has devoted much of his time to Florida Chamber of Commerce Foundation and the Florida Endowment Fund for Higher Education.

Jack Critchfield also became very involved by dedicating time and energy as a member of the Governors Commission for Government By the People and was a remarkable Chairman of the Commission's Education Committee. Dr. Critchfield also worked persistently behind the scenes to bring professional and major league baseball to the state of Florida.

Jack has obviously been a very ambitious and successful man. Although he will continue his work in education, he will certainly be missed by the Florida Progress Corporation. I am sure Jack will spend more time improving his golf game and caring for his young daughter. I just hope that he remains as active as he has been. Mr. Speaker, Jack Critchfield is a great friend and I would like my colleagues to join me in wishing Jack the best as he retires.

THE NOTCH BABY HEALTH CARE RELIEF ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mrs. EMERSON. Mr. Speaker, today I am introducing legislation to assist the over 6 million senior citizens who have been negatively impacted by the Social Security Amendments of 1977. Seniors born between the years 1917 and 1921—the "Notch Babies"—have received lower Social Security monthly payments than those seniors born shortly before or after this five period. My legislation, the Notch Baby Health Care Relief Act, will offset the reduction in Social Security benefits by providing a tax credit for Medicare Part B premiums.

The approach taken in my new bill is different than that taken in my Notch Baby Act of 1977 (H.R. 146) or in any other Notch bill introduced in this Congress. In fact, the approach taken in this legislation was suggested to me by one of my own constituents—adjust Medicare insurance payments for Notch Babies. Specifically, my new bill provides a refundable tax credit for monthly Medicare Part B premiums for senior citizens born between the years 1917 and 1921, their spouses and their windows or windowers. The bill also eliminates the Medicare Part B premium late enrollment penalty for these individuals.

As health care expenses can take up a large proportion of a senior's retirement income, this tax credit can go a long way to both correct the inequity caused by the Notch and to help seniors meet their health care needs. I urge my colleagues to review the Notch Baby Health Care Relief Act, to discuss this legislation with the seniors in their districts, and to join me in cosponsoring this important legislation.

V-103 FM AND WGCI AM/FM UNITY DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to submit the following Proclamation:

Whereas for the first time in Chicago history, two competing radio stations V-103 FM and WGCI AM/FM have united to sponsor "Unity Day 1998", a community oriented event in Washington Park.

Whereas "Unity Day 1998" will bring together hundreds of thousands of people to collectively focus on family values, the power of hope, self-discipline and the strength of a unified people.

Whereas Unity Day is a daylong celebration highlighted by a festival of fun, entertainment, education and leadership from the community. V-103 and WGCI AM/FM are presenting special awards to several community social and cultural organizations; and

Whereas the DuSable Museum of African American History, HRDI, Inc., Old St. Paul Church, Westside Cultural Center (Douglas Park), and the Soul Children of Chicago are worthy of the Unity Day Awards; and

Whereas the DuSable Museum of African American History is the nation's oldest, nonprofit institution devoted to the collection, preservation, interpretation and dissemination of African American History; and

Whereas the Human Resources Development Institute, Inc., (HRDI), is the largest African American behavioral healthcare and social service organization in the State of Illinois committed to improving the quality of life for people in all communities; and

Whereas the Soal Children of Chicago, founded in 1981 by Walt Whitman exemplifies Unity Day 1998 by promoting self-esteem, leadership and good moral character among our youth; and

Whereas the Westside Cultural Center, Douglas Park works to develop camaraderie, friendship and exposes our inner city youth to cultural and youth development activities; and

Whereas Old St. Paul Church provides spiritual guidance and support to our communities and support families, the power of love and hope; and

Whereas Marv Dyson, President and General Manager, WGCI AM/FM and Donald T. Moore, Senior Vice President and general manager, V-103 should be commended for their contributions and support of our communities; and

Whereas V-103, an award winning radio station consistently provides the best hits and dusties to primarily the African American communities; and

Whereas WGCI AM/FM, winner of many awards, "Plays the Hits" and "All Dusties 1390" plays Chicago's favorite dusties of all time; and

I therefore proclaim August 29, 1998 "V-103 FM and WGCI AM/FM Unity Day 1998 in Chicago".

HONORING MARIA OSUNA VALDEZ FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. TORRES. Mr. Speaker, I rise today to recognize Maria Osuna Valdez for her life long commitment to being a role model citizen and exemplary woman.

Maria was born on March 6, 1914, in San Ignacio, Sinaloa, Mexico. She was the fourth of five children to Eufemio Osuna and Magdalena Escobosa de Osuna. After her parents death, Maria, then 16 years of age, went to live with her sister, Magdalena.

While living in the mining town of El Tambor, Mexico, Maria met and married Miguel Arrellano Valdez. In 1946, after having worked in the silver mines for many years, Miguel, an American citizen, moved back to the United States. Miguel went ahead to begin working and Maria stayed with their children before moving to Tijuana, Mexico, to begin preparing for their journey to the United States. In 1957, after much work and sacrifice, the Valdez family moved into their home in Montebello, California. Maria, with the help of the older children managed the family while Miguel worked in Los Angeles.

Maria was a homemaker who took care of their eight children. She supervised their activities while Miguel often worked double shifts. Their children were their pride and inspiration. They instilled in them the American Dream, strong religious beliefs and family values. All eight of their children graduated from institutions of higher learning and were exemplary citizens. After Miguel's death in 1987, Maria continued to guide and encourage their children and grandchildren and to instill in them the high expectations of the Valdez family.

Mr. Speaker, on Sunday, May 3, 1998, Maria passed away after a long illness at her home in Montebello, California. A 45 year resident of Montebello, Maria was devoted to her Catholic faith, her husband, her children and grandchildren. She is survived by her children Beatrice, Rudolph, Gloria, Ofelia, Michael, William, Robert, George; her brother Oscar; and 22 grandchildren and one great-grandson. Maria left her family a legacy of undying love, a devotion to her faith and a deep sense of family values. I ask my colleagues to join me in honoring Maria Osuna Valdez for being an outstanding resident of Montebello, California.

THOMAS AND MIRIAM RYAN: A CELEBRATION OF THEIR 40TH WEDDING ANNIVERSARY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. OBERSTAR. Mr. Speaker, anniversaries are special, treasured milestones in life, a time to gather family, friends, and loved ones to remember, re-live, rejoice and to share. One such special milestone was the celebration of the fortieth wedding anniversary of Tom and Miriam Ryan, on July 25, 1998, in Pine City, Minnesota.

Dozens of Tom and Miriam's friends joined their 82 children, grandchildren, and great-grandchildren for a spiritually uplifting mass at Immaculate Conception Church in Pine City and a joyous reception—lunch at the Rock Creek City Center, to re-live and remember. Tom and Miriam's inspiring forty years together.

I have known and loved this special couple and their beautiful family for over thirty years, and felt very privileged to participate in their remarkable festivity. I was profoundly moved by the outpouring of love and joy from all who shared with Tom and Miriam their anniversary, whose spirituality and majesty were best summed up in Fr. Michael J. Lyons' homily and the children's Tribute, both delivered at the mass, and which I ask unanimous consent to include in the RECORD, in the expectation that Americans everywhere will be ennobled and inspired by Tom and Miriam Ryan's beautiful example of life together.

HOMILY FOR THE FORTIETH WEDDING ANNIVERSARY OF THOMAS AND MIRIAM RYAN IMMACULATE CONCEPTION CATHOLIC CHURCH, PINE CITY, MINNESOTA, JULY 25, 1998

Forty years together in a union so time-prone as that of marriage calls for a special sort of celebration. And for once time is not the enemy but the celebration.

The combined ages of those gathered here is testament to the influence of the union of Tom and Miriam that took place forty years ago. Their previous marriages to spouses who predeceased their present union and whose memory they continue to cherish, along with the large number of children to whom they have given life and love, suggest that this fortieth anniversary is neither silver or golden, it must surely be considered platinum. And as is the case in the mining and processing of precious metals, the years have given Tom and Miriam their share of Gethsemane to remove the dross of selfishness and produce the kind of union they have achieved. All things considered, time has assayed their marriage and has marked it as genuine.

A fortieth wedding anniversary reminds us that the marriage covenant is not an instant achievement. As we say, the wedding may be for a day but the marriage is for a lifetime. Marriage calls for love, forgiveness, sacrifice, loyalty, faith and courage in shaping these virtues and through them the ongoing work in progress.

We live in an age however, when it is all too easy to forget the constant faithfulness of the heart and the single-minded dedication that are needed to arrive at this hour of recognition and acclaim. Instant food and communications, the immediate availability of so many consumer goods, masks the care and well-planned preparation and personal attention that the union of marriage demands. French fries are a long way from the care and preparation that mashed potatoes need. And cell-phones do not replace the time and companionship that the friendship and intimacy of marriage requires. And I might add, no one can replace parents in the task of forming children in the values that ultimately matter.

Incidentally, my personal experience of Miriam's cuisine is surely symbolic in the truest sense of the self-giving that is so characteristic of her marriage to Tom, most notably during his recent illness. I cherish the memory of the Sunday brunches at their home in Pine City, the silver cutlery, the linen and fine delft, the overall ambiance but most especially the food prepared and arranged with the touch of the excellent visual artist that she is, and always in the tradition of French cooking of course. Considering which, the notion of "french fries" does seem to be a contradiction in terms!

Tom's dedication to Miriam too is a noteworthy as his compassion as a lawyer and politician for the poor and those who suffer injustice in any way. This compassion of his does not flow only from the genetic heritage of his revered uncle Monsignor John A. Ryan. An unrequited democrat—the Minnesota kind—Tom Ryan's concern flows also from his unwavering commitment to the preferential place which the poor are meant to enjoy in the mission and ministry of the Catholic Church, most especially perhaps here in America. Something which the Church needs to reconsider in its list of priorities frequently.

In any case, keeping in mind that marriage is always a work of grace in progress, we are celebrating what is hopefully some experience of Mount Tabor for Tom and Miriam on this their fortieth anniversary.

In this regard, I am reminded of another anniversary I was privileged to celebrate with my parents some seven years ago, a moment of quiet wonder and thankfulness for them and for every member of the family involved. I remember especially the way in which my parents seemed to be tolerantly amused by all the fuss, sensing at times our tendency to celebrate them as trophies. After all their love did survive the raising of myself! Behind their bemusement however, I sensed a secret quality to their happiness that not even their children could know, but which they would hopefully discover in their own marriages in due course; a subject of their constant prayer I suspect.

Children it seems nearly always think of their parents as existing only from the time they have known them. Like my parents however, Tom and Miriam share times and secrets and memories that are theirs and only theirs. In Yeats' words they too: . . . have found the best that life can give,/ Companionship in those mysterious things/ That make a man's soul or a woman's soul/ Itself and not some other soul.

And so, Miriam and Tom, in the words of Paul to the Corinthians—one of our chosen Scriptures for your anniversary—because of the patience and kindness of your mutual love, its humility and forgiveness, your care and compassion for your families and for all of us, we know that the ageless Christ is with us here, joyful too over all that his grace and presence have worked in you. That miracle is surely encouragement and assurance to younger couples—and God knows they need it—that His grace is always sufficient to the fulfillment of their desires and dreams. Certainly, as the Gospel of John suggests, you have proven yourselves as Christ's special friends. You have been faithful to His trust and to each other's.

We celebrate you and we bless you!. Rev. Michael J. Lyons, Pastor.

TRIBUTE TO MOM & DAD

Once upon a time there was a widowed man with five children; they called him dad; and a widowed woman with seven children they called mom.

On October 4, 1958 they got married; soon there were two more children, becoming a blended family of 16. Through a lot of faith, dedication, hard work and love, the family thrived.

We are here today to celebrate the union of these two people and the beautiful example of love and family which is their legacy. There were 14 children, and so far 40 grandchildren and 31 great grandchildren. One son, one grandson and one great granddaughter are here with us in the spirit of peace and love from heaven above.

Mom is known for her gourmet meals that always includes dessert and a table set for royalty even night designated as "must go", which means everything in the refrigerator must go. These meals boasted of concoctions fit for kings and the presentations always to match.

Grocery shopping was always a major ordeal. Dad and Mary would often times go together—filling two or more grocery carts brimming full. Trying to find places for it all at home was much like the politics we were thrown into. They shopped liberally and had to put it away conservatively.

Speaking of politics, life with dad is always politically charged. I'm not sure if it's because he's a lawyer, his strong Irish Heritage, or he just loves talking. The more controversial and politically charged the better.

There were always parades to walk with stickers and brochures to hand out, door knocking campaigns for dad or some other worthy candidate. It was expected of us much like a farmer expecting his children to help out on the farm.

A family our size has required us to cooperate, share and be creative. Family vacations and rides in the car were a real test of that. "It's my turn to sit by the window, you're touching me, or you're in my space" were common grumblings ending up in pinching matches and angry words. Long trips required a cooler of sandwiches and beverages eating in the car on a stop at a roadside picnic area. Sleeping in the care required further division of the minimal car space. Two got the floor usually by screaming dibs first! That was a real treat because you had twice the room of the 3 or 4 sitting behind you on the seat. But if you got pushy or crabby you ended up in the front seat with mom and dad—that was really bad. By the way dad, you can get a smaller car now.

When we thought things were tough or unfair for us mom always told us "offer it up and you'll go straight to heaven". You can guess how much credence that held with five 6 to 13 year-olds. Then there was the now famous saying of mom's when we would say something she thought was really dumb . . . "Don't talk like a sausage". To give you an idea of the incredible wisdom we held as children we never questioned that saying. Only as an adult did I wonder how a sausage sounded and how stupid we were to believe a sausage talked.

Weekend trips often include a caravan of family cars following our leader, Dad. He drives fast so he's hard to keep up with, but you can always count on catching up to him because he most often makes a Dairy Queen stop . . . his car seems to smell them out. He never hears a single complaint.

Through the years mom tried to find ways to help with the clothing needs of so many young teenage girls. There was Beeline home clothing partyshows . . . no need to hire a model, all she had to do was bribe me with new clothes. Actually I loved doing it! The Chic Shoppe came later. A dream of mom's. A women's brand name clothing store with sizes to fit women and teens. What a boon for the four teen girls at the time. I think it was more a dream for us than for her; though she kept a good handle on her inventory.

Dad is always one to be in the forefront of technology, first in the neighborhood to get a color tv, vcr, or videocassette recorder. I often wonder how such an intelligent person can be so electronically progressive and not have a clue on how to keep his tv remote control programmed or run his telephone answering machine. But then there is a time for everything and maybe that's one reason why he has so many children.

Leisure activities always included games for the whole family. Evening ping pong matches were common, as were card games for those deemed able. You knew you came of age in this family when you were included in the weekend card games, buck eucker, hearts and bridge, to name of a few. This was the true passing into adulthood!

Dad, you have continued to inspire your children through your example of lifelong learning, and many of us have stepped forward to follow in your steps and have sought and gotten degrees as adults.

Mom, your appreciation of art and the beauty you alone are able to create on paper and canvas makes it a joy. To see your newest creations puts such pride in our hearts. Some of your children and grandchildren have been blessed with your artful talent. We see the beauty in life because of you!

Experiences both good and bad have a part in shaping who we each are and have become. Thank you, mom and dad, for loving each other in sickness and in health, through good and bad, and for living life to the fullest. You have laid both the foundation of life, as a married couple, and our strong family values. You can be proud!

As dad always says, "It's hard to be humble when you're perfect in every way". Isn't it?

PATIENTS' BILL OF RIGHTS

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. GANSKE. Mr. Speaker, soon the House will adjourn for the August District Work Period. Members will scatter to the four corners of the nation and return to their hometowns.

Over the next month, we will have the time to speak with our constituents at countless county and state fairs, town hall meetings, and other gatherings, both formal and informal. It will be an opportunity for us to communicate what we have done and for the voters to tell us what they would like Congress to do.

I think that we will find it next to impossible to pick up a newspaper or hold a town meeting without hearing another story about how a managed care plan denied someone life-saving treatment.

And no public comment poll could convey the depth of emotion about this issue as well as movie audiences around the country who spontaneously clapped and cheered Helen Hunt's obscenity-laced description of her HMO.

Mr. Speaker, I rise today to offer some thoughts on what we are likely to hear from our constituents about this issue over the next month.

Two weeks ago, the House approved a Republican Task Force bill which was advertised as addressing consumer complaints about HMOs. But, Mr. Speaker, I think an examination of the fine print is in order, particularly when we compare it to the Patients' Bill of Rights, a bi-partisan proposal I support which has been endorsed by close to 200 national groups of patients and providers.

Last year, Congress and the President were able to reach agreement on a plan to save Medicare from bankruptcy. Included in that package were several provisions to protect seniors enrolled in Medicare HMOs. One of the most important was language to ensure that health plans pay for visits to the emergency room.

We had heard frequent complaints that health plans were denying payment if the individual was found, in the end, not to have had a condition requiring ER care. The best example is the man who experiences crushing chest pain. The American Heart Association says that is a sign of a possible heart attack and urges immediate medical attention.

Fortunately, there are other causes of crushing chest pains, but seniors whose EKG were negative were being stuck with a bill for the emergency room care, since, in retrospect, the HMO said it was not an emergency after all.

The Medicare law passed last year took care of this problem, by ensuring that plans paid for emergency room services if a "prudent layperson" would have thought a visit to the ER was needed. This prevented the sort of "hindsight is 20-20" coverage denials that consumers had complained about.

The Patient Bill of Rights, which I support, would have extended the same protections to consumers in all health plans. Instead, the Republican Task Force bill passed by the House contains a watered-down version of the prudent lay person rule.

On Tuesday, the *New York Times* published an excellent article by their noted health reporter, Robert Pear. In it, Mr. Pear outlined just how different the protections in the Republican Task Force Bill are from those we passed for Medicare and Medicaid.

A key difference is exactly how much patients will have to pay for emergency care. The Patients' Bill of Rights, which I supported, provides that patients could not be charged more money if they seek care in a non-network emergency room.

By contrast, the Republican Task Force allows the health plan to impose higher costs on those who are so careless as to allow emergencies to befall them in places not close to a network-affiliated hospital!

Mr. Speaker, consider what this means. HMOs require enrollees to use certain hospitals, because the plan has some financial arrangement with them.

But when a young child splits his head open by falling down a flight of stairs, I fail to see that any good is served by giving patients a financial incentive to delay care until they can get to one of the HMOs own emergency rooms.

Consider the case of James Adams. Age: six months. At 3:30 in the morning, his mother Lamona found James hot, panting, and moaning. His temperature was 104 F.

Lamona called her HMO and was told to take James to Scottish Rite Medical Center. "That's the only hospital I can send you to," the Medicare nurse added.

"How do we get there?" Lamona asked.

"I don't know," the nurse said. "I'm not good at directions.

About 20 miles into their ride, they passed Emory University's hospital, a renowned pediatric center. Nearby were two more of Atlanta's leading hospitals, Georgia Baptist and Grady Memorial.

But they didn't have permission to stop there and pressed on. They had 232 more miles to travel to get to Scottish Rite.

While searching for Scottish Rite, James' heart stopped. When James and Lamona eventually got to Scottish Rite, it looked like the boy would die.

But he was a tough little guy. And despite his cardiac arrest due to the delay in treatment by his HMO, he survived.

However, the doctors had to amputate both of his hands and both of his feet because of gangrene.

All this is documented in this book, "Health Against Wealth." As the details of James' HMO's methods emerged, the case suggested that the margins of safety in HMOs can be razor thin. In James' case, they were almost fatal, leaving him without hands or feet for the rest of his life.

Think of the dilemma this places on a mother struggling to make ends meet. In Lamona's situation, under the Republican Task Force bill, if she rushes her child to the nearest emergency room, she could be at risk for charges that average 50 percent more than what the plan would pay for in-network care. Or she could hope that her child's condition will not worsen as they drive past other hospital an additional 20 miles to get to the nearest ER affiliated with their plan. And woe to any family's fragile financial position if this emergency occurs while they are visiting relatives in another State!

Mr. Speaker, the Patients' Bill of Rights would ensure that consumers would not have to make that potentially disastrous choice.

A second key difference between the Republican Task Force bill and the protections already enacted for Medicare is that the Republican bill does not require any payment for services other than an initial screening. After that, payment must be made only for additional emergency services if a "prudent emergency medical professional" would deem them necessary. Moreover, the GOP bill added a new burden on emergency room doctors, requiring them to certify in writing that such services are needed. Talk about bureaucracy!

Robert Pear's New York Times article quoted John Scott of the American College of Emergency Physicians. Mr. Scott's comments bear repeating, because I think they illuminate the weaknesses of the Task Force bill:

> We have more than a century of common law and court decisions interpreting the standard of a 'prudent lay person,' or 'reasonable man,' as it used to be called. But this new standard of a 'prudent emergency medical professional' was invented out of thin air. It creates new opportunities for HMOs to second-guess the treating physician and to deny payment for emergency services.

Mr. Pear's article also takes a hard look at the difficult issue of medical records privacy and concludes that "on this issue, took the details have provoked a furor."

He noted that privacy advocates were amazed to learn that the Republican Task Force bill authorizes the disclosure of information without an individuals consent for a broad range of purposes, including risk management, quality assessment, disease management, underwriting, and more.

And the Republican bill considers disclosure for "health care operations" permissible. This is a term so broad that critics say it would allow the transfer of patient information to companies marketing new drugs.

Commenting on these flaws, noted privacy expert Robert Gellman said that the Republican bill "gives the appearance of providing privacy rights. But it may actually take away rights that people have today under state law or common practice."

Mr. Speaker, I ask unanimous consent that the entire text of the Robert Pear article be printed in the Congressional Record at this point.

Mr. Speaker, these are but two examples of flaws that may not be apparent on a quick read of the Republican Task Force bill but which become apparent upon closer examination.

I wish I could say that those are the only two provisions in the House-passed GOP managed care reform bill which—to borrow from the old TV ad—may taste great but is certainly less filling.

I think every Member of Congress would agree that the best health care bill is one that delivers people the services they need, when they need them. Remedies such as internal and external appeals and access to the courts are needed backstops, but our first goal should be to require that HMOs provide needed care. On that count, there is no comparison between the two bills.

Here is a partial list of protections contained in the Patients Bill of Rights but which were not included in the Republican Task Force proposal:

First and foremost, the Republican Task Force bill could actually make the situation worse by creating Association Health Plans which will be beyond the reach of state regulations. For years and years, States have shown themselves able to craft workable consumer protections for health insurance. But thanks to a 25 year old federal law known as ERISA, millions of Americans are in health plans regulated by the federal government and are therefore beyond the reach of state consumer protections.

Instead of giving consumers more control over health care, the Republican Task Force bill actually places more people in ERISA-regulated health plans. Does this solve our health care problems? Certainly not. Does it add to them by denying people the protections of state law? Definitely.

Instead of improving access to insurance, these proposals could have the exact opposite effect. By exempting multiple employer welfare arrangements—known as MEWAs—from a range of state insurance regulation, the Republican bill will make it more difficult for states to fund high-risk pools and other programs to keep health insurance affordable. The National Association of Insurance Commissioners and the National Conference of State Legislatures are concerned that these GOP provisions could "undermine the recent efforts undertaken by states to ensure their small business communities have access to affordable health insurance."

Take a look at this little boy, born with a cleft lip. In many states, HMOs are required to pay for coverage to give this boy a normal face.

Mr. Speaker, I would guess that many of my Republican colleagues would be surprised to learn that because a cleft lip is considered a "condition" rather than a "disease," plans serving HealthMarts in the GOP bill would not be required to cover needed treatments for this deformity!

This is not just my interpretation of the Republican bill. The Commerce Committee staff member who helped draft the provision confirmed to me that HealthMarts would not be bound by state laws requiring coverage of cleft lips and similar birth defects. If the Republican Task Force bill becomes law, I think it will be very difficult for Members to explain to the parents of a child like this why Congress exempted HealthMarts from this state law protection.

Second, the Republican bill does not contain protections for doctors and nurses who serve as advocates for their patients. Both bills ban "gag rules" that some health plans have used to limit discussions between patients and their health care providers, but the Patients' Bill of Rights recognizes that doctors and nurses need to be advocates at other times too.

It prevents health plans from taking action against them for speaking up at internal and external reviews or for alerting public health authorities to safety concerns. These are protections not present in the Republican Task Force bill.

A third key difference between the Republican Task Force bill and the bi-partisan Patients' Bill of Rights related to the way in which they deal with drug formularies. For reasons which may have more to do with financial discounts than quality medical care, many health plans have limited their coverage of prescription drugs to those on a "formulary," For many conditions and diseases, patients can be given any number of formulations of a drug—whether brand names or generic.

That is, however, not always the case. Often, a patient may have a need for a particular formulation of a drug.That is especially true of narrow therapeutic index drugs, for which there is a very narrow window between efficacy and toxicity. Switching patients from brand name to generic drugs or vice-versa can have serious health consequences.

The Patients' Bill of Rights recognizes this by ensuring that physicians and pharmacists have input in the creation of a plan's formulary. Moreover, the bill ensures that there is a way for patients to get a drug that is not on the formulary if their physician determines it is medically indicated.

By contrast, the Republican Task Force bill merely provides enrollees with information of the extent to which a drug formulary is used and a description of how the formularly is developed.

More specific information as to whether a particular drug biological is on the formulary is available only to those who ask.

A fourth key difference is that the Patients' Bill of Rights guarantees access to clinical trials, something that the Republican Task Force bill does not do. For patients with some diseases, the only hope for a cure lies in cutting-edge clinical trials.

The Patient's Bill of Rights would allow individuals with serious or life-threatening illnesses for which no standard treatment is effective to participate in clinical trials if participation offers a meaningful potential for significant benefit.

This does not require the health plan to pay all of the costs of the clinical trials. In fact, all that the Patients' Bill of Rights, the bill I support, obligates a plan to do is cover the routine costs they would otherwise be required to pay. They are not forced to assume any of the added costs of participation in the clinical trial.

The Republican Task Force managed care reform bill, by contrast, contain no similar protections. That can be a major difference for someone with life-threatening illness who would rather use his strength to battle his disease, not to battle with the insurance company for coverage of the clinical trial that could save his life.

A fifth important distinction between the competing proposals is that the Republican Task Force proposal does not provide for ongoing access to specialists for chronic conditions. Many chronic conditions, such as Multiple Sclerosis or arthritis, require routine care from specially-trained physicians, like neurologists or rheumatologists.

It is one thing to ask an enrollee to get a referral for an isolated visit to a specialist. But those with chronic conditions need a standing referral to those specialists or to be able to designate the specialist as their primary care provider. This protection is not in the Republican Task Force bill.

A sixth distinction between the two is that the Patients' Bill of Rights does more to ensure that individuals are able to see the doctor of their own choosing. Both bills have a point-of-service provision that allows individuals to see health care providers not in their plans closed panel, but the Republican Task Force bill contains a loophole that renders the protection a hollow one for millions of Americans.

Under the Republican bill, a health plan would not have to offer employees a point-of-service option if they could demonstrate that the separate coverage would be more than 1 percent higher than the premium for the closed panel plan. And this needs to be only a theoretical increase. The bill allows health plans to provide an only actuarial speculation that the costs would increase and they are relieved of having to offer employees this benefit.

Perhaps more amazing is the fact that this exemption is triggered even if the employees selecting the point of service option would pay all of the costs of the improved coverage themselves. Under the Republican Task Force bill, employees who are willing to pay the entire added cost for the ability to obtain out-of-network care can be denied access to this benefit if the employer is able to speculate that the costs might be higher.

That is the ultimate in paternalism. The bipartisan bill I support, the Patients' Bill of Rights, lets the employees decide for themselves if they want to purchase this enhanced coverage.

A seventh key difference between the two bills is that the Patients' Bill of Rights ensures that health plans not place inappropriate financial incentives on providers to withhold care. Medicare regulations very explicitly limit the kind of financial arrangements that health plans can have with providers protecting seniors from providers who may get a financial windfall by delivering less care.

TRIBUTE TO MRS. HELEN SEWELL

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. GINGRICH. Mr. Speaker, I would like to draw my colleagues' attention to this feature piece from The U.S. Capitol Historical Society newsletter, The Capitol Dome. For 60 years now, Helen Sewell has been the manager of the snack bar in the Republican cloakroom and a mother to every member who has sat down to one of her hefty tuna salad sandwiches. Mrs. Sewell began working in the cloakroom while she was in junior high school and her father ran the snack bar. Since that time, she has served coffee and sandwiches to thousands of members, including several former presidents. In fact, according to some accounts, it was her cottage cheese with Worcestershire source that helped put Gerald Ford in the White House. Even today, when President Ford visits the House, he stops by for a visit with Helen. President Bush does the same. I think that my colleagues will enjoy this tribute to Mrs. Sewell. I did, and it is richly deserved.

'HELEN'S CAFE'—CAPITOL CONCESSIONAIRE REMINISCES

As the red neon sign bearing her name shines brightly above, Helen Sewell busily prepares for the day at her cafe. As manager of a small concession stand offering a variety of sandwiches, soups, sodas, coffee, candy, ice cream and other snacks, she caters to a unique clientele—Speaker of the House Newt Gingrich, Majority Leader Dick Armey and the 226 other Republican Members of the U.S. House of Representatives.

Helen's domain is the concession counter in the Republican Cloak Room, located just outside the House of Representatives Chamber. The cloak rooms are private enclaves where Members can relax, make phone calls and, thanks to Helen, enjoy everything from a light snack to a hearty sandwich. Now 80 years of age, she has been working at the counter since the 1930s when she was a teenager helping her father prepare snacks for Members of Congress. "It was intimidating at first," Helen recalled, "but I got used to it, and now I just love it."

With more than 60 years of service, Helen has become something of an institution. In comparison, Helen's counterparts in the Democratic Cloak Room have come and gone for more than three generations. Currently, Cindy Edmondson works (as she has for a dozen years) in the Democratic Cloak Room concession.

According to Helen, her father came to Washington from Lovejoy, Ill., with his Member of Congress who helped get him a job as an attendant in the cloak room. "But he got so tired of just hanging up coats and hats," Helen reminisced, "so one day he brought in fruit, candy and drinks for the Members, and they really appreciated it."

Each Member who visits "Helen's Cafe" is part of her extended family. "I know every Republican Member of Congress . . . I fuss with them, and they fuss back. We're like family here and we're extremely close." It is obvious that her customers consider her to be a part of the family as well. They bought her a television so she could keep up with her favorite soaps; former Congressman Pat Roberts, now a Senator from Kansas, also gave Helen a new chair because he was concerned about her health; Amory Houghton of the 31st Congressional District of New York, commissioned the neon sign that proudly announces "Helen's Cafe." "They worry about me to much," Helen says modestly.

In fact, when she was hospitalized a few years ago with a heart attack, she received dozens of get-well cards and bouquets of flowers. She is convinced that the Members really missed her sandwiches. "I'm pretty heavy-handed with my sandwiches," Helen admits, referring to the generous size of her culinary creations.

Working in the cloak room over six decades, Helen has witnessed much of the nation's history. She has a photographic memory and vividly remembers events such as the day in 1954 when Puerto Rican nationalists fired several shots from the House Gallery and wounded five Members of Congress. She has met many of the Members' spouses and children, including the Society's President, Clarence Brown, when his father served in Congress before him.

The recent deaths of Bill Emerson and Sonny Bono particularly sadden Helen. "I remember when Bill Emerson passed away," Helen said softly. "It was an emotional day . . . I was very close to him," she said of the Missouri Congressman she had known since he had been a House Page in 1953.

Away from the Capitol, Helen is a proud grandparent and is active in community life. Her two daughters and one son have given Helen nine grandchildren and five-great-grand children. A life-long resident of Washington, she has strong ties to the Petworth Community where she attends the Petworth United Methodist Church. For more than thirty years Helen has been an active member of the Northwest Boundary Civic Association. For fun, she admits with a chuckle, she occasionally visits the casinos in Atlantic City, N.J.

When the question of retirement comes up, Helen immediately says "no." She plans to continue working for as long as she is physically able. Besides, who could make such great tuna sandwiches?

RECOGNIZING THE HOME HEALTH ASSEMBLY OF NEW JERSEY ON TWENTY FIVE YEARS OF SERVICE

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to honor the Home Health Assembly of New Jersey, which is celebrating their twenty-fifth year of providing health care services to the caregivers and citizens of New Jersey.

In the face of our nation's every-changing healthcare system, the Home Health Assembly of New Jersey has served as a consistent and reliable source of support, education and advocacy for those who administer home health care and to those who receive it. As the state's largest and most comprehensive professional home care association, home care providers, hospices and associations have relied on their knowledge and insight for a quarter-century.

Mr. Speaker, home health care allows so many of our citizens to receive necessary health care in comfortable and familiar surroundings. Equally important to the physical health care services which home health care providers offer to the elderly, the disabled, children and adults, is the emotional support they give. Offering a hand to hold and a shoulder to lean on makes one's illness more manageable and more hopeful.

Through their leadership and advocacy, the Home Health Assembly of New Jersey has truly achieved its mission of being "the Voice for Home Care in New Jersey." I wish the Assembly continued success in the future years of service which they will provide to the people of New Jersey.

HONORING THE T.L.L. TEMPLE FOUNDATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. TURNER. Mr. Speaker, I rise today to honor the T.L.L. Temple Foundation. Mrs. Georgia Temple Munz established this foundation in honor of her father, Mr. Thomas Lewis Latane Temple, in 1962.

The T.L.L. Temple Foundation awards grants to a broad range of projects and causes in East Texas. The recipients include organizations in the areas of education, health care and medical research, community and social services, and cultural arts and the humanities. In organizing the foundation, Mrs. Munz fulfilled her dream of enhancing the quality of life for the citizens of the East Texas Timber Pine Belt through charitable donations. Since its establishment, the T.L.L. Temple Foundation has awarded more than $150 million to programs that support these causes.

One recipient of these grant awards that I would like to mention is the Alcohol and Drug Abuse Council (ADAC) of Deep East Texas. The ADAC is a non-profit agency that offers prevention, intervention and treatment services to the twelve counties of the Deep East Texas region. I am pleased to announce that the Alcohol and Drug Abuse Council is celebrating its 20th Anniversary this year.

In 1982, the T.L.L. Temple Foundation awarded its first grant to ADAC for support of its prevention education programs. To date, the Temple Foundation has provided over $930,000 in grants in support of ADAC's drug prevention education programs involving 33 school districts and 12 daycare centers in a twelve-county region of East Texas. Last year alone these programs reached 48,800 participating students and over 3,000 adults. Information was provided on how to maintain healthy lifestyles, how chemical abuse can ruin a life and how positive choices lead to positive results.

The T.L.L. Temple Foundation is unlike most major U.S. foundations because the founding family still exercises an organizational presence. The members of the foundation's governing board include: Mr. Arthur Temple, Chairman; Mr. Arthur "Buddy" Temple, III; Mr. W. Temple Webber, Jr.; Mr. Phillip M. Leach; and Mr. Ward R. Burke.

The T.L.L. Temple Foundation is located in Lufkin, Texas, and East Texas is fortunate to benefit from such generosity. I am pleased to have this opportunity to honor the T.L.L. Temple Foundation.

TRIBUTE TO MAC McCUE, A CONSTITUENT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. KINGSTON. Mr. Speaker, a republic means a lot more than just free elections and representative government.

It requires a commitment to the political process from not only the candidates for public office, but from activist citizens who participate in the process.

There are those who participate behind the scenes, with little recognition or publicity, without pay or perks, and with little regard for the cost to their personal lives in time and energy.

They are political activists volunteers who are the heart and soul of every campaign, every election, and every contest between two visions for the future.

They are the kind of people who care deeply about what kind of country we live in, and care enough to get involved in that great American tradition, the political campaign.

Mac McCue is just such an activist.

For years Mac McCue has been synonymous with Republican Chatham County politics.

In fact, Chatham County Republicans could not even imagine an election without the services of Mac McCue.

Some may think of Mac as a senior citizen, but those of us who know him cannot.

In campaign after campaign, Mac has shown so much energy he makes the candidates look only partially committed!

And he brings the same excitement to a campaign as he did to his first campaign, back in the 1950s.

It doesn't matter whether the race is school board, city council, county commission, state legislature, U.S. Congress, or President, Mac is there.

It doesn't matter if the candidate is a dark horse, an incumbent, a political veteran or a novice—If there's a Republican who needs help, Mac will help.

It doesn't matter if it's putting up yard signs, stuffing envelopes, manning the phones, or going door to door—no job is beneath Mac if it needs doing.

Mac is a guy who knows all the ups and downs of a campaign—the pitfalls to avoid, the tricks to get press, and secret for getting 25 hours of work done in the last 24 hours of a campaign.

When the chips are down and the dark days set in as they do in all campaigns, Mac stands faithfully by.

And on election night, if you fall a few votes short, Mac reminds you that there are other things—such as family—which are more important.

And when the election is over and the crowds have gone home, Mac even sticks around to pick up your yard signs.

In addition to all these talents, Mac can be the campaign humorist with one of his infamous limericks.

He had hundreds of them, and you could always tell when he was working on one in his head, for he had that little smile that suggested that he was up to some clever mischief.

One of them goes to the tune of "Home on the Range."

Oh give us a home—
Where the flounder can roam—
With trout and with bass on display;
Where seldom are heard the economy word,
And our taxes go up every day.

It's hard to believe that he's not in the Poet's Hall of Fame!

As you can see, he's a guy who can make a serious point, even when he is just having a little fun.

Voters who encounter Mac on the campaign trail invariably come away with a positive feeling about the candidate he is supporting.

He is so upbeat, so obviously committed to his beliefs, and so sincere in his enthusiasm, people naturally conclude that Mac is on the right side of the issues.

Whether through politics or not, Mac has always loved and served his country.

In the 1940s, he was in the South Carolina National Guard.

He served in the Army during the Korean War; 20 years later he served in the Reserves.

Mac along with his beautiful wife Millie have always made public service a part of their life because they care passionately about what kind of country we live in, and what kind of country their children and grandchildren will live in.

Mac didn't care whether you were a longshot or not, and he didn't care if the media totally ignored you—if he believed in you, he was behind you 100%.

Mac worked to help elect Lamar Davis to a state representative office, the same Lamar Davis who has since gone on to take a position as our U.S. bankruptcy judge.

Former Savannah mayor Susan Weiner is another one of Mac's success stories, as are County Commissioner Ed Silas, State Senator Eric Johnson, State Reps. Anne Mueller and Herb Jones, and many others.

Young at heart and dedicated to the core, Mac McCue is a friend and mentor to all the young people on their first campaign, and he is a tribute to our democratic system of government.

Mac, we salute you, and we thank you for all the truly fine work you have done all these many years.

Mike, we salute you and thank you for sharing Mac with us.

You two are an inspiration to all people in government—so many who are now in office with your help—who believe that politics is important to people's lives and who believe that ideas are worth fighting for.

You are great Americans!

RECOGNITION OF THE COMPLETION OF U.S. HIGHWAY 72

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CRAMER. Mr. Speaker, I rise today to recognize the long-awaited completion of the four-laning of U.S. Highway 72 in northern Alabama.

On Friday, August 7, we will dedicate the final section of the highway to be completed from the city of Stevenson to the city of Bridgeport at the Alabama-Tennessee state line.

Our community has worked toward this day and waited for this day for a very long time. For the first time ever, people will be able to travel on four lanes of Highway 72 from state line to state line. It will be a better highway and, most importantly, a safer highway. This last section of Highway 72 has been a dangerous, narrow stretch of road. Tragically, we have lost lives on this highway. The completion of this road is long overdue.

Mr. Speaker, in recognizing the completion of Highway 72, I would like to pay special recognition to Congressman Bob Jones, without whose work this day would not have been possible.

Congressman Jones represented north Alabama in the House of Representatives with distinction and honor for 30 years. A native of Jackson County, Congressman Jones was the chairman of the House Public Works and Transportation Committee. The four-laning of Highway 72 is part of the enormous legacy that Congressman Jones left the state of Alabama. Sadly, Mr. Speaker, Congressman Jones passed away last year at the age of 85. We deeply regret that Congressman Jones will not be with us at Friday's dedication, but we know he will be with us in spirit.

When I first came to Congress, I knew that the completion of Highway 72 had to be one of my top priorities, for the sake of the people who travel on 72 and the sake of the groundwork laid by Congressman Jones and my immediate predecessor, Congressman Ronnie Flippo. I want to thank all of my colleagues in the House who voted for the $25 million I proposed for the completion of Highway 72. With this money, the Alabama Department of Transportation was able to finally finish the highway.

In closing, Mr. Speaker, I would like to commend all of the citizens of Alabama who poured their time and effort into the four-laning of Highway 72. The dedication of this last section of the highway is a major milestone for our people and our community.

IN SUPPORT OF S. CON. RES. 105

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mrs. KELLY. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 105, which expresses the sense of Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia.

Let there be no doubt about the cause of much of the death and misery in Bosnia and Kosova;

Yugoslav strongman Slobodan Milosevic has carried out an ongoing campaign of genocide, a campaign that is proceeding with deadly precision in Kosova as we speak;

Hundreds of ethnic Albanians have been brutally massacred and over 200,000 have been burned and shelled out of their homes since he launched his offensive in Kosova earlier this year;

Despite urgent appeals for peace, and urgent appeals for self-determination for the Kosovan people, Milosevic continues his campaign of genocide;

Humanity cannot allow this to continue. As I have said before, Milosevic no longer responds to words and condemnation. He *will* respond to force, and I believe that we have reached the point where force is necessary.

It's time that NATO act against Milosevic. The world community should make every effort to apprehend this criminal and bring him to trial;

This resolution tonight is important because it expresses the sense of Congress that Milosevic should be tried for war crimes, crimes against humanity, and genocide.

We cannot turn a blind eye any longer, and I urge my colleagues to join us in support of this important legislation.

RECOGNIZING GEORGE CLARK'S 35 YEARS OF SERVICE TO THE UNITED BROTHERHOOD OF CARPENTERS, LOCAL 455

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. PAPPAS. Mr. Speaker, today I wish to congratulate George Clark upon his retirement from 35 years of service to the United Brotherhood of Carpenters, Local 455 in my home state of New Jersey.

Since 1965, George worked for and with his fellow carpenters. Described as "proud to be a working man and very proud to represent working men," George applied this deeply-held conviction to the work he did each day for the past 35 years.

George served as business manager of Local 455 for 23 years, winning re-election to this post by his fellow carpenters for eight consecutive terms. That George was, and still is willing to do anything for the members of Local 455 illustrates the selflessness which he has embodied throughout his life.

George applies this same dedication to his family. He and his wife Barbara have been happily married for 35 years and have three sons: Shawn, Kevin and Brian. Upon his retirement, he looks forward to being his new job as "babysitter" to his five grandchildren and to doing daily carpentry work on his house.

Mr. Speaker, the strong work and family ethic which George Clark has embodied throughout his life are things which all of us strive to achieve each day. I wish to thank George for being a great American and hope that his retirement is filled with good health and happiness.

SIGNING OF THE CREDIT UNION MEMBERSHIP ACCESS ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BROWN of California. Mr. Speaker, President Clinton is scheduled to sign H.R. 1151, the Credit Union Membership Access Act, into law tomorrow, August 7, 1998, at 10:15 a.m., in a private ceremony in the White House Oval Office. As an original cosponsor of H.R. 1151, I rise today to praise Congress, the Clinton Administration and the credit union community for working together in a bipartisan manner to enact this important legislation.

With the enactment of H.R. 1151, the 1934 Federal Credit Union Act will be amended to preserve the ability of all Americans to join the credit union of their choice, and to ensure that the 73 million Americans who are currently members of credit unions in no way have their membership status jeopardized. Today, we celebrate a true victory for working, middle class Americans who need affordable financial services. Credit unions represent democracy in the work force. This bill improves consumer choice and allows for greater competition in the financial services sector. Now, working people and consumers will continue to have access to the affordable financial services that credit unions have always offered.

Mr. Speaker, on this historic occasion, I would like to recognize the California Credit Union League and Arrowhead Credit Union of San Bernardino for the vital role they have played in the national advancement of H.R. 1151. Without their extraordinary grassroots efforts, a swift congressional approval of H.R. 1151 would not have been possible. They have every reason to celebrate this victory, and I praise them for their continued efforts to reach out to the underserved and to expand their contributions to the economy.

As a long-time supporter of credit unions in the United States, I am honored to be an original cosponsor of H.R. 1151 and to have been able to join the credit union community in efforts to enact a bill that will preserve the rights of millions of Americans to join and continue their access to credit unions.

YOUTH ISSUES

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD this statement by a high school student from my home state of Vermont, who was speaking at my recent town meeting on issues facing young people today.

RACHEL SALYER. My name is Rachel Salyer. I am a senior the Bellows Free Academy in St. Albans.

I think there are so many issues surrounding the youth of today, things like success—we care pressured to succeed in life, whether that is monetarily, or just self. And the adults in the community don't seem to be helping very much. When adults, parents and other adults alike throughout Vermont and the nation characterize teenagers as all being troublemakers or all being people who drink or party, then they are sending a message to the youth of the community that they don't care about our future, because it is our future, and they are not going to be around for it, and it is our own fault, basically.

These stereotypes are wrong. Not all youth in Vermont are people who like to drink, people who like to do drugs, people who go to parties every weekend. That's why organizations such as Green Mountain Prevention Project are such an important part of Vermont youth, because they sponsor programs like the Green Mountain Teens, which is a group of teens who have gotten together, who try to make other teens aware that there are all these issues surrounding them, that parents and adults have this image of us, and we want to try and change it.

Basically, what the Green Mountain Teens do is, we are a peer-awareness and prevention group. We provide healthy alternatives to doing drugs or drinking and things like that. We have coffee houses, we have haunted houses, winter balls, dances, anything you can imagine, any other kind of healthy lifestyle habit, we promote that, in order to tell teens that there is something else out there. We are setting examples for teens by being teens, and telling them that there are other choices. And we are trying to show the adults in the community that we need their support also, that we recognize there is a problem, and that it needs to be changed.

Congressman SANDERS. Thank you very much.

STATEMENT BY JOSH LEMIEUX, MARK BOYLE, CARL HALBACH AND RICHARD GONZALES REGARDING SKATEBOARD COMMUNITY BUILDING

CARL HALBACH. First off, thank you for inviting us here. The point we are trying to prove today is, we have changed our community outlook and image from a negative to a positive outlook.

MARK BOYLE. A lot of groups here are talking about things they would like to do and things that they think need to be done, or processes they need to do. We would like to prove that it works. We did a lot of community service and got help from a lot of the community members in order to enhance what we enjoy. And this is one of those things that a lot of these groups out there need to think about doing, and this is how they need to do it, just like get a lot of help from the community and be able to follow the guidelines that the adult world uses, and not dwell on the fact they need to let us do what we want to do, because we are going to do it anyways.

RICHARD GONZALES. Basically, I looked at the State of Vermont, and I seen that they don't recognize extreme sports as one of the big issues, as like physical activities, and, you know, we just took it upon ourselves to build our own park and raise money, and do stuff like that, try to help our city out.

JOSH LEMIEUX. Right now, we are building a new skate park. We just got done. It ran for like five years, and was getting too small. Right now, we are moving and expanding to a bigger skate park, and doing this by ourselves. And we have a grant from a couple of companies, and we are just raising money right now. We have the communities behind us, just trying to.

Carl, did you want to add something?

CARL HALBACH. Yes. We basically went around asking for donations, seeing who would like to help us. A lot of the times, we worked for the money, instead of having it handed to us. There is a sliding hill near our town. And we decided to go clean it up and put up all new fences and paint the buildings and take them down and rebuild them again, so they are in a much better condition, and made the sliding hill much more safe.

Congressman SANDERS. Are we talking about St. Albans?

CARL HALBACH. Yes.

Congressman SANDERS. Mark, did you want to add anything? We have done this all by ourselves. We have guidance or some outstanding citizens in our community, Miss Gridmore and Doctor Chip. I mean, they don't do work for us, but they help organize stuff, because not all community members are going to be totally accepting of a bunch of rag-tag kids coming and saying, can we do some work for money so we can do this, or can we have community support, and she helped us work through the right channels and we are really appreciate it.

Congressman SANDERS. This is an excellent presentation.

STATEMENT BY ERICA HEPP, MICHELLE PATTERSON, AMANDA BRUCHS, RYAN BAGLEY, KYLE LYNCH AND PAUL BERRY REGARDING COSTS OF HIGHER EDUCATION

KYLE LYNCH. We are students at Milton High School, and we will be speaking about the cost of higher education. We think the cost of higher education is too high. The students in the middle income bracket are in a tough position. There is not enough Merit aid available and not enough incentive for students to do well.

AMANDA BRUCHS. College costs are rising, making it nearly impossible for students to afford a higher education. The average total of tuition, room and board nationally for a private college is $17,636, and $11,444 for a public school. This year my tuition, room and board costs for St. Lawrence University, a private institution, are approximately $31,000. This amount stands to increase every year. $31,000 is over half of my parent's income. The Federal Government needs to do something to curb college costs now, before higher education becomes a luxury that only a privileged few can afford.

MICHELLE PATTERSON. These high costs make it difficult for those of us in the middle income bracket to finance our college education. In many cases, our parents make too much money to qualify for scholarships. The scholarships are need-based. Therefore, even the most talented students receive limited funds. We are left with an abundance of costs for which we must find money to pay. Our parents do not make enough money to help us. We are forced to take out loans we will be paying back for years after we graduate.

RYAN BAGLEY. Increasingly, more and more, colleges are straying from giving out Merit money to basing their need on financial need. This year, at our school, we had two National Merit scholars, neither of which received any merit-based money. Colleges are giving out more scholarships money to athletes than to students. Out of the 69 scholarships in this VISAC scholarships pamphlet, only 21 of them are not based on financial need. Of those 21, only 17 are open to high school students, most of which are for such a small amount of money, they don't even put a dent in the cost of college.

ERICA HEPP. With the cost of college becoming more expensive, there is also not as much motivation for students to do well in school. We have always been told that hard work would get us a college education, but that is not the case anymore. I am the valedictorian of my class, and the rest of the students with me are all in the top ten percent, yet none of us have been rewarded financially for our efforts. I will be paying $30,000 a year to go to my first choice school. Other students at Milton have had to settle for safety schools because of financial reasons.

There needs to be more financial incentive for students to achieve high standards in school. Right now, school achievement just doesn't make a difference.

PAUL BERRY. In light of all these points, what we want is federal legislation that will lower the cost of higher education and the ability to get more financial and Merit aid.

Congressman SANDERS: Excellent.

STATEMENT BY JESS WALTERS, AND LINH NGUYEN, AND RYNA LAFEBVRE, AND GARY BAILEY REGARDING BURLINGTON'S OLD NORTH END.

RYAN LEFEBVRE. Hello. My name is Ryan. I am here to represent Burlington's Old North End. We decided that one of the most important issues to us is how teens in the Old North End spend their out-of-school hours.

Each day, teens in the Old North End decide how they will spend at least five of their waking hours when not in school. For many of these, the hours harbor both risk and opportunity.

For many that are home alone, the out-of-school hours present serious risks for substance abuse, crime, violence and sexual activity, leading to unwanted pregnancy and sexually transmitted diseases, including AIDS. Time spent alone is not the crucial contributor to higher risk; rather, it is what young people do during that time, where they do it, and with whom, that leads to positive or negative consequences.

According to a 1990 survey, my community contains 29 percent of the Burlington's population, and has the highest percentage of people of color in the city. Over half of the households are female-headed, and over 60 percent of these families live below the poverty line.

Poverty is especially pronounced for the Old North End's children, 42 percent of whom lived in poverty in 1990. That percentage is higher today. The Old North End has 32.1 percent of its residents living below the poverty level, compared with 19.3 percent for the city as a whole.

Recently, a number of focus groups were held, where youth, senior citizens, and business people spoke out about concerns they have about the Old North End. The following issues and concerns were continually mentioned: Public drinking, drug dealing, continuing poverty, racial tensions, and potential gang violence.

We proposed a teen center that would directly address many of our community concerns, as well as issues many of you will be presenting later today. Jessica is now going to tell you why there is a need for our teen center in Burlington.

JESSICA WALTERS. Hello. My name is Jessica Walters.

Yes, there are other teen centers in Burlington, but there are many reasons why they do not meet our needs.

First, they all have limited teen hours. For instance, I have nowhere to go after school until 5:30, and most youth centers close at 9:00 at night. My friends usually hang out on the street until teen hours start or until they have to go home.

Due to things mentioned by Ryan, North Street isn't really a safe place for teens to hang out. Most of the teens that live in the Old North End go to Burlington High School, where there is no computer and Internet access available to us after school. Currently, there is nowhere to go to do research or study after school hours. The other youth centers don't have a place for us to do this.

The final issue is the adults' role. Other youth centers have too much supervision and not enough opportunity for independence and creativity. There are also a lot of little kids around.

Now Gary is going to tell you about what our teen center will be like.

GARY BAILEY. Hello. My name is Gary, and I would like to tell you about our teen center.

Our teen center will be run by youth, it will be for ages 13 through 19, and it will be free of charge. We feel that it should be open for longer hours, like she said before, because other teen programs like the one we want to open will have to be open for younger children also, so we only have a section of the day that we can go there, so we are still out in the streets.

We feel that it should have a resource room run by adults, with a minilibrary, mentoring and tutoring facilities, a career college center, and information on social services. Also, a job board for a list for people to get jobs easily, and maybe once a week somebody in there helping them out, somebody like Becky Trudeau or something, where they won't have to go five different places to look for a job, they can just go there and have one place to look.

We feel that it should have a computer room, with Internet access. A lot of people work right after school, and they have to be there around 3:30, including us. And we don't have the time to go after school and work on the computers to get an essay done, so we feel that it should have computers where it will be available for us after work.

We think there should be recreational rooms, including a gym, a game room. Also special events, such as, once a month, a dance or some sort like that. We also think there should be a lounge so that we can relax and watch TV.

Congressman SANDERS. Good. Linh, do you want to begin?

LINH NGUYEN. My name is Linh Nguyen. We would like to ask for continued support in finding out how we should embark on this teen center and after school program. We strongly believe this would make the Old North End a better place for teens, and not only the teens, but the community as a whole. We would, as well, be a model to replicate in the rest of Vermont.

Congressman SANDERS. Thank you very much. Thank you all very much.

TRIBUTE TO THE 20TH ANNIVERSARY OF THE ALCOHOL AND DRUG ABUSE COUNCIL OF DEEP EAST TEXAS

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. TURNER. Mr. Speaker, I rise today to pay tribute to the Alcohol and Drug Abuse Council (ADAC) of Deep East Texas as it celebrates its 20th Anniversary. The ADAC has served the communities of my congressional district and surrounding areas for years, and I am pleased to have this opportunity to recognize such an outstanding organization.

The ADAC is a non-profit agency committed to providing prevention, intervention and treatment services to children and adults in the Deep East Texas region. The Alcohol and Drug Abuse Council of Deep East Texas was formed in 1978 with one office, located in Center, Texas, and a staff of only two. The ADAC now has offices in seven counties and serves all twelve counties of Deep East Texas.

When the ADAC opened its doors in 1978, it was the only facility of its kind in the area. No other treatment services were available in Deep East Texas. With the help of funding from the Texas Commission on Alcohol and Drug Abuse, T.L.L. Temple Foundation, Temple Inland Foundation, Angelina and Nacogdoches County United Ways, Henderson Foundation, Texas Criminal Justice Division, local Community Supervision Departments, Angelina, Nacogdoches, Jasper, Polk, Houston, Newton, San Jacinto Commissioners Courts and other sponsors, the ADAC has been growing and expanding their services to meet the needs of the Deep East Texas area.

The Alcohol and Drug Abuse Council's mission is to promote the philosophy that alcohol and drug abuse often leads to chemical dependency. The ADAC believes that chemical dependency is treatable and offers its education and intervention services to the chemically-dependent and those people vulnerable to such a dependency. Countless individuals have benefited from these services.

The ADAC has become a true advocate for young people over the years. Prevention education has been provided to approximately 200,000 school age children, intervention services are provided to 6th, 7th and 8th graders, an age at which children are under great pressure from peers, and counseling has been provided to more than 4,000 individuals.

I am grateful to the ADAC for its dedication to treating chemical dependency, and I congratulate the Alcohol and Drug Abuse Council of Deep East Texas on the celebration of its 20th Anniversary.

TRIBUTE TO WILBUR WALLACE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Mr. Wilbur Wallace, a great friend and an even better hunter and fisherman on his 90th birthday. His friendship with my family dates to before my time.

Mr. Wallace has devoted his life to the outdoors. He has always claimed to be a farmer but most of us see that as little more than an excuse to be outdoors and spend more time pursing his twin passions of hunting and fishing.

He has been instrumental in teaching generations of young people about hunting and fishing. His skills with a gun are as legendary as they are with a rod and reel. In addition to his technique, his ability to locate highly productive areas to succeed in these pursuits is almost instinctive.

I may be the only public official that he receives with good humor, for he has a low tolerance for too much government interference, an attitude shared with most of the residents of the First Congressional District.

He has been a regular at the Rice Paddy Motel Coffee Shop for breakfast for all the years I have spent in my hometown of Gillett, from where he will happily chastise me to the breakfast crowd if he believes that I am not performing up to the appropriate standards.

Wilbur is a man's man, a great friend, a better hunter and fisherman, and the kind of individual that makes the heritage and culture of the First Congressional District so special.

Happy Birthday Wilbur.

THE NEW TERROR AGAINST THE BAHA'I IN IRAN

HON. CHRISTOPHER SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. SMITH of New Jersey. Mr. Speaker, the long and brutal campaign of terror against the Baha'i in Iran is unfortunately not a new issue to this House. Congress has passed resolutions on any number of occasions condemning the vicious persecution of the Baha'i at the hands of the Teheran regime, but the persecution continues.

In the last month the persecution has intensified, resulting in the death by execution of at least one man, Ruhollah Rowhani. The law under which he was convicted—which makes it a crime to convert a Muslim to the Baha'i faith or any other faith—is a clear and flagrant violation of the God-given and internationally recognized right to freedom of religion. Other Baha'i prisoners, who like Mr. Rowhani are guilty of nothing other than the nonviolent exercise of their faith, are now believed to be in grave and imminent danger. Since the current regime took power in 1981, over 200 Baha'is have been executed on account of their religion. Many were executed for the spurious and absurd crime of "Zionist Baha'i activities," others for apostasy, conversion, or various charges that boil down to "disagreement with the regime."

The Baha'i are a peace-loving community, members of a religion that had its origin in Iran but that has adherents the world over, including many Americans. The extremist regime in Iran considers the Baha'i religion to be a kind of heresy or group apostasy, and so it persecutes them even more severely than it persecutes Christians, Jews, and Muslims who are not in accord with the views of the extremists. Baha'is cannot elect institutional leaders, organize schools, or conduct other religious activities. The elected assemblies which had governed the religious community were disbanded by government order in 1983. All Baha'i cemeteries and holy places were seized soon after the 1979 revolution. Under the law now in force in Iran, Baha'is may not hold government jobs, Baha'i students may not attend universities or even graduate from high school. Baha'i marriages and divorces are not recognized, the right to inherit is denied, and contracts with Baha'is are not legally enforceable. And now the government has gone back to murdering them.

Ironically, the latest crackdown comes at a time when Western government officials had been prematurely congratulating themselves on the emergence of an ostensibly "moderate" regime in Iran. As often turns out to be the case in such instances, we have now learned either that the moderates are not really in charge or that they are not really so very moderate after all.

Mr. Speaker, the White House reacted to the execution of Mr. Rowhani with a statement noting that "[t]he world ha[d] been encouraged by the recent statements from Iranian leaders about the need for rule of law and the rights of individuals." The White House statement correctly noted that "[s]uch words have little meaning so long as the rights of the Iranian people, including the right to worship freely, are not upheld." Our government must take care, however, to head its own advice. The best words in the world can be rendered meaningless by inconsistent actions. A government that commits such gross forms of persecution on account of religious belief and practice as have been perpetrated against the Baha'i must not be accorded the privileges of membership in the community of civilized nations. The United States must bring all of its dealings with Iran into conformity with this principle, and must encourage other nations, international organizations, financial institutions, and other public and private entities to do likewise.

CONGRATULATING NATIONAL JEWISH MEDICAL AND RESEARCH CENTER

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. DEGETTE. Mr. Speaker, I rise to congratulate National Jewish Medical and Research Center in Denver, Colorado on its recent accolade in U.S. News & World Report. National Jewish was ranked the number one respiratory hospital in America in a guide published by U.S. News in July, 1998. National Jewish is truly deserving of this honor, and I believe this hospital's dedication to respiratory illness merits the recognition of the U.S. Congress.

National Jewish has built a rock solid reputation in patient care since its inception as the Frances Jacobs Hospital in 1899. At that early time in Denver's history, National Jewish engaged itself thoroughly in battling tuberculosis through emotional, rehabilitative, occupational and recreational care. In fact, my family settled in Denver in the 1930s to pursue asthma treatments at National Jewish for my Great Grandmother, Esther Rosen. Since that time, the hospital and research center has diversified its range of health care services to include the study and treatment of respiratory, allergic and infectious diseases, psychological care, and education courses. Despite this notable expansion, which now demands the work of 105 physicians and scientists, National Jewish has clearly maintained a commitment to the best possible patient care. This most recent ranking in U.S. News distinguishes National Jewish from a field of 6,400 candidates, all of them esteemed institutions. Simply stated, National Jewish is the best respiratory hospital in America.

Also published in U.S. News was a far more telling ranking—a reputational score tabulated by a random survey of 150 board-certified specialists. Once again, National Jewish clearly distinguished itself from all candidates, receiving an impressive score of 58.1 percent. Of all the facilities which treat respiratory illnesses, doctors all around the country consistently recognized the excellent reputation of National Jewish as the best. Currently, National Jewish operates a prestigious fellowship program in pulmonary, immunology and allergy training which has trained 500 fellows in 47 states and 17 countries. Its positive influence on the treatment of respiratory illnesses is not only international, but also unprecedented.

CRISES IN SUDAN AND NORTHERN UGANDA

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Ms. MCKINNEY. Mr. Speaker, I would like to welcome Assistant Secretary Susan Rice along with the other witnesses. I look forward to their testimony.

Twelve years ago Ugandan President Yoweri Museveni marched a 20,000-strong rebel army to Uganda's capital, Kampala, and liberated the Ugandan people from the reign of two of the most oppressive dictatorships the world has ever seen. During their successive regimes Amin and Obote murdered over one million people. While the United States and the Western Powers did nothing, Museveni took action.

Since then, the story of Uganda is nothing short of phenomenal. President Museveni immediately formed a Human Rights Commission to investigate the atrocities committed under the former dictators. Today the Commission is chaired by a judge and overseen by Members of the High Court. The mandate of the organization is to serve as a watch-dog by monitoring government activities, and to educate the public about respect for human rights.

After the establishment of the Human Rights Commission, President Museveni began assembling judges, lawyers, and other scholars for the purpose of drafting Uganda's Constitution. His administration actively solicited the involvement of men and women at the grassroots level. Several thousand Ugandans submitted memorandums offering suggestions. An important component of the Constitution is a provision institutionalizing the Human Rights Commission.

Perhaps most astonishing has been Uganda's economic growth under President Museveni. Real GDP growth has averaged 6.7% over the last ten years. Inflation has been reduced from 250% to 6%. The country has liberal current and capital accounts, so there is no restrictions on foreign exchange. To ease the concerns of foreign investors, Uganda now offers insurance to investors through the Multi-lateral Insurance Guarantee Agency of the World Bank. Under Amin, Ugandans of South Asian heritage were stripped of their properties and forced to leave the country. President Museveni has allowed them to return, and has given back their businesses and land. To encourage American tourists and investors, citizens of the United States no longer need visas to travel to Uganda.

Understanding that an exclusively government breeds its own opposition, President Museveni held elections and has an administration that reflects the diversity of Ugandan society. In 1987 a reporter asked him how he could afford to have such a large and diverse government. His answer was a simple one: "It is cheaper than war."

Mr. Chairman, this is what President Museveni has built in just twelve years. But even more important than what he has done for Uganda, President Museveni is perhaps the first of a new breed of leader on the Continent. He has proven that African leaders no longer need to follow the orders of their colonial masters to achieve success. Independence and security, Museveni has shown, are not mutually exclusive.

Unfortunately, all of this is threatened by an entity as evil as the world has even seen. Northern Uganda is plagued by a rebel insurgency known as the Lord's Resistance Army (LRA), led by Joseph Kony. The LRA is notorious for looting homes, and abducting and enslaving thousands of Ugandan children. Boys as young as 11 years old are forced to serve as soldiers and to participate in extreme act of violence. Girls of the same age are made into sexual slaves. Nearly all of the children who escape from the LRA are found to be HIV positive. The UN Children's Fund estimates that up to 10,000 youngsters have been victims of rebel atrocities. Backed by an oppressive and terrorist regime in Sudan, the LRA is a direct affront on the new Africa.

Mr. Chairman, it is time for Congress and the Clinton Administration to embrace President Museveni and Uganda as a partner for peace and stability on the African Continent. We must make a decision. Will the United States continue its centuries old neglect of Africa? Will it continue to support only the Mobutu Sese Sekos and Jonas Savimbis of Africa? Or, if President Clinton's trip truly marked a new beginning in relations between the United States and the countries of sub-Saharan Africa, will we support those that are doing the right thing?

The current crisis in Northern Uganda poses this question. I, along the countless others who care about the future of Africa, await the answer.

IN TRIBUTE TO THE LEGAL AID FOUNDATION OF LONG BEACH

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. HORN. Mr. Speaker, when the House voted earlier this week to add $109 million in funding for the Legal Services Corporation, it was a victory for low-income Americans and our ideal of equal justice under law. The Legal Services Corporation plays a key role in the administration of justice for low-income Americans who cannot afford to pay the often high costs of civil legal assistance. It makes the ideal of equal justice under law a reality for the most vulnerable members of our society.

Legal assistance for the poor has made a real difference for many of my constituents. Funded in part by the Legal Services Corporation, the Legal Aid Foundation of Long Beach has helped many of my constituents correct injustices in their lives. For example, one client, Rosa, had an estranged husband who often beat her. During a one-day, court-allowed visit, the husband took their children and fled to Mexico. He did not return the children for more than a year. After he again threatened to take the children to Mexico, Rosa tried unsuccessfully on her own to get a restraining order. The Legal Aid Foundation of Long Beach helped her to get a restraining order prohibiting removal of the children from California and cutting off her ex-husband's visitation.

In another case, five tenants in an apartment house in downtown Long Beach sought assistance from the Legal Aid Foundation when their landlord tried to evict them. The building had been cited multiple times for health and safety violations and had been illegally converted from six units to eleven. The tenants wanted to move but lacked the money to pay moving costs and deposits at another apartment. The Foundation successfully defended the tenants in the eviction proceeding and worked with the City of Long Beach and obtained safe, habitable Section 8 housing for them.

These are just two examples of the good work of the Legal Aid Foundation of Long Beach, and the work funded by the Legal Services Corporation. The House was right to add funding for the Legal Services Corporation. Low-income Americans need this agency to ensure that justice does not depend on one's ability to pay.

IN HONOR OF THE ALLIANCE OF POLES OF AMERICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Alliance of Poles of America on the occasion of its centennial year.

The Alliance of Poles of America has a long and proud history. Its history shows how hard its members are prepared to struggle for what they believe to be right for their community, and to preserve the traditions and culture of Poland. The Alliance's early years were not easy, but the organization's spirit carried it through. The entire Cleveland community has benefited from the enduring and successful presence of the Alliance of Poles, not only in the area of insurance, but also of charity.

After the challenge of its first, difficult years, the Alliance had to deal with the two World Wars. For Americans of Polish descent, it was very hard to watch their countrymen suffer under the vicissitudes of war, and later the yoke of Communism. But the Alliance of Poles was steadfast in its commitment to democracy, and successfully strove to aid the people of their home country.

My fellow colleagues, on the occasion of its centenary, please join me in honoring this enduring and most worthy organization—the Alliance of Poles of America.

PROTECTING THE CREDIT UNION MOVEMENT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LAFALCE. Mr. Speaker, I appreciated and supported the necessity to move quickly to pass H.R. 1151, the credit union field of membership bill, before the August recess. However, I remain troubled by one of the modifications the Senate Banking Committee made to the House version of the bill, which makes it easier for credit unions to become other types of financial institutions. I will continue to try to rectify this problem in other appropriate contexts. And I also encourage NCUA to use every means at its disposal to prevent credit union members from losing their ownership in a credit union at the hands of a very small minority.

A brief history of the conversion issue will illustrate my concerns. Through its regulations, the NCUA has quite rightly kept a tight rein on the conversion process, requiring a majority vote of all members of the credit union before a credit union can convert to a mutual thrift. This is a difficult standard, and it is meant to be. A credit union's capital, unlike that of any other financial institution, belongs to its members. Once the conversion to a mutual thrift is accomplished, the institution can easily convert to a stock institution, with the result that a few officers and insiders of the former credit union—not to mention the attorneys who encouraged the deal—can wind up owing much or all the former credit union's capital in the form of stock. Thus, in order to prevent insiders from walking away with capital which belongs to the entire credit union membership, and depriving that membership of their credit union access, NCUA instituted the majority vote requirement. This requirement was subject to notice and comment rulemaking in 1995. The agency received no comments opposed to the majority vote requirement, while fully half the comments on this section urged the agency to institute a supermajority requirement. 60 F.R. 12660 (March 8, 1995). The NCUA Board then imposed the least burdensome voting requirement suggested by the commenters.

Recently, credit unions have been under tremendous pressure to convert to other types of institutions. Legitimate uncertainty about the outcome of the AT&T case, encouraged by lawyers who specialize in conversions, produced a record number of conversion applications over the past several years. These same individuals then complained that NCUA processed applications too slowly and that the conversion requirements were too rigorous. They persuaded some members of the Senate Banking Committee to override NCUA's regulation and to weaken conversion requirements by allowing conversions upon a majority vote only of those members voting. This means that a very small fraction of credit union members could force a credit union to convert, even against the wishes of the overwhelming majority of members who are either unaware or did not participate in a vote. This same faction can then profit by a further conversion to a stock institution.

While H.R. 1151 will address the field of membership issue for most credit unions, other restrictions imposed by the Senate version of the bill, such as the limits on loans to members for business purposes, will cause some credit unions to consider converting to other types of institutions. You can be sure that some outside consultants are already analyzing this legislation and preparing new arguments to credit unions as to why they should convert. This is why I urge NCUA to enhance its close scrutiny of conversion applications. While it may seem as if NCUA has very little discretion in this area, the legislation does at least grant them authority to administer the member vote, and require that a credit union seeking to convert inform the agency of its intentions 90 days before the conversion. I would like to point out several ways in which NCUA can continue to exercise vigilant oversight over the conversion process within this 90-day period.

First, I encourage NCUA to strictly supervise the notification of members regarding the impending conversion vote. The legislation requires that notice be sent 90, 60, and 30 days before the conversion vote. NCUA should require that these notices be separate and distinct from other mailings and statements. The notice must go beyond NCUA's current notice requirement and explain to members not only the facts of the conversion proposal, but also the fact that they will lose their ownership rights and that the member capital of the credit union could potentially be converted to private stock. Now that the members lack the protection of the majority vote requirement, they must be informed about any and all possible outcomes of the conversion.

Further, NCUA must strictly supervise the process of taking the member vote. Where so much is at stake, both for the general membership and those seeking to convert, outside election monitors must be employed. NCUA should ensure that firms used for monitoring elections have no ties to the credit union, those seeking the conversion or the lawyers assisting in the conversion process. The monitoring firm should be required to submit a list of all its clients for the past five years. The monitoring firm and each member of the credit union board should then be required to sign a statement indicating that they have had no prior dealings, with falsification of these statements subject to criminal and civil penalties.

I would like to point out that such requirements are not barred by the instruction to NCUA to develop regulations consistent with other regulators' conversion requirements, as other types of financial institutions do not have members threatened with losing their capital. While I agree that regulatory requirements should be comparable between agencies when possible, this is a case where strict parallels are impossible. Also, the law allows NCUA to require the conversion vote to be taken again if it "disapproves of the methods by which the member vote was taken or procedures applicable to the member vote." This provision explicitly permits strict oversight by NCUA and I sincerely hope they will use it to protect credit union members. It allows disapproval for example, if there is less than a majority of members voting, as that would put a cloud over the efficacy of the notifications.

Mr. Speaker, as I said earlier, I do not want to oppose such an important piece of legislation that I had worked so hard to craft. However, I did feel obligated to note my concerns with the conversion provision and strongly encourage NCUA to enforce this provision very strictly.

CONGRATULATING MONSIGNOR ALLIEGRO ON THE TWENTY-FIFTH ANNIVERSARY OF HIS ORDINATION

SPEECH OF

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. PAPPAS. Mr. Speaker, it is my honor to congratulate Monsignor Michael J. Alliegro as he celebrates the twenty-fifth anniversary of his ordination to the priesthood.

Since his ordination in May 1973, Monsignor Alliegro has served the people of New Jersey in many ways. Upon ordination, he served as associate pastor of his childhood parish, Our Lady of Peace in Fords, New Jersey. He then served as vice principal of Saint John Vianney High School in Holmdel, New Jersey, as principal of Bishop Ahr High School in Edison, New Jersey and on the faculty of Immaculate Conception Seminary in South Orange, New Jersey.

When the Diocese of Metuchen was established in 1981, Monsignor Alliegro held various leadership posts in which he assisted parishes and citizens with their spiritual needs, in addition to helping to increase vocations to the priesthood.

The community-at-large has also benefitted from Monsignor Alliegro's dedicated service. Since 1990, he has served as chaplain to the men and women of the East Brunswick Police Department. He also lives by the command to "serve the least of my brothers and sisters" through his support of the Saint Vincent de Paul food pantry. The countless hours which Monsignor Alliegro dedicates to those in need of clothes, food, emotional and physical support is an example which all of us should model.

Monsignor Alliegro's humble work on behalf of the people of New Jersey earned him the title "Monsignor," which was bestowed on him by Pope John Paul II in 1993. Today, he continues to serve the diocese's spiritual life as pastor of Saint Bartholomew Parish in East Brunswick.

Mr. Speaker, Mother Teresa asked all of us "to quench the thirst of Jesus by lives of real charity." Monsignor Alliegro has done this throughout his life. I wish him many more years of selfless charity to all of God's people.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. FORBES. Mr. Chairman, I commend Chairman ROGERS, Ranking Minority Member MOLLOHAN, the entire subcommittee staff, both Republican and Democrat, and the rest of my colleagues on the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary for crafting an equitable bill that addresses many of the problems facing coastal areas like Long Island.

Brown Tide is a micro-algae bloom that was first reported in the bays of Long Island in June of 1985, devastating Long Island's million dollar scallop industry and reducing a harvest of 278,532 pounds in 1984 to just 250 pounds by 1988. Virtually every coastal state has reported some type of harmful algal bloom. In this bill we have given $19 million dollars to the National Oceanic and Atmospheric Administration's (NOAA) Coastal Ocean Program (COP), $1.2 million above the President's request and $1.8 million above Fiscal Year 1998.

NOAA's Coastal Ocean Program, is collaboration with the New York Sea Grant Program operating out of Stony Brook University, has implemented efforts to improve management strategies for effectively reducing harmful algae blooms like Brown Tide. These efforts are a crucial first step towards developing a comprehensive, multi-agency, national capability for understanding and controlling algae blooms in our national coastal waters.

I am particularly pleased that the Committee directed NOAA to give maximum priority to continuing the focus they have given over the last three years to the Brown Tide problem in the Peconic, Moriches and adjacent Long Island bays and inland waterways—a program that has come to be known as the "Brown Tide Research Initiative" (BTRI). NOAA's focus on the Brown Tide problem has resulted in $1.5 million over the last three years being devoted to the BTRI and I will work closely with NOAA to see that this funding priority continues to be addressed in this manner, as the committee has directed in this legislation.

Also included in this legislation is an additional $450,000 to conduct a study utilizing the expertise of Long Island's university research programs, like those already in place at the State University of New York at Stonybrook, to initiate separate research on the impact environmental problems like Brown Tide have on the development of hard clam species in the South Shore Estuary Reserve on Long Island. I am pleased that the Committee has increased the "Resource Information" account in the National Marine Fisheries Service (NMFS) budget to allow NMFS to provide support for work on the South Shore Estuary Reserve (SSER).

The hard clam has been an economic and ecological cornerstone of the South Shore Estuary area, but harvests have dropped precipitously since the 1970's. While it has long been recognized that this decline may be attributable to a number of factors, some evidence suggests that the situation may be further changing. A key acquaculture company in New York, Bluepoints, just announced that it will be discontinuing its hard clam production due to a great decrease in growth rates. Other reports indicate that natural clam recruitment (settlement, growth, and survival) is at an unprecedented low level.

Clam-related studies funded by New York Sea Grant Program in the early 1980's gave the industry and managers much-needed knowledge, but conditions are evolving and a critical reexamination and new investigations are essential at this time. The SSER Technical Advisory Committee has identified the study, "Hard Clam Population Dynamics," as its highest priority. I thank the Committee for providing these funds needed to preserve an important estuary and an industry on Long Island.

Billions of dollars in economic growth, thousands of jobs and countless recreational opportunities are being wasted as a result of over-fishing our commercial and recreational fisheries. I support the priorities set within the nearly $3.4 million of funding the Committee has provided for NMFS. The Committee has increased the "Resource Information" account in the NMFS budget $200,000 over last year's level, providing funds for Southampton College of Long Island University to establish a Cooperative Education Marine Research (CEMR) program with NMFS. I will work closely with Southampton College and NMFS to ensure an education and research program is developed at Southampton College that will address problems with the bluefish and striped bass fisheries off Long Island.

Also, I fully support the Committee's decision to examine the problem of unavailable and sometimes incomplete scientific information that make management decisions difficult, to say the least. It is unfair to ask those who fish for lobster and scallops to spend thousands of dollars on new equipment to reduce fish by-catch and whale entanglements without clear evidence that these efforts will be effective, and we have begun to address this problem by funding new scientific, comprehensive studies of changes in fish stocks, particularly to determine whether stocks have declined or merely moved offshore—an issue of extreme importance also to the Bluefin Tuna fishermen of Long Island.

There are still some serious issues that need to be addressed, such as the National Marine Fisheries Service's often controversial, and I would say faulty, quota allocations among elements of our fishing industries. Long Island's Bluefin Tuna fishery has closed prematurely during the past three years, creating severe economic hardship for many Long Island fishermen, due to these faulty quotas. Also included is a provision to address the National Marine Fisheries Service's (NMFS) repeated closures of the Altantic Bluefin Tuna Fishery and its impact on Long Island's fishing industry.

Relying on those inaccurate figures, NMFS has tried to maintain its quotas in each of the past three years by closing the fishery just as the Bluefin Tuna moves into New York's ocean waters in late summer. NMFS's management of the Atlantic Bluefin Tuna has been an embarrassment and their repeated closures of this fishery have wreaked havoc with Long Island's multi-million dollar recreational and commercial fishing industries. In this bill the Secretary of Commerce is directed to report to the Committee on the Department's efforts to fully resolve this problem caused by NMFS's reliance on faulty reporting practices that produce inaccurate estimates on the number of Bluefin Tuna caught.

Managing our coastal resources must go beyond managing fish stocks. We must also focus on habitat restoration and clean-up. Since 1985, Long Island Sound has been recognized as an ecologically diverse and threatened estuary by Congress. It was one of the first estuaries included in the National Estuary Program. The federal government has spent about $1.725 billion on environmental clean-up and assessment of pollution in Long Island Sound. We have provided $63.5 million in this bill for NOAA's Coastal Zone Management program to preserve, protect and, where possible, restore and enhance our coastal resources, like Long Island Sound.

Yet despite these tremendous efforts, the U.S. Navy was allowed to dump over 1 million cubic yards of contaminated sediment into Long Island Sound. I have crafted the "Long Island Sound Preservation Act" (H.R. 55), to put an end to this practice that compromises the billions of dollars spent on environmental restoration of Long Island Sound. It runs counter to public opinion that we should protect and conserve our oceans, coasts and beaches and counter to the intent of Congress to develop and implement comprehensive environmental protections.

Finally, it is unfortunate that I must mention my concerns about whether the terms of the U.S.-Japan Insurance Agreement of 1994 and 1996 are being violated by one Japanese company involved in selling insurance products in Japan's third sector insurance market. In a recent meeting, the US Trade Representative committed to several Members of Congress that she would hold an open, fair and complete interagency review of this matter. I understand that government officials outside of the USTR are calling for a full 30-day investigation of facts raised in that meeting. I urge the USTR to heed the advice of other agency officials calling for a full investigation.

As Appropriators and as Representatives in the people's House, we face enormous pressure to cut the federal budget. Republicans and Democrats have to give a little to get our deficit under control and balance our budget. This bill does not fulfill all of Long Island's coastal and environmental needs, but it is a good bill and I hope that as we go to Conference my colleagues will keep these priorities in mind.

INTRODUCTION OF THE MILITARY RETIREE HEALTH CARE TASK FORCE ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mrs. EMERSON. Mr. Speaker, I am here today to introduce the Military Retiree Health Care Task Force Act of 1998. This legislation will establish a Task Force that will look into all of the health care promises and representations made to members of the Uniformed Services by Department of Defense personnel and Department literature. The Task Force will submit a comprehensive report to Congress which will contain a detailed statement of its findings and conclusions. This report will include legislative remedies to correct the great injustices that have occurred to those men and women who served their country in good faith.

Let us not forget why we are blessed with freedom and democracy in this country. The sacrifices made by those who served in the military are something that must never be overlooked. Promises were made to those who served in the Uniformed Services. They were told that their health care would be taken care of for life if they served a minimum of twenty years of active federal service.

Well, those military retirees served their time and expected the government to hold up its end of the bargain. They are now realizing that these were nothing more than empty promises.

Those who served in the military did not let their country down in its time of need and we should not let military retirees down in theirs.

It's time military retirees get what was promised to them and that's why I am introducing this legislation.

PRAYER FOR ROBERT JOHNSON

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MALONEY of Connecticut. Mr. Speaker, I want to bring to the attention of my colleagues in the House of Representatives a most unfortunate accident that occurred two weeks ago and severely injured a young man in my Connecticut congressional district. Robert Johnson, a bright, energetic and very talented young man from Oxford, Connecticut was thrown from a pick-up truck as it struck an abandoned car that was left on the road in the darkness of night. Head injuries led to a coma that continues today.

We are all too familiar with accidents such as this that inflict injury upon the innocent, and the tremendous upheaval that results in the lives of not only those injured, but of course the families and friends of those injured, as well. We pray for the speedy recovery of Robert Johnson and that the strain of this accident be lifted from his family and friends.

As terrible as this situation is, it has also come to underscore the importance of the Family and Medical Leave Act, passed by the 103rd Congress and signed into law by President Clinton. Because of this law, Robert Johnson's immediate family are free to take unpaid leave from their jobs in order to comfort their son without the threat of losing their employment. We pass laws here with the hope they will work as we intend. The Johnson tragedy has brought home just how important the Family and Medical Leave Act is for American families.

Mr. Speaker, I ask that every concerned individual keep Robert Johnson in their prayers.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes:

Mr. KUCINICH. Mr. Chairman, I am inserting into the RECORD letters of support for the Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment to H.R. 4276, an amendment to deny funds for federal preemption of state and local laws on the grounds that they are inconsistent with international trade and investment agreements. These letters reflect the widely held conviction in meaningful, democratic government and the laws it can produce.

AMERICAN JEWISH CONGRESS,
STEPHEN WISE CONGRESS HOUSE,
New York, NY, July 27, 1998.

Hon. DENNIS J. KUCINICH,
United States House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KUCINICH: On behalf of the American Jewish Congress, I am writing to express our strong support for the Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment to the Commerce, Justice, State appropriations bill, which would protect the rights of various cities to sanction Swiss banks that continue to delay settlement of claims by Holocaust survivors.

The actions of the Swiss banks and government in dealing with Holocaust assets have been unconscionable, and if local authorities want to respond in ways they deem appropriate, they should be given the opportunity to do so. If the World Trade Organization were to rule against such sanctions by American cities, the fact that the United States government would be obligated to litigate against the cities invoking the sanctions merely adds insult to injury.

Under the United States Constitution, states and cities have rights that cannot be abridged by the federal government, and this includes the right to punish Swiss banks as long as those banks remain recalcitrant in making appropriate restitution. Your amendment denying taxpayer funds for litigation against American cities is clearly necessary to protect the rights of cities to impose such sanctions.

Thank you for your leadership in proposing this amendment.

Sincerely,

PHIL BAUM,
Executive Director.

ALLIANCE FOR DEMOCRACY,
Lincoln, MA, July 21, 1998.

DEAR REPRESENTATIVE KUCINICH: The Alliance for Democracy voices its strong support for the Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen amendment to the Commerce, Justice, State Appropriations bill which prevents U.S. government agencies from taking legal action against states or communities found by the WTO to be in non-compliance with international trade and investment agreements.

We support this amendment because it helps to preserve the right of communities and states to take a stand in support of democracy and human rights. We do not believe taxpayers dollars should be used to emasculate our democracy at the local or state level or to prevent citizens from taking a stand in support of democracy abroad.

Sincerely,

RUTH CAPLAN.

THE AMERICAN CAUSE.

Re: Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns amendment to HR 4276
To: Members of Congress
From: Pat Buchanan and Bay Buchanan

We strongly support Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment to H.R. 4276.

The amendment provides critical protection for state and local sovereignty from decisions made by the World Trade Organization. Dozens of categories of law passed or being considered by the legislatures of every state and many cities in the nation are vulnerable to being deemed "WTO-illegal." Those laws include "buy local" requirements in state procurement, and health and safety inspections of imported foods. State and local legislatures are permitted by the Constitution to make policy on these matters. Why should we allow the WTO to trump them?

Passing the Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment to H.R. 4276 will protect state and local sovereignty. We hope that you will support it.

August 3, 1998.

Dear Representative, American Lands representing grassroots environmental groups across the country urges you to support of the Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment to H.R. 4276, the Commerce, State and Justice Appropriations bill.

Kucinich-Sanders would bar the use of federal funds to challenge state and local laws on the grounds that the laws violate international trade and investment agreements such as NAFTA, GATT and the proposed Multilateral Agreement on Investment (MAI).

One of industry's interests in global trade agreements is to prevent governments at the national, state, and local levels from putting conditions on trade. But what the industry calls "barriers to trade" we may see as important safeguards to protect the environment, human rights, or other social values.

A New York City Council proposal to require the city to buy only sustainable produced tropical timber has been stalled after the timber industry argued that such selective purchasing legislation is a violation of US trade policy. State restrictions on log exports are another example of laws that might be subject to challenge.

The Kucinich-Sanders amendment would ensure that U.S. tax dollars are not used to undermine legitimate efforts by states and localities to protect the environment.

Please support the Kucinich-Sanders amendment to H.R. 4276.

B'NAI B'RITH,
July 23, 1998.

Hon. DENNIS J. KUCINICH,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN KUCINICH. As the Executive Vice President of B'nai B'rith, which is one of the founding members if the World Jewish Restitution Organization, I was pleased to learn that you and a number of your colleagues, including Congressman Sanders, Congresswoman Ros-Lehtinen, Congressman DeFazio and Congressman Stearns have offered an Amendment to H.R. 4276.

I am writing to support your proposed amendment that would protect sanctions laws that are currently under consideration in a number of jurisdictions around the United States. Without such an amendment, I am concerned that these legislative initiatives will be placed in jeopardy should the World Trade Organization consider them illegal.

Thank you for your interest in this important matter.

Sincerely,

SIDNEY M. CLEARFIELD.

CITIZENS FOR PARTICIPATION
IN POLITICAL ACTION,
July 21, 1998.

Representative DENNIS KUCINICH,
Washington, DC.

DEAR REPRESENTATIVE KUCINICH. We at Citizens for Participation in Political Action

(CPPAX), a Massachusetts statewide 4,000 member citizens lobby, would like to offer our support in favor of the Kucinich, Sanders, DeFazio, Steams, Ros-Lehtinen amendment to the Commerce, Justice and State Appropriations bill.

Dedicated to state sovereignty and local democracy, CPPAX played a pivotal role in the passage of the Massachusetts Burma Selective Purchasing Law in 1996 and continues to support laws in defense of democracy and human rights in Nigeria, East Timor and Tibet. We firmly believe in selective purchasing laws as a means to uphold the rights of citizens to decide how and where to spend their tax-dollars. Accordingly, we strongly support your effort to defend these laws from legal challenges that arise from their inconsistencies with the World Trade Organization's International trade and investment agreements.

Thank you for your leadership on this issue. Please keep us updated as to actions that we may take to continue to support your efforts on this cause.

Sincerely,

LAURIE WAINBERG,
Organizing and Policy Director.
ANDLEEB DAWOOD,
Intern at CPPAX.

CITIZENS' ALLIANCE OF SANTA BARBARA,
Santa Barbara, CA, August 4, 1998.
Representative LOIS CAPPS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CAPPS: We are writing to urge you to support the Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen amendment to the Commerce, Justice, State Appropriations bill.

The Citizens' Alliance of Santa Barbara (the Santa Barbara Chapter of the Alliance for Democracy), has been concerned for some time about the effects of "Free Trade" and investment deregulation agreements on our democracy and on the economic future of our communities, our businesses and our families. At our meeting this weekend, we voted unanimously to ask your support for the Kucinich, et al. amendment. We understand that this amendment would deny funds for federal legal challenges to state or local laws that the World Trade Organization decides violate international trade or investment agreements, thus preventing the administration from taking states or communities to court to enforce WTO rulings unless Congress consents. We feel that this would provide a very important safeguard for shielding local democracy from the rule of international institutions that are undemocratic and unaccountable to the American public. A recent quote in the Journal of Commerce offers an excellent perspective on the issues involved: "Trade and investment should not short-circuit democracy. And if it does, something's wrong."

We hope that you will support the Kucinich, et al. amendment and protect the right of states and communities to retain some democratic control over our own economic affairs.

Sincerely,

RON ROWE,
Chair, Citizens' Alliance of Santa Barbara.

Joining me in this letter are the following concerned Santa Barbara residents: Ellis Englesberg; Dr. Frank Gordon; Dan Hankey; Ann Kobsa; Tonia Jauch; Ann Marshall; Maureen Parker; and Steve Shafarman.

CITIZENS TRADE CAMPAIGN,
Washington, DC, July 27, 1998.

Vote Yes on Kucinich-Sanders-Ros Lehtinen-Stearns Amendment to Commerce, Justice, State Approps

DEAR REPRESENTATIVE: Citizens Trade Campaign urges you to support the Kucinich-Sanders-Ros Lehtinen-Stearns Amendment to the Commerce, Justice, State appropriations bill.

Citizens Trade Campaign (CTC) is the national coalition of labor, consumer, environmental, religious, family farm, and other U.S. citizens groups fighting for fair trade. CTC has local chapters in 30 U.S. States.

This amendment stops the use of taxpayer money to impose on states and localities the threats and rulings of international trade and investment tribunals, such as those of the World Trade Organization (WTO).

The State Department has become a frequent voice in state legislators trying to influence local elected officials to pass WTO-consistent laws and not to laws the Administration claims may conflict with World Trade Organization dictates. It's unacceptable for our tax dollars to be spent to pressure Maryland legislators not to pass laws concerning Nigeria's dictatorship or to pressure Massachusetts to weaken a law castigating the Burmese dictatorship.

The evidence builds monthly of how international trade and investment agreements are resulting in challenges and threats against our democratically-passed laws.

The Kucinich-Sanders-Ros-Lehtinen-Stearns amendment ensures that U.S. tax dollars are not used to assist these unaccountable international bureaucracies attack U.S. democracy.

The insistence of international trade and investment tribunals that U.S. federal, state and local laws must be conformed to their orders is the strongest argument that the international bodies, not U.S. laws, that must be changed. So far the executive branch refuses to take accountability for this threat to our sovereignty and instead works to help impose the pacts' undemocratic dictates. This must stop.

This amendment would end the use of federal tax dollars to impose the ruling and threats of anti-democratic international tribunals.

Please vote in favor of the Kucinich-Sanders-Ros-Lehtinen-Stearns amendment.

CO-OP AMERICA

To: Members of Congress
From: Co-op America
Date: July 23, 1998

Co-op America, a national nonprofit consumer organization working for social and environmental justice, represents 55,000 individual members and 2,000 business members nationwide.

On behalf of the members and staff of Co-op America, I am writing to express our strong support for the Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen amendment to the Commerce, Justice, State Appropriations bill (HR 4276) that would deprive the Administration of funds to bring legal challenges to any state and local laws that the WTO finds inconsistent with international trade and investment agreements.

Sincerely,

ELIZABETH ELLIOTT MCGEVERAN,
Managing Director.

FREE BURMA COALITION,
AT THE UNIVERSITY OF WISCONSIN-MILWAUKEE,
Milwaukee WI, July 21, 1998.
Hon. DENNIS KUCINICH,
U.S. House of Representatives, VIA FAX

Dear REPRESENTATIVE KUCINICH: I write to thank you for the tri-partisan Kucinich-Sanders-Stearns-Ros-Lehtinen amendment to the Commerce/State/Justice Appropriations Bill. The amendment would deprive the Administration of funds needed to bring legal challenges against any state or local laws that the World Trade Organization finds inconsistent with international trade and investment agreements.

This amendment is necessary, because multinational corporations have begun an organized and serious assault on human rights, by opposing local selective purchasing laws designed to protect taxpayers from supporting corrupt and violent governments abroad.

During apartheid's reign in South Africa, a student-led and inspired movement swept across America, through the enaction of local "selective purchasing" laws, which prohibited individual localities from doing business with South Africa. This strategy brought about a federal statute prohibiting American companies from doing business with South Africa, international sanctions against South Africa, and eventually led to the downfall of apartheid.

The strategy is being used again by activists concerned about human rights, environmental, workplace, and other serious abuses in countries such as Burma, Nigeria, and Indonesia. Rather than confront the charges of oppression head-on, multinational corporations that support tyranny are attempting to work around the people, and use the WTO to fight local selective purchasing laws.

Ultimately, this means that local taxpayers will be deprived of the right to decide how their local dollars are spent.

The Kucinich amendment would ensure that no federal monies would be used to fight the rights and desires of local taxpayers, while supporting local laws that support human rights.

I look forward to the passage of this crucial amendment, and to your response.

Sincerely,

SACHIN CHHEDA.

FREE BURMA,
BERKELEY, CA,
July 22, 1998.
Representative NANCY PELOSI,
Via fax: 202-225-8259.

DEAR REP. PELOSI: I would like to ask you to support the DeFazio, Stearns, Ros-Lehtinen amendment to the Commerce, Justice, State Appropriations bill. The amendment would deprive the Administration of funds to bring legal challenges to any state and local laws that the WTO finds inconsistent with international trade and investment agreements.

As an organization that works to promote democracy in Burma, we have been supportive of the US trade sanctions against Burma's junta and selective purcashing legislation. Trade sanctions are condoned by Burma's democracy leader Aung San Suu Kyi and she has US companies to not do business with the current repressive regime.

Sanctions are never passed lightly on another country, the reasons for their implementation are mostly due to preventing the support of extremely repressive regimes. The WTO fight against sanctions is not based on looking at human rights abuses but simply to prevent obstacles to free trade. Free trade should not happen with out fair trade and respect for human rights. This amendment would prevent this kind of blind challenge to trade restrictions based on the promotion of human rights world wide.

Thank you very much.

Sincerely yours,

PAMELA WELLNER,
Campaign Coordinator.

INDEPENDENT VOTERS OF ILLINOIS—
INDEPENDENT PRECINCT ORGANIZATION
July 27, 1998.

Re: Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns Appropriations Amendment

The Independent Voters of Illinois-Independent Precinct Organization (IVI–IPO) joins with other grassroots groups in supporting adoption of the amendment to protect human rights laws from challenge under the World Trade Organization's rules. It is the proper role of Congress to withhold funds from policies that are injurious. This will put our federal government where we believe it ought to be: defending local initiatives in support of our values against attack by corporations and banks that see those initiatives only as barriers to trade.

Over the past decade or so, U.S. citizens have persuaded a number of cooperations to withdraw business from countries held to be violators of human rights, such as Burma, Nigeria, Indonesia, and apartheid South Africa. Citizens have also persuaded state and local governments, as well as universities, to refuse to do business with such countries. Are they wrong to use what leverage they have in support of almost universally accepted standards of decency?

In 1994, Congress was debating legislation to implement the Uruguay Round of the General Agreement on Tariffs and Trade, leading to the creation of the WTO. Opponents claimed then that the new trade regime would threaten many local, state, and national initiatives. Other countries would be able to sue on behalf of corporations, contending that certain laws amounted to disguised trade barriers. And that is exactly what they have done.

At the time of the debate, Illinois State Representative Janice Schakowsky (now a Democratic nominee for Congress) was trying to find cosponsors for a food labeling bill. She said she was told, "Oh, that will never hold up under the World Trade Organization."

The test began more than two years ago, when Venezuela won a case involving export of oil that did not meet U.S. standards. The U.S. agreed not to enforce the Clean Air Act, rather than pay the penalty. Now, in 1998, we find human rights laws at risk.

We believe that every country that is party to the WTO has values worth defending, and should have the right not to be forced to sacrifice them to mere profit for the few. Governments must assert their role of balancing the rights of all, and not act on behalf of only the powerful. The majority world needs effective and responsible representatives to protect their interests in an increasingly globalized economy. There must be far more winners than losers.

The Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns amendment puts humane values above financial gain. It is a step toward blocking the threat to local initiative represented by the World Trade Organization and its rules. We ask our representatives to support all such measures.

Sincerely,

CONSTANCE HALL,
Chair, National Affairs Committee.

Re: Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns amendment
To: Members of Congress
From: Ralph Nader
Date: July 22, 1998

I support the Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns amendment to the Commerce-Justice-State appropriations bills.

Central to the anti-democratic agenda of the corporate globalizers is to repeal or at least freeze local initiative in the consumer, health, safety, environmental, labor and other realms. Through the autocratic World Trade Organization, the method is to have foreign nations challenge or threaten to challenge U.S. states, localities or tribal law; and then to have the federal government turn against the states, localities or tribes and sue them to repeal their existing, longstanding laws. Moreover, even the threat of potential WTO challenges now converts the the State Department and other federal agencies into opponents of innovative legislative proposals in the states and elsewhere. In Maryland, for example, State Department officials lobbied against a Nigeria selective purchasing bill.

The amendment would halt the WTO-enabled encroachment on local, state and tribal sovereignty, providing an opportunity for the country to revisit the GATT folly. Do we really want to subvert our democratic processes and health and safety standards to the autocratic WTO?

I urge you to support the amendment.

OBLATE CONFERENCE,
Silver Spring, MD, July 29, 1998.

DEAR REPRESENTATIVE KUCINICH: As Executive Director of the Oblate Conference, a religious organization with over 500 members in the United States at present, I am writing to express my organization's support for the Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen amendment to the Commerce, Justice and State Appropriations Bill.

The bill would deprive the Administration of funds to bring legal challenges to any state and local laws that the WTO finds inconsistent with international trade and investment agreements. The Oblate Conference supports local government resolutions such as the Massachusetts Burma Law, and we believe it is the proper role of Congress, not the Administration, to pre-empt state legislation.

Respectfully Yours,

SEAMUS P. FINN, *OMI.*

PEN AMERICAN CENTER,
July 22, 1998.

JARON BOURKE,
Legislative Assistant, Congressman Dennis Kucinich.

On behalf of PEN American Center, a fellowship of writers dedicated to defending free expression and advancing the cause of literature, I write to express our support for the Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen amendment to the Commerce, Justice, State Appropriations bill. The amendment would deprive the Administration of funds to bring legal challenges to any state and local laws that the WTO finds inconsistent with international trade and investment agreements.

Sincerely,

DIANA AYTON-SHENKER,
Director, Freedom-to-Write.

PENINSULA PEACE AND JUSTICE CENTER,
Palo Alto, CA, July 29, 1998.

Re Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen Amendment to the Commerce, Justice and State Appropriations Bill

HON. ANNA ESHOO,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN ESHOO: I am writing to urge you to support the above-referenced amendment to the Commerce, Justice and State Appropriations Bill. This amendment would deny funds for the Administration for any attempt to sue to bring local statutes into compliance with World Trade Organization regulations.

As you are no doubt aware, the city of Palo Alto has a law which may be challenged under WTO regulations. This law prohibits the city from making any substantial purchases from companies doing business in Burma. The law was passed after nearly a year of effort by local activists and is aimed at addressing the terrible human rights situation in Burma. Many other such laws around the country are threatened by WTO regulations.

I look forward to hearing that you have supported this amendment. I would appreciate hearing your thoughts on this matter.

Sincerely yours,

PAUL GEORGE,
Director.

PREAMBLE CENTER,
Washington, DC.

HON. DENNIS KUCINICH,
U.S. House of Representatives.

DEAR REPRESENTATIVE KUCINICH: We write in support of the Kucinich-Sanders-DeFazio-Ros-Lehtinen-Stearns amendment to the Appropriation for the Departments of Commerce, Justice and State, which would prevent taxpayer dollars from being used by the federal government to overturn state and local laws which are allegedly not in compliance with international trade and investment agreements.

Our research on the impact of such international agreements on state and local sovereignty shows that, increasingly, corporations and foreign governments which seek to undermine local sovereignty and democracy in the United States are turning to the enforcement of such agreements as the WTO to overturn public policies that they could not defeat at the ballot box. Recent examples include the campaign by European and the Japanese governments, together with transnational corporations, to overturn the sanctions of Massachusetts against the brutal regime in Burma; and attacks by the Swiss government and Swiss banks against states and cities in the U.S. which have sought to limit their business ties with banks that may have knowingly profited from the Holocaust and now refuse to pay adequate compensation.

Public awareness of the impacts of international trade and investment agreements is increasing, and yet unfortunately it is still the case that not only are many citizens unaware of how local democracy in the United States is being undermined by these agreements; many local and state legislators are similarly unaware. Indeed, many legislators only become aware of these restrictions when they have passed or are on the verge of passing laws which are perceived by foreign governments and their corporate allies to be in violation of international trade and investment agreements. Then they may be contacted by officials from USTR, who insist that legislators repeal or vote against pending legislation on the basis of obscure provisions of international trade and investment agreements that the local legislators were previously unaware that they were party to or bound by. Under these agreements, if state legislators refuse the entreaties of federal officials, the U.S. government is required to sue state and local governments to force repeal. We support your efforts to block funding for such lawsuits via this amendment.

It is surely a shameful state of affairs when the executive branch of our federal government becomes an advocate for foreign governments and corporations against local democracy and sovereignty in the United States. We applaud your efforts to put a stop to this dangerous erosion of democracy in the United States.

ROBERT NAIMAN,
Preamble Center for Public Policy.

July 26, 1998.

Hon. DENNIS KUCINICH,
United States Congress.

DEAR REPRESENTATIVE KUCINICH: As director of Project Maje, an independent information project on Burma's human rights issues, I am writing in support of your bill to protect state and local sanctions.

The Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns Bill is a crucial item of legislation to protect our American birthright of opposing injustice and oppression through our own lawful processes.

Protecting human rights is our duty as Americans, and state and local sanctions are a legitimate and honorable way to address that task. State and local governments have every right to deny their business to companies which fund dictatorships involved in horrendous acts of abuse.

I am very happy that the bill is co-sponsored by Rep. DeFazio, from Oregon. Here in Portland, earlier this month, the City Council passed a selective purchasing resolution regarding the brutal Burmese junta. Your bill will go far to protect our right to take such firm and effective actions.

Thank you very much for your continued concern about Burma and for all you have done for worldwide human rights. Your commitment to the cause of justice and freedom is most admirable.

Sincerely,

EDITH T. MIRANTE,
Project Maje.

PUBLIC CITIZEN,
Washington, DC, July 26, 1998.

DEAR REPRESENTATIVE: Public Citizen, on behalf of its members nationwide, urges you to support the Kucinich-Sanders-Ros-Lehtinen-Stearns Amendment to the Commerce, Justice, State Appropriations bill. The vote on this amendment is expected Tuesday morning.

This important measure ensures that taxpayer money will not be expended to impose on states and localities the rulings of international trade and investment tribunals.

In recent months, State Department staff have been sent to pressure state legislatures not to pass laws the Administration claims may conflict with World Trade Organization dictates. It's unacceptable for our tax dollars to be spent to pressure Maryland legislators not to pass laws concerning Nigeria's dictatorship or to pressure Massachusetts to weaken a law castigating the Burmese dictatorship.

Just this week, the newest trade agreement threat became reality as the Canadian government was bullied into paying $14 million in legal fees and damages after the Ethyl Corporation used NAFTA provisions to *directly* sue the Canadian government. The case provides the latest evidence that international trade and investment agreements are creating an epidemic of costly government legal efforts to avoid or defend trade challenges and threats against our democratically-passed laws.

The Kucinich-Sanders-Ros-Lehtinen-Stearns amendment ensures that U.S. tax dollars are not used to assist these unaccountable international bureaucracies attack U.S. democracy.

Ethyl's challenge to the Canadian law was the first suit under NAFTA provisions that allow corporations in one country to directly sue the government of another country for cash damages, but it won't be the last. Remarkably, the proposed Multilateral Agreement on Investment (MAI) includes a yet more expansive version of the NAFTA provisions Ethyl employed.

The executive branch continues to deny that recent trade agreements are undermining our sovereignty while they help impose the pacts' undemocratic dictates.

This amendment can't stop such false representations. But, it can stop the use of federal tax dollars to impose the ruling and threats of anti-democratic international tribunals.

Please vote in favor of the Kucinich-Sanders-Ros-Lehtinen-Stearns amendment.

Sincerely,

LORI WALLACH.

RESEARCH AND POLICY REFORM
CENTER, INC.
21 July, 1998.

Congressman DENNIS KUCINICH,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN KUCINICH: I am writing to express my utmost support of the Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen Amendment. As Burmese democracy leader Aung San Suu Kyi implored recently, we must use our freedom to promote Burma's.

It is with great thanks for your sponsorship of the amendment that I send you my letter of support.

Sincerely,

MAUREEN AUNG-THWIN,
Director, Burma Policy, RPR.

SACRAMENTANS FOR
INTERNATIONAL LABOR RIGHTS,
Sacramento, CA, August 3, 1998.

Hon. ROBERT MATSUI,
650 Capitol Mall, Sacramento, CA.

DEAR REPRESENTATIVE MATSUI: We are writing to state our support for the Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen amendment to the Commerce, Justice, State Appropriations bill that would deprive the Administration of funds to bring legal challenges to any state and local laws that the WTO finds inconsistent with international trade and investment agreements. Please join us in supporting this amendment.

Sincerely yours,

HEIDI MCLEAN,
Legislation Coordinator.

SEATTLE BURMA ROUNDTABLE,
Seattle, WA, July 28, 1998.

Representative DENNIS KUCINICH,
1730 LHOB

DEAR REP. KUCINICH: It is with gratitude that our organization offers its support to your amendment to the Commerce, Justice, State Appropriations bill that would halt funding for Administration legal challenges to local laws that the WTO doesn't like.

Local autonomy in making purchasing decisions is a key American freedom that is under attack by a very small group of corporate extremists and some unaccountable bureaucrats from the WTO. If our elected officials make these types of decisions, they are accountable to us, their constituents, and to no one else.

We must never forget that local sanctions laws were incredibly important in accomplishing peaceful political change in South Africa. Similarly, the current campaign to put economic pressure on Burma's military dictatorship, called for by Burma's elected leaders, is working well. Now is not the time to try to tell Americans that such campaigns are somehow illegal.

We will be sending letters of support to our representatives, including Adam Smith, Linda Smith, Jennifer Dunne, Jim McDermott, Rick White, Jack Metcalf, Doc Hastings and George Nethercutt.

Thanks again for efforts on this issue.

Sincerely,

LARRY DOHRS,
Chairman.

SIERRA CLUB,
Washington, DC, July 28, 1998.

DEAR REPRESENTATIVE: On behalf of the Sierra's Club more than half-million members, I urge you to support an amendment to the Commerce, Justice, and State Department Appropriations Act (HR 4276) sponsored by Reps. Kucinich, Sanders, Ros-Lehtinen, DeFazio, and Stearns ("The Kucinich Amendment"). The Kucinich Amendment would prevent the Executive Branch from using federal funds to sue state and local governments to force compliance with international trade agreements.

Approval of the Kucinich Amendment is urgently needed. State and local law is already under imminent threat under international trade rules:

In April 1998, the State Department pressured the Maryland state legislature into rejecting legislation to sanction the government of Nigeria for environmental and human rights abuses. Similar state and local sanctions helped to topple South Africa's Apartheid regime in the 1980s, but are now considered "illegal trade barriers."

In March 1998, a timber industry representative lobbied the New York City Council to reject legislation requiring the City to buy only sustainably harvested tropical timber, charging that local selective purchasing legislation violates US trade policy. That legislation has now stalled in the City Council.

Earlier this month, the government of Venezuela threatened to complain to the World Trade Organization unless the state of Florida lifted a ban on Orimulsion, a highly-polluting fossil fuel produced by Venezuela's state oil company.

By adopting the Kucinich Amendment, Congress can take immediate action to ensure that state, local, and tribal governments can set their own environmental and health standards, free of unnecessary interference by international trade rules. Yet, the Executive would still be free to pursue state preemption on important matters where Congress first made a specific appropriation. Please vote "yes" to the Kucinich Amendment to HR 4276.

Sincerely,

CARL POPE,
Executive Director.

SIMON WIESENTHAL CENTER,
MUSEUM OF TOLERANCE,
July 27, 1998.

Hon. DENNIS J. KUCINICH,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN KUCINICH: The Simon Wiesenthal Center is grateful for Congressman Kucinich's leadership in proposing Amendment H.R. 4276, which will have the effect of forcing the Swiss Banks who have profited from stolen Nazi loot to promptly return to the negotiating table with representatives of the Holocaust survivors and the Jewish community.

Please let us know if the amendment becomes law.

Once again, on behalf of the 400,000 constituent families of the Simon Wiesenthal Center we commend you and your colleagues on this important initiative.

Sincerely,
RABBI ABRAHAM COOPER,
Associate Dean.

UNITARIAN UNIVERSALIST
SERVICE COMMITTEE,
Cambridge MA, July 29, 1998.

Hon. DENNIS KUCINICH,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KUCINICH, I applaud your leadership in sponsoring the Kucinich, Sanders, DeFazio, Stearns, Ros-Lehtinen amendment to the Commerce, Justice and State Department Appropriations bill that would deprive the Administration of funds to bring legal challenges to any state and local laws based on the contention that the WTO finds these laws inconsistent with international trade and investment agreements.

The Unitarian Universalist Service Committee (UUSC) has been involved in efforts to focus public attention on the need to end repression and foster democracy and human rights in Burma since 1995. As you probably know Burma's repressive military junta established a totalitarian state in that nation in 1988. The military crackdown begun at that time has resulted in the deaths of over 10,000 people. This regime has brought Burma, renamed Myanmar by the military, the dubious distinction of having one of the world's worst human rights records. One very effective way to focus public attention on the human rights crisis in Burma is to enact selective purchase legislation at the state or local level that bars government agencies from purchasing goods produced by companies that do business there. The Commonwealth of Massachusetts and several cities, towns and counties have passed such legislation. However, unfortunately federal government officials have tried to pressure many of these governments and their legislative officials to repeal or modify that legislation because of objections raised to it by the WTO.

The amendment you have proposed would end this type of interference. After all, how Massachusetts—or any state or city decides to spend its tax dollars is a matter for the citizens of Massachusetts or any other state or city to decide. I wish you every success in passing this important amendment.

Sincerely,
JEFF SIEFERT,
Acting Director.

TRANSAFRICA

Re: Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns amendment to H.R. 4276
To: Members of Congress
From: Randall Robinson

I write in strong support for the Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment to H.R. 4276, the Commerce, Justice, State Appropriation.

This amendment will provide necessary protection to state and local initiatives that promote human rights and justice. Earlier this year, the State of Maryland was considering passing a selective purchase law to promote human rights and correct environmental abuses in Nigeria. The Federal government lobbied in Annapolis to preempt this state action. An official from the State Department said to the Maryland lawmakers that the law would be WTO-illegal. The threat of a federal lawsuit stood behind the State Department official's warning. Maryland backed down.

With the threat of WTO decrees and consequent federal lawsuits, what state or local legislature will be able to pass important procurement laws like the Nigeria selective purchase law? Had the states been bound by such trade rules during our struggle to free South Africa, Nelson Mandela might still be imprisoned.

I hope you will support the Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns amendment to H.R. 4276.

U.S. BUSINESS AND INDUSTRY COUNCIL,
July 29, 1998.

Re: The Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns amendment to HR 4276
To: Republican Members of Congress
From: Kevin L. Kearns, President, USBIC

On behalf of the more than 1,000 member companies of the United States Business and Industry Council (USBIC), I strongly urge you to support the Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns Amendment to HR 4276, the Commerce, Justice, State appropriation bill.

This amendment, which would deny the use of taxpayer funds for federal government challenges to state, local, and tribal laws deemed inconsistent with America's NAFTA and World Trade Organization obligations, will serve as a vital bulwark in the defense of American sovereignty.

As an organization that for more than 60 years has promoted policies to serve the broad national interest, USBIC does not believe in general that sub-national authorities should have the right to make their own trade and foreign policies. The Constitution reserves these powers for the federal government, and USBIC believes that this arrangement has served the nation well.

Yet the ultimate fate of these sub-national policies should be decided by the American political system—which, after all, is the only political system on earth that places first and foremost the interests of the American people and the only one that is fully accountable to them. Foreign governments and international bureaucracies should play no official or formal role whatever in these decisions.

For more than 200 years, the American people have looked to their own elected leaders to safeguard national security and manage their international economic affairs. They have never voted to delegate these responsibilities to foreign bodies, or give such bodies binding oversight. The American political system has all the legitimacy it needs to act on their behalf. This legitimacy—along with the power to enforce the decisions made by the system—is the sine qua non of U.S. sovereignty.

Using taxpayer money to finance U.S. federal government court challenges ordered by an international organization to overturn political decisions made by legitimate American officials and legislators at the state or local level betrays more than two centuries of struggle and sacrifice for American independence and freedom. It's bad enough that President Clinton and his multilateralist advisors have meekly acquiesced in the creeping power grab being engineered by the World Trade Organization. If Republicans and conservatives don't stand up to them, who will? I strongly urge you to vote for the Kucinich-Sanders-Ros Lehtinen-DeFazio-Stearns amendment.

If you should have any question about the amendment or the sovereignty issue in general, please feel free to contact either myself or USBIC Educational Foundation Research Fellow Alan Tonelson at 202-628-2211.

INTRODUCTION OF THE YEAR 2000 READINESS DISCLOSURE ACT

HON. ANNA G. ESHOO

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, August 7, 1998

Ms. ESHOO. Mr. Speaker, today my colleague, Representative DREIER and I introduced the "Year 2000 Readiness Disclosure Act." Its purpose is to help solve the Year 2000 computer problem. Billions of computer chips are in devices from telephones to oil rig valves, and billions of lines of software code now run computer systems we rely on for issuing paychecks to operating traffic signals. Now we are faced with the threat these devices and systems may not operate because they cannot read the number 2000 as a year.

The challenge to solve the so-called "Y2K" problem is an incredibly complex process in our interconnected world. Each of us has a stake in all of us succeeding. After all, if a business that issues paychecks or another that operates our elevators fixes its Y2K problems, what will be accomplished if the electricity needed by those businesses cannot be delivered or transit systems cannot provide transportation for the employees of those businesses?

Solving this problem means that every company must make available as much information as is possible, as soon as possible, so that others can use it to meet the threat present in the Y2K problem. Unfortunately, current law provides an opportunity to file frivolous lawsuits against those providing this information and subject them to costly litigation. Consequently, these Y2K "Good Samaritans" are reluctant to provide vital information because of the litigation they may have to endure.

This bill will give companies the freedom to disclose Year 2000 readiness information to help all of us deal with this unique crisis, without penalizing them for their efforts. With January 1, 2000 fast approaching, more information rather than less—shared sooner rather than later—may be the difference between inconvenience and disaster.

I am pleased to see the Administration has proposed similar legislation to address this issue. It is a worthy effort, although it may fall short in some areas. For example, the Administration bill protects statements that are good-faith mistakes but does not include protection for statements shown to be true. The bill introduced today by myself and Mr. DREIER will protect all Year 2000 disclosure statements, giving companies incentives to provide more information, not less.

Mr. Speaker, I hope we can quickly pass this timely legislation during this Congress, and I look forward to working with the Administration and others on this important issue. Also, I welcome suggestions on how we may improve the legislation introduced today. The Y2K challenge is extensive and the stakes are very high. I believe the legislation we have introduced here today is a critical step in successfully meeting that challenge.

I hope my colleagues will join me and Mr. DREIER in supporting this bill.

PERSIAN GULF WAR VETERANS HEALTH CARE AND RESEARCH ACT OF 1998

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, for the past seven years, since the Persian Gulf War ended, our veterans have suffered from a myriad of symptoms with no end in sight—dizziness, severe headaches, chest pain, shortness of breath, aching joints and depression, to cite just a few examples of what they are going through.

Seven years ago, when the Persian Gulf War ended, a hearing was held here in Washington to investigate reports that Persian Gulf Veterans were suffering a series of mysterious symptoms. But there were no veterans at the witness table in the Committee room. So in 1992, I held a hearing in Boston to gather testimony from sick veterans who could tell me about their health problems. At that time, sick veterans were being called malingerers or worse, by the Defense Department. People didn't believe they were really sick.

But by early 1993, it was clear that there was a problem. Literally hundreds of veterans were calling my office to report of symptoms ranging from skin rashes and respiratory problems to kidney failure and cancer that they believed were linked to service in the Gulf conflict. The Pentagon continued to deny any link but was forced to take a closer look at the facts once countries that were members of the Persian Gulf Coalition began reporting exposures of their own troops to chemical and biological weapons.

Finally, in April 1996, the CIA released a report showing solid evidence that thousands of chemical weapons had been stored at Khamisiyah and that our troops may have been exposed to those deadly agents after the allied forces bombed the storage facilities.

Now here we are, seven years after the war. We've financed 103 research projects, at a cost of $49 million dollars, and we've had a presidential panel study the veterans health problems. But DoD and VA have not answered the veterans' questions about what caused them to get sick and when they will get effective treatment.

The veterans are frustrated, and rightly so. They still suffer from a myriad of illnesses like stomach disorders and painful muscles and joints, to name just a few of them. The veterans don't want to hear the argument that their illnesses are caused by stress.

When I talk to the veterans, they tell me they do want to know what caused them to get sick, but they also want research to be done to find effective treatment into exposure to biological and chemical agents. That is what they believe is the key to the problem.

These are brave men and women who answered their country's call at a time of need. They deserve a full accounting of how their service might be linked to these horrible illnesses that have so devastated their family lives and careers.

So based on the discussions I've had with Persian Gulf veterans over these seven years, I am pleased to have participated in negotiations to create a bi-partisan bill, HR 3980, "The Persian Gulf War Veterans Health Care and Research Act of 1998" with Chairman BOB STUMP, Ranking Member LANE EVANS, Health Subcommittee Chairman CLIFF STEARNS, and Health Subcommittee Ranking Member LUIS GUTIERREZ.

I don't believe we have had a focused, coherent federal research strategy. HR 3980 will give the Persian Gulf Veterans confidence that priority is being given to researching their exposure to biological or chemical weapons, and the resulting effects on their health, so that effective treatment can be found and administered, to fight the detrimental effects of this exposure on the veterans' health.

Through this bill, we will ensure priority is given to exposure to biological and chemical weapons by setting up a Public Advisory Committee to advise the Persian Gulf Veterans Coordinating Board on what kind of research to target. I am pleased that members of this Advisory Committee will represent groups that were formed specifically to help Persian Gulf Veterans. Their active participation on the Committee will ensure that adequate, targeted research into exposure to biological and chemical agents will be done.

Physicians at the Department of Veterans Affairs, and at the Pentagon, don't have a training program to become updated on how to administer the latest treatment protocols as they become available from research findings. This is essential, and is badly needed. I am pleased that HR 3980 includes provisions to provide training to physicians at VA and the Pentagon, so they can give the best possible care to our Persian Gulf veterans.

Finally, Mr. Speaker, this bill provides a provision I sought to publish treatment protocols on the Internet and in peer-reviewed medical journals because many Persian Gulf veterans receive health care in the private sector. If we publish the research findings, private sector physicians who treat Persian Gulf Veterans will have access to those treatment protocols.

It is my hope that HR 3980, "The Persian Gulf War Veterans Health Care and Research Act of 1998" will restore the veterans' confidence in our government's efforts to make them well again, will give them a fresh start, and will take the needed steps to finally solve the Persian Gulf veterans' health problems.

PERSONAL EXPLANATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. PACKARD. Mr. Speaker, I was absent from the House of Representatives on August 6, 1998 for rollcall votes 406 to 416. Had I been present, the following is how I would have voted:

Rollcall No. 406 "YEA"; Rollcall No. 407 "NO"; Rollcall No. 408 "NO"; Rollcall No. 409 "NO"; Rollcall No. 410 "NO"; Rollcall No. 411 "AYE"; Rollcall No. 412 "AYE"; Rollcall No. 413 "NO"; Rollcall No. 414 "AYE"; Rollcall No. 415 "AYE"; and Rollcall No. 416 "YEA".

WHITE HOUSE REMARKS OF OFFICER GERRY FLYNN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. MEEHAN. Mr. Speaker, I rise today to recognize and honor the stirring and insightful remarks of Lowell Police Officer Gerry Flynn at a White House Rose Garden event yesterday, on the importance of preserving and strengthening the Federal Brady Law. Officer Flynn spoke eloquently about the price we pay as a society when guns find their way into the wrong hands and the need to extend the Brady five-day waiting period. I congratulate Officer Flynn for the honor bestowed upon him in being invited to speak at the White House in front of the President, and I congratulate him upon seizing that opportunity to do the entire city of Lowell proud. I am submitting Officer Flynn's White House remarks for the RECORD, so that his words may remain with all of us.

STATEMENT OF LOWELL POLICE OFFICER GERRY FLYNN AT THE WHITE HOUSE ON THE BRADY HANDGUN LAW

Good morning. As National Vice-President of the International Brotherhood of Police Officers (IBPO) and President of the Lowell Police Patrolmen's Association, it is truly an honor and a privilege to be here with you this morning. On behalf of those of us in law enforcement, it gives me great pleasure to speak in support of an issue of such enormous importance as "The Brandy Handgun Law."

Robert F. Kennedy once said, "It is a responsibility to put away childish things, to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves and demands. For far too long, we have dealt with these deadly weapons as if they were harmless toys. It is past time that we wipe this stain of violence from our land."

Yet, thirty years after his death by a handgun, we are still attempting to wipe the stain of violence from our land—except the stain of violence has now spread into the classrooms occupied by our children.

Today, in every city in this country, there are children in schools with handguns. Children who are exposed to violence on a daily basis, children who feel they need protection more than they need an education. Children who should be enjoying life rather than taking one. "The Brady Handgun Law" provides hope for these children and their families.

For those who say that "The Brady Law" infringes on the rights of the American people to keep and bear arms; ask them what right does any American have to go into "The House of the People" and kill two brave men.

For those who say that "The Brady Law" is too costly to the American taxpayer; ask them what price would they pay to ensure that their families would not have to endure what the families of Capitol Police Officers Jacob J. Chestnut and John Gibson have endured.

For those who say "The Brady Law" is too confining and restricts would-be gun owners; ask them if they believed restrictions are more confining than the one Jim and Sarah Brady deal with on a daily basis.

In closing, I concur with Senator Dick Durbin (D–IL.) when he states, "We cannot allow the gun lobby to override those in law enforcement and endanger American families."

We must continue to have a mandatory waiting period which allows local police departments throughout the country to conduct their own background checks. Currently, over 95% of this nation's law enforcement officers use this system on a voluntary basis because we know the waiting period provision contained in the original "Brady Law" saves lives!

However, this November an amendment sponsored by the NRA, shall mark a change in "The Brady Law's" waiting period. For those of us on the Lowell Police Department this November shall also mark the hollow 20th anniversary of the last Lowell Police Officer killed in the line of duty. He too was killed by a handgun, while responding to an armed robbery at a pharmacy.

So, Mr. President, Members of Congress, on behalf of slain Lowell Police Officer Christos G. Rouses and my two fallen brothers from the Capitol Police, we urge you to support this legislation in order to extend "The Brady Law's" waiting period.

Thank you and God bless the United States of America.

IN RECOGNITION OF PAUL GARMON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a great American, Mr. Paul L. Garmon, of Rockwall, Texas. Many Americans have served their country proudly wearing the numerous uniforms of our great armed forces, and more Americans continue to serve our great nation as civilians. One of these great Americans is retired Lieutenant Paul L. Garmon.

Last fall Mr. Garmon was honored as Fort Hood's Honorary Retiree during its yearly Retiree Day activities in San Antonio, Texas. In his remarks at the retreat ceremony, Mr. Garmon recognized the service that veterans have given to their country but reminded them that they can continue to serve by serving their community—through their local civic clubs, associations, churches and volunteer organizations.

Mr. Garmon also praised the modern-day army. "Today we have the best equipment that modern technology can produce," he stated. "To man this equipment, we have the best educated, the healthiest, and the most dedicated soldiers that we have ever had. We also have some of the greatest leaders among our general officers that we have had since World War II." He paid tribute to three officers who had a great impact on his military career and his civilian life—Capt. Homer Kiefer (later Major General Kiefer), 2d Lt. Charles Brown (later Lt. General Brown), and Lt. William C. Westmorland (later General and Chief of Staff).

Mr. Speaker, as we adjourn today, let us do so in honor of and with respect for this great American, Paul Garmon, and let us conclude this session with Mr. Garmon's closing prayer: "I pray that our nation will remain strong and free until the trumpets of the Lord shall sound and time on earth is no more. God bless all of you, and may God bless America."

WISCONSIN UNVEILING OF THE ORGAN DONATION AWARENESS POSTAGE STAMP

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, on Friday, August 14th, the Wisconsin Donor Network, the Wisconsin State Fair, and the United States Postal Service will sponsor the Wisconsin unveiling of a U.S. postage stamp highlighting organ donation awareness. I appreciate this opportunity to share with my colleagues the story of this unique partnership.

The Wisconsin Donor Network is celebrating its tenth anniversary this year. The Network's information materials and presentations to community and professional groups send a powerful message about the need for and effectiveness of organ donation, and its multicultural information programs address the distinctive transplant needs and donation concerns of metropolitan Milwaukee's African American, Latino, and Asian communities.

Wisconsinites have answered the call for more organ donors, making an impressive commitment to give the gift of life. I am proud to note that, compared to organ donation promotion efforts by similar organizations nationwide, the Wisconsin Donor Network ranked sixth in 1997, and fourth in 1996.

Our colleague, U.S. Senator MIKE DEWINE, of Ohio, proposed an organ and tissue donation stamp, in 1996. The Postal Service rose to the occasion and produced a beautiful and compelling design previewed last year at a Capitol Hill ceremony by then-Postmaster General Marvin Runyon. I commend the Postal Service for its partnership in this important effort to raise our nation's consciousness concerning the critical importance of organ and tissue donation.

The Wisconsin State Fair has also been a strong supporter of the Wisconsin Donor Network's efforts. The Network's organ and tissue donation awareness booth at last year's State Fair was overwhelmingly successful, reaching thousands of State Fair visitors, and the State Fair has welcomed the Wisconsin Donor Network back again this year. I can think of no better forum for the stamp's Wisconsin unveiling than this year's State Fair.

Mr. Speaker, the organ donation awareness postage stamp is a powerful symbol. It provides a daily reminder that a simple selfless act can make the difference between life and death for another person. I ask that my colleagues join me in congratulating the Wisconsin Donor Network, the Wisconsin State Fair, the United States Postal Service, and Wisconsin donor families and transplant recipients, on the occasion of its issuance.

RECOGNIZING EDWIN J. KORCZYNSKI FOR HIS VOLUNTEER SERVICE

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to call attention to the heroic volunteer efforts of a constituent of mine from Chicago, Illinois, Mr. Edwin J. Korczynski.

On September 11, 1997, a fire erupted at an apartment building in the City of Northlake, Illinois, which resulted in severe damage to the structure. Fortunately, a constituent of mine, Edwin J. Korczynski, had spent the entire previous day planning an all-department HAZ/MAT drill, and upon learning about the fire, went to the scene and worked to coordinate volunteer efforts to serve the victims of the fire.

Mr. Korczynski's volunteer efforts were crucial and have been recognized by the City of Northlake, the Polish American Police Association and others as an outstanding example of heroism and public service.

I hope my colleagues will join me in recognizing Mr. Korczynski for his brave and community-oriented actions.

A SALUTE TO MAJ. GEN. PAUL G. REHKAMP

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. MINGE. Mr. Speaker, I stand to honor Maj. Gen. Paul G. Rehkamp. Recently, General Rehkamp, of Marshall, Minnesota, retired from the Army Reserve after more than 35 years of service to our country.

In 1989, General Rehkamp assumed command of the 88th Army Reserve Command. He chose a new motto for the command: "The Right Place to soldier." These words have followed the command ever since—and they also identify General Rehkamp's career.

While a part of the 88th ARCOM, General Rehkamp was Chief of Staff, and Deputy Commander, before becoming Commander in 1989. He was in command during key events that proved to be profound changes for the Army Reserve. He led units from the 88th Army Reserve Command as they were called to active duty for Desert Shield/Desert Storm. For this and other reasons, General Rehkamp's leadership shined through and allowed the 88th to survive downsizing of the Army Reserve.

After a successful tenure as Commander of the 88th in Minnesota, he moved on to the Pentagon. He was assigned to the Assistant Deputy Chief of Staff Operations, Mobilization and Reserve Affairs. In addition, General Rehkamp was named to the Reserve Forces Policy Board (RFPB). The RFPB is represented by members of all of the uniformed services. Members of the RFPB are responsible for policy advising to the Secretary of Defense on matters relating to the reserve components. General Rehkamp was also a member of the Army Reserve Council. In that position he was advisor to the Chief, Army Reserve.

General Rehkamp's faithful service to his country has been recognized on a number of occasions. During General Rehkamp's career, he earned the Distinguished Service Medal, the Legion of Merit with Oak Leaf Cluster, the Meritorious Service Medal, the Army Commendation Medal with Oak Leaf Cluster, and numerous other commendations and awards.

In addition, during his civilian life, General Rehkamp served as a commissioner of the Metropolitan Airports Commission. As an at-large commissioner, it was General Rehkamp's duty to advocate for all Minnesotans. Once again, he served Minnesota with great distinction.

General Rehkamp is the consummate citizen-soldier and has dedicated his career to soldiers and the defense of our great nation. We salute him in his retirement from a long and successful career and thank him for his contribution to maintaining the freedoms we, as Americans, enjoy.

WALLY MILLER EULOGY

HON. DAVID McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. McINTOSH. Mr. Speaker, it is with great remorse that I stand before you today to pay homage to a man who has worked to make a difference for the people of Indiana. Wally Miller was a man who to me epitomized that American dream and symbolized what our great country stands for. Wally Miller's list of achievements and contributions to his community are overflowing due to his sincere determination to his God, family, friends, state, and country. He is a true citizen, philanthropist, and friend.

Wally Miller is a graduate of Purdue University and Ball State University. He spent the first ten years of his professional life working as an engineer in the industrial sector. In 1969, Wally began his work in the family health care business. He served as the chief executive officer and the chief financial officer of Miller's Merry Manor until 1989. Miller's Merry Manor is Indiana's largest independent operator of nursing homes with 32 facilities. Since 1989, Wally has spent much of his time working on behalf of the health care industry, and managing the family Property Company.

Wally Miller cared deeply about our children's future. As a member of the Indiana Chamber of Commerce Board. Wally has been a true champion for the business community and has worked tirelessly to bring about real, meaningful, and comprehensive education reform in Indiana. Wally Miller has also served as a member of the Indiana Fiscal Policy Institute and he was a council member for the Boy Scouts of America.

Wally Miller is survived by his wife, June; children Beth Ingram, Aimee Riemke, Tom, Michael Miller, stepsons Ben, Andy Camp; mother Connie Conklin Miller; sisters Beverly Stevens, Barbara Miller, brothers V. Richard, R. James Miller; and five grandchildren.

In closing, I can only begin to enumerate on Wally Miller's long and distinguished list of contributions and achievements. To me what really makes a person truly great is the desire to help to improve the lives of the people around them. During his 61 years on earth, Wally Miller worked tirelessly toward this goal. For this reason, Wally we will miss you and Godspeed.

MAP INTERNATIONAL

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. KINGSTON. Mr. Speaker, it gives me great pleasure to rise and pay tribute to a Georgia-based private voluntary organization, MAP (Medical Assistance Programs) International. With an upcoming humanitarian shipment, MAP International will pass the $1 billion mark in the value of donated medicines and medical supplies shipped to people in the developing world who have little or no access to these life-saving medicines. During its 44 years of service, MAP International has responded to disasters worldwide and regularly stocks hospitals, clinics and remote health posts in over 100 countries.

The efforts of MAP International represent the spirit of generosity of the American people; from the thousands of Americans who support the organization; to the fine American pharmaceutical companies who donate product for use among the poor; to the U.S. Government itself who assists many of the shipments with USAID funds. MAP has also cooperated with the Salvation Army, the American Red Cross, and the Federal Emergency Management Agency in responding to natural disasters here at home in the United States.

Mr. Speaker, I ask my colleagues to join me in celebrating this important occasion in the history of MAP International.

TRIBUTE TO GIBBY WALES

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. STUPAK. Mr. Speaker, on April 12 and 13 of this year, American flags in the state of Michigan were lowered on all public facilities for a fitting tribute to a dedicated public servant from the Upper Peninsula of Michigan. Gilbert Wales, better known as Gibby by an adoring community, and one of Michigan's most beloved lifetime residents died on April 10 at the age of 76. He was a loving husband, dedicated father, fellow state representative and longtime friend of mine. So I stand before you today, Mr. Speaker, to commemorate the life of Gibby Wales.

In honoring the memory of Gibby I feel there are a few things that I must call attention to, a few memories that, as I am sure, everyone who knew Gibby will agree with me on, must be mentioned. One of these was Gibby's fascination with sports. Gibby was truly a sports fanatic. He seemed to enjoy it most, though, when he could share his excitement and enthusiasm with others. He was very successful in spreading his love of sports in many different ways, whether it be by working for an organization in which he was able to advance athletics through scholarships and grants, personally mentoring a child in the fine art of free throws or simply swapping the play of the day stories with friends and neighbors. I am inclined to believe that if Gibby gets his way in heaven, those Pearly Gates will open up into a basketball arena.

But Gibby was most renowned for his active role in local and state politics in Michigan. After he graduated from Stambaugh High School, he fought in World War II as a member of the Field Artillery. He then dabbled in local politics. But it wasn't until he began working as a miner at M.A. Hanna Company in Stambaugh that his political career took off. Like many miners during that time, he was disappointed in the way his state representative was handling mining safety issues. Being a natural leader, Gibby decided to do something about it. He ran for a seat in the Michigan House of Representatives and was elected and reelected for five consecutive terms. Gibby committed himself to insure that democracy would work for everybody. His ten years work in the state house and his political philosophy are still greatly admired and appreciated throughout the state of Michigan.

In 1990 I had the pleasure to personally consult with and work with Gibby on my own campaign. He was an active supporter of mine and he quickly became a good friend and mentor to me. On numerous occasions, I would seek advice from him on both a personal and professional basis. It has been an honor and a privilege for me to have known such a wonderful individual and to be able to share with all of my colleagues my deep admiration for one of Michigan's finest public servants. Although it is with a heavy heart that I give my condolences to his wife Verna, his children Wayne, Nancy, Peggy, and Sally, and his three sisters, it is with pride that I salute this outstanding citizen of our nation. Gilbert Wales will be missed.

ATTACKS ON U.S. EMBASSIES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. HALL of Ohio. Mr. Speaker, as we await news about the Americans and others killed and injured in the reprehensible attacks on the United States Embassies in Nairobi and Dar es Salaam, I know our thoughts and prayers are with the families of these men and women.

I have visited the embassy in Nairobi several times, and been to Tanzania as well. My humanitarian work has been aided immeasurably by the foreign service officers whose tireless efforts on behalf of our country often are overlooked.

The dedication of Americans who devote their lives to working to promote democracy and American values overseas never fails to impress me. Having visited our embassy in Nairobi just two months ago, I was again reminded by the caliber of the people who serve there—and struck by their dedication.

Our colleagues may not be aware of this, Mr. Speaker, but American support to the largest humanitarian airlift in history—large even than the Berlin Airlift 50 years ago—is being coordinated out of the U.S. embassy in Nairobi.

Two million people have died already in Sudan. A million more are threatened with starvation in the coming months. It is the worst famine I have seen since a million Ethiopians died a decade ago. Saving starving people is difficult, depressing, dirty work—and it could not be done without the support of the Americans who serve in Nairobi.

Our nation is diminished by the loss of these dedicated Americans, and we share their families' grief. America's embassies are bastions of hope in Africa, and we will not forget those who died today in service to our country.

INTRODUCTION OF LEGISLATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. WELLER. Mr. Speaker, today, according to the NFIB, one third of small business owners will have to sell outright or liquidate a part of their firm or farm to pay estate taxes. Half of those who liquidate for this purpose have to eliminate 30 jobs or more. This is wrong, just plain wrong. With a $1.6 trillion dollar projected surplus and estate taxes accounting for one percent of annual revenues to the Treasury, the death tax is hardly justifiable in the face of devastation to families, their businesses and farms, the workers they employ or our nation's ability to compete in a global market.

If we want to encourage entrepreneurship and job creation, we must do more to address this critical issue than merely allowing the payment of death taxes over a few years. We must send a clear message to all Americans, that if they want to pursue the American Dream we will not punish their children, grandchildren or their employees at their death.

That is why I come to the well today to introduce the Family Business and Family Farm Preservation Act. My legislation says that your children can keep the business or farm in the family and avoid paying death taxes on it. All they have to do is continue to run the business as a family enterprise for ten years and plow the profits back into the business over the same time period.

TRIBUTE TO "BIG" WALTER PRICE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to pay tribute to one of Houston's best known blues legends, Walter Price.

Blues as a truly American art form has spun many legends throughout its' history, but those who are unique to each region of this nation are the most precious of all. Big Walter Price is just such a legend in blues circles in the City of Houston.

Big Walter, as he is called, from his youth found music to be a consolation for the troubles of life and strove to bring gospel and blues to others as a gift of the spirit.

He started out singing spirituals in church playing in C natural, the first key he taught himself to perform in. There was no one willing to teach the young Walter Price how to play the piano. He had to overcome adversity and resistance from others to hone his skill to become the blues master that many of Houston's connoisseurs of the art appreciate.

His piano style is all his own, one that many musicians find difficult to follow.

Walter Price began playing professionally in 1955, recording with Bob Tanner's TNT label out of San Antonio. This label was marketed to Hispanics and most of Mr. Tanner's artists recorded in Spanish. Bob Tanner signed Mr. Price in an effort to break into the ethnic record market, aimed at African Americans. Walter's first recording with TNT was a novelty tune called "Calling Margie." Which initially did very well in record sells until it suddenly stopped being played over the air. On the record Walter spoke to a white operator while trying to reach a girl named Margie. He used the word honey when referring to the operator which white southerners took offense to and the record was pulled from the air.

After World War II, the ethnic market was having huge successes. Walter Price recorded a string of successes with the TNT label before he was lured to Houston, Texas. He recorded for Don Robey at Duke/Peacock Records and it was there that his career developed with the million selling hit, "Shirley Jean."

Other songs Walter recorded at Duke/Peacock were "Gambling Woman," "Hello Maria," "You're the One I Need," "Just Looking For a Home," and "Pack, Fair and Square."

Mr. Price went to Eddie Schueller at Gold Band Records on Lake Charles after Don Robey sold Duke/Peacock records. At Gold Bank Records he recorded "San Antone," "Ramona" and "Here Comes the Bride."

Walter Price always loved gospel music, but his career was in blues.

Walter Price has made Houston proud that he is one of our own. On behalf of the 18th Congressional District I would like to thank him for his contributions to blues.

CRAZY CONSPIRACY THEORIES HAVE THEIR VIOLENT COSTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. BEREUTER. Mr. Speaker, as demonstrated by the recent tragedy that we witnessed in this building, crazy conspiracy theories can have violent and horrific costs.

Accordingly, this Member commends to his colleagues an excellent editorial which appeared in the Omaha World-Herald, on August 5, 1998.

OTHERS FED GUNMAN'S FANTASIES

A sketchy but disturbing portrait is emerging of Russell E. Weston Jr., the accused gunman in the July 24 U.S. Capitol shootings.

He is being described as a mental patient who fell through the cracks, resisted treatment and, somewhere along the way, had his head filled with paranoid claptrap.

FBI agents who searched his remote cabin in Montana found guns, ammunition and books about espionage. Family members said Weston maintained an abiding fear of the federal government. He believed that federal agents were spying on him through a neighbor's satellite dish.

Authorities were also told that Weston thought the federal government had planted land mines on his property. Documents among his possessions contained references to the Freemen, a group whose members have been involved in confrontations over their insistence that they are not bound by U.S. laws.

More than a few people on the fringes of society say they consider the U.S. government evil. Among them are some militia members and radical survivalists whose far-fetched notions can sometimes be heard on late-night talk shows or read on the Internet.

At times their ravings seem almost comical. One group, for example, sees sinister implications in the yellow fringe with which some American flags are trimmed. The yellow fringe, if we have it right, is proof that the United States is secretly under martial law.

But there's nothing comical when such ideas are pumped into the head of someone whose grasp of reality is less than adequate. Then the result is all too often ugly and violent. Russell Weston spent part of a day in Illinois killing cats. Then he traveled to Washington, where he killed two Capitol police officers in a senseless attack.

Certainly the Tim McVeighs of the world—and Russell Weston, if he is found guilty—must be punished for their crimes. But punishing them doesn't excuse the people who concoct and repeat the crazy conspiracy theories that cause the bomb-builders and the shooters to become so agitated. Russell Weston may be a dangerous criminal, or he may be hopelessly ill. Either way, whoever convinced him that the government is the epitome of evil deserves some of the criticism for what happened at the Capitol.

IN HONOR OF WEBB JOINER

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Ms. GRANGER. Mr. Speaker, on behalf of my constituents in the 12th Congressional District, the people of Texas, and the men and women of the American aviation industry, it is my pleasure to express sincere good wishes to Mr. Webb F. Joiner, Chairman and CEO of Bell Helicopter Textron, on the occasion of his retirement. During Webb Joiner's 38-year career at Bell Helicopter Textron, the company has built a worldwide reputation for his commitment to the highest standards in customer service and manufacturing quality.

I am proud to say that the Bell products that America's armed forces depend on to carry out airlift missions around the world are built in my district by the men and women of Texas. The OH–58D Kiowa Warrior is the Army's premier scout-attack helicopter, the modernized UH–1N utility helicopter, and the new V–22 Osprey tiltrotor to take the Corps into the 21st Century equipped with the most modern and capable aircraft in the world. Bell's commercial helicopters can be found all over the world, servicing offshore oil platforms, performing air medical rescues and carrying out humanitarian missions, and are known everywhere for their safety and reliability.

Thanks to the standards of excellence in the U.S. aviation industry set by people like Webb Joiner, this country continues to be the world's leader in aircraft. Under Webb Joiner's leadership, those standards have remained especially high at Bell Helicopter and have kept this Texas-based company in first place in the international market.

The men and women who work at Bell Helicopter and those people around the world who operate Bell's military and civilian aircraft join me in wishing Webb F. Joiner an active and enjoyable retirement. Mr. Speaker, I thank you for giving me this opportunity to publicly recognize Webb Joiner. I want to congratulate him for his contributions to the American aviation industry and to American national security.

IN MEMORY OF MURPH WILSON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to pay my respects to a dear friend and wonderful American from Tyler, Texas—Mr. Murph Wilson, who passed from us on June 21, 1998.

Murph was born April 16, 1912, on land now called the Wilson Ranch near Overton, Texas, which his family owned for 150 years. Murph went on to earn his bachelor's and law degree from the University of Texas in 1938. In that same year, Murph began a lifelong legal practice and a service to community. He was the founding member of the Wilson Law Firm now known as Wilson, Sheehy, Knowles, Robertson and Cornelius. In the legal arena, Murph was known for his expertise in many areas, particularly in mineral law. During his more than 50 years of active law practice, he was a member of the Texas State Bar and federal courts including the United States Supreme Court. He served the profession as a former president of the Smith County Bar Association and served for many years as a member of the Admissions Committee for the United States District Court for the Eastern District of Texas. Murph was a Sustaining Life Fellow of the Texas Bar Foundation and he was honored in 1997 to receive the Justinian Award from the Smith County Lawyer's Auxiliary in recognition of his education and outstanding contributions in volunteer services to Tyler and Smith County.

A long and faithful member of Marvin Methodist Church, Murph served on numerous committees and as a former member of the administrative board. Being a man of strong faith, he will be remembered for the many lives he touched as teacher of the Chapel Sunday School Class for 22 years.

Murph Wilson was the mayor of the city of Tyler in 1967 and served on the City Commission. Further, in service to his community, in 1950 he was appointed to the board of the Tyler schools by the Tyler City Commission and was instrumental in the creation of the legal entity which is now Tyler Independent School District, serving 5 years on its board. He was president of the board when Lee High School was built.

Other services included trustee of the Stewart Blood Bank Foundation and a member of its board of directors for 9 years, a life director of the East Texas Hospital Foundation being its president in 1970, a charter member of the President of the East Texas Council on World Affairs. He also was a charter member of Sharon Temple in Tyler.

Accepting an appointment by Governor Buford Jester to the Sabine River Authority board of directors in 1949, Murph served for 7 years, during which time several well-know East Texas takes were designed and built. Later, he was instrumental in the arrangements for the construction of the present Lake Palestine by the Upper Neches River Authority.

As indicated by his record of service, Murph had an impressive political background. Over his career he served in varying capacities as key advisor, speech writer, and campaign manager for Lyndon Johnson, John Connally, Buford Hest and Ray Roberts.

In 1959, he was one of the organizers of Southside State Bank, serving 2 years as its initial president, 22 years as chairman of the board and then designated a lifetime appointment as chairman of the board, emeritus.

In 1938, Murph Wilson married the former Emily Hughes, who survives him along with one son and daughter-in-law, Maxie and Flora Wilson, and one grandson, Robert Hughes Wilson. He is also survived by one brother and sister-in-law, Walker and Winifred Wilson of Overton.

During his lifetime, Murph Wilson's influence was felt throughout the community and across East Texas. Murph will be terribly missed. Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this great American—the late Murph Wilson.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. TAUZIN. Madam Speaker, today, we bring to the floor H.R. 2281, the WIPO Copyright Treaties Implementation Act. The Commerce Committee adopted amendments which addressed some of the very tough issues that had yet to be resolved despite passage of the bill by the Senate. The substance of these amendments were ultimately incorporated into the bill which we consider today.

Today, we take one more step toward final passage of legislation which will implement the WIPO treaties. It is indeed an historic moment. The United States is on the verge of setting the standard for the rest of the world to meet. Our content industries are the world's finest, as well as one of this Nation's leading exporters. They must be protected from those pirates who in the blink of an eye—can steal these works and make hundreds if not thousands of copies to be sold around the world—leaving our own industries uncompensated. This theft cannot continue.

By implementing the WIPO treaties this year, we can help to ensure that authors and their works will be protected from pirates who pillage their way through cyberspace. As we rush to send a signal to the rest of the world, however, it is important that we not undermine our commitment to becoming an information-rich society—right here in the United States . . . inside our own borders.

The discussion generated by the Commerce Committee has been invaluable to finding the balance between copyright protection and the exchange of ideas in the free market—two of the fundamental pillars upon which this nation was built. In our haste to produce legislation, we must not overlook the need to strike the correct balance between these two competing ideals. That is indeed the purpose of the legislative process—to debate, haggle, review and ultimately to hammer out what will be strong and lasting policy for the rest of the world to follow.

A free market place for ideas is critical to America. It means that any man, woman or child—free of charge!!—can wander into any public library and use the materials in those libraries for free. He or she—again, free of charge!!—can absorb the ideas and visions of mankind's greatest writers and thinkers.

This bill contains an amendment that will protect fair use rights by means of a review by the Secretary of Commerce which will be conducted every three years. I thank Mr. OXLEY for offering this original amendment at Subcommittee and I thank Chairman BLILEY, Mr. DINGELL, Mr. MARKEY, Mr. KLUG and Mr. BOUCHER and their staffs for their efforts in reaching this important agreement. I would also like to thank Mr. WAXMAN and Mr. LAZIO for their participation in reaching this agreement.

Similarly, by adopting my amendment on encryption research, Commerce Committee again made an invaluable contribution to this important legislation. The amendment provided for an exception to the circumvention provisions contained in the bill for legal encryption research and reverse engineering. In particular, these exceptions would ensure that companies and individuals engaged in what is presently lawful encryption research and security testing and those who legally provide these services could continue to engage in these important and necessary activities which will strengthen our ability to keep our nation's computer systems, digital networks and systems applications private, protected and secure.

Finally, I want to commend my colleagues, DAN SCHAEFER and RICK WHITE for their efforts in reaching agreement on a provision which has been included in this bill to address the concerns of webcasters. Webcasting is a new use of the digital works this bill deals with. Under current law, it is difficult for webcasters and record companies to know their rights and responsibilities and to negotiate for licenses. This provision makes clear the rights of each party and sets up a statutory licensing program to make it as easy as possible to comply with. It is a worthy change to the bill and again, my thanks to Mr. WHITE and Mr. SCHAEFER.

I can't emphasize enough to my colleagues the importance of not only this legislation, but also the timing of this legislation. An international copyright treaty convention is a rare and infrequent event. We thus stand on the brink of implementing this most recent treaty—the WIPO copyright treaty—knowing full well that it may be another 20 years before we can revisit this subject. From here, we go to conference with the Senate and then this bill will go to the White House for the President's signature. Let's make sure we strike the right balance. Copyright protection is important and must be encouraged here. But in pursuing that goal we must remain faithful to our legacy, and our commitment to promoting the free exchange of ideas and thoughts. Digital technology should be embraced as a means to enrich and enlighten all of us.

GEORGE H. W. BUSH CENTER FOR CENTRAL INTELLIGENCE

SPEECH OF

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Mr. LAZIO of New York. Mr. Speaker, I support the bill offered this week to name the Central Intelligence Agency's Headquarters after President George Herbert Walker Bush. Representative ROB PORTMAN, who served as Associate Counsel, Deputy Assistant, and Director of the White House's Office of Legislative Affairs under President Bush, introduced this legislation that pays homage to the only U.S. President that served as Director of the CIA.

President Bush devoted more than 50 years of his life to public service. His career began in the Navy. At the age of 18, he was the youngest pilot of his day. He served our country on active duty for 3 years during World War II. President Bush's heroism was demonstrated on September 2, 1944, when anti-aircraft guns fired upon his plane during a bombing run over Japanese-held Islands. Even after his plane had been hit and was on fire, President Bush finished his run before heading out to sea. For his courageous flying, President Bush was awarded the Distinguished Flying Cross and three Air Medals.

Like many of his predecessors, President Bush led in the war on his time: George Washington led the Revolutionary War, Teddy Roosevelt in the Spanish American War, and Dwight Eisenhower demonstrated his leadership in World War II. For President Bush, though, it was the cold war.

President Bush also represented our great Nation in foreign affairs and served as a world leader in establishing international policies. Even though U.S. foreign intelligence activities were not officially coordinated on a Government-wide basis until after World War II, foreign intelligence activities began in the days of George Washington. Two hundred years later, in 1976, President Bush was appointed as the Director of the CIA. He shares with George Washington the unique distinction of having supervised our nation's intelligence service prior to being elected President. During his term as Director of the CIA, President Bush strengthened the national intelligence community and restored internal morale when there was public distrust of our Government.

The first responsibility of the President is to protect our national borders from external threat. President Bush kept our families safe when serving as the Commander in Chief of the Armed Forces of the United States, and overseeing international affairs, including our intelligence operations.

For forty years, the external threats that were most ominous came from our cold war adversaries. Under President Bush's leaderhips as both Vice President and President, communism collapsed, bringing about the end of the cold war. The cold war was a different kind of battle for this country; it was a battle of intelligence. President Bush's knowledge and understanding of our opponents' capabilities, acquired as head of the CIA, enabled him to successfully reduce the number of nuclear warheads being produced. President Bush emphasized that intelligence remained a vital commodity in the post-Soviet world. Intelligence gathering protects the U.S. against terrorism and helps our policymakers understand emerging economic opportunities and challenges. The intelligence mission thwarts those who would steal our technology or otherwise refuse to play by competitive rules.

President Bush pursued a foreign policy that ensured the security and economic prosperity of our country, as well as freedom and individual rights around the world. He had a proven track record of progress through lasting and mutually beneficial relationships with many countries, particularly with Asian countries. Although differences remained, President Bush was able to strengthen our alliances by successfully opening foreign markets to U.S. competition. In turn, his acts helped foster the continued growth of democracy and the strengthening of our alliances.

President Bush's leadership proved critical to the resolution of some of the most daunting conflicts of our time. Renaming the CIA compound provides us an opportunity to honor our 41st President with a lasting tribute.

GEORGE H. W. BUSH CENTER FOR CENTRAL INTELLIGENCE

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in full and complete support of the measure that would rename the C.I.A. headquarters after a man who has served this great nation tirelessly. To name the C.I.A. headquarters the George H.W. Bush Center is a high honor rightfully deserved by, fellow Texan, President Bush.

President Bush is a man of unblemished integrity. His leadership and commitment to the United States deserves any and all awards and accolades bestowed upon him. President Bush was charged with a sense of purpose to serve his country in every way. Not only was President Bush an important part of world policy, but he also was a loving husband to his wife, Barbara Bush. President and Mrs. Bush are the proud and loving parents of six beautiful children.

Mr. Speaker, the young President Bush became the youngest person to become an aviator in the United States Navy during World War II. President Bush went on to have an illustrious military career where he was decorated with the Distinguished Flying Cross. President Bush also served our great Nation as a United States Representative for the 7th District of the great state of Texas, an Ambassador to the United Nations, and the Chief of the United States Liaison Office to the People's Republic of China. Throughout his career, President Bush continuously fought against terrorism and drug smuggling. President Bush was appointed to the position of Director of the C.I.A. on November 3, 1975, by President Gerald Ford. Upon his appointment, President Bush served the Agency with reverence and honor. President Bush has the unique distinction of being the only President to serve in this esteemed position. President Bush was an innovator during his stint as Director of the Nation's premier intelligence organization. He helped draft strict orders aimed at preventing any violation of C.I.A. regulations. In addition, President Bush also drafted and developed similar federal and international laws.

On behalf of the 18th Congressional District, all Texans, myself, and the citizens of the United States of America I would like to commend and applaud a man whose tireless efforts and relentless pursuit to serve his country have provided many improvements for this country.

Mr. Speaker, President Bush brought a dedication to traditional American values and a determination to direct them toward making the United States a stronger and better nation. Coming with a tradition of public service, George Herbert Walker Bush felt the responsibility to make his contribution in both time of war and in peace. President Bush created strength and stability in the intelligence community and is widely credited with restoring the morale of the C.I.A. and I cannot see any better way to honor Mr. George Herbert Walker Bush than to place his name on C.I.A. headquarters.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise to express my support for the Farr Substitute to H.R. 2183. This substitute advances the effort to reform campaign finance laws in the direction in which I believe we must ultimately go if we are going to restore credibility to the election process. The bipartisan support for Shays-Meehan is one reflection of the House's deep desire for campaign finance reform. Last night's victory illustrated the grassroots advocacy and public sentiment for limiting soft money contributions and transfers in federal campaigns before we adjourn. We owe these constituencies a debt of gratitude for not giving up on us. We owe it to ourselves to continue this fight by building on the reforms contained in Shays-Meehan.

Mr. Chairman, that's why I support the Farr Substitute.

Mr. Chairman, the Farr Substitute sets a voluntary spending limit of $600,000 for each two-year election cycle. It also contains related limitations on large donors, political action committees and the use of personal funds. As important, the Farr Substitute provides candidates with direct, tangible public benefits. The 50% reduction in broadcast rates and reduced postal rates proposed in this measure give office seekers a real incentive to voluntarily limit campaign spending.

Mr. Chairman, the Farr Substitute represents the next stage in campaign finance reform. I ask my colleagues, on both sides of the aisle, to join the gentleman from California and me in sending a resounding message of support for continuing and deepening the reform process by voting in favor of the Farr Substitute.

THE CATHOLIC RELIEF SERVICES

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. CUMMINGS. Mr. Speaker, as Congress moves towards consideration of this year's foreign operations budget, I would like to draw your attention to a highly successful international development program that benefits from federal funding dollars and which operates out of my district in Baltimore: Catholic Relief Services (CRS).

CRS is the official overseas relief and development agency of the Catholic Church in the United States.

CRS assists persons on the basis of need, not creed, race or nationality. Its first mission provided food and shelter for World War II refugees. In the 1960s, while continuing to respond to emergencies, the agency began to look for ways to help the poor overcome poverty, particularly in newly independent and developing countries. Emphasis shifted to the promotion of new farming techniques, loans for small business, and health and water projects. The projects were designed to provide hope and dignity by allowing the poor to determine their own future and rise out of poverty.

As the agency looks to the millennium with programs operating throughout the developing world, peace-building and reconciliation, gender responsive programs, the development and strengthening of civil society are active parts of its work in the promotion of social justice in the countries in which it works.

The policies and programs of the agency reflect a philosophy of working in ways that maximize and optimize the resources, expertise and talent that may be brought to bear on the solution of the problems of the poor and disenfranchised.

CRS has programs focusing on education, emergency assistance, enterprise development, food security, health, human rights, peace-building and reconciliation and welfare.

Long-term solutions to the problems of injustice and underdevelopment are fostered by over 2,000 development and reconstruction projects. These projects promote food security through production, access and utilization; improve health care; develop water/sanitation systems; address deforestation problems; enable poor women to start small businesses; stabilize the environment; create village banks, and provide vocational/agricultural/health care training. Integration of these strategies in all CRS programs operating in potential conflict areas is a major thrust for the agency.

In the CRS sponsored Small Enterprise Development programs, for example, nearly 90 percent of the entrepreneurs participating in these programs are women.

These programs foster financial independence and sustainable development at the grassroots level. CRS involves the beneficiaries in the operation of the program. Participants manage the loan portfolio and ensure savings are accrued and invested. For most, it is the first chance to participate on an equal footing with men in their societies.

While the obvious beneficiaries of these programs are the women entrepreneurs, beneficiaries also include the next generation. CRS has found that women who participate in the program spend a portion of their earnings on the health and education of their children—needs that otherwise would not have been met. Therefore, for example, girls who would not have attended school are now students. The benefits of literacy as a determinate of good health, income and agricultural productivity have been proven time and time again around the world. The benefits for the women of the future are innumerable.

Another value of this program is the savings generated. CRS has helped entrepreneurs participating in these programs to save an average of more than $250 per person. In countries where people live on $1 day, this is the difference between surviving a crop failure, drought or flood or becoming a refugee in search of relief aid.

The Small Enterprise Development program is but one excellent example of the programs sponsored by CRS around the world with the help of our federal funding. I ask my colleagues to please remember CRS, its programs and its dedicated headquarters staff working in my district, when they vote on international development funding in the foreign operations spending bill in September.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mr. KOLBE. Mr. Chairman, talk about "deja vu all over again." It seems I have been here many times before, speaking out on Campaign Finance Reform. By now, I hope all my colleagues believe that after all the hours of debate in the past several weeks that we have fully explored this issue in the House of Representatives.

My concerns with reforming the system remain as they were the previous times I stated my views. Our campaign financing laws need improvement, but I do not agree with taxpayer financing of campaigns nor limits on political speech. Increased disclosure will cure many ills in the system; and there are other reforms needed also.

During consideration of Campaign Finance Reform over the past several weeks, I have again to require at least half of a federal candidate's campaign funds come from the state in which he runs. I have voted to make individual's contributions as important as those of political action committees. I have voted to make sure that only citizens vote and that only citizens can make campaign contributions. I have voted to ban soft money in federal campaigns. I have voted for increased and more timely disclosure of campaign contributions. I have voted to ensure that a wealthy candidate cannot use his personal funds to buy an election in a contest with a candidate with limited personal funds. And I have voted against any attempt to limit citizens' right to political speech. None of this is new to my constituents in Southern Arizona; I've made these same points numerous times.

In the final analysis, it is up to the integrity of the candidates and to the vigilance of our citizens to ensure fair and honest elections. No matter how many laws we pass, there is always a weak spot that can be exploited by those who will.

Today, I cast my vote both for the "freshman bill" and for the Doolittle bill because, those two most closely reflect the changes I believe will improve our system. Neither is the total answer, but voting for the Shays-Meehan Bill goes against everything I believe in terms of preserving freedom of political speech. I may not like the fact that groups can "attack" me any more than I like having people burn the flag. But freedom to band together to criticize elected officials is a right that should not be taken away. The Supreme Court has already ruled on where the limits lie and I do not think we need to further limit speech. Nor can the advocates of Shays-Meehan expect the public to take seriously their effort when, in order to keep their coalition intact, they rejected all efforts to include in their reforms the largest single player on the political scene—labor unions.

In retrospect, we should probably look to creating a Commission with the powers given the Military Base Closing Commission. Since Congress has 535 "experts" in running campaigns, it may take something like that to enact reasonable, constitutional reforms.

H.R. 1865, SPANISH PEAKS WILDERNESS ACT

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. SKAGGS. Mr. Speaker, I rise to applaud the action of the House early this morning in passing H.R. 1865, the Spanish Peaks Wilderness Act.

The bill is cosponsored by my colleague from Colorado, Mr. MCINNIS, and also by our colleague Ms. DEGETTE. I greatly appreciate their support, and in particular all Mr. MCINNIS has done to make it possible for the House to consider the bill today.

I also want to thank the gentlewoman from Idaho who chairs the Subcommittee and her ranking Member, Mr. HINCHEY, as well as the chairman and ranking member of the full Committee on Resources, for their help in bringing the bill to the floor.

Mr. Speaker, H.R. 1865 will provide permanent protection for about 18,000 acres of the San Isabel National Forest, including the two volcanic peaks known as the Spanish Peaks.

There are many magnificent peaks in Colorado, of course, but these—the easternmost in the Rocky Mountains—are outstanding. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The peaks can be seen for more than 75 miles. They were well known to Native Americans and were important landmarks for other early settlers as well as for travelers along the trail between Bent's Old Fort on the Arkansas River and Taos, New Mexico.

So, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks.

The area our bill will protect also has other outstanding resources and values, including a spectacular system of over 250 free-standing dikes and ramps of volcanic materials radiating from the peaks. These volcanic dikes form remarkable free-standing walls, up to 100 feet thick and 100 feet high, some extending for 14 miles. The area also includes winter range for bighorn mountain sheep and deer, and important habitat for elk, pine marten, and other species.

In all, it is a beautiful and unspoiled part of our Centennial State.

In fact, the State of Colorado has designated the Spanish Peaks as a Natural Area, and the peaks are a popular destination for hunters, horseback riders, and hikers seeking an opportunity to enjoy an unmatched vista of Colorado's mountains and plains.

In the 1970's, the Spanish Peaks were reviewed by the Forest Service in its "RARE II" review of roadless areas, and the Colorado designation considered including a wilderness designation for the area in the statewide national forest wilderness bill that was enacted in 1980. However, at that time there were concerns about the manageability of the area because of a number of non-federal inholdings. So, the 1980 Colorado Wilderness Act instead provided for continued management of the Spanish Peaks as a wilderness area.

That same pattern was followed again in the most recent Colorado wilderness bill, which included provisions for long-term management of all the other wilderness study areas in our state's national forests. But while the bill that passed the House in 1992 would have designated Spanish Peaks as wilderness, the Senators still had some lingering questions about the land-ownership pattern in the area. So, once again, the final version of that bill included a requirement for continued interim management of the Spanish Peaks as a wilderness study area.

The 1993 bill also required the Forest Service to report about the non-federal inholdings and the likelihood of acquisition of those holdings by the United States with the owners' consent. We got that report in 1995. It indicated the wilderness study area included about 825 acres where the United States owned neither the surface nor the mineral rights, and some 440 acres more where the United States owned the surface but not the minerals.

Since then, United States has acquired most of the inholdings, by purchase from willing sellers—and we have drawn our boundaries so most of the rest are outside the wilderness. So, the way is now clear for Congress to finish the job of protecting this outstanding area as part of the National Wilderness Preservation System.

That's what this bill do, by adding the Spanish Peaks to the list of areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of that Act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

The lands covered by this bill are not only striking for their beauty and value for primitive recreation, but also for their natural values. They fully merit—and need—the protection that will come from the enactment of H.R. 1865. We should all be proud that it has now passed the House.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

SPEECH OF

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes:

Ms. NORTON. Mr. Speaker, I ask my colleagues on both sides of the aisle to give me a "no" vote on the rule before you. The rule is unworthy of a serious national legislature. The Congress has received a balanced consensus budget with a surplus no less from a local jurisdiction, the District of Columbia, containing only the city's taxpayer-raised funds. Instead of minding its own national business and getting on with the mountain of work left for us to do, this bill has become an excuse for indulging the controversial social and financial whims of some Members of this body. That is unfair to you, it is unfair to me, and it is unfair to District residents. Defeat this rule, unless you are prepared to waste a lot more time in Washington on the smallest appropriation and the one least relevant to your constituents.

I have the Administration's Statement of Policy here. A litany of objections to this bill are listed by the Administration. Among them are three amendments which have been made in order, vouchers, the prohibition on adoption by married couples, and the prohibition on local funds for needle exchange, among others.

This rule reads like a who's who of special interests. It nullifies a modest residency rule that the Control Board supports because the residency law strengthens the recovering D.C. economy. It puts this body through another vouchers fight not three months after the President has vetoed vouchers. It will make you vote on tricky social issues many Republican and Democratic Members would just as soon avoid.

Two provisions strike at the core of democracy. One gratuitously bars the use of local funds in cooperating with a pro bono voting rights lawsuit that hardly involves the city, anyway. The other defunds the advisory neighborhood commissions that get pittance amounts as elected neighborhood officials who attend to grassroots problems like assuring that parks and river banks do not accumulate trash or harbor crime. At the last minute, a Member got a bright idea, he decided that the District's tobacco prohibitions might be strengthened but did not give me the courtesy of allowing me to ask the City Council to do it themselves.

When you vote on this rule, you will make a statement of where you stand on controversial social issues and where you stand on democracy and devolution. The D.C. appropriation is not the place to take your stand on social legislation. The D.C. appropriation is the place to stand up for democracy. The way to do both is to defeat this rule.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes:

Mr. UNDERWOOD. Mr. Speaker, school vouchers are the original bad idea for the improvement of public education.

We will hear from the other side that the establishment of school vouchers are the best way to reform and improve education.

This is basically what they are saying. If you provide 2,000 children the option to attend other schools, the remaining 75,000 will have their public education magically improved. The argument is like saying that the best way to improve health programs for everyone is to provide options for 3% of the population and by magic, the health care system will improve.

Public schools need our help and our criticism when it is appropriate; what they do not need is to have their resources taken away for programs which can only benefit a few.

We will hear that the main motivation for the establishment of vouchers is to improve the public schools. This is simply not the case. There are people who like school vouchers because they want to take their kids out of public schools, not because they want to improve the schools, but because they do not like public schools.

I don't mind this. If you want to do this, it's OK, but do not do it at the expense of public schools and do not say you are doing it to improve those schools. You are doing it because you don't care about the public schools which have made America the great democratic nation that it is and which have made America the great economic power that it is.

Furthermore, if you want to experiment with these school vouchers, why don't you do it at home? Why must we continue to use the District of Columbia as our pet laboratory for everything we like and don't like back home. Leave such matters to the people of the District. They deserve better than to be told what to do and that their children are experimental subjects.

Defeat this bad idea.

INTERNATIONAL HUMAN RIGHTS VIOLATIONS BASED ON SEXUAL ORIENTATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues to the global persecution of individuals based on their sexual orientation. Yesterday, I chaired a briefing of the Congressional Human Rights Caucus on this alarming situation. Mr. Speaker, I am especially grateful for the support and the participation of our distinguished colleagues, Congressman BENJAMIN GILMAN, Congressman BARNEY FRANK, Congressman WILLIAM DELAHUNT, and Congresswoman NANCY PELOSI.

I initiated yesterday's Caucus briefing because of alarming reports about the ongoing persecution of individuals based solely on their sexual orientation. These unacceptable violations of human rights have included arbitrary arrests, rape, torture, imprisonment, extortion and even execution.

Mr. Speaker, yesterday's briefing was not a discussion of our own nation's laws relating to homosexuality, transsexuality, or bisexuality. I have my own well know views on this issue, which I have clearly stated a number of times in the last couple of weeks when the domestic legal implications of these issues have been considered by the House of Representatives. Other Members clearly have different views, and they have clearly stated those.

Whatever our views on our own domestic laws, Mr. Speaker, the Caucus and all Members of Congress should be standing together in decrying the persecution of individuals and the denial of human rights for any reason, including sexual orientation. The purpose of the Congressional Human Rights Caucus briefing was to uphold the human rights that have been categorically denied all over the world to this persecuted minority.

If a government denies human rights to one group, then it is possible for that government to deny rights to any other group or every group. Gay, lesbian, bisexual, and transgendered people in communities all around the world have been brutally punished both physically and mentally for exercising their fundamental human rights to freedom of speech, freedom of association, and freedom of belief. Mr. Speaker, these violations fall squarely within the scope of international human rights laws.

Nowhere have basic human rights been more comprehensively defined than in the Universal Declaration of Human Rights, and this year we will celebrate the 50th anniversary of this historic document. Mr. Speaker, the Declaration guarantees the protection of human rights for everyone. This most assuredly does not mean so long as an individual shares our political views, our religion, the color of our skin, our sexual orientation, or anything else. The 1993 UN Human Rights Conference in Vienna stated it unequivocally by demanding: All Human Rights for All!

We heard exceptional testimony yesterday. The individuals who briefed the Caucus made statements that were head and shoulders above the usual information that we receive at Caucus briefings. These outstanding witnesses were Cynthia Rothschild, Co-Chair of Amnesty International's Members for Lesbian and Gay Concerns; Scott Long, Advocacy Coordinator of the International Gay and Lesbian Human Rights Commission; Regan E. Ralph, Executive Director of the Women's Rights Division, Human Rights Watch; and Serkan Altan, a brave young man who was subjected to extreme violence in Turkey because of his sexual orientation and who has now been granted asylum in the United States based on his homosexuality.

Mr. Speaker, these witnesses exposed the tragic fact that basic human rights are not applied everywhere and that they most certainly are not accorded to everyone. I ask, Mr. Speaker, that their statements be placed in the RECORD, and I urge that my colleagues give considerable attention to their striking remarks.

CYNTHIA ROTHSCHILD, CO-CHAIR, AMNESTY INTERNATIONAL MEMBERS FOR LESBIAN AND GAY CONCERNS

I am pleased to be with you today in this precedent-setting meeting. I'd like to thank Congressman Lantos and his staff for making this briefing possible, and I'd like to thank all of you who took time from your busy schedules to be here. I also want to acknowledge Serkan, who will share with us today his personal history as a survivor of human rights violations targeted because of sexuality.

I am particularly glad to be able to contribute to a discussion about an urgent and often overlooked facet of international human rights law and activism—that dealing with human rights violations perpetrated because of sexual identity and conduct.

Documentation from around the world confirms that lesbians, gay men and transgender people are killed, raped, assaulted, subjected to the death penalty, imprisoned, beaten, forced to undergo medical and psychiatric treatment designed to alter our sexuality, brutalized by other forms of torture and arbitrarily deprived of basic liberties because of our real "or perceived" sexual identity and behavior.

These abuses are often sanctioned by the state through legal decree, tacit acceptance (for instance, the refusal to investigate violations or to punish perpetrators) or through promoting violence by official and unofficial state actors (ranging from police to immigration officials to prison guards). Factors such as gender, culture, race, ethnicity, age and geographic location affect the various forms of violations which take place. But no region escapes culpability—sexual behavior and identities are criminalized or vilified, albeit in different ways, all over the globe.

My argument here is quite simple—these abuses occur every day, they pose very real dangers to many, many people, they're in violation of international law, they disrupt lives and sometimes take them—and they must be stopped.

In this presentation, I will offer an overview of human rights violations as they pertain to sexual identity and practice and I will delineate some of the more salient and complicated issues implicit in these experiences. This information, as well as that included in Regan, Scott and Serkan's presentations, is designed to be useful to you as lawmakers, as human rights supporters and as concerned citizens.

Lest I be too vague, let me first set context with a range of specific examples (and please note that because I cite specific countries in these examples it should not be interpreted to mean that these violations don't take place in many other nation-states):

The following information has been compiled and documented by Amnesty International, the International Gay and Lesbian Human Rights Commission, Human Rights Watch, the International Lesbian and Gay Association, the Magnus Hirschfield Center for Human Rights and countless other local organizations.

Some of the more flagrant human rights violations, gay, bisexual and transgender people face include abuses in the following three general, and sometimes overlapping, categories: (1) rights to physical and mental integrity, (2) freedom of association and expression, (3) discriminatory laws and discriminatory application of laws.

1. VIOLATIONS OF RIGHTS TO PHYSICAL AND MENTAL INTEGRITY

A. Execution Codified by Law: Under Islamic "Sharia" law, homosexuality is seen as an offense against divine will and is punishable by death. This is true in nine countries, including Saudi Arabia, Yemen, Kuwait, Mauritania, and Iran. In the latter country, death can be administered by stoning or by cleaving bodies in two.

In Afghanistan, you may recall recent reports (carried in the New York Times) of men convicted of sodomy being placed next to standing walls and buried under rubble as the walls were toppled upon them. While intended as a form of execution, it is of interest to note that some people were not actually killed in this process—so having a wall collapse on a person becomes simply a form of torture instead of execution.

B. Extrajudicial Execution (deliberate and unlawful killings by, or with the consent of, the state): In Colombia, death squads—often consisting of off-duty police—have been known to target areas where gay men congregate. As part of social cleansing efforts, victims of these death squads are gunned down in streets, or forcibly 'disappeared.'

C. Other Forms of Torture and Cruel, Inhuman and Degrading Treatment: In Saudi Arabia, male same-sex sexual behavior can be punished by flogging.

On a different but related note, Amnesty has noted that lesbians and gay men in the custody of government officials are particularly vulnerable to torture and ill-treated.

Consider the following quotation from an anonymous witness from Peru:

"In 1994, in Lima a very violent raid was carried out in the capital where about seventy-five lesbian women were beaten up and ill-treated by police. Prostitutes get a very rough time in jail. But the treatment of lesbians was even worse. Lesbians were beaten up because however degrading prostitution can be [perceived to] be, it is still regarded as normal behaviour, whereas lesbianism is seen as too threatening to the status quo." [Amnesty International, "Breaking the Silence: Human Rights Violations Based on Sexual Orientation"—1997]

And to cite a particularly relevant and recent example in the United States—most of you will remember the case of Abner Louima, a Haitian man who was attacked by New York City policemen while being held in a precinct. During the beating (in which a toilet plunger handle was shoved into Louima's rectum), police allegedly yelled "faggot" as they perpetrated the attack.

Other topics which fit into this category of abuses include:

Forced psychiatric treatment to alter homosexuality;

Forced medical treatment;

Rape and other sexual abuse; and

Arbitrary detention.

2. VIOLATIONS OF RIGHTS TO FREEDOM OF ASSOCIATION AND EXPRESSION

In Uganda: President Yoweri Museveni speaking to the press on July 22nd of this year stated: "When I was in America some time ago I saw a rally of 300,000 homosexuals! If you have a rally of 20 homosexuals here, I would disperse it."

Abuse of "public decency" and "public scandal" laws: In China, homosexuality per se is not criminalized, yet gay men and lesbians are often arrested under charges of "hooliganism."

In Romania, Article 200 is used to harass and imprison gay men and lesbians under "public scandal" charges. (Scott)

Other topics which would fit into this category of abuses include:

Persecution of Human Rights Defenders;

Prohibition of establishment of non-governmental organizations (NGOs) that work on issues of sexual orientation;

Harassment of NGOs that do that work; and

Abuse of surveillance laws.

3. DISCRIMINATORY LAWS OR DISCRIMINATORY APPLICATION OF LAWS

In the United States, three states (Kansas, Missouri and Arkansas) have sodomy laws which target only same-sex sexual behavior—and in other states, facially neutral sodomy laws are more often enforced for homosexual than heterosexual conduct.

In Austria and the United Kingdom, age of consent laws are higher for gay men than they are for heterosexual and lesbian couples.

Given this broad brushstroke citation of the range of violations we're talking about, I'd like to shift to the next main section of this presentation, in which I seek to name some of the more salient and complicated theoretical points to keep in mind:

Not everyone we're talking about is "gay" per se. Many people are targets because of real or perceived sexual orientation. First, it is important to note that people who engage in same-sex sexual behavior do not necessarily claim the label of "lesbian" or "gay," nor can those terms be used to accurately describe same gender sexual conduct across regions and cultures. The sexual identities people claim often have little to do with how they are perceived.

Distinctions in perceptions, labels and identities open up doors for arbitrary discrimination based on appearance. This discrimination could, and does, elicit harassment and violence by police or immigration officials. This is true both for women who appear "too masculine" or men who appear "too effeminate." A related point here is that sometimes it is the behavior itself which is deemed "deviant" and not, in fact, the appearance of the person engaging in it.

Effects here include asylum claims being denied, rape in detention and cases of violence being ignored by police and governments.

Gender play a primary role in the enactment of human rights violations. Women often face different and additional obstacles due to sexist proscribed roles within a given society, due to codified government discrimination, and due to the invisibility of women's sexual lives.

Women and men often have different legal and de facto access to public space, particularly since in many countries women are restricted by family and societal discrimination in ways that affect their mobility. This has particular bearing on lesbians' (and all women's) ability to leave the countries in which they are being persecuted in order to (a) simply escape, and (b) engage in an asylum process.

Partly because of this difference in access to public space, gay men are more often targeted under sodomy or "public scandal" laws—in effect, their sexual expression is more "public" and more apt to be scrutinized by the state in particular ways. Sodomy laws in some countries (Armenia, Chile, Ghana and India, among other nations, target only male same-sex sexual behavior).

While some might argue that this invisibility "protects" lesbians from persecution under these laws, in truth, it is clear that this is far from the case. Women are often harassed under these and other laws, are subjected to rape, sexual abuse and forced pregnancy, and ultimately suffer from sexism as well as homophobia in any given society.

Sodomy laws differ from culture to culture, and within the U.S., from state to state. There are no fixed definitions of sodomy, no standard understandings of what comprises it or who can commit it. "Sodomy" can mean two men in a longstanding monogamous relationship having sex in the privacy of their bedroom, or it can mean particular sex acts committed by married heterosexual people.

The last main point:

Police, other state agents and government officials often act with impunity—It is too often true that the general public as well as law enforcement institutions/sites (including courts, police preeincts, borders) will not come out publicly in favor of the rights of gay, bisexual and transgender people to be free from harassment and violence. These attitudes allow state actors the sense that they can violate the rights of lesbians, gay men, bisexual and transgender people with little chance of accountability. This, in turn, affects the willingness of gay people to report harassment, physical abuse and other violations. Fear of reprisal also inhibits proper reporting. Ultimately, there is the risk of a shroud of silence encircling these violations, and the risk of a cycle of abuse as a direct result.

In this final section, and in conclusion, I wish to delineate a few of our shared primary goals as human rights activists and lawmakers with regard to human rights violations and sexual orientation. (Please note that we've drawn up specific recommendations which are geared much more to practical use by U.S. lawmakers—I encourage you to take copies before you leave today).

Our work—and by "our" work I specifically mean that of the domestic non-profit sector along with concerned actors in the U.S. government—i.e. we on this panel and you in this audience—our work calls on all governments to be aware of and accountable for the violations of human dignity, physical integrity and fundamental liberties targeted at lesbians, gay men, bisexuals and transgender people.

Our work calls for governments to end cycles of impunity which surround violations connected to homosexuality by punishing perpetrators to the fullest extent allowed by law.

And our work calls upon us all to consistently include issues of sexuality in all of our conversations and documentation about human rights violations.

Given the severity of human rights violations perpetrated because of sexual orientation, identity and conduct, the dialogue about this set of issues must become more prominent in human rights and law-making circles. Those working in NGO circles will work alongside you as we all face those who will engage in both vitriolic hyperbole and subtle attacks on dignity and bodily integrity.

This, after all, and at its core, is a matter of principle. As we seek to create a world in which all people recognize that human rights protections are indivisible and afforded to all people, we must work toward providing protections and recourse for those most vulnerable to sexuality-based human rights violations. We must argue together that human rights violations enacted because of sexual orientation are not acceptable and will not be tolerated.

SCOTT LONG, ADVOCACY COORDINATOR, THE INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION

Thank you, Mr. Chairman, and members of the Congressional Human Rights Caucus, for inviting us to testify today.

I want to begin by telling three anecdotes from Romania—because I know them, and the people in them, well. In 1997 two 18 year old youths—boys—were picked up by the police in Iasi, in Romania for kissing each other at night in a park. They were taken to a local police station and beaten, nonstop, for twenty-four hours. Their teeth were knocked out; they were knocked unconscious, and they were forced to clean out the police toilets and urinals with their bare hands. They are now free, but facing trial and five years in prison, for so-called "sexual perversion."

In 1995 Mariana Cetiner, a woman living in a small Romanian town, was arrested for asking another woman to have sex with her—which is illegal in Romania. The other woman had reported her to the police. Mariana was sentenced to three years in prison for this crime. I interviewed Mariana in prison. She had enormous bruises; she had been physically and sexually abused by the guards. The prison doctor told us, "After all, she is different from other women. You can hardly expect the guards to treat her as if she were normal."

In 1992 a lonely 17-year old placed a personals ad in a Romanian newspaper, looking for a lover. The ad was answered by a 21-year old; they met, and they fell in love. They were both men. They were reported to the police as homosexuals by the 17-year old's sister. They were both arrested and charged with "sexual relations with persons of the same sex." They were held in prison for three months, pending trial. There they were both raped, repeatedly, by inmates with the encouragement of the guards. They were finally freed, partly because of pressure from Amnesty International. But the older of the two, traumatized by what had happened to him, committed suicide.

I am not telling these stories to single out Romania as a uniquely repressive place. Far from it: these stories could happen in many countries around the world; they could even happen in many localities in the United States. Topeka, Kansas, for instance, has a law which prohibits two people of the same sex from having a conversation about having sexual relations. Quite literally, if an undercover policeman approaches another man, says, "Do you want to have sex?" and the other man answers anything at all—short of running away, speechless—that other man has committed a crime.

My point is that all these arrests, and the laws under which they happen, are wrong wherever they take place. The principle we are collectively here to represent is simple: that treating people differently before the law because of their sexual orientation is wrong. In most countries in the world, two heterosexuals kissing in a park would not be sent to jail; a seventeen-year old boy who fell in love with a girl would not be sentenced to a hell of rape and abuse in prison for it; and one heterosexual who simply asked another to have sex would not serve a three-year penitentiary term for it—even, I believe, in Washington, D.C. To impose these punishments on comparable acts simply because they are committed by people of the same sex is both barbarous and absurd.

This principle of equality has been affirmed, as Ms. Ralph noted, by the United Nations Human Rights Committee, which is a landmark decision—Toonen v. Australia, in 1994—held that no state can allot discriminatory enjoyment of any right in the International Covenant on Civil and Political Rights because of someone's sexual orientation. This means that the Romanian legislation which permits the arrests I've just described, and imposes those punishments, stands in violation of international law. And so do similar laws wherever they are in force.

Yet this decision has a further and important ramification. In gauging the situation of gays, lesbians, bisexuals, and transgender people in a country, it is not enough to look at whether that country has so-called "sodomy laws," or whether they are enforced. One must look at how that country's laws, and its policies and practices, affect the other basic rights of gays and lesbians. Do they enjoy the right to speak freely? To move about in the street freely? To gather together, to organize in a group? Can they hold jobs, can they survive economically, while being open and honest about themselves? Will the police and the state defend them if their rights are violated? And here I want to refer back to Mr. Altan's testimony about Turkey: a country in which homosexuality is nominally legal, but in which there is in fact a culture of continual abuse toward sexual difference, enabled and reinforced by a culture of impunity. In many countries around the globe, police and officials harass gays, lesbians, bisexuals, and transgender people in constant, intrusive, and degrading ways. In Italy, in Albania, in Cuba, police raid gay bars and discotheques, check the IDS of patrons, and ostentatiously write down their names and addresses. In Thailand, the Ministry of Education tries to ban gay men from becoming teachers; in Bulgaria, the bar association tries to ban them from becoming lawyers. In numerous countries there are laws against certain kinds of stigmatized public behavior, laws which may not even specifically mention homosexuality, but which are used against people whose demeanor or clothes or friends put them under the suspicion of being different. In China and in other countries with Communist-era legal codes, provisions against "hooliganism" are used to arrest gay men whenever they gather for any purpose. In Cuba, Romania, and elsewhere, laws punish homosexual acts "which cause public scandal"—meaning that if a private sexual act becomes known to anyone else who disapproves, it can earn a prison term. In many Western countries, laws against so-called "public lewdness" are used to impose fines or prison terms on people who simply look gay in public when seen by the discriminating eye of a policeman.

Moreover, some of the worst abuses against gays, lesbians, bisexuals, and transgender people are not committed directly by the state—but by non-state actors, who inflict them with the indifference or even connivance of the police. In Brazil, as IGLHRC has documented in its report "Epidemic of Hate," gays and transgendered people are murdered daily by gangs and death squads. But similarly, on the streets of American and Western European cities, hate crimes—violence, beatings, and bashings—ensure that people will think twice before they wear a pink triangle in public, or hold hands on the street.

And in many countries, the attempts of gays, lesbians, bisexuals, and transgender people to organize in response to these abuses are also met with repression. In Argentina, in Hungary, in Lithuania, in Russia, gay and lesbian organizations have been declared illegal on pretexts—because they allegedly "threaten public morals," or "public health." These actions violate rights to assembly and association which are protected in virtually every international human-rights instrument. Gay and lesbian publications have been threatened, punished, or closed down in Greece, in Russia, in Hungary. In Zimbabwe, where there is a tiny and beleaguered organization called Gays and Lesbians of Zimbabwe, President Robert Mugabe has campaigned for years to eliminate that group and erase all traces of homosexual identity from his society—calling them "beasts," "perverts," "worse than dogs, and pigs," and stating repeatedly that "homosexuals have no rights whatever." What has been the result? Last month, Keith Goddard, one of the leaders of that gay and lesbian group went to the police to report a man who had been blackmailing him with false allegations. In a case that perfectly evidences what Mr. Rahman has said about the denial of protection to gays and lesbians, when Mr. Goddard admitted to the police that he was homosexual, the police immediately arrested him, for sodomy. He now faces up to seven years in prison.

And why has the President of Zimbabwe devoted years to vilifying gays and lesbians, to blaming them for all his country's economic and social ills? Because he needed a scapegoat. As he flailed for support for his own corrupt and decaying regime, nothing was easier than to incite hatred against people who were, fortuitously, both invisible—unable to speak for themselves—and universally despised. This demonization of the different is familiar to us, or should be, from Nazi Germany. Gays and lesbians worldwide now seem to serve as a new, favorite victim.

The power of human rights in our century, of a discourse, as a symbol, is that it counters this demonization. Human rights knows no scapegoats, it recognizes no sacrificial lambs, and it accepts no exceptions to the rule. It insists that people cannot be singled out: that no quality basic to a human being, be it her religious belief, the color of her skin, her ethnicity or sex or her sexual orientation, be used as a pretext to deny her the rights which should be enjoyed equally by all.

Today, Mr. Chairman, members of the Caucus, we ask you to join us. Let us insist together.

Insist that the United States Government work for an end to discrimination, persecution, and abuse based on sexual orientation, gender identity, or HIV status, around the globe.

Insist that the US State Department specifically monitor sexual orientation as a category in its yearly review of countries' human rights records.

Insist that public officials, in law enforcement and elsewhere, across the United States be trained in human rights and in issues surrounding sexual orientation; and insist that in US programs to promote human rights abroad, sexual orientation be recognized as a category and component.

Insist that, as one first step toward creating a culture of non-discrimination in this country, states repeal their remaining sodomy laws; and insist that bills before this current Congress which expressly and invidiously target groups based on sexual orientation be defeated, as they deserve.

Insist that the US ratify human rights covenants it has so far refused to endorse, including the Convention on the Right of the Child, the Convention on the Elimination of Discrimination Against Women, and the Convention on Economic, Social and Cultural Rights; for it is sheer hypocrisy for us to hold others to noble promises that we have not even made ourselves.

We ask you to speak out, because silence is deadly. I would like to close by quoting the lines of a Hungarian poet, who was gay—and who suffered from that imposed silence, silence about the self, that I have spoken about here. Mr. LANTOS will not mind if I cite him first in Hungarian:

Akik a termeszettol felnek,
termeszetellenesnek neveznek bennunket.
De eygedul a hallgastas termeszettellenes.

"Those who despise nature call us unnatural. But silence is the only unnatural act."

REGAN E. RALPH, EXECUTIVE DIRECTOR, WOMEN'S RIGHTS DIVISION, HUMAN RIGHTS WATCH

Thank you, Congressman Lantos, your colleagues on the Human Rights Caucus and your staff for inviting us to discuss this important human rights concern.

It has been fifty years since governments from around the world created the Universal Declaration on Human Rights. The fundamental and very simple idea underlying the declaration and the very notion of human rights is this: all human beings are born free and equal in dignity and rights.

No one should be denied their fundamental human dignity no matter what their race, their sex, their religion, their politics, their national origin, their birth or other status.

No one should be denied personal security. No one should be tortured. No one should have his or her private life invaded. No one should be forced to live as a second-class citizen, denied the rights extended to others.

A very basic guarantee of dignity agreed to fifty years ago. And yet in the past fifty years the world's commitment to really and truly protect everyone's fundamental dignity and human rights has been tested time and again.

Protecting women's human rights, to give one significant example, until recently simply was not seen as the responsibility of governments. Yet by exposing abuses against women and the role of governments in perpetrating or allowing the abuse, women have claimed the recognition that they too are entitled to enjoy their basic rights.

At Human Rights Watch, we have documented the violence, coercion and discrimination inflicted on women by governments and individuals around the world. Violence that directly destroys women's right to physical security and that limits women's ability to exercise other basic rights: Discrimination in law and practice that seeks to keep women under the thumb of some other authority.

Oftentimes, this violence and discrimination directly targets women's sexual and reproductive lives. Women are raped in war, sometimes with the express purpose of making them pregnant with the "enemy's" progeny. Women and girls are forced to undergo virginity tests. In many countries, they are forced into marriage at a young age or trafficked into forced prostitution and repeatedly raped. All of these violations grossly abuse women's fundamental rights. All of them are prohibited by international law. And, after years of silence, the international community has strongly condemned such actions.

But the rights of women remain under siege, particularly in the area of extending dignity and autonomy to them in their sexual lives. Here we come to another test of the universal nature of human rights because women—and men—also are subject to violence, coercion, and discrimination that is targeted at their real or perceived sexual orientation or identity. In countries throughout the world, lesbians and gay men are subject to discriminatory legislation, violent treatment and persecution by police and other authorities.

Again the ugly argument that some groups are not actually entitled to enjoy their basic rights rears its head. But this argument is as wrong about sexual orientation as it was about women.

On the contrary, international human rights law prohibits state-sponsored and state-tolerated violence and discrimination against individuals that attacks their sexual identity, sexual orientation or private sexual practices. The most basic human rights guarantees found in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights—the right to life, liberty and security of the person, the rights to freedom of expression and association; the right against arbitrary detention; the right to privacy, and the prohibition against discrimination—extend to all individuals regardless of their status.

In fact, international law condemns the denial of fundamental liberties to persons on the basis of qualities inherent to their individuality and humanity. These include race, religion, colour, sex, national origin, birth, political opinion, and other status. Sexual orientation, too, is such a quality, a deeply rooted and profoundly felt element of selfhood.

You have heard cases of the gross abuses perpetrated against individuals because of their real or perceived sexual orientation. Add to those the fact that many countries, including Nicaragua, Uzbekistan, and Zimbabwe, criminalize consensual sex between same-sex adults. In China, lesbians and gays have been harassed by police, jailed, and fined. In different countries, gay and lesbian organizations and activities are targeted with violence and harassment that has forced them to close their doors or end their perfectly legal activities.

At the same time, the principle of universality is being upheld. Flagrant violations of human rights have been denounced at both the national and international levels. South Africa's new constitution, for example, specifically prohibits discrimination based on sexual orientation. International human rights bodies have also declared discrimination and violence based on sexual orientation or identity to violate human rights.

The European Court of Justice ruled last summer that employers could not deny the same employment rights to lesbian couples that are extended to unmarried, heterosexual couples. Another European body, the Court on Human Rights, has repeatedly held that laws criminalizing consensual, private sexual acts between adults violate internationally protected right to privacy.

The United Nations Human Rights Committee, the body charged with monitoring compliance with the Covenant on Civil and Political Rights, considers sexual orientation to be a status protected from discrimination under international law. In Toonen v. Australia, the Committee declared that the rights protected by the Covenant cannot be denied or limited on the basis of sexual orientation or identity.

In closing, I would like again to underscore the principle of universality; human rights guarantees must extend to all. If it is deemed acceptable to exclude one group from human rights protections, it is that much easier to exclude another group and another and another. The only way we as individuals and members of a democratic society have of preserving our own rights is to ensure that no exceptions are made in respecting the rights of all.

SERKAN ALTON

Aslan Yuzgun, the writer of Homosexuality In Turkey says "Without a doubt, homosexuals are the worst treated minority in Turkey." The worst thing to be in Turkey is to be a man who is openly homosexual. Not only is it despised, it is seen as an affront to Turkish culture and an insult to Turkish manhood.

The police use terror and violence against homosexuals by permission of the central government. It is impossible for us to achieve any legal redress. No one—including the government, the police, the media—cares about how homosexuals are treated. Turkey has been a huge prison for all of us, mostly for homosexuals.

Any boy aged 8 years or older who displays any hint of effeminacy is very likely to be raped. Then the torture starts, especially in school. We homosexuals learn in school, along with other things, that we are going to be raped, beaten, and tortured both by the public and the police.

When I was 11 years old, I moved to Istanbul, the most modern city in Turkey.

When I turned 12, I started to go to a private school.

I soon realized I was an outcast. They started to call me names like "queer," "boy," "faggot," which I was not familiar with because I looked and acted like a girl. Things got worse when Rock Hudson had AIDS. Then my nickname became "AIDS". Still I had no idea what it meant to be a homosexual.

Everywhere I went, I was followed, taunted, and insulted. There were many kids who would ty to beat me up. I didn't fight back, instead I kept my distance from them. Even though I sat quietly in the corner, my hair was pulled, my head was kicked, my private parts were pinched. Some threw balls and objects at me. Some pushed me and tried to make me fall.

There was almost no day for me to live my childhood with joy.

As the years passed by, I accepted the abuse. I knew they were going to hit and insult me, but I took it.

When I was 16, the head of the class forced me to have sex with him. He was known as one of the strongest guys in the school. Then he told every detail to everybody. While he became a hero, I was emotionally and physically abused more. I was called "a man with no dignity," and "disgusting queer." Some spit on my food, and I was left alone in one corner.

Every time I tried to pick up something from the floor, I felt pencils, fingers trying to penetrate me.

Things got worse and worse.

The school bathrooms were a place for the boys to gather and smoke and I was scared to go there. I had heard that other homosexuals had tied up their penises so that they did not have to go to the bathroom, so I tried to do the same. The walls and the doors of the bathroom were full with my name and telephone number. At night, I would try to wash it off and my hands would hurt.

Meanwhile, I saw the pictures of gays who were arrested because of their homosexuality on the cover of the nationwide daily newspapers. The headlines were "The End of a Queer, Homosexual Hunt," I still remember the pictures. They were dropped on the floor, beaten by metal covered truncheons and their heads were forcefully shaved. I still remember one particular picture of a transsexual whose breast implants were beaten out, covered all over with blood because of the torture.

I knew what would happen to me if I admitted my homosexuality. I put books on my head so I could walk better, I tied my wrists up with wood pieces so I would not look like a sissy. I cried day and night, I prayed day and night so that they would stop abusing me.

There were so many incidents that caused me a lot of pain. I started to cut my arm with a bread knife in the shower, then used salt. I screamed, I yelled, I hit my head from one wall to another. I tried to kill myself three times. There was nobody I could talk to.

In the school, many teachers including the president of the school knew exactly what was going on. The president even invited me to her room and asked me if I was mentally ill. She implied I was homosexual. I was kicked, beaten, slapped in the face and insulted by her many times.

I prayed. I was the only one who openly prayed five times a day like Muslims do. While I was praying, I was kicked and washed by cold water in the winter time. I was told, "You are a faggot. God will not forgive you, you are wasting your time."

They took my money from my wallet and said, "You are a faggot, you can find the money from someone." They were trying to say that I could make money by selling my body. They even came to my house when I was alone and sexually harassed, then robbed me.

Just like me, gays in Turkey are raped often by the police and the society. The police arrest gays, beat them up with metal covered truncheons and torture them. The Turkish government approves of the torture and doesn't allow us to speak out. Gays are in fear all the time.

When I was 18, I came to the United States as a student. I started to realize what happened to me and what is happening to the others was and is not supposed to happen.

So I came to the point when I said, "The hell with culture, the hell with tradition."

I became an activist. The anti-terror law in Turkey says, "anyone who speaks against the country in or out of the country can be arrested." Knowing that most writers, journalists, and human rights activists are imprisoned in Turkey, I decided to apply for a political asylum in the U.S. based on my homosexuality. Last year I was granted political asylum.

While seeking asylum, I researched and found a lot of information about the persecution of gay people in Turkey.

In 1989, during a police raid on the houses of homosexuals, a 17 year-old gay boy committed suicide by jumping from a sixth floor balcony in order not to be tortured by the police chief who had tortured him before.

A Turkish gay leader, Ibrahim Eren, gave a press conference in 1990 and he said that the same police chief had beaten transsexuals. The police chief then stomped on their chests until their breast implants were forced violently and bloodily through the skin.

Recently, a gay festival designed to draw attention to gay and AIDS issues was banned by the central government because, "it is against Turkish culture and public morality."

Just like I have, gays in Turkey experience cruel, inhuman attacks from the government. We can't do anything. Gays who report police torture are silenced or tortured more and more. The Turkish government meanwhile does a great job of denying and covering up all this torture.

We have to tell the Turkish government that it is not OK to attack, torture, and kill anyone just because they are gay.

SENATE—*Monday, August 31, 1998*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, You alone are the Sovereign of our beloved Nation. In You we place our trust. You are the Source of our blessings, the Author of our liberty, the Guide for our future. Thank You for this sacred Chamber in which the women and men of the Senate seek to know and do Your will. Fill it with Your holy presence and the minds of the Senators with Your wisdom. You have promised in Scripture to heal our land if we humble ourselves, confess our dependence on You, and earnestly seek a renewed relationship with You. We claim this promise in this troubled time in our history. Grant the Senators a special measure of profound inner peace so that they may be peacemakers during times of tension and conflict. We put You and Your righteousness first, above anything, with the assurance that You will give us exactly what we need in each hour.

Father, we thank You that the Senate is a family. As such, we join with Senator KENT CONRAD and his staff in grief over the untimely death of Chief of Staff Kent Hall. Be with Kent's wife, Michelle, and their children, Caiti and Austin, in this time of need. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, it is good to see you again, looking in good form. I welcome back all our Members and staff. I hope everyone had a peaceful and restful August recess.

Now we will begin the final stretch of the legislative session of the 105th Congress, as we work to complete action on appropriations bills and a number of other important pieces of legislation.

I think our goal should continue to be to keep our commitment to the budget agreement of last year, stick to the caps we agreed to, preserve the surplus, and see what we can do to return taxes to the people who have worked and earned those taxes.

We have a number of other issues, obviously, that are very important—agriculture issues, education, bankruptcy reform. So we have a lot of work to do—missile defense, the defense of our country. I am very concerned, as I have said in writing to the President and my communications to the Pentagon. I am very worried that we are seeing a deterioration of the morale and the readiness of our military. Of course, there are many foreign policy issues that we will need to address—and all of this in only about 5 weeks or so.

As a part of that, of course, this week we will take up the foreign operations appropriations bill. We expect to be on that issue Tuesday and Wednesday. We would like to finish it up Wednesday night if at all possible. We will have to count on the Members to work with us in trying to get identification of amendments that will be offered.

I hope Senators will reduce the number of amendments that they are offering on these appropriations bills. In July, it seemed as if every appropriations bill had 100 amendments. It was difficult, on both sides of the aisle, to work through all those amendments. I hope we will have a limited number of amendments and can complete that work.

For today, we will be in a period of morning business until 1 p.m. Following that, we will turn to the consideration of any legislative or Executive Calendar items that can be cleared for action.

As a reminder to Members, there will be no rollcall votes today, but throughout the August recess I continued to hear from Senators, saying, "How about it, are we really going to work that first week in September?" The answer is absolutely yes. We are going to be working seriously Tuesday, Wednesday, Thursday and Friday. We will begin by having our first vote at 9:30 a.m. on Tuesday, on the adoption of the conference report to accompany the military construction appropriations bill. We expect Tuesday afternoon or Tuesday night, perhaps Wednesday morning, to have a vote on the low level waste disposal issue. And we expect votes on amendments with regard to the foreign operations appropriations bill. We could have votes on cloture or clotures before the week is over, and we could, of course, have votes if they are called for with regard to Executive Calendar items.

I want to assure Senators, not only will we be having votes; I am going to make sure we have votes, probably more than normal, just to bring the point home clearly that Senator DASCHLE and I have kept our word to Senators this year. We told Senators in January this is when we will be in, having votes, and this is when we will be out. So far we have kept our word to the day on every one of those, both when we would be in and when we would be out.

So this is going to be a busy week. I know it takes a little time to get up and running again after you have been gone for a few days or a few weeks, but it is important that we make progress this week. Of course, next week we will not be in session on Monday because that is Labor Day.

I believe that is all I would have to say at this time, Mr. President. I look forward to meeting with leadership on both sides of the aisle this afternoon or tomorrow, and I will be talking to Senators about the need to be here and debate amendments and to have legislation prepared to be brought up for them. I do want to say that I expect to file a cloture motion on missile defense sometime soon, and I do expect to file a cloture motion, probably on Friday, with regard to bankruptcy reform.

So those are two issues that will at least begin to be considered this week, even though we may not be able to complete them until next week.

I yield the floor. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO KENT HALL

Mr. CONRAD. Mr. President, my Senate family suffered a tragic loss Friday night. My Chief of Staff, Kent Hall, passed away suddenly and unexpectedly. I have lost a dear friend and a trusted adviser. North Dakota has lost a strong and able advocate.

Kent Hall worked for me my entire tenure in the U.S. Senate. I can still remember my job interview with him in 1987. It took place in my makeshift office in the Hart Senate Office Building. I had a jelly doughnut sitting on my desk, and Kent commented to me as we began the interview that if I ate a doughnut every day I would gain 25 pounds in a year.

Along with his terrific sense of humor and his assurance, Kent brought with him a remarkable ability to analyze events. He was trained as an economist and he was always calm, even in the most difficult of circumstances.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Kent Hall drafted the first speech that I ever gave in the U.S. Senate. It was entitled "For North Dakota's Future and America's Future." It was about the policies that would be necessary to stabilize the commodity-driven income of a State like North Dakota.

Although Kent began in my office as my chief agricultural aide, he was later promoted to Legislative Director and then to Chief of Staff. Throughout his twelve years with me, he always gave a thorough and complete analysis to whatever problem was before us.

Kent was interested in issues and he was interested in improving conditions for people. That is what motivated him, that is what drove him. He was especially interested in farm families because he had grown up on a farm in Iowa and he had relatives who were still on the farm, so he had a special understanding of their needs. He had special expertise in agricultural economics.

I can remember very well Kent Hall working all night, during the drought of 1988, to devise a disaster assistance formula that would be most favorable to North Dakota. Kent was a perfectionist, and he was ready to do whatever it took to get things right. He was so committed that he was willing to stay up all night to make sure that what we were doing would get the job done. That was Kent Hall.

I remember him staying weekends and holidays during the flood disasters of last year. In fact, during that entire year I think he took one day off. I remember him working this year as the agricultural crisis spread across our State, working unceasingly to help our farmers.

More than that, though, Kent had a special way about him. He brought a calmness to an office. He brought a calmness to a situation. He had a twinkle in his eye because, as he always liked to remind us, he was an Irishman. So today he would want us to think about the good things and to celebrate his life.

This morning we had a chance, with Reverend Ogilvie, to share with the members of my staff and his widow the life that Kent Hall lived. He lived life fully, he loved life, and, most of all, he loved his family. He leaves behind two young children. He leaves behind a wonderful wife.

Even his marriage was not uneventful. He married Michele Reilly, who works for Senator HARKIN, in March of 1993. I don't think anybody will forget that day. It was the worst snowstorm in 20 years. It shut down the entire city, but Kent Hall was undeterred. No snowstorm could stop Kent, and that wedding went on. Many friends celebrated it.

Their wedding, in fact, occurred very close to St. Patrick's Day, which was almost like a holy day to Kent Hall. I still have staff who remember the St. Patrick's Day parties at his home. There was always green beer, and lots of it, and everyone was welcome.

The births of Kent and Reilly's two children, Caiti and Austin, were the highlights of his life. He talked about them all the time. My staff and I always knew when they had said their first word, taken their first step, or even if they just kept Kent awake during the night.

Those of us who knew and loved Kent Hall will miss him terribly. Our thoughts and prayers are with his wife and children today and in the days to come.

I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I join my colleague and friend, Senator CONRAD, in paying tribute to a friend of mine—for over 25 years now, a fellow public servant, a fellow Iowan. It was perhaps one of the saddest phone calls I ever received in my life when I was notified Saturday morning that Kent Hall had died Friday night. He was a young man in the prime of his life. It just was a terrible shock.

There are no words to convey to his family and his many friends the shock and the disbelief and the sadness that I feel about this great loss.

Kent Hall, as I said, was a friend of mine for 25 years. Kent first came to work on my first congressional campaign in 1972. Both of us had been in the military. He had served in Italy. We both felt it was vitally important that we bring the Vietnam war to a swift conclusion. Too many of our friends had lost their lives in Vietnam. We saw the futility of it. So much of our campaign in 1972 was directed at the war. That s why Kent was one of my principal campaign workers that year.

He was a student at Iowa State University then. We did not win that election, but I did fairly well. We stayed at it, and I ran again in 1974. By then, Kent was in graduate school at Iowa State and then became a full-time campaign worker on my 1974 campaign, and we won that election.

He was just a tremendously hard worker. He was very good at getting people involved, especially a lot of the students at Iowa State. Kent even got some of the local high school students involved in the campaign. He inspired them, he got them involved, and he really represented the best of what it means to be in politics. There was never anything underhanded or dirty about Kent. He was just out there knocking on doors, getting the information out, and registering voters. Kent was very, very good at that. He was one of my best campaign workers.

After that election, Kent joined my staff in Ames, IA, where Iowa University is located. He and I also shared the fact that we both came from very small towns. He came from Lamont, IA, in Buchanan County. I always kidded him that he was from a big town. His town, I think, had about 500 people and one stop light. My town of Cumming had about 150.

After I was elected in 1974, I remember talking with Kent about the fact that we were from small towns and no politician had ever visited our towns. A Congressman or a Senator was somebody who might go to Des Moines or Cedar Rapids but never came to small towns. We hit upon this idea of taking our office out to the small towns. I believe that Kent Hall was the first person to do that in Iowa.

As a congressional representative, he would go out and have open office hours in towns of 100 people, 150 people, 200 people. He would go to the post office, or if there wasn't a post office, the American Legion club, maybe a church basement, and have office hours in all these small towns around the district so that people who couldn't drive all the way to the district office would come and see him. It was a great outreach program. He initiated that, he started that in Iowa.

Kent also did my community development work, rural housing, rural water programs. He initiated some good programs for people living in small towns and communities at that time. Again, it was because Kent felt very strongly that Government—whatever else Government's functions are constitutionally—ought to be helping make life better for people who live in rural areas and small towns who do not have the access to the resources of those who may live in our bigger cities. He was always greatly interested in extending Government out to people who live in rural areas.

After his great work in Ames, Kent then came to Washington and received his doctorate degree in economics at George Washington University. He was a great economic thinker. During the 1980s, Kent was on the House Small Business Committee staff, and I had since come to the Senate in 1985. During some of the tough debates—the 1985 farm bill debate, the 1990 farm bill, and in between we had a credit bill we had to work on—I can always remember asking for Kent Hall's advice on a farm bill and especially on farm economics and agricultural economics. He really had an understanding of the economics of rural America and agriculture and small businesses and small towns that I found absolutely invaluable.

After that, then, of course, he joined the staff of Senator CONRAD of North Dakota. I listened to Senator CONRAD speak very eloquently about his association with Kent Hall.

Several years ago, Kent began dating a woman in my office from Algona, in northern Iowa, by the name of Michelle Reilly. They got married in 1993 and had two small kids—Austin, who is now about 2, and Caite, who is 4. So his death leaves two small kids.

I want it to be known that Kent Hall was a wonderful human being, a personal friend, someone I admired and someone I regularly consulted on a lot of different matters—mainly agriculture and agricultural economics. Through it all, Kent remained a fine man.

A lot of times people live and then they are gone and you wonder what it all meant, especially when someone dies as young and as abruptly as Kent.

I am reminded of what John Kennedy once said when he was President. He was asked how he would like to be remembered after his passing on, whenever that would be. He responded with something I have never forgotten. He said "the highest"—I may not have the words correct, but basically he said:

The highest honor that can be given to a person is just to be remembered as a good and decent human being.

If we use that as the highest tribute we can give to any person, that they are remembered as a good and decent human being, then that tribute certainly belongs to Kent Hall.

He meant a great deal to his country. He meant a great deal to all of his friends, a great deal to Michelle, his wife, and to his two children. He meant a great deal to this Congress and this Senate. But above all this—above it all—we will always remember Kent Hall as a good and decent human being.

To Michelle, Caiti and Austin, to his parents Kenneth and Evelyn, to his brothers and sister back in Iowa, to all his many friends, my wife and I and our family extend our deepest sympathies. And we will always remember Kent Hall for the kind and decent human being that he always was.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would like to join this tribute to Kent Hall, following on the remarks offered by Senator HARKIN from Iowa and my colleague, Senator CONRAD from North Dakota.

I knew Kent Hall, who was Senator CONRAD's chief of staff, for 12 years in the time that he had served North Dakota and served with Senator CONRAD. I was shocked to learn Saturday morning that Kent had died Friday evening in his sleep.

I know how difficult it is for his family right now. I know how difficult it is for Senator CONRAD and his staff, the extended family that worked with Kent Hall and served with him in the Senate.

We lead busy, fast-paced and challenging lives here. Kent Hall was a part of that. We, from time to time, I suppose, forget to tell people what an integral role people like Kent Hall play to make this system of ours work. Kent Hall was smart, was tough, and yet had a great sense of humor. He was a quick study. He worked very hard. He always had a twinkle in his eye. He was quite an extraordinary man.

He always, to me, had a certain dignity about him as well. When Kent was around in a meeting or with a group of people, he was always the one who had that certain sense of dignity. Yes, he had the sense of humor, but he had a sense of dignity that was unusual as well.

The last time I talked to Kent, I guess it was a couple of weeks ago before the August recess, and what we talked about then was what he talked about a lot—it was his children. We talked about our children. He leaves behind two young children. And we talked about them.

I know how difficult this must be now for his widow and his children. Kent Hall was a young man with a young family. He had an enormous commitment to that family. He also had a commitment to our State and to our country. That commitment was a commitment that was manifested every day in every way in his public service to all of us.

So today I express my sorrow and my sympathy for the passing of Kent Hall.

Emily Dickinson wrote a poem called "Because I could not stop for Death." I want to read two verses of it.

> Because I could not stop for Death,
> He kindly stopped for me;
> The carriage held but just ourselves
> And Immortality.
>
> We slowly drove, he knew no haste,
> And I had put away
> My labor, and my leisure too,
> For his civility.

It is very, very hard, for those of us who have seen too many at too young an age leave us, to understand any civility in a death like the death of Kent Hall. But I hope that his contributions, as a family man and as a public servant, will be known to his family and his children by these remarks and by other words that will be spoken in the coming days.

His children, I believe, are age 4 and 2. And I hope they will someday understand that their daddy was a very special man. Their father contributed to their family and their country in a very important way. And those of us who were privileged to call him a friend will miss him dearly.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask that I may proceed as in morning business.

The PRESIDING OFFICER. The Senator may proceed.

A BIENNIAL BUDGET FOR THE FEDERAL GOVERNMENT

Mr. THOMAS. Mr. President, all of us have been various places during the recess. I have been back in Wyoming listening to people and to a number of things that people are concerned about. We are back now, basically, to spend this month, I suppose, almost totally immersed in the appropriations process, which we must do. I have been interested for some time in making some changes in that process. It seems to me now to be appropriate, perhaps, while we are into it, to talk about the possibility of changing a bit.

What are some of the things we are going to have confronting us now? First of all, we have talked about appropriations, in most years, for about 40 percent of the time. About 40 percent of the time the Senate and House spends in session is spent on appropriations. During this last period of time, we will be confronted with trying to move quickly to complete that work, which has to be completed, of course, for the Government to go on. And that is OK. But as part of that, we will see a great deal of nongermane amendments being put onto appropriations bills, which really have nothing to do with appropriations. They are put on there partly because the year is nearly over, and if they are going to happen, they have to happen now.

Often it is easier to move an appropriations bill with an amendment than it is a freestanding bill. We will be confronted again, I suspect, by the administration threatening, where they don't agree with the Congress on the payments in certain areas and appropriations for certain areas, that they will close down the Government and blame the Congress. We have to guard against that. It is not the intention of the Congress to close down the Government—nor was it several years ago. But that is the pressure that is used. So what could we do to change that?

It seems to me that we ought to consider going into a biennial budget process—a process in which every 2 years we would spend our time on the budget. We would budget for a biennial time and have the remainder of the time to do the other business of the Congress. I am persuaded that the Congress spends too much time on budget issues.

One of the really important things, after the budget is completed, is for the Congress to ensure that those programs that have been funded and the money that has been spent is spent as efficiently as possible, spent in the way in which the appropriation was designed and for the purpose for which it was designed. That doesn't always happen. So oversight, it seems to me, is certainly one of the more important things Congress has to do. We have relatively little time to do that.

We don't always complete our work. Since 1997, we have had 60 continuing resolutions. That means that we didn't complete the appropriations and that we simply continued what had been done in the past. As I mentioned before, we have devoted roughly 40 percent of our time to budget resolutions, reconciliation and appropriations. We have too many repetitive votes on the same issues. There are lots of things for the Congress to do and lots of things that the Congress has a responsibility to do. Many of them, I think, are neglected because we spend too much time each year on appropriations.

There is not enough time for vigorous oversight. We continue to let inefficient and inappropriate programs continue. One of the other things that brings it to mind—and I am sure the Presiding Officer had the same experience at home—is when you hear about all these programs being operated in quite a different fashion than was the concept of the legislation, and that is part of our responsibility in Congress.

In the last Congress, I introduced a bill that creates a 2-year authorization for appropriations and budget resolutions—partly, I suppose, because of my experience in the Wyoming legislature in which we operated with biennial sessions. Most States operate with biennial appropriations, as a matter of fact. One of the arguments against it, however, is that some of the States are going to annual appropriations. I will tell you why. They are going to annual appropriations to be consistent with the Federal Government, and there is so much Federal funding, it is difficult. If the Federal Government would do it, I think you would find these States going back to it, and it would eliminate some of the redundancy in budgeting and help to reduce the size of Government, and I think it would help put a bridle on unchecked Government spending. It would encourage agencies and executive branch agencies to plan for longer in the future. And I think it is difficult for an agency to have to plan one year at a time when they are doing longer term projects. They can be useful for them as well. They could help Government do it with Federal grantees to do it.

The author of the bill, Senator DOMENICI, has introduced bipartisan legislation with the bipartisan support of 35 of our colleagues. It passed the Budget Committee and the Governmental Affairs Committee, and is pending on the Senate calendar.

Bipartisan support has been expressed by Senator LOTT, Senator DASCHLE, leaders of both sides of the Senate, and Vice President GORE and the OMB Director have all expressed support for biannual budgets. A limited time has elapsed. I suspect it is unlikely that it will pass, which is part of what I am talking about. Now we are jammed in here for 4 weeks. The leader spoke this morning about how difficult it will be to do all of the things that have to be done. As I recall, the budget is supposed to have been pretty well done by now. It is supposed to move along on a schedule. We, of course, seldom, if ever, live by that schedule. So we are in our annual sprint to avoid a Government shutdown.

I urge my colleagues to consider some reform of legislation that would change what we do. I think there is great merit in doing it. It is not a new idea. Certainly it is not a cure-all of all Federal Government ills. But it is a process that perhaps would be helpful.

Processes are hard to change in this institution. And I respect that. There should be a reason to change things. I am a little discouraged when you talk about making things work a little better when the response often is, "Well, we have always done it that way." That is not a very good response.

I think we could save time. I think we could save money. I think we could manage better. I think we could allow ourselves to do the things that we need to do.

I suspect, frankly, that one of the reasons there is opposition is that those people and the appropriators have a little more power to exert each year rather than every other year by being on this committee and helping to decide where money is spent. That is one of the realisms of it. On the other hand, there are a lot more people who are not on the appropriations committee than there are on the committee. So that should not keep us from doing it.

This, as I said, would not be a panacea but certainly would be a step in the right direction of what we seem to constantly talk about, and I hope constantly seek; that is, a more efficient operation, a more effective operation by spending less taxpayers' money. It seems to me that this is one of the ways to do that.

I hope we consider it. If we don't get it done this time, we ought to bring it up early in the next session. We ought to bring it before both the House and the Senate and streamline the way we appropriate the funds for the programs in Congress.

Mr. President, I thank you. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. KYL. Mr. President, Thank you.

U.S. POLICY TOWARD IRAQ

Mr. KYL. Mr. President, I thought I might take just a moment to speak to the issue of the policy of the United States of America toward Iraq and Saddam Hussein.

In the month or so that the Senate has been out of session, there has been a significant series of developments which cause me considerable concern about the direction of the administration's policy—or not policies, as the case may be—and the requirements of the Senate to act in accordance.

The President will recall that about 7 years ago the entire country was fixed on the problem of Saddam Hussein's invasion of Kuwait and strongly supported the action of the President—at that time President Bush—to first engage in what was called Desert Shield and then later Desert Storm; the militarily significant rollback of the Iraqi forces in about 100 hours. I visited Saudi Arabia as that buildup of American forces was occurring. It was unprecedented really since the time of the Vietnam war. The success of the operation was one of the great successes of U.S. military history.

I remember the parades all across America when our troops returned home. We were very proud of what we had done. We had turned back a difficult dictator who had engaged in unspeakable horrors against people in Kuwait, against the environment, and really against the rule of international law.

We had disengaged from Iraq because the President had succeeded through the efforts of General Norman Schwarzkopf and the Secretary of Defense—at the time Richard Cheney—and Secretary of State Jim Baker to force Saddam Hussein into an agreement that would forever bar him from developing weapons of mass destruction, or the means to deliver them. That was an agreement that Saddam Hussein willingly entered into, although one could say it wasn't too willingly because we had about 500,000 troops in his country at the time. But the deal was we will stop now if you will sign this agreement; otherwise we will have to continue our military operation. Saddam Hussein wisely decided to sign an agreement with the United States. That agreement was to allow U.N. inspectors to ensure that Iraq was not developing weapons of mass destruction, and that it would destroy the stocks that it had developed.

We know that for the first few years world attention was focused on Saddam Hussein because of what he had done. The United Nations was focused on supporting and enforcing those inspections, and the United States on a couple of occasions either took or threatened to take military action to force Saddam Hussein to comply with his part of the bargain. America was united in that position. Now, the Bush administration policy at the time was called a policy of containment. The effort was not to get Saddam Hussein out of power per se but, rather, to prevent him from doing any damage to neighbors. But a concomitant to that policy was to ensure that he did not have the capability of causing his neighbors problems by virtue of the U.N. inspections.

Slowly, over time, after the Clinton administration took office, that policy evolved. Now, they continued to call it containment, but a critical component of the policy was missing—the policy that denied Saddam Hussein the ability to conduct military operations against his neighbors—because over time the administration became less and less willing to ensure that the inspection regime called for under the agreement was actually carried out. UNSCOM is the name by which we know this, the acronym of the United Nations inspection regime. And the UNSCOM inspections eventually became very big news because Saddam Hussein saw that from time to time he could thwart the inspectors, prevent them from doing their job, and cause the United States to have to build up military forces in the region. And about the time we would spend a lot of money and effort and time to get these military forces in place, then he would agree to strike some kind of a deal. And as soon as we then brought the force level back down again, he would break the deal, and we would have to do the same thing all over again. He was jerking our chain.

This administration, however, failed to develop a strategy to deal with that. Many of us in the Senate, through meetings with members of the administration, through correspondence, and through public hearings and statements, have tried to get the administration to focus on a long-term strategy that would have as its ultimate goal not containing Saddam Hussein but eliminating Saddam Hussein. No one believes that this is easy. It is a long-term project, and it takes a real commitment. This administration has not been willing to make that commitment.

In February of last year, the administration again built up forces because again Saddam Hussein had refused to allow the inspectors to do their job under the agreement that he had made. Many of us in the Senate were concerned that if the administration simply lobbed a few cruise missiles into certain Iraqi facilities, it would be antithetical to our long-term goal. It would not do anything to ensure that the inspectors could do their job. It would probably kill a lot of innocent people. It would turn world opinion against the United States. And we need the support of our allies, support that we used to have when the Bush administration worked to get that support. But most importantly, military action would not be in furtherance of any particular strategic policy. It would waste money, it would not achieve anything, and in the end we would still have an empty policy.

The administration continued to insist that our policy was one of containment. But containment is no policy if, in fact, you are at the same time allowing your opponent—in this case, Iraq—to build up military forces so that when they want to strike, they have the capability of doing so. And because we don't have forces in the area sufficient to stop aggression, again, it would have to be a reaction on the part of the free world in response to aggression by Saddam Hussein rather than preventive action to begin with.

And so as time went on, the Iraqis continued to snub their nose at the United Nations inspectors, probably building up the capability to produce weapons of mass destruction and also to develop the missiles, or produce the missiles to deliver those weapons.

The inspectors then have reported back to us. Richard Butler, who heads UNSCOM right now, and others have said that if we stop those inspections, it is only a matter of time before Iraq can develop the capability of producing these missiles and either has now or could quickly develop the chemical and biological weapons that would be necessary to threaten or cause harm to their neighbors. So the inspections are a key component of any strategy, including a strategy of containment. And it does no good to have a strategy of containment if you don't enforce the inspection regime called upon by the agreement with Saddam Hussein 7 years ago.

Recently, Scott Ritter, a well known inspector on the UNSCOM team, has resigned in protest, and the reason, Mr. President, is because he has said that U.S. officials, including the Secretary of State, Madeleine Albright, have thwarted the inspections by specifically putting conditions on U.S. involvement with the inspectors and by conditioning the time, the place, and manner of inspections.

Now, this is all wrapped up in diplomatic speak. The administration has flatly denied this is true. The administration, frankly, in this respect is not telling the truth, Mr. President. If Scott Ritter is to be believed, restrictions have been placed upon the American involvement in the inspections of these facilities. And it has been done because the administration doesn't want to have to follow up on what the inspections will demonstrate; namely, that action needs to be taken against Saddam Hussein.

Or, failing that, if Saddam Hussein says, "I am not going to allow you to inspect certain facilities," the administration will then be forced with the option of either doing nothing or of having to take some kind of action. And since the administration is unwilling, apparently, to take any kind of action, it therefore has to select the option of doing nothing. But it obviously cannot be perceived as doing nothing, so instead it sweeps the problem under the rug, says, "We don't see any problem with Saddam Hussein." And of course you don't see any problem if you have your eyes closed, if you are not engaging in any inspections, or you are not allowing your inspectors to engage in the key inspections.

Frankly, Mr. President, the administration's duplicity in this regard is something that the Congress should not permit and the American people need to be aware of. We ought to have the truth from the administration. Have we changed our policy with respect to Iraq? Have we decided not to enforce the agreement anymore? And what are the implications of this policy?

Scott Ritter has laid forth his allegations. The administration has responded simply with denials. And yet there are enough sources who confirm Scott Ritter's allegations to cause me to believe that the administration's denials are false, that in fact Secretary of State Albright has, in one way or another, discouraged the American inspectors from inspecting key facilities that the inspectors believe need to be inspected because of what would be revealed.

So, Mr. President, here is where we are now. After the agreement that Saddam Hussein entered into, in which he agreed to allow inspections to ensure that he did not develop the capability to pose a threat to his neighbors, part of the containment policy—as a result of that agreement, the United States had enforced for a period of years the inspection regime through UNSCOM—we are now no longer doing that in practice. It is now a charade.

The reason it is a charade is because we don't want to face the consequences of either, A, being denied the ability to engage in the inspections or, B, finding something we don't want to find, because in either event we would have to do something, and this administration is frozen into inaction in dealing with Saddam Hussein. If they can lob a few cruise missiles at a problem, as they did against the terrorist Osama bin Laden 10, 12 days ago, then they can say they have taken action.

But that is not enough in dealing with Saddam Hussein. He is more clever. He knows that we lack patience. He knows that if he defies us long enough, eventually our allies will desert us because, A, we don't have the capability anymore of keeping the coalition together and, B, the American people will get tired of the issue and no longer be willing to support the kind of military action or long-term action that would be required to oust Saddam Hussein.

The result of this is that the United States has, in fact, changed its policy with respect to Iraq without telling either the Congress or the American people. It apparently no longer intends to enforce the agreement that George Bush and his administration insisted Saddam Hussein make.

The implications for peace in the world are significant, because when Saddam Hussein has been able to build up his weapons of mass destruction to the level where he can cause significant damage, he will either do so or he will threaten to do so. At that point, his capability will cause a lot of countries in the world, especially those close neighbors who fear that kind of activity on his part, to back off of any opposition to him. His neighbors are relatively unprotected and, not believing the United States is a reliable ally to protect them, they will accede to his demands. Then, rather than having one or two countries in the Middle East that we have to contend with, we will have one or two belligerents and a lot of neutral parties who no longer cooperate with us in restricting his activities and his aggression and his terrorism.

We need these countries in the fight against terrorism. I am very concerned that by backing off of the enforcement of the agreement against Saddam Hussein we will have permitted terrorism to further its goals in the Middle East and around the world, especially against Americans; and will have advanced the day when Iraq decides to engage in yet another form of aggression.

I think it is a sad day when not only do we see U.S. foreign policy in tatters, in shambles, with respect to a country that we know poses a threat to us, but an administration which is unwilling to come clean on its policy. I know these are harsh words, but the fact of the matter is the administration has not leveled with the American people on this problem. I believe that Scott Ritter is essentially correct in his assessment of the situation, especially the administration's decision to pull the plug on the inspections in any meaningful way. As a result, I think this matter deserves airing in the Senate, in the House, and before the American people. I expect, either as chairman of the Judiciary Committee's Subcommittee on Terrorism or as a member of the Intelligence Committee, I will ask the administration to explain its position. I think the Senate will probably have to take some action before we adjourn in October to ensure that this country has a strong policy with respect to one of the rogue nations of the world.

In conclusion, when discussing this in my home State of Arizona this last month, one of my friends said, "Isn't it the obligation of the President to conduct the foreign policy and shouldn't the Congress leave that to the President?" The answer is, as I said, as a general proposition, yes. But when an administration is frozen into inaction for one reason or another, whether the President is being distracted by other matters or whether it is simply too hard a problem for the administration to want to deal with, then the Senate, in its historic role as a partner in the administration of foreign affairs, needs to insert itself into the equation. To the extent we need to influence the development and execution of foreign policy in this area, the U.S. Senate will have to be involved.

I would rather the administration develop a policy and a strategy and execute it with the cooperation of the Senate, but if the administration is unwilling to do that, then the Senate will have to get involved. It is not a happy day to have to talk about this kind of thing in this way. We would much rather cooperate with the administration. I hold myself out to be willing to do that at any time and any place. But the administration has to come clean with the American people on what its strategy really is in dealing with Iraq. Until that statement of strategy has been laid out in an honest way, the Senate is going to have to involve itself in this issue.

I hope and pray we will be able to maintain peace in the Middle East and that we will be able to contain Saddam Hussein, but it is going to require commitment and will, not just of the American people, but of the American Government. I am hoping in the next few weeks we can help develop the policy so, between the administration and the Congress and the American people, we will jointly, together, unify and be able to confront this threat to peace in the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I welcome back the distinguished Presiding Officer and our staff on the Senate floor and hope that you all had as enjoyable an August recess as I did.

I want to talk about three things this afternoon. The first is to express how saddened I am with the loss of a very key member of the staff of Senator KENT CONRAD and somebody whom I knew and respected quite well.

Secondly, I would like to talk about the agricultural situation in my State of South Dakota that I spent a good deal of time talking about as I was home.

And then obviously, thirdly, I would like to discuss the agenda at hand and what my expectations and hopes are for the remaining 6 weeks of this session.

TRIBUTE TO KENT HALL

Mr. DASCHLE. Madam President, just before Congress left for the August recess, we suffered a staggering loss in our "Capitol Hill family"—the deaths of Detective John Gibson and Officer J.J. Chestnut.

Today, as we returned to our work here, we learned that we have suffered another loss in our family.

This past Saturday morning, Kent Hall died in his sleep. Kent was chief of staff for my colleague and friend, Senator KENT CONRAD of North Dakota.

Outside of Congress, his beloved family, and his many friends, it's likely that few Americans ever heard Kent's name. But millions of Americans benefited from his years of hard and conscientious work in this body.

Kent Hall was a rare man—a Renaissance man. He held a doctorate in economics and philosophy. He loved ideas. But he also loved the nitty-gritty of politics, and policy.

And he loved this institution, this Senate. He was honored to work here. And we were honored to have him.

He first came to the Hill to work for TOM HARKIN. He joined Senator CONRAD's staff as agriculture advisor in 1987, the year Senator CONRAD came to the Senate. He later went on to serve as Senator CONRAD's legislative director and eventually as his chief of staff.

One of Kent's great passions was the federal budget. He believed America's budget should be balanced not only economically, but morally as well.

So he fought for budgets that would enable working families to share in these good economic times, budgets that would extend the benefits of this economy beyond Wall Street, to Main Street. He fought for budgets that would allow working parents to take their children to a doctor when they're sick, budgets that would enable parents to find good, affordable day care, budgets that would allow parents to send their children to good schools—and after that, to send them on to college.

Kent had a special place in his heart for people who live close to the land—farmers and ranchers and the people who grow up in the small towns of rural America.

He grew up in one of those towns: a little farm town in Iowa—population about 600. And though he left that town long ago, he still kept it close to his heart.

Farmers and people in farm towns all over America have lost a good friend, and an extraordinary advocate. We are grateful for Kent's diligent work on: disaster relief and farm-crisis relief.

And we extend our deepest sympathy to Kent's wife, Michelle, who works for Senator HARKIN and to their two small children, 4-year-old Caitlin—"Caiti"—and 2-year-old Austin, both of whom he loved even more than he loved this place.

We also offer our condolences to Kent's father, Ken, and his mother, Evelyn; his brothers, Mel and Michael; his sister Cheri; and his many nieces and nephews. Our thoughts and prayers are with them, and with all the members of the Conrad and Harkin staffs, who are feeling this loss more deeply than probably any member of the "Capitol family."

Like Detective Gibson and Officer Chestnut, Kent Hall died too young. He was only 52 years old. But his legacy will live on—in his two little children and in the ideals he believed in so passionately, and fought for so hard, and helped transform into law.

We will miss him.

THE NATIONAL AGRICULTURE CRISIS

Mr. DASCHLE. Madam President, in July, less than a month and a half ago, the Senate voted unanimously on a resolution to declare there is a national crisis in agriculture, that we needed to take immediate action to address it.

Following the unanimous passage of that resolution, we passed several amendments to the agricultural appropriations bill designed to address the problem. We passed an amendment to require mandatory price reporting for livestock. We passed a second amendment offered by the distinguished Senator from South Dakota, Senator JOHNSON, requiring the labeling of imported meat. And we passed an amendment offered by the two hard-working Senators from North Dakota to require at least a $500 million indemnity program for victims of multiple-year disasters.

Unfortunately, we failed to pass my amendment to lift the cap on marketing loans and extend their term by 6 months—which is probably the single most effective way to address the problem of low prices and lost income among grain farmers.

Since we considered those amendments, the farm crisis has deepened very seriously. Over the past 3 weeks, as I visited with farmers and ranchers and rural businesspeople from all over South Dakota, they told me the same story. Many of them simply will not survive the coming months unless circumstances change. Unless we can bring about a better farm economy, a more stable price in most of the commodities now being grown, we will see an attrition in agriculture the likes of which we have not seen in over a decade.

Nick Nemec, a young farmer from Holabird, SD, who testified at a hearing on July 29 on the agricultural crisis, said that when prices go down, his family's everyday expenses go up proportionately. He said, "If the Consumer Price Index was up 40% in one year, there would be riots in the streets of cities all across America. Out in farm country, we just have farm auctions."

I heard that same sentiment over and over again when I was home these past few weeks. We have already seen too many auctions. Our farmers and ranchers are very concerned, frankly, about their survival.

So the circumstances, Madam President, as I report to the Senate this afternoon, are, unfortunately, in worse shape and more precarious than they were just a month and a half ago when these amendments were offered. We must find ways to address the current crisis in American agriculture.

So I put the Senate on notice this afternoon that we will again be offering our amendment to increase the loan rate, to establish some kind of a floor in agricultural grain prices, just as we have on minimum wage across this country now for generations. We need a minimum price, because if we do not have that, all of those stories and all of those concerns can only worsen. The farm auctions will become more frequent.

So I hope we can find, in as bipartisan a fashion as is humanly possible this close to an election, legislation we can all agree upon that will allow us to address the price more effectively, that will allow us to deal with the issues we began to confront in July.

We must pass and sign into law the mandatory price reporting legislation that passed in the Senate. We must pass and sign into law the labeling legislation that was passed in the Senate. We certainly must pass this indemnity legislation and sign that into law as quickly as we can.

What is missing is what will help the grain farmers. And unless we pass that minimum floor, that increase in the loan rate, there is nothing out there that can help the grain farmers to survive what is the worst disaster they have experienced in now more than 15 years.

So, Madam President, as we begin to consider what the agenda ought to be as we come back from a month in our States, I hope everyone understands and appreciates and empathizes with the circumstances confronting America's farmers. I hope that empathy will lead to a consensus about increasing the loan rate and providing the kinds of opportunities to farmers that they failed to achieve when we debated this matter just over a month ago.

THE REMAINING SENATE AGENDA

Mr. DASCHLE. Madam President, we have 6 weeks remaining in the Congress. Those 6 weeks will define our efforts as a Congress. And this is the last matter that I wish to raise before our colleagues this afternoon—the agenda for those remaining 6 weeks.

Time is short. Distractions are many. Needless to say, we must focus on our priorities. Our success for the entire Congress will really depend on what we achieve in the next 6 weeks. It will depend on whether we are committed to accomplishing the people's business.

What is the people's business? I think everyone understands what it is. The people's business is the business that we have before us. Appropriations bills must be completed.

The Congress' first responsibility is to ensure stable Government operations. There must not be talk of a Government shutdown. I have heard some of our Republican leaders, especially on the other side, suggest that the President may shut the Government down.

Today is the last day in August. The budget resolution was due in April. So far, neither body has delivered a budget resolution. So I call upon the Republican leadership in the House and in the Senate to do what the law requires, to do what is so essential to restore confidence, to do what really is required to set the framework for the priorities and the commitments that we must make in these next 6 weeks. I call on the Republican leadership to pass a budget resolution.

Not one single appropriations bill has gone to the President. Republican poison pills appear throughout the appropriations bills. So if there is a danger of a shutdown, we all know where it originates. But it is incumbent upon all of us to keep the Government operating. It starts with the budget resolution. And it will be completed once we pass every one of those appropriations bills, which we must do.

After we complete that task, we must turn our attention to managed care reform. The American people have said loudly and unequivocally that they want a comprehensible, enforceable Patients' Bill of Rights. They want to know that they can go to the nearest emergency room when they suffer a true health emergency. They want to know that they can see a specialist when they need one. They want to know that doctors—not HMO bureaucrats—will decide which treatments are medically necessary. They want to know that managed care organizations, like everyone else in the health care environment, can be held accountable for decisions that result in serious harm or death to patients.

What they do not want—what they do not want—is legislation that falls short on those or other key patient protections. They do not want legislation that claims to give them rights without providing them the mechanism necessary to enforce those rights.

There are those who suggest there is not enough time to debate a Patients' Bill of Rights. I disagree. There are those who would, for whatever reason, try to gag the Senate as we debate this important issue.

Let us eliminate the gag orders and the gag rules. Let us open up this important piece of legislation to a good, healthy debate. Democrats will be prepared to work 24 hours a day to assure that we can have that opportunity. But it is important we set it high on our agenda and our priority list as we complete our work in the 105th Congress. Other than the appropriations bills, there is nothing more important on our national agenda right now than that. The Republican bill, as everybody knows, is inadequate in many respects. We need to pass a bill that merits our support, that merits our signatures, that merits a broad-based, bipartisan commitment to real reform in managed care. We will have an opportunity to do that. And I must say that we will be offering this legislation with whatever determination may be required, and to whatever piece of legislation may be presented, in an effort to assure consideration of this legislation prior to the end of this Congress.

The third issue, beyond the budget and appropriations first, and managed care second, is campaign finance reform. In spite of the Republican leadership's opposition, the House has now passed an important campaign finance reform bill that many thought was impossible to pass just a few months ago. And so the Senate now has the opportunity—a rare opportunity—to enact meaningful reform this fall.

Madam President, we must seize the opportunity to stem the unrestricted flow of special interest money in Federal elections. There is no question that, given what the House has already done, attention will be focused on the U.S. Senate to see if we can live up to the expectations of the American people in this regard. I, frankly, cannot think of anything more important than to take up this legislation—the Shays-Meehan bill—and give it the kind of priority it deserves, to work in a bipartisan way to pass meaningful legislation within the next 6 weeks.

Again, I will put my colleagues on notice that this issue is of such import to us that we will offer it in amendment form, if necessary. I hope that isn't necessary. I hope we can get a good opportunity and agreement to bring it up, to debate it, because it is now here. It has already been debated and passed in the House. Let's do it in the U.S. Senate.

As I have often said, we can pass legislation the easy way or the hard way. I hope we will not be required to pass it the hard way. But Democrats will make every single effort that we have available to us to pass it—hard or easy. There are many other issues that we hope we can address in the short time that we have left.

We must not ignore education. We must recognize that school modernization is essential. As I traveled through South Dakota, it was remarkable the number of times modernization needs came to my attention, the number of times school board members, school board presidents, teachers, superintendents and principals said, "We hope you can pass legislation that will allow us to deal with our crumbling infrastructure." As we speak, young children are going back into unsafe school buildings, into environments that are not conducive to learning. School modernization must be addressed. I hope we can address it this year, this Congress. I hope we can address in this Congress this year the need for 100,000 additional teachers. So as children go back to school, as we consider all of the needs of our Nation, let us not forget the importance of the needs in education.

We must look at Social Security. We must begin to consider very carefully what options are available to us. We must stop any action, whether it is on a tax bill—which I understand will be brought to the Senate floor—or elsewhere, which might jeopardize Social Security. There are those who, for short-term gain—either political or economic—would argue that we have to tap the so-called surplus. We have made the case—and I think everybody understands it—that there is no surplus unless you use Social Security trust funds. I hope that both sides of the aisle will come to the same conclusion about the inadvisability of doing that this year—or any year.

We must look at juvenile crime. We certainly will have an opportunity to debate the minimum wage. The minimum wage is, without a doubt, one of the single most important actions we can take to improve the economic stability and viability of working families in many homes across our country. Madam President, those issues, too, must be examined and action taken before the end of this session.

As we come back after being away 1 month, we also recognize our international obligations. Just this afternoon, the President left for a very important summit with the President of Russia. We wish him well as he departs. We know how precarious circumstances now are in economic and political terms in Russia. We know how difficult this trip will be. I hope I speak for everybody in this Chamber in expressing our hope for great success, with the realization that all we can have are limited expectations, given those circumstances. We must not overlook the need for IMF funding, especially in light of the Russian crisis. We should redouble our efforts to fulfill our obligations to the International Monetary Fund. Terrorism, again, became a very important aspect of foreign policy in the last several weeks while we were gone. We must support efforts to stem it and support military efforts to respond to it.

Arms control issues in Iraq and North Korea must be addressed, and so the array of foreign policy challenges, not the least of which is an important question relating to funding in the United Nations, also must be high on our international priority list.

Madam President, obviously, to accomplish all of these important objectives, we will need to use these 6 weeks wisely, to stay focused on our Nation's needs and priorities. I hope that we can do that. Earlier today, the majority leader suggested that Democrats want to stall legislative business. Nothing could be farther from the truth. To the contrary, we are anxious, as we have been for months, to get on with the Nation's agenda, the agenda that I have outlined.

So speaking on behalf of my Democratic colleagues in the Senate, I welcome back both Republican and Democratic colleagues, and I urge them to work together to accomplish all of this and more. Time is short, the need is great, and our desire to achieve is high. I hope we can meet all of those expectations in the coming weeks.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT

Mr. LOTT. Madam President, today I would like to share a few details about S. 852, the National Salvage Motor Vehicle Consumer Protection Act. As you are well aware, Senator FORD and I coauthored and introduced S. 852 to protect the hundreds of thousands of American consumers who fall prey to unscrupulous auto rebuilders who conceal damage information from prospective car buyers. Equally important are the millions of us who share the roads with previously totaled automobiles and trucks sold as undamaged vehicles. This type of fraud is a national travesty that puts America's motorists and passengers in great peril. It can and must be stopped by this Congress.

S. 852 is the right vehicle for Congressional action. It is a balanced consumer protection bill that has received significant support in the United States Senate. In fact, 54 of our colleagues from both sides of the aisle are cosponsors of S. 852. They recognize that the only individuals who stand to lose from this legislation are the chop shop owners and other charlatans who victimize our nation's drivers by selling them what is tantamount to "garbage on wheels."

The time has come to eliminate the practice of vehicle title laundering, a scam that costs American consumers and the auto industry more than $4 billion each year. And, there are plenty of horror stories where individuals have been injured or killed in a wreck involving a structurally unsafe vehicle that was sold to the unsuspecting victims as undamaged. Every year more than one-half of the 2.5 million totaled vehicles are rebuilt and placed back on our nation's roads and highways. As a result of titling loopholes, crooks and con artists are able to sell many of these vehicles without disclosing the vehicles' damage histories. In some states, as many as seventy percent of all totaled vehicles are sold to unsuspecting buyers with "clean titles." Clearly, the status quo is not working. There are 2.5 million reasons why S. 852 is needed now.

While most states do require some type of disclosure on a vehicle's title to indicate its history, the fact remains that titling requirements vary from state to state. The existing hodgepodge of state laws allows unscrupulous rebuilders to profit from inconsistent state titling procedures. Even when a vehicle has been totaled, swindlers are able to "wash" the titles so they bear no indication of the vehicle's structural damage. This is achieved by simply retitling a severely damaged vehicle in another state so the car or truck's damage history will not appear on the vehicle's new title. S. 852 would help eliminate this type of fraud by requiring accurate information about a vehicle's damage history to be branded on a title, and subsequent titles, for the life of the vehicle.

Let me say it clearly. S. 852 is an anti-fraud, anti-criminal, pro-consumer piece of legislation. I would also like to point out that while S. 852 establishes a much needed uniform standard to protect America's motorists, it does not create a federal mandate. Instead, the bill establishes a uniform baseline. States are free, as they should be, to adopt more stringent disclosure requirements or to choose not to participate at all. Even so, I believe the minimum disclosure requirements contained in S. 852 will go a long way toward protecting used car buyers, automobile dealers, insurance companies and policy holders, consumer advocacy groups, salvage dealers, and everyone who travels on our nation's roads.

This legislation applies to seven model years of vehicles. Those vehicles with a pre-accident value of more than $7,500, regardless of their age, would also be subjected to the bill's branding requirements. I am also pleased to report that Senator GORTON and I recently reached an agreement with state attorneys general, after extensive discussion and negotiation, which authorizes states to cover any vehicle, regardless of age. Consequently, concerns raised about certain vehicles being excluded have been adequately addressed.

The bill contains a number of provisions designed to better inform consumers of a vehicle's damage history. Cars and trucks classified as "totaled" by insurance companies would be identified as "salvage" by state motor vehicle departments. Since totaled cars and trucks are the primary source of vehicles that rebuilders use in their operations, S. 852 provides assurance that virtually all of these vehicles titles will be "branded" with this important information. Participating states are also required to "carry forward" any brands carried on the title from other states. This approach will dramatically limit the ability of deceitful rebuilders to "wash" titles and defraud consumers. Vehicles not covered by S. 852 are those that are repaired under the bill's seventy-five percent damage threshold that are returned to their owners. And, of course, if a state desires, it may provide disclosure for buyers of these vehicles or for vehicles with that have sustained damage of less than seventy-five percent of its pre-accident damage. Thus a state like Minnesota, which requires disclosure when a vehicle has sustained damage to the extent of seventy percent of its pre-accident value, is free to adopt the uniform definitions and procedures in S. 852 and still maintain its seventy percent disclosure requirement. Again, this bill is about ensuring disclosure to consumers. It is not about limiting state actions.

S. 852 also ensures that if a salvage vehicle is rebuilt, it will undergo a theft inspection, as well as any state required safety inspection. A branded "rebuilt salvage vehicle" title must be obtained before the vehicle can be driven on the road and state inspector must affix a permanent sticker on the vehicle's door jamb, as well as a window sticker, specifying that it has been rebuilt, and whether it passed a safety inspection.

Since state law, not federal law, traditionally provides for causes of action and consumer remedies, S. 852 specifically provides that the bill would in no way affect actions or remedies available under state law. It has never been asserted that consumer remedies in any state are inadequate to protect their citizens. Instead, as a supplement to state law remedies, a provision was recently added to the bill that allows state attorneys general to sue on behalf of citizens who are victimized by rebuilt salvage fraud and to recover monetary judgments for damages they may have suffered.

It is important to reiterate that S. 852 will not force states to weaken or otherwise cut back on their disclosure standards. Instead, the adoption of a minimum threshold will significantly enhance consumer protections and lead to safer roads and highways everywhere. Under S. 852, state legislatures are given the freedom to decide whether they want to change their laws in any way or maintain their current program. If a state decides to adopt the bill's uniform definitions and procedures, but also wants to disclose additional information about a vehicle's damage history to its residents, S. 852 gives the state ample flexibility to do so.

Congress started down this road six years ago with the passage of the Anti-Car Theft Act of 1992. The Act directed the Secretary of Transportation to establish a task force to study problems associated with motor vehicle titling, and more importantly, the specific problems that have contributed to this serious and costly titling fraud. The statute required "an examination of the extent to which the absence of uniformity and integration of state laws regulating vehicle titling and registration and salvage of used vehicles allows enterprising criminals to find the weakest link to 'wash' the stolen character of the vehicles."

This was an important charge entrusted to a very qualified group of individuals with significant knowledge and experience in motor vehicle titling procedures. The task force included representatives from a wide range of backgrounds including federal transportation officials; federal, state, and local law enforcement officials; state motor vehicle officials; motor vehicle manufacturers, dealers, and recyclers; salvage yard operators and scrap processors; insurers; and others.

After approximately eight months of deliberation, the task force concluded that the lack of uniformity in state laws is the primary reason that unscrupulous rebuilders are able to "wash" vehicle titles with relative ease. What's more, the task force recommended a seventy-five percent damage threshold before a vehicle would be branded as "salvage." By including the seventy-five percent threshold in our latest draft of the bill, Senator FORD and I simply followed the task force's recommendations, which were based on careful and thorough consideration of this issue for all affected parties.

While the vast majority of people in the auto salvage business are honest, hard-working individuals, a group of dishonest rebuilders are continuing to tarnish the salvage vehicle industry. It is this latter group that Congress must put out of business. Far too many people are falling victim to the scam of passing off rebuilt totaled vehicles as undamaged. The loopholes that allow this deceptive practice to continue must be closed now. Only cheats and crooks that prey on the innocent will benefit from any lack of action during this Congress.

While not a perfect solution, S. 852 is a significant step in the right direction. It represents a fair balance between the need to establish uniform procedures for disclosing information to consumers about a vehicle's damage history and the need to preserve states' right to determine what is in the best interest of their citizens.

S. 852 will stem the tide of motor vehicle titling fraud, protect consumers and automobile dealers, and reduce the number of injuries and fatalities on America's roads and highways. I urge my colleagues to give S. 852 their full support.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on August 4, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills and joint resolution, without amendment:

S. 1759. An act to grant a Federal charter to the American GI Forum of the United States.

S. 2143. An act to amend chapter 45 of title 28, United States Code, to authorize the Administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

S. 2344. An act to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

S.J. Res. 54. Joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 434) to provide for the conveyance of small parcels of land in the Carson National Forest and the Sante Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 765) to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

The message also announced the House agrees to the amendment of the Senate to the bill (H.R. 1151 to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 434. An act to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

H.R. 643. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

H.R. 765. An act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

H.R. 872. A act to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

H.R. 1085. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations."

H.R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

H.R. 1385. An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

H.R. 3152. An act to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

H.R. 3504. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 3731. An act to designate the auditorium located with the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium."

H.R. 4237. An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such act, and for other purposes.

H.R. 4354. An act to establish the United States Capitol Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on August 4, 1998, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on August 5, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1800. An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse."

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on August 10, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1379. An act to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigations or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 3824. An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

S. 1759. An act to grant a Federal charter to the American GI Forum of the United States.

S 1800. An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse."

S. 2143. An act to amend chapter 45 of title 28, United States Code, to authorize the Administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

S. 2344. An act to amend the Agricultural Market Transition Act to provide for advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

S.J. Res. 54. Joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on August 10, 1998, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 379. An act for the relief of Larry Errol Pieterse.

H.R. 1728. An act to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes.

H.R. 1865. An act to designate certain lands in the San Isabel National Forest, in Colorado, as the Spanish Peaks Wilderness.

H.R. 2070. An act to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

H.R. 2183. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

H.R. 2281. An act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty.

H.R. 2592. An act to amend title 28 of the United States Code to provide trustees the right to seek administrative and judicial review of the refusal of a United States trustee to assign, and of certain actions of a United States trustee relating to expenses claimed relating to, cases under title 11 of the United States Code.

H.R. 2744. An act for the relief of Chong Ho Kwak.

H.R. 2759. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

H.R. 3047. An act to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres.

H.R. 3460. An act to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes.

H.R. 3633. An act to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

H.R. 3687. An act to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas.

H.R. 3696. An act to designate the Federal courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse."

H.R. 3743. An act to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes.

H.R. 3790. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

H.R. 3821. An act to designate the Headquarters Compound of the Central Intelligence Agency located in Langley, Virginia as the George H.W. Bush Center for Central Intelligence.

H.R. 3980. An act to amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, and for other purposes.

H.R. 4037. An act to require the Occupational Safety and Health Administration to recognize that electronic forms of providing material safety data sheets provide the same level of access to information as paper copies and to improve the presentation of safety and emergency information on such data sheets.

H.R. 4110. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes.

H.R. 4276. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4342. An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

H.R. 4380. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 213. Concurrent resolution expressing the sense of the Congress that the elimination of restrictions on the importation of United States agricultural products by United States trading partners should be a top priority in trade negotiations.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 414. An act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3824) amending the Fastener Quality Act to exempt from its coverage certain fasterns approved by the Federal Aviation Administration for use in aircraft.

MEASURES REFERRED

The Committee on Governmental Affairs was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

H.R. 1502. An act to designate the United States Courthouse located at 301 West Main Street in Benton, Illinois, as the "James L. Foreman United States Courthouse."

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 213. Concurrent resolution expressing the sense of the Congress that the elimination of restrictions on the importation of United States agricultural products by United States trading partners should be a top priority in trade negotiations; to the Committee on Finance.

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 379. An act for the relief of Larry Errol Pieterse; to the Committee on the Judiciary.

H.R. 1728. An act to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1865. An act to designate certain lands in the San Isabel National Forest, in Colorado, as the Spanish Peaks Wilderness; to the Committee on Energy and Natural Resources.

H.R. 2070. An act to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes; to the Committee on the Judiciary.

H.R. 2592. An act to amend title 28 of the United States Code to provide trustees the right to seek administrative and judicial review of the refusal of a United States trustee to assign, and of certain actions of a United States trustee relating to expenses claimed relating to, cases under title 11 of the United States Code; to the Committee on the Judiciary.

H.R. 2744. An act for the relief of Chong Ho Kwak; to the Committee on the Judiciary.

H.R. 2759. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

H.R. 3047. An act to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres; to the Committee on Energy and Natural Resources.

H.R. 3687. An act to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas; to the Committee on Energy and Natural Resources.

H.R. 3743. An act to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on Foreign Relations.

H.R. 3790. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3821. An act to designate the Headquarters Compound of the Central Intelligence Agency located in Langley, Virginia, as the George H.W. Bush Center for Central Intelligence; to the Select Committee on Intelligence.

H.R. 3980. An act to amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4037. An act to require the Occupational Safety and Health Administration to recognize that electronic forms of providing material safety data sheets provide the same level of access to information as paper copies and to improve the presentation of safety and emergency information on such data sheets; to the Committee on Labor and Human Resources.

H.R. 4110. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4342. An act to make miscellaneous and technical changes to various trade laws, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times, and placed on the calendar:

H.R. 2281. An act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty.

H.R. 4057. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

H.R. 4380. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2183. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on August 10, 1998 he had presented to the President of the United States, the following enrolled bills and joint resolution:

S. 1759. An act to grant a Federal charter to the American GI Forum of the United States.

S. 1800. An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse."

S. 2143. An act to amend chapter 45 of title 28, United States Code, to authorize the Administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

S. 2344. An act to amend the Agricultural Market Transition Act to provide for advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

S.J. Res. 54. Joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6317. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Administrative Amendments" (FRL6135–5) received on July 31, 1998; to the Committee on Environment and Public Works.

EC–6318. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities; New York" (FRL6134–7) received on July 31, 1998; to the Committee on Environment and Public Works.

EC–6319. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead; Minor Amendment to the Grant Provision in the Lead-Based Paint Activities Rule" (FRL5796–1) received on July 31, 1998; to the Committee on Environment and Public Works.

EC–6320. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule regarding perch fishery in the Eastern Regulatory Area of the Gulf of Alaska (I.D. 070298A) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6321. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Pacific Ocean Perch in the Western Regulatory Area" (I.D. 071398A) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6322. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule regarding northern rockfish in the Western Regulatory Area of the Gulf of Alaska (I.D. 071698D) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6323. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule regarding perch fishery in the Western Regulatory Area of the Gulf of Alaska (I.D. 071698G) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6324. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule regarding pelagic shelf rockfish in the Eastern Regulatory Area of the Gulf of Alaska (I.D. 071698I) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6325. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule regarding pelagic shelf rockfish in the Western Regulatory Area of the Gulf of Alaska (I.D. 071698E) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6326. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports on direct spending or receipts legislation within seven days of enactment (Reports 449, 450, 451); to the Committee on the Budget.

EC–6327. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports on direct spending or receipts legislation within seven days of enactment (Reports 453, 454, 455); to the Committee on the Budget.

EC–6328. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within seven days of enactment (Report 452); to the Committee on the Budget.

EC–6329. A communication from the Secretary of Defense, transmitting, notice of routine military retirements; to the Committee on Armed Services.

EC–6330. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Reform of Affirmative Action in Federal Procurement" (Case 98–D007) received on August 4, 1998; to the Committee on Armed Services.

EC–6331. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report on Defense Manpower Requirements for fiscal year 1999; to the Committee on Armed Services.

EC–6332. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the Department's report on acquisition and cross-servicing agreements with non-NATO countries for fiscal year 1997; to the Committee on Armed Services.

EC–6333. A communication from the Commissioner of the Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the Department's report on activities of the Rehabilitation Services Administration for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–6334. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits" received on August 12, 1998; to the Committee on Labor and Human Resources.

EC–6335. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Valuation and Payment of Lump Sum Benefits" (RIN1212–AA88) received on August 6, 1998; to the Committee on Labor and Human Resources.

EC–6336. A communication from the Deputy Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human

Services, transmitting, pursuant to law, the report of a rule entitled "Revisions to the General Safety Requirements for Biological Products" (RIN0910–ZA08) received on August 12, 1998; to the Committee on Labor and Human Resources.

EC–6337. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Beverages: Bottled Water" (Docket 98N–0294) received on August 12, 1998; to the Committee on Labor and Human Resources.

EC–6338. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Reclassification and Codification of Vitamin D Test Systems" (Docket 96P–0228) received on August 12, 1998; to the Committee on Labor and Human Resources.

EC–6339. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Neurological Devices; Classification of Cranial Orthosis" (Docket 98N–0513) received on August 12, 1998; to the Committee on Labor and Human Resources.

EC–6340. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Petitions for Nutrient Content and Health Claims, General Provisions; Correction" (Docket 98N–0274) received on August 4, 1998; to the Committee on Labor and Human Resources.

EC–6341. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Nasal Decongestant Drug Products" (RIN0910–AA01) received on August 10, 1998; to the Committee on Labor and Human Resources.

EC–6342. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the United States Mint's Annual Report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–6343. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employment Priority Consideration Program for Displaced Employees of the District of Columbia Department of Corrections" (RIN3206–AI28) received on August 4, 1998; to the Committee on Governmental Affairs.

EC–6344. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prohibition of 'Gag Clauses' in the Federal Employees Health Benefits Program" (RIN3206–AI27) received on August 12, 1998; to the Committee on Governmental Affairs.

EC–6345. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in June 1998; to the Committee on Governmental Affairs.

EC–6346. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on General Accounting Office employees detailed to congressional committees; to the Committee on Governmental Affairs.

EC–6347. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a report of additions to the Committee's Procurement List dated August 3, 1998; to the Committee on Governmental Affairs.

EC–6348. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a report of additions to and deletions from the Committee's Procurement List dated July 27, 1998; to the Committee on Governmental Affairs.

EC–6349. A communication from the Acting Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–6350. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the Bank's annual report entitled "Independent Associations' Retirement Plan" for fiscal year 1997; to the Committee on Governmental Affairs.

EC–6351. A communication from the Deputy Director of the Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Removal of Obsolete Regulations Concerning the Inoperative Statutory Honorarium Bar, Revisions to Related Supplemental Reporting Requirements, and Conforming Technical Amendments" (RIN 3209–AA00 and RIN3209–AA13) received on July 31, 1998; to the Committee on Governmental Affairs.

EC–6352. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the obligation of funds for Nonproliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC–6353. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, certification of a proposed license for the co-development of rocket control systems with Israel (DTC 90–98); to the Committee on Foreign Relations.

EC–6354. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, certification of a proposed license for the manufacture of Harpoon Weapon System Canisters in the United Kingdom (DTC 94–98); to the Committee on Foreign Relations.

EC–6355. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants and Immigrants—Minor Corrections or Additions to Nonimmigrant Visa Regulations and Deletion of Obsolete Immigrant Visa Provisions" (Notice 2863); to the Committee on Foreign Relations.

EC–6356. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report of international agreements other than treaties entered into by the United States (98–101—98–108); to the Committee on Foreign Relations.

EC–6357. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report of international agreements other than treaties entered into by the United States (98–109—98–115); to the Committee on Foreign Relations.

EC–6358. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designation of Rural Empowerment Zones and Enterprise Communities" (RIN0503–AA18) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6359. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Servicing of Community and Insured Business Programs Loans and Grants" (RIN0572–AB23) received on July 31, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6360. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cleaning and Reinspection of Farmers Stock Peanuts" (RIN0560–AF56) received on August 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6361. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations, Subpart U; and Catastrophic Risk Protection Endorsement; Regulations for the 1999 and Subsequent Reinsurance Years; Interim Rule" (RIN0563–AB68) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6362. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations, Subpart T—Federal Crop Insurance Implementation; Regulations for the 1999 and Subsequent Reinsurance Years; and the Common Crop Insurance Regulations; Basic Provisions; and Various Crop Insurance Provisions; Interim Rule" (RIN0563–AB67) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6363. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Voluntary Poultry and Rabbit Grading Regulations" (Docket PY–97–004) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6364. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced in California; Increase in Desirable Carryout Used to Compute Trade Demand" (Docket FV98–989–2IFR) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6365. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Orange and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Decreased Assessment Rate" (Docket FV98–906–1IFR) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6366. A communication from the Administrator of the Agriculture Marketing

Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Domestically Produced Peanuts; Decreased Assessment Rate” (Docket FV98–997–1IFR and FV98–998–1IFR) received on August 12, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6367. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Kiwifruit Grown in California; Temporary Suspension of an Inspection Requirement” (Docket FV98–920–2FR) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6368. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Almonds Grown in California; Revision of Requirements Regarding Quality Control Program” (Docket FV98–981–1FR) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6369. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tuberculosis in Cattle and Bison; State Designation; Michigan” (Docket 98–081–1) received on August 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6370. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Mediterranean Fruit Fly; Addition to Quarantined Areas” (Docket 97–056–14) received on August 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6371. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Mexican Fruit Fly Regulations; Addition of Regulated Area” (Docket 98–082–1) received on August 11, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6372. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Change in Disease Status of Great Britain Because of Exotic Newcastle Disease” (Docket 98–002–2) received on August 13, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6373. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Commuted Traveltime Periods; Overtime Services Relating to Imports and Exports” (Docket 98–076–1) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6374. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “National Poultry Improvement Plan; Special Provisions for Ostrich Breeding Flocks and Products” (Docket 97–043–2) received on August 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6375. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Temporary Assistance for Needy Families program; to the Committee on Finance.

EC–6376. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Surety Bond Requirements for Home Health Agencies” (RIN0938–AJ08) received on July 31, 1998; to the Committee on Finance.

EC–6377. A communication from the United States Trade Representative, Executive Office of the President, transmitting, a draft of proposed legislation to amend the U.S. textile and apparel rules of origin; to the Committee on Finance.

EC–6378. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on the taxation of Social Security and Railroad Retirement Benefits for calendar year 1993; to the Committee on Finance.

EC–6379. A communication from the Chief of the Regulations Unit, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Geographical Description of Kodiak, Alaska Customs Port of Entry” (T.D. 98–65) received on July 28, 1998; to the Committee on Finance.

EC–6380. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding new procedures for processing employment tax cases involving worker classification (Notice 98–43) received on July 29, 1998; to the Committee on Finance.

EC–6381. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Effective Date of Nondiscrimination Regulations for Church Plans” (Notice 98–39) received on July 29, 1998; to the Committee on Finance.

EC–6382. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “SRLY Notice” (Notice 98–38) received on July 31, 1998; to the Committee on Finance.

EC–6383. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “General Rule for Taxable Year of Deduction” (Rev. Rul. 98–39) received on July 31, 1998; to the Committee on Finance.

EC–6384. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding deferred compensation plans (Rev. Proc. 98–40) received on August 4, 1998; to the Committee on Finance.

EC–6385. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Weighted Average Interest Rate Update” (Notice 98–37) received on August 4, 1998; to the Committee on Finance.

EC–6386. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Qualified Nonrecourse Financing” (RIN1545–AV17) received on August 10, 1998; to the Committee on Finance.

EC–6387. A communication from the National Director of the Tax Forms and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding changes made to electronic or magnetic returns to accommodate the year 2000 (Rev. Proc. 98–44) received on August 7, 1998; to the Committee on Finance.

EC–6388. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of five rules: “List of Communities Eligible for the Sale of Flood Insurance” (FRL37783); “Changes in Flood Elevation Determinations” (FRL 37783, FRL38326); “Suspension of Community Eligibility” (FRL39752); “Final Flood Elevation Determinations” (FRL37786); received on August 10, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6389. A communication from the Vice Chair of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to Air China in the People's Republic of China to support the purchase of aircraft and engines; to the Committee on Banking, Housing, and Urban Affairs.

EC–6390. A communication from the Comptroller of the Currency and Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled “Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Servicing Assets” received on August 7, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6391. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report entitled “Statement of the Commission Regarding Disclosure of Year 2000 Issues and Consequences by Public Companies, Investment Advisers, Investment Companies, and Municipal Securities Issuers”; to the Committee on Banking, Housing, and Urban Affairs.

EC–6392. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled “Membership Approval” (RIN3069–AA67) received on August 4, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6393. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Capital; Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Servicing Assets” received on August 4, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6394. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Capital; Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Servicing Assets” (Docket R–0976) received on August 4, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6395. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, notice that the limitation on the Government National Mortgage Association's authority to make commitments for the fiscal year will be reached before the end of fiscal year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6396. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report on effects of the Anti Car Theft Act of 1992; to the Committee on the Judiciary.

EC–6397. A communication from the Chief Justice of the United States, transmitting, a report on the proceedings of the Judicial Conference; to the Committee on the Judiciary.

EC–6398. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, a draft of proposed legislation entitled “The Immigration and Naturalization Service Restructuring Act”; to the Committee on the Judiciary.

EC–6399. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule regarding the redelegation of authority to deputize task force officers and cross-designate federal officers received on August 12, 1998; to the Committee on the Judiciary.

EC–6400. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Waiver of Inadmissibility for Certain Applicants for Admission as Permanent Residents” (RIN1115–AE47) received on July 31, 1998; to the Committee on the Judiciary.

EC–6401. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Adjustment of Certain Fees of the Immigration Examinations Fee Account” (RIN1115–AE42) received on August 13, 1998; to the Committee on the Judiciary.

EC–6402. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the Board's report of activities under the Freedom of Information Act for the period from January 1, 1997 through September 30, 1997; to the Committee on the Judiciary.

EC–6403. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Authorization of DEA Laboratory Directors to Release DEA Laboratory Information to Federal and State Prosecutors; Redelegation of Authority” received on August 12, 1998; to the Committee on the Judiciary.

EC–6404. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1999 Rates” (RIN0938–AI22) received on July 31, 1998; to the Committee on Finance.

EC–6405. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC–6406. A communication from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled “Administrative Revisions to the NASA FAR Supplement” received on August 12, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6407. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled “Revision to the NASA FAR Supplement on Contractor Performance Information” received on August 12, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6408. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Final Rule to Establish A Seasonal Exempted Gillnet Fishery for Little Tunny in a Portion of the Southern New England Regulated Mesh Area” (RIN0648–AK35) received on August 4, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6409. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands” (Docket 971208298–8055–02) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6410. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; “Other Rockfish” in the Central Regulatory Area of the Gulf of Alaska” (Docket 971208297–8054–02) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6411. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; “Other Rockfish” in the Eastern Regulatory Area of the Gulf of Alaska” (Docket 971208297–8054–02) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6412. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Prohibition of Directed Fishing for Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska” received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6413. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Antarctic Marine Living Resources Convention Act of 1984; Conservation and Management Measures” (RIN0648–AJ94) received on August 4, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6414. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Bank/Area-Specific Harvest Guidelines” (RIN0648–AK22) received on August 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6415. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska” (Docket 971208297–8054–02) received on August 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6416. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Shark Fisheries; Large Coastal Shark Species” (I.D. 073098A) received on August 12, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6417. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska” (I.D.072498G) received on August 12, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6418. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska” (I.D.072498E) received on August 04, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6419. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; “Other Rockfish” in the Western Regulatory Area of the Gulf of Alaska” (I.D.072498D) received on August 04, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6420. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska” (I.D.072498F) received on August 04, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6421. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Exemption of Commonly-Owned Motor Carriers From Equipment Identification and Receipt Requirements Applicable to Leased and Interchanged Vehicles” (RIN2125–AE26) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6422. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Federal Motor Vehicle Safety Standards: Head Impact Protection” (RIN2127–AG07) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6423. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Anthropomorphic Test Dummy for Head Impact Protection” (RIN2127–AG74) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6424. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" (RIN2120–AA64) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6425. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes" (Docket 98–NM–90–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6426. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes" (Docket 98–NM–116–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6427. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Series Airplanes" (Docket 97–NM–52–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6428. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300–600 Series Airplanes" (Docket 96–NM–42–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6429. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D and Class E Airspace; Fort Leonard Wood, MO; Correction" (Docket 98–ACE–17) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6430. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes" (Docket 98–NM–80–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6431. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300–600 and A310 Series Airplanes" (Docket 98–NM–19–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6432. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes" (Docket 98–CE–40–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6433. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, A321, A300, A300–600, A330, and A340 Series Airplanes" (Docket 98–NM–229–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6434. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of VOR Federal Airway V–465" (Docket 96–ANM–15) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6435. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of VOR Federal Airway 369; TX" (Docket 98–ASW–40) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6436. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Tallahassee, FL" (Docket 98–ASO–8) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6437. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Safford, AZ" (Docket 96–AWP–11) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6438. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes" (Docket 98–NM–212–AD) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6439. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Moses Lake, WA" (Docket 98–ANM–05) received on August 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6440. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Prospect Bay, Maryland" (Docket 05–98–063) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6441. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA—Groupe AEROSPATIAL Models TB9 and TB10 Airplanes" (Docket 95–CE–72–AD) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6442. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company 180, 182, and 185 Series Airplanes" (Docket 97–CE–14–AD) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6443. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Bennington, VT" (Docket 98–ANE–94) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6444. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fitchburg, MA" (Docket 98–ANE–93) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6445. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Newton, IA" (Docket 98–ACE–24) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6446. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Lake Charles, LA" (Docket 98–ASW–41) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6447. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; McKinney, TX" (Docket 98–ASW–32) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6448. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D and Class E Airspace; St. Joseph, MO" (Docket 98–ACE–6) received on July 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6449. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes" (Docket 97–NM–148–AD) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6450. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 98–NM–210–AD) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6451. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Motorcycle Headlamp Location Requirement" (RIN2127–AG84) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6452. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Replaceable Light Source Information; Federal Motor Vehicle Safety Standards" (RIN2127–AH32) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6453. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Advanced Civil Speed Enforcement System; Northeast Corridor Railroads" (RIN2130–AB20) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6454. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Periodic Updated to Pipeline Safety Regulations" (Docket RSPA–97–2251) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6455. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Staten Island Fireworks, New York Harbor, Lower

Bay" (Docket 01–98–102) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6456. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Delaware River, Philadelphia, Pennsylvania" (Docket 05–98–002) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6457. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: St. Johns River, Jacksonville, Florida" (Docket 07–98–033) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6458. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Streamlined Inspection Program" (Docket 96–055) received on August 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6459. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipelines" (Docket RM96–1–008) received on August 10, 1998; to the Committee on Energy and Natural Resources.

EC–6460. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet" (Docket RM98–7–000) received on August 10, 1998; to the Committee on Energy and Natural Resources.

EC–6461. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Contractor Performance-Based Business Management Process" (DOE O 224.1) received on August 12, 1998; to the Committee on Energy and Natural Resources.

EC–6462. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Administration's report entitled "Annual Energy Review 1997"; to the Committee on Energy and Natural Resources.

EC–6463. A communication from the Secretary of the Interior, transmitting, pursuant to law, notice of the acceptance of a gift of land adjacent to the Rawhide Mountains Wilderness area for preservation as wilderness; to the Committee on Energy and Natural Resources.

EC–6464. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on proposed safety modifications to the Salmon Lake Dam, Okanogan Project in Washington; to the Committee on Energy and Natural Resources.

EC–6465. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notification of refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–6466. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Mississippi Regulatory Program" (No. MS–013–FOR) received on August 11, 1998; to the Committee on Energy and Natural Resources.

EC–6467. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (No. OK–022–FOR) received on August 5, 1998; to the Committee on Energy and Natural Resources.

EC–6468. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (No. KY–191–FOR) received on August 5, 1998; to the Committee on Energy and Natural Resources.

EC–6469. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Subpart J—Pipelines and Pipeline Rights-of-Way" (RIN1010–AC39) received on August 12, 1998; to the Committee on Energy and Natural Resources.

EC–6470. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a notice on leasing systems for the Western Gulf of Mexico, Sale 171; to the Committee on Energy and Natural Resources.

EC–6471. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Potassium Dihydrogen Phosphate; Exemption From the Requirement of a Tolerance" (FRL6017–6) received on August 6, 1998; to the Committee on Environment and Public Works.

EC–6472. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Halon Recycling and Recovery Equipment Certification" (FRL6136–8) received on August 6, 1998; to the Committee on Environment and Public Works.

EC–6473. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zucchini Juice Added to Buffalo Gourd Root Powder; Exemption from the Requirement of a Tolerance" (FRL6017–5) received on August 6, 1998; to the Committee on Environment and Public Works.

EC–6474. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's quarterly report on the nondisclosure of safeguards information; to the Committee on Environment and Public Works.

EC–6475. A communication from the Chairman of the Inland Waterways Users Board, transmitting, pursuant to law, the Board's annual report for fiscal year 1998; to the Committee on Environment and Public Works.

EC–6476. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule Listing Five Plants from Monterey County, California, as Endangered or Threatened" (RIN1018–AD09) received on August 11, 1998; to the Committee on Environment and Public Works.

EC–6477. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Emergency Listing of the Jarbidge River Population Segment of Bull Trout as Endangered" (RIN1018–AF01) received on August 11, 1998; to the Committee on Environment and Public Works.

EC–6478. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil Spill Financial Responsibility for Offshore Facilities" (RIN1010–AC33) received on August 3, 1998; to the Committee on Environment and Public Works.

EC–6479. A communication from the Co-Chair of the Committee on Environment and Natural Resources of the National Science and Technology Council, Department of Commerce, transmitting, pursuant to law, a report entitled "National Acid Precipitation Assessment Program Biennial Report to Congress: An Integrated Assessment"; to the Committee on Environment and Public Works.

EC–6480. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Administrator's report on the air quality need, technological feasibility, and cost effectiveness of more stringent standards for light-duty vehicles and light-duty trucks; to the Committee on Environment and Public Works.

EC–6481. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Source Surveillance Regulation" (FRL6136–3) received on August 5, 1998; to the Committee on Environment and Public Works.

EC–6482. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego Air Pollution Control District" (FRL6137–9) received on August 5, 1998; to the Committee on Environment and Public Works.

EC–6483. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District" (FRL6138–6) received on August 5, 1998; to the Committee on Environment and Public Works.

EC–6484. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District" (FRL6138–2) received on August 5, 1998; to the Committee on Environment and Public Works.

EC-6485. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Buprofezin; Pesticide Tolerances for Emergency Exemptions” (FRL6018-5) received on July 31, 1998; to the Committee on Environment and Public Works.

EC-6486. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Fluroxypry 1-Methylheptyl Ester; Pesticide Tolerances for Emergency Exemptions” (FRL6018-4) received on July 31, 1998; to the Committee on Environment and Public Works.

EC-6487. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Flutolanil; Pesticide Tolerance” (FRL6021-7) received on July 31, 1998; to the Committee on Environment and Public Works.

EC-6488. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the Ohio State Plan for control of landfill gas emissions (FRL6134-5) received on August 3, 1998; to the Committee on Environment and Public Works.

EC-6489. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pharmaceutical Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Sources Performance Standards; Final Rule” (FRL6135-7) received on August 3, 1998; to the Committee on Environment and Public Works.

EC-6490. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants for Source Categories; Pharmaceuticals Production” (FRL6135-6) received on August 3, 1998; to the Committee on Environment and Public Works.

EC-6491. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Avermectin; Extension of Tolerance for Emergency Exemptions” (FRL6021-2) received on August 4, 1998; to the Committee on Environment and Public Works.

EC-6492. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Carfentrazone-ethyl; Temporary Pesticide Tolerance” (FRL6018-1) received on August 4, 1998; to the Committee on Environment and Public Works.

EC-6493. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Endothal; Extension of Tolerance for Emergency Exemptions” (FRL6020-1) received on August 4, 1998; to the Committee on Environment and Public Works.

EC-6494. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule making a technical amendment to restrictions on organobromide production wastes (FRL6139-6) received on August 4, 1998; to the Committee on Environment and Public Works.

EC-6495. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Regulations of Fuels and Fuel Additives: Removal of the Reformulated Gasoline Program from the Phoenix, Arizona Serious Ozone Nonattainment Area” (FRL6137-8) received on August 4, 1998; to the Committee on Environment and Public Works.

EC-6496. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the Minnesota submittal of a Municipal Waste Combustor State Plan (FRL6139-2) received on August 10, 1998; to the Committee on Environment and Public Works.

EC-6497. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding changes to air quality regulations for volatile organic compounds in Utah (FRL6140-5) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6498. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, South Coast Air Quality Management District” (FRL6138-4) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6499. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District and South Coast Air Quality Management District” (FRL6141-8) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6500. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District, San Diego County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, South Coast Air Quality Management District” (FRL6137-6) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6501. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District” (FRL6142-1) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6502. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Delaware: Final Authorization of State Hazardous Waste Management Program Revisions” (FRL6145-2) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6503. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Designation of Areas for Air Quality Planning Purposes Kentucky: Redesignation of the Muhlenbery County Sulfur Dioxide Secondary Nonattainment Area to Attainment” (FRL6145-2) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6504. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Guidance on Implementing the Capacity Development Provisions of the Safe Drinking Water Act Amendments of 1996” received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6505. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Primary Drinking Water Regulations: Consumer Confidence Reports” (FRL6145-3) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6506. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “OMB Approval Numbers Under the Paperwork Reduction Act; Standards of Performance For New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills” (FRL6142-9) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6507. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revision of Existing Variance and Exemption Regulations to Comply with Requirements of the Safe Drinking Water Act” (FRL6144-2) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6508. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Spinosad; Pesticide Tolerance” (FRL6021-9) received on August 13, 1998; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated, on July 31, 1998:

POM-521. A resolution adopted by the President and Board of Trustees of the Village of Melrose Park, Illinois relative to air quality standards; to the Committee on Environment and Public Works.

POM-522. A petition from a Citizen of the State of Texas relative to Congressional pay raises; to the Committee on Governmental Affairs.

POM-523. A resolution adopted by the Council of Bal Harbor Village, Florida relative to the renaming of the Everglades National Park; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of July 31, 1998, the following reports of committees were submitted on August 25, 1998:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2131: A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 105-286).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 2359: A bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes (Rept. No. 105-287).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1398: A bill to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir (Rept. No. 105-288).

S. 2087: A bill to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes (Rept. No. 105-289).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2171: A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas (Rept. No. 105-290).

H.R. 449: A bill to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada (Rept. No. 105-291).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 2886: A bill to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System (Rept. No. 105-292).

H.R. 3796: A bill to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management (Rept. No. 105-293).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1397: A bill to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright Brothers (Rept. No. 105-294).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

H.R. 930: A bill to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses (Rept. No. 105-295).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 3096: A bill to correct a provision relating to termination of benefits for convicted persons (Rept. No. 105-296).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and an amended preamble:

S. Con. Res. 82: A concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committees was submitted on August 25, 1998:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 95-2(B) (formerly Ex. B., 95-1) (Exec. Rept. 105-20).

Text of the Committee-Recommended Resolution of Advice and Consent

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929, as amended by the Protocol done at The Hague on September 8, 1955 (hereinafter Montreal Protocol No. 4) ((Treaty Doc. 95-2B) Executive B, 95th Congress, 1st Session), subject to the declaration of subsection (a), and the provisos of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration:

(1) Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Provisos.—The resolution of ratification is subject to the following provisos:

(1) Surpemacy of the constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

(2) Return of protocol no. 3 to the President.—Upon submission of this resolution of ratification to the President of the United States, the Secretary of the Senate is directed to return to the President of the United States the Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Warsaw on October 12, 1929, as amended by the Protocols done at The Hague, on September 28, 1955, and at Guatemala City, March 8, 1971 ((Treaty Doc. 95-2A) Executive B, 95th Congress).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL (for himself, Mr. Torricelli, and Mr. McCain):

S. 2426. A bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2427. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (by request):

S. 2428. A bill to provide for the restructuring of the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 2427. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Energy and Natural Resources.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

Mr. CAMPBELL. Mr. President, today I introduce legislation that seeks to extend the legislative authority for the construction of the Black Revolutionary War Patriots Memorial and for the Foundation raising funds to construct the memorial.

Mr. President, in 1986, the Congress enacted and President Reagan signed into law, legislation establishing a Black Revolutionary War Patriots Memorial, a memorial to honor the more than 5,000 African-Americans who fought for this country during the Revolutionary War. In order to appropriately recognize the bravery and sacrifice of these honorable and distinguished patriots, Public Law 99-558 sought to establish a suitable memorial, a monument which will be located on the Mall here in Washington, DC. When complete, the memorial will be the first monument on the Mall to be dedicated solely to the accomplishments of African-Americans.

The centerpiece of Public Law 99–558 was the establishment of the Black Revolutionary War Patriots Foundation, as a not-for-profit organization whose sole charter is to raise the necessary funding for the costs associated with constructing the memorial.

When enacted, the foundation was authorized to operate for a period of 10 years. In 1996, I introduced legislation which provided an additional 2-year extension of the legislative authority for the establishment of the memorial. While the foundation has raised a substantial amount of funding, it remains short of its $9.5 million goal. The bill I introduce today would allow for a second and final extension which will provide the foundation with valuable time to complete its fundraising.

Mr. President, this memorial serves a noble purpose, honoring the service and patriotism of individuals long deserving of this praise and I strongly support the ongoing efforts for its establishment. Likewise, I am proud that the sculptor who has been commissioned to design this memorial, Ed Dwight, is not only from my home state of Colorado, but is also the first African-American astronaut trainee. Mr. Dwight is an accomplished artist residing in Denver and his work is known across the world. I would very much like to see his design for the Black Revolutionary War Patriots Memorial become one of the memorials situated among many of this country's most distinguished monuments.

Mr. President, I believe Congress has demonstrated its commitment to the establishment of the Black Revolutionary War Patriots Memorial by authorizing its construction 10 years ago. It is my hope this legislation will receive the full, expeditious support of the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking "1996" and inserting "2000".

By Mr. KENNEDY (by request):

S. 2428. A bill to provide for the restructuring of the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

THE IMMIGRATION AND NATURALIZATION SERVICE RESTRUCTURING ACT OF 1998

Mr. KENNEDY. Mr. President, it is a privilege on behalf of the administration to introduce the Immigration and Nationalization Service Restructuring Act of 1998, and I urge the Senate to support it. The purpose of the act is to strengthen the enforcement of the Nation's immigration laws at the borders and in other parts of the country, and also to strengthen the many immigration and citizenship services that the INS provides.

The Nation has a long and distinguished history of welcoming immigrants and refugees who come to this country legally. But because the United States is widely viewed around the world as a land of extraordinary economic opportunities, these opportunities are often a magnet for illegal immigration. The Immigration and Naturalization Service has two equally important missions. It provides services and benefits to immigrants and refugees eligible for assistance under our laws, and it enforces the laws that prevent illegal immigration.

In recent years, the effectiveness of the INS in carrying out these two complex and often competing missions has been increasingly criticized. Many critics say that the agency is suffering from "mission overload" and proposals have been made to dismantle the agency and assign its responsibilities to other parts of the Federal Government.

One such proposal was made by the Commission on Immigration Reform, which conducted a comprehensive study of the functions and capabilities of the INS. The Commission's report contains some well-reasoned findings and excellent recommendations. However, the Commission's proposal for structural reform is highly controversies because it seeks to reassign core INS responsibilities to other federal agencies, the services and benefits function would be assigned to the Department of State, and the enforcement function would be assigned to the Department of Justice.

Under Commissioner Doris Meissner's impressive leadership, the Immigration and Naturalization Service has made significant progress in identifying its problems, developing strategies to correct them, and implementing successful reforms. A prime example is the significant achievements of the INS in expediting the asylum process. Today, asylum applications are processed in weeks, not months, and legitimate refugees fleeing persecution are granted prompt asylum.

Nonetheless, Commissioner Meissner is the first to admit that the agency faces continuing serious challenges that impede the agency's ability to carry out its basic responsibilities. The most significant problems are insufficient accountability between field offices and headquarters, the lack of consistency in its actions, the need for greater professionalism overlapping internal responsibilities, and weaknesses in regional and local management.

The administration has concluded, and I agree, that the most effective way to address these problems is by modifying the agency, not dismantling it. After considerable study and analysis, the administration has developed worthwhile reforms to address the problems.

The Immigration and Nationalization Service Restructuring Act of 1998 will untangle the overlapping and often confusing organizational structure of the INS and replace it with two clear chains of command—one for enforcement and the other for the provision of services. These two equally important divisions will report, through their respective directors, to the INS Commissioner. The proposed act will maintain the integrity of the agency, and preserve its vast knowledge, skills and abilities, and use them in a more effective and efficient framework.

I urge my colleagues to support this approach and approve this needed and important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration and Naturalization Service Restructuring Act of 1998".

SEC. 2. PURPOSES.

The purposes of this Act are to:

(1) Advance the effective enforcement of our immigration laws at our borders and in the interior, and the efficient provision of immigration and citizenship services.

(2) Untangle the overlapping and frequently confusing organizational structure of INS' by replacing it with two clear operational chains of command—one for enforcement and one for providing services—from the highest level of the agency to the lowest.

(3) Create two parallel operational divisions which can each focus on its unique management, knowledge, skills and abilities, while also retaining the essential functions for guiding and coordinating these operations.

(4) Improve customer-oriented immigrant services by—

(A) creating new local service offices;

(B) establishing new, distinct lines of accountability of authority for services;

(C) setting clear standards for customer service; and

(D) using technology to improve efficiency and customer service.

(5) Strengthen enforcement operations by—

(A) establishing a single, coordinated enforcement mission;

(B) integrating enforcement, and strengthening accountability;

(C) organizing enforcement areas by function, including Border Patrol, inspections, investigations and removals, detention and enforcement support; and

(D) developing overtime pay parity with other Federal law enforcement agencies.

(6) Provide for efficient integration of service and enforcement by—

(A) creating an administrative and technical backbone of support for enforcement and service; and

(B) developing and managing essential immigration records, computer systems, training, and shared administrative functions.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) The term "INA" refers to the Immigration and Nationality Act of 1952, as amended up to the effective date of this Act.

(2) The term "INS" means the Immigration and Naturalization Service.

SEC. 4. EFFECTIVE DATE.

Except as otherwise provided by this Act, this Act shall take effect on October 1, 2000.

TITLE I—AGENCY ORGANIZATION

SEC. 101. AGENCY ORGANIZATION.

(a) The Immigration and Naturalization Service [the Service] shall be responsible for administering the immigration laws of the United States. The Service will be organized in a way that ensures the effective implementation of enforcement strategies at the border, the interior of the country, and overseas, and the timely and efficient provision of immigrant services and benefits with complete integrity. The Service will be structured along programmatic lines and composed of an—

(1) Office of Immigrant Services;

(2) Office of Enforcement Operations; and

(3) Office of Shared Services.

(b) HEADQUARTERS OPERATIONS.—The Service will be led by a Commissioner and Deputy Commissioner who will focus on immigration enforcement and service policy and establish a framework to implement national priorities. In addition, headquarters operations will be responsible for policy formulation, strategic planning and the development of agency goals, objectives and performance targets; agency-wide management support and coordination; budget formulation and execution; public affairs; Congressional relations; general counsel; and internal audit.

(1) CHIEF FINANCIAL OFFICER.—A Chief Financial Officer (CFO) will be established for the effective and efficient management and accountability of Service resources. The CFO will coordinate budget formulation, execution and agency-wide financial management operations. To address the Service's diverse funding sources, the CFO will ensure sound agency-wide financial management systems and processes. The CFO will ensure that immigrant services and enforcement operations have clearly separated and defined resource streams.

(2) STRATEGIC PLANNING AND STATISTICAL MEASURES.—A director of the strategy unit will be responsible for policy formulation, developing the long-term strategy for the Service and facilitating the process of designing programs to execute that strategy, in consultation with the offices of Immigrant Services, Enforcement Operations and Shared Services. This office will create long-range strategic and performance measurement plans, in cooperation with relevant program components. In addition, this office will be responsible for establishing and strengthening Federal immigration statistical policy and measurement operations.

(c) The Office of Immigrant Services will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated solely to immigration services, focusing comprehensively on providing quality, timely and efficient services to the immigrant community and institutions requiring immigrant services. The EAC will be responsible for all aspects of INS service and benefit operations and the Office of Immigration Services will be organized around four functional goals:

(1) Ensuring timely processing and courteous service for the immigrant community through nationally established customer service standards.

(2) Providing efficient, accurate benefit processing from remote service centers, and service area operations.

(3) Ensuring secure documents with uncompromising integrity.

(4) Serving the refugee and asylee population through humane and timely service and benefits. Additionally, the EAC is responsible for coordinating, with the Office of Shared Services, the effective acquisition and utilization of shared support items including information technology, financial management, facility construction, personnel and training. The responsibilities and duties of the Director of the Office of Immigrant Services shall include:

(A) SERVICE AREA OPERATIONS.—Service area operations will be located in immigrant communities around the United States. The EAC will develop and maintain performance measures to ensure that offices within each area provide efficient and consistent service, while maintaining the integrity of application processing. These offices will provide a variety of services to applicants, including fingerprinting, photographing, and interviewing applicants. Some offices will be configured as full-service offices and others will serve as satellite locations. All will have a standard appearance with customer-oriented features.

(B) SERVICE CENTER OPERATIONS.—Service center operations will include centralized automated processing and adjudication for applications and petitions that do not require immigrant interviews. In addition, the service centers will provide front-end fee receipt, data entry and scheduling for applications and petitions that require interviews.

The EAC will be responsible for the collection of all management reporting information relative to the service centers, for budget formulation and execution for the service center budgets, for ensuring the accuracy and quality control of the adjudication of benefits at the service centers, for all employee hiring and grievance issues at the centers and for monitoring, overseeing and executing the mail file and data entry operations. The EAC will also coordinate with the CFO on financial management.

(C) TELEPHONE CENTER OPERATIONS.—The Service will operate a coordinated telephone assistance system to respond to customer inquiries. The EAC will be responsible for designing and operating a telephone system that relies on all assets of the Service to ensure that customer inquiries are promptly and accurately addressed. This will include operating and maintaining the telephone centers, any contract call-answering facilities, and utilizing an overflow telephone call assistance capacity designed to access information officers at the service centers as needed.

(d) The Office of Enforcement Operations will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated solely to immigration enforcement, focusing comprehensively on illegal immigration problems at the border and in the interior of the United States, and ensuring better linkages of enforcement operations through a single point of accountability for performance. The EAC will be responsible for all aspects of the Service's enforcement and border management operations including international enforcement efforts and will be organized around 4 functional goals: managing by the Border Patrol of the border between ports-of-entry; conducting inspections and managing all port of entry operations; overseeing investigations and removals; and coordinating and managing detention and enforcement support. Additionally, the EAC is responsible for coordinating, with the Office of Shared Services, the effective acquisition and utilization of shared support items including information technology, financial management, facility construction, personnel and training. The responsibilities and duties of the EAC will include:

(1) BORDER MANAGEMENT.—By placing both Border Patrol and Inspection activities under a single EAC, the Service will be able to provide seamless border enforcement along the Nation's borders, and will be better able to coordinate operations with other Federal and governmental agencies along the border.

(A) The Border Patrol will perform its current border management and control functions of deterring illegal immigration and apprehending illegal aliens between ports of entry. In addition, the Border Patrol will continue to work with Federal, State, and local law enforcement agencies to effectively administer laws related to the interdiction of drug trafficking activities.

(B) Port of Entry management is a key component of border management due to the interrelationship between activities at and between land border ports of entry. The EAC will be operationally responsible for carrying out these duties in compliance with applicable law and policy and will be responsible for effectively monitoring resource utilization and maintaining accurate performance measures for these activities.

(2) INTERIOR ENFORCEMENT AND REMOVALS.—The EAC will be responsible for consolidating investigations, intelligence and deportation functions into one coordinated multidisciplinary component to focus on illegal alien removals and to vigorously combat immigration document fraud, smuggling, and illegal employment in the workplace. This consolidated approach will ensure swift and proper apprehension, incarceration, and removal of those illegally residing and working in this country.

(3) DETENTION AND ENFORCEMENT SUPPORT.—The EAC will be responsible for ensuring logistical coordination for the incarceration and transportation of criminal and illegal aliens. The director will be responsible for effectively managing the Service's bed space at both Service-owned and contract detention facilities. Additionally, the director will be responsible for effectively acquiring bed space from State and local entities to ensure the Service can detain and transport individuals it apprehends.

(e) The Office of Shared Services will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated to meeting the support requirements for both the enforcement and service operational components. The EAC will be responsible for the effective provision of shared administrative and support services to ensure that each side of the agency has the appropriate administrative and technological tools to do its jobs in the most effective and cost-efficient way. The EAC will accomplish this through 4 functional goals: establishing and maintaining a records management system that accurately and efficiently documents immigration status; ensuring information and enforcement technology enhancements and initiatives are developed and maintained to operational component specifications; building and maintaining a superior recruiting, hiring and training operation to meet Service employment requirements; and building and managing a Service physical plant to adequately support agency housing needs. The EAC will also coordinate with the CFO on financial management. The responsibilities and duties of the EAC will include:

(1) AUTOMATION AND TECHNOLOGY.—The EAC will be responsible for ensuring that the Service establishes and maintains state-of-the-art information resources capability to carry out agency enforcement and service functions. The EAC will be responsible for deploying and monitoring technology and ensuring that the Service's workforce operates as effectively as possible with these tools. The EAC will also establish and promulgate agency-wide policy relative to the acquisition and deployment of technology capabilities in coordinating with the operational components of the Service.

(2) CENTRALIZED RECORDS MANAGEMENT.—The EAC will be responsible for maintaining a centralized repository for all Service records and will be responsible for establishing a greater level of data integrity in existing electronic records and managing the transition to an electronic records environment.

(3) PERSONNEL AND TRAINING.—The EAC will be responsible for tracking the hiring of all categories of Service personnel and ensuring that all employees receive proper training in a timely manner. Specialized training courses and a full spectrum of basic, advanced, and continuing education will be established to ensure a professional workforce.

(4) ADMINISTRATIVE SUPPORT.—The EAC will be responsible, in coordination with the operational components of the Service, for planning, constructing, and renovating all required Service facilities and equipment, including Border Patrol stations, detention facilities, Immigrant Services offices and general support office space. The EAC will also be responsible for logistics; procurement; and environmental, occupational and health activities of the Service.

SEC. 102. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the INS, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date); shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorization official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—This Act shall not affect any proceedings including proceedings before the Executive Office for Immigration Review and any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office whose functions are transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS.—This Act shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred by the Act, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUITS.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this Act such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred by this Act.

(g) DEPARTMENT OF STATE.—Nothing in this Act shall be construed to preclude or limit in any way the powers, authorities, or duties of special agents of the Department of State and the Foreign Service under section 2709 of title 22, United States Code, or of the Secretary of State under section 4801, et seq. of title 22, United States Code, to investigate illegal passport or visa issuance or use.

SEC. 103. COMMISSIONER COMPENSATION.

Effective as of the day following the date on which the present incumbent in the office of the Commissioner ceases to serve as such, the Commissioner of the Immigration and Naturalization Service shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule (section 5314 of title 5, United States Code).

TITLE II—CONFORMING AMENDMENTS

SEC. 201. CONFORMING AMENDMENTS.

(a) Section 103(e)(2) of the INA, 8 U.S.C. section 1103(e)(2), is amended by striking "district office of the Service" and inserting "designated office of the Immigration and Naturalization Service".

(b) Section 242(b)(3)(A) of the INA, 8 U.S.C. section 1252(b)(3)(A), is amended by striking "Service district" and inserting "designated office of the Immigration and Naturalization Service".

(c) Section 316 of the INA, 8 U.S.C. section 1427, is amended—

(1) in subsection (a) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service"; and

(2) in subsection (f)(1) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(d) Section 319 of the INA, 8 U.S.C. section 1430, is amended—

(1) in subsection (a) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service";

(2) in subsection (b)(3) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service";

(3) in subsection (c)(5) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service"; and

(4) in subsection (d) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(e) Section 324 of the INA, 8 U.S.C. section 1435(a)(1), is amended by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(f) Section 328 of the INA, 8 U.S.C. section 1439, is amended—

(1) in subsection (a) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service";

(2) in subsection (b)(1) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service"; and

(3) in subsection (c) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(g) Section 329(b)(2) of the INA, 8 U.S.C. 1440(b)(2), is amended by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(h) Section 335(f) of the INA, 8 U.S.C. section 1446(f), is amended by striking "district of the Service" each time the phrase appears and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(i) Section 338 of the INA, 8 U.S.C. section 1449, is amended by striking "district office of the Service" and inserting "designated office of the Immigration and Naturalization Service".

(j) Section 339(b) of the INA, 8 U.S.C. section 1450(b), is amended by striking "district office of the Service" and inserting "designated office of the Immigration and Naturalization Service".

(k) Section 404 of the INA, 8 U.S.C. section 1101, note, is amended—

(1) in subsection (b)(2)(A)(i) by striking "a district director of the Service" and inserting "a designated Immigration and Naturalization Service officer"; and

(2) in subsection (b)(2)(A)(iii) by striking "in a district" and inserting "in a designated office of the Immigration and Naturalization Service".

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Nebraska (Mr. KERREY), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 466

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 466, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 852

At the request of Mr. LOTT, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1734

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1734, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1924

At the request of Mr. MACK, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Maine (Ms. COLLINS), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1993

At the request of Ms. COLLINS, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2152

At the request of Mr. DURBIN, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 2152, a bill to establish a program to provide credit and other assistance for encouraging microenterprises in developing countries, and for other purposes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Kentucky (Mr. FORD), the Senator from Connecticut (Mr. DODD), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2196

At the request of Mr. GORTON, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2196, a bill to amend the Public Health Service Act to provide for establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2216, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 2259

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2259, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 2263

At the request of Mr. GORTON, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2296

At the request of Mr. MACK, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2322

At the request of Mr. BREAUX, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2322, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 2352

At the request of Mr. ASHCROFT, the names of the Senator from Arizona (Mr. KYL), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 2352, a bill to protect the privacy rights of patients.

S. 2417

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2417, a bill to provide for allowable catch quota for red snapper in the Gulf of Mexico, and for other purposes.

S. 2422

At the request of Mr. MACK, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2422, a bill to provide incentives for states to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary teachers.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

NOTICE OF HEARING

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, September 2, 1998, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Dr. Jane Henney to be Commissioner of Food and Drugs, Department of Health and Human Services. For further information, please call the committee, 202/224–5375.

ADDITIONAL STATEMENTS

EAST LANSING PUBLIC LIBRARY CELEBRATES 75TH ANNIVERSARY

• Mr. ABRAHAM. Madam President, I rise today to recognize a very special occasion in the state of Michigan. September 27, 1998 will mark the 75th Anniversary of the East Lansing Public Library in East Lansing, Michigan. This day is not only significant due to this celebration but also because it will mark the completion of a $2 million addition and renovation project.

The history of the East Lansing Public Library is very interesting. It has grown from just a few shelves of books in a room provided by the People's Church and a fund of $26 set up by the women of the Child Conservation League in 1923, to a 25,000 square foot building that serves over 125,000 visitors a year. All of the people who have helped this institution grow and prosper over the years should be commended for their efforts and dedication.

I extend my best wishes and congratulations to the East Lansing Public Library on this momentous occasion. The East Lansing community is fortunate to have such a wonderful library. I wish them all of the best in the future.•

EFFECTS OF THE FARM CRISIS ON OUR COMMUNITIES

• Mr. DORGAN. Madam President, I want to make some remarks on the subject of the farm crisis that exists in North Dakota and other parts of the country. North Dakota is faced with a combination of collapsed grain prices and crop disease. This has produced a farm crisis that is very, very serious and to which this Congress must respond.

In my home State of North Dakota, net farm income has dropped 98 percent in 1 year. That's right; a 98-percent drop in net farm income in 1 year. Ask yourself what would be the result for you, your neighbor, or your community, if you experienced a 98-percent drop in net income?

Many third and fourth generation farmers have been unable to get an operating loan this season due to low grain prices. They have had so many auction sales on North Dakota farms that they have had to call retired auctioneers back from retirement to handle the auction sales. Every one of these auction sales represents a family farmer who has worked hard, and invested everything they have, to run a family farm. And then they discover they can't make it.

I'd like to share it with you a poem written by Luella F. Hermanson of Hampden, North Dakota. She describes what the farm crisis has done to her community and what it will do to ours unless we take decisive action.

WHEN THE FARMERS ALL SHUT DOWN

(By Luella F. Hermanson of Hampden, North Dakota)

They're selling out my neighbor
It's his auction sale today
Life's hard out in the country
We can't farm the good old way

Remember neighbor helping neighbor
It's not like that anymore
We're hanging on by just our boot straps
Wondering what we have in store

What will our city cousins do
When the farm boys move to town
Will there be jobs for all of them
When our farms are all shut down

Who'll buy that big machinery
Standing idle on the lots
And the gas and parts and fuel oil
They might have to close their shops

Who'll buy the fertilizer
and the spray to kill the weeds
They'll probably close the diner
There'll be no one left to feed

There'll be no grain to borrow on
So the bank will close its door
The insurance boys will duck and run
When we can't pay them anymore

Who'll buy the tractors, plows and trucks
Or plant the barley, beans and wheat
Who'll pick the rocks and mow the roads
And smile in dark defeat

Who'll spend forty bucks an hour
To fix a combine in the fall
And his last red cent to save his land
When his back's against the wall

Yes they're selling out my neighbor
Heard he's moving into town
What will happen to this land we love
When farmers all shut down.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Madam President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through July 28, 1998. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84), show that current level spending is below the budget resolution by $16.2 billion in budget authority and above the budget resolution by $1.9 billion in outlays. Current level is $1.0 billion below the revenue floor in 1998 and $3.0 billion above the revenue floor over the five years 1998–2002. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $176.4 billion, $2.9 billion above the maximum deficit amount for 1998 of $173.5 billion.

Since my last report, dated October 29, 1997, the Congress has cleared, and the President has signed the following authorization acts: National Defense (P.L. 105–85), Adoption and Safe Families (P.L. 105–89), Savings Are Vital to Everyone's Retirement (P.L. 105–92), Veterans' Benefits (P.L. 105–114), Food and Drug Modernization (P.L. 105–115), 50 States Commemorative Coin Program (P.L. 105–124), Hispanic Cultural Center (P.L. 105–127), Surface Transportation Extension (P.L. 105–130), Small Business Reauthorization (P.L. 105–135), Acquisition of Real Property for Library of Congress (P.L. 105–144), an act amending Sec. 13031 of COBRA of 1985 (P.L. 105–150), Transportation Equity Act for the 21st Century (P.L. 105–178), Care for Police Survivors Act of 1998, (P.L. 105–180), Agriculture Export Relief Act of 1998 (P.L. 105–194), and Internal Revenue Service Restructuring and Reform (P.L. 105–206). The President also signed the following 1998 appropriation bills: Agriculture (P.L. 105–86), Commerce, Justice, State (P.L. 105–119), District of Columbia (P.L. 105–100), Foreign Operations (P.L. 105–118), Interior (P.L. 105–83), Labor, HHS, and Education (P.L. 105–78), and 1998 Emergency Supplementals and Rescissions (P.L. 105–174). In addition, Congress has cleared for the President's signature the Homeowners Protection Act (S. 318). These actions changed the current level of budget authority, outlays and revenues.

In addition, the budget authority and outlay totals established in H. Con. Res. 84 have been revised to reflect adjustments made by the Budget Committee for continuing disability reviews, arrearages for international organizations, Federal land acquisitions, the International Monetary Fund (new arrangements to borrow), and the renewal of expiring contracts under section 8 housing assistance. Since my last letter, these changes have increased budget authority and outlays $12,489 million and $50 million, respectively.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1998.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 1998 shows the effects of Congressional action on the 1998 budget and is current through July 28, 1998. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions in the 1998 Concurrent

Resolution on the Budget (H. Con. Res. 84). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated October 28, 1997, the Congress has cleared, and the President has signed the following authorization acts: National Defense (P.L. 105–85), Adoption and Safe Families (P.L. 105–89), Savings Are Vital to Everyone's Retirement (P.L. 105–92), Veterans' Benefits (P.L. 105–114), Food and Drug Modernization (P.L. 105–115), 50 States Commemorative Coin Program (P.L. 105–124), Hispanic Cultural Center (P.L. 105–127), Surface Transportation Extension (P.L. 105–130), Small Business Reauthorization (P.L. 105–135), Acquisition of Real Property for Library of Congress (P.L. 105–144), an act amending Sec. 13031 of COBRA of 1985 (P.L. 105–150), Transportation Equity Act for the 21st Century (P.L. 105–178), Care for Police Survivors Act of 1998 (P.L. 105–180), Agriculture Export Relief Act of 1998 (P.L. 105–194), and Internal Revenue Service Restructuring and Reform (P.L. 105–206). The President also signed the following appropriation bills: Agriculture (P.L. 105–86), Commerce, Justice, State (P.L. 105–119), District of Columbia (P.L. 105–100), Foreign Operations (P.L. 105–118), Interior (P.L. 105–83), Labor, HHS, and Education (P.L. 105–78), and 1998 Emergency Supplementals and Rescissions (P.L. 105–174). In addition, Congress has cleared for the President's signature the Homeowners Protection Act (S. 318). These actions changed the current level of budget authority, outlays and revenues.

In addition, the budget authority and outlay totals established in H. Con. Res. 84 have been revised to reflect adjustments made by the Budget Committee for continuing disability reviews, arrearages for international organizations, Federal land acquisitions, the International Monetary Fund (new arrangements to borrow), and the renewal of expiring contracts under section 8 housing assistance. Since my last letter, these changes have increased budget authority and outlays $12,489 million and $50 million, respectively.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosures.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1998, 105TH CONGRESS, 2ND SESSION, AS OF CLOSE OF BUSINESS JULY 28, 1998

[In billions of dollars]

	Budget resolution H. Con. Res. 84	Current level	Current level over/under resolution
ON BUDGET			
Budget Authority	1,403.4	1,387.2	−16.2
Outlays	1,372.5	1,374.4	1.9
Revenues:			
1998	1,199.0	1,198.0	−1.0
1998–2002	6,477.7	6,480.7	3.0
Deficit	173.5	176.4	2.9
Debt Subject to Limit	5,593.5	5,451.7	−141.8
OFF-BUDGET			
Social Security Outlays:			
1998	317.6	317.6	0.0
1998–2002	1,722.4	1,722.4	0.0
Social Security Revenues:			
1998	402.8	402.7	−0.1
1998–2002	2,212.1	2,212.3	0.2

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS JULY 28, 1998

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,206,379
Permanents and other spending legislation	880,459	867,037	
Appropriation legislation		241,036	
Offsetting receipts	−211,291	−211,291	
Total previously enacted	669,168	896,782	1,206,379
ENACTED FIRST SESSION			
Authorization Acts:			
Balanced Budget Act of 1997 (P.L. 105–33)	1,525	477	267
Taxpayer Relief Act of 1997 (P.L. 105–34)			−9,281
Stamp Out Breast Cancer Act (P.L. 105–41)[1]			
Oklahoma City National Memorial Act of 1997 (P.L. 105–58)	14	3	14
National Defense Authorization Act for 1998 (P.L. 105–85)	−159	−159	
Adoption and Safe Families Act of 1997 (P.L. 105–89)	−3	−1	
Savings Are Vital to Everyone's Retirement Act of 1997 (P.L. 105–92)	1	1	1
Veterans' Benefits Act of 1997 (P.L. 105–114)	3	1	
Food and Drug Modernization Act of 1997 (P.L. 105–115)			(1)
50 States Commemorative Coin Program Act of 1997 (P.L. 105–124)	1	1	
Hispanic Cultural Center Act of 1997 (P.L. 105–127)	13	0	
Surface Transportation Extension Act of 1997 (P.L. 105–130)	29,586	65	
Small Business Reauthorization Act of 1997 (P.L. 105–135	0	2	
Acquisition of Real Property for Library of Congress (P.L. 105–144	5	3	5
Act amending Sec. 13031 of COBRA of 1985 (P.L. 105–150)	2	2	
Appropriation Acts			
1997 Emergency Supplemental Appropriations (P.L. 105–18)	−350	−280	
Agriculture, Rural Development (P.L. 105–86)	49,047	41,511	
Commerce, Justice, State (P.L. 105–119	31,744	21,242	
Defense (P.L. 105–56)	247,709	164,702	
District of Columbia (P.L. 105–100)	855	554	
Energy and Water Development (P.L. 105–62)	20,732	13,533	
Foreign Operations (P.L. 105–118)	13,191	5,082	
Interior and Related Agencies (P.L. 105–83)	13,841	9,091	
Labor, HHS, and Education (P.L. 105–78)	171,761	128,411	
Legislative Branch (P.L. 105–55)	2,251	2,023	
Military Construction (P.L. 105–45)	9,183	3,024	
Transportation (P.L. 105–66)	13,064	13,485	
Treasury and General Government (P.L. 105–61)	17,106	14,168	−4
Veterans, HUD (P.L. 105–65)	90,689	52,8[illegible]	
Total enacted first session	711,811	469,805	−8,998
ENACTED SECOND SESSION			
1998 Emergency Supplemental Appropriations and Rescissions (P.L. 105–174)	−2,039	310	
Transportation Equity Act for the 21st Century (P.L. 105–178)	(2)	−440	
Care for Police Survivors Act of 1998 (P.L. 105–180)	1	1	
Agriculture Export relief Act of 1998 (P.L. 105–194)	7	7	
Internal Revenue Service Restructuring and Reform Act of 1998 (P.L. 105–206)	−15	−440	608
Total, enacted second session	−2,046	318	608
PASSED PENDING SIGNATURE			
Care for Police Survivors Act of 1998 (H.R. 3565)			
Total, passed pending signature	2	2	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	8,280	7,461	
TOTALS			
Total Current Level	1,387,215	1,374,368	1,197,989
Total Budget Resolution	1,403,402	1,372,512	1,199,000
Amount remaining:			
Under Budget Resolution	16,187		1,011

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS JULY 28, 1998—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Over Budget Resolution		1,856	
ADDENDUM			
Emergencies	5,450	3,282	−8
Contingent Emergencies[4]	479	91	
Total	6,019	3,373	−8
Total Current Level Including Emergencies	1,393,234	1,377,741	1,197,981

[1] The revenue effect of this act begins in fiscal year 1999.

[2] The scoring of the budget authority for this act has not been completed.

Notes.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Current level estimates include $390 million in budget authority and $298 million in outlays for projects that were cancelled by the President pursuant to the Line Item Veto Act, P.L. 104–130.

Source: Congressional Budget Office.•

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

(The text of the bill, H.R. 4103, the Department of Defense Appropriations Act, 1999, as passed by the Senate on July 30, 1998, is as follows:)

Resolved, That the bill from the House of Representatives (H.R. 4103) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $20,822,051,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,532,153,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,253,189,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,205,660,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,152,075,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,387,379,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $401,888,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $856,176,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,499,595,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,376,097,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the

Army, as authorized by law; and not to exceed $11,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $17,212,463,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated under this heading, $130,000,000 shall be transferred to the Quality of Life Enhancements, Defense account in this Act and shall be available only for expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of the Army (including minor construction and major maintenance and repair of military housing and barracks): Provided further, That of the funds appropriated in this paragraph, not less than $375,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,360,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,813,315,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated under this heading, $48,000,000 shall be transferred to the Quality of Life Enhancements, Defense account in this Act and shall be available only for expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of the Navy (including minor construction and major maintenance and repair of military housing and barracks).

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,576,190,000: Provided, That of the funds appropriated under this heading, $36,000,000 shall be transferred to the Quality of Life Enhancements, Defense account in this Act and shall be available only for expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Marine Corps (including minor construction and major maintenance and repair of military housing and barracks).

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,968,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $19,064,941,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated under this heading, $50,000,000 shall be transferred to the Quality of Life Enhancements, Defense account in this Act and shall be available only for expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Air Force (including minor construction and major maintenance and repair of military housing and barracks): Provided further, That out of the funds available under this heading, $300,000 may be available for the abatement of hazardous substances in housing at the Finley Air Force Station, Finley, North Dakota.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $10,259,231,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $29,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That of the funds appropriated under this heading, $10,000,000 shall be made available only for use in federally owned educational facilities located on military installations for the purpose of transferring title of such facilities to the local educational facilities.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,202,622,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $928,639,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $114,593,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,744,696,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,661,815,000: Provided, That not later than March 15, 1999, the Director of the Army National Guard shall provide a report to the congressional defense committees identifying the allocation, by installation and activity, of all base operations funds appropriated under this heading.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $3,113,933,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $746,900,000: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title, and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $7,324,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $370,640,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That not more than twenty-five per centum of funds provided under this heading may be obligated for environmental remediation by the Corps of Engineers under total environmental remediation contracts.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $274,600,000, to remain available until transferred: Provided, *That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropfiations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.*

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $372,100,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,091,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $225,000,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $50,000,000, to remain available until September 30, 2000.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $440,400,000, to remain available until September 30, 2001: Provided, That of the amounts provided under this heading, $35,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks); $264,000,000 shall be derived by transfer from the Operation and Maintenance accounts, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 2000.

PENTAGON RENOVATION TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, resulting from the Department of Defense renovation of the Pentagon Reservation; $279,820,000 derived by transfer from the Operation and Maintenance accounts, for the renovation of the Pentagon Reservation, which shall remain available for obligation until September 30, 2000, as follows:

Army, $96,000,000;
Navy, $32,087,000;
Marine Corps, $9,513,000;
Air Force, $52,200,000; and
Defense-Wide, $90,020,000.

MORALE, WELFARE AND RECREATION AND PERSONNEL SUPPORT FOR CONTINGENCY DEPLOYMENTS

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, to provide necessary morale, welfare and recreation support, family support, and to sustain necessary retention and re-enlistment of military personnel in critical military occupational specialties, resulting from the deployment of military personnel to Bosnia and Southwest Asia; $50,000,000 to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts for the military services: Provided further, That the funds transferred shall be available only for the purposes as described under this heading: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,408,652,000, to remain available for obligation until September 30, 2001.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,188,739,000, to remain available for obligation until September 30, 2001.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,484,055,000, to remain available for obligation until September 30, 2001.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $998,655,000, to remain available for obligation until September 30, 2001.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical and non-tracked combat vehicles and the lease of support vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, *and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,395,729,000, to remain available for obligation until September 30, 2001.*

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $7,473,403,000, to remain available for obligation until September 30, 2001.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,324,045,000, to remain available for obligation until September 30, 2001.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $488,939,000, to remain available for obligation until September 30, 2001.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

NSSN, $1,498,165,000;

NSSN (AP), $504,736,000;

CVN–77 (AP), $124,515,000;

CVN Refuelings (AP), $274,980,000;

DDG–51 destroyer program, $2,672,078,000;

DDG–51 destroyer program (AP), $7,396,000;

LPD–17 amphibious transport dock ship, $638,780,000;

LHD–8 (AP), $50,000,000;

Oceanographic ship program, $60,341,000;

LCAC landing craft air cushion program, $16,000,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, $220,281,000;

In all: $6,067,272,000, to remain available for obligation until September 30, 2003: Provided, That additional obligations may be incurred after September 30, 2003, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); lease of passenger motor vehicles; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,886,475,000, to remain available for obligation until September 30, 2001.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; lease of passenger motor vehicles; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $954,177,000, to remain available for obligation until September 30, 2001.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,967,023,000, to remain available for obligation until September 30, 2001.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,219,299,000, to remain available for obligation until September 30, 2001.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $384,161,000, to remain available for obligation until September 30, 2001.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,904,164,000, to remain available for obligation until September 30, 2001.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the lease of passenger motor vehicles; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,932,250,000, to remain available for obligation until September 30, 2001.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $500,000,000, to remain available for obligation until September 30, 2001: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $4,891,640,000, to remain available for obligation until September 30, 2000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $8,215,519,000, to remain available for obligation until September 30, 2000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $13,693,153,000, to remain available for obligation until September 30, 2000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,032,908,000, to remain available for obligation until September 30, 2000: Provided, That of the funds appropriated under this heading, $12,000,000 shall be available only to continue development of electric and hybrid-electric vehicles.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $249,106,000, to remain available for obligation until September 30, 2000.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $25,245,000, to remain available for obligation until September 30, 2000.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

(INCLUDING TRANSFER OF FUNDS)

For the Defense Working Capital Funds; $94,500,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $669,566,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,337,322,000, of which $9,684,935,000 shall be for Operation and maintenance, of which not to exceed two per centum shall remain available until September 30, 1999, of which $402,387,000, to remain available for obligation until September 30, 2001, shall be for Procurement, and of which $250,000,000, to remain available for obligation until September 30, 2000, shall be for Research, development, test and evaluation: Provided, That, of the funds available under this heading, $3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $780,150,000, of which $491,700,000 shall be for Operation and maintenance, $115,670,000 shall be for Procurement to remain available until September 30, 2001, and $172,780,000 shall be for Research, development, test and evaluation to remain available until September 30, 2000: Provided, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: Provided further, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $742,582,000: Provided, That the funds appropriated under this head shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $132,064,000, of which $130,764,000 shall be for Operation and maintenance, of which not to exceed $500,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,300,000, to remain available until September 30, 2001, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $201,500,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account; $134,623,000, of which $39,011,000 for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 2000: Provided, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2001, and $3,000,000 for Research, development, test and evaluation shall remain available until September 30, 2000.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $25,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $3,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be *obligated during the last two months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.*

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $1,775,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

E–2C aircraft;

Longbow Hellfire missile; and

Medium tactical vehicle replacement (MTVR).

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 1999, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2000 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2000 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2000.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: Provided, That in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: Provided further, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2000 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8022. A member of a reserve component whose unit or whose residence is located in a State which is not contiguous with another State is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations): Provided, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8023. (a) In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That contractors participating in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

(b) Section 8024 of the Department of Defense Appropriations Act (Public Law 105–56) is amended by striking out "That these payments" and all that follows through "Provided further,".

SEC. 8024. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8025. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8026. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8027. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8028. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8029. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8030. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8031. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8032. Of the funds made available in this Act, not less than $23,964,000 shall be available for the Civil Air Patrol, of which $20,654,000 shall be available for operation and maintenance.

SEC. 8033. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization *managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.*

(b) LIMITATION ON COMPENSATION—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC).—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 1999 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 1999, not more than 6,206 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,105 staff years may be funded for the defense studies and analysis FFRDCs.

(e) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report presenting the specific amounts of staff years of technical effort to be allocated by the department for each defense FFRDC during fiscal year 1999: Provided, That, after the submission of the report required by this subsection, the department may not reallocate more than five per centum of an FFRDC's staff years among other defense FFRDCs until 30 days after a detailed justification for any such reallocation is submitted to the congressional defense committees.

(f) The Secretary of Defense shall, with the submission of the department's fiscal year 2000 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8034. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8035. For the purposes of this Act, the term "congressional defense committees" means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8036. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8037. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1999. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8038. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8039. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: Provided, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: Provided further, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8040. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8041. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8042. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: Provided, That none of the funds made available for expenditure under this section may be transferred or obligated until thirty days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 1999 and 2000, and the specific expenditures to be made using funds transferred from this account during fiscal year 1999.

SEC. 8043. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: Provided, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8044. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8045. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2000 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2000 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2000 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8046. None of the funds provided in this Act and hereafter shall be available for use by a military department to modify an aircraft, weapon, ship or other item of equipment, that the military department concerned plans to retire or otherwise dispose of within 5 years after completion of the modification: Provided, That *this prohibition shall not apply to safety modifications: Provided further, That this prohibition may be waived by the Secretary of a military department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.*

SEC. 8047. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2000: Provided, That funds appropriated, transferred or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8048. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8049. Of the funds appropriated by the Department of Defense under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8050. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8051. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8052. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8053. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work; or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8054. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8055. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1999 until the enactment of the Intelligence Authorization Act for Fiscal Year 1999.

SEC. 8056. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8057. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of enactment of this Act from the following accounts in the specified amounts:

"Shipbuilding and Conversion, Navy, 1998/2002", $25,000,000;

"Other Procurement, Army, 1998/2000", $24,000,000;

"Aircraft Procurement, Air Force, 1998/2000", $10,800,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 1997/1998", $10,000,000.

SEC. 8058. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8059. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8060. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8061. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP) and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8062. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1997 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8063. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,118,000,000.

SEC. 8064. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8065. Appropriations available in this Act under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for increasing energy *and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.*

SEC. 8066. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8067. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: Provided, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8068. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8069. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8070. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8071. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8072. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8073. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10.

SEC. 8074. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.

SEC. 8075. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8076. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8077. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

SEC. 8078. During the current fiscal year, no more than $15,000,000 of appropriations made in this Act under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8079. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "SHIPBUILDING AND CONVERSION, NAVY" shall be considered to be for the same purpose as any subdivision under the heading "SHIPBUILDING AND CONVERSION, NAVY" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8080. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to

a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8081. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

DDG-51 destroyer program, $1,500,000;

LHD-1 amphibious assault ship program, $7,500,000;

LSD-41 cargo variant ship program, $1,227,000;

LCAC landing craft, air cushioned program, $392,000;

MHC coastal minehunter program, $2,400,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

SSN-21 attack submarine program, $13,019,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD-1 amphibious assault ship program, $5,729,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

MCS(C) mine warfare command and control ship program, $5,729,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

SSN-21 attack submarine program, $26,526,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

SSN-21 attack submarine program, $16,967,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1995/2001":

Carrier replacement program, $8,007,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

Fast Patrol craft program, $345,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2000":

AGOR SWATH oceanographic research program, $1,207,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

LHD-1 amphibious assault ship program, $3,400,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/2001":

Carrier replacement program, $3,400,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

CVN Refuelings, $14,791,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/2001":

Carrier replacement program, $14,791,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

DDG-51(AP) destroyer program, $9,009,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

DDG-51 destroyer program, $9,009,000.

SEC. 8082. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 1999, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2000 budget request was reduced because Congress appropriated funds above the President's budget request for that specific activity for fiscal year 1999.

SEC. 8083. Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8084. The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8085. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8086. During the current fiscal year, the amounts which are necessary for the operation and maintenance of the Fisher Houses administered by the Departments of the Army, the Navy, and the Air Force are hereby appropriated, to be derived from amounts which are available in the applicable Fisher House trust fund established under 10 U.S.C. 2221 for the Fisher Houses of each such department.

SEC. 8087. During the current fiscal year, refunds attributable to the use of the Government travel card by military personnel and civilian employees of the Department of Defense may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8088. During the current fiscal year, not more than a total of $60,000,000 in withdrawal credits may be made by the Marine Corps Supply Management activity group of the Navy Working Capital Fund, Department of Defense Working Capital Funds, to the credit of current applicable appropriations of a Department of Defense activity in connection with the acquisition of critical low density repairables that are capitalized into the Navy Working Capital Fund.

SEC. 8089. Notwithstanding 31 U.S.C. 3902, during the current fiscal year interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8090. At the time the President submits his budget for fiscal year 2000, the Department of Defense shall transmit to the congressional defense committees a budget justification document for the active and reserve Military Personnel accounts, to be known as the "M-1", which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel in any budget request, or amended budget request, for fiscal year 2000.

SEC. 8091. During the current fiscal year, the Secretary of Defense may award contracts for capital assets having a development or acquisition cost of not less than $100,000 of a Working Capital Fund in advance of the availability of funds in the Working Capital Fund for minor construction, automatic data processing equipment, software, equipment, and other capital improvements.

SEC. 8092. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8093. The budget of the President for fiscal year 2000 submitted to Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as "subactivities") in the operation and maintenance accounts of the military departments and other appropriation accounts, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the expansion of the North Atlantic Treaty Organization. The budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2000, and subsequent fiscal years, shall provide complete, detailed estimates for the incremental costs of such expansion.

SEC. 8094. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of warships, ball and roller bearings, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, and 9404.

SEC. 8095. Notwithstanding 31 U.S.C. 1552(a), of the funds provided in Department of Defense

Appropriations Acts, not more than the specified amounts from the following accounts shall remain available for the payment of satellite on-orbit incentive fees until the fees are paid:

Missile Procurement, Air Force, 1995/1997, $20,978,000;

Missile Procurement, Air Force, 1996/1998, $16,782,400.

SEC. 8096. During fiscal year 1999, advance billing for services provided or work performed by the Working Capital Fund activities of the Department of the Air Force in excess of $100,000,000 is prohibited.

SEC. 8097. Notwithstanding any other provision in this Act, the total amount appropriated in title II is hereby reduced by $150,000,000 to reflect savings resulting from consolidations and personnel reductions as mandated in the Defense Reform Initiative.

SEC. 8098. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $400,600,000 to reflect savings from revised economic assumptions, to be distributed as follows:

Operation and Maintenance, Army, $24,000,000;

Operation and Maintenance, Navy, $32,000,000;

Operation and Maintenance, Marine Corps, $4,000,000;

Operation and Maintenance, Air Force, $31,000,000;

Operation and Maintenance, Defense-Wide, $17,600,000;

Operation and Maintenance, Army Reserve, $2,000,000;

Operation and Maintenance, Navy Reserve, $2,000,000;

Operation and Maintenance, Air Force Reserve, $2,000,000;

Operation and Maintenance, Army National Guard, $4,000,000;

Operation and Maintenance, Air National Guard, $4,000,000;

Drug Interdiction and Counter-Drug Activities, Defense, $2,000,000;

Environmental Restoration, Army, $1,000,000;

Environmental Restoration, Navy, $1,000,000;

Environmental Restoration, Air Force, $1,000,000;

Environmental Restoration, Defense-Wide, $1,000,000;

Defense Health Program, $36,000,000;

Aircraft Procurement, Army, $4,000,000;

Missile Procurement, Army, $4,000,000;

Procurement of Weapons and Tracked Combat Vehicles, Army, $4,000,000;

Procurement of Ammunition, Army, $3,000,000;

Other Procurement, Army, $9,000,000;

Aircraft Procurement, Navy, $22,000,000;

Weapons Procurement, Navy, $4,000,000;

Procurement of Ammunition, Navy and Marine Corps, $1,000,000;

Shipbuilding and Conversion, Navy, $18,000,000;

Other Procurement, Navy, $12,000,000;

Procurement, Marine Corps, $2,000,000;

Aircraft Procurement, Air Force, $23,000,000;

Missile Procurement, Air Force, $7,000,000;

Procurement of Ammunition, Air Force, $1,000,000;

Other Procurement, Air Force, $17,500,000;

Procurement, Defense-Wide, $5,800,000;

Chemical Agents and Munitions Destruction, Defense, $3,000,000;

Research, Development, Test and Evaluation, Army, $10,000,000;

Research, Development, Test and Evaluation, Navy, $20,000,000;

Research, Development, Test and Evaluation, Air Force, $39,000,000; and

Research, Development, Test and Evaluation, Defense-Wide, $26,700,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8099. Notwithstanding any other provision of law, of the revenue collected by the Department of Defense Working Capital Funds, such amounts as may be required shall be made available for obligation and expenditure for indemnification of the leasing entity or entities to accomplish the lease of aircraft engines for C–135-type aircraft: Provided, That the funds made available pursuant to this section shall remain available until expended.

SEC. 8100. (a) The Secretary of the Navy is hereby authorized to transfer naval vessels on a sale or combined lease-sale basis in accordance with the text of Amendment No. 2449 intended to be proposed to the bill, S. 2057, 105th Congress, second session, as filed in the Senate on June 4, 1998.

(b) There is hereby established in the Treasury of the United States a special account to be known as the Defense Vessels Transfer Program Account. There is hereby appropriated into that account such sums as may be necessary for paying the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) associated with the lease-sale transfers authorized under section (a). Funds in that account are available only for the purpose of covering those costs.

SEC. 8101. Amendment No. 2448 as submitted to the Senate and reported in the Congressional Record on June 4, 1998, is hereby enacted into law.

SEC. 8102. Amendment No. 2447 as submitted to the Senate and reported in the Congressional Record on June 4, 1998, is hereby enacted into law.

SEC. 8103. None of the funds made available by this Act shall be used by the Army to reduce civilian personnel workforce levels at United States Army, Pacific (USARPAC) bases and at Major Range and Test Facility Bases (MRTFBs) in the United States in fiscal year 1999 below levels assumed in this Act unless the Secretary of the Army notifies the Congressional defense committees not less than 30 days prior to implementation of any civilian personnel workforce reductions.

SEC. 8104. (a) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for "MILITARY PERSONNEL, ARMY", $58,000,000; for "MILITARY PERSONNEL, NAVY", $43,000,000; for "MILITARY PERSONNEL, MARINE CORPS", $14,000,000; for "MILITARY PERSONNEL, AIR FORCE", $44,000,000; for "RESERVE PERSONNEL, ARMY", $5,377,000; for "RESERVE PERSONNEL, NAVY", $3,684,000; for "RESERVE PERSONNEL, MARINE CORPS", $1,103,000; for "RESERVE PERSONNEL, AIR FORCE", $1,000,000; for "NATIONAL GUARD PERSONNEL, ARMY", $9,392,000; and for "NATIONAL GUARD PERSONNEL, AIR FORCE", $4,112,000.

(b) Notwithstanding any other provision in this Act, the total amount available in this Act for "QUALITY OF LIFE ENHANCEMENTS, DEFENSE", real property maintenance is hereby decreased by reducing the total amounts appropriated in the following accounts: "OPERATION AND MAINTENANCE, ARMY", by $58,000,000; "OPERATION AND MAINTENANCE, NAVY", by $43,000,000; "OPERATION AND MAINTENANCE, MARINE CORPS", by $14,000,000; and "OPERATION AND MAINTENANCE, AIR FORCE", by $44,000,000.

(c) Notwithstanding any other provision in this Act, the total amount appropriated under the heading "NATIONAL GUARD AND RESERVE EQUIPMENT", is hereby reduced by $24,668,000.

SEC. 8105. For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,858,600,000: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, the defense health program appropriations and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 8106. (a) None of the funds appropriated or otherwise made available under this Act may be obligated or expended for any deployment of forces of the Armed Forces of the United States to Yugoslavia, Albania, or Macedonia unless and until the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate, transmits to Congress a report on the deployment that includes the following:

(1) The President's certification that the presence of those forces in each country to which the forces are to be deployed is necessary in the national security interests of the United States.

(2) The reasons why the deployment is in the national security interests of the United States.

(3) The number of United States military personnel to be deployed to each country.

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exit strategy for United States forces engaged in the deployment.

(7) The costs associated with the deployment and the funding sources for paying those costs.

(8) The anticipated effects of the deployment on the morale, retention, and effectiveness of United States forces.

(b) Subsection (a) does not apply to a deployment of forces—

(1) in accordance with United Nations Security Council Resolution 795; or

(2) under circumstances determined by the President to be an emergency necessitating immediate deployment of the forces.

SEC. 8107. That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $2,250,000 shall be available for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas.

SEC. 8108. That of the funds appropriated for Defense-wide research, development, test and evaluation, $1,000,000 is available for Acoustic Sensor Technology Development Planning.

SEC. 8109. (a) The Secretary of Defense shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on food stamp assistance for members of the Armed Forces. The Secretary shall submit the report at the same time that the Secretary submits to Congress, in support of the fiscal year 2000 budget, the materials that relate to the funding provided in that budget for the Department of Defense.

(b) The report shall include the following:

(1) The number of members of the Armed Forces and dependents of members of the Armed Forces who are eligible for food stamps.

(2) The number of members of the Armed Forces and dependents of members of the Armed Forces who received food stamps in fiscal year 1998.

(3) A proposal for using, as a means for eliminating or reducing significantly the need of such personnel for food stamps, the authority under section 2828 of title 10, United States Code, to lease housing facilities for enlisted members of the Armed Forces and their families when Government quarters are not available for such personnel.

(4) A proposal for increased locality adjustments through the basic allowance for housing and other methods as a means for eliminating or reducing significantly the need of such personnel for food stamps.

(5) Other potential alternative actions (including any recommended legislation) for eliminating or reducing significantly the need of such personnel for food stamps.

(6) A discussion of the potential for each alternative action referred to in paragraph (3) or (4) to result in the elimination or a significant reduction in the need of such personnel for food stamps.

(c) Each potential alternative action included in the report under paragraph (3) or (4) of subsection (b) shall meet the following requirements:

(1) Apply only to persons referred to in paragraph (1) of such subsection.

(2) Be limited in cost to the lowest amount feasible to achieve the objectives.

(d) In this section:

(1) The term "fiscal year 2000 budget" means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term "food stamps" means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 8110. (a) The Comptroller General shall carry out a study of issues relating to family life, morale, and retention of members of the Armed Forces and, not later than June 25, 1999, submit the results of the study to the Committees on Appropriations of the Senate and the House of Representatives. The Comptroller General may submit to the committees an interim report on the matters described in paragraphs (1) and (2) of subsection (c). Any such interim report shall be submitted by February 12, 1999.

(b) In carrying out the study, the Comptroller General shall consult with experts on the subjects of the study who are independent of the Department of Defense.

(c) The study shall include the following matters:

(1) The conditions of the family lives of members of the Armed Forces and the members' needs regarding their family lives, including a discussion of each of the following:

(A) How leaders of the Department of Defense and leaders of each of the Armed Forces—

(i) collect, organize, validate, and assess information to determine those conditions and needs;

(ii) determine consistency and variations among the assessments and assessed information for each of the Armed Forces; and

(iii) use the information and assessments to address those conditions and needs.

(B) How the information on those conditions and needs compares with any corresponding information that is available on the conditions of the family lives of civilians in the United States and the needs of such civilians regarding their family lives.

(C) How the conditions of the family lives of members of each of the Armed Forces and the members' needs regarding their family lives compare with those of the members of each of the other Armed Forces.

(D) How the conditions and needs of the members compare or vary among members in relation to the pay grades of the members.

(E) How the conditions and needs of the members compare or vary among members in relation to the occupational specialties of the members.

(F) What, if any, effects high operating tempos of the Armed Forces have had on the family lives of members, including effects on the incidence of substance abuse, physical or emotional abuse of family members, and divorce.

(G) The extent to which family lives of members of the Armed Forces prevent members from being deployed.

(2) The rates of retention of members of the Armed Forces, including the following:

(A) The rates based on the latest information available when the report is prepared.

(B) Projected rates for future periods for which reasonably reliable projections can be made.

(C) An analysis of the rates under subparagraphs (A) and (B) for each of the Armed Forces, each pay grade, and each major occupational specialty.

(3) The relationships among the quality of the family lives of members of the Armed Forces, high operating tempos of the Armed Forces, and retention of the members in the Armed Forces, analyzed for each of the Armed Forces, each pay grade, and each occupational specialty, including, to the extent ascertainable and relevant to the analysis of the relationships, the reasons expressed by members of the Armed Forces for separating from the Armed Forces and the reasons expressed by the members of the Armed Forces for remaining in the Armed Forces.

(4) The programs and policies of the Department of Defense (including programs and policies specifically directed at quality of life) that have tended to improve, and those that have tended to degrade, the morale of members of the Armed Forces and members of their families, the retention of members of the Armed Forces, and the perceptions of members of the Armed Forces and members of their families regarding the quality of their lives.

(d) In this section, the term "major occupational specialty" means the aircraft pilot specialty and each other occupational specialty that the Comptroller General considers a major occupational specialty of the Armed Forces.

SEC. 8111. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out any conveyance of land at the former Fort Sheridan, Illinois, unless such conveyance is consistent with a regional agreement among the communities and jurisdictions in the vicinity of Fort Sheridan and in accordance with section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 573).

(b) The land referred to in subsection (a) is a parcel of real property including any improvements thereon, located at the former Fort Sheridan, Illinois, consisting of approximately 14 acres, and known as the northern Army Reserve enclave area, that is covered by the authority in section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 and has not been conveyed pursuant to that authority as of the date of enactment of this Act.

SEC. 8112. (a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Town of Newington, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, consisting of approximately 1.3 acres located at former Pease Air Force Base, New Hampshire, and known as the site of the old Stone School.

(b) EXCEPTION FROM SCREENING REQUIREMENT.—The Secretary shall make the conveyance under subsection (a) without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

SEC. 8113. Of the amounts appropriated or otherwise made available for the Department of Defense by this Act, up to $10,000,000 may be available for the Department of Defense share of environmental remediation and restoration activities at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

SEC. 8114. Of the funds provided under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", for Materials and Electronics Technology, $2,000,000 shall be made available only for the Strategic Materials Manufacturing Facility project.

SEC. 8115. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following:

"§2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii

"(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the purpose of transporting any veteran specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

"(b) VETERANS ELIGIBLE FOR TRANSPORT.—A veteran eligible for transport under subsection (a) is any veteran who—

"(1) resides in and is located in American Samoa; and

"(2) as determined by an official of the Department of Veterans Affairs designated for that purpose by the Secretary of Veterans Affairs, must be transported to the State of Hawaii in order to receive hospital care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

"(c) ADMINISTRATION.—(1) Transportation may be provided to veterans under this section only on a space-available basis.

"(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'veteran' has the meaning given that term in section 101(2) of title 38.

"(2) The term 'hospital care' has the meaning given that term in section 1701(5) of title 38.".

(b) The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2641 the following new item:

"2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.".

SEC. 8116. Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited *to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.*

SEC. 8117. Within the amounts appropriated under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", the amount available for S-3 Weapon System Improvement is hereby reduced by $8,000,000: Provided, That within the amounts appropriated under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", the amount available for a cyber-security program is hereby increased by $8,000,000: Provided further, That the funds are made available for the cyber-security program to conduct research and development on issues relating to security information assurance and to facilitate the transition of information assurance technology to the defense community.

SEC. 8118. ADDITIONAL FUNDING FOR KOREAN WAR VETERANS MEMORIAL. Section 3 of Public Law 99–572 (40 U.S.C. 1003 note) is amended by adding at the end the following:

"(c) ADDITIONAL FUNDING.—

"(1) IN GENERAL.—In addition to amounts made available under subsections (a) and (b), the Secretary of the Army may expend, from any funds available to the Secretary on the date of enactment of this paragraph, $2,000,000 for repair of the memorial.

"(2) DISPOSITION OF FUNDS RECEIVED FROM CLAIMS.—Any funds received by the Secretary of the Army as a result of any claim against a contractor in connection with construction of the memorial shall be deposited in the general fund of the Treasury.".

SEC. 8119. Of the funds available under title VI for chemical agents and munitions destruction, Defense, for research and design, $18,000,000 shall be made available for the program manager for the Assembled Chemical Weapons Assessment (under section 8065 of the Department of Defense Appropriations Act, 1997) for demonstrations of technologies under the Assembled Chemical Weapons Assessment, for planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, and for the design, construction, and operation of a pilot facility for the technology.

SEC. 8120. (a) The Secretary of the Navy may lease to the University of Central Florida (in this section referred to as the "University"), or a representative or agent of the University designated by the University, such portion of the property known as the Naval Air Warfare Center, Training Systems Division, Orlando, Florida, as the Secretary considers appropriate as a location for the establishment of a center for research in the fields of law enforcement, public safety, civil defense, and national defense.

(b) Notwithstanding any other provision of law, the term of the lease under subsection (a) may not exceed 50 years.

(c) As consideration for the lease under subsection (a), the University shall—

(1) undertake and incur the cost of the planning, design, and construction required to establish the center referred to in that subsection; and

(2) during the term of the lease, provide the Secretary such space in the center for activities of the Navy as the Secretary and the University jointly consider appropriate.

(d) The Secretary may require such additional terms and conditions in connection with the lease authorized by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

SEC. 8121. Funds appropriated under O&M Navy are available for a vessel scrapping pilot program which the Secretary of the Navy may carry out during fiscal year 1999 and (notwithstanding the expiration of authority to obligate funds appropriated under this heading) fiscal year 2000, and for which the Secretary may define the program scope as that which the Secretary determines sufficient for gathering data on the cost of scrapping Government vessels and for demonstrating cost effective technologies and techniques to scrap such vessels in a manner that is protective of worker safety and health and the environment.

SEC. 8122. The Department of Defense shall, in allocating funds for the Next Generation Internet (NGI) initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the Department of Defense Major Shared Resource Centers and centers with supercomputers purchased using Department of Defense RDT&E funds, including the high performance networks associated with such centers.

SEC. 8123. From within the funds provided, with the heading "OPERATIONS AND MAINTENANCE, ARMY", up to $500,000 shall be available for paying subcontractors and suppliers for work performed at Fort Wainwright, Alaska, in 1994, under Army services contract number DACA85–93–C–0065.

SEC. 8124. Of the funds provided under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", for Industrial Preparedness, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

SEC. 8125. COMMISSION TO ASSESS THE ORGANIZATION OF THE FEDERAL GOVERNMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION. The Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (as contained in Public Law 104–293) is amended—

(1) in section 711(b), in the text above paragraph (1), by striking "eight" and inserting "twelve";

(2) in section 711(b)(2), by striking "one" and inserting "three";

(3) in section 711(b)(4), by striking "one" and inserting "three";

(4) in section 711(e), by striking "on which all members of the Commission have been appointed" and inserting "on which the Department of Defense Appropriations Act, 1999, is enacted, regardless of whether all members of the Commission have been appointed"; and

(5) in section 712(c), by striking "Not later than 18 months after the date of enactment of this Act," and inserting "Not later than June 15, 1999,".

SEC. 8126. Of the funds provided under title III of this Act under the heading "OTHER PROCUREMENT, ARMY", for Training Devices, $4,000,000 shall be made available only for procurement of Multiple Integrated Laser Engagement System (MILES) equipment to support Department of Defense Cope Thunder exercises.

SEC. 8127. Within the amounts appropriated under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", the amount available for Joint Tactical Radio is hereby reduced by $10,981,000, and the amount available for Army Data Distribution System development is hereby increased by $10,981,000.

SEC. 8128. Of the funds provided under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", for Digitization, $2,000,000 shall be made available only for the Digital Intelligence Situation Mapboard (DISM).

SEC. 8129. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System.

SEC. 8130. (a) Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out "and leasing of equipment" and inserting in lieu thereof "and equipment, and the leasing of equipment,".

(b) Subsection (b)(2) of such section is amended to read as follows:

"(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

"(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.".

(c) Subsection (b)(3) of such section is amended to read as follows:

"(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

"(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

"(B) in the case of services, the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

"(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.".

(d) Subsection (i)(1) of such section is amended by inserting after "drug interdiction and counter-drug law enforcement activities" the following: ", including drug demand reduction activities,".

SEC. 8131. Of the amounts appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", $3,000,000 shall be available for advanced research relating to solid state dye lasers.

SEC. 8132. (a) The Secretary of the Air Force may enter into an agreement to lease from the City of Phoenix, Arizona, the parcel of real property described in subsection (b), together with improvements on the property, in consideration of annual rent not in excess of one dollar.

(b) The real property referred to in subsection (a) is a parcel, known as Auxiliary Field 3, that is located approximately 12 miles north of Luke Air Force Base, Arizona, in section 4 of township 3 north, range 1 west of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, is bounded on the north by Bell Road, on the east by Litchfield Road, on the south by Greenway Road, and on the west by agricultural land, and is composed of approximately 638 acres, more or less, the same property that was formerly an Air Force training and emergency field developed during World War II.

(c) The Secretary may require such additional terms and conditions in connection with the

lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8133. Of the funds provided under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $1,300,000 may be made available only to integrate and evaluate enhanced, active and passive, passenger safety system for heavy tactical trucks.

SEC. 8134. Effective on June 30, 1999, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended—

(1) by striking out "not later than June 30, 1997,", and inserting in lieu thereof "not later than June 30, 1999,"; and

(2) by striking out "$1,000,000" and inserting in lieu thereof "$500,000".

SEC. 8135. Of the total amount appropriated under title IV for research, development, test and evaluation, Defense-wide, for basic research, $29,646,000 is available for research and development relating to Persian Gulf illnesses.

SEC. 8136. Within the amounts appropriated under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", the amount available for Hard and Deeply Buried Target Defeat System is hereby reduced by $9,827,000, and the amount available for Consolidated Training Systems Development is hereby increased by $9,827,000.

SEC. 8137. (a) Not later than six months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing a comprehensive assessment of the TRICARE program.

(b) The assessment under subsection (a) shall include the following:

(1) A comparison of the health care benefits available under the health care options of the TRICARE program known as TRICARE Standard, TRICARE Prime, and TRICARE Extra with the health care benefits available under the health care plan of the Federal Employees Health Benefits program most similar to each such option that has the most subscribers as of the date of enactment of this Act, including—

(A) the types of health care services offered by each option and plan under comparison;

(B) the ceilings, if any, imposed on the amounts paid for covered services under each option and plan under comparison; and

(C) the timeliness of payments to physicians providing services under each option and plan under comparison.

(2) An assessment of the effect on the subscription choices made by potential subscribers to the TRICARE program of the Department of Defense policy to grant priority in the provision of health care services to subscribers to a particular option.

(3) An assessment whether or not the implementation of the TRICARE program has discouraged medicare-eligible individuals from obtaining health care services from military treatment facilities, including—

(A) an estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period ending with the commencement of the implementation of the TRICARE program; and

(B) an estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period following the commencement of the implementation of the TRICARE program.

(4) An assessment of any other matters that the Comptroller General considers appropriate for purposes of this section.

(c) In this section:

(1) The term "Federal Employees Health Benefits program" means the health benefits program under chapter 89 of title 5, United States Code.

(2) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 8138. (a) The Secretary of the Army and the Secretary of the Air Force may each enter into one or more multiyear leases of nontactical firefighting equipment, nontactical crash rescue equipment, or nontactical snow removal equipment. The period of a lease entered into under this section shall be for any period not in excess of 10 years. Any such lease shall provide that performance under the lease during the second and subsequent years of the contract is contingent upon the appropriation of funds and shall provide for a cancellation payment to be made to the lessor if such appropriations are not made.

(b) Lease payments made under subsection (a) shall be made from amounts provided in this or future appropriations Acts.

(c) This section is effective for all fiscal years beginning after September 30, 1998.

SEC. 8139. Of the amounts appropriated in this Act for the Defense Threat Reduction and Treaty Compliance Agency and for Operations and Maintenance, National Guard, $1,500,000 shall be available to develop training materials and a curriculum for a Domestic Preparedness Sustainment Training Center at Pine Bluff Arsenal, Arkansas.

SEC. 8140. Of the funds provided under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $10,000,000 may be made available only for the efforts associated with building and demonstrating a deployable mobile large aerostat system platform.

SEC. 8141. That of the amounts available under this heading, $150,000 shall be made available to the Bear Paw Development Council, Montana, for the management and conversion of the Havre Air Force Base and Training Site, Montana, for public benefit purposes, including public schools, housing for the homeless, and economic development.

SEC. 8142. (a) Section 4344(b) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking out ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States"; and

(2) by striking out paragraph (3).

(b) Section 6957(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States"; and

(2) by striking out paragraph (3).

(c) Section 9344(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States"; and

(2) by striking out paragraph (3).

SEC. 8143. Out of the funds available for the Department of Defense under title VI of this Act for chemical agents and munitions, Defense, or the unobligated balances of funds available for chemical agents and munitions destruction, Defense, under any other Act making appropriations for military functions administered by the Department of Defense for any fiscal year, the Secretary of Defense may use not more than $25,000,000 for the Assembled Chemical Weapons Assessment to complete the demonstration of alternatives to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note). The amount specified in the preceding sentence is in addition to any other amount that is made available under title VI of this Act to complete the demonstration of the alternatives and to carry out the pilot program: Provided, That none of these funds shall be taken from any ongoing operational chemical munitions destruction programs.

SEC. 8144. (a) FINDINGS.—The Senate finds that—

(1) child experts estimate that as many as 250,000 children under the age of 18 are currently serving in armed forces or armed groups in more than 30 countries around the world;

(2) contemporary armed conflict has caused the deaths of 2,000,000 minors in the last decade alone, and has left an estimated 6,000,000 children seriously injured or permanently disabled;

(3) children are uniquely vulnerable to military recruitment because of their emotional and physical immaturity, are easily manipulated, and can be drawn into violence that they are too young to resist or understand;

(4) children are most likely to become child soldiers if they are poor, separated from their families, displaced from their homes, living in a combat zone, or have limited access to education;

(5) orphans and refugees are particularly vulnerable to recruitment;

(6) one of the most egregious examples of the use of child soldiers is the abduction of some 10,000 children, some as young as 8 years of age, by the Lord's Resistance Army (in this section referred to as the "LRA") in northern Uganda;

(7) the Department of State's Country Reports on Human Rights Practices for 1997 reports that in Uganda the LRA kills, maims, and rapes large numbers of civilians, and forces abducted children into "virtual slavery as guards, concubines, and soldiers";

(8) children abducted by the LRA are forced to raid and loot villages, fight in the front line of battle against the Ugandan army and the Sudan People's Liberation Army (SPLA), serve as sexual slaves to rebel commanders, and participate in the killing of other children who try to escape;

(9) former LRA child captives report witnessing Sudanese government soldiers delivering food supplies, vehicles, ammunition, and arms to LRA base camps in government-controlled southern Sudan;

(10) children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, unlocatable, dead, or fearful of having their children return home;

(11) Graca Machel, the former United Nations expert on the impact of armed conflict on children, identified the immediate demobilization of all child soldiers as an urgent priority, and recommended the establishment through an optional protocol to the Convention on the Rights of the Child of 18 as the minimum age for recruitment and participation in armed forces; and

(12) the International Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commission on Refugees, and the United Nations High Commissioner on Human Rights, as well as many nongovernmental organizations, also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict.

(b) IN GENERAL.—The Senate hereby—

(1) deplores the global use of child soldiers and supports their immediate demobilization;

(2) condemns the abduction of Ugandan children by the LRA;

(3) calls on the Government of Sudan to use its influence with the LRA to secure the release of abducted children and to halt further abductions; and

(4) encourages the United States delegation not to block the drafting of an optional protocol to the Convention on the Rights of the Child that would establish 18 as the minimum age for participation in armed conflict.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the President and the Secretary of State should—

(1) support efforts to end the abduction of children by the LRA, secure their release, and facilitate their rehabilitation and reintegration into society;

(2) not block efforts to establish 18 as the minimum age for participation in conflict through an optional protocol to the Convention on the Rights of the Child; and

(3) provide greater support to United Nations agencies and nongovernmental organizations working for the rehabilitation and reintegration of former child soldiers into society.

SEC. 8145. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for Counterterror Technical Support in the Department of Defense Appropriations Act, 1998 (under title IV of Public Law 105–56) for the projects and in the amounts provided for in House Report 105–265 of the House of Representatives, One Hundred Fifth Congress, First Session: Provided, That the funds available for the Pulsed Fast Neutron Analysis Project should be executed through cooperation with the Office of National Drug Control Policy.

SEC. 8146. Of the funds provided under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $1,000,000 may be made available only for the development and testing of alternate turbine engines for missiles.

SEC. 8147. VOTING RIGHTS OF MILITARY PERSONNEL. (a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) in this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(B) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(2) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "**FOR FEDERAL OFFICE**".

SEC. 8148. From amounts made available by this Act, up to $10,000,000 may be available to convert the Eighth Regiment National Guard Armory into a Chicago Military Academy: Provided, That the Academy shall provide a 4 year college prepatory curriculum combined with a mandatory JROTC instruction program.

SEC. 8149. (a) The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 15, 1999, provide support at the Francis S. Gabreski Airport, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.

(b) The support provided under subsection (a) shall include access to and use of appropriate facilities at Francis S. Gabreski Airport, including runways, hangars, the operations center, and aircraft berthing and maintenance spaces.

(c)(1) The adjutant general of the National Guard of the State of New York and the Commandant of the Coast Guard shall enter into a memorandum of understanding regarding the support to be provided under subsection (a).

(2) Not later than December 1, 1998, the adjutant general and the Commandant shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a copy of the memorandum of understanding entered into under paragraph (1).

SEC. 8150. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) Not later than March 15, 1999, the Secretary of Defense shall submit to Congress a report on the program, including the actions taken under the program.

SEC. 8151. (a) Not later than March 15, 1999, the Secretary of Defense shall submit to the Committees on Appropriations and on Armed Services of the Senate and the Committees on Appropriations and on National Security of the House of Representatives a report on the policies, practices, and experience of the uniformed services pertaining to the furnishing of dental care to dependents of members of the uniformed services on active duty who are 18 years of age and younger.

(b) The report shall include (1) the rates of usage of various types of dental services under the health care system of the uniformed services by the dependents, set forth in categories defined by the age and the gender of the dependents and by the rank of the members of the uniformed services who are the sponsors for those dependents, (2) an assessment of the feasibility of providing the dependents with dental benefits (including initial dental visits for children) that conform with the guidelines of the American Academy of Pediatric Dentistry regarding infant oral health care, and (3) an evaluation of the feasibility and potential effects of offering general anesthesia as a dental health care benefit available under TRICARE to the dependents.

SEC. 8152. (a) Of the total amount appropriated for the Army, the Army Reserve, and the Army National Guard under title I, $1,700,000 may be available for taking the actions required under this section to eliminate the backlog of unpaid retired pay and to submit a report.

(b) The Secretary of the Army may take such actions as are necessary to eliminate, by December 31, 1998, the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(c) Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (b).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

SEC. 8153. (a) The Secretary of Defense may take such actions as are necessary to ensure the elimination of the backlog of incomplete actions on requests of former members of the Armed Forces for replacement medals and replacements for other decorations that such personnel have earned in the military service of the United States.

(b)(1) The actions taken under subsection (a) may include, except as provided in paragraph (2), allocations of additional resources to improve relevant staffing levels at the Army Reserve Personnel Command, the Bureau of Naval Personnel, and the Air Force Personnel Center, allocations of Department of Defense resources to the National Archives and Records Administration, and any additional allocations of resources that the Secretary considers necessary to carry out subsection (a).

(2) An allocation of resources may be made under paragraph (1) only if and to the extent that the allocation does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

SEC. 8154. Beginning no later than 60 days after enactment, effective tobacco cessation products and counseling may be provided for members of the Armed Forces (including retired members), former members of the Armed Forces entitled to retired or retainer pay, and dependents of such members and former members, who are identified as likely to benefit from such assistance in a manner that does not impose costs upon the individual.

SEC. 8155. (a) Of the amounts appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, MARINE CORPS", $5,000,000 may be available for procurement of lightweight maintenance enclosures (LME).

(b) Of the amounts appropriated by title III of this Act under the heading "OTHER PROCUREMENT, ARMY", $2,000,000 may be available for procurement of lightweight maintenance enclosures (LME).

SEC. 8156. Of the funds available for Drug Interdiction, up to $8,500,000 may be made available to support restoration of enhanced counternarcotics operations around the island of Hispaniola, for operation and maintenance for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, for procurement of 2 Schweizer observation/spray aircraft, and for upgrades for 3 UH–IH helicopters for Colombia.

SEC. 8157. (a) The Secretary of Defense shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(1) a dependent of a member of the Armed Forces who—

(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(B) has engaged in such misconduct; and

(2) a therapist, counselor, advocate, or other professional from whom the victim seeks professional services in connection with effects of such misconduct.

(b)(1) The Secretary of Defense shall prescribe in regulations the policies and procedures that *the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection.*

(2) The regulations shall provide the following:

(A) Complete confidentiality of the records of the communications of dependents of members of the Armed Forces.

(B) Characterization of the records under family advocacy programs of the Department of Defense as primary medical records for purposes of the protections from disclosure that are associated with primary medical records.

(C) Facilitated transfer of records under family advocacy programs in conjunction with changes of duty stations of persons to whom the records relate in order to provide for continuity in the furnishing of professional services.

(D) Adoption of standards of confidentiality and ethical standards that are consistent with standards issued by relevant professional associations.

(3) In prescribing the regulations, the Secretary shall consider the following:

(A) Any risk that the goals of advocacy and counseling programs for helping victims recover from adverse effects of misconduct will not be attained if there is no assurance that the records of the communications (including records of counseling sessions) will be kept confidential.

(B) The extent, if any, to which a victim's safety and privacy should be factors in determinations regarding—

(i) disclosure of the victim's identity to the public or the chain of command of a member of the Armed Forces alleged to have engaged in the misconduct toward the victim; or

(ii) any other action that facilitates such a disclosure without the consent of the victim.

(C) The eligibility for care and treatment in medical facilities of the uniformed services for any person having a uniformed services identification card (including a card indicating the status of a person as a dependent of a member of the uniformed services) that is valid for that person.

(D) The appropriateness of requiring that so-called Privacy Act statements be presented as a condition for proceeding with the furnishing of treatment or other services by professionals referred to in subsection (a).

(E) The appropriateness of adopting the same standards of confidentiality and ethical standards that have been issued by such professional associations as the American Psychiatric Association and the National Association of Social Workers.

(4) The regulations may not prohibit the disclosure of information to a Federal or State agency for a law enforcement or other governmental purpose.

(c) The Secretary of Defense shall consult with the Attorney General in carrying out this section.

(d) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions taken under this section. The report shall include a discussion of the results of the study under subsection (a) and the comprehensive discussion of the regulations prescribed under subsection (b).

SEC. 8158. (a) FINDINGS.—The Senate finds that—

(1) on the third of February a United States Marine Corps jet aircraft, flying a low-level training mission out of Aviano, Italy, flew below its prescribed altitude and severed the cables supporting a gondola at the Italian ski resort near Cavalese, resulting in the death of twenty civilians;

(2) the crew of the aircraft, facing criminal charges, is entitled to a speedy trial and is being provided that and all the other protections and advantages of the United States system of justice;

(3) the United States, to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by a United States military aircraft;

(4) a high-level delegation, including the United States Ambassador to Italy, recently visited Cavalese and, as a result, $20,000,000 was promised to the people in Cavalese for their property damage and business losses;

(5) without our prompt action, these families continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability;

(6) under the current arrangement we have with Italy in the context of our Status of Forces Agreement (SOFA), civil claims arising from the accident at Cavalese must be brought against the Government of Italy, in accordance with the laws and regulations of Italy, as if the armed forces of Italy had been responsible for the accident;

(7) under Italian law, every claimant for property damage, personal injury or wrongful death must file initially an administrative claim for damages with the Ministry of Defense in Rome which is expected to take 12–18 months, and, if the Ministry's offer in settlement is not acceptable, which it is not likely to be, the claimant must thereafter resort to the Italian court system, where civil cases for wrongful death are reported to take up to ten years to resolve;

(8) while under the SOFA process, the United States—as the "sending state"—will be responsible for 75 percent of any damages awarded, and the Government of Italy—as the "receiving state"—will be responsible for 25 percent, the United States has agreed to pay all damages awarded in this case.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should resolve the claims of the victims of the February 8, 1998 United States Marine Corps aircraft incident in Cavalese, Italy as quickly and fairly as possible.

SEC. 8159. TRAINING AND OTHER PROGRAMS. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8160. (a) FINDINGS.—Congress makes the following findings:

(1) Since 1989—

(A) the national defense budget has been cut in half as a percentage of the gross domestic product;

(B) the national defense budget has been cut by over $120,000,000,000 in real terms;

(C) the United States military force structure has been reduced by more than 30 percent;

(D) the Department of Defense's operations and maintenance accounts have been reduced by 40 percent;

(E) the Department of Defense's procurement funding has declined by more than 50 percent;

(F) United States military operational commitments have increased fourfold;

(G) the Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installations at home and overseas, and cut 10 divisions from its force structure;

(H) the Army has reduced its presence in Europe from 215,000 to 65,000 personnel;

(I) the Army has averaged 14 deployments ever four years, increased significantly from the Cold War trend of one deployment ever four years;

(J) the Air Force has downsized by nearly 40 percent, while experiencing a fourfold increase in operational commitments.

(2) In 1992, 37 percent of the Navy's fleet was deployed at any given time. Today that number is 57 percent; at its present rate, it will climb to 62 percent by 2005.

(3) The Navy Surface Warfare Officer community will fall short of its needs of a 40 percent increase in retention to meet requirements.

(4) The Air Force is 18 percent short of its retention goal for second-term airmen.

(5) The Air Force is more than 800 pilots short, and more than 70 percent eligible for retention bonuses have turned them down in favor of separation.

(6) The Army faces critical personnel shortages in combat units, forcing unit commanders to borrow troops from other units just to participate in training exercises.

(7) An Air Force F–16 squadron commander testified before the House National Security Committee that his unit was forced to borrow three aircraft and use cannibalized parts from four other F–16's in order to deploy to Southwest Asia.

(8) In 1997, the Army averaged 31,000 soldiers deployed away from their home station in support of military operations in 70 countries with the average deployment lasting 125 days.

(9) Critical shortfalls in meeting recruiting and retention goals is seriously affecting the ability of the Army to train and deploy. The Army reduced its recruiting goal for 1998 by 12,000 personnel.

(10) In fiscal year 1997, the Army fell short of its recruiting goal for critical infantry soldiers by almost 5,000. As of February 15, 1998, Army-wide shortages existed for 28 Army specialties. Many positions in squads and crews are left unfilled or minimally filled because personnel are diverted to work in key positions elsewhere.

(11) The Navy reports it will fall short of enlisted sailor recruitment for 1998 by 10,000.

(12) One in ten Air Force front-line units are not combat ready.

(13) Ten Air Force technical specialties, representing thousands of airmen, deployed away from their home station for longer than the Air Force standard 120-day mark in 1997.

(14) The Air Force fell short of its reenlistment rate for mid-career enlisted personnel by an average of six percent, with key war fighting career fields experiencing even larger drops in reenlistments.

(15) In 1997, United States Marines in the operating forces have deployed on more than 200

exercises, rotational deployments, or actual contingencies.

(16) United States Marine Corps maintenance forces are only able to maintain 92 percent ground equipment and 77 percent aviation equipment readiness rates due to excessive deployments of troops and equipment.

(17) The National Security Strategy of the United States assumes the ability of the United States Armed Forces to prevail in two major regional conflicts nearly simultaneously.

(18) To execute the National Security of the United States, the United States Army's five later-deploying divisions, which constitute almost half of the Army's active combat forces, are critical to the success of specific war plans.

(19) According to commanders in these divisions, the practice of under staffing squads and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

(20) In the aggregate, the Army's later-deploying divisions were assigned 93 percent of their authorized personnel at the beginning of fiscal year 1998. In one specific case, the 1st Armored Division was staffed at 94 percent in the aggregate; however, its combat support and service support specialties were filled at below 85 percent, and captains and majors were filled at 73 percent.

(21) At the 10th Infantry Division, only 138 of 162 infantry squads were fully or minimally filled, and 36 of the filled squads were unqualified. At the 1st Brigade of the 1st Infantry Division, only 56 percent of the authorized infantry soldiers for its Bradley Fighting Vehicles were assigned, and in the 2nd Brigade, 21 of 48 infantry squads had no personnel assigned.

(22) At the 3rd Brigade of the 1st Armored Division, only 16 of 116 M1A1 tanks had full crews and were qualified, and in one of the Brigade's two armor battalions, 14 of 58 tanks had no crewmembers assigned because the personnel were deployed to Bosnia.

(23) At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the United States National Security Strategy were short nearly 1,900 of the total 25,357 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200.

(24) Rotation of units to Bosnia is having a direct and negative impact on the ability of later-deploying divisions to maintain the training and readiness levels needed to execute their mission in a major regional conflict. Indications of this include:

(A) The reassignment by the Commander of the 3rd Brigade Combat Team of 63 soldiers within the brigade to serve in infantry squads of a deploying unit of 800 troops, stripping nondeploying infantry and armor units of maintenance personnel, and reassigning Non-Commissioned Officers and support personnel to the task force from throughout the brigade.

(B) Cancellation of gunnery exercises for at least two armor battalions in later-deploying divisions, causing 43 of 116 tank crews to lose their qualifications on the weapon system.

(C) Hiring of outside contract personnel by 1st Armored and 1st Infantry later-deploying divisions to perform routine maintenance.

(25) National Guard budget shortfalls compromise the Guard's readiness levels, capabilities, force structure, and end strength, putting the Guard's personnel, schools, training, full-time support, retention and recruitment, and morale at risk.

(26) The President's budget requests for the National Guard have been insufficient, notwithstanding the frequent calls on the Guard to handle wide-ranging tasks, including deployments in Bosnia, Iraq, Haiti, and Somalia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the readiness of United States military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

(2) the ongoing, open-ended commitment of United States forces to the peacekeeping mission in Bosnia is causing assigned and supporting units to compromise their principle wartime assignments;

(3) defense appropriations are not keeping pace with the expanding needs of the Armed Forces.

(c) REPORT REQUIREMENT.—Not later than June 1, 1999, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report on the military readiness of the Armed Forces of the United States. The President shall include in the report a detailed discussion of the competition for resources service-by-service caused by the ongoing commitment to the peacekeeping operation in Bosnia, including in those units that are supporting but not directly deployed to Bosnia. The President shall specifically include in the report the following—

(1) an assessment of current force structure and its sufficiency to execute the National Security Strategy of the United States;

(2) an outline of the service-by-service force structure expected to be committed to a major regional contingency as envisioned in the National Security Strategy of the United States;

(3) a comparison of the force structures outlined in paragraph (2) with the service-by-service order of battle in Operation Desert Shield/Desert Storm, as a representative and recent major regional conflict;

(4) the force structure and defense appropriation increases that are necessary to execute the National Security Strategy of the United States assuming current projected ground force levels assigned to the peacekeeping mission in Bosnia are unchanged;

(5) a discussion of the United States ground force level in Bosnia that can be sustained without impacting the ability of the Armed Forces to execute the National Security Strategy of the United States, assuming no increases in force structure and defense appropriations during the period in which ground forces are assigned to Bosnia.

SEC. 8161. SENSE OF THE SENATE REGARDING PAYROLL TAX RELIEF. (a) FINDINGS.—The Senate finds the following:

(1) The payroll tax under the Federal Insurance Contributions Act (FICA) is the biggest, most regressive tax paid by working families.

(2) The payroll tax constitutes a 15.3 percent tax burden on the wages and self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used to pay the medicare benefits of current beneficiaries.

(3) The amount of wages and self-employment income subject to the social security portion of the payroll tax is capped at $68,400. Therefore, the lower a family's income, the more they pay in payroll tax as a percentage of income. The Congressional Budget Office has estimated that for those families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes.

(4) In 1996, the median household income was $35,492, and a family earning that amount and taking standard deductions and exemptions paid $2,719 in Federal income tax, but lost $5,430 in income to the payroll tax.

(5) Ownership of wealth is essential for everyone to have a shot at the American dream, but the payroll tax is the principal burden to savings and wealth creation for working families.

(6) Since 1983, the payroll tax has been higher than necessary to pay current benefits.

(7) Since most of the payroll tax receipts are deposited in the social security trust funds, which masks the real amount of Government borrowing, those whom the payroll tax hits hardest, working families, have shouldered a disproportionate share of the Federal budget deficit reduction and, therefore, a disproportionate share of the creation of the Federal budget surplus.

(8) Over the next 10 years, the Federal Government will generate a budget surplus of $1,550,000,000,000, and all but $32,000,000,000 of that surplus will be generated by excess payroll taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) if Congress decides to provide tax relief, reducing the burden of payroll taxes should be a top priority; and

(2) Congress and the President should work to reduce this payroll tax burden on American families.

TITLE IX—MONITORING OF HUMAN RIGHTS ABUSES IN CHINA

SEC. 9001. SHORT TITLE. This title may be cited as the "Political Freedom in China Act of 1998".

SEC. 9002. FINDINGS. Congress makes the following findings:

(1) Congress concurs in the following conclusions of the United States State Department on human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is "an authoritarian state" in which "citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government".

(B) The Government of the People's Republic of China has "continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence of inadequacy of laws protecting basic freedoms".

(C) "abuses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention".

(D) "prison conditions remained harsh and the Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights".

(E) "although the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state', or for peaceful political or religious activities are believed to number in the thousands".

(F) "nonapproved religious groups, including Protestant and Catholic groups . . . experienced intensified repression".

(G) "serious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia, and controls on religion and on other fundamental freedoms in these areas have also intensified".

(H) "overall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.".

(2) In addition to the State Department, credible independent human rights organizations have documented an increase in repression in China during 1995, and effective destruction of the dissident movement through the arrest and

sentencing of the few remaining pro-democracy and human rights activists not already in prison or exile.

(3) Among those were Li Hai, sentenced to 9 years in prison on December 18, 1996, for gathering information on the victims of the 1989 crackdown, which according to the court's verdict constituted "state secrets"; Liu Nianchun, an independent labor organizer, sentenced to 3 years of "re-education through labor" on July 4, 1996, due to his activities in connection with a petition campaign calling for human rights reforms; and Ngodrup Phuntsog, a Tibetan national, who was arrested in Tibet in 1987 immediately after he returned from a 2-year trip to India, where the Tibetan government in exile is located, and following a secret trial was convicted by the Government of the People's Republic of China of espionage on behalf of the "Ministry of Security of the Dalai clique".

(4) Many political prisoners are suffering from poor conditions and ill-treatment leading to serious medical and health problems, including—

(A) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, has a heart condition; and

(B) Chen Longde, a leading human rights advocate now serving a 3-year re-education through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt.

(5) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(6) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 9003. CONDUCT OF FOREIGN RELATIONS. (a) RELEASE OF PRISONERS.—The Secretary of State, in all official meetings with the Government of the People's Republic of China, should request the immediate and unconditional release of Ngodrup Phuntsog and other prisoners of conscience in Tibet, as well as in the People's Republic of China.

(b) ACCESS TO PRISONS.—The Secretary of State should seek access for international humanitarian organizations to Drapchi prison and other prisons in Tibet, as well as in the People's Republic of China, to ensure that prisoners are not being mistreated and are receiving necessary medical treatment.

(c) DIALOGUE ON FUTURE OF TIBET.—The Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

SEC. 9004. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA. There are authorized to be appropriated to support personnel to monitor political repression in the People's Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, $2,200,000 for fiscal year 1999 and $2,200,000 for fiscal year 2000.

SEC. 9005. DEMOCRACY BUILDING IN CHINA. (a) AUTHORIZATION OF APPROPRIATIONS FOR NED.—In addition to such sums as are otherwise authorized to be appropriated for the "National Endowment for Democracy" for fiscal years 1999 and 2000, there are authorized to be appropriated for the "National Endowment for Democracy" $4,000,000 for fiscal year 1999 and $4,000,000 for fiscal year 2000, which shall be available to promote democracy, civil society, and the development of the rule of law in China.

(b) EAST ASIA-PACIFIC REGIONAL DEMOCRACY FUND.—The Secretary of State shall use funds available in the East Asia-Pacific Regional Democracy Fund to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. 9006. HUMAN RIGHTS IN CHINA. (a) REPORTS.—Not later than March 30, 1999, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on human rights in China, including religious persecution, the development of democratic institutions, and the rule of law. Reports shall provide information on each region of China.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry for China which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith in China. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners in China. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding Chinese political prisoners to assist in the creation and maintenance of the registry.

SEC. 9007. SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA. It is the sense of Congress that Congress, the President, and the Secretary of State should work with the governments of other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. 9008. SENSE OF CONGRESS REGARDING DEMOCRACY IN HONG KONG. It is the sense of Congress that the people of Hong Kong should continue to have the right and ability to freely elect their legislative representatives, and that the procedure for the conduct of the elections of the legislature of the Hong Kong Special Administrative Region should be determined by the people of Hong Kong through an election law convention, a referendum, or both.

SEC. 9009. SENSE OF CONGRESS RELATING TO ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA. It is the sense of Congress that—

(1) the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes;

(2) the Government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice;

(3) the President should bar from entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice;

(4) individuals determined to be participating in or otherwise facilitating the sale of such organs in the United States should be prosecuted to the fullest possible extent of the law; and

(5) the appropriate officials in the United States should interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

TITLE X

HUMAN RIGHTS IN CHINA

Subtitle A—Forced Abortions in China

SEC. 10001. This subtitle may be cited as the "Forced Abortion Condemnation Act".

SEC. 10002. Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan "better to have more graves than one more child". Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the "Natal and Health Care Law".

SEC. 10003. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue any visa to any official of any country (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible and specific information, has been directly involved in the establishment or enforcement of population control policies forcing a woman to undergo an abortion against her free choice, or forcing a man or woman to undergo sterilization against his or her free choice or policies condoning the practice of genital mutilation.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

Subtitle B—Freedom on Religion in China

SEC. 10011. (a) It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China.

(b) As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds.

(c) In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed.

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. 10012. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue a visa to any official of any country (except the head of state, the head of government, and cabinet level ministers) who the Secretary of State finds, based on credible and specific information, has been directly involved in the establishment or enforcement of policies or practices designed to restrict religious freedom.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

SEC. 10013. In this subtitle, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

This Act may be cited as the "Department of Defense Appropriations Act, 1999".

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 22, 1998, the Senate having received H.R. 4276, the terms of that order are hereby executed.

(Under the previous order, the Senate proceeded to consider the bill (H.R. 4276), all after the enacting clause was stricken and the text of S. 2260, as passed, was inserted in lieu thereof; the House bill, as amended, was read for a third time and passed; the motion to reconsider was laid on the table; the Senate insisted on its amendment, requested a conference with the House, and the Chair appointed conferees on the part of the Senate; the passage of the Senate bill was vitiated and the bill indefinitely postponed.)

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 105–58

Mr. HAGEL. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on August 31, 1998, by the President of the United States:

Treaty with Guatemala for Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft (Treaty Document 105–58);

I further ask that the treaty be considered as having been read for the first time; that it be referred, with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Guatemala City on October 6, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. It is the first of these newly negotiated treaties to provide for the return of stolen aircraft as well as vehicles. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles and aircraft that have been stolen, robbed, embezzled, or appropriated and taken to Guatemala.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes and a related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 31, 1998.*

REFERRAL OF H.R. 1502

Mr. HAGEL. Madam President, I ask unanimous consent that H.R. 1502 be discharged from the Committee on Governmental Affairs and referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces the following appointment made by the Democratic Leader during the August recess.

Pursuant to provisions of Public Law 103–227, the appointment of Barbara Kairson, of New York, as the Representative of Labor to the National Skill Standards Board, effective August 13, 1998.

MEASURE READ THE FIRST TIME—H.R. 2183

Mr. HAGEL. Madam President, I understand that H.R. 2183, which was just received from the House, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

Mr. HAGEL. Madam President, I now ask for its second reading, and object to my own request on behalf of my colleagues.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, SEPTEMBER 1, 1998

Mr. HAGEL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Tuesday, September 1. I further ask that when the Senate reconvenes on Tuesday, it begin consideration of the military construction appropriations conference report under the consent agreement of July 31.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Madam President, I further ask consent that the Senate stand in recess from 12:30 until 2:15 tomorrow, to allow the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HAGEL. For the information of all Senators, when the Senate reconvenes on Tuesday at 9:30 a.m., there will be an immediate rollcall vote on adoption of the military construction appropriations conference report. Following that vote, the Senate will begin consideration of S. 2334, the foreign operations appropriations bill. Members are encouraged to offer and debate amendments to the foreign operations bill so that substantial progress can be made on this important piece of legislation during Tuesday's session. Also on Tuesday, the Senate may consider the Texas compact conference report on a 4-hour time agreement, and any other legislative or executive items that may be cleared for action.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. HAGEL. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 3:59 p.m., recessed until Tuesday, September 1, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 31, 1998:

DEPARTMENT OF TRANSPORTATION

PETER J. BASSO, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE LOUISE FRANKEL STOLL, RESIGNED.

THE JUDICIARY

H. DEAN BUTTRAM, JR., OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA VICE ROBERT B. PROPST, RETIRED.

INGE PRYTZ JOHNSON, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA VICE JAMES H. HANCOCK, RETIRED.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 1, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 2

9:30 a.m.

Labor and Human Resources

To hold hearings on the nomination of Jane E. Henney, of New Mexico, to be Commissioner of Food and Drugs, Department of Health and Human Services.

SD–430

11:00 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine activities of the National Constitution Center.

SD–138

2:30 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

SEPTEMBER 3

10:00 a.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine Department of Energy low level radioactive waste disposal practices.

SR–222

Finance

To hold hearings on proposed legislation authorizing funds for the United States Customs Service; to be followed by hearings on the nomination of Susan G. Esserman, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

SD–215

Governmental Affairs

To hold hearings on the nominations of Patricia A. Broderick, Neal E. Kravitz, and Natalia Combs Greene, each to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

2:00 p.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine United States counter-terrorism policy.

SD–226

2:30 p.m.

Appropriations

Business meeting, to mark up proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999.

SD–106

SEPTEMBER 9

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 625, to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, and to provide for more adequate and timely compensation for accident victims.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine enforcement activities of the Federal Aviation Administration.

SR–253

SEPTEMBER 10

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2365, to promote competition and privatization in satellite communications.

SR–253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the safety of food imports, focusing on certain fraud and deceptive techniques used by individuals to import food products illegally into the United States.

SD–342

Special on Aging

To hold hearings to examine how to strengthen and increase programs for family caregivers.

SD–628

Special on Special Committee on the Year 2000 Technology Problem

To hold hearings to examine the Year 2000 computer conversion as related to the transportation industry.

SD–192

10:00 a.m.

Foreign Relations

To hold hearings on the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997.

SD–419

SEPTEMBER 15

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Robert Clarke Brown, of Ohio, John Paul Hammerschmidt, of Arkansas, and Norman Y. Mineta, of California, each to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

SR–253

Foreign Relations

To hold hearings on certain extradition and mutual legal assistance treaties.

SD–419

SEPTEMBER 16

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine the extent of fatigue of transportation operators in the trucking and rail industries.

SR–253

SEPTEMBER 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the impact of United States satellite technology transfer to China.

SR–253

SEPTEMBER 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Sylvia De Leon, of Texas, Linwood Holton, of Virginia, and Amy M. Rosen, of New Jersey, each to be a Member of the Reform Board (AMTRAK).

SR–253

SEPTEMBER 23

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR–253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SEPTEMBER 24

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.

SD–342

SEPTEMBER 25

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.

SD–342

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

SENATE—*Tuesday, September 1, 1998*

(Legislative day of Monday, August 31, 1998)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, gracious Father, our Refuge and our Strength, our very present Help in times of trouble, we respond to Your call to pray. You are the Instigator of prayer because You have created us to know, love, and serve You. We respond with wonder that You would use us to get Your work done this day. Forgive us when we try to accomplish what we falsely think is our work, done for our own glory. Create in us hearts fit to be filled with Your presence, open minds ready to think Your thoughts, and responsive wills desiring Your will for our Nation. Go before us to show the way. Help the Senators to live expectantly, knowing that You will provide serendipities, wonderful surprises of Your grace and goodness in pressures and problems. You are in charge, Father; this is Your Nation. We commit ourselves to enjoy the privilege of working for You today. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Arkansas is recognized.

SCHEDULE

Mr. HUTCHINSON. Mr. President, this morning, the Senate will immediately proceed to a vote on adoption of the conference report to accompany the military construction appropriations bill. Following that vote, the Senate will begin consideration of S. 2334, the foreign operations appropriations bill. Members are encouraged to offer and debate amendments to the foreign operations bill during today's session so that substantial progress can be made on this important legislation.

As a reminder to all Members, a consent agreement has been reached with respect to the Texas low-level waste compact conference report. That legislation, along with any other legislative or executive items cleared for action, may also be considered during today's session.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now consider the report of the committee of conference on the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 24, 1998.)

Mr. BURNS. Mr. President. I am very pleased to bring before the Senate the military construction conference report for fiscal year 1999.

This conference report was adopted by the House of Representatives by a vote of 417 to 1. It was sent to the Senate and now waits our final passage.

We have worked hard with our House colleagues to bring the military construction conference to a successful conclusion. Both bodies took a different perspective on the allocation of military construction funding for the Department of Defense. In the final conference report, we met our goals of promoting quality of life initiatives and enhancing mission readiness.

This bill has some points I want to highlight. It provides a total of $8.4 billion for military construction. Even though this is an increase of $665 million over the President's budget for fiscal year 1998, it is still a reduction of $759 million from what was appropriated last year—an overall reduction of 8.8 percent.

Some 42 percent of the bill is allocated to family housing—a total of $3.5 billion. This includes new construction, improvements to existing units and funding for operation and maintenance of that housing.

The base realignment and closure part of the bill account for 19 percent of our total funding—about $1.6 billion. This encompasses funding for environmental clean-up of the closing bases and construction of new BRAC-related facilities.

I continue to be concerned about the growing costs of environmental clean-up at our BRAC installations. These costs frequently continue long after we have closed these bases.

We strongly protected quality of life initiatives. We provided $716 million for barracks, $34 million for child development centers and $184 million for hospital and medical facilities.

We provided a total of $480 million for the Guard and Reserve components. Overall, this represents an increase of $300 million from the President's budget request. Many of those projects will enhance the readiness and mission capabilities of our Reserve and Guard forces, vital to our national defense.

I thank my ranking member, Senator MURRAY, for her assistance and support throughout this process. She and her staff were extremely cooperative.

I commend this product to the Senate and recommend that it be signed by the President without delay.

It is nice to see everybody back from vacation and the August break. I think most of us had time to travel around our States and talk with our folks at home and to bring back maybe some new ideas. I remind this body that for the first time in the history of this country, better than 50 percent of our military forces are found in our National Guard and our Reserves. If we continue to trend that way, then the infrastructure that it will take for those folks to be properly trained—and let's face it, those who serve in the Guard and the Reserves are as dedicated men and women to the national security of this country as anybody else, but they will need the infrastructure in which to operate.

This administration did not really fully fund our infrastructure for our Guard and our Reserves, but this Congress did. I congratulate this Congress for doing so, because it becomes more and more important every day that these dedicated Americans who wish to serve their country as citizens, soldiers, airmen, marines, and sailors have the infrastructure in which to keep them trained and to keep their dedication and their morale as high as we can possibly make it.

I heartily recommend this conference report.

(At the request of Mr. BURNS, the following statement was ordered to be printed in the RECORD:)

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

• Mr. DOMENICI. Mr. President, the pending military construction appropriations conference report provides $8.5 billion in new budget authority and $2.6 billion in new outlays for military construction and family housing programs for the Department of Defense for fiscal year 1999.

When outlays from prior-year budget authority and other actions are considered, the outlays for the 1999 program total $9.2 billion.

Compared to 1998 appropriations, this bill is $446 million lower in budget authority, and it is $412 million lower in outlays.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's allocation.

Earlier, because CBO had not adjusted its baseline, prior year military construction outlays had not been revised to reflect Congress' override of President Clinton's line-item veto of 37 fiscal year 1998 projects. This adjustment would have revised prior year outlays upward by $112 million. This $112 million has now been added back to the CBO baseline and CBO's scoring of this legislation. Accordingly, this conference report contains no scorekeeping adjustments.

I urge the adoption of the conference report.

Mr. President, I ask that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

The table follows:

H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS, 1999 SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1999, in millions of dollars]

Category	Defense	Nondefense	Crime	Mandatory	Total
Conference report:					
Budget authority	8,450				8,450
Outlays	9,185				9,185
Section 302(b) allocation:					
Budget authority	8,450				8,450
Outlays	9,185				9,185
1998 level:					
Budget authority	8,896				8,896
Outlays	9,597				9,597
President's request:					
Budget authority	7,784				7,784
Outlays	9,059				9,059
House-passed bill:					
Budget authority	8,234				8,234
Outlays	9,087				9,087
Senate-passed bill:					
Budget authority	8,481				8,481
Outlays	9,120				9,120
CONFERENCE REPORT COMPARED TO:					
Section 302(b) allocation:					
Budget authority					
Outlays					
1998 level:					
Budget authority	−446				−446
Outlays	−412				−412
President's request:					
Budget authority	666				666
Outlays	126				126
House-passed bill:					
Budget authority	216				216
Outlays	98				98
Senate-passed bill:					
Budget authority	−31				−31
Outlays	65				65

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.•

Mrs. MURRAY. Mr. President, I am pleased to join my chairman, Senator BURNS, in bringing to the Senate our conference report on the 1999 military construction appropriation bill.

Favorable action in the Senate today will send this conference report to the President, making it the first of the regular 1999 appropriations bills to be passed by Congress. This is a noteworthy accomplishment, and I hope it will set the stage for swift action on the remaining appropriations bills.

We had to make some very tough choices on this bill. Our conference agreement totals $8.4 billion. This is $760 million less than what was appropriated last year. Given the tight budget confines in which we were operating, there were many worthy projects that we could not fund. Not one Senator or one State was exempt from this belt-tightening—not Senator BURNS, not me, and not our leadership. Nevertheless, we held ourselves to a high standard of fairness and equity, and our conference report reflects that effort. This report satisfies to the best of our ability the national and international priorities of our military services as well as the regional priorities that our colleagues conveyed to us. Most important, it provides funding for scores of needed projects throughout the United States and overseas that will support America's military personnel, both active and reserve, as they carry out their mission to defend and protect our Nation.

The State of our Nation's military readiness continues to be a pressing concern. Although we often equate readiness with equipment or troop strength, it is important to remember that basic military construction—troop barracks, family housing, vehicle maintenance centers, and the like—is at the core of military readiness. This bill is the vehicle through which we provide the basic, essential infrastructure necessary to support our troops and advance military readiness.

I urge all of my colleagues to support this conference report and speed it to the President for his signature. This is the product of a smooth, fair, and bipartisan process. I commend Chairman BURNS for his swift and skillful handling of this bill. I commend his staff, Sid Ashworth, and my staff, Ben McMakin, Christina Evans, and Emelie East, for their diligence and thoroughness in preparing this bill for our consideration. It is a good bill, and I hope that all of my colleagues will be able to join me in supporting its passage.

Mr. MCCAIN. Mr. President, I stand before the Senate today to express my deep disappointment over the egregious number of low-priority, Congressionally earmarked military construction projects that are contained in the conference report on the Fiscal Year 1999 Military Construction Appropriations Bill.

I am dismayed that, at a time when our nation's military is perilously close to becoming a "hollow force"—due in great part to a decade of declining defense budgets and increased commitments—members of both bodies have once again directed precious funds away from the services' readiness and modernization needs toward their own parochial interests. I am dismayed, but given the long tradition of egregious member adds, I am not surprised.

This year's Military Construction Appropriations Bill was crafted under the additional stricture of the Balanced Budget Agreement of 1997. The agreement established firm funding limits to the National Defense budget. With these constraints in place, one would think that it would be difficult for members to even consider adding projects of questionable merit. Sadly, the sheer volume of unrequested, low-priority projects present in this bill—142 domestic projects in all, at a cost of some $977 million—betrays an attitude of "business as usual" by the members of Congress.

I was encouraged by the fact that there were no new projects added by the conferees as they crafted this compromise legislation. That display of discipline is laudable. However, it pales in comparison to the gross misuse of critical defense dollars to fund members' pet military construction projects.

Recently the Navy announced that its pilot retention rate is at its lowest point since aviation continuation pay was instituted more than a decade ago. The Air Force is currently retaining only 28 percent of its pilots. The pay of service members lags an embarrassing 14 percent behind the civilian sector. We are deploying some of our forces to combat zones that are not meeting established readiness standards. Cannibalization rates are increasing. Mission capable rates are dropping. Nearly 12,000 personnel are eligible for food stamps. The number and scope of training exercises have been curtailed as a result of insufficient funding, resources and manpower. The list indicating the decaying readiness of our armed forces goes on and on. Unfortunately, the congressional response to these critical deficiencies has not been ideal.

In this bill alone, there are 45 additional, unrequested Guard and Reserve projects; five control towers at Air Force bases that currently have operational control towers; twelve child development or physical fitness centers; an $8.3 million fence for Fort Bragg; and many more projects of questionable merit—nearly $700 million worth.

The fact remains that funds for our national defense are limited. We have a duty to ensure our men and women in uniform are ready to fight and win wars decisively, expeditiously, and with minimum loss of life. Robbing from readiness to pay for unadulterated, member sponsored military construction projects does not contribute to that end.

Mr. President, I look forward to the day when the Military Construction Bill will be devoid of low-priority, member-requested pork. I urge my colleagues to exercise the restraint required to make that day a reality. Now, more than ever, the security of our nation depends upon it.

I ask unanimous consent that a list of questionable adds be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONABLE ADDS IN THE FY 1999 MILITARY CONSTRUCTION CONFERENCE REPORT

State	Base	Facility	Cost in thousands
Alabama	Fort Rucker	Simulation center	$10,000
Alabama	Fort Rucker	Fire station	4,300
Alabama	Redstone Arsenal	Airfield operations center	1,550
Alabama	Montgomery	Office	6,000
Alaska	Fort Wainwright	Barracks renewal	16,000
Alaska	Fort Richardson	Improve family housing (40 units)	7,400
Alaska	Fort Wainwright	Vehicle wash facility	3,100
Alaska	Kulis ANG Base	Vehicle maintenance and fire station	10,400
Arizona	Luke AFB	Control tower	3,400
Arizona	Tucson Airport	Support complex	7,500
Arkansas	Little Rock AFB	Upgrade sewage plant	1,500
Arkansas	Pine Bluff Arsenal	Ammunition demilitarization facility Phase III	16,500
Arkansas	Benton ARNG	Readiness center	1,388
California	Travis AFB	New control tower	4,250
California	Fort Irwin	Child development center	5,100
California	Fort Irwin	Education center	2,700
California	Camp Pendleton	Improve family housing (171 units)	10,000
California	Camp Pendleton	Fitness center	5,010
California	Camp Pendleton	Helicopter outlying field	7,180
California	NAWC China Lake	Live fire complex	6,900
Colorado	Fort Carson	Railyard expansion	23,000
Connecticut	Naval Sub Base, New London	Waterfront recapitalization	11,330
Delaware	Dagsboro	Readiness center	3,609
Florida	NAS Jacksonville	Add/alter building #118	1,500
Florida	Mayport Naval Station	Afloat training group facility	3,163
Florida	Mayport Naval Station	Wharf electrical improvements	3,000
Florida	McDill AFB	Dining facility	4,800
Florida	Tyndall AFB	Control tower	3,600
Florida	Eglin AFB	Assault strip runway	5,100
Florida	Homestead AFB	Dormitory	4,600
Florida	NAS Whiting Field	8 helicopter pads	1,400
Georgia	Moody AFB	Improve family housing (68 units)	5,220
Georgia	Albany Marine Base	Child development center	2,300
Georgia	NAS Atlanta	Hangar addition	4,100
Georgia	Sub Base Kings Bay	Degaussing facility	2,550
Hawaii	Schofield Barracks	Land purchase	23,500
Hawaii	Marine Corps Base, Hawaii	BEQ	15,000
Hawaii	Hickam AFB	Replacement civil engineering facility	5,100
Idaho	Mountain Home	Munitions storage facility	4,100
Idaho	Mountain Home	Munitions storage igloo	1,500
Illinois	NTC Great Lakes	Small arms range	6,790
Indiana	Hulman Regional Airport	Corrosion control facility	6,000
Indiana	NSWC Crane	Airborne electronic warfare center	11,110
Iowa	Sioux Gateway Airport	Add/alter aircraft corrosion control facility	6,500
Iowa	Des Moines	Police operations building	4,000
Kansas	Fort Riley	Barracks complex renewal	16,500
Kansas	McConnell AFB	Add/alter avionics shop	5,900
Kansas	McConnell AFB	Water storage and pumping facility	4,450
Kansas	Forbes Field	Hangar upgrade	9,800
Kentucky	Fort Knox	Multi-purpose digital training range	7,000
Kentucky	Fort Campbell	Improve family housing (104 units)	8,800
Kentucky	Fort Campbell	Barracks complex renewal	7,000
Kentucky	Standiford Field, Louisville	Replace composite aerial port	4,100
Louisiana	Barksdale AFB	Physical fitness center	9,300
Louisiana	NAS New Orleans	BEQ	9,520
Louisiana	NAS New Orleans	Galley addition	1,730
Louisiana	NAS New Orleans	Renovate hangar #4	5,200
Louisiana	Fort Polk	Rail loading facility	8,300
Maryland	Fort Mead	Emergency services center	5,300
Maryland	US Naval Academy	Demolish towers	4,300
Maryland	NSWC Indian Head	Scale up facility	6,590
Massachusetts	Hanscom AFB	Renovate management facility	10,000
Massachusetts	Barnes ANGB	Army aviation support facility	9,274
Michigan	Alpena County Regional Airport	Fire Station	5,100
Michigan	Selfridge ANG Base	Upgrade buildings	9,100
Minnesota	Minneapolis-St. Paul Airport	Consolidated lodging facility	3,236
Mississippi	Brookhaven	Guard training center	5,247
Mississippi	Columbus AFB	52 units of family housing	6,800
Mississippi	Columbus AFB	BOQ	5,700
Mississippi	Meridian	Air operations facility	3,280
Mississippi	Keesler AFB	Replace 52 units of family housing	6,800
Mississippi	Stennis Space Center	Operations support facility	5,500
Missouri	Fort Leonard Wood	Barracks	23,000
Missouri	Rosecrans Memorial Airport	Upgrade parking aircraft apron	9,600
Montana	Helena	Reserve center	21,690
Montana	Malstrom AFB	Replace housing (50 units)	10,000
Montana	Malstrom AFB	New dormitory	7,900
Nebraska	Lincoln Municipal Airport	Medical training facility	3,350
Nevada	Nellis AFB	28 units of family housing	5,000
Nevada	Carson City	Readiness center	5,860
New Jersey	Fort Dix	Ammunitions supply point	8,731
New Jersey	Fort Monmouth	Software engineering center addition	7,600
New Jersey	Picatinny Arsenal	Munitions facility	8,400
New Mexico	Taos	Readiness center	3,300
New Mexico	Holloman AFB	Fitness center	11,100
New Mexico	Kirtland AFB	Repair weapon integrity building	6,800
New Mexico	White Sands Missile Range	Improve family housing	3,650
New York	Fort Drum	All weather weapons training facility	4,650

QUESTIONABLE ADDS IN THE FY 1999 MILITARY CONSTRUCTION CONFERENCE REPORT—Continued

State	Base	Facility	Cost in thousands
New York	Fort Drum	Aerial gunnery range Phase II	9,000
New York	Syracuse ANG	Upgrade parking apron	9,500
New York	Niagara Falls	Maintenance facility	3,900
North Carolina	Fort Bragg	Fences	8,300
North Carolina	Seymour Johnson AFB	Library	6,100
North Carolina	Seymour Johnson AFB	Improve family housing (70 units)	8,000
North Carolina	Fort Bragg	Barracks upgrade	10,600
North Dakota	Minot AFB	Taxiway repair	8,500
North Dakota	Grand Forks	Add to physical fitness center	8,300
North Dakota	Hector Field	Addition to base supply facility	3,650
Ohio	Springfield-Beckly Airport	Civil engineering facility	5,000
Ohio	Wright-Patterson AFB	C–141 simulation facility	1,600
Oklahoma	Tinker AFB	Operations and mobility center	10,800
Oklahoma	Vance AFB	Physical fitness center	4,400
Oklahoma	Altus AFB	Ramp and airfield lighting	5,300
Oklahoma	Altus AFB	Control tower	4,000
Pennsylvania	NAVICP Mechanicsburg	Child development center	1,600
Pennsylvania	NAVICP Philadelphia	Child development center	1,550
Pennsylvania	NSWC Philadelphia	Integrated Ship Control and Diagnostic facility	2,410
Pennsylvania	ARNG Latrobe	Readiness center	2,479
Pennsylvania	US Army Research Center	Regimental support facility	19,512
South Carolina	Charleston AFB	Housing improvements	9,110
South Carolina	MCRD Parris Island	Female recruit barracks	8,030
South Carolina	McEntire ANG Station	Aircraft maintenance complex	9,000
South Carolina	Spartanburg	Readiness center	5,260
South Dakota	Ellsworth AFB	Operations facility	6,500
South Dakota	Joe Foss Field	Maintenance and Ground Equipment Facility	5,200
Tennessee	Arnold AFB	Test facilities cooling tower	11,600
Tennessee	McGhee-Tyson, ANG Base	Relocate aircraft parking apron	10,000
Texas	Fort Bliss	Overpass	4,100
Texas	Dyess AFB	B–1B munitions maintenance facility	3,350
Texas	Dyess AFB	Support equipment shop	1,400
Texas	NAVSTA Ingleside	BEQ Phase IV	12,200
Texas	Laughlin AFB	Base operations facility	3,815
Texas	Laughlin AFB	Control tower	3,500
Texas	Fort Sam Houston	Dining Facility	5,500
Texas	Goodfellow AFB	Student dormitory	7,300
Texas	Sheppard AFB	Family Housing	7,000
Utah	Hill AFB	Reserve asset warehouse	2,600
Utah	Hill AFB	Munitions handling and storage facility	1,900
Vermont	Burlington	Supply complex	5,500
Virginia	Fort Meyer	Barracks renovation	6,200
Virginia	NSWC, Dahlgren	Warfare Defenses Technical facility	10,550
Virginia	NAS Oceana	Fitness center	[illegible],400
Virginia	Fort Lee	80 units of family housing	13,000
Virginia	Fort Eustis	Physical fitness center	4,650
Washington	Fort Lawton	Army Reserve facility	10,713
Washington	Bremerton Naval Shipyard	Community support facility	4,300
Washington	McChord AFB	Medical training facility	3,400
Washington	Fairchild AFB	Convert dock to washrack facility	3,700
Washington	Fairchild AFB	Training support complex	3,900
Washington	Whidbey Island NAS	Improve family housing	5,800
West Virginia	Camp Dawson	Regional Training Institute	13,595
Wyoming	Camp Guernsey	Combined support maintenance shop	13,891
Total			976,773

Mr. DODD. Mr. President, I want to thank the Chairman and Ranking Member of the Military Construction Subcommittee for their work on this Conference Report. Their efforts are vitally important to this nation's armed forces and the national defense.

This Conference Report will benefit military bases and military personnel in Connecticut. The Naval Submarine Base in New London, the planned Army Reserve center in West Hartford, and the National Guard Training Center in Niantic each have projects that will be funded when this report becomes law. The total to be spent on these projects will be approximately $14 million.

The Conference Report funds badly needed pier upgrades at the New London Naval Submarine Base. The piers at the base were originally designed to support SSN 637-class submarines, half of which have been decommissioned. The requirements of contemporary submarines have overwhelmed these piers. Power outages on the piers occur, on average, 80 times per year, and the cranes that resupply the submarines outweigh the piers' design capacity. This project affects military readiness, quality of life and the safety of our personnel.

The report also includes $1.49 million to take the first step to replace an overwhelmed Army Reserve Center building and free the government of a $100,000 per month lease. Moreover, these funds will begin a much needed expansion that will enhance the training and readiness of eight Army Reserve units.

Finally, the report will fund the planning and design of a new National Guard training center in Niantic, Connecticut. The present facility consists of World War II vintage, temporary wooden structures. They do not meet Army standards for classrooms, dining, or billeting. The National Guard, however, relies on this training center to serve troops from six Northeastern states. Troops of all ranks train at the center, and the Army and the Army Reserve use the center as well. The funding of the planning and design of the new center is a welcome sign to thousands of servicemembers, for it signals a strong commitment from the federal government to the National Guard.

One Connecticut project would have replaced an Air National Guard complex in Orange. The poor condition of the present facility severely hinders the 103rd Air Control Squadron from accomplishing its mission, and the structure suffers from a variety of building code violations. I thank my colleagues on the Military Construction Subcommittee for including this project in the Senate bill. The project was not funded in conference, but I still appreciate the support of Chairman BURNS and Senator MURRAY, and I look forward to working with them next year to fund this project in Fiscal Year 2000.

So, I praise the Conference Committee for their work on this report. They have made some tough choices—this report allocates $759 million less than last year. But they have made those choices with the best interests of the U.S. armed forces in mind.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report accompanying the military construction appropriations bill.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mr. GRAMM), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. COVERDELL) would each vote "yea."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting the Senator from South Carolina (Mr. HOLLINGS) would vote "aye."

The result was announced—yeas 87, nays 3, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—87

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Reed
Reid
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NAYS—3

Kyl
McCain
Robb

NOT VOTING—10

Bingaman
Coverdell
Domenici
Glenn
Gramm
Helms
Hollings
Inouye
Murkowski
Warner

The conference report was agreed to.

TRAVEL BY SENATOR JOHN WARNER FOR THE SENATE ARMED SERVICES COMMITTEE

Mr. LOTT. Mr. President, this is to advise the Senate that Virginia's senior Senator, JOHN WARNER, is unable to make votes today because of work he is undertaking for the Senate Armed Services Committee. As second senior member of the committee, Senator WARNER has met with senior U.S. military officials and government representatives in Bosnia, Serbia, and Macedonia. Senator WARNER traveled to Sarajevo, Belgrade, Skopje, and Pristina in Kosovo. His travel and briefings included field visits as well.

Senator WARNER is compiling a first-hand assessment for the Armed Services Committee of the military and political situation in this troubled and war-torn region of the world. He is scheduled to return later today.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The Senate will proceed to S 2334, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2334) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair. I thank the manager of the bill. I wanted to take just a moment to describe a provision that we have offered which the managers have indicated that they will accept.

The PRESIDING OFFICER. If the Senator will withhold, the Senator cannot be heard. May we have order in the Chamber, please. The Senate will please come to order. Please take your conversations to the Cloakroom.

The Senator from Missouri.

Mr. BOND. Mr. President, as I indicated, we have talked with the manager and the ranking member of the measure about a provision that I have offered with respect to the development of weapons of mass destruction in Iraq. I thank them for their willingness to accept it.

I wanted to tell my colleagues very briefly what it is, because this is an issue of such great importance today.

Mr. BYRD. Mr. President, may we have order. I see at least eight conversations going on in the Senate. The Senator is entitled to be heard. I hope we will be able to hear him.

The PRESIDING OFFICER. Will Senators please take their conversations to the Cloakroom.

Mr. BYRD. Mr. President, the conversations have not yet been ended. May we have order in the Senate. Mr. President, I hope Senators will pay attention to the Chair and show some respect for the Chair as well as the Senator who seeks to address the Senate.

The PRESIDING OFFICER. I thank the Senator from West Virginia.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished friend, the ranking member of the Appropriations Committee. I remember well the days when I came back from summer vacation, and for the first days of school it was a little difficult to focus attention. It is good to see colleagues again. I appreciate very much the effort so that we can discuss what unfortunately has become a very serious problem.

Mr. President, in light of the continued proliferation issues which surround the world and the Middle East in particular, I believe that now, more than ever, it is important for the United States to maintain its vigilance with respect to Iraq's insatiable appetite to procure the most terrible weapons on earth.

Saddam Hussein has attempted to avoid any and every attempt by the civilized world to control and monitor his government's obsession with attaining weapons of mass destruction. Saddam Hussein has a proven track record of his proclivity to utilize these weapons if he does not believe that the consequences of his actions would lead to his own destruction or at least to severe injury. The continued aggressive monitoring of Iraq's weapons stockpiles is critical to preventing him from building and using these weapons to make another attempt to dominate the region through physical threats to neighboring populations.

The recent resignation of Scott Ritter from the inspection team and his reasons for doing so should not go unheeded by this body. The coalition of nations which developed originally to thwart Iraq's aggression against its neighbors has deteriorated to the point where each new confrontation with Iraq becomes a test of wills within the United Nations and the Security Council. Time and time again, Saddam has scoffed at United States stated policy of "no compromise" and time and time he is proven correct. No longer do we punish Iraqi transgressions; we become party to negotiating additional concessions. We no longer lead with resolve; we follow timidly and make excuses for delay and inaction.

We must not shirk from our responsibility to have the administration and the world understand our commitment to insuring that Iraq abandon its weapons of mass destruction program through strict inspections programs and a well defined and consistently implemented set of consequences for noncompliance. To achieve that I have proposed a resolution which outlines concerns I have regarding Iraqi weapons of mass destruction, calls upon the administration to oppose any effort to relax inspection regimes and has the President submit a report to Congress on the United States Government's assessment of Iraq's weapons program.

I understand that the resolution I have proposed has been accepted by both sides and has been included in the bill and I thank the chairman and the ranking member and other members of the committee for their help to include this resolution in this bill which outlines our most grave concerns and calls upon the President to issue a report which certfies the level of compliance by the Iraqi regime to the numerous non-proliferation protocols currently in effect, the effectiveness of these protocols, and the implementation of United States' policy to curb Iraq's weapons program.

I thank the Chair. I thank the chairman of the committee and the ranking member for permitting me to proceed.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the bill before us is a $12.599 billion bill within an allocation of $12.6 billion.

While it is below the administration's request of $14.1 billion in fiscal year 1999, we provided virtually the same level as last year's funding. If we compare last year's level with this year, including arrears, both bills are approximately the same level—$13.1 billion.

Fortunately, we can achieve this level because Senator DOMENICI and the Budget Committee decided to give arrears special treatment relieving scoring pressure.

Let me review some of the highlights which many members have expressed interest in.

For the first time we have reduced the level of support for Israel and Egypt. This is the first reduction of a planned 10 years, evenly distributed schedule. We reduced Israel's economic aid by a total of $120 million to $1.080 billion and increased security assistance by $60 million to $1.860 billion.

There is no increase in security assistance for Egypt so to maintain proportionality we have only reduced the economic aid program by $40 million to $775 million. Security assistance stays constant at $1.3 billion.

We have also tried to preserve a relatively strong level of funding for the New Independent States which most of us agree need the help to finish their transition to free market democracies. In total we have provided $740 million.

Within the NIS account we have continued to earmark levels for three countries, Ukraine, Armenia, and Georgia.

Although I strongly support securing Ukraine's political and economic independence, and believe we should do all we can to help, I must confess some frustration with the pace of reforms in that country. It is clear the economic environment in Ukraine is very difficult to work in. In particular, the government has been slow to recommend—and the Rada even slower to pass—essential tax and commercial law reforms, the key to attracting and expanding private investment.

Because of the slow pace of reforms, the bill reduces the overall level of support for Ukraine from $225 million to $210 million. The bill also authorizes the Secretary of State to withhold 50 percent of the funds for 120 days until she certifies that the Ukrainians are on the right track and have made progress in their tax and commercial structure and demonstrated a serious commitment to economic reforms. This will not be easy, but I believe President Kuchma has recognized it is in Ukraine's interest to advance and accelerate reforms.

Ukraine is not the only weak and worrisome economy. Since working on the 1993 bill, Senator LEAHY and I have both expressed concern about the inconsistent and slow pace of reforms in Russia which are very much in the news this very day. August headlines once again demonstrate our aid and that of other donors is not achieving crucial and sustainable results.

For at least 4 years, we have all read the same headlines. Russia faces imminent financial collapse and Moscow calls for immediate international support, always with a measure of justifiable urgency. There are round the clock negotiations, in which Moscow, once again, agrees to all the right tough financial, tax and economic reforms, donor funds are disbursed, there is a deep sigh of international relief, and then absolutely nothing happens.

I have repeatedly warned officials at Treasury that it seems unwise at the very time we are dismantling our welfare system here at home, that we create a new program of destructive dependency abroad. Russia's addiction to international loans is not healthy—for their economy or our interests. The administration must follow through and use our aid for programs which will sustain the needed tax and commercial reforms or the current crisis will only get worse, if that is possible.

The crisis in investor confidence and the flight of capital is not a recent event. In fact this latest crisis reflects how little foreign capital has been invested in generating jobs, income and growth in manufacturing and production. The collapse we are witnessing is driven by the fact that the Russian budget and economy are fueled primarily by two sources—international loans and the artificially inflated bond market. Given the choice between the promise of a government bond return of 150 percent or sinking capital into an industrial plant where there are no commercial regulations protecting contract sanctity or investment, money has moved into Moscow's bond market.

But, even that investment has been slim compared to other global economies. Before the stock market was closed, only a handful of companies were being traded, each losing enormous ground. Reports of 80 percent losses in value in such thin markets exaggerate the impression of the scale of trade and more importantly hid the real story. A few companies lost, and are losing, a lot of money. However, real, long term investment in Russia's productive capacity has never really grown. With no equity, no real investment to back it, the Russian ruble was bound to collapse calling attention to the basic problems with the commercial environment which neither the administration nor the Yeltsin government have been willing to tackle. Now, there is little chance—but *no* choice to carry out overdue reforms.

Let me add one more caution. This overhaul should not be the IMF's formula response. Raising taxes in an economy where there is little income and less growth isn't painful; it's stupid. Some Russian entities, most notably Gazprom, clearly have evaded tax collection in the past, at the expense of starved government coffers. But, in general higher taxes are not going to solve Russia's long term crisis. Confidence and investment will only be restored and expanded by reforms which implement and enforce a rational, consistent commercial rule of law.

While the NIS accounts is both large and important, I think the core of this year's bill has been defined by events in Asia. What is new this year is the serious commitment we have made to support our trading partners, allies and friends across the Pacific, as they work through the most turbulent economic conditions they have experienced since World War II.

There are several Asian related initiatives worth noting.

First, in title VI, we include full support for the new arrangements to borrow and the quota to replenish depleted resources for the IMF. After extensive discussion and debate, the Senator voted for a bill which provided both funding and reforms in the management of the IMF. This bill includes the Senate passed version in its entirety.

Many share my concern that the IMF, and other international institutions, have been remote, indifferent and very closed societies dominated by foreign bureaucrats who are happy to take our money and spend it without accountability to any public authority or government.

This legislation takes a first step toward opening the IMF's doors and shedding light on their management polices and practices. I don't want anyone to conclude that the IMF will be as accessible as your credit union on the corner, but we have started a process which I hope eventually will produce a better managed and more open, accountable institution.

While I was less concerned in the Spring about the IMF's financial standing, I now believe the time has come for the Congress to complete our commitment. The recent repackaged $22 billion Russian loan compelled activation of Fund's reserve line of credit known as the General Arrangements to Borrow which this legislation will replenish. With the possibility of new requirements in Asia and closer to home in Latin America, I think the Fund's solid financial footing avoids further U.S. bilateral commitment of funds and is key to the recovery of our Pacific trading partners which, I expect, in turn, will help stave off a slow down of our economy.

In addition to replenishing the IMF, we have recommended other steps to strengthen the Asian economies. We have increased the subsidy for the Export Import Bank significantly over last year, which was not easy given the overall budget pressure. However, export support is more important than ever for the U.S. economy, especially as our traditional partners suffer setbacks and devaluations making their products cheaper and more competitive on the world market.

In addition to our commitment to U.S. financial institutions deeply engaged in Asia, this bill also specifically addresses the crisis in Indonesia, Burma and Cambodia.

Senator STEVENS and INOUYE have been especially concerned by the collapse of the Indonesia economic and political situation, as all of us have. This time last year, I was convinced that the collapse in investor confidence, driving the rupiah down to devastating new lows each week, would only be reversed with a major political change. I believed then, as now, that until elections are held, and the country is provided honest, strong democratic leadership, Indonesia is destined to struggle, if not fail.

Suharto's departure was welcome, but long overdue. He has left behind a shell of a government and the risk of more violence and instability grows. In this context, I have been deeply disappointed by AID and the administration's slow response to Indonesia's problems. Indonesia continues to be the regional economic undertow dragging down and potentially drowning each of her neighbors. The IMF, the World Bank, the Asian Bank, and AID all lack a clear, consistent strategy on how to address this crisis.

At this point conservative estimates suggest at least 60 million people are unemployed placing pressure on virtually every family. This bill provides $100 million to launch a serious economic and political effort to help put the country back on track. It directs funds to strengthen political parties to assure quick and fair elections and it provides food, medical, job generating an related humanitarian assistance. But what is equally important is it will compel AID to carry out this support outside the cozy, long standing relationship with official ministries and their bureaucrats. The bill requires 80 percent of the aid be administered through non-government organizations which not only will ease suffering but also help build new, grass roots aid delivery mechanisms and strengthen the next generation of political and economic leaders.

Next, the bill expands political and humanitarian support to Burma. I think we are at a point where our ASEAN partners agree the junta in Rangoon has gone too far. I commend Secretary Albright for her public statements and effort to secure the return of the legitimate government and urge her to continue her crucial work in the days ahead.

While I have confidence in her commitment, much of her effort seems to be undermined by events in country. To assure American policy and practice are consistent both in Washington and in Rangoon, I have set aside $2 million which may be expended only after written consultation with the legitimate government elected in 1990. This is not a precedent—there has been past dialog between other donors and the legitimate government establishing guidelines for the administration of development aid. I do recognize this may be difficult to accomplish, but U.S. policy and practice must press forward and actively include the 1990 government in any dialog which involves our funds. Ultimately, these funds may simply sit in trust for a future free day in Burma, but I think our support for democracy must be in both words and financial action.

For the past 2 years, I have held deep reservations about American embassy officials failure to support the restoration of democracy, but that is a debate for another day. What I hope to achieve today is a clear statement and representation of support for those who suffer the brutality of the regime by increasing our humanitarian aid and, to make absolutely clear support or the legitimate government which we should be working with rather than against.

Finally, and briefly, I want to turn to Cambodia. I am deeply concerned that the environment leading up to elections was not conducive to a free and fair outcome. While the turnout was high, as we all know, elections are less about election day and more about the weeks and months beforehand.

After Hun Sen's bloody coup in which scores of people were killed and many fled the country, his junta seemed to recognize the need to establish some margin of legitimacy or face a cut off of all international aid. Hun Sen called for elections and then for months systematically denied any opponent any real opportunity to campaign. At least 49 people were targeted and assassinated in politically motivated hits. Candidates were denied access to the press, and restricted from giving speeches, holding rallies or meeting and getting their message out to voters.

While the opposition urged a delay in the election date, the Administration decided to support moving forward. Now there are real questions about the final outcome with opposition challenges over fraud and irregularities. Whatever the outcome, what is very clear is many of the candidates who returned to Cambodia to campaign did so at considerable risk. Sam Rainsy and his party members and FUNCIPEC candidates, all put their lives on the line to run for office, to reclaim their nation.

I believe it is vital to stand by their commitment to democracy and assure their risk was not in vain. Thus, aid to Cambodia is conditioned upon certifications related to the fairness of the elections and the prospects for real democratic growth. Humanitarian aid and development aid provided through non-government organizations can proceed regardless, but it makes no sense to prop up a vicious, selfserving dictatorship.

In conclusion, the market slides and crashes across Asia have convinced even the most isolationists among us that our economic and political security interests are defined and can be damaged by events as far away as Jakarta. With increased export assistance, by expanding humanitarian and economic initiatives, and building programs, to strengthen independent, democratic institutions worldwide, I believe this bill supports and secures U.S. interests in international economic growth and political stability, while living within the balanced budget agreement.

I encourage my colleagues' support.

I certainly urge my colleagues to support the bill. That completes my opening statement. Senator LEAHY will probably want to make an opening statement.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Andrew Weinschenk, a fellow in Senator LAUTENBERG's office, be granted the privilege of the floor for the duration of debate on the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, last year we completed debate on the foreign operations bill in record time. This year the bill contains $250 million less than last year, so I hope it will take even less time.

The bill represents a delicate compromise. As I said, we have a lot less money this year, and since almost half the funds in this bill is earmarked for the Middle East, the quarter-billion-dollar cut from last year has to come out of other programs. That is a very significant cut. It is over $1 billion below the President's request.

A quarter of a billion dollars may not be a lot in some budgets, like the defense budget, but it is a great deal when it means cuts in funding for diplomacy and programs to—and I will give you examples of the areas we are cutting—support for U.S. exports, or to promote economic reforms in the former Soviet Union and democracy in Indonesia, or to aid refugees in Bosnia and support business exchange programs in Eastern Europe, or money to combat the spread of illegal drugs and infectious diseases. Infectious diseases—Mr. President, I remind everybody that the most virulent disease in the world is only an airplane trip away from any one of our homes in the United States. And, of course, money to protect the environment.

These are but a few examples of what is in this bill and what we have had to cut because of this year's low budget allocation.

Having said that, I commend the chairman of the Foreign Operations Subcommittee. Senator McCONNELL has done an outstanding job to try to make the most of the funds we have in as balanced a way as possible. No one can be entirely happy with what we have done, because we don't have the money to make everybody happy. I think the chairman has done his best to honor the many requests of the Senators on both sides of the aisle and to fund the foreign policy priorities of the United States.

I also thank the committee chairman, Senator STEVENS, and the ranking member, Senator BYRD, for their help. They have a difficult job in trying to balance the interests of all the appropriations subcommittees. I know they have tried to give us the funds we need and, at the same time, stay within the parameters of the balanced budget agreement.

I simply note that the entire foreign operations budget amounts to less than 1 percent of the Federal budget, but these are the funds we use besides the defense budget to promote our influence around the world. There is not a Senator here who does not want to protect our national interests. Those national interests can be in Korea or they can be in our own hemisphere. But for the United States, the most powerful, wealthiest nation history has ever known, the United States which has become that way because we have worldwide interests, it is hard to point to any part of the world on any continent of the world where our interests are not involved. All of us like to say, "Well, we are the United States—we should influence this, that, or the other thing in the world." If we are going to do that, we have to have the power to do it, too.

It is like saying you want to go to such and such a spot, in your State, but if there are no roads and no way to get there, then you are not going to do it. And the cost to carry out our responsibilities and to project our influence worldwide is not something that is going to be picked up by the State or local governments.

These programs are not "foreign handouts" as some have called it. They are going to determine the kind of world in which our children and grandchildren live 10, 20, 50 years hence.

Frankly, I do not believe this bill adequately funds our foreign policy and national security needs. As a superpower that is increasingly dependent on the global economy—in the last 2 days if there is anybody who did not realize we were dependent on the global economy, wake up; we are. As a superpower intent on solving global problems by leading by example, I think we are going to look back years from now and wonder why we were so shortsighted.

Leadership and security are not just abstract concepts, they cost money. The amount in this bill is a pittance for a superpower that has important interests to protect on every continent, important American interests to protect on every continent.

Mr. President, if history is any guide, I think the chairman and I can expect there will be Senators who have amendments to shift funds from one account to another in this bill. They may feel we have done too little for their favorite program. And they may be right. But we had to make some very painful choices, choices we would not have had to make if we had a larger budget to begin with. The chairman and I are going to have to oppose such amendments.

This is a very delicately put together piece of legislation, based on the allocation we have. I might have done things differently if I were chairman. And the 98 other men and women in this body may have each done it somewhat differently. But we have to have one bill. The Senator from Kentucky and I have worked very closely together to balance the interests of both sides of the aisle, the interests of the United States and the interests of the administration, the interests of the U.S. Senate. With the funds we have, I think we should go forward with this bill as it is. If there are amendments, I would hope that they come up; if there are not, I am prepared to go to third reading.

With that, I yield the floor.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3491

(Purpose: To amend title I)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 3491.

Mr. McCONNELL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 6, strike the following proviso: "*Provided further*, That the Export Import Bank shall not disburse direct loans, loan guarantees, insurance, or tied aid grants or credits for enterprises or programs in the New Independent States which are majority owned or managed by state entities:"

Mr. McCONNELL. I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3492 AND 3493 EN BLOC

Mr. McCONNELL. Mr. President, I send to the desk two amendments modifying language included on global climate change. Senators BYRD and HAGEL have been very involved in this issue and have recommended these changes so that programs can go forward, but Congress will have an opportunity to determine details on the planned activities.

It has been very difficult to pin down just what the administration plans to do in the area of global climate change. I think these amendments strike the appropriate balance and meet the concerns raised by colleagues who want to maintain a U.S. leadership role on environmental issues, yet at the same time preserve the congressional oversight of these activities.

So I send, Mr. President, both of these amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. LEAHY, proposes amendments numbered 3492 and 3493 en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3492

(Purpose: To amend the Foreign Operations bill)

On page 71, line 17, after the word "activities" insert: "and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions".

AMENDMENT NO. 3493

(Purpose: To amend the Foreign Operations bill)

On page 107, line 25, strike "and activities that reduce vulnerability to climate change."

Mr. MCCONNELL. Senator LEAHY and I believe there is no opposition to these amendments on either side of the aisle.

Mr. LEAHY. Mr. President, the Senator from Kentucky is right. I support the pending amendment.

Mr. President, I would like to take this opportunity to discuss with the subcommittee chairman, Senator MCCONNELL, his amendments to modify section 540(b) and section 752(a) of the bill, modifications which I strongly support.

It is my understanding that the purpose of the change to section 540(b) is to make clear that funds in the bill may be used, notwithstanding any other provision of law, to support energy programs aimed at reducing greenhouse gas emissions. However, because of concerns expressed by certain senators that requests to AID for specific information about these activities was not provided and that they therefore have been unable to determine precisely what these funds were used for, they requested that these funds be subject to the Committees' regular notification procedures. Does the subcommittee chairman agree that the purpose of subjecting these funds to the notification procedures is not to prevent funding for these activities notwithstanding any other provision of law, since we could have done that by simply leaving the section as it is, but rather to be sure that the Congress gets the information it requests?

Mr. MCCONNELL. The Senator is correct. AID has not been responsive to the requests of senators for information about these activities. We are adding the notification requirement to section 540(b) in order to ensure that information that is requested about certain energy programs is provided in a timely way.

Mr. LEAHY. Thank you. I would like to take another minute to ask the subcommittee chairman about section 572(a) of the bill, which makes funds available for certain environmental activities subject to the regular notification procedures of the committees. The language is quite broad, and it includes any activities promoting country participation in the Framework Convention on Climate Change. Again, I want to be clear about the purpose of this provision. It is my understanding that, like section 540(b), it was included due to concerns expressed by some senators that AID has not been sufficiently responsive to requests for information about the expenditure of certain funds for these activities. The information that was provided was very general and did not fully describe what the funds were used for. It is my understanding that this provision does not seek to prevent funding for these activities, but instead aims to ensure that when senators request AID to provide specific information about its use of these funds the information is provided in a timely way.

Mr. MCCONNELL. The Senator is correct.

Mr. BYRD. If the managers of the bill would entertain a question, it is my understanding from their explanation that their intent in including the notification requirements in sections 540(a) and 572(b) is to support these activities, and to ensure that information the Congress asks for is provided by the administration. I want to be sure that, assuming the administration keeps the Congress informed about how appropriated funds are to be spent, the Congress intends for these programs to receive the necessary funds. Am I correct?

Mr. LEAHY. That is my intention.

Mr. MCCONNELL. As the author of these provisions that is also my intention.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3492 and 3493) were agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3494

(Purpose: To make technical corrections)

Mr. MCCONNELL. Mr. President, I send a package of technical amendments to the desk. It is a fairly long list, but essentially involves corrections, language inadvertently left out, changes to assure consistency and date corrections. For example, the word "appropriated" was struck in one instance and replaced with the technically correct "made available." I send these technical amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 3494.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 5 and 6, strike "1999 and 2000" and insert in lieu thereof, "1999, 2000, 2001 and 2002".

On page 8, line 23 and 24, strike ", and shall remain available until September 30, 2000".

On page 13, line 13, insert "demining or" after the words "apply to".

On page 13, line 14, strike "other".

On page 21, line 3, strike "other than funds included in the previous proviso,".

On page 29, line 9, strike "appropriated" and insert in lieu thereof "made available".

On page 29, line 13, strike "deBremmond" and insert in lieu thereof "deBremond".

On page 31, line 23, insert "clearance of" before "unexploded ordnance".

On page 39, line 1, insert "may be made available" after "(MFO)".

On page 40, lines 5 and 6, strike "Committee's notification procedures" and insert in lieu thereof, "regular notification procedures of the Committees on Appropriations".

On page 49, line 2, insert after "commodity" the following, ": *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations".

On page 57, line 17, insert "disease programs including" after "activities or".

On page 84, beginning on line 25, through page 85, line 5, strike all after the words "The authority" through the word, "countries" and, insert in lieu thereof, "Any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501)".

On page 90, on lines 1, 5, and 15 before the word "Government" insert the word "central".

On page 90, line 13, after the word "resigned" insert the word "or is implementing".

On page 91, line 24, before the word "Government" insert the word "central".

On page 95, line 5, delete "steps" and insert in lieu thereof, "effective measures".

On page 95, line 7, strike the word "further".

On page 106, line 8, strike "1998 and 1999" and insert in lieu thereof "1999 and 2000".

On page 109, line 21, strike "any".

On page 117, line 24, after "remain available" insert "until expended".

Mr. MCCONNELL. Mr. President, I believe there is no objection to these technical amendments.

Mr. LEAHY. There are no objections, Mr. President.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3494) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, those are the only amendments I am aware of as of this moment. So we are moving right along, I say to my friend.

Mr. LEAHY. Mr. President, I say to my friend from Kentucky, I said earlier we did it in record time last year. We may break that now. Again, I am perfectly willing to go forward and wrap it up. There may be some who feel otherwise.

COMMUNITY-BASED TELECOMMUNICATIONS

Mr. President, organizations such as the National Telephone Cooperative Association are able to help provide new and innovative methods to bring modern telecommunications service to rural and remote areas around the globe. Such initiatives, particularly those that encompass a grass-roots, community-based approach, are key to economic development, business creation and income generation. They enhance economic stability, create jobs, improve agricultural production and further the development of democratic processes and traditions.

The committee has, in the past, encouraged AID to work with organizations like the National Telephone Cooperative Association to bring modern means of communication to rural areas. Cooperatives foster community involvement and help to build civil society—important steps along the path away from a socialist, government-controlled economy toward a free-market economy. These programs are just the type that we should be promoting in the Ukraine and other NIS states, where any growth in the private sector represents a challenge to the government and encourages sustainable income generation and economic growth on a local level.

Another program that the committee urged AID to support was rural telephone cooperative programs in Poland, which have achieved significant success. The on-going program in the Philippines has also seen success. However, this project is in need of continued participation by AID's country and central programs. AID should also promote the development of telephone cooperatives in Africa. Countries in the Horn, Ghana, and South Africa are poised for developing useful rural telecommunications. There is no doubt that in addition to promoting economic growth, rural citizens in these countries would benefit enormously.

For these reasons, I encourage AID to continue to work with telephone cooperatives in the United States to foster community-based telecommunications programs in the developing countries. I hope that language to this effect can be included in the conference report on this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PRESBYTERIAN DISASTER ASSISTANCE OF LOUISVILLE, KENTUCKY

Mr. MCCONNELL. Mr. President, while we have a moment, I would like to recognize an organization from my home state of Kentucky which has been on the front lines responding to international disasters.

The Presbyterian Disaster Assistance (PDA), headquartered in Louisville, has responded to international disaster issues in 37 countries and has mission relations in 80 countries. It is dedicated to responding to national and international disasters, aiding refugees and displaced persons, assisting refugee resettlement, educating the world's children, and making efforts designed to foster development abroad. Clearly, it has made a difference in the world and brought hope to the needy.

Just recently, following the tragic bombings in Kenya and Sudan, PDA provided the staff services of its eye clinic and specialized orthopedic rehabilitation center for victims. PDA also worked closely with the Presbyterian Relief and Development Association of Sudan.

In early summer, Presbyterian Disaster Assistance, in cooperation with other organizations, was able to provide a shipment of fishing supplies to over 25,000 households in the Upper Nile Region where the ability to fish the rivers will keep these people from slipping into the grip of famine. PDA was able to serve people across several ethnic boundaries, ensuring that this assistance benefited those most in need.

Mr. President, I know the entire Senate joins me in saluting the courageous work of Presbyterian Disaster Assistance. It gives me a great deal of pride that this organization which offers such important and valuable service is headquartered in the Commonwealth of Kentucky. We all hope for a time when the efforts of organizations such as PDA are not necessary, but until that occurs we can take comfort that the job will be undertaken with vigor, compassion, and expertise.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999—Continued

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3495

(Purpose: To provide a limited waiver for certain foreign students of the requirement to reimburse local educational agencies for the costs of the students' education)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. LUGAR, proposes an amendment numbered 3495.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, strike all after line 1 through page 115 line 6 and insert the following:

SEC. 578. LIMITED WAIVER OF REIMBURSEMENT REQUIREMENT FOR CERTAIN FOREIGN STUDENTS.

Section 214(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)), as added by section 625(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–699), is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking "(l)(1)" and inserting "(l)(1)(A)"; and

(4) by adding at the end the following new subparagraph:

"(B) The Attorney General shall waive the application of subparagraph (A)(ii) for an alien seeking to pursue a course of study in a public secondary school served by a local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) if the agency determines and certifies to the Attorney General that such waiver will promote the educational interest of the agency and will not impose an undue financial burden on the agency.".

Mr. MCCONNELL. Mr. President, this amendment has been cleared on this side of the aisle and, I believe, on the other side.

Mr. LEAHY. There is no objection on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3495) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMERICAN EDUCATIONAL INSTITUTIONS IN LEBANON

Mr. ABRAHAM. Would the Senator from Kentucky yield for a question?

Mr. MCCONNELL. I would be happy to yield to the Senator from Michigan.

Mr. ABRAHAM. I want to thank the Senator from Kentucky for the interest that he and his committee have taken in American educational institutions abroad, and the role they play in advancing basic American values in countries of key strategic interest to the

United States. As the Chairman knows, I believe that Lebanon is one of the countries where American leadership is especially needed. Therefore, I was pleased that the committee's report on S. 2334 gives special recognition to the importance of the American University of Beirut and Lebanese American University. As the report states, both these institutions, AUB and LAU, deserve further support from the American Schools and Hospitals Abroad program. I would like to ask the Senator from Kentucky if he agrees with me that AID also should directly support the American educational institutions in Lebanon through our bilateral aid program to that country.

Mr. McCONNELL. Yes. The Senator is quite right. Our aid program to Lebanon is structured so that all assistance is channeled through grants or contracts to American non-governmental organizations or U.S. firms. The American educational institutions there should be the first to be supported. Education is at the heart of what we are trying to accomplish with our aid program. It instills the fundamental values that will guide the next generation of leaders. It will determine whether those leaders share our commitment to democracy and free market principles, and whether they learn how to solve their own problems or remain dependent on us. An investment in American education will pay greater dividends than anything else we can do in Lebanon.

Mr. ABRAHAM. I am pleased to hear the Chairman say that. Unfortunately, AID currently is not pursuing such a policy in Lebanon. The agency has established three strategic objectives for the country: expanded economic opportunity, increased effectiveness of democratic institutions, and improved environmental practices. Each of these objectives certainly deserves special attention and are quite important, thus I have no complaint about them as such. But, strengthening the American educational presence in the country should also be an objective. In fact, it should be the primary objective. The American educational institutions can help achieve these other three objectives, and many more, if their core educational and research activities are enhanced. To some degree AID recognizes the invaluable resource they have in these institutions, and the agency is in fact contracting with them to help accomplish the goals it has set for the country. But it seems to have missed the essential point that these institutions themselves need revitalization after fifteen years of war in Lebanon, and that this cannot be accomplished without supporting the rebuilding of weakened institutional structures. The American educational institutions in Lebanon can and should be called upon to help rebuild the country, but it is shortsighted not to commit additional resources to rebuild them as well.

Mr. McCONNELL. The Senator from Michigan has special knowledge of Lebanon, and his expertise is well respected by all his colleagues here in the Senate. The point he makes is indeed sound. I am grateful to have his observations, and I am sure that AID will want to give them heed. I would like to assure my colleague that the committee will encourage the agency to do so, and we will monitor the situation to see if changes are made.

Mr. ABRAHAM. I thank the Chairman.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. McConnell, the following statement was ordered to be printed in the Record.)

● Mr. INOUYE. Mr. President, I wish to thank Chairman McConnell and Senator Leahy for their work in putting together a foreign operations funding bill that provides for our national security interests while doing so under tough fiscal constraints.

I would also like to commend the Chairman and Ranking Member on their recognition of the important role Tunisia has played in the Middle East Peace Process for the past several years.

Tunisia has been a long-time friend of the United States. Tunisia has, since the beginning of the Peace Process, fully committed itself to this process, which is viewed as the only way to restore peace in the Middle East.

They launched the first U.S.–PLO dialogue as well as the first preparatory talks between Israeli and Palestinian leadership in Tunis. Tunisia was the first Arab country to host meetings within the framework of the Peace Process.

Furthermore, a trilateral meeting was held in Washington in October 1995 bringing together the three Foreign Ministers of the United States, Israel and Tunisia, followed soon afterwards by another trilateral meeting, in January 1996, in Washington, D.C. A decision was then announced to open, both in Tunis and in Tel Aviv, interest sections in order to encourage the process of normalization between Arab States and Israel.

The Tunisian's have undertaken these diplomatic initiatives at some level of security risk. Tunisia's next door neighbor is Libya. Nevertheless the Tunisians have refused to engage in an arms race. In 1997, they participated in 20 joint military exercises with the U.S. and the European Command.

I believe it is time that we demonstrate our appreciation and support for this country through funding commitments. I also encourage the Administration to begin exploring additional funding initiatives in fiscal year 2000.

Mr. McCONNELL. Mr. President, Senator Inouye and Senator Stevens were instrumental in securing funding for Tunisia. I have had a number of conversations with both members regarding this initiative. I have also advised them of the tough fiscal constraints under which we in the Foreign Operations Committee are operating.

However, I too recognize Tunisia's importance in the Peace Process and have agreed with Senator Leahy to provide $7 million of Foreign Military Financing (FMF) in this bill. $5 million is available under draw down authority and $2 million will be available through a direct grant.

I want to assure Senators Inouye and Stevens that if the Tunisians continue their role in the Peace Process, we will explore other funding initiatives in the fiscal year 2000 Foreign Operations Appropriations bill.

Mr. Inouye. Mr. President, I thank Chairman McConnell and Senator Leahy and look forward to working with them on this issue in the Fiscal Year 2000 Appropriations bill.●

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Roberts). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Bob Guidos, a fellow on my staff, during the pendency of S. 2334, the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

Mr. President, I have submitted three amendments for consideration by the chairman and ranking minority member of the Foreign Operations Appropriations Subcommittee. It is my understanding that there will not be objection, but I would like to briefly describe each of these amendments and then offer them for consideration by the Senate.

The first amendment that I will offer is one which addresses the microcredit issue. This is one that I think is of extraordinary importance in terms of supporting and promoting the entrepreneurial spirit of small business people around the globe through the use of microcredit loans.

For those unfamiliar with the term, microcredit is a very small loan given to very poor people with dramatic and positive results. By accepting this amendment, we could enhance the lives of thousands of impoverished people throughout the world as well as their families and communities.

Many years ago, I journeyed to Bangladesh with a colleague of mine from the House of Representatives, Mike Synar of Oklahoma, who passed away a couple years ago. In Bangladesh, we saw the activities of the Grameen Bank, the people's bank, which gave small loans to very, very poor people. Through those loans, these peoples lives were transformed. The people understood that this was a rare opportunity. And, they were supported by people in their communities who would cosign the loans. The payback rate on the loans was in the high 90th percentile. With only a few dollars, maybe $100, a woman in Bangladesh had a chance to buy some tools that would allow her to pursue a trade and to feed her family. Another woman might be able to buy a dairy cow and with the milk from that cow she could feed her children as well as provide products for sale, which would provide some income for her family.

These microcredit loans are not charity; they are a means to provide poor, fledgling entrepreneurs in lesser developed countries with loans for startup of individual businesses. It has proven to be a successful way to help these people achieve economic independence and dignity for themselves.

It is interesting that where we found people in Bangladesh involved in microcredit, we also found timely discussion and debate about critical issues, such as the elevation of the status of women, for example. It wasn't a surprise to find that the women involved in Grameen Bank were also actively involved in prenatal activities so that their children would be more healthy. They also actively participated in family planning programs on a voluntary basis that helped them to take personal responsibility for the size of their families as well as other issues that all of us, I believe, agree are part of the solution to dealing with developing economies.

My amendment will change the status of the program in one slight respect. It gives microcredit a higher priority among U.S. enterprise development efforts. This amendment will ensure that at least half of the funds already appropriated through this bill, S. 2334, for USAID for microenterprise initiatives will be used for programs providing loans of less than $300 to poor people, particularly women, or for institutional support of organizations primarily engaged in microcredit loans.

We don't increase the overall spending amount; we merely have a reallocation of the smaller loans in this package. Existing loans have a remarkably high repayment rate of 95 percent or more.

This amendment supports the goals of the Microcredit Summit held in Washington, DC, in 1997 to offer credit for self-employment and other financial aid. It also supports the goals found in S. 2152, the Microcredit for Self-sufficiency Act of 1998, introduced in June, sponsored by myself, Senator OLYMPIA SNOWE of Maine, and 22 other Senators on a bipartisan basis.

I believe that the use of microcredit loans is a pragmatic and proven method for fostering the growth of small businesses.

I thank the chairman for acceptance of this amendment.

AMENDMENT NO. 3496

(Purpose: To allocate funds available for activities pursuant to the Microenterprise Initiative)

Mr. DURBIN. I send this amendment to the desk.

The PRESIDING OFFICER. If there is no objection, the pending amendments are set aside so that the amendments offered by the Senator from Illinois are the pending business. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3496.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 15, before the period insert the following: "*Provided further*, That, of the funds appropriated under this heading and made available for activities pusuant to the Microenterprise Initiative, not less than one-half shall be expended on programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans".

AMENDMENT NO. 3497

(Purpose: To express the sense of Congress regarding United States citizens imprisoned in Peru)

Mr. DURBIN. Mr. President, my second amendment is one that deals with an issue of some controversy in my State of Illinois and one that we have followed very closely.

Several years ago, two young people from Illinois made a very serious mistake. These young, I believe then teenage girls accepted an invitation to fly to Peru. It sounded too good to be true and it was. They found themselves allured into a drug trade and subsequently were arrested in Peru.

For almost two years now, these young ladies, one is Jennifer Davis of Illinois, have languished in prison in Lima, Peru. Neither Jennifer Davis nor her family deny the fact that she is guilty as charged and that she should be sentenced and should serve time for the crime she has committed. In fact, she has cooperated fully with the Peruvian authorities and those who are seeking to find who was responsible for the drug trading involved.

The difficulty, of course, is that the Peruvian legal system is much different than the United States system. It took an excruciatingly long period of time, nine months, before Jennifer was actually charged, brought to trial, and convicted. We had hoped that the trial and conviction would lead to the possibility of her being sentenced and then extradited to the United States to serve time for her sentence in an American prison, which is customary under international law. But, the conviction was appealed by her codefendants. Under the Peruvian system, the appeal went to the Supreme Court, which called for a new trial. Now, the process has started all over again.

I have spoken directly to Jennifer Davis' parents. I have spoken to the U.S. Ambassador to Peru, Mr. Jett, about this case. It is not my intention in offering this amendment to in any way be confrontational with the Government of Peru. What we are attempting to do is to urge them to follow accepted international standards for a timely hearing and a timely trial of Jennifer Davis and all other Americans being held in Peruvian prisons. We do not presume the outcome of these trials. We do not ask for special or favorable treatment, only that they be treated as prisoners are treated in the United States and most other countries—in a timely fashion—and that any decision by those courts be carried out in a fair manner.

That is all that we can ask. It is all that we do in this amendment.

I send the amendment to the desk.

The PRESIDING OFFICER. The Chair asks the Senator, we still have the Senator's first amendment pending. Does the Senator wish to dispose of his amendment prior to offering this amendment?

Mr. DURBIN. I certainly do. I ask the chairman of the subcommittee if he has any objection.

Mr. MCCONNELL. Mr. President, we have no objection to the Durbin amendments. Maybe we should go ahead and approve the first one.

Mr. DURBIN. I thank the Senator.

VOTE ON AMENDMENT NO. 3496

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 3496) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3497

The PRESIDING OFFICER. The clerk will report the second amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3497.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights, which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release", and that "any one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful";

(2) the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in that country; and

(3) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

Mr. DURBIN. If there is no objection from the chairman or ranking member——

Mr. MCCONNELL. Mr. President, we have no objection to the second Durbin amendment.

The PRESIDING OFFICER. Is there objection to the amendment? Without objection, the amendment is agreed to.

The amendment (No. 3497) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 3498

(Purpose: To require a report on the training provided to foreign military personnel in the United States during fiscal years 1998 and 1999)

Mr. DURBIN. Mr. President, I have one last amendment. Let me apologize. I thought they were going to be considered en bloc. I understand now.

This last amendment is an attempt to address a matter of great concern in an objective manner, and that is the concern of some in the United States that we have expended taxpayers' dollars over the years for the training of foreign military officers and personnel in the United States with sometimes unintended tragic results.

First, let me say, that many of the individuals who have come to the United States from foreign countries to receive military training have returned to their home countries and have served the cause of justice and the cause of civilian control of the military in an admirable way, but there have been notable exceptions.

I will not at this moment offer the amendment that I had planned to offer involving the controversial School of the Americas. I was prepared to offer that amendment which would close down and terminate the School of the Americas. That is an amendment which has been considered for many years in the U.S. House of Representatives, and I voted for it there. I believe we should close that School. That is still my heartfelt belief.

I have spoken to those who share my point of view. It is their belief at this moment that we should not offer that amendment. I follow their advice on the subject.

Instead, I would like to offer for the consideration of the Senate and the House of Representatives and all others an amendment that would require the Inspectors General of the Department of Defense and Department of State to submit a report to Congress which spells out exactly what training is available to foreign military leaders and personnel in the United States, including the location, the duration, the numbers involved, the cost of the training, the purpose and nature of the training and, most importantly, an analysis as to whether that training is consistent with United States foreign policy and the goals of promoting democracy and the civilian control of the military and the promotion of human rights. I think this will set the stage for a more thorough and thoughtful consideration of all of the programs that might involve foreign military officers and personnel being trained in the United States.

Let me say at the outset, I believe that some of these programs are invaluable, that many of the men and women who are participating in them leave the United States and go back to their home countries prepared to really create a new military ethic. I think the United States should continue on that course. But, unfortunately, in the past, particularly in the case of the School of the Americas, there have been some very controversial instances where those who have been trained have responded in ways most of us would consider to be anathema. They have returned to their home countries and have been involved in conduct of which I am sure no one would ever approve.

I ask and urge adoption of the amendment which I have offered.

The PRESIDING OFFICER. Has the Senator submitted the amendment?

Mr. DURBIN. I will submit the amendment. I just returned, Mr. President, from a few weeks away, and I am trying to get back into the flow of things. I thank the Senator for his forbearance.

The PRESIDING OFFICER. The Chair welcomes the Senator back. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3498.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) Not later than January 31, 1999, the Inspector General of the Department of Defense and the Inspector General of the Department of State shall jointly submit to Congress a report describing the following:

(1) The training provided to foreign military personnel within the United States under any programs administered by the Department of Defense or the Department of State during fiscal year 1998.

(2) The training provided (including the training proposed to be provided) to such personnel within the United States under such programs during fiscal year 1999.

(b) For each case of training covered by the report under subsection (a), the report shall include—

(1) the location of the training;

(2) the duration of the training;

(3) the number of foreign military personnel provided the training by country, including the units of operation of such personnel;

(4) the cost of the training;

(5) the purpose and nature of the training; and

(6) an analysis of the manner and the extent to which the training meets or conflicts with the foreign policy objectives of the United States, including the furtherance of democracy and civilian control of the military and the promotion of human rights.

Mr. FEINGOLD. Mr. President, I rise in support of an amendment to the fiscal year 1999 Foreign Operations appropriations bill offered by the Senator from Illinois [Mr. DURBIN]. The amendment requires a report to the Congress from the Inspectors General of the Departments of Defense and State detailing the type and purpose of military training provided to foreign military personnel within the United States during fiscal years 1998 and 1999. I am pleased the Senate has adopted this amendment.

I have long been opposed to the continued operation of the United States Army's School of the Americas (SOA), located at Fort Benning, Georgia. This amendment will ensure that the Congress receives a full accounting of the duration, cost, purpose and nature of the foreign military training at all sites within the United States, including the School of the Americas. The report required by this amendment will also include a list of the number and country of origin of foreign military officers trained and the units in which these officers serve. Further, the report must include an analysis of whether or not the training these officers receive conflicts with the foreign policy objectives of the United States.

While the Senator's amendment includes all foreign military training that is conducted in the United States, this is an especially appropriate time to talk about the training at the School of the Americas in particular. All across our country, millions of children are beginning a new school year. Most students this year will study math, science, history, and English, and perhaps foreign languages, art and music. And they will learn the basic values of our society—honesty, integrity, and how to get along with each other.

There is one school in our country, however, that has not subscribed to these basic American values. It is called the School of the Americas—a name which evokes the idea of a shared system of values among the United States and our democratic neighbors in the Americas. This school was created in 1946 with the best of intentions—to train Latin American military officers in combat and conterinsurgency skills, with the goal of professionalizing Latin American armies and strengthening the new democracies in our hemisphere. Its curriculum has included some history and math and science and foreign languages, to be sure. But this school has replaced the traditional three Rs with the three As—arrest, abduction, and assassination. Because many of its graduates have excelled at the three As, the school has earned the nickname the "School of the Assassins." Others call it the "School of Dictators."

In 1991, following an internal investigation, the Pentagon removed certain SOA training manuals from circulation. On September 22, 1996, the Pentagon released the full text of those training manuals and acknowledged that some of those manuals provided instruction in techniques that, in the Pentagon's words, were "clearly objectionable and possibly illegal." The techniques in question included torture, extortion, false arrest, and execution. And the students have learned these lessons very well.

The school's alumni directory reads like a who's who of international criminals. Among its graduates are Manuel Noriega, at least 19 Salvadorean officers implicated by El Salvador's Truth Commission in the murder of six Jesuit priests, and officers who participated in the coup against former Haitian president Jean-Bertrand Aristide.

Since I first came to the Senate in 1993, I have been contacted by hundreds of Wisconsin residents, including religious and school groups, who see the closure of this school as a moral imperative. The importance of removing the imprimatur of the United States from this school has been driven home many times during the listening sessions I hold in each of Wisconsin's 72 counties every year. I share my constituents' shock and disappointment that our government continues to operate a school with the miserable record of the School of the Americas. As a member of the Senate Committee on Foreign Relations, I am committed to promoting human rights throughout the world. We cannot do that by continuing to operate this school.

I am pleased to be an original cosponsor of S. 980, legislation introduced by the Senator from Illinois [Mr. DURBIN] to close this school. The movement to close the School of the Americas is not a new one. Over the past several years, there have been a number of votes on this issue in the House of Representatives. Many of our colleagues in the other body share my concern about this school. Last year, an amendment to close SOA was defeated by the narrowest of margins. It is clear that the momentum behind the bipartisan effort to close this school is growing, and I believe that SOA's days are numbered.

While it may be appropriate under certain circumstances for the United States military to offer training to military forces from friendly nations, it is a mistake to conduct this training at the School of the Americas. I have no objection to training military officers from Latin America, but to continue to do so at this school places all future training under a sinister shadow of doubt. This school's reputation has been irrevocably tainted by the blood of the victims of its graduates. In order to remove any suggestion of responsibility for the deaths of these innocent people from the United States, and in order to lift the cloud of suspicion over American military training, we must separate the legitimate training exercises conducted by the United States military from the sordid acts most notorious graduates of SOA. The only way to do that is to close the School of the Americas once and for all.

Mr. McCONNELL. Mr. President, we have no objection to the DURBIN amendment.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Illinois?

Without objection, the amendment is agreed to.

The amendment (No. 3498) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. Thank you, Mr. President.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. McCONNELL. Mr. President, I ask unanimous consent that Doug James, a legislative fellow in the office of MIKE DEWINE, be granted floor privileges during the pendency of S. 2334, the foreign operations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3499

(Purpose: To earmark funds for a hydraulic drilling machine to provide potable drinking water in the region of the Nuba Mountains in Sudan)

Mr. McCONNELL. Mr. President, I have an amendment by Senator BROWNBACK which has been cleared on both sides of the aisle. I send it to the desk, amendment No. 3499.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. BROWNBACK, proposes an amendment numbered 3499.

Mr. McCONNELL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 13, before the period insert the following: ": *Provided*, That, of the funds appropriated under this heading, not less than $500,000 shall be available only to Catholic Relief Services solely for the purpose of the purchase, transport, or installation of a hydraulic drilling machine to provide potable drinking water in the region of the Nuba Mountains in Sudan".

Mr. McCONNELL. It is my understanding there is agreement to the amendment on both sides.

Mr. LEAHY. There is no objection on this side. We find this amendment perfectly acceptable.

The PRESIDING OFFICER. Is there objection to the amendment? Hearing none, the amendment is agreed to.

The amendment (No. 3499) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3502

(Purpose: To provide for progress reports to Congress on efforts to update the architecture of the international monetary system)

Mr. LEAHY. Mr. President, I ask unanimous consent it be in order to send to the desk an amendment on behalf of the Senator from South Dakota, Mr. DASCHLE, and myself.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. DASCHLE, for himself and Mr. LEAHY, proposes an amendment numbered 3502.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. 1. SHORT TITLE.—Progress Reports to Congress on United States Initiatives to Update the Architecture of the International Monetary System

SEC. 2. REPORTS REQUIRED.—Not later than July 15, 1999 and July 15, 2000, the Secretary of the Treasury shall report to the Chairmen and Ranking members of the Senate Committees on Appropriations, Foreign Relations, and Banking, Housing and Urban Affairs and House Committees on Appropriations and Banking and Financial Services on the progress of efforts to reform the architecture or the international monetary system. The reports shall include a discussion of the substance of the US position in consultations with other governments and the degree of progress in achieving international acceptance and implementation of such position with respect to the following issues:

(1) adapting the mission and capabilities of the international monetary Fund to take better account of the increased importance of cross-border capital flows in the world economy and improving the coordination of its responsibilities and activities with those of the International Bank for Reconstruction and Development.

(2) advancing measures to prevent, and improve the management of, international financial crises, including by—

(a) integrating aspects of national bankruptcy principles into the management of international financial crises where feasible; and

(b) changing investor expectations about official rescues, thereby reducing moral hazard and systemic risk in international financial markets—in order to help minimize the adjustment costs that the resolution of financial crises may impose on the real economy, in the form of disrupted patterns of trade, employment, and progress in living standards, and reduce the frequency and magnitude of claims on United States taxpayer resources.

(3) improving international economic policy cooperation, including among the group of Seven countries, to take better account of the importance of cross-border capital flows in the determination of exchange rate relationships.

(4) improving international cooperation in the supervision and regulation of financial institutions and markets.

(5) strengthening the financial sector in emerging economies, including by improving the coordination of financial sector liberalization with the establishment of strong public and private institutions in the areas of prudential supervision, accounting and disclosure conventions, bankruptcy laws and administrative procedures, and the collection and dissemination of economic and financial statistics, including the maturity structure of foreign indebtedness.

(6) advocating that implementation of European Economic and Monetary Union and the advent of the European Currency Unit, or euro, proceed in a manner that is consistent with strong global economic growth and stability in world financial markets.

Mr. LEAHY. I understand there is no objection to this amendment. The amendment is by Mr. DASCHLE, and joined by me.

Mr. McCONNELL. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Vermont, on behalf of the distinguished Democratic leader? Hearing none, the amendment is agreed to.

The amendment (No. 3502) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3503

(Purpose: To urge international cooperation in recovering children abducted in the United States and taken to other countries)

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that we can consider an amendment by the distinguished Senator from Arkansas, Mr. BUMPERS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BUMPERS, proposes an amendment numbered 3503.

Mr. LEAHY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. . SENSE OF THE CONGRESS REGARDING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES.

(a) FINDINGS.—Congress finds that—

(1) Many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

(2) children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

(3) there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

(4) although the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regrading child abduction with countries that are not parties to the Convention; and

(5) decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children.

(b) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the United States Government should promote international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

Mr. LEAHY. Mr. President, I understand there is no objection to this amendment.

Mr. McCONNELL. There is no objection on this side, Mr. President.

The PRESIDING OFFICER. Is there objection to the amendment? Hearing none, the amendment is agreed to.

The amendment (No. 3503) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 3504 AND 3505 EN BLOC

Mr. McCONNELL. Mr. President, I have two amendments by Senator KEMPTHORNE that have been cleared on both sides. I ask unanimous consent that they now be considered. I send them to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside to consider the pending amendments offered by the Senator from Kentucky. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. KEMPTHORNE, proposes amendments numbered 3504 and 3505 en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3504

(Purpose: To require the purchase of American agriculture commodities with funds made available through this bill and to require the Secretary of the Treasury to report annually on federal efforts to purchase American agriculture commodities with funds made available through this bill)

On page 77, line 20, after the word "all" insert "agriculture commodities,".

On page 78, line 3, insert "(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the U.S. directors of international financial institutions (as referenced in Section 514) in complying with this sense of Congress resolution."

AMENDMENT NO. 3505

(Purpose: To direct the Secretary of the Treasury to instruct the United States executive directors of international financial institutions to use the voice and vote of the United States to support the purchase of American agricultural commodities)

On page 49, insert "(a)" before "The".

On page 50, line 11, add the following: "(b) The Secretary of the Treasury shall instruct the United States Executive Directors of international financial institutions listed in paragraph (a) of this section to use the voice and vote of the United States to support the purchase of American produced agricultural commodities with funds appropriated or made available pursuant to this Act."

Mr. McCONNELL. I believe there is no objection to the two Kempthorne amendments.

The PRESIDING OFFICER. Is there objection to the amendments? Without objection, the amendments are agreed to.

The amendments (Nos. 3504 and 3505) were agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I do not believe we have an amendment at the moment. We are still checking around. I urge Members if they have amendments to bring them to the floor because I have a feeling we are probably not that far away from third reading.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, moments ago, we adopted amendment No. 3503 by the Senator from Arkansas, Senator BUMPERS. I ask unanimous consent that Senator HUTCHINSON of Arkansas be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has the Pastore rule expired?

The PRESIDING OFFICER. The Pastore rule will expire at 12:30.

Mr. BYRD. I thank the Chair. I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF WAR ILLNESSES

Mr. BYRD. Mr. President, Senator SPECTER announced earlier today the release of a voluminous and comprehensive report of the Committee on Veterans' Affairs special investigation unit on Gulf War illnesses. I commend the Senator from Pennsylvania and the other Members of the Committee, including my colleague from West Virginia, Senator ROCKEFELLER, on this report, which was over a year in the making. In great detail, this report and its appendices provide the justification for legislation that Senator SPECTER, Senator ROCKEFELLER, and I introduced on July 28, S. 2358, the Gulf War Veterans Act of 1998.

The history of this sorry saga of war, illness, and bureaucratic bungling it details has not improved with time. Indeed, age has turned this victory wine into sour vinegar, not a vintage to be savored. Since the signing of the cease fire in Iraq in 1991, soldiers have been complaining of symptoms that have been poorly dealt with by the Department of Defense and the Department of Veterans Affairs. As the years have passed, we have learned that these soldiers, sailors, and airmen had to operate in a toxic atmospheric cocktail of environmental and battlefield hazards, topped off with a chaser of vaccines and pills that may have interacted poorly with all the other hazardous exposures. We have learned that our equipment to detect and protect our troops may not be good enough, and that their training and doctrine is inadequate. We have even learned of the role that the U.S. played in arming Iraq with chemical and biological warfare technology and materials. Finally, DOD and the VA record keeping was poor, the databases inadequately designed and incompatible, so that the ability to identify battlefield exposures—when known—is not available to the VA when requested by a sick soldier. We won the war, but the price paid by these soldiers has been unacceptably high, perhaps needlessly high. And DOD and the VA have done little to correct the problems. The official motto seems to be "That which does not kill us, we ignore—unless forced to address it."

Like other Members, I have tried to correct these matters as they have come to light. I successfully offered an amendment to ensure DOD and the Intelligence Community consultation when pathogens useful to a biological warfare program are approved for export, so that we have a better opportunity to track countries that have the capability, if not the intent, to produce biological warfare agents. I obtained funding for the first peer-reviewed scientific studies of the possible health effects of exposure to low levels of chemical warfare agents. An amendment I authored that was adopted by the Senate but rejected in conference would have provided military health care to the children of Gulf War veterans born with birth defects that might be linked to their parent's wartime exposures.

This year, I offered amendments to the Department of Defense authorization bill to improve the oversight and approval process for granting waivers to use investigational drugs without informed consent of the troops, and to require a review of chemical warfare defense doctrine to address exposure to low levels of chemical warfare agents. This last effort is based on a soon-to-be released General Accounting Organization (GAO) study that I requested last year in conjunction with Senator LEVIN and Senator GLENN. I am sorry to say that, despite DOD's 1996 show of concern over possible chemical exposures at Khamisiyah [Kam-ih-see-yah] and other Iraqi sites that may have resulted in the exposure of U.S. personnel to varying levels of chemical warfare agents, little has been done to address the lack of training that should better enable our troops to recognize and take effective action to protect themselves from these potential health threats. We have also requested GAO to look into the adequacy of U.S. detection and protection equipment and efforts to address hazardous, but not lethal, levels of chemical and biological warfare agents. This study will be completed next year.

While I hope that my efforts and the efforts of other Members and Committees can push DOD and the VA into facing the serious new health consequences of war on the modern battlefield, even these cannot adequately substitute for an epiphany in those departments that will result in a sincere and thorough examination of this issue, and in proactive and coordinated steps to correct the deficiencies outlined in this comprehensive report.

There is no smoking gun in this report, no explosive new evidence that says "whodunit" and why. But like previous reports by Congress, the GAO, and the Presidential Advisory Committee on Gulf War Illnesses, this report confirms that our veterans were exposed to a poison cocktail of hazardous materials, that many are now ill, and that the bureaucratic response has been slow and stumbling. It is likely that there will never be a clear and final answer for our sick soldiers and their families as to exactly what ails them. But this report does offer many corrective recommendations aimed at preventing the veterans of the next war from having to go through the years of frustration and outrage that the sick veterans of the Persian Gulf War have endured. It also offers a solid foundation to move forward and address the legitimate health concerns of Persian Gulf veterans that are contained in S. 2358, the Persian Gulf Veterans Act of 1998. Gulf War veterans in West Virginia and across the country are getting sick as a result of their participation in the Gulf War, which may have exposed them to a variety of hazardous materials and chemicals while serving their country. But instead of receiving medical care, these veterans are given bureaucratic excuses. It is time to end the litany of excuses and to give our veterans the health care they deserve. I again thank my friend from Pennsylvania, Mr. SPECTER, for his efforts, and the efforts and my colleague from West Virginia, Mr. ROCKEFELLER. I congratulate and thank the committee for its efforts. I look forward to the successful passage of S. 2358.

Mr. President, I thank my friend, Mr. SPECTER, for his courtesy in allowing me to proceed at this point. I now yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Pennsylvania.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3506

(Purpose: To provide funding for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. BIDEN, proposes an amendment numbered 3506.

> At the appropriate place in the bill, insert the following:
>
> SEC. . Of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, not less than $28,900,000 shall be made available for expenses related to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission; Provided, That such funds may be made available through the regular notification procedures of the Committee on Appropriations.

Mr. SPECTER. Mr. President, this funding is very important so that the processing of the Comprehensive Test Ban Treaty may go forward. This treaty is an important component of nuclear arms control and nonproliferation policy.

On behalf of the United States, President Clinton signed the treaty on September 24, 1996, the day it was open for signature, and thereafter transmitted it to the Senate on September 22, 1997, for advice and consent or ratification.

The treaty has been signed by 149 nations, ratified by 15. The treaty will enter into force after 44 states specified in the treaty have ratified it. The initial signatories to the Comprehensive Test Ban Treaty established a preparatory commission to carry out the necessary preparations for implementation of the treaty as its entry into force. The preparatory commission will ensure that a verification regime is established that can meet the treaty's requirements.

The need for this treaty came into very, very sharp focus earlier this year when on May 12 of 1998 we had the detonation of nuclear devices—actually it was on May 11—by India and two more on May 13. Then Pakistan responded with five tests on May 28 and one on May 30. The issues posed by India and Pakistan engaging in nuclear tests is one of overwhelming importance to the feuding which has been going on between those two countries for years and the possibility of nuclear war being initiated as a result of those two nations now having publicly announced their nuclear powers, having tested nuclear devices.

I saw firsthand the issues relating to these two countries when Senator Hank Brown and I visited both India and Pakistan back in August of 1995. On August 28, 1995, Senator Brown and I sent the following letter to President Clinton:

> DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.
>
> Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.
>
> When we mentioned this conversation to Prime Minister Bhutto this morning—

That is on August 28—

> She expressed great interest in such negotiations. When we told her of our conversation with Prime Minister Rao, she asked if we could get him to put that in writing.
>
> When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.
>
> From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.
>
> I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

After sending that letter to President Clinton, I have had an opportunity to discuss the issue with President Clinton on a number of occasions, and the President has stated an interest in trying to work with both India and Pakistan. Of course, the President has communicated with both India and Pakistan, at least following their nuclear detonations. But that is a matter which I think might profitably involve substantial activity by the United States.

But the succession of events have followed so that in May of this year, the time had arisen for India to make a public disclosure, a public test, and then it was followed immediately by Pakistan. It is a matter where those in India might well question the intensity of interest of the United States in the Comprehensive Test Ban Treaty when the United States is not a party to the Comprehensive Test Ban Treaty.

Mr. President, I ask unanimous consent that this letter of August 28, 1995, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, I later wrote to the President on May 12 of 1998 enclosing a copy of that letter of August 28, 1995, urging him to move on the matter. I ask unanimous consent that a copy of this letter of May 12, 1998, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. SPECTER. Mr. President, on May 14, 1998, I wrote to Senator HELMS as follows:

> I write to urge you to act as promptly as possible to conduct a hearing or hearings and to bring the Comprehensive Test Ban Treaty to the Senate floor for a ratification vote. In my judgment, the events of the past several days make that the Senate's number one priority.

Following India's nuclear tests, Pakistan is now preparing for similar tests. North Korea has stated its intention to move forward to develop nuclear weapons and Iran and Iraq are lurking in the background.

At a hearing before the Defense Appropriations Subcommittee yesterday, Secretary of Defense Cohen urged Senate consideration and ratification of the treaty.

As you know, the President submitted the treaty to the Senate on September 22, 1997, and the only hearings which have been held were conducted by the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services on October 27, 1997, and March 18, 1998, and the Appropriations Subcommittee on Energy and Water Development on October 28, 1997.

I noted the comment in your letter to the President on January 21, 1998, that this treaty is very low on the Committee's list of priorities, and I also heard your staffer on National Public Radio this week state that the Foreign Relations Committee did not intend to move ahead on the treaty.

I am concerned that inaction by the Senate may have led the government of India to think that the United States is indifferent to nuclear testing which, I believe, is definitely not the case. The events of the past several days threaten an international chain reaction on the proliferation of nuclear weapons and an imminent threat to world peace.

From comments on the Senate floor and in the cloakroom, I know that many, if not most, of our colleagues share my concern about action on the treaty.

I realize that there is some opposition to the treaty; if it is the will of the Senate not to ratify, so be it; but at the very least, the matter should be submitted to the full Senate.

Sincerely,

ARLEN SPECTER.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. SPECTER. Mr. President, Senator HELMS has not responded to that letter. I think it appropriate to note Senator HELMS has been absent for some time because of important medical reasons—a knee replacement, I believe.

On May 19, Senator BIDEN and I circulated a "Dear Colleague" letter requesting cosponsors for a resolution urging hearings before the Senate Foreign Relations Committee and debate on the Senate floor. There are at this moment 36 cosponsors.

On July 21 of this year, I offered an amendment to the fiscal year foreign operations bill to remove the prohibition on funding for the Comprehensive Test Ban Treaty Preparatory Commission. That amendment was accepted. Mr. President, I believe that the inclusion of these funds is very, very important so that the Preparatory Commission can move forward. But I believe that this amendment has further significance as a test vote, so to speak, as to the views of the Senate on the Comprehensive Test Ban Treaty.

I have discussed with my distinguished colleague, Senator McCONNELL, the chairman of the subcommittee, my interest in having a vote on this matter. I do so not only to strengthen the position in conference—as a practical matter, if a matter is accepted on a voice vote, there is not quite the punch as if there is a very substantial vote in favor of the amendment. And I do recognize that calling for a vote on the amendment—that any vote on the Senate floor is risky business to an extent, but I believe that a vote will have significance beyond the specific dollars and cents which are involved here.

It is my sense that arms control is a very, very important international issue at the present time, if not the most important issue. As we speak, President Clinton is meeting with Russian President Yeltsin in a very unstable situation in Russia. There are concerns as to what the future of the Government headed by President Yeltsin will be. There are concerns that the Communist Party may gain power in Russia. There are obvious concerns about what may happen to the Russian Government in the future and whether militaristic forces or reactionary forces might take control there, which could plunge the world into another arms race. So this issue with Russia is a very, very important one as we take a look at arms control.

We have the issues with China, an emerging power, and the need to limit, to the extent we can, activity by China on nuclear testing. We have the situation in North Korea where the reports are that they are moving back for their nuclear weapons. We have Iran and Iraq, emerging powers, with nuclear weapons. We have missiles being sold to Pakistan. There is a very dangerous, very unsafe world out there, to put it mildly.

I think it is an unfortunate situation that we have the Comprehensive Test Ban Treaty not moving forward in the Senate. Under the Constitution, Senate ratification is necessary if a treaty is to take effect. It would be my hope that the Foreign Relations Committee would hold hearings on the matter or make its own judgment, or bring the matter to the Senate floor, and let the full Senate work its will.

In the absence of activity there, this amendment—to repeat—has the effect of being a test vote, so to speak, although you can support the Preparatory Commission without necessarily being for the treaty, because we have to take these steps in any event.

Mr. President, I ask unanimous consent that Senator BIDEN be listed as my principal cosponsor on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, August 28, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we mentioned this conversation to Prime Minister Bhutto this morning, she expressed great interest in such negotiations. When we told her of our conversation with Prime Minister Rao, she asked if we could get him to put that in writing.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 12, 1998.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: With this letter, I am enclosing a copy of a letter which I sent to you dated August 28, 1995, concerning the United States brokering arrangements between India and Pakistan to make their subcontinent nuclear free.

You may recall that I have discussed this issue with you on several occasions after I sent you that letter.

In light of the news reports today that India has set off nuclear devices, I again urge you to act to try to head off or otherwise deal with the India/Pakistan nuclear arms race.

I continue to believe that an invitation from you to the Prime Ministers of India and Pakistan to meet in the Oval Office, after appropriate preparations, could ameliorate this very serious problem.

I am taking the liberty of sending a copy of this letter to Secretary Albright.

Sincerely,

ARLEN SPECTER.

EXHIBIT 3

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 14, 1998.

HON. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: I write to urge you to act as promptly as possible to conduct a hearing or hearings and to bring the Comprehensive Test Ban Treaty to the Senate floor for a ratification vote. In my judgment, the events of the past several days make that the Senate's number one priority.

Following India's nuclear tests, Pakistan is now preparing for similar tests. North Korea has stated its intention to move forward to develop nuclear weapons and Iran and Iraq are lurking in the background.

At a hearing before the Defense Appropriations Subcommittee yesterday, Secretary of Defense Cohen urged Senate consideration and ratification of the treaty.

As you know, the President submitted the treaty to the Senate on September 22, 1997, and the only hearings which have been held were conducted by the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services on October 27, 1997, and March 18, 1998, and the Appropriations Subcommittee on Energy and Water Development on October 28, 1997.

I noted the comment in your letter to the President on January 21, 1998, that this treaty is very low on the Committee's list of priorities, and I also heard your staffer on National Public Radio this week state that the Foreign Relations Committee did not intend to move ahead on the treaty.

I am concerned that inaction by the Senate may have led the government of India to think that the United States is indifferent to nuclear testing which, I believe, is definitely not the case. The events of the past several days threaten an international chain reaction on the proliferation of nuclear weapons and an imminent threat to world peace.

From comments on the Senate floor and in the cloakroom, I know that many, if not most, of our colleagues share my concern about action on the treaty.

I realize that there is some opposition to the treaty; if it is the will of the Senate not to ratify, so be it; but at the very least, the matter should be submitted to the full Senate.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. For the moment, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I say, for those on this side of the aisle who may have amendments, it is a good time to bring them forward. Again, I hope, along with the distinguished chairman of the subcommittee, that we might be able to wrap up relatively soon on this piece of legislation. I mention that, for those who are sitting around wondering if there is anything better to be doing, that now is a good time to do it. Many have called; few are accepted. Now is the time to do it.

With that, Mr. President, and nobody else seeking recognition, I yield the floor.

RECESS

Mr. LEAHY. Mr. President, I ask unanimous consent that we now recess for our policy lunches.

There being no objection, at 12:27 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUESTS—PATIENTS' BILL OF RIGHTS

Mr. DASCHLE. Mr. President, I will not take long. I know that there are discussions ongoing.

Before we left for the August recess, Democrats made it very clear that it is essential that we not leave here before the end of the year without having taken up and passed the Patients' Bill of Rights. I think it is very clear, given the extraordinary degree of interest in the issue on both sides of the aisle, that there is an opportunity for us to complete our work on that bill. I hope we can do it sooner rather than later. I see no reason why we cannot do it within the course of the next couple of weeks.

I will propound a unanimous consent request that would allow us to do that. The request, very simply, would allow the Senate to take up the House-passed HMO reform bill, begin the debate, allow relevant amendments, and set the bill aside at the request of the majority leader to take up appropriations bills when they are ready to be considered. It takes into account the need for us to complete our work on appropriations bills, and it takes into account the high priority that both parties have put on dealing with this issue.

But I must say, for Democrats, that there cannot be a more important issue than the complete and successful conclusion of the debate on managed care and the Patients' Bill of Rights. We now have over 170 different organizations that have said they join us in supporting this legislation and recognize the importance of passing it before we leave. All we have left is 6 weeks. Mr. President, it is critical that we complete our work, that we get this job done, that we do so in the remaining time we have, and that we allow a full debate given the differences we have on how we might approach this issue.

Mr. President, I ask unanimous consent that upon disposition of the foreign operations appropriations bill, the Senate proceed to consideration of Calendar No. 505, H.R. 4250, the House-passed health care reform bill; that only relevant amendments be in order; that the bill be the regular order, but that the majority leader may lay it aside for any appropriations bill or appropriations conference report which he deems necessary to consider between now and the end of this session of Congress.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I object.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I am very deeply disappointed that the Senator from Kentucky has seen fit to object to this.

We will continue to press this matter. We will look for other opportunities. I would much rather do it in an orderly fashion using the regular order to allow this to come up and be debated. But if we cannot do it that way, we will offer it in the form of amendments. One way or the other we will press for this issue. We will see it resolved, and see it resolved successfully, because I don't believe there is another issue out there this year that is of greater importance to the American people.

I would be happy to yield to the Senator.

Mr. KENNEDY. Mr. President, if the Senator will yield, as I understand it, the proposal that was made by the minority leader would have only permitted amendments that were relevant to the underlying measure, which would be the Patients' Bill of Rights, and that would have still granted to the majority leader the opportunity to move ahead, as we must, with the various appropriations bills, and appropriations conference reports.

As I understand, if the leader's proposal had been accepted, we would then have had the opportunity to consider this very important piece of legislation in an orderly way that would ensure adequate debate and discussion. The proposal would have ensured, if the Senator would agree, an opportunity to debate relevant amendments on critically important issues. It would have allowed the Senate to debate amendments that would ensure: that health care decisions are being decided by doctors rather than insurance company accountants; that all women have access to appropriate specialists for the gynecological and obstetrician care that they need; that patients with life-threatening conditions have access to clinical trials; an effective end to gag practices that inhibit doctors from making medical recommendations and suggestions based on their patients' needs; that all patients have access to a meaningful and timely internal and external appeal, similar to what we have in Medicare, for example; and that the States themselves, if they so choose, to find further accountability for those who are going to practice medicine.

Am I correct that these elements were included in the legislation which the minority leader introduced, and that these are measures—along with others, that the minority leader thinks the Senate ought to have an opportunity to debate, discuss and vote upon—were based in part on the comments that have been made to the minority leader, I am sure, from people in his own State, and from representatives of the 170 leading patient and medical organizations in this country?

These are the groups that are supporting the leader's legislation, and they are supporting this action as well. And I understand that now the Republican leadership has just objected to our request to move forward to debate on health care legislation, on the Patients' Bill of Rights? Is that what we have just seen on the floor of the Senate?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct. First, to the point he made about relevancy, what our unanimous consent request would have done is simply allowed what we have attempted to negotiate with our Republican colleagues now for months, which is to allow a good debate about this issue and allow the opportunity for the Senate to decide on relevant amendments.

This may be one of the most comprehensive and most complicated medical issues that the Senate will address for a long period of time. It is impossible for us to address it in the way that has been suggested by some on the other side, that we have an up-or-down vote on two simple bills. There is nothing simple about them. These are very serious questions about holding health insurance companies accountable, about making sure that when a woman has a mastectomy she can be protected, about making absolutely certain that when you go into a pharmacy you have a drug that the doctor prescribed and not something that the health care company prescribed.

Those are the kinds of issues that we ought to have the opportunity to decide in a very careful way. So we offered a unanimous consent request that would have allowed for relevant amendments.

The Senator is absolutely right, as well, about the 170 organizations. In my time in the Senate on an issue of any magnitude, I don't remember a time when over 170 organizations of all philosophical stripes were on board and said, yes, we want to pass this bill. That is phenomenal. That is historic. And so the Senator is right. I hope, regardless of whether it is today or tomorrow or sometime soon, we can have the kind of debate the Senator from Massachusetts and others have called for for a long period of time. We need time to do it.

Mr. KENNEDY. Will the Senator further yield?

Mr. DASCHLE. I would be happy to yield.

Mr. KENNEDY. I welcome the opportunity for those who support the Republican position to provide the Senate with the names of the medical organizations and the patient organizations that support their proposal. Yet I think this may not be possible, because I believe they do not exist.

But let me ask the Senator if I state this correctly. We debated the defense authorization bill for eight days and 124 amendments were offered; in fact, 10 were cosponsored by the majority leader and the assistant majority leader. We spent five days on agricultural appropriations with 55 amendments offered; seven days on the most recent budget resolution with 105 amendments; nineteen days on the highway bill with 100 amendments offered.

Does the Senator agree with me that we ought to be able to deal with patient protection legislation in a timely way that might not even come close to the time spent on other pieces of legislation that we have had here earlier in the year? Does the Senator think, given the fact we had spent 19 days on the highway bill, that we ought to be able to spend at least a few days on relevant amendments on something that affects every family in this country, affects their children, affects husbands and wives, affects grandparents in a very, very special and personal way? Does the Senator agree that this would not be a wasted period of time in terms of the remaining several weeks for debate? And would not the Senate minority leader be willing to work out a satisfactory kind of time frame so that we could have this debate?

Mr. DASCHLE. The Senator from Massachusetts is absolutely right. When you think about it, we spent a lot of good time on the highway bill, time we needed to spend on a bill that I supported. We all know that the highway bill has many complicated aspects to it; there wasn't any objection from the other side in that regard. The highway bill was complicated, and because it was, we offered, as the Senator noted, over 100 amendments. Now what they are saying on this particular bill is that even though it is every bit as complicated, they are only willing to provide three slots for amendments—not 100, not 75, not 50, but three slots on a bill that affects personally more people than even the highway bill.

That is what we are up against. That is the motivation in offering the unanimous consent request this afternoon.

I would be happy to yield to the Senator from North Dakota.

Mr. DORGAN. I wanted to ask the Senator to yield for a question. This is a critically important issue that affects tens and tens of millions of Americans. It deals with the question of whether, when they show up and are ill and need health care treatment, they are going to be told by their attending physician who is working for a managed care organization all of their options for medical treatment or just the cheapest. We have talked day after day in this Chamber about how these issues deal with the life and death of patients.

We had one story here about a managed care organization that evaluated a young boy and determined that because he had only a 50 percent chance of being able to walk by age 5, it was determined insignificant and he shall not therefore be eligible for the therapy—a 50 percent chance of walking by age 5 is insignificant so don't help him. These are important issues.

Now, the question I ask the Senator from South Dakota, we have put together legislation, we have developed legislation that I think is very important and we have been working very hard to try to get it to the floor of the Senate. We spent days debating the renaming of an airport, but apparently we don't have time to deal with the issue of managed care reform and a Patients' Bill of Rights. How many months have we been trying to get a time to get this issue to the floor of the Senate so that we can debate it and deal with this issue? I ask the minority leader, how many months have we worked to try to get this issue to the floor of the Senate for debate?

Mr. DASCHLE. I think the Senator from North Dakota raises a very important point. This particular bill has been pending now for over 6 months. And as the Senator from Massachusetts noted, over that period of time, more and more groups from all over the country, the doctors, the nurses, people in health care delivery from virtually every facet and every walk of life, every one of them have said you put your finger on a problem that you have to solve. It is getting worse out there. And unless we address the situation meaningfully in public policy, it will continue to get worse. How long must we wait? Must we wait until next year or the year after? And how many millions of people will be adversely affected if we do not act? They are telling us to act. And I hope we will do it before the end of this session of Congress.

Mr. DORGAN. If the Senator will yield further, just another point. I regret that there is opposition to the request. It seems to me the request is appropriate. Do the appropriations bills, do the conference reports, but make time at least to do this issue. We have talked about in this Chamber the stories of someone whose neck was broken, taken to an emergency room, and told you can't get this covered because you didn't have prior approval, brought to the emergency room with a broken neck, unconscious. So I mean these issues go on and on and on, the stories go on forever, and the question is, Is the Congress going to address it? Is Congress going to deal with it? Does the Congress think it is an important issue? If it thinks it is an important issue, then we ought to be debating it on the floor of the Senate; we ought to make time and allow for discussion. That is what the Senate is about. I hope, I say to the Senator from South Dakota, the Democratic leader, I hope very much that we continue to push and continue to press, and we will not take no for an answer. We want this piece of legislation on the floor of the Senate for full and open debate so we can resolve this issue on behalf of all Americans.

I thank the Senator for yielding.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I thank the Senator for his contribution.

I would be happy to yield to the Senator from California.

Mrs. BOXER. I thank my leader for making what I think is a very rational request, that we take up a Patients' Bill of Rights and we have the option of amending such a bill so that we can in fact help the majority of the American people who are telling us pretty unequivocally here they want quality health care. I have a brief comment and then a question for my colleague and my leader.

Mr. Leader, I want you to know about a story in my State. There are so many of them, and I have told many of them on the floor. This particular story, I think, is quite poignant because it has a good ending to it. But it makes a very important point and I think our Presiding Officer who is sitting in the Chair, our President of the day, would be interested in this as a physician.

A little girl named Carly Christie got a very rare type of cancer many years ago, about 9 years ago. It required some very delicate surgery that only a couple of specialists had ever really performed before. It was a cancerous tumor on her kidney. Her dad went to the HMO and said, "Look, I know the doctors who know how to do this and I am going to go and have this operation done."

The HMO said, "No, you are not. We have a general surgeon, and the general surgeon can do this operation."

"Well, has the general surgeon ever done such an operation before?"

"No."

And Mr. Christie said, "This is my flesh and blood. This is my child. I want her to live. I need to go to someone, a specialist, who knows how to do this operation."

They said, "No."

He got the money, $50,000, I tell my leader, and she got the surgery. And now, many years later—she was 9 at the time; she is 14—she is cancer free.

What would have happened to that little girl if she hadn't had an experienced specialist? I ask my leader, the bill we want to bring before this body, wouldn't that ensure that any little Carly or any other child, or any man or woman, would be able to get that specialist? I ask my colleague on that point.

Mr. DASCHLE. The Senator from California is right on the mark. That is exactly the essence of our legislation. We talk so often in statistical terms here on the Senate floor. Sometimes we have to put it in personal terms, in real terms. The Senator from California has just done so, so eloquently. In real terms, this bill would allow an individual, whether it is somebody in this Chamber today or anybody who may be watching, that they will have an opportunity to choose and be treated by a qualified specialist. They would have an opportunity to make sure that the specialist is competent, so they will get the best care for their personal set of circumstances, like young Carly.

That is what our bill is all about. That is why it is important to pass it this year. That is why we cannot wait until next year. I thank the Senator from California.

Mrs. BOXER. On behalf of all the Carlys, thank you, Mr. Leader. We will stand with you until we get this up before the American people.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Will the leader yield for a question?

Mr. DASCHLE. Before I yield to the Senator from Massachusetts, let me say the unanimous consent request that we made took into account the fact that the House has already acted on this issue. The House has passed a health care bill, not one that I would necessarily be excited about, but it passed a bill. What we are suggesting here is that we want to amend the House-passed bill. We want to complete the job. We want to put a Democratic imprint on a comprehensive health care bill that will do the job and get that bill signed.

There is another piece of legislation the House has now passed, campaign finance reform. That bill has also passed out of the House. The Shays-Meehan bill has passed, and that, too, is pending now in this Chamber. That, also, ought to be on our agenda. When can we take up the Shays-Meehan bill? It passed in the House. Let's pass it in the Senate.

I yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask the leader just to clarify for the record precisely the full measure of the request that he made.

It is my understanding the leader requested, not that we would not proceed to other legislation, but that we would simply create an opportunity, a fixed opportunity within the next 6 weeks during which time we would be able to debate the issue of health maintenance organization reform. Is that correct?

Mr. DASCHLE. The Senator from Massachusetts is correct. Basically, our unanimous consent request simply would have made as regular order, as the next bill to be considered, H.R. 4250, the House-passed health care reform bill. We would then offer, in the form of amendments, our bill and other relevant amendments that would be considered. We would give the majority leader, certainly, the authority to set that bill aside so long as other appropriations bills or conference reports on appropriations bills need to be considered. We would complete our work on patient protections, and it would be my expectation, following the successful conclusion of that debate, to offer a similar unanimous consent request on campaign finance reform. It seems to me, those two key issues are critical to the agenda of this country and critical to the business of the Senate—particularly given the fact, as I have just noted, that they both now have passed in the House of Representatives. I can't think of anything more important than to complete the work of this Congress on those two bills. That would be my intention.

Mr. KERRY. Mr. President, with respect to the campaign finance reform bill the leader mentions, it is clear, is it not, that bill ultimately passed after the repeated efforts of the membership of the House to make it clear that they would not accept leadership efforts to stop it? In other words, there were repeated efforts by the leadership, the Speaker of the House, to sidetrack campaign finance reform. But, for one of those rare instances where it happens, the popular will, the will of the American people to have the vote on campaign finance reform and to put into effect a reform that for years people have known we need—that won in the House of Representatives. Is that not correct?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct.

Mr. KERRY. So the only thing standing in the way of a similar expression of what we know to be a majority of the U.S. Senate prepared to vote for campaign finance reform, the only thing that stands in the way is the leadership of the Republican Party, that wants to say no, we are not going to give you this opportunity. Is that correct?

Mr. DASCHLE. To date, that is correct.

Mr. KERRY. With respect to the problem of the Patients' Bill of Rights, is that not the No. 1 issue of concern of Americans—young, old, middle aged, of all walks of life—that is the one thing most on the minds of the American people that they want the U.S. Congress to address?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts is absolutely correct. The issue, as we have noted now several times, has probably the most elaborate array of support by health care organizations, organizations that deal with this every day. Organizations on the front line of health care delivery have said this must be our highest priority—not just in health care, but in the array of issues that are confronting this Congress. They say there is nothing more important than passing this legislation this year. I think they are right.

This is what the American people want. I might note, we just received a faxed letter from the President, from Moscow, on this very issue. I might just read one short paragraph.

As I mentioned in my radio address this past Saturday, ensuring basic patient protections is not and should not be a political issue. I was therefore disappointed by the partisan manner in which the Senate Republican Leadership bill was developed. The lack of consultation with the White House or any Democrats during the drafting of your legislation contributed to its serious shortcomings and the fact it has failed to receive the support of either patients or doctors. The bill leaves millions of Americans without critical patient protections, contains provisions that are more rhetorical than substantive, completely omits patient protections that virtually every expert in the field believes are basic and essential, and includes "poison pill" provisions that have nothing to do with a patients' bill of rights.

I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MOSCOW,
September 1, 1998.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: Thank you for your letter regarding the patients' bill of rights. I am pleased to reiterate my commitment to working with you—and all Republicans and Democrats in the Congress—to pass long overdue legislation this year.

Since last November, I have called on the Congress to pass a strong, enforceable, and bipartisan patients' bill of rights. During this time, I signed an Executive Memorandum to ensure that the 85 million Americans in federal health plans receive the patient protections they need, and I have indicated my support for bipartisan legislation that would extend these protections to all Americans. With precious few weeks remaining before the Congress adjourns, we must work together to respond to the nation's call for us to improve the quality of health care Americans are receiving.

As I mentioned in my radio address this past Saturday, ensuring basic patient protections is not and should not be a political issue. I was therefore disappointed by the partisan manner in which the Senate Republican Leadership bill was developed. The lack of consultation with the White House or any Democrats during the drafting of your legislation contributed to its serious shortcomings and the fact it has failed to receive the support of either patients or doctors. The bill leaves millions of Americans without critical patient protections, contains provisions that are more rhetorical than substantive, completely omits patient protections that virtually every expert in the field believes are basic and essential, and includes "poison pill" provisions that have nothing to do with a patients' bill of rights. More specifically, the bill:

Does not cover all health plans and leaves more than 100 million Americans completely unprotected. The provisions in the Senate Republican Leadership bill apply only to self-insured plans. As a consequence, the bill leaves out more than 100 million Americans, including millions of workers in small businesses. This approach contrasts with the bipartisan Kassebaum-Kennedy insurance reform law, which provided a set of basic protections for all Americans.

Lets HMOs, not health professionals, define medical necessity. The external appeals process provision in the Senate Republican Leadership bill makes the appeals process meaningless by allowing the HMOs themselves, rather than informed health professionals, to define what services are medically necessary. This loophole will make it very difficult for patients to prevail on appeals to get the treatment doctors believe they need.

Fails to guarantee direct access to specialists. The Senate Republican Leadership proposal fails to ensure that patients with serious health problems have direct access to the specialists they need. We believe that patients with conditions like cancer or heart disease should not be denied access to the doctors they need to treat their conditions.

Fails to protect patients from abrupt changes in care in the middle of treatment. The Senate Republican Leadership bill fails to assure continuity-of-care protections when an employer changes health plans. This deficiency means that, for example, pregnant women or individuals undergoing care for a chronic illness may have their care suddenly altered mid course, potentially causing serious health consequences.

Reverses course on emergency room protections. The Senate Republican Leadership bill backs away from the emergency room protections that Congress implemented in a bipartisan manner for Medicare and Medicaid beneficiaries in the Balanced Budget Act of 1997. The bill includes a watered-down provision that does not require health plans to cover patients who go to an emergency room outside their network and does not ensure coverage for any treatment beyond an initial screening. Those provisions put patients at risk for the huge costs associated with critical emergency treatment.

Allows financial incentives to threaten critical patient care. The Senate Republican Leadership bill fail to prohibit secret financial incentives to providers. This would leave patients vulnerable to financial incentives that limit patient care.

Fails to hold health plans accountable when their actions cause patients serious harm. The proposed per-day penalties in the Senate Republican Leadership bill fail to hold health plans accountable when patients suffer serious harm or even death because of a plan's wrongful action. For example, if a health plan improperly denies a lifesaving cancer treatment to a child, it will incur a penalty only for the number of days it takes to reverse its decision; it will not have to pay the family for all damages the family will suffer as the result of having a child with a now untreatable disease. And because the plan will not have to pay for all the harm it causes, it will have insufficient incentive to change its health care practices in the future.

Includes "poison pill" provisions that have nothing to do with a patients' bill of rights. For example, expanding Medical Savings Accounts (MSAs) before studying the current demonstration is premature, at best, and could undermine an already unstable insurance market.

As I have said before, I would veto a bill that does not address these serious flaws. I could not sanction presenting a bill to the American people that is nothing more than an empty promise.

At the same time, as I have repeatedly made clear, I remain fully committed to working with you, as well as the Democratic Leadership, to pass a meaningful patients' bill of rights before the Congress adjourns. We can make progress in this area if, and only if, we work together to provide needed health care protections to ensure Americans have much needed confidence in their health care system.

Producing a patients' bill of rights that can attract bipartisan support and receive my signature will require a full and open debate on the Senate floor. There must be adequate time and a sufficient number of amendments to ensure that the bill gives patients the basic protections they need and deserve. I am confident that you and Senator Daschle can work out a process that accommodates the scheduling needs of the Senate and allows you to address fully the health care needs of the American public.

Last year, we worked together in a bipartisan manner to pass a balanced budget including historic Medicare reforms and the largest investment in children's health care since the enactment of Medicaid. This year, we have another opportunity to work together to improve health care for millions of Americans.

I urge you to make the patients' bill of rights the first order of business for the Senate. Further delay threatens the ability of the Congress to pass a bill that I can sign into law this year. I stand ready to work with you and Senator Daschle to ensure that patients—not politics—are our first priority.

Sincerely,

BILL CLINTON.

Mr. KERRY. Mr. President, I ask further of the leader.

Mr. MCCONNELL addressed the Chair.

Mr. DASCHLE. I yield further to the Senator from Massachusetts.

Mr. KERRY. As we all know, the cynicism of the American people is, regrettably, growing with respect to their view as to how politics works in their own country. Increasingly, that is reflected in their attitude about campaigns and voting. And many, many people are aware of the enormous influence of money in American politics.

Regrettably, there appears, now, to already be a question arising within this Congress about the link of tobacco to some of the events that have taken place here. I wonder if the leader would not share with me the sense that the entire tobacco debate and the now-early investigative efforts taking place with respect to tobacco expenditures don't make even more compelling the notion that the U.S. Senate ought to deal with campaign finance reform as rapidly as possible?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct. There are so many areas that I believe ought to be clarified and ought to be rectified. I don't think there is any greater need than for clarification on the role of independent expenditures and what may happen, now, with regard to tobacco.

Passing Shays-Meehan would allow us to do that. We ought to let that happen. We ought to make that happen in the next 6 weeks.

Mr. KERRY. Let me just say, Mr. President, to the leader—and I know he shares this view—there are many of us prepared to adopt the same measure of militancy that was found in the House of Representatives in order to guarantee that the Senate has an opportunity to deal with campaign finance reform.

I hope the leadership on the other side will take note of the need to do the business of this Nation and to do the business of the Senate in a timely and orderly fashion, but that there is an absolute determination by a number of us to guarantee that we make the best possible effort to try to pass the Shays-Meehan bill in this body.

Mr. DURBIN. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator for taking the floor this afternoon and making his unanimous consent request. I sincerely regret there was an objection to it. I would like to ask the minority leader a question, but first I would like to note that over this last break, I made a tour of my State, and I did an interesting thing I never had done before. I visited community hospitals, and I invited the professional nursing and medical staffs to come down and meet with me and talk about this issue. I wanted to find out if my impression of the importance of this issue—what I had seen in the mail, what I had heard from my colleagues—was felt in downstate Illinois, in a small town, in a community hospital.

I found it very interesting that many doctors came into the room to meet with me. They brought their beepers along. Some of them were called off to emergency calls and others with like requirements, but they met there because they wanted to take the time to tell me what they thought.

The stories they told me were amazing. I thought I heard it all on the floor of the Senate about what the insurance companies were doing to American families, how health care was being compromised and why this legislation, which the Senator from South Dakota has suggested, is so important. But when a doctor comes before me and says, "I had to call the insurance company for approval to admit a patient and they said, 'No, we won't go along with your suggestion, your medical advice, send the patient home,' " this one doctor in Joliet said, "I finally asked the person on the other end of the line, 'Are you a doctor?' "

He said, "No."

He said, "Are you a nurse?"

He said, "No."

He said, "Do you have a college degree?"

The man said, "Well, no."

He said, "Well, what is your training?"

He said, "Well, I have a high-school diploma, and I have the insurance company manual that I'm reading from."

That is what it came down to, and a patient was sent home because this man, with literally no medical education, made a decision based on the insurance manual.

Another doctor told a story, which was just amazing and frightening to any parent, about how a mother brought a son in who had been complaining of chronic headaches on the left side of his head. The doctor examined him and said clearly, "This is a situation where a CAT scan is warranted, because there may be a tumor present and let's decide very early if that is the case."

He left the room and called the insurance company. The insurance company said, "Under no circumstances does that policy allow a CAT scan of that little boy," who had been complaining of these headaches for such a long period of time.

The doctor said, "Not only did they overrule me, but under my contract, when I went back in the room and faced the mother, I couldn't tell that mother that I had just been overruled by an insurance company clerk. I had to act as if it were my decision not to go forward with the CAT scan."

That is what the gag rule is all about. We are restraining doctors from being honest with their patients, doctors from their honest relationship with parents bringing in children for care.

So when the Senator from South Dakota suggests this unanimous consent request to bring this issue up, I say that my experience in the last few weeks suggests this is a timely issue, an important issue, much more important in many ways than a lot of the things that we have discussed on the floor of the Senate.

My question of the Senator from South Dakota is this: I understand that he has said we must pass the appropriations bills. That is the responsible thing to do. That takes precedence. But he has also said let's move to this bill and allow amendments to it.

We have seen repeatedly here—the Republican leadership has stopped an effort to pass a tobacco bill. The Republican leadership has stopped an effort to pass campaign finance reform. And now it appears the Republican leadership is going to stop an effort to have a Patients' Bill of Rights and do something about managed care.

Can the Senator from South Dakota tell me what is it that is so pressing on this Senate agenda in the next 4 weeks that we cannot set aside even 1 day's time to discuss managed care reform? Is there something that perhaps the majority leader has told the Senator from South Dakota which we missed in the newspapers?

Mr. DASCHLE. The Senator from Illinois has made a very eloquent and poignant statement about circumstances that are very real, that are happening as we speak in Illinois, South Dakota, Massachusetts, and California. In every State, there are illustrations of how the system is broken, just as the Senator from Illinois has described.

But he really needs to direct his question to the majority leader. I don't know what could be more pressing than this issue. Obviously, by law, we have to address appropriations bills. Obviously, by law, we should be addressing the budget, but I am told the Republicans now may overlook the fact that the law requires a budget resolution by April 15. They are overlooking that. So we have already violated—they have violated the law with regard to the budget. But I would hope we can adhere to the law with regard to appropriations, because we know the consequences if we don't. We have already gone through that. I think they have learned their lesson on that. We don't want to shut the Government down, but I would direct your question to the majority leader when you have the opportunity.

Mr. DURBIN. I will be coming to the floor and taking that opportunity when I can. I ask one other question of the minority leader.

Is it not a fact that the Republican approach on this—should they call their legislation—on Patients' Bill of Rights—if you can characterize it as such—only protects 29 percent of all the American population from managed care abuses? Is it not true that the Republican approach, sponsored by Senator NICKLES, in fact, does not provide protection for those who are self-employed, employees in small companies, State and local government employees; it leaves out a wide swath of Americans who deserve the same kind of basic protection when it comes to health insurance? Is this not one of the reasons why we would like to offer amendments so that we can cover the vast majority of Americans rather than exclude the majority, as the Republican bill does in its current form?

Mr. DASCHLE. The Senator is absolutely right. They leave out over 100 million people; 100 million people won't be touched.

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. So it is a sham. It is not a piece of legislation that can give confidence to any American today, not when the problems are as great as the ones suggested by the Senator from Illinois.

Mr. DURBIN. I say to the Senator from South Dakota——

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. If he will yield for one final question. What is it that is so—if the Senator knows—what is it that is so frightening to the majority that they will not allow this issue to come to the floor? We know it is timely. We know it is important. The Republican Senators have put forth a bill that they think should be considered. Why is it that this particular issue, involving massive insurance companies and health care across America, is so frightening to the Republican majority that they will not allow your unanimous consent request? Can the Senator from South Dakota give us some insight as to why this issue should be so frightening to the Republican majority?

Mr. DASCHLE. I wish I could. I appreciate the question offered by the Senator from Illinois. I have no clue. All I know is that the American people are expecting us to act responsibly and comprehensively on this issue. I hope we will, and we will be back, either in the form of amendments or additional unanimous consent requests, to give them the opportunity to change their mind.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the distinguished assistant majority leader is here and would like to say a few things about the issue that has just been before us.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I will make a couple comments concerning those made by some of our Democratic colleagues who said they want to bring up the Patients' Bill of Rights. We have offered throughout the month of July to bring up the Patients' Bill of Rights. I will make a unanimous consent request to do it again. Unfortunately, our Democratic colleagues haven't been able to take yes for an answer. In other words, I think they want to debate an issue, discuss an issue, have unlimited amendments, and we are not going to give them that.

We only have 22 days left in this legislative session. We tried to get this up and considered and done in July. They wouldn't accept that request.

In just a moment, I am going to make a unanimous consent request to bring it up with limited amendments. I will tell my colleagues, it will be three amendments a side. You can design any amendment any way you want. You can offer your proposal in any way that you want. We are going to give you an up-or-down vote on your proposal; we are going to have an up-or-down vote on our proposal. That is going to be in my request. You would have the right to do three amendments; we would have the right to do three amendments. It is the same request that we made in July. If you want this issue to be considered and passed, that is the way to do it. If you want to say we want to have this issue on the floor all month, as was the unanimous consent request made by the minority leader, that is not going to happen. Or to say that we are going to take up the House bill and work off the House bill, that is not going to happen.

So, again, I tell my colleagues, if you want to consider the bill, and if you want it passed, the Patients' Bill of Rights, we are willing to do it. What I hear our friends on the Democratic side say is, "We know we don't have the votes so we want to talk about it." And sometimes I think it is important if you are going to talk about the issue that you speak truthfully. Unfortunately, I do not think the President did that in his radio address.

The President, in his radio address on Saturday, frankly—I am going to come back to that issue shortly because I know my friend from Kentucky wants to go back to the bill. I am going to come back later to the floor and analyze the President's speech or his radio address where he talked about the Patients' Bill of Rights, and he characterized what the Republican bill did. And he was flat wrong. I think he should know the truth. And maybe his staff should do better work or they should quit trying to politicize this issue and he should speak factually what is in our bill and what is in his bill. Unfortunately, that did not happen on Saturday.

Mr. KENNEDY. Would the Senator yield?

Mr. NICKLES. No, I will not yield. I will yield in a moment.

Another thing that galls this Senator is if and when the President thinks he can legislate by radio address. The President is the Chief Executive Officer in the country, but under the Constitution he does not have legislative powers to legislate by Executive order or to legislate by radio address. I think, frankly, he crossed that line again on Saturday. That is unfortunate.

If he wants legislation, we are willing to consider legislation. The President talked about having internal appeals and so on. We have internal appeals in our bill. We have external appeals in our bill. So if the President likes that provision, he can take it up. And he should urge our colleagues on the Democratic side of the aisle to take this legislation up and pass it. We are giving a reasonable unanimous consent request to bring it up. So I just hope that, again, common sense would prevail and that we would take the legislation up under a reasonable time limit.

I mention that the counteroffer that we received in July was not three amendments a side; it was 20 amendments a side. That would be 40 amendments. That is ridiculous. That is not going to happen. I want to pass this legislation. Frankly, I have invested a lot of time in this legislation, as well as Senator FRIST and Senator COLLINS, Senator JEFFORDS, Senator GRAMM—many of our colleagues—Senator SANTORUM. We worked for months on this legislation.

I also want to take just a little issue with our friend from Illinois. He said, "Isn't it true that the Republican bill left out millions of Americans?" That is false. We gave every single American that has an employer-sponsored plan an internal appeal and external appeal. And that is not in current law. We believe it should be legislated, not deemed by Executive order. And so to say, "Well, they don't have protections under the Republican bill" is absolutely false.

We do not have 300-some mandates as proposed by the Democrat bill. We do not have 56 new causes of action where really it would say it would be health care by litigation. We have health care to be determined by physicians, not by trial attorneys.

So, yes, there is a difference between the bills. We are saying: Fine. You have a legislative proposal. We will let you offer it. We will find out where the votes are. We have a legislative proposal. We will offer it and find out where the votes are, and maybe offer a couple of amendments. And we can dispose of the bill. We can pass the bill. We can go to conference with the House, hopefully work out the differences with the House.

Mr. President, at this time I ask unanimous consent that the majority leader, after notification of the Democratic leader, shall turn to Senate bill S. 2330 regarding health care. I further ask that immediately upon its reporting, Senator NICKLES be recognized to offer a substitute amendment making technical changes to the bill, and immediately following the reporting by the clerk, Senator KENNEDY be recognized to offer his Patients' Bill of Rights amendment, with votes occurring on each amendment, with all points of order having been waived. I further ask that three other amendments be in order to be offered by each leader or their designee regarding health care, and following the conclusion of debate and following the votes with respect to the listed amendments, the bill be advanced to third reading, and the Senate proceed to H.R. 4250, the House companion bill, that all after the enacting clause be stricken, and the text of S. 2330, as amended, be inserted, and the Senate proceed to a vote. I further ask that following the vote, the Senate bill be returned to the calendar.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Reserving the right to object, I think if I heard correctly, under the Senator from Oklahoma's proposal the Senate is going to return the bill to the calendar following the vote? Did the Senator say that?

Mr. NICKLES. Only the Senate version. What we would do is strike the House language and insert the Senate language—what we always do when we consider legislation. To respond to my colleague, the text of the Senate language would be sent over to the House under the H.R. number.

Mr. KENNEDY. Mr. President, further reserving the right to object, would this unanimous consent request permit debate and discussion on the principal concerns outlined in the President's letter to the majority leader? Would this request permit a full discussion and debate on each of these? They all appear to be relevant. And could we have the assurance that the minority leader would have the opportunity to formulate amendments and have a debate and discussion of at least these particular proposals?

Mr. NICKLES. I am happy to respond.

It would be very easy for my colleague to address those considerations in the letter, which I have not seen yet. You could put those in your amendment. You could put those in your substitute. You could have that in any combination and consider everything addressed in that letter.

Mr. KENNEDY. Do I understand further that the Senator would be willing to agree that we would have separate amendments on each of these measures that have been included in today's letter from the President to the majority leader on the Patients' Bill of Rights?

Mr. NICKLES. Again, to answer my colleague's question, I said you would have a substitute amendment. You could have three amendments, and certainly with your skillful legislative prowess, you could have all 10 things in that format.

Mr. KENNEDY. I appreciate, I am sure, what you intended to be a compliment, but I would like to know whether the leader or other Members would be able to at least raise for debate and discussion each of the rather thoughtful observations that have been made by the President of the United States to the majority leader. And I understand that the majority leader, or his spokesman, the Senator from Oklahoma, is not prepared to permit the observations and shortcomings of the Republican proposal to be considered, if I am not wrong, to be made individually.

Let me ask further, in the appeals procedures in the Republican proposal, you have put a strict limitation on the circumstances under which patients can appeal health plan decisions. It has to reach $1,000 in order to qualify for appeal. That would effectively rule out any child, for example, that might have had a bicycle accident or a hockey accident or football accident from being able to be guaranteed a right to an appeal under the Republican proposal.

Would we have an opportunity to debate this limitation and others in the appeals section of the Republican proposal?

Mr. NICKLES. Mr. President, one, I have a unanimous consent request pending at the table.

Mr. KENNEDY. I am reserving the right to object. I would like to find out if we are able to have a debate and discussion about the wisdom of putting dollar thresholds on the appeals that are in the Republican proposal.

Would we have an opportunity for the Senate to express itself on whether it wants a $1,000 threshold to exclude——

Mr. NICKLES. Regular order.

Mr. KENNEDY. Reserving the right to object. What is the regular order?

The PRESIDING OFFICER. We have a unanimous consent request.

Mr. KENNEDY. Reserving the right to object, Mr. President——

The PRESIDING OFFICER. Once the regular order has been called for, the Senator cannot reserve the right to object. The Senator must either object or not.

Mr. KENNEDY. For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I regret that my colleague from Massachusetts has objected to our unanimous consent request to bring this bill up. Obviously, he has some concerns, but he does not have the votes.

We have offered to vote on his proposal. He can draft his proposal any way he wants. We have drafted our proposal. We want to vote on our proposal. We want to pass our proposal. We will give him an up-or-down vote on his proposal. We will offer and have offered that he can have two or three amendments, and we can have two or three amendments. We can finish this bill. He can draft those amendments in any way, shape or form he wants to and address any and all issues he has addressed today that might be in this letter or another letter. I hope he will do better work in the letter than the President did in his radio address. He was factually incorrect in that. I happen to be offended by that. I just make that comment.

To reiterate, we offered to bring this up in July. My colleague from Tennessee and I and others wanted to finish it in July because we know we have a difficult conference with the House. This is not the easiest legislation to consider. So it is important to move sooner rather than later, as I think I heard my colleague from South Dakota mention. So I hope we will bring it up. But we are going to have to have cooperation from our colleagues. If they continue to insist on unlimited amendments, to where they can debate this issue all month, that is not going to happen. They will be successful in killing this bill, not the Republicans.

I yield to my colleague from Tennessee.

Mr. FRIST. As I understand the unanimous consent request, there would be the opportunity for either side to put into the bill they brought to the floor anything they wanted to. Is it correct, then, that whatever documents have been put forward or requested by the President could be brought forward to the floor in the original bill that the Democratic leader or the Senator from Massachusetts brought forward?

Mr. NICKLES. They could have it in the original bill or they could offer it in the form of an amendment.

Mr. FRIST. The unanimous consent would allow consideration of a bill presented by the Democratic leader and a bill that is presented by the Republican leader?

Mr. NICKLES. The Senator is correct.

Mr. FRIST. In the unanimous consent, you gave the opportunity for amendments to come forward. How many amendments on either side?

Mr. NICKLES. Three.

Mr. FRIST. In saying there could be only three amendments, you did not restrict what was in the original underlying bill so that any issue could be put forward—a bill of rights, or a recommendation by the President—is that correct?

Mr. NICKLES. That's correct.

Mr. FRIST. That has been denied.

Mr. NICKLES. Yes. It is unfortunate because my Democratic colleagues are not able to take yes for an answer. I regret that.

Mr. FRIST. One final question. The issue of the Patients' Bill of Rights is very important to me. As my colleague from Oklahoma has pointed out, we have collectively, as the U.S. Senate, spent a lot of time on this particular issue. Given the fact that we do have a number of bills—and I know we are anxious to get to the underlying bill right now—isn't it reasonable, given the opportunity, that we can put into these bills a Patients' Bill of Rights, or anything we want to, based on the unanimous consent right now? Isn't it reasonable to limit that discussion so that we can conduct the Senate's business, since we can put as much as we want into these bills right now and also allow them to be subjected to the amendments of the unanimous consent?

Mr. NICKLES. I agree. Particularly, if you want to see something become law, it is going to have to be this kind of structure, or it will never happen. We would still be talking toward the end of September. We might have a good debate or a political issue, but we won't have any legislative change. I happen to be interested in trying to make a significant legislative improvement that becomes law.

Mr. FRIST. I just hope we can come to agreement and a time agreement on this important issue, and that we can address this Patients' Bill of Rights.

Mr. NICKLES. I appreciate the leadership the Senator has shown in putting this bill together.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS ACT, 1999—Continued

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that the privilege of the floor be extended to Dan Groeschen, a fellow from the Air Force, during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Robert Streurer and Tam Somerville of my office be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, the pending business is the foreign operations appropriations bill. There are very few amendments left to be dealt with. I ask the Chair what amendment is pending.

The PRESIDING OFFICER. The current amendment pending is No. 3006 offered by the Senator from Pennsylvania.

Mr. MCCONNELL. The Senator from California has been waiting patiently to offer a couple of amendments, which I am cosponsoring. It looks to me, I say to my friend, as if we are now ready to deal with those. I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

AMENDMENT NO. 3507

(Purpose: To state United States support for a peaceful economic and political transition in Indonesia)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. MCCONNELL, PROPOSES AN AMENDMENT NUMBERED 3507.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title V, insert the following:

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) Indonesia is the World's 4th most populous nation, with a population in excess of 200,000,000 people.

(2) Since 1997, political, economic, and social turmoil in Indonesia has escalated.

(3) Indonesia is comprised of more than 13,000 islands located between the mainland of Southeast Asia and Australia. Indonesia occupies an important strategic location, straddling vital sea lanes for communication and commercial transportation including all or part of every major sea route between the Pacific Ocean and the Indian Ocean, more than 50 percent of all international shipping trade, and sea lines of communication used by the United States Pacific Command to support operations in the Persian Gulf.

(4) Indonesia has been an important ally of the United States, has made vital contributions to the maintenance of regional peace and stability through its leading role in the Association of South East Asian Nations (ASEAN) and the Asia Pacific Economic Cooperation forum (APEC), and has promoted United States economic, political, and security interests in Asia.

(5) In the 25 years before the onset of the recent financial crisis in Asia, the economy of Indonesia grew at an average rate of 7 percent per year.

(6) Since July 1997, the Indonesian rupiah has lost 70 percent of its value, and the Indonesian economy is now at a near standstill characterized by inflation, tight liquidity, and rising unemployment.

(7) Indonesia has also faced a severe drought and massive fires in the past year which have adversely affected its ability to produce sufficient food to meet its needs.

(8) As a consequence of this economic instability and the drought and fires, as many as 100,000,000 people in Indonesia may experience food shortages, malnutrition, and possible starvation as a result of being unable to purchase food. These conditions increase the potential for widespread social unrest in Indonesia.

(9) Following the abdication of Indonesia President Suharto in May 1998, Indonesia is in the midst of a profound political transition. The current president of Indonesia, B.J. Habibie, has called for new parliamentary elections in mid-1999, allowed the formation of new political parties, and pledged to resolve the role of the military in Indonesian society.

(10) The Government of Indonesia has taken several important steps toward political reform and support of democratic institutions, including support for freedom of expression, release of political prisoners, formation of political parties and trade unions, preparations for new elections, removal of ethnic designations from identity cards, and commitments to legal and civil service reforms which will increase economic and legal transparency and reduce corruption.

(11) To address the food shortages in Indonesia, the United States Government has made more than 230,000 tons of food available to Indonesia this year through grants and so-called "soft" loans and has pledged support for additional wheat and food to meet emergency needs in Indonesia.

(12) United States national security interests are well-served by political stability in Indonesia and by friendly relations between the United States and Indonesia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the decision of the Clinton Administration to make available at least 1,500,000 tons of wheat, wheat products, and rice for distribution to the most needy and vulnerable Indonesians is vital to the well-being of all Indonesians;

(2) the Clinton Administration should work with the World Food Program and nongovernmental organizations to design programs to make the most effective use of food donations in Indonesia and to expedite delivery of food assistance in order to reach those in Indonesia most in need;

(3) the Clinton Administration should adopt a more active approach in support of democratic institutions and processes in Indonesia and provide assistance for continued economic and political development in Indonesia, including—

(A) support for humanitarian programs aimed at preventing famine, meeting the needs of the Indonesian people, and inculcating social stability;

(B) leading a multinational effort (including the active participation of Japan, the nations of Europe, and other nations) to assist the programs referred to in subparagraph (A);

(C) calling on donor nations and humanitarian and food aid programs to make additional efforts to meet the needs of Indonesia and its people while laying the groundwork for a more open and participatory society in Indonesia;

(D) working with international financial institutions to recapitalize and reform the banking system, restructure corporate debt, and introduce economic and legal transparency in Indonesia;

(E) urging the Government of Indonesia to remove, to the maximum extent possible, barriers to trade and investment which impede economic recovery in Indonesia, including tariffs, quotas, export taxes, nontariff barriers, and prohibitions against foreign ownership and investment;

(F) urging the Government of Indonesia to—

(i) recognize the importance of the participation of all Indonesians, including ethnic and religious minorities, in the political and economic life of Indonesia; and

(ii) take appropriate action to assure the support and protection of minority participation in the political, social, and economic life of Indonesia;

(iii) release individuals detained or imprisoned for their political views.

(G) support for efforts by the Government of Indonesia to cast a wide social safety net in order to provide relief to the neediest Indonesians and to restore hope to those Indonesians who have been harmed by the economic crisis in Indonesia;

(H) support for efforts to build democracy in Indonesia in order to strengthen political participation and the development of legitimate democratic processes and the rule of law in Indonesia, including support for organizations, such as the Asia Foundation and the National Endowment for Democracy, which can provide technical assistance in developing and strengthening democratic political institutions and processes in Indonesia;

(I) calling on the Government of Indonesia to repeal all laws and regulations that discriminate on the basis of religion or ethnicity and to ensure that all new laws are in keeping with international standards on human rights; and

(J) calling on the Government of Indonesia to establish, announce publicly, and adhere to a clear timeline for parliamentary elections in Indonesia.

(c) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) A description and assessment of the actions taken by the Government of the United States to work with the Government of Indonesia to further the objectives referred to in subsection (b)(3).

(B) A description and assessment of the actions taken by the Government of Indonesia to further such objectives.

(C) An evaluation of the implications of the matters described and assessed under subparagraphs (A) and (B), and any other appropriate matters, for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that that amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3508

(Purpose: To condemn the rape of ethnic Chinese women in Indonesia and the May 1998 riots in Indonesia)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. MCCONNELL, proposes an amendment numbered 3508.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title V, insert the following:

SEC.   . (a) FINDINGS.—Congress makes the following findings:

(1) In May 1998, more than 1,200 people died in Indonesia as a result of riots, targeted attacks, and violence in Indonesia. According to numerous reports by human rights groups, United Nations officials, and the press, ethnic Chinese in Indonesia were specifically targeted in the riots for attacks which included acts of brutality, looting, arson, and rape.

(2) Credible reports indicate that, between May 13 and May 15, 1998, at least 150 Chinese women and girls, some as young as 9 years of age, were systematically raped as part of a campaign of racial violence in Indonesia, and 20 of these women subsequently died from injuries incurred during these rapes.

(3) Credible evidence indicates that these rapes were the result of a systematic and organized operation and may well have continued to the present time.

(4) Indonesia President Habibie has stated that he believes the riots and rapes to be "the most inhuman acts in the history of the nation", that they were "criminal" acts, and that "we will not accept it, we will not let it happen again.".

(5) Indonesian human rights groups have asserted that the Indonesia Government failed to take action necessary to control the riots, violence, and rapes directed against ethnic Chinese in Indonesia and that some elements of the Indonesia military may have participated in such acts.

(6) The Executive Director of the United Nations Development Fund for Women has stated that the attacks were an "organized reaction to a crisis and culprits must be brought to trial" and that the systematic use of rape in the riots "is totally unacceptable. . . and even more disturbing than rape war crimes, as Indonesia was not at war with another country but caught in its own internal crisis".

(7) The Indonesia Government has established the Joint National Fact Finding Team to investigate the violence and allegations of gang rapes, but there are allegations that the investigation is moving slowly and that the Team lacks the authority necessary to carry out an appropriate investigation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the mistreatment of ethnic Chinese in Indonesia and the criminal acts carried out against them during the May 1998 riots in Indonesia is deplorable and condemned;

(2) a complete, full, and fair investigation of such criminal acts should be completed by the earliest possible date, and those identified as responsible for perpetrating such criminal acts should be brought to justice;

(3) the investigation by the Government of Indonesia, through its Military Honor Council, of those members of the armed forces of Indonesia suspected of possible involvement in the May 1998 riots, and of any member of the armed forces of Indonesia who may have participated in criminal acts against the people of Indonesia during the riots, is commended and should be supported;

(4) the Government of Indonesia should take action to assure—

(A) the full observance of the human rights of the ethnic Chinese in Indonesia and of all other minority groups in Indonesia;

(B) the implementation of appropriate measures to prevent ethnic-related violence and rapes in Indonesia and to safeguard the physical safety of the ethnic Chinese community in Indonesia;

(C) prompt follow through on its announced intention to provide damage loans to help rebuild businesses and homes for those who suffered losses in the riots; and

(D) the provision of just compensation for victims of the rape and violence that occurred during the May 1998 riots in Indonesia, including medical care;

(5) the Clinton Administration and the United Nations should provide support and assistance to the Government of Indonesia, and to nongovernmental organizations, in the investigations into the May 1998 riots in Indonesia in order to expedite such investigations; and

(6) Indonesia should ratify the United Nations Convention on Racial Discrimination, Torture, and Human Rights.

(c) SUPPORT FOR INVESTIGATIONS.—Of the amounts appropriated by this Act for Indonesia, the Secretary of State, after consultation with Congress, shall make available such funds as the Secretary considers appropriate in order to provide support and technical assistance to the Government of Indonesia, and to independent nongovernmental organizations, for purposes of conducting full, fair, and impartial investigations into the allegations surrounding the riots, violence, and rape of ethnic Chinese in Indonesia in May 1998.

(d) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) An assessment of—

(i) whether or not there was a systematic and organized campaign of violence, including the use of rape, against the ethnic Chinese community in Indonesia during the May 1998 riots in Indonesia; and

(ii) the level and degree of participation, if any, of members of the Government or armed forces of Indonesia in the riots.

(B) An assessment of the adequacy of the actions taken by the Government of Indonesia to investigate the May 1998 riots in Indonesia, bring the perpetrators of the riots to justice, and ensure that similar riots do not recur.

(C) An evaluation of the implications of the matters assessed under subparagraphs (A) and (B) for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of the distinguished chairman of the subcommittee and myself to address the two amendments that I have just sent to the desk. The first amendment addresses the political, economic, and social turmoil now facing Indonesia, one of our most important allies, and calls for a more active U.S. role in supporting a peaceful economic and political transition in Indonesia.

The second amendment expresses my concern and condemnation over the allegations regarding the brutal treatment and rape of ethnic Chinese women in Indonesia during the riots that occurred this past May, a situation that, if left unaddressed, threatens to undermine the other progress that Indonesia is making.

Taken together, I believe that these two amendments provide a solid framework for U.S. policy towards this vital country.

Indonesia is a country of great significance for the United States, and we have a great deal riding on the outcome of the current period of economic and political transition.

Indonesia is the world's fourth-most populous nation, and its ethnic and religious diversity boasts the world's largest Muslim population;

Indonesia is comprised of over 13,000 islands which span important sea lanes, including 50 percent of volume of all international shipping and every major route between the Indian and Pacific Oceans;

Indonesia has served as a vital engine of East Asian economic growth. It possesses vast natural resources, including oil and gas. Before the disruption caused by the current global financial crisis, the World Bank in 1997 estimated that Indonesia would possess the world's 6th largest economy by early in the new century, and Indonesia has been an active proponent of more liberal trade measures in the Asia-Pacific region;

As the largest member of ASEAN, and a founder of the Asian Regional Forum, Indonesia has been a linchpin of regional security, and has worked with the United States on many key regional security concerns;

In short, the United States has a profound national interest in the emergence of a stable, prosperous and democratic Indonesia from its current period of instability.

Let me briefly recap some of the issues currently facing Indonesia and the developments which underscore, I believe, the need for these two Amendments.

First, in response to public pressure to step down, earlier this year President Suharto resigned after thirty-two years in office. Following an orderly transfer of power, the new President, B.J. Habibie, assembled a cabinet, took some initial steps towards political reform, and pledged new elections.

Several dangers still lie ahead. Indonesia lacks a system with strong and capable democratic institutions and has a long history of regional, religious and ethnic tensions. The road to a more open and democratic political system will be long and hazardous.

Second, at the same time as Indonesia must make progress in this political transition, it is imperative that the Habibie government also take action to address the economic crisis that continues to buffet Indonesia.

In other words, it is in the national interest of the United States that there be a stable, prosperous and democratic Indonesia and that it come out of its current period of instability.

The first amendment before this body addresses the political, economic, and the social turmoil now facing Indonesia, and it calls for a more active U.S. role in supporting a peaceful economic and political transition and for America to lead a major humanitarian effort. Mr. President, today, at least 7½ million people are facing starvation in that country.

The second amendment is a sense of the Senate that expresses the concern and condemnation regarding allegations for the brutal mistreatment of the ethnic Chinese community within that country. That community totals about 6 percent of Indonesia's population. It is an entrepreneurial mercantile class. Once before, in the 1960s, during a pro-Communist revolution, the Chinese ethnic community was made a scapegoat, and literally tens of thousands of people were killed. This time, once again, there was a brutal outbreak against this community, and this resolution condemns it in no uncertain terms.

Mr. President, I believe that Indonesia is extraordinarily important economically. As I said, the rupiah has fallen by over 70 percent in value in the past year. The country is saddled with about $80 billion in private debt and the prospect of a fall of 10 percent in its gross domestic product and a drop of over 25 percent of its manufacturing output. The economy is at a standstill. Inflation is threatening to reach triple digits and unemployment is rising rapidly.

While I believe that Indonesia has the long-term capacity to work its way back to prosperity, in the short term the pain will likely get worse as the full effect of the financial crisis works its way through the economy.

Finally, Indonesia is on the brink of a profound humanitarian crisis.

In the past year Indonesia has faced severe droughts and massive fires, with the end result being that Indonesia is now unable to produce sufficient food to meet the needs of its people—food shortages which have been exacerbated by the current economic crisis.

In a somewhat limited assessment earlier this year, the World Food Program estimated that more than 7.5 million Indonesians in the Eastern areas faced severe food shortages, malnutrition, and starvation as a result of the drought and fires. Others have estimated that with the effects of the economic crisis compounding the natural disasters, upwards of 100 million people across all of Indonesia may soon face acute food shortages.

The Administration, I believe, is to be commended for its handling of the situation thus far. President Clinton's meeting with Suharto at APEC last fall, Special Presidential Envoy Mondale's session with Suharto in March, Secretary Albright's numerous discussions with Foreign Minister Alatas, and Assistant Secretary Roth's many trips to Jakarta have provided the United States an opportunity to encourage and support Indonesian political and economic reform.

The Administration has also made important pledges of food aid—more than 230,000 tons this year through grants and "soft" loans, with much more promised if and as the crisis deepens.

In assessing the challenges facing Indonesia, however, I believe that the United States must do more to assist the people of Indonesia to take advantage of the challenges and opportunities of a post-Suharto era.

Indeed, beyond the "macro" questions of political and economic reform, hard-won gains made over the past thirty years in such areas as nutrition, sanitation and public health are all under threat, while, crime, child labor, and poverty are on the rise. Ordinary Indonesians are suffering as a result of this crisis.

First, in recognition of the need to help alleviate that suffering, this Amendment supports the Administration's pledges of humanitarian food assistance. Moreover, it calls on the United States to take a leading role in the international community in developing and implementing efforts to meet Indonesia's humanitarian and food needs, with the goal of assuring that programs are put in place which will prevent famine and which will meet the basic needs of Indonesia's people.

I believe it is extraordinarily important that the United States lead a major international effort at humanitarian relief to see that the people of Indonesia avoid starvation. And this sense of the Senate, the first resolution, puts this body in support of the administration's actions and urges the administration to go a step further and lead a major international humanitarian relief effort.

Second, this amendment supports Indonesia's efforts to move forward with economic reforms. As I have already said, while I am encouraged by some of the positive signs we have seen thus far, the key question is whether the Habibie government will be more successful than its predecessor in carrying through on its economic reform commitments.

To that end this amendment calls on the United States to adopt a more aggressive approach to working with Indonesia to implement serious and far reaching economic and fiscal reform: To restructure corporate debt, reform bankrupt and corrupt economic structures, implement transparent legal and banking systems, and open its economy to greater international trade.

At the same time, this amendment recognizes that such economic reform can not come without considerable disruption to the lives of many Indonesians, and it thus supports efforts by the Government of Indonesia to cast a wide social safety net to provide relief to those in need.

Finally, given President Habibie's public affirmation of the importance of moving on political reform and economic recovery in tandem—an approach I agree with—this amendment also calls on the Administration to take a more activist approach to working to develop democratic institutions and processes in Indonesia, to see that the human rights of all Indonesians are respected and protected, and for the Government of Indonesia to adhere to its commitment to hold elections.

In sum, this amendment seeks to encourage the development of more active and engaged U.S. approach to Indonesia, and a U.S. policy which will work the Indonesian government to develop and lead a reform process that is deep and wide, reaches out to all Indonesians, and lays the groundwork for restored confidence in Indonesia's political and economic future.

The second amendment which I have offered today speaks to a specific situation in Indonesia which I fear, if left unaddressed, runs the risk of undermining the progress which Indonesia has made and the goals articulated by my first amendment: The question is the treatment of its ethnic Chinese minority during the riots of this May, and specifically what appears to be systematic rape against the female population as an instrument of terror.

Mr. President, in all too many places and in all too many conflicts in recent years we have witnessed the use of rape and sexual torture as an instrument of war and ethnic cleansing. Although, I am sad to say, some incidents of rape have always accompanied war and turmoil in human history, the record of the past few years, with the use of organized, systematic campaigns of rape as a tool of terror, is almost as though a new chapter in the barbarity of human history has been opened.

I was therefore deeply troubled when I learned that there are serious and credible allegations that rape was used as an instrument of terror in targeted attacks on the ethnic Chinese community in Indonesia during the riots this past May.

According to credible reports, at least 168 cases of rape occurred in Jakarta alone during the riots of May 13–15, 1998 as part of a pattern of political violence targeted against ethnic Chinese in Indonesia.

An investigative report published in Asiaweek on July 24, 1998 describes incidents documented by Rosita Noer, an Indonesian physician and human rights activist. For example, "In three Chinese areas of west Jakarta, between 5 and 8 pm, dozens of men dragged a hundred or so girls on to the streets, stripped them and forced them to dance before a crowd. Twenty were raped, then some burned alive, says Noer. She examined six other victims attacked in their homes in different areas of Jakarta. The girls were between the ages of 14 and 20; four of them had been raped by seven men."

In light of such reports, I was encouraged by President Habibie's decision two months ago to set up a national committee of inquiry to investigate the rapes, and his branding these rapes as criminal, inhumane actions.

I have been troubled, however, by the lack of clear and decisive action taken by the Government of Indonesia over the past three months to investigate these rapes and bring the perpetrators to justice.

Just this past weekend, for example, Indonesian Women's Affairs Minister Tutty Alawiah, one of the leaders of the government investigation, was reported in the press to have stated that "The team has been conducting an investigation for 1½ months now but has found no women who fell victim to gang rape or who claimed to have been raped during the May riots."

Minister Tutty Alawiah's statement, and those of other leading Indonesian political figures have also been quoted in the press as doubting the veracity of the rapes, fly in the face of the voluminous credible findings of independent groups, such as the Indonesian Human Rights Commission, as well as numerous reports in the media, which have found considerable evidence of the these criminal, inhuman, rapes.

For example, in an August 3, 1998 story Business Week reported that "On May 14, trucks loaded with muscular men raced to shopping centers and housing projects owned by ethnic Chinese. The men doused the shops and houses with gasoline and set off devastating fires. At least 182 women were raped or sexually tortured, some of them repeatedly, by men with crewcuts whom the victims believed to be soldiers. At least 20 women are confirmed to have died as a result."

"Confirmed to have died." I do not want to cast aspersions on the government's official investigation, but I can not help but find it curious that a journalist can find evidence of the rapes and the aftermath yet one of the leaders of the government's investigation can not.

I find this particularly troubling in light of an August 1, 1998 Agence France-Presse news story which reported that "At least 22 victims and witnesses of rapes during the widespread rioting in Indonesia in May have talked to a team set up by the government to probe violence during the unrest."

What has become of the evidence provided by these 22 victims and witnesses, that Minister Tutty Alawiah claims that no evidence of the rapes can be found and that no victims have come forward?

The Chicago Tribune, on July 29, 1998, carried a story featuring "Aileen", a still-hospitalized 24 year old ethnic Chinese women raped by a group of men and left in a pool of blood.

Are the government investigators unwilling or unable to find this women, and the many others like her, so easily found and interviewed by an American journalist?

Perhaps most telling, a July 13, 1998 report by the Volunteers Team for Humanity, headed by Father Sandyawan, a respected Indonesian human rights activist, found ample documentation of systematic and organized rapes targeted at Indonesia's ethnic Chinese community.

The report contains locations of rapes, the modus operandi of the perpetrators, dates of the rapes, and quotes from victims and witnesses, among other documentary evidence.

Indeed, it is ironic to note that the authors of this July 13 report undertook their documentary efforts precisely because they feared that there would be efforts to "cover the case up as if it never happened."

What has become of this credible volume of documentation gathered by a respected independent group in the context of the government investigation?

In short, there appears to be ample evidence that these rapes occurred, and that the director of the United Nations Development Fund for Women was well-founded in her belief when she stated that these rapes occurred as part of an "organized reaction to crisis."

I realize that the Indonesian government investigation is not yet complete. But I find it deeply troubling that there are signs that the official government investigation of these incidents may be guided more by political considerations then by a commitment to the truth and to justice.

We all know that there are numerous problems that arise with efforts to investigate and document rape. Many women are afraid to speak to investigators. There is embarrassment and great social stigma.

And, in a case like Indonesia, where there are allegations that members of the armed forces may have been involved in the riots and rapes, there is a special need to assure that any victims who cooperate with the investigation receive protection.

But given the ability of others—independent groups and the media—to compile significant and credible evidence of the rapes which appeared to have occurred during the May riots, it is unsettling, to say the least, to be faced with the prospect that the government may try to deny that the rapes occurred at all, let alone to bring to justice those responsible.

Thus, the second Amendment which I have offered here today condemns in no uncertain terms the rapes and mistreatment of the ethnic Chinese community during the May riots.

Moreover, it urges a full, fair, and complete investigation of the rape allegations and calls for those responsible to be brought to justice.

It calls on the Government of Indonesia to assure that the human rights of the ethnic Chinese community—indeed of all Indonesians—should be respected and protected; that the reparations the government has pledged to those who lost property in the May riots should be expedited, and that rape victims should receive just compensation as well, including medical care where still-needed.

The Amendment also calls on the Administration to provide support and assistance to the Indonesian government and the independent human rights groups investigating these allegations, in the interest of assuring full, fair, and complete investigations.

Lastly, it calls for the administration to provide Congress with a report evaluating the allegations surrounding these rapes, the actions taken by the

Government of Indonesia, and the implications for U.S.-Indonesian relations.

Essentially what the resolution does is condemn these acts, calls on the administration to work with the Indonesian government committee investigating these acts in hopes that the investigation will be forthcoming and straightforward and will take adequate measures to bring to justice those responsible for these riots and these rapes.

To those in Indonesia who may misinterpret my intent with this Amendment let me be clear: I do not offer this Amendment as an attack on the Government of Indonesia. Just the opposite. I offer it because I understand how difficult it can be to face up to misdeeds and take necessary and responsible action to rectify the situation, and I want the people of Indonesia to know that as they move forward and deal with this difficult issue that if they do the right thing their friends will be there to offer support and assistance.

It is my belief that if Indonesia does not take adequate measures to bring to justice those responsible for the May riots and rapes, it may well set itself down a course in which political and economic reform, democratization, respect for human rights—in short, many of the measures which Indonesia so desperately needs to undertake to work itself out of the present crisis—become all but impossible. That would be a great tragedy for the people of Indonesia, and a great disappointment to those of us here in the Senate who consider ourselves friends of the Indonesian people.

Mr. President, Indonesia is undergoing a dramatic transformation. The transition to a more pluralistic system will likely be lengthy and difficult. The United States has long sought to promote a more open and tolerant Indonesia. I believe that the United States must continue to work closely with Indonesia during this critical transition period, while acknowledging that only the Indonesian people can determine their future. It is my hope that the two amendments which I have offered today can contribute to this process.

I thank the chairman of the committee, the distinguished Senator from Kentucky, for his support of these two amendments to the bill.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I commend my friend and colleague from California for these two amendments, and I am proud to be a principal cosponsor of them.

I think the amendments both define the core problems which afflict Indonesia, as well as offer clear support for the organizations and initiatives which will return Indonesia to a path of economic growth as Jakarta launches on a new democratic political course.

The road ahead for Indonesia will not be easy, but I am confident of two things—first, what happens in Jakarta is of enormous strategic importance to the United States. Second, we should take note that the political changes underway are a direct result of the efforts of the Indonesian people. As they suffer an acute economic crisis causing dislocation, devastation and pain, they have managed to drive and direct political transition which I am hopeful will lead to an elected and truly democratic government.

This course has not been without its horror stories. Let me speak to one of the two amendments which focuses on the ethnic violence which exploded in the Spring. For decades, the Indonesian Chinese community has played an important role in generating the exceptional economic growth which improved the quality of life for a majority of Indonesians. Although only six million strong, most have deep roots reaching back many generations and consider Indonesia their home.

Tragically, for many Indonesian Chinese their place in Indonesia's rich life came to a shocking and sudden end in the violence which erupted in May. Indonesian Chinese homes, shops, and businesses were clearly targeted, burned, looted and destroyed in the riots which broke out. While it was difficult for the police to restore stability any where, it seemed to many no effort was made to protect Indonesian Chinese communities and their citizens. Most shocking of all were allegations of rape and attacks on women and young girls. Unfortunately, there are even allegations that police officers and army troops may have engaged in these atrocities. Non-government organizations have estimated that more than 160 women and girls were victims of these awful crimes, many of them Indonesian Chinese.

While this violence has a very human face and toll, a number of news accounts have called attention to the crippling economic impact of this ethnic violence. Not only did Indonesian Chinese withdraw their capital, Southeast Asian Chinese in Hong Kong, Taiwan and elsewhere have pulled out and are reluctant to return. One expert has estimated it will be at least five years before the community is confident enough to resume investment—a fact that contributes to Indonesia's already grave economic woes. And, who could blame them?

This amendment condemns the violence against ethnic Indonesian Chinese, encourages prompt full action by the government and provides for U.S. support for the effort to investigate and bring to justice those responsible for these outrageous acts. As Indonesia proceeds on its path to build a democratic and free nation, it is essential that the rights of minorities are respected and protected. I believe the government must take steps to fully investigate the violence suffered by the Indonesian Chinese community over the past several months and clearly support efforts to rebuild homes, businesses and lives. I was encouraged by President Habibe's decision to turn responsibility for the investigation over to the National Human Rights Commission which has pledged to conduct a prompt, complete investigation of all allegations of attacks and crimes.

I welcomed the Commission Vice Chairman's response to suggestions that foreign media were generating false accounts of events. He said,

> These crimes are so serious they need no exaggeration and we must not lose sight of that. We want to work carefully and methodically and I can tell you that the evidence we are obtaining so far is very strong, and, yes, it is apparent there were gang rapes, and yes, some were very violent.

The Vice Chairman has also confirmed that 20 victims of rape have since died, most by suicide and some within hours of the offenses.

Since these preliminary positive signs, there was a report that the Commission was not able to reach any conclusions on the scale or pattern of attacks. I hope that Commission and our embassy will work hard to make sure all of the concerns raised by the Indonesian Chinese community are addressed before declaring their work done.

Some observers seem to have an impression that this ethnic community is so wealthy they can and should leave Indonesia, but, that is simply not the case. As Jusef Wannadi, a prominent member of the community, noted, "The majority of Indonesia Chinese—poor laborers, farmers, fishermen and small shop owners—have no option but to try to survive in Indonesia."

His sentiments were echoed by a father of three:

> The worst thing is that you can't really stay but there is nowhere else to live. They tell me I am an Indonesian national, yet I am starting to feel homeless as well as stateless. Tell me, why should I have to leave my home?

It is going to take a great deal of effort by a credible, elected government to heal these deep rifts dividing Indonesia which makes the process and prospects of political reform all the more urgent. The second amendment focuses on how the United States can expand and accelerate our support for this reconciliation and recovery. As I made clear in my opening statement, the Administration has been consistently behind the curve in supporting such an effort.

Although AID's Administrator has pledged an expansion of food, medical and humanitarian relief very little has actually been made available, in part because the real needs are still a matter of guess work. Altough I have pressed since March, AID still hasn't conducted a nation-wide estimate of food shortages or other social safety net requirements. I am also disappointed by the slow pace of AID efforts to work and build upon Indonesia's vast Muslim community organizational networks. Two national organizations have clinics, schools, and community centers which already reach out to a majority of the population. Although they have expressed interest in working with AID, cooperation has been slow to materialize.

AID must also expand support for political reforms. Media training and technical support, political party building and legal reforms are all urgently needed to secure the foundation for democratic institutions to constructively shape Indonesia's future. The bill, report and this amendment encourage improvements, and require a report on the conditions and status of our efforts in meeting national needs.

The bill's commitment of $100 million along with these amendments sets a course for improving our relations and support for the important transition underway in a nation of criticial importance to the United States. Instability in Indonesia continues to be the undertow dragging down regional economic recovery. And, the Secretary of Defense has been very persuasive in making the case that a further decline into chaos in a country of more than 200 million people, a nation which staddles vital global shipping lanes, in a scenario he believes we should make every effort to prevent.

Our support and Indonesian effort are the key to what lies ahead—to success—to building investor confidence—to recoverying capital which has fled—to protecting minorities—to restarting the engines of economic growth—to rebuilding American markets—to helping a key ally set a democratic course.

Again, I commend the Senator from California for her interest and hard work to restore the vital partnership we share with Indonesia.

As far as I know, Mr. President, there are no objections to these amendments on either side of the aisle, and I recommend that we proceed to passage.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the two amendments offered by the Senator from California. Without objection, they will be considered en bloc.

The amendments (Nos. 3507 and 3508) were agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, the Senator from Washington has an amendment which we have cleared on both sides of the aisle, and I would like to give him an opportunity to send that amendment to the desk at this time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 3509

(Purpose: To express the sense of the Congress regarding IMF response to the economic crisis in Russia)

Mr. GORTON. Mr. President, I have sent an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 3509.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS REGARDING THE IMF RESPONSE TO THE ECONOMIC CRISIS IN RUSSIA.

(a) Congress finds that—

(1) Russia is currently facing a severe economic crisis that threatens President Boris Yeltsin's ability to maintain power;

(2) the Russian Communist Party may well soon be a part of the government of the Russian Republic and may be given real influence over Russian economic policies;

(3) the International Monetary Fund has continued to provide funding to Russia despite Russia's refusal to implement reforms tied to the funding;

(4) the Russian economic crisis follows a similar crisis in Asia;

(5) the International Monetary Fund imposed strict requirements on Republic of Korea and other democratic and free market nations in Asia;

(6) the International Monetary Fund has not imposed the same requirements on Russia; and

(7) Russia has not made the same commitment to free market economic principles as Republic of Korea and other Asian nations receiving assistance from the International Monetary Fund.

(b) It is the sense of Congress that the International Monetary Fund should not provide funding to a Russian government whose economic policies are significantly affected by the Russian Communist Party, or under significantly less free market conditions than those imposed on the Republic of Korea and other democratic, free market nations in Southeast Asia.

Mr. GORTON. Mr. President, at an earlier date, on the bill similar to this relating to foreign policy, I discussed some of the policies of the International Monetary Fund in that connection with respect to Indonesia while Indonesia was still ruled by the Suhartos. That amendment, or a modification of that amendment, was included in the original passage of the International Monetary Fund refurbishment and, in fact, is included in this bill, although it is close to irrelevant now that the Government of Indonesia is in different hands and in considerable need of aid, as was indicated by some of the debate on the previous amendment.

This amendment deals with my deep concern, a concern I believe widely shared, with respect to the way in which the International Monetary Fund is handling the problems in Russia. The amendment—a sense of the Senate directed at the International Monetary Fund—makes two points in that connection. The first cautions the International Monetary Fund against funding any Russian Government in which the Communist Party of Russia plays a significant role with respect to economic policy. We know that the Russian Government is in chaos at the present time after the firing of one Prime Minister by President Yeltsin and the substitution for him, at least at the behest of the President, of Mr. Chernomyrdin, a previous Prime Minister of Russia. His nomination was just rejected yesterday by the Russian Duma. We don't know where it will go. What we do know is that the Government of Russia was very close to an agreement with the Russian Communist Party, under which the Communist Party would play a major role in the Government and a major role in its economic policies, that major role being to reverse free market reforms and return to state control of the economy. It would be foolishness exemplified, were we to fund such a change in the Russian Government through the International Monetary Fund, and this amendment cautions against it.

It also deals with another subject, the subject of all of the billions of dollars that the International Monetary Fund has granted to Russia already on condition that it move more decisively toward a free market economy. While the International Monetary Fund has dealt very firmly with respect to free market conditions in dealing with the crisis in Southeast Asia—with the Republic of Korea, with Thailand, with Malaysia, with Indonesia and the like—it has consistently operated with a double standard with respect to Russia. The double standard has not only wasted money, the double standard has created justified unhappiness, justified bitterness in the Southeast Asian countries that see the International Monetary Fund imposing a double standard: One very tough standard on them and far more lax standards or, rather, standards that are consistently ignored with respect to Russia.

So this amendment, the sense-of-the-Senate amendment, also calls for a single standard with respect to International Monetary Fund funding of Russia, even in a noncommunist government, and the similarly situated countries in Southeast Asia. As the chairman of the subcommittee said, I think this represents a broadly held point of view. I am not sure that it should not be a part of the bill as a mandate on the way in which we deal with the International Monetary Fund, but because I cannot see the future, it is merely a sense of the Senate at this point.

I ask unanimous consent to have printed in the RECORD an article about this double standard called "The IMF's $22.6 billion failure in Russia," from the Heritage Foundation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Heritage Foundation Executive Memorandum, August 24, 1998]

THE IMF'S $22.6 BILLION FAILURE IN RUSSIA

(By Ariel Cohen, Ph.D., and Brett D. Schaefer)

On August 17, just three days after President Boris Yeltin unequivocally stated that the ruble would not be devalued, Russia's Prime Minister announced that the government would allow the ruble to be devalued by 34 percent by the end of this year. He also declared a 90-day foreign debt moratorium. It is now painfully clear that the $22.6 billion bailout package orchestrated by the International Monetary Fund (IMF) has not rescued Russia.

Commenting on the Russian devaluation and debt moratorium on August 17, Michel Camdessus, the Fund's Managing Director, concluded that "Implementation of [Russia's economic] program has been satisfactory." Camdessus, however, never explains how something as disastrous as a currency devaluation of this scope can be deemed "satisfactory." Even he admits that, despite the IMF bailout, "confidence in financial markets has not been reestablished and as a result Russia has continued to lose reserves, and asset prices have fallen sharply." If this is "satisfactory," Camdessus must have a very high tolerance for failure.

What was the purpose of the July IMF bailout of Russia, and who is responsible for its failure?

THE PURPOSE OF THE IMF BAILOUT

On July 20, the IMF Executive Board approved its portion ($11.2 billion) of a $22.6 billion international bailout. This emergency package was intended to help Russia maintain the value of the ruble while the government implemented reforms necessary to create long-term stability. IMF First Deputy Managing Director Stanley Fischer outlined this strategy on July 13:

> The underlying problem [in Russia] is the budget and the financing needs. So if you devalue, you sort of relieve the pressure on the markets for a while, causing difficulties, but unless you got the budget in shape, and the devaluation wasn't going to do anything for the budget, you would be back in this situation.

Indeed, the IMF plan specifically stated that "exchange rate policy should remain broadly unchanged during the remainder of 1998." After only four weeks, however, it is clear that the massive bailout failed in both of its missions: The ruble was devalued, and reforms are not likely to be implemented.

On August 17, Prime Minister Sergei Kiriyenko announced that the government would allow the ruble to fall from the former official rate of 6.3 to the U.S. dollar to 9.5 to the dollar. This devaluation and a 90-day foreign debt moratorium amount to an expensive policy debacle for Russia. The devaluation will make it much more expensive to repay foreign currency-denominated debt. The moratorium has frightened already leery investors and likely will dampen foreign investment for years to come.

The Russian Duma, moreover, is not likely to adopt the bulk of the IMF-sanctioned reform agenda. In fact, the Duma's communist majority already is urging the Russian government to backpedal on budgetary cuts, increase domestic spending instead of paying foreign debt, or nationalize the dollar-denominated debt of Russian banks.

WHO IS RESPONSIBLE?

Both Russia and the IMF are responsible for the Russian debacle. Russia's fault lies in the government's chronic refusal to reform. The Russian government has been aware of the problems in its economy and what is needed to fix them for at least five years. Because of mismanagement, inertia, and outright corruption, such vital changes as trimming the budget, overhauling the tax code and tax collection, land reform, and otherwise providing conditions to step capital flight and attract foreign investment have not been implemented.

The fault of the IMF lies in its willingness to provide successive bailouts regardless of whether they achieve the desired results. When asked at a July 13 press conference whether the IMF would refrain from new lending because of reduced liquidity, IMF Treasurer David Williams responded, "[W]e never say no."

Russia is a prime example of how this can lead to disastrous results. Since 1992 (and before the most recent $22.6 billion bailout), the IMF lent Russia over $18 billion. With each loan, the IMF required Russia to adopt economic reforms. Even though Moscow rarely fulfilled its promises, the IMF continued to disperse tranche after tranche. In other words, the cheap credits allowed Russia to delay reforms, while the IMF rewarded Moscow for not reforming.

This pattern is being repeated in the current bailout. Despite the devaluation of the ruble and the Duma's refusal to pass the majority of IMF-mandated reforms, Michel Camdessus' August 17 statement merely remarked that [Russia's] measures and their potential impact will immediately be analyzed by the staff and management of the IMF . . . I hope that the government's economic program will continue to be implemented in full, so that the economic and financial situation will improve and the IMF can be in a position to disburse the second tranche . . .

CONCLUSION

Russia is now in an economic morass. The achievements of the Yeltsin administration—a stable currency and low inflation—have gone down the drain. The political cost to the Yeltsin government will be tremendous, as millions of workers and pensioners have not been paid for months and the price inflation will escalate. Before August 17, Russia had asked whether the international community were prepared to provide some additional financial support beyond the $22.6 billion finalized on July 20. Thus far, the G-7 leading industrial countries have prudently declined.

Both the IMF and Russia share the blame for the country's current crisis. Despite ample advice on how to shore up its economy, Russia has refused to implement the changes necessary to resolve the current crisis and create long-term economic health. The IMF has consistently permitted Russia to borrow despite Russia's refusal to reform its economy.

Congress should send a message to Russia that the United States will no longer send good money after bad. It can do so by refusing to approve additional funding for the IMF. An organization that cannot say "no" should not be given additional money to waste.

Mr. GORTON. With that, Mr. President, and with a view that I believe this amendment is agreed to, I yield the floor.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3509) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3510 THROUGH 3518, EN BLOC

Mr. MCCONNELL. Mr. President, there are eight amendments. My friend from Vermont is in the vicinity. There are eight amendments that he and I have cleared, two amendments by Senator ASHCROFT on the Congo and Palestinian Broadcast Corporation, a Lott amendment on the Iraqi opposition, a Wellstone amendment on international sex trafficking, a Leahy amendment on information disclosure, a Dodd amendment on reporting requirements, a Kennedy amendment on Pan Am 103, and a Feingold amendment on Nigeria. I send those amendments to the desk and ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I would add one more amendment to this group, an amendment by Senator FEINSTEIN, added to this group currently being considered at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbers 3510 through 3518, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3510 through 3518), en bloc, are as follows:

AMENDMENT NO. 3510

On page 109, strike lines 15-23, and insert in lieu thereof the following:

SEC. . PROHIBITION ON ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO.

None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Speaker of the House of Representatives, the Majority Leader of the Senate, the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo is—

(1) investigating and prosecuting those responsible for civilian massacres, serious human rights violations, or other atrocities committed in the Congo; and

(2) implementing a credible democratic transition program, which includes

(A) the establishment of an independent electoral commission;

(B) the release of individuals detained or imprisoned for their political views;

(C) the maintenance of a conducive environment for the free exchange of political views, including the freedoms of association, speech, and press; and

(D) the conduct of free and fair national elections for both the legislative and executive branches of government.

Notwithstanding the aforementioned restrictions, the President may provide electoral assistance to the central Government of the Democratic Republic of Congo for any fiscal year if the President certifies to the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo has taken steps to ensure that conditions in subsection 2 (A), (B), and (C) have been met.

Mr. FEINGOLD. Mr. President, I would like to explain an amendment related to U.S. development assistance to the Democratic Republic of the Congo (DROC) that the managers of this bill have agreed to accept. As the ranking Democrat on the Subcommittee on Africa, I am pleased to have been joined in this effort with the Chairman of that Subcommittee, my colleague from Missouri [Mr. ASHCROFT] as well as the junior Senator from North Carolina [Mr. FAIRCLOTH].

This amendment revises Section 574 of the foreign operations appropriations bill for fiscal year 1999 to define restrictions on aid to DROC. It mandates that no aid may be granted to the Democratic Republic of the Congo until the President certifies that the DROC government is investigating and prosecuting those responsible for human rights violations or atrocities and is taking specific steps to implement a credible democratic transition program.

When I originally began thinking about an amendment of this nature, I was concerned about the inability of the DROC government to follow up on what were really gross abuses of human rights committed during the takeover of the former Zaire by the rebel movement that became known as the Alliance of Democratic Forces for the Liberation of Congo (AFDL). During the takeover, which took place from late 1996 through the Spring of 1997, thousands of civilians, mostly Hutu refugees, were slaughtered reportedly by rebel troops, some of them possibly Rwandan or under Rwandan command. The facts have never been clear on these massacres, but credible information from human rights groups clearly indicate that massacres were carried out throughout the country—in Mbandaka, in the west; in Kisangani, in the middle of the country, and in the Kivu region in the east—leading even a casual observer to surmise it was a well planned military operation.

In July 1997, U.N. Secretary General Kofi Annan named an investigative team to investigate gross violations of human rights and international humanitarian law in Congo since March 1993. Not only was the team mandated to look into the general question of the massacres themselves, but also to establish responsibility for the massacres.

Unfortunately, the government of Laurent Kabila continually obstructed the work of the U.N. team—imposing various conditions, delaying meetings, harassing potential witnesses, refusing permission to deploy to certain sites, and apparently organizing demonstrations against the U.N. teams, to name a few. Eventually, in April 1998, Mr. Annan felt compelled to withdraw his teams since it became impossible for the team to conduct its work.

Nevertheless, it remains important that these atrocities be fully investigated and that those responsible be brought to justice. Our amendment calls for the investigation and prosecution of these abuses. This could mean that the government conduct its own transparent and credible investigation. It could mean that the DROC government cooperates with a future UN mission, if the UN decides to launch a new commission of inquiry. Or it could mean that the government cooperates fully with an appropriate judicial body, possibly an international tribunal, which would be charged with investigating the massacres. We have left the desired method intentionally vague so that all options might be considered.

The amendment also calls for the implementation of a credible democratic transition program, which includes the establishment of an independent electrical commission, the release of individuals detained or imprisoned for their political views, the establishment of an environment conducive to the free exchange of political views, and free and fair elections.

The discussion of both the investigation of past abuses and of the implementation of political reform may seem academic at a moment when we are watching Congo disintegrate into civil war for the second time in less than two years. A slightly different rebel movement is trying to recreate the "success" of the AFDL in 1996 by taking control of large portions of Eastern and Central Congo. However, the latest events only underscore the critical need for U.S. policy to focus on the protection of human rights, an end to impunity for gross abuses, and democratization in DROC. It has been precisely the lack of attention to these issues that fueled the conflicts throughout central Africa, and which now threaten the entire region.

Mr. President, let me take this opportunity to say unequivocally that I condemn actions by all the governments and other movements in the region to become involved in violent conflict in DROC. I am sorely disappointed that despite repeated efforts to discourage them, the governments of both Rwanda and Uganda sought early on to support the rebel movement. Now, the involvement of Zimbabwe, Angola and Namibia on the other side is no less constructive. In fact, we are now seeing an almost total regionalization of this conflict that risks bringing more and more African countries into it.

Clearly, this is no way to further the African "renaissance" that we had reason to believe was underway.

I hope the parties will quickly move to declare a cease-fire, and to try to negotiate an end to this terrible situation.

In the meantime, I thank the managers for the consideration of this amendment.

AMENDMENT NO. 3511

(Purpose: To prohibit assistance to the Palestinian Broadcasting Corporation)

At the appropriate place in the bill, insert the following:

SEC. . PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION.

None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation or any similar organization.

Mr. McCONNELL. Mr. President, I ask unanimous consent a letter to Secretary Albright on the Palestinian Broadcasting Corporation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 19, 1998.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: We are writing to bring to your attention the very troubling issue of the United States assisting foreign entities which promote an agenda hostile to the interests of our country. We cite the example of the Palestinian Broadcasting Corporation (PBC), which has been benefitting from U.S. assistance while engaging in a campaign in support of violence and hatred against the United States, our ally Israel, and the goal of peace in the Middle East.

As you well known, U.S. foreign assistance programs are designed to promote democratic ideals and respect for human rights. U.S. agencies which have distributed U.S. assistance, however, have failed at times to determine beforehand if the organizations they are funding promote these basic ideals. In the specific case of the PBC, it is apparent that neither USAID, which has provided hundreds of thousands of dollars via interagency agreements to engage in programs with the PBC and other media outlets, nor USIA/USIS Jerusalem, which has been the recipient of much of the funding, has assessed the value of these programs for U.S. interests in the Middle East.

Despite its awareness of the PBC's activities and the resulting harm to U.S. interests, USIA committed the U.S. to pay for two TVRO satellite dishes for the PBC's use in exchange for their commitment to use seven hours of Worldnet broadcasting a week. Although we commend efforts to further the reach of Worldnet, we are concerned that the PBC's letter of acceptance for the equipment does not stipulate which programming will be shown and during what time periods. In essennce, we provided the PBC with equipment that could be used to import broadcasts from Iraq, Iran, Libya and other nations hostile to the United States in exchange for a commitment to show a sporting event at 3:00 a.m.

It is our belief that the U.S. should support a free and independent media around the world. As USIA/USIS has recognized, however, the PBC is the official broadcasting arm of the Palestinian Authority, which is engaged in a campaign to restrict a free press and promote violent progaganda. The PBC consistently broadcasts programming that attempts to undermine all the United States seeks to achieve in the Middle East.

Madame Secretary, we ask you to formulate a clear U.S. policy to terminate U.S. taxpayer support for the PBC, while encouraging programs that promote genuine press freedoms by supporting independent journalists. We will be working in the Senate to implement such a policy and feel that a unified response on this important issue is warranted.

We thank you for your consideration of this issue and look forward to working with you to advance U.S. interests in the Middle East more effectively.

Sincerely,

Representative Michael P. Forbes, Representative Jon D. Fox, Representative Jim Saxton, Representative Vince Snowbarger, Representative John Shimkus, Representative Kay Granger, Representative Tom A. Coburn, Representative Todd Tiahrt, Representative Tom DeLay, Representative Frank R. Wolf, Representative Bob Franks, Representative Frank A. LoBiondo, Representative Dave Weldon, Representative Steve Chabot, Representative Michael Pappas, Representative Richard W. Pombo, Representative Kevin Brady.

Representative Brad Sherman, Representative Pete Sessions, Representative J.C. Watts, Jr., Representative Sue W. Kelly, Representative Bob Barr, Representative Ken Calvert, Representative Robert B. Aderholt, Representative Charles E. Schumer, Representative Martin Frost, Representative Michael R. McNulty, Representative Henry Hyde, Representative Charles T. Canady, Representative Roy Blunt, Representative Asa Hutchinson, Representative Phil English, Representative Richard K. Armey.

Senator John Ashcroft, Senator Arlen Specter, Senator Ben Nighthorse Campbell, Senator Jesse Helms, Senator Don Nickles, Senator Dan Coats, Senator Thad Cochran, Senator Ernest F. Hollings, Senator Wayne Allard, Senator James M. Inhofe, Senator Jeff Sessions, Senator Jon Kyl, Senator Alfonse M. D'Amato, Senator Sam Brownback, Senator Charles E. Grassley, Senator Dirk Kempthorne, Senator Olympia J. Snowe.

Senator Christopher S. Bond, Senator Susan M. Collins, Senator Mike DeWine, Senator Bob Smith, Senator Ron Wyden, Senator Harry Reid, Senator Larry E. Craig, Representative Jerry Weller, Representative Ileana Ros-Lehtinen, Representative Dan Burton, Senator Tim Hutchinson, Senator Paul Coverdell.

AMENDMENT NO. 3512

(Purpose: To support the Iraqi democratic opposition)

At the appropriate place in the bill insert the following:

"Notwithstanding any other provision of law, of the amounts made available under Title II of this Act, not less than $10,000,000 shall be made available only for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, and developing and implementing agreements among opposition groups; *Provided*, that any agreement reached regarding the obligation of funds under the previous proviso shall include provisions to ensure appropriate monitoring on the use of such funds; *Provided further* that of this amount not less than $3,000,000 shall be made available as a grant to Iraqi National Congress, to be administered by its Executive Committee for the benefit of all constituent groups of the Iraqi National Congress; provided further that of the amounts previously appropriated under section 10008 of Public Law 105–174 not less than $2,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes; *Provided further* that of the amounts made available under this section, not less than $1,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes; *Provided further* that of the amounts made available under this section, not less than $3,000,000 shall be made available only for the conduct of activities by the Iraqi democratic opposition inside Iraq; *Provided further* that within 30 days of enactment of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on implementation of this section."

AMENDMENT NO. 3513

(Purpose: Relating to the trafficking in women and children)

At the appropriate place in the bill, insert the following:

SEC. . TRAFFICKING IN WOMEN AND CHILDREN.

The Secretary of State, in consultation with the Attorney General and appropriate nongovernmental organizations, shall—

(1) develop curricula and conduct training for United States consular officers on the prevalence and risks of trafficking in women and children, and the rights of victims of such trafficking; and

(2) develop and disseminate to aliens seeking to obtain visas written materials describing the potential risks of trafficking, including—

(A) information as to the rights of victims in the United States of trafficking in women and children, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(B) the names of support and advocacy organizations in the United States.

AMENDMENT NO. 3514

(Purpose: To express the sense of Congress that information relevant to the December 2, 1980 assault and murder of four American churchwomen in El Salvador should be made public to the fullest extent possible and that circumstances under which any individuals involved in either the murders or the cover-up of the murders obtained residence in the United States be reviewed by the Attorney General)

At the appropriate place in the bill, insert the following:

SEC. ___ . (a) FINDINGS.—Congress makes the following findings:

(1) The December 2, 1980 brutal assault and murder of four American churchwomen by members of the Salvadoran National Guard was covered up and never fully investigated;

(2) On July 22 and July 23, 1998, Salvadoran authorities granted three of the National Guardsmen convicted of the crimes early release from prison;

(3) The United Nations Truth Commission for El Salvador determined in 1993 that there was sufficient evidence that the Guardsmen were acting on orders from their superiors;

(4) In March 1998, four of the convicted Guardsmen confessed that they acted after receiving orders from their superiors;

(5) Recently declassified documents from the State Department show that United States Government officials were aware of information suggesting the involvement of superior officers in the murders;

(6) United States officials granted permanent residence to a former Salvadoran military official involved in the cover-up of the murders, enabling him to remain in Florida; and

(7) Despite the fact that the murders occurred over 17 years ago, the families of the four victims continue to seek the disclosure of information relevant to the murders.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) information relevant to the murders should be made public to the fullest extent possible;

(2) the Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders to the victims' families and to the American public, in prompt response to Congressional requests;

(3) the President should order all other Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible;

(4) in making determinations concerning the declassification and release of relevant information, the Federal agencies and department should presume in favor of releasing, rather than of withholding, such information; and

(5) the President should direct the Attorney General to review the circumstances under which individuals involved in either the murders or the cover-up of the murders obtained residence in the United States, and the Attorney General should submit a report to the Congress on the results of such review not later than January 1, 1999.

Mr. LEAHY. Mr. President, this amendment expresses the sense of Congress that information relevant to the murders of four American churchwomen in El Salvador be made public to the fullest extent possible. My understanding is that it is acceptable to both sides.

It was 18 years ago, but the 1980 brutal murders of four American churchwomen by members of the Salvadoran National Guard is seared in our memory. Since that time the victims' families have sought answers to questions about the nuns' untimely deaths. Some have been answered, many have not. It is unfortunate that after so many years, it is still necessary to offer an amendment to urge the administration to release any information that would shed light on what happened in this case. It should have been done years ago.

To its credit, the State Department did promptly respond to Congressional requests and fully release information about these horrific crimes. Other agencies have not. Far too often in this case and others like it, the response to requests for information has come grudgingly, and then only in the form of heavily redacted documents with a few lines of practically meaningless text.

I appreciate the need to protect intelligence sources and methods, but these American citizens were murdered almost two decades ago.

For years there have been allegations and evidence to indicate that the National Guardsmen convicted of these crimes acted after receiving orders from their superiors.

In March 1998, after 14 years of silence, four of the convicted men confessed that this was the case. Recently, it has become known that even though U.S. officials had reason to believe these crimes were ordered and covered up by higher authorities, at least one of those Salvadoran officers was granted permanent residence and is reportedly living in Florida.

In addition to calling for the release of information, this amendment also directs the Attorney General to review the circumstances under which individuals connected with these crimes obtained residence in the United States. It is a tragic irony that with so many people legitimately seeking asylum upon our shores, we may have opened our doors to individuals who belong behind bars.

AMENDMENT NO. 3515

(Purpose: To require a consolidated report on all U.S. military training provided to foreign military personnel)

At the appropriate place in the bill add the following new section:

SEC. . (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all overseas military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House.

Mr. DODD. Mr. President, as we consider the Foreign Operations Appropriations bill today, many of my colleagues may think that by reviewing the provisions of the bill with respect to funding for International Military Education and Training (IMET) they will have a full picture of the total U.S. spending for the training of foreign military personnel that is proposed for fiscal year 1999. Based on that review, they might conclude that the Administration will spend approximately $50 million for training of military personnel from some 113 countries, or roughly the same as has been spent on IMET during the current fiscal year. However, that conclusion would not be accurate.

While it is true that the Congress gets a very detailed accounting of the nature and level of IMET spending annually, a recent series of articles that appeared in the Washington Post revealed that a great deal more training of foreign military personnel was ongoing totally outside the framework of IMET programs.

The fact of the matter is that training of foreign military personnel is now being undertaken using funds from a variety of other accounts under the control of the State Department or the Defense Department. Some of these accounts have no reporting requirements associated with them and therefore little or no Congressional oversight is possible.

What is even more significant, is that more foreign military personnel may be being trained outside of the traditional framework of IMET programs than is within such programs. I do know for example that during Fiscal Year 1997 IMET funds were used to train approximately 192 Mexican Military Personnel—a modest number. During that same time period, so called Section 1004 authorized funds, paid for out of the Fiscal 1997 Defense Appropriations Act, were used to train some 829 Mexican military personnel—roughly four times as many individuals as were trained under the auspices of IMET.

Mr. President, I am one who believes that United States National interests can be served by U.S. training foreign military personnel on the appropriate roles for national militaries in civil society. However, I also believe that certain kinds of training are inappropriate for military institutions that may have poor track records with respect to respecting the human rights of their own citizens. It is imperative that the Department of Defense and State work closely together to ensure that the United States is conveying a consistent message with respect to United States policy as it undertakes various programs with foreign military leaders. I do not believe that currently enough consultation takes place in this regard.

At the moment, there is no single office or report that one can turn to obtain a comprehensive overview of the training that is ongoing abroad. It is for that reason that I have offered the pending amendment, which requires a detailed report on this issue. The amendment requires the Secretary of Defense and the Secretary of State to jointly provide to the Congress by January 31, 1999, a report on all overseas military training of foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999.

Specifically, the report would include the following for each such military training activity: a foreign policy justification and purpose for the activity; location and cost; the number of foreign students trained and their units of operation. The report would also identify the United States military units involved in the activities and an explanation of the benefits to United States personnel derived from each such training activity. If deemed necessary and appropriate, the report may include a classified annex.

If Congress is going to be able to carry out responsible oversight to taxpayer funded programs, such a report is vital. I also believe that such a report will be beneficial to Executive Branch officials and civilian government authorities in the countries where training is ongoing.

It is my understanding that the Administration has no opposition to this amendment. I urge its adoption.

AMENDMENT NO. 3516

(Purpose: To express the sense of Congress on the trial in the Netherlands of the suspects indicted in the bombing of Pan Am Flight 103)

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS REGARDING THE TRIAL IN THE NETHERLANDS OF THE SUSPECTS INDICTED IN THE BOMBING OF PAN AM FLIGHT 103.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted 2 Libyan intelligence agents—Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah—in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader, Colonel Muammar Qadaffi, refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The sanctions in Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline, a ban on flights into and out of Libya by other nations' airlines, a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan government funds in other countries.

(5) Colonel Qaddafi has continually refused to extradite the suspects to either the United States or the United Kingdom and has insisted that he will only transfer the suspects to a third and neutral country to stand trial.

(6) On August 24, 1998, the United States and the United Kingdom proposed that Colonel Qadaffi transfer the suspects to the Netherlands, where they would stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges.

(7) The United States-United Kingdom proposal is consistent with those previously endorsed by the Organization of African Unity, the League of Arab States, the Non-Aligned Movement, and the Islamic Conference.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998, in United Nations Security Council Resolution 1192.

(9) The United States Government has stated that this proposal is nonnegotiable and has called on Colonel Qadaffi to respond promptly, positively, and unequivocally to this proposal by ensuring the timely appearance of the two accused individuals in the Netherlands for trial before the Scottish court.

(10) The United States Government has called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(11) Secretary of State Albright has said that the United States will urge a multilateral oil embargo against Libya in the United Nations Security Council if Colonel Muammar Qadaffi does not transfer the suspects to the Netherlands to stand trial.

(12) The United Nations Security Council will convene on October 30, 1998, to review sanctions imposed on Libya.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Colonel Qadaffi should promptly transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands to stand trial before the Scottish court;

(2) the United States Government should remain firm in its commitment not to negotiate with Colonel Qadaffi on any of the details of the proposal approved by the United Nations in United Nations Security Council Resolution 1192; and

(3) if Colonel Qadaffi does not transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands by October 29, 1998, the United States Permanent Representative to the United Nations should—

(A) introduce a resolution in the United Nations Security Council to impose a multilateral oil embargo against Libya;

(B) actively promote adoption of the resolution by the United Nations Security Council; and

(C) assure that a vote will occur in the United Nations Security Council on such a resolution.

Mr. LAUTENBERG. Mr. President, today, Senator KENNEDY and I join together, as we have in the past, in a ceaseless effort to provide some degree of justice for the families of the victims of the terrorist attack on Pan Am 103. This flight was brought down over Lockerbie, Scotland on December 21, 1988. 259 people on the plane and 11 others on the ground were killed. Most of the victims were Americans, making it the most fatal terrorist atrocity in American history.

Two Libyan security agents have been charged with this heinous crime. They must be held accountable before a United States or United Kingdom court. The United Nations Security Council has imposed sanctions in an effort to make this happen, but for years this has brought no results.

Recently, Secretary of State Albright proposed that the two suspects in the bombing of Pan Am 103 be tried in a Scottish court, under Scottish law, with a panel of Scottish judges, but physically located in the Netherlands. Libyan authorities have publicly accepted this proposal while calling for negotiations.

I remain skeptical of Libya's willingness to cooperate with the international community in bringing terrorists to justice. But I also remain hopeful that the families of the victims will soon be able to end their painful wait for justice. I therefore believe we should give this potential solution an opportunity to work, while remaining determined to see the indicted terrorists brought to trial.

The amendment we are introducing today therefore sets a reasonable time limit for action. It also calls for the imposition of additional multilateral sanctions measures, even including an embargo on oil exports, if Libya fails to turn over the bombing suspects for trial.

The families of the victims of the Pan Am 103 bombing understand that nothing will bring back their loved ones. Nothing we do here can change that. But by adopting this resolution today we send the clear message that we are determined to see justice served and we will continue to increase international pressure on Libya until that happens.

Mr. KENNEDY. Mr. President, I sent this amendment to the desk on behalf of myself and Senators LAUTENBERG, D'AMATO, and TORRICELLI.

Mr. President, ten years ago, in December 1988, 270 people, including 189 Americans were killed in the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland. As a result of the intense and skillful investigation that followed, Britain and the United States indicted 2 Libyan intelligence agents.

The leader of Libya, Colonel Muammar Qadafi, refused to extradite the suspects to either the United States or the United Kingdom to stand trial. As a result, the international community, acting through the United Nations Security Council, imposed economic sanctions on Libya. The sanctions include a worldwide ban on Libya's national airline and a ban on flights into and out of Libya by the airlines of other nations. They also include a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan Government funds in other countries.

Despite these sanctions, Colonel Qadafi has refused to turn over the suspects to either the United States or the United Kingdom. He has said, however, that he will transfer them to a third country to stand trial.

A week ago, in a major development in this case, the United States and the United Kingdom proposed that Colonel Qadafi transfer the suspects to the Netherlands to stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges. Last Thursday, the United Nations Security Council endorsed this proposal and called on Colonel Qadafi to transfer the suspects promptly.

The Administration has told Colonel Qadafi that this is a take-it-or-leave-it proposal and that it is non-negotiable. Secretary of State Albright has said that the United States will urge a worldwide oil embargo against Libya in the United Nations Security Council if Colonel Qadafi rejects this offer and refuses to transfer the suspects to the Netherlands to stand trial. The Security Council is scheduled to conduct the next periodic review of Libyan sanctions on October 30. All of us hope that Colonel Qadafi will accept this plan before that date.

To send a clear message to Colonel Qadafi, this resolution calls on him to transfer the indicted suspects to the Netherlands promptly, so that they can stand trial before the Scottish court in the Netherlands. The resolution supports the commitment by the United States Government not to negotiate with Colonel Qadafi on the details of the proposal. If Colonel Qadafi fails to transfer the suspects to the Netherlands before the end of October, the resolution calls on the United States Permanent Representative to the United Nations to introduce a resolution in the Security Council to impose a worldwide embargo against Libya and actively seeks its enactment.

The families of the victims of Pan Am 103 have waited too long for justice. The Administration's plan is a reasonable opportunity to end the long impasse over these suspects, and achieve a significant victory in the ongoing battle against international terrorism.

I urge my colleagues to approve this resolution.

AMENDMENT NO. 3517

(Purpose: Relating to the development of a new strategy for United States bilateral assistance for Nigeria)

At the appropriate place in the bill, insert the following:

SEC. . DEVELOPMENT ASSISTANCE IN NIGERIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The bilateral development assistance program in Nigeria has been insufficiently funded and staffed, and the United States has missed opportunities to promote democracy and good governance as a result.

(2) The recent political upheaval in Nigeria necessitates a new strategy for United States bilateral assistance program in that country that is focused on promoting a transition to democracy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the United States Agency for International Development, should—

(1) develop a new strategy for United States bilateral assistance for Nigeria that is focused on the development of civil society and the rule of law and that involves a broad cross-section of Nigerian society but does not provide for any direct assistance to the Government of Nigeria, other than humanitarian assistance, unless and until that country successfully completes a transition to civilian, democratic rule;

(2) increase the number of United States personnel at such Agency's office in Lagos, Nigeria, from within the current, overall staff resources of such Agency in order for such office to be sufficiently staffed to carry out paragraph (1); and

(3) consider the placement of such Agency's personnel elsewhere in Nigeria.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President, acting through the United States Agency for International Development, shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on the strategy developed under subsection (b)(1).

Mr. FEINGOLD. Mr. President, I am pleased that the managers of the foreign operations appropriations bill have agreed to accept my amendment regarding development assistance to Nigeria.

My amendment expresses the sense of the Senate that the assistance program in Nigeria has not been sufficient and should be expanded, and that the recent political upheaval in the country requires a new strategy for development assistance. The amendment specifies that no direct aid shall be provided to the government "unless and until that country successfully completes a transition to civilian, democratic rule." It also encourages the development of a more robust presence in Nigeria, including placing development personnel outside of Lagos, the capital. Finally, it requires the President to submit a report to Congress on the new strategy.

This amendment reiterates part of the basic policy expressed in a bill I introduced earlier this year, S. 2102, the Nigeria Democracy and Civil Society Empowerment Act of 1998. That bill declares that the United States should encourage the political, economic and legal reforms necessary to ensure the rule of law and respect for human rights in Nigeria and should aggressively support a timely and effective transition to democratic, civilian government for the people of Nigeria. The bill codifies many existing sanctions, authorizes the President to impose new sanctions if conditions sour in Nigeria, and would provide for $37 million in development assistance over three years to support democracy and governance programs and the activities of the U.S. Information Agency.

My amendment would pick up on the development assistance provisions of S. 2102 without specifying an amount. Like S. 2102, this amendment authorizes no new money. All spending in Nigeria would come out of existing USAID appropriations.

The United States Agency for International Development has already, correctly, noted that its program in Nigeria needs considerable re-thinking. It recently submitted a notification to certain congressional committees for some $5 million to support an immediate and effective transition to democracy. But activities under this notification were not fully defined, and approval would have granted USAID broad leeway in its budgeting for this project, so the Congress has asked USAID to provide additional details.

My amendment would require the administration to submit a report with a more defined strategy for its Nigeria program within 90 days of enactment of the Foreign Operations bill. I would hope that the preparation of this report will help the administration focus its development efforts in Nigeria, so that we do not receive such vague notifications in the future.

With the replacement of longtime ruler General Abacha by the current military leader, Gen. Abdulsalam Abubakar, there has been reason to be optimistic about Nigeria's future. Although General Abubakar has not yet moved to repeal the repressive decrees that place severe restrictions on the basic freedoms of Nigerians, he has taken some positive steps, including the release of several prominent political prisoners, and has indicated a willingness to move his country once and for all in the direction of democracy. But he had yet to deal with some of the more vexing issues related to such a transition, which were further complicated by the untimely death last May of Chief Moshood Abiola, the presumed winner of the 1993 elections.

These are not easy times in Nigeria, nor for U.S.-Nigeria relations. As the Ranking Member of the Senate Subcommittee on Africa, and as someone who has watched Nigeria over the past several years, I look forward to working with the administration on the development of a coherent Nigeria policy, beginning with a more robust development assistance presence.

AMENDMENT NO. 3518

(Purpose: To improve the prohibition on United States arms export transactions to foreign governments that do not cooperate fully with United States antiterrorism efforts)

At the appropriate place in the bill, insert the following:

SEC. . Section 40A of the Arms Export Control Act (22 U.S.C. 2781) is amended—

(1) in subsection (a), by striking "that the President" and all that follows and inserting "unless the President determines and certifies to Congress for purposes of that fiscal year that the government of the country is cooperating fully with the United States, or is taking adequate actions on its own, to help achieve United States antiterrorism objectives.";

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after subsection (a), as so amended, the following new subsections (b), (c), and (d):

"(b) REQUIREMENT FOR CONTINUING COOPERATION.—(1) Notwithstanding the submittal of a certification with respect to a country for purposes of a fiscal year under subsection (a), the prohibition in that subsection shall apply to the country for the remainder of that fiscal year if the President determines and certifies to Congress that the government of the country has not continued to cooperate fully with United States, or to take adequate actions on its own, to help achieve United States antiterrorism objectives.

"(2) A certification under paragraph (1) shall take effect on the date of its submittal to Congress.

"(c) SCHEDULE FOR CERTIFICATIONS.—(1) The President shall, to the maximum extent practicable, submit a certification with respect to a country for purposes of a fiscal year under subsection (a) not later than September 1 of the year in which that fiscal year begins.

"(2) The President may submit a certification with respect to a county under subsection (a) at any time after the date otherwise specified in paragraph (1) if the President determines that circumstances warrant the submittal of the certification at such later date.

"(d) CONSIDERATIONS FOR CERTIFICATIONS.—In making a determination with respect to the government of a country under subsection (a) or subsection (b), the President shall consider—

"(1) the government's record of—

"(A) apprehending, bringing to trial, convicting, and punishing terrorists in areas under its jurisdiction;

"(B) taking actions to dismantle terrorist organizations in areas under its jurisdiction and to cut off their sources of funds;

"(C) condemning terrorist actions and the groups that conduct and sponsor them;

"(D) refusing to bargain with or make concessions to terrorist organizations;

"(E) isolating and applying pressure on states that sponsor and support terrorism to force such states to terminate their support for terrorism;

"(F) assisting the United States in efforts to apprehend terrorists who have targeted United States nationals and interests;

"(G) sharing information and evidence with United States law enforcement agencies during the investigation of terrorist attacks against United States nationals and interests;

"(H) extraditing to the United States individuals in its custody who are suspected of participating in the planning, funding, or conduct of terrorist attacks against United States nationals and interests; and

"(I) sharing intelligence with the United States about terrorist activity, in general, and terrorist activity directed against United States nationals and interests, in particular; and

"(2) any other matters that the President considers appropriate."; and

(4) in subsection (e), as so redesignated, by striking "national interests" and inserting "national security interests".

Mr. MCCONNELL. Mr. President, Senator LEAHY and I have cleared this block of amendments.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 3510 through 3518), en bloc, were agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TORRICELLI. Mr. LEAHY, I know that you join me in welcoming the progress that the citizens of Northern Ireland and the Republic have made toward implementing a peace agreement. I would like to thank you and the members of the Appropriations Committee for the tremendous work you have done this year, including funding the International Fund for Ireland (IFI) at the full amount President Clinton requested in FY 1999. At this critical point in time, this Senate, and the United States as a whole, must begin to study our relationship with Northern Ireland and do our best to ensure that peace takes hold in the region. Dramatic cuts in the budget, particularly foreign aid, have made this task more challenging. Understanding both the need to support peace in Northern Ireland and dealing with budget cuts, I would like to request your support for consideration of adding any additional funding to the IFI, should it become available at a later time. It is important that we consider ways to meet the needs of the people of Northern Ireland and the Republic, and I hope you will join me in this effort.

Mr. LEAHY. As a fellow supporter of the peace process in Northern Ireland, I want to assure you that, should additional funds become available at a later date, we will consider increasing the amount available to the IFI.

Mr. D'AMATO. Mr. Chairman, I would like to join my colleague in expressing my support for the work the Appropriations Committee has done this year. It is important that we maintain our strong support for Northern Ireland and the Republic, and the funds made available to the IFI in the upcoming fiscal year are a critical step. In the wake of the passage of the Good Friday Accords, I have been working with Senator TORRICELLI over the past several months to determine a method that will best express the United States' support for peace in Northern Ireland. At this point in time, I would like to request your support for consideration of additional funding to the IFI, should it become available in the future.

Mr. MCCONNELL. I join Mr. LEAHY in assuring you that we will consider adding funds to the IFI, should they become available at a later date, so that we may bolster peace in the region.

Mr. BINGAMAN. Mr. President, I am very concerned about a provision in the FY 1999 Foreign Operations, Export Financing, and Related Programs Appropriation bill regarding military assistance for the Baltic nations that, according to the Committee report, is intended to accelerate the integration of the Baltic States into NATO. Although the Administration has assured the Congress that consideration of the Baltic nations for membership in NATO would proceed in a deliberate fashion in consultation with our NATO allies subject to the procedures already established, designating military assistance to the Baltic nations in accordance with the language contained in the Committee report would circumvent those assurances. I wish to advise my colleagues that the allocation of any military assistance provided in this bill to the Baltic nations will not assure their admission into NATO.

Mr. President, I recall that during the recent debate on enlarging NATO last April, many senators expressed their concern about extending our military commitments beyond the limits which are already straining our ability to meet worldwide contingencies. I believe that providing military assistance to the Baltic nations in order to accelerate their membership into NATO could lead us into a de facto security commitment to that region that might strain our resources even further, and therefore, be harmful to our national security interests as well as those of our NATO allies. Many of my colleagues here in the Senate as well as the distinguished Dr. Henry Kissinger who testified last spring before the Armed Services Committee question our ability to respond effectively to military contingencies in the Baltic region.

In addition, Mr. President, I am very concerned about the state of relations between the United States and Russia at this vulnerable time in international relations. Providing military assistance to the Baltic nations for the express reason of accelerating their membership in NATO is likely to exacerbate the uneasy state of our relations with the current Russian government as well as many influential Russian leaders who oppose that nation's current leadership. I do not believe it is in our interest to create unnecessarily greater difficulties with Russia than we already have. I believe this provision of the bill as discussed in the Committee report could cause significant problems with Russia and unfounded expectations among the Baltic nations for whom there is no assured membership in NATO.

I have spoken with Senators LEAHY, HUTCHISON, and ROBERTS about my concerns and they share these sentiments.

Mr. LEAHY. Thank you, Senator BINGAMAN. I too am concerned that providing military assistance to the Baltic nations with the expressed intent to accelerate their membership into NATO is premature and should not prejudice consideration for their membership into NATO when a decision to do so might occur.

Mrs. HUTCHISON. Mr. President, I agree with my colleagues on this very important national security issue. In particular, I agree that the words in the Committee report for this bill should not be taken to mean that membership in NATO by the Baltic states is going to be considered until there is a complete debate on the matter, that the Senate's responsibility for advice and consent on treaties is in any way predetermined in the case of the Baltic countries.

Mr. ROBERTS. Thank you, Mr. President. I would like to add my reservations to those of my colleagues. I am very concerned about overextending our military commitments without sufficient resources to handle the additional tasks we might assume. Enlarging NATO should be a step by step deliberate process that should not be circumvented in any way.

Mr. BINGAMAN. I appreciate the supportive words of my colleagues on this important matter of national security.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent Joan Wadelton, a State Department fellow on the staff of the Committee on Foreign Relations, be accorded the privilege of the floor during the pendency of S. 2334.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. I know both Senators from New Jersey are anxious to make a statement on another matter, but Senator LEAHY and I now have a finite list of amendments which we believe will bring us to final passage.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

CONGRATULATING THE TOMS RIVER EAST AMERICAN LITTLE LEAGUE TEAM

Mr. LAUTENBERG. Mr. President, I thank the manager and ranking member on the Foreign Operations Subcommittee for giving us these few minutes of time. This is kind of a happy moment in New Jersey. One of our communities, Toms River, has produced a special group of young people who have won the Little League World Series. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 268) congratulating the Toms River East American Little League team of Toms River, New Jersey, for winning the Little League World Series.

The Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I rise to introduce that resolution along with my colleague, Senator TORRICELLI, expressing our pride and our admiration for that very special group of youngsters from New Jersey. New Jersey has a national philosopher who dwells in its boundaries. His name is Yogi Berra. He is often quoted and I quote him now. I recall he said, "It's like deja vu all over again."

For another time, a New Jersey Little League team has won the prestigious Little League World Series championship, a group of exciting youngsters under the age of 12, vigorous sports figures now. I have seen them on television. I understand the 11-year-old pitcher got a request for marriage from an admirer. I don't think that is what he was striving for, but it happened. The honors accorded this group have been spectacular.

This past Saturday, the Toms River East American Little League team clinched the honor, defeating Kashima, Japan, by a score of 12 to 9 to win the 52nd annual Little League World Series Championship. They are affectionately known as "The Beasts of the East," these little guys. They are pretty good. They received a hero's welcome Sunday upon return home from the five-game series in Williamsport, PA, where they defeated teams from Jenison, MI, Cyress, CA, Tampa, FL, and Greenville, NC, before their final game with Japan. They are the fourth New Jersey team in history to win the Little League World Series and the first U.S. team in 5 years to win this title.

Toms River East American has brought pride to its community and the entire State of New Jersey. They join the ranks of the New Jersey teams from Hammonton, the 1949 Little League champions; Wayne, NJ, the 1970 champions; and Lakewood, champs in 1975.

All of the young men on the team deserve hearty congratulations for an incredible season. I give you their names: Mike Belostock, Eric Campesi, Chris Cardone, Chris Crawford, Scott Fisher, Brad Frank, Joe Franceschini, Todd Frazier, Tom Gannon, Casey Gaynor, Gabe Gardner and R.J. Johansen.

These 12 young men are not only fine athletes, but they are also outstanding young people. They showed poise and dignity, and if one saw them in that game on national TV, unparalleled enthusiasm under pressure.

Their manager, Mike Gaynor, and coaches, Ken Kondek and Joe Franceschini, Sr., all volunteers, shepherded these youngsters through a 28-game season. I commend them for their hard work and their dedication on behalf of Toms River's children. But I also must congratulate the parents, the families and the fans of the team's players who supported these young sluggers through thick and thin. They traveled long distances to root for their children, and they are truly the heroes behind the champions.

Mr. President, I am pleased that the entire U.S. Senate will have a chance to join with me and Senator TORRICELLI in recognizing the accomplishments of not only the Toms River East American team, but also the greater Toms River community. New Jersey and the Nation owe a debt of gratitude to the "Beasts from the East," their parents, families, friends and fans for allowing us to celebrate this important achievement.

As Yogi Berra said, "I'd like to thank all of those who made this night necessary."

With that, I yield the floor.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I am very proud to join with my colleague, Senator LAUTENBERG, in offering this resolution of congratulations. With all the rancor and discord of our times, it is worth the Senate taking a moment to note that in small towns and cities across America, there are values that endure.

On Saturday, 12 young men, no more than 11 and 12 years old, reminded us of some of those values. They became the first American team in 5 years to win the Little League World Series. It is a process that began a year ago when 7,000 different teams across America and in several other nations began to compete for this honor. The culmination was on Saturday when, by a score of 12 to 9, they defeated Kashima, Japan.

There is no denying the athletic prowess of each of the 12 young men who produced this victory. An 11- or 12-year-old boy to hit a baseball more than 210 feet in repeated home runs is as much an achievement in its own way as Mark McGwire racing for a home run title.

But in truth, there is more to this success than simple athletic prowess. Behind each and every one of these young men was a parent, a coach, a teacher, a neighbor, an umpire—someone who gave something of themselves, not simply to teach an athletic skill, but character, values, the qualities of determination that are so very American.

In this way, each of the 46,000 people of Toms River were a part of this victory; indeed, in a special sense, so was every American a part of this victory.

The lesson learned is that sacrifice and humility are an essential part of victory. How else does one explain a Mike Belostock who, in a championship game at a principal moment of his life, discovers that his eye is scratched from a contact lens and tells his mother he has decided not to play because the eye damage could have sacrificed the chances of his team.

Or persistence: Chris Cardone who replaced Belostock in the lineup and hit a game-winning home run, his first in 28 games, and only his second hit of the tournament. Or Todd Frazier who not only struck out the final Japanese batter, but who also batted a perfect 4 for 4 in the game.

Those are all sources of pride, but when the game was over and the team came home, there was something that impressed me even more. Every parent made it very clear that on Monday morning, every superstar of the "Beasts from the East" would be at school promptly and ready for work when school resumed.

Mr. President, I join my colleagues in congratulating Chris Cardone, Todd Frazier, Scott Fisher, Gabe Gardner, Joe Franceschini, Casey Gaynor, Eric Campesi, R.J. Johansen, Mike Belostock, Brad Frank, Tom Gannon, Chris Crawford and their coaches, Mike Gaynor and Ken Kondek, for a job well done.

Toms River is a town of champions, those who were on the field and those who were off. For those of us in the Senate and across America who watched their achievement with pride, we are reminded that there are values in our children as quintessentially American as baseball itself. Toms River, congratulations and well done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution congratulating the Toms River East American Little League.

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 268

Whereas on Saturday, August 29, 1998, the Toms River East American Little League team defeated Kashima, Japan, by 12 runs to 9 runs to win the 52d annual Little League World Series championship;

Whereas Toms River East American team is the first United States team to win the Little League World Series championship in 5 years, and the fourth New Jersey team in history to win Little League's highest honor; and

Whereas the Toms River East American team has brought pride and honor to the State of New Jersey and the entire Nation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Toms River East American Little League Team and its loyal fans on winning the 52d annual Little League World Series championship;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the team's members, parents, coaches, and managers; and

(3) recognizes and commends the people of Toms River, New Jersey, and the surrounding area for their outstanding loyalty and support for the Toms River East American Little League team throughout the team's 28-game season.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. TORRICELLI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS ACT, 1999—Continued

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3506

Mr. McCONNELL. Mr. President, I believe the amendment of the Senator from Pennsylvania may be pending.

The PRESIDING OFFICER. The Senator from Pennsylvania does have the pending amendment. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, I outlined the purpose of this amendment earlier today. What it does is provide for some $28.9 million of funding for the Comprehensive Test Ban Treaty Preparatory Commission. There is not a problem with the funding coming out of unobligated funds of prior years.

The Comprehensive Test Ban Treaty is pending before the U.S. Senate. Senator BIDEN and I had submitted a resolution sponsored by some 36 Senators which called for hearings before the Foreign Relations Committee and a vote by the Senate on ratification of the constitutional procedure.

The matter now pending is somewhat different, and that is to provide funding for the Preparatory Commission. The problem with testing, which is going on now, has become very acute during the course of the past several months—when India initiated nuclear testing, followed by Pakistan—those two countries with all of their controversy are on the verge of real problems.

I said earlier this morning that when Senator Brown and I traveled to India back in August of 1995 and talked to Prime Minister Rao, he was interested in having the subcontinent nuclear-free. Shortly thereafter, we visited Pakistan and saw their political leader, Prime Minister Benazir Bhutto, who had a similar view, but that situation has deteriorated materially.

In asking for a vote on this matter, it is not only to strengthen the position in conference where we know that on a voice vote, sometimes the position in conference is not as strong. But, also in the absence of the Senate taking up the Treaty, to have a show of support for the Treaty as I think will be reflected at least in part; although, you could support this amendment without necessarily committing to the Treaty.

Mr. President, at this time I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, as I outlined earlier, my cosponsor is the distinguished Senator from Delaware, Senator BIDEN. He has come to the floor. At this time, I yield to him.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will not take much of the Senate's time. I think this debate is about the easiest debate the Senate can face. There is one simple reason to support the Specter amendment, of which I am a cosponsor, and the U.S. contribution to the Comprehensive Test Ban Treaty Preparatory Commission. It is real simple. It is in the national security interest of the United States. I reiterate what the Senator from Pennsylvania said. This is true whether or not you favor the test ban treaty or oppose it.

Most of the funding requested for the Preparatory Commission is to be devoted to capital expenditures on the international monitoring system, the ability to monitor. Improving our nuclear test monitoring capabilities is clearly of benefit to the United States—again, whether you are for or against this treaty—as well as to the benefit of the world community.

The recent nuclear weapons tests in India and Pakistan are a stark reminder of the importance of monitoring. The international monitoring system should improve the seismic monitoring of nuclear tests in India and Pakistan by nearly a full order of magnitude. That will lower the threshold of detectable yields by a factor between 5 and 10, depending on the test-site geology.

So if the detection threshold is a yield of 200 tons today, it would be 20 to 40 tons a few years from now. Let me say that again. If the threshold at which we can detect today is 200 tons, if this monitoring system is improved, as we fully expect it would be assuming we fund our part, it would reduce that to be able to detect 20 to 40 tons—but only if we pay our contribution.

The international monitoring system will also provide these improved monitoring capabilities in a more cost-effective manner than we can achieve them unilaterally. Countries other than the United States will bear roughly 75 percent of the costs. Where I come from, that is a pretty good deal. We pay three-quarters less than we would have to pay in order to be able to get 5 times the accuracy in terms of information, as much as 10 times the resolution we need to know if anybody has set off a nuclear test.

In addition, some of the improvement is literally unattainable through U.S.-sponsored monitoring alone, as some of the international monitoring sites will be in countries that refuse to contribute to a U.S. unilateral monitoring system.

The Preparatory Commission, Mr. President, is investing—is investing—now in an international monitoring system, even though the Comprehensive Nuclear Test Ban Treaty might not come into force for some years.

There are two important reasons to support this. First, if we do consent to U.S. ratification of the treaty, we will want to be able to verify compliance as soon as the treaty enters into force. Any delay in funding the international monitoring system would translate into a delay in achieving the needed verification capabilities. Second, the improved monitoring achieved through new or upgraded sensor sites will contribute to U.S.—and world—monitoring capabilities as soon as they are in place, not just after the treaty enters into force.

U.S. agencies need to monitor possible nuclear weapons tests worldwide whether or not we ratify the treaty. Even so, opponents of ratification should support this funding. What would we do if we were here on the floor and said, "You know, there's going to be no test ban treaty. We just want to know what's going on in the rest of the world. We want to know. And guess what? A whole bunch of nations will join in with us to increase the capability of monitoring a test by roughly tenfold, a minimum of fivefold. And all we have to do is contribute, in this case, one-quarter of the cost"?

Would we conclude not to do that? Would we sit here and say, "No, no, no, we don't want to know; we don't want to pay 25 percent of the cost to increase our ability to detect testing that is up to 10 times more sensitive than what our capability now is"?

What are we talking about here? I mean, what rationale can there possibly be? I suspect my friends will say, "Well, you know, if we go ahead and do this, then we're on a slippery slope to ratifying that God awful treaty." I think it is a good treaty, but that is the best argument you can come up with unless you say, "We don't want to know. We don't want to know whether or not a nation is detonating a nuclear device that is in the 20 to 40 ton range. We're satisfied knowing all they can do is under 200 tons. Once they get above that, that is when we'll pay attention to it."

Mr. President, in sum, the international monitoring system will make a real contribution to U.S. monitoring capabilities. That contribution will be much less expensive than sustaining those sites unilaterally. And it will come on line as soon as the equipment is installed.

Lest anybody have to be reminded, we live in a very dangerous world. The proliferation of nuclear weapons is occurring and it is a real risk. It seems to me, Mr. President, again, whether or not you are for the test ban treaty, the national interests requires these monitoring investments. So I strongly urge—strongly urge—all of my colleagues to support this amendment.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, the Senator from Pennsylvania has raised a very important issue, one that has not been given sufficient attention by this body this year—that of the Comprehensive Test Ban Treaty (CTBT). Ratification of the CTBT is one of the single most important steps the Senate could take today to improve our national security and reduce the future threat of a missile attack. This treaty exists only because the United States made it a priority and put a lot of energy into its formulation. Entry into force of the treaty will now occur only if the U.S. Senate engages these issues directly and begins the ratification debate. I realize that many of my colleagues do not support the treaty. But I think most Senators would agree that this is an important debate, one that should not be allowed to slip off the Senate's fall agenda.

The amendment before the Senate would fully fund the Administration's request for $28.9 million to cover the U.S. contribution to the Comprehensive Test Ban Preparatory Commission. This organization will be responsible for coordinating the efforts of the CTBT signatories to monitor compliance with the treaty and seek to prevent break-out of the treaty. The organization plans to build 171 monitoring stations around the world, greatly enhancing the ability of the U.S. and other countries to detect a nuclear explosion.

Not only is this function critically important to our national security, it comes at a bargain price: the U.S. pays only 25 percent of the cost of the Preparatory Commission. The remainder is borne by the other signatories to the treaty. As we struggle to stretch every defense dollar a bit further, I don't think we can afford to let this bargain escape us.

Mr. President, I know there are many obstacles to entry into force of the CTBT. And without active, engaged U.S. leadership, it might never happen. But we have a lot at stake here, both for today's security needs and to prevent future nuclear weapons threats. It is much easier to prevent the emergence of such threats than it is to protect against them once they have been developed. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. McCONNELL. Mr. President, would the Senator from Oregon withhold just for a minute?

Is the debate completed on the Specter amendment? I was thinking, since Mr. SMITH of Oregon is here——

Mr. SPECTER. Mr. President, I thank the distinguished chairman. No one has risen to speak in opposition to the amendment as of this point. And in the event nobody does, I think the debate is concluded. The distinguished Senator from Delaware spoke; and I have spoken on two occasions. I think the issue is before the body. So, in the absence of any opposition, I think we are ready to go to a vote when that is convenient for the managers.

Mr. McCONNELL. I thank the Senator.

I ask unanimous consent that the Specter amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. SMITH of Oregon. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. Are the amendments offered en bloc?

Mr. SMITH of Oregon. They are not, Mr. President. They are separate.

The PRESIDING OFFICER. Does the Senator from Oregon ask unanimous consent that they be considered together?

Mr. SMITH of Oregon. I think they need to be considered separately. They are on entirely different issues.

The PRESIDING OFFICER. Which amendment does the Senator wish to present to the body at this time?

Mr. SMITH of Oregon. If the clerk will read the first one before him, I will proceed with that.

AMENDMENT NO. 3520

The PRESIDING OFFICER. The clerk will report the first amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Mr. THOMAS, Mr. BROWNBACK, Mr. ALLARD, Mr. BOND, Mr. GRAMS, Mr. DODD, Mr. SESSIONS, Ms. COLLINS, Mr. WYDEN and Mr. D'AMATO, proposes an amendment numbered 3520.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SECTION 1. SHORT TITLE.

This section may be cited as the "Equality for Israel at the United Nations Act of 1998".

SEC. 2. EFFORT TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that—

(1) the United States must help promote an end to the inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations region blocs, which serve as the basis for participation in important activities of the United Nations, including rotating membership on the United Nations Security Council; and

(2) the United States Ambassador to the United Nations should take all steps necessary to ensure Israel's acceptance in the Western Europe and Others Group (WEOG) regional bloc, whose membership includes the non-European countries of Canada, Australia, and the United States.

(b) REPORTS TO CONGRESS.—Not later than 60 days after the date of the enactment of this legislation and on a semiannual basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate):

(1) Actions taken by representatives of the United States, including the United States Ambassador to the United Nations, to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body;

(3) specific responses solicited and received by the Secretary of State from each of the nations of Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization; and

(4) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

Mr. SMITH of Oregon. Mr. President, I rise today to offer an amendment requiring the Secretary of State to report on actions taken by our Ambassador to the United Nations to push the nations of the Western Europe and Others Group to accept Israel into their group.

As you may know, Israel is the only nation among the 185 member states that does not hold membership in a regional group. Membership in a regional group is the prerequisite for any nation to serve on key United Nations bodies such as the Security Council.

In order to correct this inequality, I am introducing "The Equality for Israel at the United Nations Act of 1998." I believe that this legislation will prompt our United Nations Representative to make equality for Israel at the United Nations a high priority.

I am proud to be joined by Senators BROWNBACK, ALLARD, BOND, GRAMS, DODD, SESSIONS, COLLINS, WYDEN, D'AMATO and THOMAS as original cosponsors of this important legislation.

Mr. President, Israel has been a member of the United Nations since 1949, yet it has been continuously precluded from membership in any regional bloc. Most member states from the Middle East would block the vote needed to join their own regional group.

The Western Europe and Others Group, however, has accepted countries from other geographical areas such as the United States and Australia, for example.

This year United Nations Secretary General Kofi Annan announced that "It's time to usher in a new era of relations between Israel and the United Nations * * * One way to rectify that new chapter would be to rectify an anomaly: Israel's position as the only Member State that is not a member of one of the regional groups, which means it has no chance of being elected to serve on main organs such as the Security Council or the Economic and Social Council. This anomaly would be corrected."

I believe it is time to back Secretary General Annan's idea with strong support from the United States Senate and I ask all my colleagues to join me in sending this message to the UN to stop this discrimination against Israel.

AMENDMENT NO. 3521

Mr. SMITH of Oregon. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Mr. BIDEN, Mr. D'AMATO, and Mr. JOHNSON, proposes an amendment numbered 3521.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . SANCTION AGAINST SERBIA-MONTENEGRO.

(a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect until January 1, 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia-Montenegro in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia-Montenegro to the Untied Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia-Montenegro to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia-Montenegro from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia-Montenegro.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia-Montenegro.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia.

(2) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina.

(3) the government of Serbia-Montenegro is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the Former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia-Montenegro, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova.

(4) the government of Serbia-Montenegro is implementing internal democratic reforms.

(5) Serbian, Serbian-Montenegrin federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia-Montenegro until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO.—The sanctions described in subsection (b)(1) should not apply to the Government of Montenegro.

(f) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—

(1) The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

(2) Such a waiver may only be effective upon certification by the President to Congress that the United States has transferred and will continue to transfer (subject to adequate protection of intelligence sources and methods) to the International Criminal Tribunal for the former Yugoslavia all information it has collected in support of an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, or genocide.

(3) In the event of a waiver, within seven days the President must report the basis upon which the waiver was made to the Select Committee on Intelligence and the Committee on Foreign Relations in the Senate, and the Permanent Select Committee on Intelligence and the Committee on International Relations in the House of Representatives.

Mr. SMITH of Oregon. Mr. President, we have all watched the events in Kosovo with alarm and distress over the past several months. The situation on the ground continues to deteriorate and no progress has been made on a negotiated solution to the conflict.

Serb paramilitary groups and Yugoslav army units are conducting offensives in Kosovo that have the effect of driving tens of thousands of Kosovar Albanians from their homes. Innocent civilians have been killed. Villages throughout the province have been razed. Humanitarian workers in Kosovo are in great danger as they try to fulfill their mission of delivering food, medicine, and other necessities to the refugee population.

In fact, just recently, in a despicable act, three aid workers with the Mother Theresa Society in Kosovo were deliberately killed by Serbian forces as they attempted to deliver humanitarian assistance to Kosovars that had been displaced by the conflict. Fighting has occurred on the border with Albania, highlighting the potential for this conflict to spread throughout the Balkans, and even involve Greece and Turkey, two of our NATO allies.

Mr. President, I lay the blame of this disaster on the shoulders of one man: Slobodan Milosevic. Mr. Milosevic, currently President of the Federal Republic of Yugoslavia, rose to power in 1989 by exploiting and manipulating Serbian nationalism in Kosovo—a process that led directly to the horrific war in Bosnia and resulted in the death of tens of thousands of Bosnians of all ethnic groups. In his desperate effort to hold onto power, Milosevic has reverted to his old tricks: he is using the status of Kosovo—a province which is overwhelmingly populated by ethnic Albanians—to consolidate and perpetuate his authority and position.

The six-nation Contact Group charged with monitoring events in the former Yugoslavia has issued various sets of demands since the crisis began in February—demands which Milosevic repeatedly ignores. I am aware of the diplomatic effort underway to start the process of negotiating a settlement. Yet no solution will endure that does not guarantee the Albanians in Kosovo their full political rights and civil liberties.

Mr. President, for several years, the Clinton Administration has maintained a policy of upholding the so-called "outer wall" of sanctions against the Federal Republic of Yugoslavia. The FRY is what remains of socialist Yugoslavia, and consists of two republics, Serbia and Montenegro.

The outer wall denies United States' support of FRY membership in international organizations. It denies United States' support for FRY access to economic assistance provided by international financial institutions. And the outer wall withholds full United States diplomatic relations with the FRY.

The Administration has stated that the FRY and Mr. Milosevic must fulfill five conditions before the outer wall of sanctions is lifted. The amendment that we have before us today requires the President to certify these five conditions are met before any action is taken to lift or to weaken the outer wall.

These five conditions as laid out by senior officials of the Clinton Administration are as follows. First, all succession issues due to the break-up of the Socialist Federal Republic of Yugoslavia—in particular, the division of assets and liabilities—must be resolved with the other republics that emerged from the dissolution of that country. Second, the FRY must comply with all of its obligations as a signatory of the Dayton Accords. Third, the FRY must cooperate with the War Crimes Tribunal that is investigating and prosecuting war criminals in the former Yugoslavia. Fourth, the FRY must make substantial progress in implementing democratic reforms. And finally, the FRY must make progress in resolving the situation in Kosovo.

When discussing "progress" in Kosovo, I want to emphasize that progress does not mean the end of the Serbian policy of ethnic cleansing in Kosovo. Nor does it mean Serbian paramilitary forces ceasing their operations directed at civilians in Kosovo. That is not progress. Progress is a negotiated settlement that allows ethnic Albanians to exercise their political rights.

Let me be clear: the problem here is Mr. Milosevic, not the Serbian people. The Serbian people must not be blamed for the irrational policies promoted by Milosevic. I want to be helpful to those in Serbia who are courageously opposing the detrimental policies propounded by him. These individuals are trying to establish independent media that will provide unbiased reporting to the Serbian people; they are working to strengthen the democratic opposition, small though it is, to Milosevic's stronghold on power; they are trying to develop a civil society based on the rule of law. They need our help—and they deserve our help.

But Mr. Milosevic—and the Serbian people—must understand that Milosevic either needs to comply with the five conditions laid out by the Administration or his country will continue to be isolated into the next century.

Before continuing, Mr. President, I must take note of the positive developments that have occurred this year in Montenegro, Serbia's partner in the FRY. Montenegro has made great strides in implementing necessary reforms to make the transition from a socialist state with a centrally planned economy to a free market democracy.

Events in Montenegro prove that democracy can take root and flourish in the FRY, but requires leaders that are committed to a pluralistic, multi-ethnic state. It is in our interests to support Montenegrin President Djukanovic in his effort to consolidate and accelerate the democratic reform process. Though Mr. Milosevic has made every attempt to frustrate President Djukanovic's efforts, the Montenegrin people have spoken—and their choice is democracy.

Mr. President, the amendment we have before us clearly states exactly what Mr. Milosevic needs to do for his country to join the family of Western nations. This is not a secret to him. It has been the position of this Administration for several years. What is new, however, is that this amendment prohibits the FRY from joining international organizations, such as the United Nations and the Organization for Security and Cooperation in Europe, and prohibits the FRY from gaining access to assistance from international financial institutions until each of these five conditions are met.

What we are asking for is responsible behavior. Before lifting the outer wall of sanctions—which in effect is a reward for Serbia—we should expect nothing less.

I urge my colleagues to support this amendment.

Mr. President, I understand that these amendments may be accepted by the managers of the bill. So I will not ask for the yeas and nays.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the Smith amendments are cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will not take any more of the Senate's time. I learned a long time ago from a former chairman named Russell Long that when you are about to accept something, let it be accepted.

I rise to cosponsor an amendment that codifies the so-called outer wall of sanctions on the government of Serbia-Montenegro.

Mr. President, as we know, for the last decade Slobodan Milosevic has pursued his mad dream of a Greater Serbia. The result has been hundreds of thousands dead, millions made homeless, and centuries-old Serbian culture eradicated from sections of the former Yugoslavia.

And Milosevic is continuing his murderous policies in Kosovo, while playing games with us in Bosnia and frustrating democratic reforms in Serbia.

The amendment that Senator SMITH, Senator D'AMATO, Senator JOHNSON, and I are proposing codifies five categories of sanctions.

First, the Secretary of the Treasury is to instruct the U.S. executive directors of the international financial institutions to work in opposition to and vote against, any extension by these institutions of any financial or technical assistance or grants of any kind to the government of Serbia. Montenegro's reformist government is exempted from these sanctions.

Second, the Secretary of State is to instruct the U.S. Ambassador to the OSCE—the Organization for Security and Cooperation in Europe—not to join any consensus to allow the participation of Serbia-Montenegro in the OSCE.

Third, the Secretary of State is to instruct the Representative to the United Nations to vote against any resolution in the U.N. Security Council to admit Serbia-Montenegro to the U.N.

Fourth, the U.S. is to oppose the extension of the Partnership for Peace program to Serbia-Montenegro.

Fifth, the U.S. is to oppose the extension of membership in the Southeast European Cooperative Initiative to Serbia-Montenegro.

How might Milosevic avoid these sanctions?

The amendment would drop these sanctions if the President certifies that Serbia-Montenegro has taken five steps.

First, Serbian representatives must be negotiating in good faith with the other successor states of the former Yugoslavia on the division of assets and liabilities and other succession issues.

Second, the government of Serbia-Montenegro must be complying fully with its obligations as a signatory to the Dayton Accords.

Third, the government of Serbia-Montenegro must be cooperating fully with, and providing unrestricted access to, the International Criminal Tribunal for the former Yugoslavia.

Fourth, the government of Serbia-Montenegro must be implementing internal democratic reforms, including progress in the rule of law and independent media. In this regard it is worth noting that the government of the Republic of Montenegro is already in compliance.

Fifth, the government of Serbia-Montenegro must meet the requirements on Kosovo enumerated elsewhere in this Act.

Mr. President, Slobodan Milosevic has jerked this country around long enough. This amendment makes clear to him what he has to do in order to have the outer wall of sanctions removed.

The ball is squarely in his court.

I urge my colleagues to vote for this amendment.

I thank the Chair and yield the floor.

Mr. President, I compliment my friend from Oregon in leading the way on this. I think the balance here is real. I think it is very important. I think it is totally consistent with the direction we have been going in the way the Senate should act relevant to the sanctions and the exceptions we grant the President for other reasons relating to other than that very high bar of the national security test.

I compliment him. I thank him for the modification.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendments of the Senator from Oregon?

Does the Senator from Oregon wish them to be voted on en bloc?

Mr. SMITH of Oregon. Yes. Mr. President, I would make that request.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the two amendments of the Senator from Oregon.

The amendments (No. 3520 and No. 3521) were agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thought we were ready for a finite list of amendments, but apparently we are not. The Senator from Oklahoma has been waiting patiently for a couple of hours. The Senator from New York also would like to make just a brief comment on the IMF provision. I know that the Senator from Idaho has brief comments to make as well. I wonder if it is all right with the Senator from Oklahoma, since his amendment is going to be a contentious amendment, if we dispose of comments of the Senator from New York and the Senator from Idaho, which I understand are going to be quite brief.

Mr. INHOFE. I have no objection.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I thank the distinguished manager of the legislation and my colleague and friend from Oklahoma for his courtesy.

Mr. President, the Foreign Operations Appropriations bill before us addresses a matter of the utmost urgency: the need to replenish the resources of the International Monetary Fund.

Title VI of the bill provides $14.5 billion—the amount of the United States' quota increase—which will augment the general funds available to the IMF. The need for this measure is undeniable: the Fund's resources have been seriously depleted as a result of the Asian financial crisis—specifically, the $36.1 billion in assistance committed to Indonesia, Thailand, and Korea—and now nearly drained by ominous developments in Russia. Not to mention the potential "contagion" effect. The bill also approves the United States' $3.36 billion contribution to the New Arrangements to Borrow—a new fund that will provide additional resources to respond to financial crises of such consequence that they threaten the stability of the international monetary system. Unfortunately, we have entered a period in which crises of such magnitude are upon us.

Action on the IMF funding request is surely overdue. The President sought these funds in his requested supplemental appropriation for Fiscal Year 1998. The Senate readily agreed, approving the IMF funding amendment offered by the distinguished floor manager, the Senator from Kentucky, by a resounding vote of 84–16. That was on March 26. Regrettably and incomprehensibly, the measure was then dropped in conference at the urging of the House. It is now more than five months later, with no action by the other body, and global financial markets are in yet more precarious positions.

I spoke this morning with our esteemed Secretary of the Treasury, Secretary Rubin, who reiterated the importance of immediate action on this legislation. There is no end in sight to the Asian financial crisis, which began more than a year ago in Thailand. The President today is in Russia, which is on the brink of financial collapse. These events, particularly those in Russia in recent days, ought to convince us that this is not the time to put into jeopardy the IMF as an active participant in world financial matters.

It is true that the Russian economy is small. As pointed out in Saturday's New York Times, the drop last week in the value of stocks on the Tokyo Stock Exchange—some $241 billion—was roughly the size of the entire annual output of the Russian economy at present exchange rates. Western Europe's exports to Russia account for well under 0.4 percent of their GDP. And for the United States, the amount is minuscule. Total U.S. exports to Russia in 1997 reached $3.4 billion, a mere 0.04 percent of our GDP.

But it would be a serious mistake to minimize the potential impact of the current crisis in Russia. As The Financial Times pointed out last weekend, in its August 29–30, 1998 issue,

> Events in Moscow have moved with bewildering speed. The rouble and stock market are plunging, and there is a run on the banks. Most of the reformers seem to be out of the government, replaced by politicians who can be relied on only to set policies to meet the desires of Russia's oligarchs. . . . However, it is already clear that the impact of this crisis will be greatly disproportionate to Russia's size. At worst, the crisis could trigger a new round of contagion, sending western stock markets crashing, and the world into recession . . .

And yet, the economic consequences of the current turmoil in Russia are not nearly as serious as the potential political consequences, which may have profound implications for the people of Russia—and indeed for the entire globe in this nuclear age.

For instance, Dr. Murray Feshbach, who warned so presciently in the early 1980s about the troubles afflicting the Soviet Union, continues to document frightening Russian public health problems. The life expectancy of Russian men dropped from 62 years in 1989 to 57 years in 1996. There is no historical equivalent. It has increased slightly in the last year, but remains at appalling levels. A century ago, a 16 year-old Russian male had a 56 percent chance of surviving to age 60. In 1996, a 16 year-old Russian male had only a 54 percent chance of surviving to age 60. Two percent less than he would have had he been born a century earlier!

The military is not spared the problems afflicting the Russian economy or the health of its citizens. Last month, an army major in central Russia took to the streets with a tank to protest the failure to pay wages. The first rule of government is pay the army. Russian soldiers are reduced to begging for food. The decrepit state of the military leaves Russia, for the most part, undefended. Except, Sir, for nuclear weapons, of which it has over 20,000.

A recent National Security Blueprint, issued by President Boris Yeltsin on December 17, 1997, is a remarkable document. It is a 14,500-word assessment of Russian national security published openly in an official paper. It acknowledges the ethnic tensions which exist in Russia and notes how the weak economy exacerbates those forces. It states:

> The critical state of the economy is the main cause of the emergence of a threat to the Russian Federation's national security. This is manifested in the substantial reduction in production, the decline in investment and innovation, the destruction of scientific and technical potential, the stagnation of the agrarian sector, the disarray of the monetary and payments system, the reduction in the income side of the federal budget, and the growth of the state debt.

It goes on to warn:

> The negative processes in the economy exacerbate the centrifugal tendencies of Russian Federation components and lead to the growth of the threat of violation of the country's territorial integrity and the unity of its legal area.
>
> The ethnic egotism, ethnocentrism, and chauvinism that are displayed in the activities of a number of ethnic social formations help to increase national separatism and *create favorable conditions for the emergence of conflict in this sphere.*
>
> (Emphasis supplied.)

Mr. President, the IMF, with its emphasis on economic reform, has a role to play here. Now is not the time to call into question the United States' commitment to that institution. We can debate whether the amounts provided in this bill will be enough. Indeed, a persuasive article in this morning's Washington Post by Susan Eisenhower, chairman of the Center for Political and Strategic Studies here in Washington, states:

> Simply put: The IMF multiyear "bailouts" were enough to obligate Russia to implement Western-designed programs, but not enough to do the job. Total Western assistance to Russia has been a fraction of what West Germany has spent in East Germany since unification.

It may be time for us to concede that the situation in Russia merits a much more aggressive assistance program, on the order of the Marshall Plan that was so effective in reviving Western Europe. Fifty years ago, from 1948–1952, the United States gave about $3 billion a year to fund the Marshall Plan. A comparable contribution in round numbers, given the current size of the United States economy, would be about $100 billion a year for five years. And yet, the United States' total bilateral assistance to Russia in the five-year period from fiscal years 1992 through 1996 was merely $3.1 billion.

Certainly the 20,000 nuclear weapons in Russia's hands ought to persuade us that a more serious approach to Russia's economic problems is required. Without question, the first order of business must be the passage of this legislation, to secure funding for the IMF. And after that, we ought to begin a serious debate on what more can and should to be done.

Mr. President, I thank the Chair. I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, thank you, very much. May I also thank the Senator from Oklahoma for his patience. He has an amendment to offer.

I rise to thank the chairman, the Senator from Kentucky, and the ranking member, the Senator from Vermont, for his help on two amendments which I placed in this foreign ops bill, and also some very important language that they worked out with me with regard to the IMF.

By way of explanation, the amendments require U.S. directors of international institutions (such as the IMF and Agency for International Development, AID) to use the voice and vote of the United States to encourage purchase of American products, commodities and equipment. This legislation requires that our directors of international organizations use their influence to encourage purchase of U.S. ag commodities.

The amendments also require the Secretary of the Treasury to report to Congress annually on the efforts of the heads of federal agencies and the U.S. executive directors of international financial institutions to promote the purchase of American commodities. We can't just tell these directors to promote our products, we must also have some accountability, so we can encourage and see the results of U.S. agricultural commodities actually being purchased.

This is strong, unambiguous language. The concept and language of this amendment affecting surplus commodities should be applied to the equally important issue that funds made available through this bill should purchase American agricultural products.

If we are going to ask American farmers and ranchers to pay their taxes to support the financial assistance provided in this bill, then we should ask their American representatives in these international financial institutions to urge the purchase of American agriculture commodities with the funds made available with this bill.

The foreign operations bill also attempts to increase exports of American products and also seeks to make sure that the International Monetary Fund will not subsidize the foreign semiconductor industry to the detriment of American semiconductor companies. Specifically, the provisions require the Secretary of Treasury to certify to Congress that no IMF resources will support semiconductor and other key industries in any form, and that the Secretary of the Treasury will instruct the U.S. Executive Director of the IMF to use the voice and vote of the United States to oppose disbursement of further funds if such certification is not given.

Mr. President, I thank the chairman and the ranking member again for working with me on this particular language which is critically important to the semiconductor industry. Senator CRAIG and I have met with a number of individuals from the U.S. Treasury, including the Secretary of Treasury, Robert Rubin, prior to his trip to Asia. I believe that he delivered a very strong message to the countries in Asia.

As we have talked about the semiconductor business, the transparency issue of the International Monetary Fund, as well as agriculture, they are all linked together because when we met with a number of the national ag commodity groups, they all said there is a crisis that exists in agriculture today, and one of the elements that they stressed that was important was to see the recovery of economies around the world, certainly in Asia so that those markets, again, are available to U.S. agricultural commodities.

So, again, I thank the Senator from Kentucky for his great help and leadership on this issue.

Mr. McCONNELL. Mr. President, I, too, thank and congratulate the Senator from Idaho for his amendments and his good work in this regard.

Now, the long-suffering Senator from Oklahoma is next.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Chair. I thank the distinguished Senator for yielding.

AMENDMENT NO. 3366

(Purpose: To require a certification that the signing of the Landmine Convention is consistent with the combat requirements and safety of the armed forces of the United States)

Mr. INHOFE. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 3366.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 82, line 16, after the end period insert: "This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the armed forces of the United States.".

Mr. INHOFE. There is some language that was put on this bill by the very distinguished Senator from Vermont. I will read that language to you. The language states:

> Statement of Policy. It is the policy of the United States Government to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction as soon as practicable.

My amendment merely agrees to that language but adds, provided "the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that" such a step "is consistent with the combat requirements and safety of the armed forces of the United States."

So essentially what we are doing is saying that we agree that the language is—even though I would prefer the language not be in there, the language remain in there, but it be qualified. I am always a little bit confused and disturbed when I see the qualifier "as practicable." I don't know what "as practicable" means, and so I think this actually would improve the language that was put in by the Senator from Vermont giving some qualifications.

I think also that the Senator from Vermont has a lot of passion on this issue. I certainly understand that. When I was a freshman, I was seated up there where the President is seated right now and listened to his comments for about an hour. I know his concern comes from the heart. I think he is also equally concerned about the safety of troops deployed overseas, thousands of troops in South Korea and troops all around the world.

A statement that was made by the Senator from Vermont, referring to the Ottawa Treaty, was: I think we can get to it sooner, and I and others will be pushing to do so. So I think there is going to be an ongoing effort to get to this treaty sooner than some of us would want to do that.

The fact is that our senior military commanders, both those currently in uniform and many of those now in retirement, have already put us on notice: The U.S. military requires the ability to make responsible use of self-destructing APLs. This is particularly true in those situations where American forces are forced to operate in hostile territory, often severely outnumbered. The alternative to the responsible use of antipersonnel landmines is to have their positions overrun, to beachhead loss and heavy casualty loss unnecessarily sustained.

So, Mr. President, here is what every Member of the Joint Chiefs of Staff and every one of the unified combatant commanders wrote last year, and I am quoting right now.

> Self-destructing landmines are particularly important to the protection of early entry and light forces which must be prepared to fight outnumbered during the initial stages of deployment. The lives of our sons and daughters should be given the highest priority when deciding whether or not to ban unilaterally the use of self-destructing APLs.

I ask unanimous consent to have the full text of this extraordinary letter dated July 10 of 1997 printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE JOINT CHIEFS OF STAFF,
Washington, DC, July 10, 1997.

Hon. STROM THURMOND,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are seriously concerned about the new legislative proposal to permanently restrict the use of funds for new deployment of antipersonnel landmines (APL) commencing January 1, 2000. Passing this bill into law will unnecessarily endanger U.S. military forces and significantly restrict the ability to conduct combat operations successfully. As the FY 1998 Defense Authorization Bill and other related legislation are considered, your support is needed for the Service members whose lives may depend on the force protection afforded by such landmines.

We share the world's concern about the growing humanitarian problem related to the indiscriminate and irresponsible use of a lawful weapon, non-self-destructing APL. In fact we have banned non-self-destructing [dumb] APL, except for Korea. We support the President's APL policy which has started us on the road to ending our reliance on any anti-personnel landmines. Having taken a great step toward the elimination of APL, we must at this time, retain the use of self-destructing APL in order to minimize the risk to U.S. soldiers and marines in combat. However, we are ready to ban all APL when the major producers and suppliers ban theirs or when an alternative is available.

Landmines are a "combat multiplier" for U.S. land forces, especially since the dramatic reduction of the force structure. Self-destructing landmines greatly enhance the ability to shape the battlefield, protect unit flanks, and maximize the effects of other weapons systems. Self-destructing landmines are particularly important to the protection of early entry and light forces, which must be prepared to fight outnumbered during the initial stages of a deployment.

This legislation, in its current form, does not differentiate between non-self-destructing and self-destructing APL. Banning new deployments of APL will prevent use of most modern U.S. remotely delivered landmine systems to protect U.S. forces. This includes prohibiting use of most antitank landmine systems because they have APL embedded during production. Self-destructing APL are essential to prevent rapid breaching of antitank mines by the enemy. These concerns were reported to you in the recent "Chairman of the Joint Chiefs of Staff Report to Congress on the Effects of a Moratorium Concerning Use by Armed Forces of APL." Also of concern is that the bill's definition of an APL jeopardizes use of other munitions essential to CINC warplanes.

We request that you critically review the new APL legislation and take appropriate action to ensure maximum protection for our soldiers and marines who carry out national security policy at grave personal risk. Until the United States has a capable replacement for self-destructing APL, maximum flexibility and warfighting capability for American combat commanders must be preserved. The lives of our sons and daughters should be given the highest priority when deciding whether or not to ban unilaterally the use of self-destructing APL.

Sincerely,

Joseph W. Ralston, Vice Chairman of the Joint Chiefs of Staff; Dennis J. Reimer, General, U.S. Army, Chief of Staff; Ronald R. Fogleman, General, USAF, Chief of Staff; J.J. Sheehan, General, USMC, Commander in Chief, U.S. Atlantic Command; James L. Jamerson, General, USAF, U.S. Deputy Commander in Chief, Europe; Henry H. Shelton, General, U.S. Army, Commander in Chief, U.S. Special Operations Command; Howell M. Estes, III, General, USAF, Commander in Chief, NORAD/USSPACECOM; Walter Kross, General, USAF, Commander in Chief, U.S. Transportation Command.

John M. Shalikashvili, Chairman of the Joint Chiefs of Staff; Jay L. Johnson, Admiral, U.S. Navy, Chief of Naval Operations; C.C. Krulak, General, U.S. Marine Corps, Commandant of the Marine Corps; J.H. Binford Peay, III, General, U.S. Army, Commander in Chief, U.S. Central Command; J.W. Prueher, Admiral, U.S. Navy, Commander in Chief, U.S. Pacific Command; Wesley K. Clark, General, U.S. Army, Commander in Chief, U.S. Southern Command; Eugene E. Habiger, General, USAF, Commander in Chief, U.S. Strategic Command; John H. Tilelli, Jr., General, U.S. Army, Commander in Chief, United Nations Command/Combined Forces Command.

Mr. INHOFE. As I said, I don't want to change the language. I don't think I want to change the intent of the language of the Senator from Vermont, but nonetheless this does put language in there that would take our troops out from harm's way.

I know that the Senator from Vermont has some comments to make perhaps in opposition to this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thought the Senator was going to be speaking longer.

Mr. President, I would like to read what is in the bill. It says:

> It is the policy of the U.S. Government to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction as soon as practicable.

That is a convention that has now been signed by some 129 nations, including every one of our NATO allies except Turkey and every other Western Hemisphere country except Cuba. It says we will sign it as soon as practicable. It does not set a deadline. Other nations far less powerful than the United States have said they can sign it, but we have not signed it. We have said that even though we are the most powerful nation history has ever known, we are not powerful enough to sign the anti-landmine treaty, but we wish other nations would. And we have encouraged other nations to give up their landmines, in laudatory fashion—nations nowhere near as powerful as we, nations that face a lot more threats on their borders than we.

Mr. President, I happen to disagree with the President of the United States in that regard. I do agree with my friend from Oklahoma that both he and I are concerned about the men and women that we send into combat. My son is a marine. He is a rifleman in the Marine Corps. When he was called up for Desert Storm, his MOL was carry the SAW, light machine gun, and he was listed as a "casualty replacement," encouraging terminology for parents of all young marines who are so listed—the idea that they are the ones who go first into combat carrying a gun with others behind them to pick up the guns, the weapons, and so on, if the first one falls, which in this instance would have been our son.

Now, we are fortunate the war ended so quickly that neither he nor the others in his unit ended up in harm's way. But I have to assume he may be called up again. And as a parent and a U.S. Senator, the last thing in the world I want to do is anything that increases the threat to our own troops or that in any way diminishes our ability to defend ourselves.

But having said that, I am also struck by the number of generals, the number of combat leaders, including the retired commander in chief in Korea, including the former supreme allied commander of NATO in Europe, including a number of others who have called for such a ban on landmines because it has become such a double-edged sword, aside from the fact that most people who are killed by landmines today are civilians, not combatants.

The United States was the first Nation in the world to actually pass landmine ban legislation, legislation that banned the export of landmines from this country, something hotly contested in this Chamber. And in a rollcall vote, 100 Senators voted for that amendment, voted for the Leahy law, and it became law—100 U.S. Senators across the political spectrum. In fact, many have said that that legislation was the trigger that got us to where we are today, where 129 nations have signed the Ottawa Treaty.

We expect 40 ratifications by next month. That is the fastest that any international humanitarian law or arms control treaty has ever in history come into force. I think that shows the tremendous international support and momentum for this treaty and for the end to the endless slaughter of innocent people by landmines.

Now, the United States has not signed it, and even if the United States does sign it, even if the United States does sign it, it then has to come to the Senate where two-thirds of the Senators present and voting have to vote to approve such a treaty before the President can ratify it. The President of the United States cannot ratify such a treaty unless two-thirds of the Senators present and voting vote to allow him to ratify it. And actually, if we did, he still doesn't have to ratify it but, of course, would.

Mr. President, even though a majority of the Senators in this body have signed legislation, cosponsored legislation that would ban United States use of anti-personnel mines except in Korea, in an attempt to work closely with the Department of Defense, the Joint Chiefs of Staff and particularly General Ralston for whom I have immeasurable respect, the President of the United States, the Secretary of Defense, and the National Security Adviser, I worked hard to agree on an approach that was acceptable to everyone. The language in this bill, which the Senator from Oklahoma wants to modify, is consistent with that agreement. My language simply says it is our policy to sign the treaty as soon as practicable. And that reflects the understanding that the administration is searching aggressively for alternatives to landmines. And General Ralston has assured me that they are doing that and I have confidence in him.

Incidentally, several types of landmines we use are not prohibited by the Ottawa Treaty, neither command detonated Claymore mines, nor anti-tank mines. But I am concerned that my friend from Oklahoma now wants to give a veto to a whole lot of other people. The fact of the matter is, no treaty is going to come up here with any chance of being approved by two-thirds of the Senate unless the President, the Secretary of Defense, the Joint Chiefs of Staff, and everybody else support it. But the Senator from Oklahoma wants to require that each of the unified combatant commanders has to agree—it apparently isn't enough that the Commander in Chief, or the Secretary of Defense, agrees.

I have dealt in good faith with the Joint Chiefs of Staff and the President and the National Security Adviser and the Secretary of Defense. My language reflects that. And I agreed not to oppose a waiver of my moratorium legislation, and other things that the Pentagon wanted. The amendment by the Senator from Oklahoma places that agreement in jeopardy.

I know there may be others who wish to speak. I will give a longer tutorial on the landmines issue later today or tomorrow. But let's be clear. My language does not have us ratifying the Ottawa Treaty or anything like that. We are not ratifying it here, even though 40 of those nations will have done so very shortly, the fastest that any international law or arms control treaty has ever been agreed to come into force. No. Even with my language, the United States is still one of the lone holdouts in the world. Certainly among our NATO allies we are the most significant holdout.

I tell my friend from Oklahoma, if he went to some of the parts of the world where we use the Leahy War Victims Fund and saw the numbers of civilians blown apart by landmines, he would understand my concerns. And if he received the letters or talked to the military officers I have talked to who have been injured, or seen their fellow soldiers killed or wounded by our own landmines, he would understand. And if he had heard some of the speeches by our allies who ask why the most powerful nation on Earth wants them to give up their landmines but refuses to give up ours, then he would also understand my concern.

Mr. President, I will have more to say and I suggest the absence of a quorum.

I withhold that, Mr. President, if the Senator from Oklahoma wishes to speak. I withhold the suggestion of the absence of a quorum.

Mr. INHOFE. I thank the Senator from Vermont. Most of the things he stated so eloquently I do agree with. I would like to discuss a couple of them, however.

The 125 nations or so that we are talking about that he referred to who signed this Ottawa Treaty—obviously, we have not. I don't think it is good policy for us to say that we didn't sign it ourselves but we encourage others to do it.

I have not seen any documentation of that. If I did, it wouldn't really be too meaningful to me.

Mr. LEAHY. Will the Senator yield?

Mr. INHOFE. Of course.

Mr. LEAHY. We have encouraged others to give up their landmines. We have done this around the world, as we should. In the Ottawa Treaty, no; in fact, in the Ottawa Treaty, when it was being negotiated in Oslo, the United States came in at the last minute and expressed some interest but we did everything possible to thwart it up to that point.

Mr. INHOFE. I thank the Senator for that clarification.

A statement that was made by the Senator from Vermont was that, if you go to parts of the world where you can see the damage inflicted by these, you perhaps will feel differently. I suggest to the Senator, I have been there, and I remember the problems we had in Nicaragua and Honduras. There is nothing that is more repugnant, nothing that is sadder than seeing the effect of landmines on individuals. However, what we are talking about now is many of those landmines were not U.S. landmines. Those were landmines that were made in other parts of the world. We are talking about self-destructing landmines, self-disarming landmines, and landmines that, in the opinion of our military leaders, are necessary to save the lives of Americans.

As far as the alternatives, I hope that we are going to be able to come up with alternatives to landmines, even smart landmines. I will be the first one, when that time comes, to stand here on the floor of the Senate and change our policy so that we can more accurately use and effectively use these landmines. However, we can always change the law when that time comes.

In addition, the statement that I read was endorsed by every member of the Joint Chiefs of Staff and every one of the unified combatant commanders, which was:

> Self-destructing landmines are particularly important to the protection of early entry and light forces which must be prepared to fight outnumbered during the initial stages of deployment. The lives of our sons and daughters should be given the highest priority when deciding whether or not to ban unilaterally the use of destructive APLs.

I think some of the same language was used by our Commander in Chief when the President said, it was a year ago this month I believe, Mr. President, he said:

> As Commander in Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible. There is a line that I simply cannot cross and that line is the safety and security of our men and women in uniform.

Mr. KYL. Will the Senator from Oklahoma yield for a question?

Mr. INHOFE. Yes.

Mr. KYL. I have a copy of what I believe is the amendment that the Senator from Oklahoma has offered. I wonder if this is the amendment, and I am going to read what I have:

> This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the armed forces of the United States.

Is that the Senator's amendment?

Mr. INHOFE. That is the language.

Mr. KYL. Mr. President, it seems that we would all want the military leaders of our country to agree that any policy that we adopt is commensurate with both combat requirements and the safety of the Armed Forces of the United States. And if they are not willing to certify that, then I certainly wouldn't want to be on record as supporting a policy or a treaty or a law that they felt was inimical to the safety of the Armed Forces of the United States. I guess I am really wondering what the controversy is about. Maybe there isn't much controversy.

Mr. INHOFE. I respond to the Senator from Arizona, at the very beginning when we opened our remarks, I said the language the Senator from Vermont put in this appropriations bill is left intact, but this one proviso is there. When we try to use the argument you are not going to be able to get the Joint Chiefs and the CINCs to agree, if they don't agree, I don't want to invoke this.

I will say, yes, that is the intent and the letter of this amendment. It is very simple, and I can't imagine anyone will want to go on record saying that we want to stop the use of any kind of landmines if it is not in the best interest of our fighting troops over there as certified by the Joint Chiefs and the CINCs.

Mr. KYL. Mr. President, if I can again ask the Senator from Oklahoma to yield, I certainly agree with that assessment. It seems to be a very reasonable proposition. I certainly hope our colleagues will agree with the amendment because of that.

Mr. INHOFE. I thank the Senator from Arizona.

I would like to comment on a couple of other things. In addition to the letter that was sent by the Joint Chiefs, here is a letter that was sent to the President last July by 24 of the Nation's most distinguished retired four-star ground combatant commanders, including a former Chairman of the Joint Chiefs of Staff, a former supreme allied commander, Secretary of State, six former combatants of the Marine Corps, two former Chiefs of Staff of the Army, two recipients of the Congressional Medal of Honor and four service Vice Chiefs of Staff.

This is what they said. A month ago this letter was received by the President:

> Studies suggest that U.S. allied casualties may be increased by as much as 35 percent if self-destructing mines are unavailable, particularly in the halting phase—

The halting phase, we are talking about should the North Koreans come down south of the DMZ, we would have a phase where we would not be as prepared.

They said:

> —particularly in the halting phase of operations against aggressors. Such a cost is especially unsupportable since the type of mines utilized by U.S. forces and the manner in which they are employed by those forces do not contribute to the humanitarian problem that impels diplomatic and legislative initiatives to ban APLs.

I find it difficult right now in light of what happened this last week, in terms of the missiles that were launched from North Korea and the accuracy of those missiles with two phases, that we can question whether or not there is a threat out there.

These are the words that came from 24 of the Nation's most distinguished retired four-star ground combatant officers.

They went on to say:

> Unfortunately, a ban on future deployment of APLs will in no way diminish the danger imposed by tens of millions of dumb landmines that have been irresponsibly sown where they inflict terror and devastation on civilian populations. Only the United States military and those of other law-abiding nations will be denied a means through the use of marked or monitored mine fields of reducing the costs and increasing the probability of victory in future conflicts.

Mr. President, I ask unanimous consent to have the full text of the letter from the retired generals dated July 21, 1997, printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO PRESIDENT CLINTON

JULY 21, 1997.

Hon. WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to express our strong opposition to U.S. participation in any international agreement that would prohibit the defensive use by American forces of modern, self-destructing anti-personnel landmines (APLs) and/or the use of so-called "dumb mines" in the Korean demilitarized zone. In our experience, such responsible use of APLs is not only consistent with the Nation's humanitarian responsibilities; it is indispensable to the safety of our troops in many combat and peacekeeping situations.

We are also concerned about the implications of legislation that would unilaterally deny the U.S. military the ability to deploy any kind of anti-personnel landmines (except command-detonated Claymores and, provisionally, those in the Korean DMZ). We agree with the Joint Chiefs of Staff who have—as stated by their Chairman, General John Shalikashvili—declared that a legislatively imposed moratorium on APL use: ". . . constitutes an increased risk to the lives of U.S. forces, particularly in Korea and Southwest Asia, and threatens mission accomplishment. It is the professional military judgment of the Joint Chiefs of Staff and the geographic Combatant Commanders that the loss of APL which occurs as a result of this moratorium, without a credible offset, will result in unacceptable military risk to U.S. forces." In fact, studies suggest that U.S./allied casualties may be increased by as much as 35% if self-destructing mines are unavailable—particularly in the "halting phase" of operations against aggressors. Such a cost is especially unsupportable since the type of mines utilized by U.S. forces and the manner in which they are employed by those forces do not contribute to the humanitarian problem that impels diplomatic and legislative initiatives to ban APLs.

Unfortunately, a ban on future deployments of APLs will in no way diminish the danger posed by tens of millions of "dumb" landmines that have been irresponsibly sown where they will inflict terror and devastation on civilian populations. Detecting and clearing such mines should continue to receive urgent attention from our government and others. The unverifiability and unenforceability of a ban on production of such devices, however, virtually ensures that this practice will continue in the future. Only the U.S. military—and those of other law-abiding nations—will be denied a means, through the use of marked and monitored minefields, of reducing the costs and increasing the probability of victory in future conflicts.

Mr. President, we have fought our Nation's wars and our battlefield experience causes us to urge you to resist all efforts to impose a moratorium on the future use of self-destructing anti-personnel landmines by combat forces of the United States.

Sincerely,

Robert H. Barrow, General, U.S. Marine Corps (Ret.), Former Commandant.

Walter E. Boomer, General, U.S. Marine Corps (Ret.), Former Assistant Commandant.

Leonard F. Chapman, Jr., General, U.S. Marine Corps (Ret.), Former Commandant.

George B. Crist, General, U.S. Marine Corps (Ret.), Former Commander-in-Chief, U.S. Central Command.

Raymond G. Davis, General, U.S. Marine Corps (Ret.), Former Assistant Commandant, and Medal of Honor Recipient, (Korea).

Michael S. Davison, General, United States Army, (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

John W. Foss, General, United States Army, (Ret.), Commanding General, U.S. Army, Training and Doctrine Command.

Alfred M. Gray, General, U.S. Marine Corps (Ret.), Former Commandant.

Alexander M. Haig, Jr., General, United States Army (Ret.), Former Supreme Allied, Commander, Europe, Former Secretary of State.

P.X. Kelley, General, U.S. Marine Corps (Ret.), Former Commandant.

Frederick J. Kroesen, General, United States Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Gary E. Luck, General, United States Army (Ret.), Former Commander-in-Chief, United Nations, Command/Combined Forces, Command, Korea.

David M. Maddox, General, United States Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Carl E. Mundy, General, U.S. Marine Corps (Ret.), Former Commandant.

Glenn K. Otis, General, United States Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Robert W. FisCassi, General, United States Army (Ret.), Former Vice Chief of Staff.

Crosbie E. Saint, General, United States Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Donn A. Starry, General, United States Army (Ret.), Former Commanding General, U.S. Army Readiness Command.

Gordon R. Sullivan, General, United States Army (Ret.), Former Chief of Staff.

John W. Vessey, General, U.S. Army (Ret.), Former Chairman, Joint Chiefs of Staff.

Louis C. Wagner, Jr., General, U.S. Army, Former Commanding General, Army Materiel Command.

Joseph J. Went, General, U.S. Marine Corps (Ret.), Former Assistant Commandant.

William C. Westmoreland, General, United States Army (Ret.), Former Chief of Staff.

Louis H. Wilson, General, U.S. Marine Corps (Ret.), Former Commandant and Medal of Honor Recipient (World War II).

Mr. INHOFE. Mr. President, more recently, 16 of those generals have written a powerful open letter to the Senate opposing Senator LEAHY's effort to legislate U.S. compliance with the Ottawa Treaty. They said in part:

> In our experience as former senior military commanders of American ground forces, such a decision would likely translate into the needless and unjustifiable death of many of this country's combat personnel and possibly jeopardize our forces' ability to prevail on the battlefield.

I again ask unanimous consent that the full text of the letter from the generals dated June 16, 1997, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE SENATE

JUNE 16, 1998.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We understand that the Senate may shortly be asked to consider an amendment to the FY 1999 Defense Authorization bill that would have the effect of creating a statutory requirement for the U.S. military to cease all use of anti-personnel landmines (APLs) by 2006, if not before. In our professional opinion as former senior commanders of American ground forces, such a decision would likely translate into the needless and unjustifiable death of many of this country's combat personnel—and possibly jeopardize our forces' ability to prevail on the battlefield.

As you may know, we were among the twenty-four retired four-star general officers who expressed to President Clinton our concerns about such an initiative last summer. In an open letter to the President dated July 21, 1997, we wrote: "In our experience, [the] responsible use of APLs is not only consistent with the Nation's humanitarian responsibilities; it is indispensable to the safety of our troops in many combat and peacekeeping situations." The open letter went on to note that:

"Studies suggest that U.S./allied casualties may be increased by as much as 35% if self-destructing mines are unavailable—particularly in the 'halting phase' of operations against aggressors. Such a cost is especially unsupportable since the type of mines utilized by U.S. forces and the manner in which they are employed by those forces do not contribute to the humanitarian problem that impels diplomatic and legislative initiatives to ban APLs.

"Unfortunately, a ban on future deployments of APLs will in no way diminish the danger posed by tens of millions of 'dumb' landmines that have been irresponsibly sown where they will inflict terror and devastation on civilian populations. Detecting and clearing such mines should continue to receive urgent attention from our government and others. The unverifiability and unenforceability of a ban on production of such devices, however, virtually ensures that this practice will continue in the future. Only the U.S. military—and those of other law-abiding nations—will be denied a means, through the use of marked and monitored minefields, of reducing the costs and increasing the probability of victory in future conflicts." (Emphasis added.)

We were deeply troubled to learn that President Clinton has recently agreed to impose constraints on and, within a few years, to ban outright the use of even self-destructing anti-personnel landmines. This is all the more remarkable given the opposition previously expressed by the Joint Chiefs of Staff and the Nation's Combatant Commanders to such limitations and President Clinton's own statement of September 17, 1997 when he announced his opposition to the Ottawa treaty banning APLs, declaring:

"As Commander-in-Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible. . . . There is a line that I simply cannot cross, and that line is the safety and security of our men and women in uniform."

We urge you and your colleagues to reject any legislative initiative that would have the effect of crossing the line—whether by endorsing new "operational concepts" (read, accepting more U.S. casualties) or other measures—that would jeopardize the safety and security of our men and women in uniform by impinging upon the U.S. military's ability to make responsible use of self-destructing/self-deactivating anti-personnel landmines and long-duration APLs in Korea.

Sincerely,

Robert H. Barrow, General, U.S. Marine Corps (Ret.), Former Commandant.

Raymond G. Davis, General, U.S. Marine Corps (Ret.), Former Assistant Commandant and Medal of Honor Recipient (Korea).

Michael S. Davison, General, U.S. Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

John W. Foss, General, U.S. Army (Ret.), Commanding General, U.S. Army Training and Doctrine Command.

Alfred M. Gray, General, U.S. Marine Corps (Ret.), Former Commandant.

Alexander M. Haig, Jr., General, U.S. Army (Ret.), Former Supreme Allied Commander, Europe, Former Secretary of State.

P.X. Kelley, General, U.S. Marine Corps (Ret.), Former Commandant.

Frederick J. Kroesen, General, U.S. Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

David M. Maddox, General, U.S. Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Carl E. Mundy, General, U.S. Marine Corps (Ret.), Former Commandant.

Robert W. RisCassi, General, U.S. Army (Ret.), Former Vice Chief of Staff.

Donn A. Starry, General, U.S. Army (Ret.), Former Commanding General, U.S. Army Readiness Command.

Gordon R. Sullivan, General, U.S. Army (Ret.), Former Chief of Staff.

Louis C. Wagner, Jr., General, U.S. Army (Ret.), Former Commanding General, Army Material Command.

Joseph J. Went, General, U.S. Marine Corps (Ret.), Former Assistant Commandant.

Louis H. Wilson, General, U.S. Marine Corps (Ret.), Former Commandant and Medal of Honor Recipient (World War II).

Mr. INHOFE. Mr. President, my concern here is that those individuals who are concerned—genuinely concerned—about the problems that exist over there are concerned about damage that is inflicted by these landmines, and certainly I am one of these individuals, are also concerned about the saving of American lives. We certainly should not contemplate doing so unless the Joint Chiefs of Staff and the unified combatant commanders formally change their minds and agree such a step can be taken without jeopardizing the U.S. forces.

I also have written a letter to the Chairman of the Joint Chiefs of Staff, General Shelton. This is just in the last few days. I have a letter back from General Shelton in which he talks about his opinion. In his response he said:

> In your third question, you noted General Norman Schwarzkopf, who has been widely portrayed as a supporter of a complete ban on antipersonnel landmines, has been quoted

in an interview with the Baltimore Sun as saying, "I favor a ban on the dumb ones. Those are the ones that are causing humanitarian problems. I think the smart ones are a military capability we can use."

Further quoting General Shelton, he said:

> My view again is that our smart mixed ATAV munitions are critical to our efforts to protect our men and women in the field.

I ask unanimous consent that this letter also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SPECIAL OPERATIONS COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
Macdill AFB, FL, September 13, 1997.

Hon. JAMES M. INHOFE,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR INHOFE: Thank you for your letter of 12 September in which you state your concern about the compatibility of the emerging Oslo treaty on anti-personnel landmines (APL) with the military's requirements today and for the foreseeable future. I appreciate the opportunity to express my views on these issues as Commander in Chief, U.S. Special Operations Command.

Your first question asked for my view on the importance of retaining the Korean exemption, limiting the systems covered by the treaty to those "primarily designed" for anti-personnel purposes, and ensuring what we are able to continue using self-destructing/self-deactivating APL when packaged with anti-tank landmines.

In my view, each of those positions is critical. Anti-personnel landmines are integral to the defense of the Republic of Korea, and as long as there is risk of aggression in Korea and we do not have suitable alternatives fielded, we must ensure the best protection of our forces and those of our allies. I also believe that an accurate definition of anti-personnel (AP) landmines is essential to prevent the banning of mixed munitions under the treaty. Finally, I firmly believe that our anti-tank (AT) and anti-vehicle (AV) munitions—which are mixed systems composed entirely of smart AT and AP mines that self-destruct or self-deactivate in a relatively short period of time—are vital to the protection of our men and women in the field.

Your second question asked whether I thought a landmine ban that did not accommodate these positions would be in the national security interest of the United States. I do not. I believe that any treaty to which the United States agrees must ensure that these valid national security concerns are adequately addressed.

In your third question, you noted that General Norman Schwarzkopf—who has been widely portrayed as a supporter of a complete ban on anti-personnel landmines—has been quoted in an interview with the Baltimore Sun as saying: "I favor a ban on the dumb ones; those are the ones that are causing the humanitarian problem. I think the smart ones are a military capability we can use." You asked whether I agree with this assessment.

My view, again is that our smart, mixed AT/AV munitions are critical to our efforts to protect our men and women in the field. As I noted earlier, these systems are composed entirely of smart mines that self-destruct or self-deactivate in a relatively short period of time. The military utility of these systems is, in my mind, unquestionable. Beyond that, however, I do want to reiterate that, because of the unique situation on the Korean peninsula, non-self-destructing (NSD) or "dumb" mines are essential to our commanders in the Republic of Korea as long as there is risk of aggression and we have not fielded suitable alternatives to the NSD mines used in Korea.

In your final question, you asked whether I will work to ensure that this capability is protected in any landmine treaty the U.S. signs. In response, let me state again that I firmly believe that any landmine treaty to which the United States becomes party must ensure protection of "smart" mixed systems.

As always, I appreciate your support of our men and women in uniform. With all best wishes from Tampa.

Sincerely,

HENRY H. SHELTON,
General, U.S. Army,
Commander in Chief.

Mr. INHOFE. Mr. President, this is very simple. It is not a complicated thing to deal with. It simply says that we take the language that is supported and has been put in by the distinguished Senator from Vermont and add—I will read it one more time, these words—

> This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the armed forces of the United States.

So it is a very straightforward and simple amendment. Quite frankly, I want to have the input of the military when these decisions are made.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Vermont.

Mr. LEAHY. I will just respond briefly. Is the Senator speaking of holding onto landmines that the Joint Chiefs have already said they are prepared to give up? Command detonated landmines are still available. We use those in Korea and elsewhere. Nothing bans those in this treaty. And as for self-destruct mines, the President has already said the Pentagon will give them up outside Korea by 2003, and in Korea by 2006. The Pentagon has also said it is searching aggressively for alternatives to the use of anti-personnel mines in mixed mine systems. These are self-destructing mines. So if there are military officers who are saying they oppose finding alternatives to these mines, they are speaking out of school. That is not consistent with the Pentagon's policy.

My friend from Arizona speaks of having the military's input. Of course we should have the military's input. If we were to sign any treaty of this nature, we would. And we would require two-thirds of the Senators to vote for it before the President could even ratify such a treaty.

A lot is made of Korea. Obviously we are concerned about the defense of Korea. But I say to my friends, talk to the former commander of our forces there, General Hollingsworth, or General Emerson. They say landmines caused more problems for our forces than they solved. Our forces are highly mobile. You don't want to impede their mobility by sowing a lot of landmines around. But anyway, the Pentagon has already said it is going to find alternatives to landmines in Korea.

Mr. ENZI. Mr. President, I rise to support the amendment on land mines to the Foreign Operations Appropriations bill offered by my colleague, the Senator from Oklahoma. This amendment, which seeks to preserve for our military commanders a weapons system which, among other things, mitigates the manpower disadvantage American forces routinely suffer, is needed now more than ever.

Every day seems to bring fresh evidence of two facts we have known to be true for some time: First, that our military is currently too small and stretched too thin for the many missions assigned to it; and second, that the international security situation is more volatile than it has been in a generation. Both situations argue heavily in favor of this amendment.

Even the most ardent defenders of our ongoing defense drawdowns cannot help but be alarmed at the sudden lack of trained manpower in our military. Recruiting goals are not being met and our long serving leaders—both officer and enlisted—are leaving the military in droves. One government report after another finds that our front line units are chronically undermanned. Next to these disturbing facts, we see that the situation in North Korea has recently taken a most frightening turn with their launch of a two-stage ballistic missile directly over the Japanese Islands. Japan has pulled out of the Light Water Reactor agreement which was our only real hope of keeping North Korea from resuming their nuclear weapons development program. Between our under strength military, and the new tension on the Korean Peninsula, it could be said that it has been many years since our military forces in South Korea have been in such an insecure and tenuous position. It is not idle hyperbole to say that South Koreans, and the forty thousand American troops who live at the pointy end of the spear in that country, depend on land mines for their lives.

In light of these developments, I cannot think of a worse time to pass a Foreign Operations Appropriations Bill that includes a provision which would facilitate the signing of the Convention of the Prohibition of anti-personnel land mines, quote—"as soon as practicable."—unquote. A harmless sounding passage to be sure, but one which, in the hands of an administration prone to trading our national security for parchment, could be interpreted as clearance to sign that dangerous piece of paper.

Senator INHOFE's amendment would simply require that, before the administration signed any treaty that would take this critically important weapons system from our military, the Joint Chiefs of Staff, along with the Commanders in Chief of the various Combat Commands, certify that they can accomplish their missions without it.

Not in the last two decades have tensions been so high in that part of the world, Mr. President. It would seem that every possible factor is now conspiring to place our troops on the precipice: Our military is undermanned and underfunded; our diplomatic initiatives with the world's totalitarian regimes are breaking down everywhere; ballistic missile and nuclear weapons technology is proliferating at breakneck speed; and in Asia, the terrible economic situation there only serves to raise tensions and reduce available peaceful alternatives. I cannot envision a worse time to be taking military options away from our commanders in the field. But let me be clear: Even under the best of circumstances I would be against any attempt to take away military options from those commanders. And I will feel this way with particular regard to anti-personnel land mines until the proponents of this ban can give me a cogent answer to a simple question: How will taking self-destructing, self-deactivating land mines away from the United States military save one life in Angola, Cambodia or Afghanistan? Until I get a clear answer to that question, I will continue to defend our military from these misguided attempts to eliminate the means by which they accomplish the missions America deems fit to assign them, in the safest possible way. I support this amendment from the Senator from Oklahoma, and I encourage my colleagues to do so as well.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator LAUTENBERG be added as an original cosponsor of amendment No. 3516, original cosponsor of amendment No. 3514, and amendment No. 3520.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see my colleague from Kentucky, the distinguished chairman of the subcommittee, on the floor, so I yield to him.

Mr. MCCONNELL. I say to my colleague from Vermont, we have—I hate to interrupt the debate on this amendment, but we have a unanimous consent agreement that has been cleared on both sides limiting the amendments. If it is all right with them, I would like to propound that at this particular time.

UNANIMOUS-CONSENT AGREEMENT

Therefore, Mr. President, I ask unanimous consent that during the remainder of the Senate's consideration of S. 2334, the following amendments be the only remaining first-degree amendments, other than the pending amendment, in order and subject to relevant second degrees. I further ask that following the disposition of the listed amendments, the bill be advanced to third reading and a vote occur on passage of S. 2334, all without intervening action or debate.

The amendments listed, Mr. President, are two by Senator BROWNBACK, one on Iran, one on Georgia; two by Senator COVERDELL, one relevant, one on Black Hawk helicopters; Senator CRAIG, four relevant; Senator COATS on North Korea; Senator DEWINE on Haiti, drugs, and Africa, three of them; Senator FAIRCLOTH on world economic conference; Senator HUTCHISON on North Korea; the Senator INHOFE amendment, which is pending, on landmines; Senator KYL, IMF; two amendments by the majority leader; two amendments on North Korea by the Senator from Arizona, Senator MCCAIN; two relevant amendments by myself; and one by Senator SHELBY, and the pending SPECTER amendment.

The PRESIDING OFFICER. Is there objection?

Hearing none, so ordered.

Mr. LEAHY. There are some more.

Mr. MCCONNELL. Sorry, Mr. President. There is another page, including, interestingly enough, all the Democratic amendments. What an oversight.

Mr. LEAHY. I knew you wanted to make sure those were in before you asked for unanimous consent.

Mr. MCCONNELL. Senator BIDEN, a relevant amendment; Senator BYRD, a relevant amendment; Senator BAUCUS, a relevant amendment; Senator BIDEN on another relevant amendment; Senator DASCHLE, two relevant amendments; Senator DODD on Human Rights Information Act; Senator FEINGOLD, two, one on Africa and one relevant; Senator FEINSTEIN, child abduction; Senator KERREY of Nebraska, relevant; my colleague, Senator LEAHY, two relevant and one on GEF; Senator MOYNIHAN, two, one relevant and one on IMF; Senator REID, relevant; Senator GRAHAM two, one on Haiti and one relevant.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. If the managers have no objection, I would like to send an amendment to the desk.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3366

Mr. INHOFE. If the Senator will yield, I would like to request the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3522

(Purpose: To provide a substitute with respect to certain conditions for IMF appropriations)

Mr. KYL. I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

Beginning on page 119, line 1 of the bill, strike all through page 120, line 13, and insert the following:

SECTION 601. CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the Board of Executive Directors of the Fund have agreed by resolution that stand-by agreements or other arrangements regarding the use of Fund resources shall include provisions requiring the borrower—

(1) to comply with the terms of all international trade obligations and agreements of which the borrower is a signatory;

(2) to eliminate the practice or policy of government directed lending or provision of subsidies to favored industries, enterprises, parties, or institutions; and

(3) to guarantee non-discriminatory treatment in debt resolution proceedings between domestic and foreign creditors, and for debtors and other concerned persons.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I advise the Senator from Vermont that this is the original committee language.

Mr. LEAHY. Mr. President, I apologize to my friend from Arizona. I had been momentarily distracted. I thought it was an amendment to the Inhofe amendment. I did not realize that had been set aside. I would not have required the reading of the amendment.

Mr. KYL. That is quite all right. I am happy to make that clarification.

At this time I would like to yield to the Senator from Indiana for the purpose of laying down an amendment and making his statement on that amendment before I make my statement on my amendment.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I will soon send an amendment to the desk and then have it set aside. It doesn't have anything to do with landmines, but I would be happy to have the clerk read it.

AMENDMENT NO. 3523

(Purpose: To reallocate funds provided to the Korean Peninsula Energy Development Organization to be available only for antiterrorism assistance)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 3523.

Mr. COATS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, line 7, strike "and" and all that follows through "(KEDO)" on line 9.

Beginning on page 32, strike line 10 and all that follows through line 24 on page 33 and insert the following: "That, notwithstanding any other provision of law, of the funds appropriated under this heading not less than $56,000,000 shall be available only for antiterrorism assistance under chapter 8 of part II of the Foreign Assistance Act of 1961.".

Mr. COATS. Mr. President, I want to speak on a broader subject. I want to take a few moments to discuss what has been a dramatic change in administration policy regarding the war on terrorism. According to the administration's chronology of Osama bin Laden's terrorist attacks against U.S. facilities or U.S. citizens, this individual is connected in one way or another to a series of disturbing terrorist incidents. This chronology, by the way, was offered by our National Security Advisor, Mr. Berger. I am taking this from that chronology of terrorist incidents. He has conspired to kill U.S. servicemen in Yemen in 1992. He plotted the deaths of American and other peacekeepers in Somalia in 1993. He assisted Egyptian terrorists who tried to assassinate Egyptian President Mubarak in 1995. He conducted a car bombing against the Egyptian Embassy in Pakistan in 1995. He plotted to blow up U.S. airliners in the Pacific and separately conspired to kill the Pope. He bombed a joint U.S. and Saudi military training mission in Riyadh in 1995. He issued a declaration of war against the United States in August of 1996. He stated, "If someone can kill an American soldier, it is better than wasting time on other matters." In February of this year, Osama bin Laden stated, he declared his intention to attack—his network—their intention to attack Americans and our allies, including citizens, civilians, anywhere in the world. And as we all know, last month he has been directly linked to the bombing of U.S. Embassies in Dar Es Salaam and Nairobi.

Two weeks after this latest tragic incident, the U.S. launched a missile strike against one of bin Laden's facilities in Afghanistan, as well as against a Sudanese facility, which received initial financing from a bin Laden enterprise.

I, along with most Americans, welcome this administration's change in policy as a necessary and long overdue response. However, it is not to say that there weren't legitimate questions raised concerning the timing of this attack—I was one of those who raised such questions—and the timing of this policy change, coming as it did during the President's personal crisis. I was concerned that this sea change, this dramatic change in policy, might be misunderstood or misinterpreted by both allies and foes alike, thereby damaging and undermining the credibility of this administration's newly declared policy against terrorism.

Make no mistake, Mr. President, it is appropriate to respond whenever innocent Americans are attacked in acts of political terrorism. The alternative serves only to encourage those who seek to do us harm in pursuit of their private agendas. I caution, however, that we must also be certain of our targets and political objectives, and careful to make sure that our response is to reinforce and not undermine our policies.

Clearly, the U.S. strike and the administration's characterization of it as a "war on terrorism" is a notable departure from the policies and actions of the past several years. Rightly or wrongly, the Khobar Towers incident stands out as an example of U.S. inaction in the face of recent terrorist attacks.

Certainly the Khobar Towers investigation has been delayed and complicated by the need for close cooperation with the Saudi Government. But the current White House crisis raises serious doubts for our allies and gives fuel to our adversaries whose focus is likely to be the difference in the U.S. response to the deaths of American military personnel at Khobar and those in Nairobi and Dar Es Salaam. There may very well be justification for the difference in response, but it clearly signals a change in policy and, for many of us, a welcome change in policy.

More worrisome is that this newfound inclination to military action against terrorist organizations bears no resemblance whatsoever to the administration's so-called foreign policy priorities concerning rogue nations, such as Iraq and North Korea.

On February 17, 1998, President Clinton addressed the Nation. He said, "* * * this is not a time free from peril, especially as a result of reckless acts of outlaw nations and an unholy axis of terrorists, drug traffickers and organized international criminals * * * and they will be all the more lethal if we allow them to build arsenals of nuclear, chemical and biological weapons and the missiles to deliver them. We simply cannot allow that to happen. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, stability of his region and the safety of all the rest of us."

Yet, Mr. President, in the last few months, this administration has made what many see as a mockery of the inspection regime in Iraq, has failed to respond to the intelligence of an active nuclear program in North Korea, and has clearly allowed the North Koreans to continue to build a delivery system which will be capable of reaching the United States in its next phase of development.

The President himself said last February that "we have no business agreeing to any resolution of [the Iraqi crisis] that does not include free, unfettered access to the remaining sites by people who have integrity and proven competence in the inspection business."

This is a critical statement, one which I think bears repeating.

The President himself said last February that "we"—meaning the United States—"have no business agreeing to any resolution of [the Iraqi crisis] that does not include free, unfettered access to the remaining sites by people who have integrity and proven competence in the inspection business."

Yet, just last week, the lead inspector of the United States resigned in disgust at the pressure the Clinton administration has brought to bear to explicitly undercut the very inspection regime which the President said we have no business in changing. In his resignation letter, Scott Ritter, that inspector—someone who does have proven integrity and proven competence in the inspection business—said this:

> Iraq has lied to the special commission and the world since day one concerning the true scope and nature of its proscribed programs and weapons systems. This lie has been perpetuated over the years through systematic acts of concealment. . . . the commission has uncovered indisputable proof of a systematic concealment mechanism, run by the President of Iraq, and protected by the Presidential security forces. . . .
>
> The current decision by the Security Council and the Secretary General, backed at least implicitly by the United States, to seek a diplomatic alternative to inspection-driven confrontation with Iraq, a decision which constitutes a surrender to the Iraqi leadership . . . has succeeded in thwarting the stated will of the United Nations.
>
> The illusion of arms control is more dangerous than no arms control at all. What is being propagated by the Security Council today in relation to the work of the special commission is such an illusion, one which in all good faith I cannot, and will not, be a party to. I have no other option than to resign from my position here at the commission effective immediately.

That is a strong statement, Mr. President. It is a strong statement made by one who has a reputation for impeccable integrity and for total competence in the inspection business. Yet, he believed that his ability to carry out his assigned duties and his mission was undermined by the United Nations Security Council, with the implicit support of the U.S. Government, and he felt that the only course of action he had was to resign.

Clearly, last month's strikes are a substantial change from the administration's largely restrained reactions to previous terrorist attacks on Americans. To be fair, circumstances and the need to cooperate with foreign governments were behind some of that earlier reticence.

The President said: We must be prepared to do all that we can for as long as we can.

There is no question that we will face attempts at reprisal over years and years. This is something that seems all the more certain given the reports that bin Laden has offered bounties for terrorist actions resulting in the deaths of Americans. So we, indeed, must be prepared to act for as long as we must.

But we must recognize that in our endeavor to defeat terrorists, perhaps to a greater extent than ever before, our success will depend upon the ability to gather friends and allies together in a common struggle against this common enemy. Trust is the essential element in this equation. So it is imperative that the President of the United States be capable of establishing and maintaining the level of trust necessary to execute a successful policy against terrorism.

At the same time, we will need to increase our readiness to defend against the wide range of potential attacks on our citizens and interests as well as those of our friends and allies anywhere in the world.

Our planning and strategy must be sustainable over the long run. We need to find cheaper and more effective methods to attack terrorist infrastructures and planning. It seems woefully obvious that the use of costly weapons and defensive measures will have to be restricted to correspondingly grievous affects. Osama bin Laden unquestionably presents a significant and demonstrated threat to U.S. interests. But surely nations such as Iraq and North Korea represent a substantially greater magnitude of threat to our vital national interests. Moreover, these nations have demonstrated an intent to develop, and in the case of Iraq employ, weapons of mass destruction. Worse yet, these states seem willing to transfer such technology to other nations or groups who intend to use it against the United States and our allies.

Secretary Albright declared that "the risk that leaders of a rogue state will use nuclear, chemical, or biological weapons against us or our allies is the greatest security threat we face."

That statement does not square with the allocation of national security resources to operations in Haiti, Somalia, and Bosnia. It may be that these latter operations should enjoy some measure of emphasis. But, lacking a coherent foreign policy and corresponding national security strategy, it is difficult to judge and even more difficult to trust the rationale we are giving for our involvement in these operations.

If leaders of these rogue states—Iraq and Korea—do pose, as Secretary Albright has said, the greatest security threat that we and our allies face, then we must ask legitimate questions about the deployment of our security resources and national security assets in places of lesser importance, unless, of course, we are willing to support both in a measure necessary to be prepared and to accomplish both objectives at the same time.

Mr. President, let's take this newfound determination to combat terrorism, as declared by the President, at face value. In doing so, it is important, then, that the call to action must be more than mere rhetoric. It is important that the President articulate his policy and according strategy as well as initiate development of the capabilities that will be needed to affect that strategy. The current upside-down priorities wherein all too limited U.S. defense resources are spent on what are surely less critical operations in Bosnia and elsewhere need to be examined to reflect the serious threat to U.S. national interests that terrorism comprises, whether by rogue nations, states-sponsored groups, or actions of independents like bin Laden.

Yet the question remains: What are the Nation's capabilities to execute this administration's change in foreign policy about terrorism? What has been done to enhance the interagency process to address the transnational threat of terrorism? Has the administration developed the intelligence capabilities and the military capabilities to support this policy?

Some of our friends and allies rightly express the concern that the Clinton administration has not addressed some of these key issues, and that, therefore, when the United States starts to find out how hard and how expensive it is to pursue a long-term effort against terrorism, we will lose resolve and not sustain our efforts.

Many of us fear that the administration will merely add the military tasks associated with counterterrorism to the Pentagon's already stretched list of missions, and will do so without providing the additional funding required. In short, we will throw yet another rock in the military's already overflowing rucksack and expect them to shoulder the burden with the same budget and the same forces.

We must recognize the risk of pursuing such an approach with our military, a military that is currently ill-matched to this threat. Military budgets and force structure are down 35 percent to 40 percent since the cold war; while at the same time our peacetime commitments are up several hundred percent.

And perhaps most importantly, defense procurement is down nearly 70 percent from the Reagan administration when this Nation developed the modernized, professional military that was victorious in the cold war. But we have been living off the Reagan buildup for nearly a decade, and the procurement holiday is over.

The average age of our fleet of aircraft, ships, tanks, and trucks and other equipment has been increasing year by year, and our forces are having a difficult time maintaining that equipment. This is a major source of the readiness problems confronted by our military today.

Yet, year after year this administration's budget falls short of its goal of procurement. And I project it will fall short again.

Significantly, the report of the National Defense Panel last December highlighted that this administration needs to provide $5 billion to $10 billion a year to transform our military so that our Nation can leverage advances in technology and will be prepared to address what are envisioned to be the fundamentally different operational challenges in the 21st century. One of those, and perhaps the most important of those, is terrorism.

In short, we still have a military designed to fight the conventional wars of the past, and it is poorly prepared to conduct this war on terrorism. Transformation to a national security posture necessary to address the threats of the future is necessary and cannot be successfully accomplished without a reallocation of resources and a revision of policy.

I, therefore, urge the President to prepare this Nation for this prolonged conflict against terrorism, but in doing so use more than just strong words, but prepare us in a way so that we have the resources in place to successfully account for this threat and protect the American people.

We face a range of threats and potential defensive strategies. Some of the latter could affect traditional American freedoms.

At the very least, there should be an open and serious debate over how far we can go, or how far we should go, in altering the security environment in America and at our facilities abroad. Although an easily-defended fortress sounds like a good idea for diplomatic security, it also restricts the very access that effective diplomacy often requires. And we must recognize this.

Mr. President, we face a difficult road in pursuit of a war on terrorism.

Like other Americans, I am committed to the elimination of this scourge of terrorism. But I cannot help but be somewhat skeptical of the administration's determination and their commitment, and unfortunately I fear that we will find few allies willing to risk their security and reputations on the strength of the current administration's say so. The "say so" must be followed with the "do so."

Mr. President, hidden beneath the headlines of the last 2 weeks was yet another explosive revelation. North Korea has reportedly had as many as 15,000 people working to build what some suggest is a nuclear reactor or fuel reprocessing facility buried deep within a mountain.

This, despite what the administration has touted as a landmark agreement stopping North Korea's nuclear weapons research and development program in exchange for food, energy, and the promise of two new light-water reactor power plants.

The State Department, by stating that it sees no nefarious intent because the concrete for this facility has not yet been poured, is asking us to trust their assessment of the situation. Only 6 months ago, the President certified to Congress that "North Korea is complying with the provisions of the Agreed Framework" and "has not significantly diverted assistance provided by the United States for purposes for which it was not intended."

We are now told by administration officials that this new facility should not be considered a "deal-breaker" because its completion "will take half a decade or more."

To add insult to injury, we have learned that North Korea has test fired a 1,200-mile-ranged ballistic missile into the Pacific Ocean, overflying Japan. And they did so just days after the Joint Chiefs issued their commentary on the Rumsfeld report in which they reasserted the administration's claims that there currently is no imminently discernible ballistic missile threat warranting a national missile defense. They state, moreover, their confidence that our intelligence community would provide ample warning to permit meeting such a threat in the context of the President's 3+3 strategy.

North Korea's test launch of this ballistic missile has demonstrated the truth of that old adage that actions speak louder than words. Doesn't the testing of a two-stage ballistic missile suggest that there is something for us to be worried about? How much harder can it be to launch a three-stage system capable of reaching the United States?

I am not nearly as cynical about our intelligence capabilities as some, and so it is not idle curiosity when I wonder out loud whether the State Department officials knew, as the Pentagon did, that North Korea was planning a missile test. And if so, did the State Department raise this issue with the North Koreans during last week's meetings on various subjects including that of the underground nuclear-related facility?

I can tell you that whatever the answer, it does not reflect well on the administration or the Secretary of State. Secretary Albright's comments yesterday that the test is "something that we will be raising with the North Koreans in the talks that are currently going on," are less than inspiring and they fail to address the essential issue of what the U.S. did or might have tried to do to forestall this test.

Mr. President, I have sent an amendment to the desk. I have asked for it to be set aside. It addresses the question of the funding that is in this appropriation for North Korea related to development of nonthreatening nuclear facilities. Given the evidence and the information that we now have, these funds would be much better used on counterterrorism efforts, and this amendment seeks to transfer the funds for that purpose.

I will be debating this amendment at a later time. And I understand two amendments currently have been offered and are awaiting a vote at some time in the future. But I want to alert my colleagues that I think this situation in North Korea is critical. I think the continuation of the current administration policy in this regard, in transferring U.S. tax dollars in accord with an agreement that was designed to terminate North Korean involvement in development of any nuclear facilities that could be used for purposes other than providing power to their nation is a serious matter. I don't think continuation of funds for that purpose is appropriate. I think that money is much better used to help prepare us to implement the administration's new policy on the war on terrorism, and we will be discussing that amendment at some point in the future.

Mr. President, with that I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I understand we will now hear from the Senator from Arizona, Mr. MCCAIN, but I wanted to notify Senators that following Senator MCCAIN's presentation, it will be our intention to move to a vote with relation to the Specter amendment No. 3506 as quickly as possible, so that Senators might know that a vote following Senator MCCAIN's presentation is pending.

Mr. MCCAIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the previous order, the Coats amendment is set aside. The Senator is now recognized to offer an amendment.

AMENDMENT NO. 3500, AS MODIFIED

(Purpose: To restrict the availability of certain funds for the Korean Peninsula Energy Development Organization unless an additional condition is met)

Mr. MCCAIN. Mr. President, I have an amendment at the desk in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. HELMS, and Mr. MURKOWSKI, proposes an amendment numbered 3500, as modified.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 4, before the colon insert the following: "; and (4) North Korea is not actively pursuing the acquisition or development of a nuclear capability (other than the light-water reactors provided for by the 1994 Agreed Framework Between the United States and North Korea) and is fully meeting its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons".

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I offer an amendment on behalf of myself and Senator HELMS and Senator MURKOWSKI pertaining to recent events in North Korea:

The announcement that U.S. intelligence has discovered a very sizable underground construction project in the mountains northeast of the nuclear complex at Yongbyon, and Monday's firing of an intermediate-range ballistic missile over Japanese territory.

Later I intend to propose another amendment expressing the sense of Congress that North Korea should be forcefully condemned for such an openly belligerent act while the United Nations is once again debating cooperative arrangements with the Stalinist regime in Pyongyang.

This amendment adds to the certification requirements a Presidential certification that North Korea is not pursuing a nuclear weapons capability. The distinction between what is currently in the bill and the provision in this amendment is crucial as it addresses new activities as opposed to those already identified and incorporated into the 1994 Agreed Framework.

Mr. President, it is instructive to go back in time and review the history of North-South relations on the Korean peninsula. Last summer, I came to the floor and submitted for the RECORD a comprehensive list compiled by the Congressional Research Service of North Korean provocations since its inception following the Second World War. That list detailed numerous terrorist acts, intelligence-related submarine incursions into South Korean territory, kidnappings of Japanese nationals for intelligence purposes, and armed incursions across the demilitarized zone.

At that point, I noted that the list illuminated an extraordinarily consistent North Korean pattern of alternating minor and manipulative gestures of goodwill with acts of terror and provocation toward its South Korean neighbor. To that list, we can now add new provocations towards Japan and the United States.

And make no mistake—Monday's missile firing was a message to the Japanese and to us that North Korea can strike our vital interests throughout the region. Japan's declaration of intent to terminate funding in support of the Agreed Framework should be supported and followed in kind by the United States.

At the time I spoke last summer, yet another North Korea-instigated border altercation had just transpired. Go back and look at the newspaper headlines pertaining to Korea at that time. The July 15, 1997, Washington Post included an article titled "U.S. Says it Will Double Food Aid to North Korea." The following day, wire stories were headlined "Korea-Border Gunfire Exchanged." That contrast is discouragingly consistent. Offers to agree to negotiate a final peace agreement with the South or provisions of food aid for North Korea's starving people regularly alternate with serious, often bloody transgressions against the South. But, the missile firing, while not entirely unexpected, expands significantly the scale of the threat to regional peace and stability posed by North Korea.

At the time the Agreed Framework was signed in October 1994, I expressed grave misgivings about its viability. I spoke at length on the floor of the Senate regarding North Korea's abysmal record of compliance with its previous commitments regarding its nuclear weapons program, listing nine such violations. Further, I emphasized the danger of an agreement that failed to adequately provide for full inspections of current and past nuclear sites, as well as of future such activities, prior to the provision of assistance to the North Koreans. Four years and $86 million later, we are no more confident than we have ever been about North Korea's intentions and capabilities in the nuclear realm. I predicted back then that North Korea would violate the spirit and the letter of the Agreed Framework, and I believe today that I was correct.

A North Korean nuclear weapons capability is one of the most dangerous scenarios imaginable, and it's entirely possible such a capability already exists. Bribing hostile, totalitarian regimes to not take steps deleterious to our best interests seldom succeed, as the very nature of such regimes is what makes them worrisome and unworthy of the kind of trust the 1994 agreement demands.

That is why the underground construction project is so troubling. Its precise nature is still a matter of speculation, but one thing is certain: North Korea does not have a history of concealing and protecting cultural activities and fast food restaurants. It does have a history of building underground military installations, including for the construction of ballistic missiles. North Korea does not deserve the benefit of the doubt. We have no option other than to assume that the excavation activities northeast of Yongbyon are designed with hostile intent.

I will not mince words or phrase my beliefs diplomatically. I do not have confidence the administration has in the past or will in the future handle North Korea with the firmness and resolve necessary to prevent the development of the most ominous of scenarios.

One U.S. official was quoted in 1996 with respect to the North Koreans as stating, "They owe us some good behavior so we can continue to engage them." Mr. President, that is precisely the problem with the Administration's approach to North Korea. It ignores the underlying reality that the North Korean regime is inherently hostile and exceedingly belligerent. Temporary expressions of goodwill have not and will not translate into the kind of fundamental transformations in that regime necessary for us to ever have confidence that it will not exploit our goodwill. Any efforts of the international community to alleviate the suffering that North Korea itself has caused its people will be misused to allow it to maintain a military force that ensures the Korean peninsula will remain the most heavily fortified border in the world.

Missile firings such as North Korea conducted only occur within the context of relations on the brink of war. That does not mean that I believe a North Korean attack is imminent. I have no such belief. The nature of the act, however, should be interpreted very cautiously. During the height of the cold war, the Soviet Union launched missiles aimed directly at the Hawaiian Islands. During the peak of a crisis with Libya, Mu'ammar Qhadafi launched a missile that impacted near Malta. And most recently, China fired missiles perilously close to Taiwan in response to the latter's pending democratic elections. And now we can add to the list Pyongyang's launching of a Taepo Dong I missile against Japan and, presumably, against U.S. forces stationed there and in Guam.

If the new underground complex being constructed in North Korea is, in fact, for the purpose of establishing a new nuclear weapons complex, the testing of the missile takes on an even more ominous tone. As some analysts have pointed out, a series of missiles like the Taepo Dong-class only make sense when armed with weapons of mass destruction. Even the psychological ramifications of these missiles stems entirely from North Korea's eventual ability to arm them with nuclear, chemical or biological warheads. We cannot afford to minimize the potential threat this new complex represents.

The other countries I have mentioned that launched missiles under crisis circumstances or, in the case of the Soviet Union, within the context of greatly heightened tensions, were largely deterrable. They could, we calculated, be dissuaded from taking that final step into the abyss. Far less certain is the calculus involving the North Korean government. There is no reason to believe that the regime of Kim Jong Il is susceptible to the kind of delicate maneuvering and counter maneuvering characteristic of relationships predicated upon a balance of terror. On the contrary, we are dealing with the most unpredictable regime on earth.

Critics of missile defenses like to point out that deterrence through threat of retaliation is all that is needed to dissuade an opponent from crossing the ambiguous line that would trigger an overwhelming U.S. response, including our use of nuclear weapons. Saddam Hussein was ultimately deterred from employing chemical weapons against U.S. and coalition forces during Operation Desert Storm by the implied threat of a U.S. nuclear response. Ignored by such critics, however, are historically important incidences where dictatorial regimes struck out in anger and defiance against the logic of deterrence. A defeated Germany fired missiles against England designated "V" for "Vengeance," and an equally defeated Iraq similarly lashed out against Israel with a barrage of missile attacks.

North Korea is a defeated country in terms of the level of famine and the utterly wretched condition of its society. Its willingness to strike out irrationally must be assumed. That is why I offer these amendments here today. That is why I once again come to the floor of the Senate to decry this administration and the United Nation's handling of relations with North Korea. The situation on the Korean peninsula is too inflammatory, the North Korean regime too unpredictable and violent for Congress to take anything other than the strongest measures to demonstrate our resolve to confront the threat accordingly.

Mr. President, I ask unanimous consent the following articles be printed in the RECORD: The Washington Post, Tuesday, September 1, "North Korea's Defiance"; today's, September 1, Wall Street Journal, "Pyongyang's Provocation"; New York Times, Wednesday, August 19, "North Korea's Nuclear Ambitions"; and August 24, a Washington Post editorial entitled "Politics of Blackmail."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 1, 1998]

NORTH KOREA'S DEFIANCE

North Korea is outdoing itself. In barely a week's time it has been caught building a secret underground nuclear facility, and now it has conducted a test of a new longer-distance missile. The North Koreans even had the effrontery and the foolishness to fire the second stage of this missile across sovereign Japanese soil—an unmistakable attempt to intimidate a nervous neighbor and, indirectly, its patrons.

The Stalinist regime's purpose seems clear. As it acknowledges, it has little else of value to export except the weapons it has accumulated to sustain its self-isolating hedgehog pose. Its missile exports, put at $1 billion a year, go to the rule-breaking countries, including Iraq, Iran, Syria and Pakistan. The negotiation on freezing its bomb capabilities that it has been conducting with a group of countries led by the United States amounts to a demand that it be paid off for doing the wrong thing—for rule-breaking. It becomes an increasingly keen question whether American accession to such a demand would be more of an incentive to cheat or to comply.

Ordinarily, in a negotiation, the arbitrary and hostile raising of the stakes by one party, which is what North Korea is doing, would be taken as a sign of bad faith and would cast into doubt the party's commitment to the stated goals of the negotiation. In this case the North Koreans are able to argue that Japan and South Korea and the European Union, as well as the United States, have been slow to pay as promised for the light-water nuclear power reactors and the fuel oil that make it possible for Pyongyang to renounce its nuclear ambitions. But what slows those countries down is less bad faith than understandable cash-flow problems and, at root, the sickening feeling that North Korea is playing them for a fool.

Some suggest that the anti-proliferation countries should be more sympathetic to the political requirements of Kim Jong Il as he reaches to consummate the transition from heir apparent to leader in his own right. This is absurd. The leadership of North Korea, whatever it is, has assumed national compliance obligations which, if they are not fully binding, are valueless. The notion that North Korea's defiance is a device intended to extract concessions from Washington may have some truth to it. It puts an extra burden on the Clinton administration to show that no concessions are available by that route. If that threatens to upend the whole negotiation—and it may—then North Korea alone will have to account for it.

[From the Wall Street Journal, Sept. 1, 1998]

PYONGYANG'S PROVOCATION

North Korea test-fired a new long-range ballistic missile over Japan Monday, prompting some stern words from Tokyo, but earning rewards from almost everyone else concerned. That's the way it works these days. Only last week, Washington and Seoul told North Korea that its suspected new nuclear weapons plant does not violate a 1994 agreement freezing the North's bomb program. If building more nukes is no big deal, who's going to complain about a few missiles to deliver them with?

Among other things, lobbing a Daepodong I into the Pacific was probably an advertisement by the world's leading missile supplier to some of the world's scariest customers, including Iraq, Iran, Syria and Pakistan. It also may have been a kind of giant birthday candle ahead of next week's 50th anniversary of North Korea's founding, and the possible accession of dictator Kim Jong Il to the presidency. Most certainly, North Korea was telling the U.S., South Korea and other partners in the ill-starred nuclear power plant and oil giveaway consortium—also known as KEDO—that if those gifts aren't forthcoming soon, there's always another missile in Pyongyang's pipeline.

It worked. Within hours of splashdown—originally reported to be in the Sea of Japan—Seoul promised to pay 70% of the $4.6 billion cost of building North Korea two nuclear power plants, and Washington eagerly reconfirmed a pledge to arrange the financing needed. Japan spoiled the party by refusing to sign on for $1 billion of the reactor costs. But what should upset Tokyo most is how Bill Clinton has ensured that the U.S.—and by extension Japan and America's other allies—has no hope of an effective theater missile defense anytime soon. Looking around at the world today, in fact, it would appear that millions survive only because no crazed dictator or terrorist gang has got around to targeting them.

At the state level, it is difficult to think of any outrage that invites punishment these days. India and Pakistan, for instance, are under patchy sanctions for testing nuclear weapons last spring. But the countries and regions where killing sprees are under way or threatened (Kosovo, Congo, Sudan come immediately to mind) have generated little more than handwringing.

The Clinton Administration did interrupt its long streak of inaction recently by firing some missiles at terrorist training facilities in Afghanistan and a factory in Sudan said to be manufacturing chemical warfare components. At the same time, however, we learned that the United States was taking quite a different approach to Iraq's suspected chemical warfare program, and many have been calling off U.N. inspections of Saddam's facilities in an effort to avoid a messy confrontation either with America's allies or with the dictator Washington was vowing to bomb into oblivion only six months ago.

Although an American inspector with the U.N. team resigned in disgust last week, there is no sign that his gesture of displeasure with both U.N. and U.S. prevaricating over Iraq will change the status quo. In one of the most bizarre developments yet, a Sudanese official announced to the world that there was no way the bombed factory was making chemical weapons because it had the ultimate seal of approval in the form a U.N. permit to export "medicines"—to Iraq. At the very least, that would seem to open up a very wide avenue for examining the U.N.'s decision to pick that particular factory for special exemption from sanctions so it could engage in trade with a country suspected of making weapons of mass destruction.

But that would mean lifting up the same U.N. petticoats that the United States is now used to hiding behind whenever Washington can't or won't come up with policies of its own. If you ask American officials why they have walked away from the dangerous mess in Afghanistan, they will tell you that they are supporting a U.N. process to bring peace to that unhappy country. In Afghanistan's case, it amounts to an excuse for doing nothing while an entire region veers toward chaos. Meanwhile, senior policy makers have their minds free to think about countries like North Korea—which have figured out that while nickel-and-dime killers like Osama bin Laden get bombed for their sins, if you fire a long-range ballistic missile over Japan and revive your nuclear weapons program, you get a strange new respect and an offer of $4.6 billion.

[From the New York Times, Aug. 19, 1998]

NORTH KOREA'S NUCLEAR AMBITIONS

North Korea seems to have been caught preparing to betray its 1994 commitment to trade in its nuclear weapons ambitions for $6 billion in international assistance. American intelligence agencies have detected construction of an elaborate underground complex. If completed, the nuclear reactor and plutonium reprocessing plant expected to be built there could allow the North to produce as many as half a dozen nuclear bombs two to five years from now. Washington must insist that work on this project be halted immediately. If North Korea wants economic cooperation from the United States it must honor its promise to renounce all nuclear weapons activity.

[From the Washington Post, Aug. 24, 1998]

POLITICS OF BLACKMAIL

It's doubly bad news that North Korea is building a secret underground nuclear facility. First, the idea that North Korea's Stalinist, hostile and repressive regime may once again—or still—be committed to acquiring nuclear weapons is ominous in its own right. But the report calls into question as well a 1994 U.S.-North Korea agreement that is the basis for all other American dealings, with that isolated state.

From the start, there's been a question of who was stringing whom along with that agreement. Alarmed that North Korea was accumulating weapons-grade plutonium, the United States in 1994 agreed to lead a coalition of interested nations that would provide the impoverished North Koreans with two nuclear reactors of no military use, and a quantity of fuel oil, in exchange for the mothballing of a plutonium-producing reactor and other weapons facilities. The idea was to buy time, assuming that the world's last pure Stalinist dictatorship couldn't last forever, and it was a chance worth taking. But the danger was that the North Koreans were buying time themselves, taking advantage of U.S. generosity while pursuing their nuclear ambitions.

Outside nations have faced a similar dilemma as they confront famine in North Korea. There's little question that thousands are dying of hunger; there's no question that this starvation is entirely political, a result of North Korea's wildly flawed economics and the regime's total denial of freedom to its people. The West, including the United States, provides free food nonetheless. This is in part out of humanitarian principles and the belief that food should never be a political weapon, but it is also out of fear that a collapse in North Korea could cause the regime to lash out in some lunatic and destructive way.

On both counts, in other words, the North Korean regime successfully has practiced the politics of blackmail. If North Korea is taking the ransom—fuel and food—and going ahead with its weapons program, then it becomes clear that the blackmail policy has failed—clear that North Korea is stringing America along and not the reverse. So far the Clinton administration insists, at least in public, that North Korea is not yet in violation of the 1994 agreement. The legal technicalities it cites—such as that the 15,000 workers have not yet begun pouring cement

> for the new facility's foundation—are not reassuring. We hope that in private the administration is delivering a far firmer message. If North Korea's nuclear program is continuing, it shouldn't take long to figure that the whole deal must be off.

Mr. McCain. Mr. President, these are important articles. They point out the history of our relations with North Korea on this issue. Also, ". . . the ill-starred nuclear power plant and oil giveaway consortium—also known as KEDO—that if those gifts aren't forthcoming soon, there's always another missile in Pyongyang's pipeline." I think they are important additions to the record.

(At the request of Mr. McCain, the following statement was ordered to be printed in the Record)

● Mr. MURKOWSKI. Mr. President, I rise today in support of Senator McCain's amendment restricting the transfer of funds to the Korean Peninsula Energy Development Organization ("KEDO") until the President certifies that North Korea is not actively pursuing the acquisition or development of a nuclear capability and is fully meeting its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. President, it is unfortunate that such language is necessary. For almost four years, the United States has provided funding to KEDO under an "Agreed Framework" negotiated by this administration with the leadership of the Democratic People's Republic of Korea.

Although this framework agreement was never submitted to the Congress for ratification, the Administration has come to Congress each year to ask for more and more money to carry out the Framework provisions to supply the North Koreans with heavy fuel oil and to run KEDO. Each year, the Administration has said that this is money well spent because the Agreed Framework has frozen and stopped the North Korean nuclear program.

I have been skeptical of the Agreed Framework since its inception. I have never understood how United States negotiators agreed to a deal that did not allow international inspectors immediate and complete access to North Korea's nuclear program, including the two suspected but undeclared nuclear waste sites. Not only did this failure to demand complete access mean that we might never know how much plutonium the North Koreans diverted prior to the 1994 crisis, but it has also led to this situation where the much heralded "freeze" may have provided convenient cover for North Korea's more sinister plans.

In the year following the signing of the Agreed Framework, former Majority Leader Bob Dole and I successfully added amendments to prohibit North Korea from receiving foreign assistance until the President certified to Congress that North Korea's nuclear threat had been eliminated. Both times the amendments were dropped in conference at the insistence of the Clinton Administration. Senator McCain and I have come to the floor countless times since then to try and correct loopholes in the Agreed Framework. I felt then, as I feel today, that the Agreed Framework did nothing to eliminate the nuclear threat from North Korea.

In the last several weeks, disturbing intelligence information has surfaced that North Korea is constructing a vast underground complex that may be the site of another nuclear facility. This development alarms, but does not surprise, the Senator from Alaska.

Mr. President, the United States must demand immediate access to this site before another penny of taxpayer dollars goes to subsidize this terrorist regime.

If the North Korean regime is ready to put aside its drive for nuclear arms and to move toward the family of nations, then I believe the United States should rightfully welcome such a move and offer "rewards." However, I strongly believe that North Korea must offer the concessions, and not the other way around.

For too long, I believe we have let the North Korean government dictate the terms of negotiations, while they gained valuable time to push the suspected nuclear program ahead. From the track record, it is hard to tell which country is a tiny, isolated, terrorist regime violating international agreements and which country is a superpower pulling the weight for the international community. This must change.

Mr. President, Senator McCain's amendment is a step in the right direction, and I urge its immediate adoption.●

Mr. McCain. Mr. President, I ask unanimous consent that Senator Kyl be allowed to speak after the vote. I also ask unanimous consent that the vote on this amendment, the recorded rollcall vote on this amendment, be set aside pending the determination of the managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 3506

Mr. BENNETT. I call for the regular order with respect to the Specter amendment.

The PRESIDING OFFICER. The Senator has that right. The pending amendment is No. 3506, offered by the Senator from Pennsylvania.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that John Bradshaw, who is a fellow in my office, be allowed the privilege of the floor for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3524

(Purpose: To make available assistance for Georgia for infrastructure for secure communications and surveillance systems)

Mr. McCONNELL. Mr. President, one of the amendments on the list previously approved has been cleared on both sides, an amendment by Senator Brownback with regard to Georgia. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Kentucky [Mr. McCONNELL], for Mr. Brownback, proposes an amendment numbered 3524.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 26, line 5, insert "and infrastructure for secure communications and surveillance systems" after "training".

Mr. McCONNELL. This amendment has been cleared on both sides, Mr. President.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3524) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Brownback). Without objection, it is so ordered.

AMENDMENT NO. 3506

Mr. LOTT. For the information of all Senators, we do have an amendment on which we are ready to vote. After brief remarks, I believe we will be prepared to go to a vote on that amendment.

We will then go to the low-level waste compact between Texas, Maine and Vermont. I believe the vote will be on that tomorrow morning. There will be some time before the vote, but I believe it is 30 minutes equally divided, or I hope that will be the time for a recorded vote.

Before we vote, though, I do want to urge my colleagues to oppose this amendment. First, there is no treaty to monitor, and there will not be one in the foreseeable future. Until all 44 specified nations ratify the Comprehensive Test Ban Treaty, it will not enter into force. So to be providing funds before we have anything to monitor seems very questionable to me.

We have not acted on this treaty. And certainly something of this magnitude should be given very serious, careful and extensive thought by the committee of jurisdiction and by the full Senate. We should not provide the funding that prejudges whatever the Senate may or may not do before it takes up the Comprehensive Test Ban Treaty.

Beyond that, I have grave reservations, I admit, about whether the CTBT is in America's national interest. I am not convinced it is effectively verifiable. I am convinced it will limit our ability to maintain the safety and reliability of our vital nuclear deterrent.

There are strong signs that India's decision to test nuclear weapons was, in part, a response to pressure to sign the CTBT. Ironically, the most tangible result of this treaty seems to be a nuclear arms race in Southeast Asia. So I just think this is not the time or the place to debate this treaty. Anything less than 67 votes in support of this amendment will send a strong signal that the Senate is prepared to reject this treaty. So I question even the proponents of the treaty wanting to do this at this particular time.

Whatever the arguments for or against the treaty, putting millions in this organization does not make sense at this time. So I urge the defeat of this amendment.

I yield the floor, Mr. President. I believe we are prepared to go to the vote.

(At the request of Mr. LOTT, the following statement was ordered to be printed in the RECORD.)

• Mr. HELMS. I strongly oppose this amendment, which seeks to provide funds to the Preparatory Commission for the Comprehensive Test Ban Treaty.

As I advised the President on January 21, of this year, at the conclusion of Senate debate on NATO expansion, the Foreign Relations Committee would then turn its attention to several other critical, pressing matters which could affect the security of the American people and the health of the United States' economy. Chief among these are the agreements on Multilateralization and Demarcation of the 1972 Anti-Ballistic Missile (ABM) Treaty.

The President promised more than a year ago to submit these treaties for the Senate's advice and consent, but we are yet to see that promise fulfilled. Nevertheless, the Foreign Relations Committee intends to pursue hearings on a number of associated issues—such as the recent Rumsfeld Commission report—with the presumption that the President's promise will be honored in the near term.

Indeed, Mr. President, in listening to various justifications for the proposed amendment (which discuss the ongoing development of nuclear weapons by India, Pakistan, North Korea, Iran, Iraq, etc.) I was struck by the urgent need—not for another arms control treaty—but for a national missile defense to protect the United States from these nuclear weapons when they are mounted on intercontinental ballistic missiles.

Let me repeat that for the purpose of emphasis. The last thing the United States needs is another arms control treaty. In presuming to fund the Preparatory Commission, and in attempting to dictate to the Foreign Relations Committee that CTBT consideration take precedence over the planned ABM Treaty hearings, the Senator from Pennsylvania (Mr. SPECTER) obviously is willing to place a higher priority on the test ban than on protecting the American people from ballistic missile attack.

Sure, I have heard the White House and the liberal media attempt to spin India's and Pakistan's actions into a justification for the CTBT. And some seem to have bought it hook-line-and-sinker. But as the Senate Foreign Relations Committee heard a week after the Indian tests, from several expert witnesses, India's nuclear tests demonstrate that the CTBT is a complete sham from a nonproliferation standpoint.

Mr. President, this Senator will take no part in papering over India's actions with another ban on nuclear testing. The world already has one such treaty, called the Nuclear Nonproliferation Treaty (NPT). We should demand that India sign on to that treaty, which already has 185 States Parties and has been in force since 1970, not a "Johnny-come-lately" CTBT, which is—in all respects—a far weaker version of the Nuclear Nonproliferation Treaty. The point is, Mr. President, there would be no cause for worry about Indian nuclear tests if India has agreed not to have these weapons in the first place.

On the other hand, only less than two dozen countries have ratified the CTBT, of whom only 6 are on the list of the 44 key countries which, pursuant to Article 14 of the treaty, must ratify before it can enter into force. In other words any one of these 44 countries (for example, India, Pakistan, North Korea, or Iran) can single-handedly derail the Comprehensive Test Ban Treaty's (CTBT) entry into force.

That is why, Mr. President, the CTBT is so low on the Committee's list of priorities. It has no chance of entering into force in the foreseeable future, regardless of what the U.S. Senate does, and regardless of whether we waste funds on the Preparatory Commission. I regret that it was necessary to come to the Senate floor and explain such an obvious fact.

All of this, of course, is without respect to the fact that the CTBT, by preventing tests to ensure the safety and reliability of the U.S. nuclear deterrent, is a bad idea from a national security standpoint, but that is a debate better reserved for a time and place when the CTBT realistically has a chance of entering into force.

In sum, Mr. President, I oppose the Specter amendment on both jurisdictional and substantive grounds. Now it is my understanding, on the basis of assurances given by the staff of the Foreign Operations subcommittee, that no funds can be provided to the Preparatory Commission without notification to and approval by the Foreign Relations Committee. However, that said, this amendment is part and parcel of the Clinton Administration's effort to cover up the collapse of its nonproliferation policy. By promoting the CTBT with no mention of the NPT, the Clinton Administration and Senator SPECTER propose a course of action that will de facto legitimize Indian and Pakistani possession of these weapons, just so long as they are not caught testing them. Such a policy sets a poor precedent—if one is worried that other countries, such as Iran and Iraq, might seek to withdraw from the NPT, and escape international opprobrium by signing on to the CTBT as a declared nuclear power.

Instead, the Senate should demand that India and Pakistan join the NPT, and should insist on vigorous international sanctions against proliferant countries, to be lifted only after their nuclear programs have been rolled back.

India's nuclear testing also is compelling, additional evidence pointing to the need for a national missile defense to protect the United States. Because India can readily reconfigure its space-launch vehicle as an intercontinental ballistic missile (ICBM), its actions clearly constitute an emerging nuclear threat to the United States. For this reason, it is time that the Foreign Relations Committee review the antiquated ABM Treaty, which precludes the United States from deploying a missile defense. Sad to say, the Specter amendment plays into the hands of those who seek to detract attention from this effort.

Finally, Mr. President, India's (and Pakistan's) actions should make clear to all just how vital the U.S. nuclear deterrent is to the national security of the United States. What is needed, at this time, is not a scramble for an arms control treaty that prohibits the United States from guaranteeing the safety and reliability of its nuclear stockpile. What is needed is a careful, bottoms-up review of the state of the U.S. nuclear infrastructure, which I fear is in sad repair after six years of a moratorium. I expect that, after undertaking such a review, the United States will find that the CTBT is the very last thing the United States should consider doing.

Mr. President, I do hope Senators will oppose the Specter amendment.●

The PRESIDING OFFICER. Is there further debate on the Specter amendment?

If not, the question is on agreeing to amendment No. 3506 offered by the Senator from Pennsylvania, Mr. SPECTER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mr. GRAMM), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "no."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—49 yeas, 44 nays, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—49

Akaka
Baucus
Bennett
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—44

Abraham
Allard
Ashcroft
Bond
Brownback
Burns
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Enzi
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Warner

NOT VOTING—7

Bingaman
Domenici
Glenn
Gramm
Helms
Inouye
Murkowski

The amendment (No. 3506) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CHILD SURVIVAL AND DISEASE PROGRAMS FUND

Mr. DEWINE. Mr. President, I would like to express my strong support for the Child Survival and Disease Program Fund. I understand that the House Committee on Appropriations, as a part of its Foreign Operations, Export Financing, and Related Programs Bill, has recommended that $650 million be allocated to the Fund's programs for fiscal year 1999. On the House side, Subcommittee Chairman CALLAHAN has taken the lead in protecting these child survival programs and I commend him for his leadership on this issue. The Clinton administration, however, has reduced direct funding for child survival programs. In order to preserve the benefits of these important programs for children worldwide, I believe the Senate should accept in conference the House language that was agreed to in Committee for this Fund.

It is a tragedy that millions of children die each year from disease, malnutrition, and other consequences of poverty that are both preventable and treatable. The programs of the Child Survival Fund, which are intended to reduce infant mortality and improve the health and nutrition of children, address the various problems of young people struggling to survive in developing countries. It places a priority on the needs of the more than 100 million children worldwide who are displaced and/or have become orphans.

The Fund includes initiatives to curb the resurgence of communicable diseases such as malaria and tuberculosis. In the underdeveloped world, the Fund works towards eradicating polio as well as preventing and controlling the spread of HIV/AIDS.

Aside from addressing issues of health, the Fund also supports basic education programs. An investment in education yields one of the highest social and economic rates of return—because it gives children the necessary tools to become self-sufficient adults. Each additional year of primary and secondary schooling results in a 10–20% wage increase and a 25% net increase in income.

The programs supported by the Child Survival Fund are effective because they save three million lives each year through immunizations, vitamin supplementation, oral rehydration therapy, and the treatment of childhood respiratory infections, which are the second largest killer of children on earth. This year the Kiwanis International are leading a global campaign to raise seventy-five million dollars toward the elimination of Iodine Deficiency Disorder which is the world's most prevalent cause of preventable mental retardation in children. Eliminating the symptoms and causes of this poverty is not only the humane thing to do—it is also a necessary prerequisite for global stability and prosperity.

In my view, Congress needs to maintain its support for these valuable programs. It is my hope that the Senate Foreign Operations Subcommittee will accept the House language. The Child Survival and Disease programs are effective and are important. They should be continued. I would like to commend Representatives TONY HALL of Ohio and SONNY CALLAHAN of Alabama for their tireless leadership in the effort to eliminate global hunger.

I see the Chairman of the Senate Foreign Operations Subcommittee on the floor.

Mr. McCONNELL. I thank the Senator from Ohio for his statement. I have listened very carefully to his remarks, and I commend him for his tireless efforts in supporting children's causes, here in the United States and throughout the world. I would like to assure him that I will give every possible consideration to his request when we go to conference.

Mr. DEWINE. I thank my distinguished friend from Kentucky, and I yield the floor.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3525

(Purpose: To require a report on Iraqi development of weapons of mass destruction)

Mr. McCONNELL. Earlier today, due to a mistake, an amendment by Senator BOND was, we thought, approved but in fact was not sent to the desk. It is agreed to by both sides. So I would like to send the BOND amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. BOND, proposes an amendment numbered 3525.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

(a) Findings.—Congress finds that—

(1) Iraq is continuing efforts to mask the extent of its weapons of mass destruction and missile programs;

(2) proposals to relax the current international inspection regime would have potentially dangerous consequences for international security; and

(3) Iraq has demonstrated time and again that it cannot be trusted to abide by international norms or by its own agreements, and that the only way the international community can be assured of Iraqi compliance is by ongoing inspection.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the international agencies charged with inspections in Iraq—the International Atomic Energy Agency (IAEA) and the United Nations Special Commission (UNSCOM) should maintain vigorous inspections, including surprise inspections, within Iraq; and

(2) the United States should oppose any efforts to ease the inspections regimes on Iraq until there is clear, credible evidence that the Government of Iraq is no longer seeking to acquire weapons of mass destruction and the means of delivering them.

(c) Report.—Not later than 30 days after the date of enactment of this Act, the President shall submit a report to Congress on the United States Government's assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction. The report shall also—

(1) assess the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and

(2) include the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

Mr. McCONNELL. Mr. President, there is no objection to the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3525) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote and move to lay it on the table.

The motion to lay on the table was agreed to.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT—CONFERENCE REPORT

Mr. McCONNELL. Now, Mr. President, I ask unanimous consent that the Senate proceed as under the order to the Texas Low-Level Waste Disposal Compact conference report.

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 629) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of July 16, 1998.)

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. I ask unanimous consent the quorum call be rescinded.

Mr. ALLARD. I object.

The PRESIDING OFFICER. Who yields time on the conference report?

The majority leader.

Mr. LOTT. Mr. President, I yield time to myself off the time for the conference report and observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, it may be, I say to my colleagues, because I have friends out here on the floor and we may have some real disagreement on this, but I want to make sure we proceed on this together. I think on the order of this, the proponents might want to go first. That is fine with me. I want to make sure we can have one understanding. Before the recess, it was my understanding, albeit not a written contract; that we would not burn up all the time; that we would reserve 1 hour equally divided for tomorrow before the final vote. I ask unanimous consent that we at least have that final hour to be equally divided before the vote tomorrow.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, reserving the right to object, I mention to the Senator from Minnesota, it is not my understanding an hour would be reserved. I understand most of the time will be used this evening, with the exception of 15 minutes to be equally divided prior to the vote tomorrow.

Mr. WELLSTONE. Mr. President, I say to my colleague, it is unfortunate that maybe there were a number of different parties involved in this, but I was very clear that I wanted to make sure there was time for this debate also tomorrow morning, not late tonight.

I say to colleagues—it is not personal to my colleague from Maine—I am going to object to adjournment tonight, and Senators are going to have to come back here tonight at midnight and vote if I don't get a half an hour tomorrow. I know what was said. I know what was the understanding, and this is an important enough issue that tomorrow morning—and the other side can take a half hour, too—that we should have a debate. It shouldn't go from 7 o'clock now until 10 o'clock, time is burned off, no time to discuss this tomorrow morning, and then there is a vote. I think that is unacceptable.

I guess we are starting the debate off in the wrong way. In all due respect, a lot of the decisions made on this matter have been made kind of in the dark of night in the conference committee. I want part of this debate to be open. I want Senators to be aware of this. I want the public to be aware of it.

I renew my request one more time just so I know where I am at tonight. I ask unanimous consent that we have an hour equally divided tomorrow morning before final vote.

Ms. SNOWE. Mr. President, reserving the right to object, it may well have been the understanding of the Senator from Minnesota that an hour would be set aside. That was not my understanding in terms of how this time would be divided, other than to say that most of the time was to be used this evening, with the exception of 15 minutes to be equally divided tomorrow.

I will agree to half an hour equally divided, if that will accommodate the Senator from Minnesota. But I, and I think the others involved in this debate, prefer to do most of the debate this evening. That was our understanding.

Mr. WELLSTONE. Mr. President, I say to my colleague, I am going to stick to this because this is, I think, an important issue. It takes time to lay out the context and the background. I know the way it works here. This now has been put off close to 7 o'clock. I understand that. I just think that 15 minutes is not a lot of time to go into the complexity of this. I know at least what was my understanding, and I say to my colleague from Maine, this was not a direct conversation with her. In no way, shape, or form am I trying to say she had implied otherwise.

I am going to be firm about this. Perhaps we could—and I wouldn't be totally satisfied with it—but perhaps we could save colleagues some trouble and do 40 minutes equally divided. I ask unanimous consent that there be 40 minutes, 20 minutes on each side, so colleagues don't have to come back tonight and vote at midnight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Do my colleagues want to proceed first? I say to the Senator from Maine, would you like to proceed first?

Ms. SNOWE. Mr. President, yes, I will proceed first. I won't be very long, and then both Senators from Vermont are here this evening as well. I am willing to go first in this debate.

I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized for the time she may consume.

Ms. SNOWE. Mr. President, I say to the Members of the Senate, I rise today to ask for my colleagues' support for the conference report on H.R. 629, the Texas Compact Consent Act of 1998, which reflects the original language ratified by the States of Maine, Vermont, and Texas to address the safe disposal of their low-level radioactive nuclear waste. The 1980 Low-Level Radioactive Waste Policy Act states that it is the policy of the United States that each State is responsible for providing for the availability of disposal capacity, whether in State or out of State, for waste generated within its borders, and the act authorized interstate compacts as a principal means of providing for this capacity.

The policy was reinforced in the 1985 amendments to the act. The States of Maine, Vermont, and Texas are now approaching the end of a long journey that started in 1980 when Congress informed the States to form compacts to solve their low-level radioactive waste disposal problems.

My first chart shows the extent of the nine compact networks that have already been ratified by Congress. California, for instance, has had a compact with North and South Dakota, and Hawaii and Alaska ship their low-level waste to Washington State.

This chart designates all of the nine previous compacts that have been established with the various States across this country. As you can see in the second chart with the list of States in the compact, Mr. President, when we adopted this report, Texas, Maine, and Vermont will become the 42nd, 43rd, and 44th States to be given congressional approval to enter into a compact and will meet their responsibilities of disposal of their low-level waste from hospitals, medical centers, powerplants, and shipyards. We will be the 10th compact to receive the consent of the U.S. Congress. Only 6 States out of 50 will not yet have formed a compact with other States.

Again, in referring to this chart, it shows that 41 States have entered into nine different compacts, all of which have been ratified by the Congress in previous years. So this compact is not unlike any of the other nine previous compacts that have been adopted by the U.S. Congress.

It is very important for my colleagues to understand that the language ratified overwhelmingly by each State legislature is the same language that has been passed by the conferees, so that the compact will not have to be returned to each State to go through a reratification process that would, in all practicality, as well as reality, take several more years.

The compact that is before the Senate has been approved by large majorities in all three State legislatures. The Texas Senate approved the compact in May of 1993 with a vote of 28–0, and by a voice vote in the Texas House of Representatives. Governor Ann Richards at the time signed the compact. The compact is supported by the current Governor, Governor George Bush.

The Vermont House voice voted the compact in March of 1994, and the Vermont Senate voice voted the compact in April of 1994. Governor Howard Dean signed the compact.

The Maine Legislature approved the compact in June of 1993, by a house vote of 131 yeas to 6 nays, and a senate vote of 26 yeas and 3 nays.

Additionally, Maine held a public referendum on the compact in November of 1993, which passed by 73 percent. Then-Governor John McKernan signed the compact. Today it is supported as well by the current Governor, Angus King.

As Congress intended in the original law, the Low-Level Radioactive Waste Disposal Act of 1980, and in amendments enacted in 1985 by the Congress, the Texas Compact is site neutral. Site location questions are the exclusive purview of the State of Texas and can only be addressed through Texas political and regulatory processes. The chosen site must, of course, meet Federal environmental, public health and safety laws. To date, no site location has been finalized. No license has been granted.

The compact does not determine who pays what, how the storage is allocated, or where the site is located. To the contrary, the intent of the law is for the States to develop and approve and finalize these details after Congress has ratified the plan.

The compact is only an interstate agreement providing the terms under which Maine and Vermont can dispose of their waste at a licensed facility in Texas, irrespective of where that facility is located. As we all know, there has been a proposed site.

As to the statements by the opponents and by the Senator from Minnesota that there is no local support for the proposed site, all I can say is that earlier this year local support was certainly evidenced through local elections that were held in Texas. The Hudspeth County judge, who is the top elected official in the county where the site has been proposed, and who has strongly declared his support for the compact, won his race for reelection. This was an issue in his reelection, and the elections at the local level in this county.

Two candidates for county commissioner who also support the compact won their races over two opponents of the compact. And a local individual in opposition to the compact was the only person on the ballot for Democratic Party Chair, and he lost to a write-in candidate.

In an August 25 letter, a top-elected official from Hudspeth, Judge Peace, stated: "The truth is the socioeconomic benefits for the residents of Sierra Blanca are enormous and overwhelmingly positive."

Judge Peace also says, "I want you to know that the majority of citizens favor the development of such a facility." Further, he says, "The people of Sierra Blanca and Hudspeth County voiced their opinions for a better future and tangible real life advances that will make our communities more livable."

There is a grave concern in Maine and Vermont and Texas that there are some in Congress who want to add stipulations on to the Texas Compact that no other compact has had to endure. And that would be action that would discriminate against these three States.

Again, as I mentioned earlier, there have been nine previous compacts. Not one of them have had any conditions or stipulations as the ones that have been suggested by the Senator from Minnesota and others—none. And the compact is site neutral because that is a decision that has to be made by the State that will have the proposed facility. That, of course, is the State of Texas—but all consistent with the environmental and safety and health guidelines, not only at the Federal level, but at the State and the local level as well. This is not irrespective; it is not overriding those concerns.

In fact, the conference report and the statute that is being proposed before the Senate is very clear that they have to follow specific and certain guidelines. So that is the environmental justice that we are pursuing. No one is saying to override environmental justice principles or regulations—absolutely not. That is for the State in question. I have faith and confidence in the State of Texas and the elected officials and other officials involved in this procedural approach in determining where the proposed site should be located. But that is a judgment that has to be made by the State of Texas and consistent with their laws, and Federal laws as well.

I might add that Senator WELLSTONE's own State of Minnesota is already part of a compact that was ratified by Congress. And like all the other compacts that Congress has approved, Congress made no changes or added any conditions or stipulations to that compact. There again, it was a decision made by the State who is going to have the facilities, but again in keeping with Federal environmental and health and safety regulations, as well as the State and local guidelines.

With congressional ratification of H.R. 629 and the conference report that is before us today, Texas will move forward to select an appropriate site for the disposal facility in a timely manner, most importantly, consistent with all of the applicable State and Federal environmental, health and public safety laws, as I have already mentioned. It has always been the decision of the State of Texas as to where the facility will be sited. And it is not within the purview of the U.S. Senate to decide for them. And I applaud the conferees in their judgment of passing out a conference report with the original language ratified by Maine, Vermont and the State of Texas.

Without the protection of the compact, Texas will be compelled to—and I repeat, compelled to—open their borders to any other State for waste disposal if they decide to create a new facility or they will be in violation of the Interstate Commerce Clause of the United States Constitution. This compact will protect Texas' right to decide what is best for the State of Texas. The State will be able to construct a single engineered facility for storing and management of all of its low-level waste rather than its current situation illustrated again on this chart in which 684 temporary storage sites are strewn far and wide across the State. Again, it shows in this chart 684 different facilities across the State of Texas.

This compact will allow them to consolidate into one facility. But if the Congress did not approve this compact, and the State of Texas wanted to go ahead and develop a new site, they would be required, without this compact, to open up their facility to all of the other States in the country for the transport of low-level radioactive waste. So that is why the State of Texas wants this compact, because then they would only be accepting waste from the State of Vermont and the State of Maine.

Texas Compact members will now be able to exercise appropriate, responsible control of their low-level nuclear waste as Congress has mandated.

I would like to put into the RECORD the entire letter that I received from the Organizations United for Responsible Low-Level Radioactive Waste Solutions—a coalition made up of such organizations as the American Society of Nuclear Physicians, the American Heart Association, and the National Association of Cancer Patients—who are dedicated to socially, environmentally, technically and economically responsible solutions to low-level waste disposal. I would like to quote one of their lines within the letter that I think speaks to this issue.

> Please support the Texas Low-Level Radioactive Waste Disposal Compact bill which will allow the continued use of low-level radioactive materials that provide critical health, environmental, and safety benefits to millions of Americans.

Mr. President, I ask unanimous consent to have the entire letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS UNITED,
Washington, DC, July 29, 1998.

Senator OLYMPIA J. SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: As you consider approving the conference report on the Texas Compact legislation, you must also consider the life-saving and life-extending medical benefits which result from usage of radioisotopes. Such benefits—prevention and treatment of cancer tumors, research for a cure for AIDS, diagnosis and treatment of thyroid disorders, study of lung ventilation and blood flow—require responsible management and disposal of low-level radioactive waste to ensure their continued operation. Without ratification of the Texas-Maine-Vermont Compact and subsequent selection and development of a disposal site, the public will suffer a loss of these type of benefits because of the lack of a disposal facility.

Approval of the conference report and support for the Texas Low-Level Radioactive Waste Disposal Compact bill will ensure that important medical research and electrical processes can continue to benefit the nation and groups like Organizations United whose members include associations representing doctors, electric utilities, universities, and other researchers.

Another important piece of the proposed bill to remember is that it does not designate a disposal site for low-level radioactive waste; only the state of Texas has the authority to approve a site. Texas has not made a final decision on where the facility should be located. So, you will be voting for the compact, which all three states negotiated in full compliance with all federal and state laws and with full support of their leaders, and not a particular site.

Please support the Texas Low-Level Radioactive Waste Disposal Compact bill which will allow the continued use of low-level radioactive materials that provide critical health, environmental, and safety benefits to millions of Americans.

Sincerely,
ROBERT F. CARRETTA, M.D.,
Chairman.

Ms. SNOWE. Mr. President, to sum up this issue, first and foremost, I think we need to understand that most other States have already entered into compacts that have been ratified by the Congress. In fact, 41 States already have compacts. The same compact that we are asking for support here in the U.S. Senate has been already adopted by the House of Representatives by an overwhelming margin. It has been supported by the conferees of both the House and the Senate.

I urge my colleagues to support this conference report that allows these three States to enter into a compact that is consistent with the mandates of the laws that have been passed by the Congress both in 1980, with the original act instructing the States that they must make decisions with respect to the disposal of low-level radioactive waste, and consistent with the amendments to that act in 1985.

This compact is in keeping with the spirit and intent of those thoughts.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Maine still has the floor. Does the Senator yield?

Ms. SNOWE. Well, Mr. President, I was going to yield to the Senator from Vermont.

Mr. WELLSTONE. I understand. I gather my colleague doesn't need a lot of time. I ask unanimous consent that I may follow the Senator from Vermont. There is much that my colleague said that I want to respond to, but I will wait.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, this is always a very difficult subject when we talk about nuclear waste. We all have a fear of nuclear waste and the thought of radiation emanating from the ground in our neighborhoods or visions of trucks driving down from Maine and Vermont and dumping waste into the fields of Texas. That is sometimes what is described. But we are talking here about a well-conceived law which has set out a process for low-level waste.

What is low-level waste? Well, it is the gloves that come from the workers in the atomic energy plants. It may be waste from the utilization of radioactive materials in our hospitals. It is not the large nuclear rods that we are trying desperately to put somewhere. We are talking about something that is easily controllable. One would certainly ask this question: If there is so much problem, how come all the people in the area are voting and saying, yes, yes, bring it down? Why? Because there is a price tag to those States that have the waste.

Vermont and Maine are not very big States. We are going to be spending $25 million sending it down, with other payments later, and creating a facility in this area that will provide jobs and economic help to an area that right now is very low income, with no real productivity or resources. So they will have an opportunity to benefit very substantially—maybe build a new school, or other things—which would not happen were it not for this compact. Also, we know well now how we can control the nuclear waste from facilities that have low-level waste. We know what to do with the high-level waste, but we just can't get the States to come around to accepting it. That is a problem for the future. Right now we are talking about low-level waste.

The compact has the support of the Governors and the State legislatures of Texas, Vermont and Maine. Passage of this compact will allow these States to responsibly manage low-level waste produced by hospitals, power plants, industrial facilities, and medical research laboratories in our State where we do not have a place to do this, and it creates a danger. Whereas, if it is shipped and properly handled and placed in areas where there is no chance to get into the groundwater and all these things we have to worry about in our State, it can only benefit those, and especially in providing schools and other things.

We come to the floor today asking that our states be given the same rights as forty-one other states. In 1980, and again in 1985, Congress declared that states must provide for the disposal of commercial low-level radioactive waste. Forty-one states have responded affirmatively to that mandate and formed nine regional compacts.

These nine compacts have been approved unanimously by the Senate, without amendment, and signed into law. We ask for nothing more than what Congress has already given these forty-one other states.

This compact, like the nine others that precede it, took years of negotiating among the states. The Vermont legislature and the Governor carefully reviewed each provision before approval. In fact in 1990, under the leadership of then-Governor Madeline Kunin, the State of Vermont began a study to find a suitable site for a disposal facility in Vermont. After two years of exhaustive review, the State determined that a safe site could not be found in Vermont.

It is understandable that we can't bury things. We have water that flows down on us and runs off. It is no place to handle this kind of thing.

The agreement Vermont and Maine have reached with Texas is the best option for safe disposal. In fact, the compact we are debating requires that it is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment.

We are here today because one Senator is questioning the science used to find a safe and suitable site for disposal of this waste. I commend him for questioning this, and I am glad we are having this debate, because people should be reassured and should know what happens in these cases.

After the compact was signed into law by then-Governor Ann Richards, the State of Texas launched a rigorous process to assure that the site licensed to accept this waste would be safe. Prior to selecting the proposed site, the Texas Natural Resource Conservation Commission spent four years reviewing the site before issuing a draft license and environmental assessment.

Although this compact does not specify a site for the Texas waste facility, I trust that the State of Texas has used and will continue to use strict scientific criteria in selecting a disposal site.

This compact has strong bipartisan support. The consent legislation was reported out of both the House Commerce Committee and the Senate Judiciary Committee without amendment and without opposition.

The Texas Compact was adopted by the House by a vote of 309 to 107. In the Senate it passed with unanimous support. Moreover, the Texas legislature, the Maine legislature, and the Vermont legislature approved the compact.

Mr. President, we should continue to work together in a bipartisan manner and pass this compact.

Let's ensure that institutions in Maine, Texas, Vermont and all across the United States have access to safe disposal sites for low-level radioactive waste.

Let's treat this compact just like we have treated all of the other nine. This compact is not about the virtues or vices of nuclear power, industrial development or cancer research, it is about the safe disposal of low-level waste.

Let's pass this compact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I think my colleague from Vermont has been on the floor a long time today. He said he needed a brief period of time. If I could take a minute—and only a minute, I say to my colleague from Vermont, whom I appreciate as a real friend here, I will talk about the actual sites, Hudspeth and Sierra Blanca, and how this is all taking place.

This is an issue of environmental justice. But this nuclear waste is not just gloves and medical waste. My colleague talked about that. Ninety-nine percent of this low-level radioactive waste in Maine and Vermont will come from nuclear reactors. Let's just be clear about that.

Second of all, the distinction between low-level and high-level—I will read from a GAO report of this year.

> Any radioactive waste that are not high-level are low-level, and as a result, low-level radioactive waste constitute a very broad category containing many different types and concentrations of radio nuclei, including the same radio nuclei that may be found in high-level radioactive waste.

This is an artificial distinction. It is not just medical waste. It sounds better when we talk about booties and gloves. Low-level waste constitutes all of the same public health concerns to the people who live in Sierra Blanca. I want to be clear about that.

I ask my colleague from Vermont, how much time does he think he will need?

Mr. LEAHY. Six or seven minutes.

Mr. WELLSTONE. I ask unanimous consent that after my colleague uses his time, I be able to follow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, thank you. I thank my colleague from Minnesota.

Mr. President, I rise today in support of the Texas Low-Level Nuclear Waste Compact. This legislation was originally introduced in the 103rd Congress and is long overdue.

Although this legislation is fairly simple on its face, merely approving a Compact already agreed to by each of the party states, many issues have arisen along the way to complicate the approval of the Compact.

We have before us the Conference Report to the Compact that works out these issues. This Conference Report insures that the will of the party states is followed.

When Congress passed the 1980 Low-Level Nuclear Waste Policy Act, we handed over to states the responsibility of low-level waste disposal and encouraged them to enter into compacts to provide disposal on a collective basis.

Nine of these compacts have already been approved by Congress. In this case, the states of Vermont, Maine and Texas negotiated the terms of their Compact, all three states approved the Compact and all three governors have urged Congress to ratify it.

Approval of this Compact will give these states final resolution of the problem they increasingly face in disposing of their nuclear waste.

In Vermont, we began this process almost ten years ago. Following the direction of Congress, Vermont began looking for an in-state depository location. In 1990, former Governor Kunin created the Vermont Low-Level Radioactive Waste Authority to determine if there was a suitable site for a low-level radioactive waste disposal facility in Vermont.

Over the next two years the Authority spent approximately $5 million evaluating numerous sites in our state. In particular, the Authority examined the potential for a site next to Vermont Yankee in Vernon, Vermont. The site was found to have extremely unfavorable geological conditions for a storage facility.

The combination of porous soil, a high groundwater table, a wet climate and proximity to the Connecticut River made such a site too risky.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Public Service Board of the State of Vermont outlining the process we went through to find a site within our borders.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF VERMONT,
DEPARTMENT OF PUBLIC SERVICE,
Montpelier, VT, July 15, 1998.

Re low level waste activities in Vermont.

Hon. PATRICK LEAHY,
U.S. Senator,
Washington, DC.

DEAR SENATOR LEAHY: The purpose of this letter is to provide you with: (1) information about Vermont's efforts to site a low level radioactive 'waste storage facility in Vermont; (2) information on why Vermont cannot rely on the low level radioactive waste storage facility in Barnwell, South Carolina to accept future shipments of low level waste from Vermont; and (3) the reasons why I believe that the Texas Compact is the best option for long term storage of Vermont's low level waste.

In 1990, Governor Kunin signed the law which created Vermont's Low Level Radioactive Waste Authority ("the Authority"). This followed the inconclusive efforts over the course of some years of the Vermont Low Level Radioactive Waste Commission.

Among other things, the Authority was charged with determining if there was a suitable site for a low level radioactive waste storage facility in Vermont. Over the next two years the Authority spent approximately $5 million evaluating numerous prospective sites in the state.

A site next to Vermont Yankee was evaluated in depth. This site was found to have extremely unfavorable geological conditions. Specifically, groundwater was very close to the surface and the underlying soil was comprised primarily of porous sand and gravel with short transit times to the Connecticut River. These conditions, in combination with Vermont's wet climate, would permit rapid migration of any materials leaking from a waste storage facility into the Connecticut River.

Following the abandonment of Vermont Yankee as a storage site, the Authority embarked on a voluntary siting process. Initial interest in several towns waned quickly as groups opposing nuclear power activated local opposition. It was the opinion of those working in the low level radioactive waste are that a facility could not be sited in Vermont.

Past experience with the existing low level radioactive waste storage facility in Barnwell, South Carolina, has demonstrated its unsuitability for Vermont's future low level waste storage needs. It appears that while storage space at Barnwell is adequate for some time, the continued operation of the site is questionable due to possible changes in political leadership in South Carolina. We believe that it is possible that the Barnwell facility could close if the current Republican administration in South Carolina were replaced by a Democratic governor. If Barnwell remains open, costs for storage are uncertain and will likely be higher. South Carolina has an expectation of deriving a certain level of funds for state education needs from Barnwell storage fees. This amount of funding has not been met resulting in a current crisis over continued Barnwell operations.

I expect that disposal in the Texas Compact will be less expensive than other options, even considering the $25 million cost for Vermont's participation. At current levels, Barnwell's cost of approximately $400 per cubic foot is higher than Texas' projected cost of between $118 and $275 per cubic foot. While it is likely that both cost figures will rise, I expect Texas to remain less expensive.

Not only is Barnwell more expensive than the Texas site, but it also appears that Barnwell is refusing to accept the internal components of commercial nuclear reactors that have recently retired in the United States. This could be especially troublesome for Vermont when Vermont Yankee ceases operations because of the relative volume of these components.

Vermont has attempted an in-state siting process and found that siting in Vermont would be difficult if not impossible. The uncertainty regarding the price and the availability of the Barnwell site make it an undesirable choice for Vermont's long term low waste storage needs. In summary, I believe that after careful consideration of both environmental and economic considerations that the Texas facility is the best option for Vermont's long term, low level waste storage needs. Please contact me if you would require additional information.

Sincerely,

RICHARD SEDANO,
Commissioner.

Mr. LEAHY. Mr. President, some critics of this Compact argue that the waste should be stored where it is generated. Although this argument is nobly egalitarian, it is not practical nor is it safe.

We cannot control the rainfall in Vermont. We cannot change the density of our soil. And we cannot move the people of Vernon out of the area to meet the criteria of a safe disposal site. So, Vermont had to look somewhere else.

Under this Compact, Texas has agreed to be the host for the disposal site. The Compact does not name a specific site. That is an issue to be decided by the people of Texas, as it should be.

Every other compact approved by Congress gives the host state the right to choose where the disposal facility is sited, according to the laws and regulations of that state. The same is true for this Compact.

Mr. President, I want to take a minute to talk about the process undertaken by Texas to site this storage facility. In 1991, the Texas legislature adopted legislation designating an area of 400 square miles (256,000 acres) in which the Texas Low-Level Authority was required to select a proposed site.

After performing site screening in the area defined by the legislature, the Texas Authority identified a 16,000-acre tract for further analysis, of which 1,300-acres would be used for the proposed site. Texas undertook a siting and licensing process similar to the federal National Environmental Policy (NEPA) process, which included numerous public hearings and technical and environmental reviews.

This process was recently reviewed by the two administrative law judges from the Texas Office of Administrative Hearings, who recommended the Texas Natural Resource Conservation Commission conduct additional analysis before the facility is licensed. The Governor and the State Legislature set up a process to select a site, which should be allowed to more forward.

Congress should not put special restrictions on this Compact simply because Texas is exercising its rights as the host state to determine where the facility will be located.

This Compact also allows the states of Vermont, Maine and Texas to refuse waste from other states. Specifically, Texas will be able to limit the amount of low-level waste coming into its facility from out-of-state sources.

As stated by the Governors of Vermont, Maine and Texas in a letter to the Senate Judiciary Committee in April, 1998, "If the facility opens without a Compact in place, Texas will be subject to accepting waste from around the country, and Maine and Vermont will not be guaranteed any storage space at the facility." Under the Compact, there is a controlled process for transporting and disposing of the waste at the facility. Without the Compact, that process evaporates.

This arrangement is not only the best environmental solution to store waste from our three states, it is also the best economic solution. Maine and Vermont together produce a fraction of what is generated in Texas, but by entering into this Compact we will share the cost of building the facility.

Right now, Vermont pays approximately $400 per cubic foot to dispose of our waste. Disposal at the Texas facility will cost only about $200 per cubic foot. If the Compact is not approved, it is the ratepayers of Vermont, Texas and Maine who will have to pay the extra cost of disposal.

Finally, building the facility does not end Vermont's obligation to the safety of this site. We have a long-term commitment to the site, from ensuring that the facility meets all of the federal construction and operating regulations to making sure the waste is transported properly to the site and that the surrounding area is rigorously monitored. Vermont will not send its waste to Texas and then close its eyes to the rest of the process.

I can assure you that Vermont will not send nuclear waste to Texas and then close its eyes to the rest of the process. We are just not going to do that. We are not a State that would do that.

Some might want to say it would be nice if we had no more nuclear waste. Unfortunately, we will. We will continue to have it. And we will still have to dispose of it.

I think we all recognize that there was no perfect solution for dealing with low-level nuclear waste.

But as long as we are generating power from nuclear facilities and as long as our research universities, hospitals and laboratories use nuclear materials, we are going to have to dispose of the waste.

We cannot continue to ignore the need to safely store nuclear waste. To do so would be to ignore the growing environmental problem of storing this waste at inadequate, temporary sites in Vermont, Maine and Texas.

Instead, we need to make a commitment to developing and building the safest facility for long-term storage of waste. That is what our States have done, and Congress should not stand in their way.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me start out by saying to my colleague from Vermont that this debate is not about suggesting that a dump has to be built in the Northeast. That is not what this debate is about. I say that to my colleague from Maine. No one has ever suggested that.

Let me also say that I have to smile as I hear my colleagues say that we need this compact to provide people in Texas with the guarantee that their dump won't become a depository, a national depository for waste. If there is no dump, they don't need the protection. This is an interesting argument—we have to have a compact—which, by the way, I don't think holds up under scrutiny. I will talk about that in a moment. We have to have a compact in order to give people in Texas—it is really in their self-interest. This compact will provide them with some protection that they won't have nuclear waste coming into their State from all over the country. By definition, if the dump isn't built, if the compact doesn't go through, then there won't be any nuclear waste dump, and, therefore, people in Texas won't have to worry about that protection. It is just a curious argument that caught my attention.

Mr. President, I want to say at the beginning that I rise to speak with as much passion and as much evidence that I can marshal as possible against this conference report, H.R. 629, the Texas, Maine, and Vermont compact, which will result in the dumping of low-level radioactive waste from Texas, Maine, and Vermont, and potentially other States and territories, at a dump located in Texas. The dump is expected to be built near the town of Sierra Blanca in Hudspeth County where 66 percent of the residents are Latino and 39 percent live below the poverty line. Let's not be fooling anybody. Here is what happened. This is what we have to vote on one way or another.

In Texas, the decision has to be made. Where are you going to put a nuclear waste dump site? Not surprisingly, when you have a former Governor here, or someone else living in another community who is politically connected there, none of those sites is considered. Instead, what we come up with—I will go through the whole history of this—is Sierra Blanca, Hudspeth County. This happens to be a community that is disproportionately Hispanic and disproportionately poor. And that is why this is a civil rights issue. That is why, colleagues, a lot of organizations—Latino and Latina—and a lot of environmental organizations are on record against this compact.

This is going the path of least political resistance. That is what this is about.

This is an issue of environmental justice. It is the business of all of us in the U.S. Senate, because we have to vote for or against this compact.

All of a sudden—I will get to this a little later on as well—some administrative law judges take a look at this, and they say, "You know what? This might not be a good idea because this is a geologically active area." That is a euphemism for an earthquake area. That is true. They have said that. But the problem is that the members of the commission in Texas that has made the decision are the Governor's appointees, and they don't have to listen to what these administrative law judges have said. And the executive director of this commission has made it clear that he won't. The Governor has made it clear that he is going forward with this.

But what we have here is an interesting game. No wonder people get angry about politics. What the State of Texas is saying is: Let's just put it off and not make the final decision though we know what the final decision is. We are going to locate this in a community where you have poor people and Hispanic people living. But we will not do that right away. Instead, we say we really haven't decided, and therefore we can get people in the Senate and the House of Representatives, we can give them cover, and they can say, "Oh, no, this isn't about environmental justice because they haven't selected the site."

I will go through this in a moment. That is an absolute sham. That is just a sham.

Mr. President, let me be real clear about this. The area that is chosen in Texas, not surprisingly, because this is apparent all around the country—poor people always take it on the chin. The communities of color always take it on the chin. Where are you going to put an incinerator? Where are you going to put a waste dump site? It is never in our backyard.

I would like to know whether any Senator has ever had a nuclear waste dump site proposed in his or her backyard or his or her community. And while I have not taken the survey, I bet the answer is not one.

This has to stop. This is an issue of environmental justice. That is why we are not just going to talk about this tonight. We are going to talk about this tomorrow, regardless of what the vote is.

Mr. President, here is what is really troubling about this process. We have been through this over a period of a year. It has been kind of one-sided, I say to my colleague in the Chair. It has been sort of like you have people—we have some people here tonight from Hudspeth County. We have people from other communities. We have some State legislators. We have people from the community. But you know what, they get to come up like once a year maybe. It is a long trip, costs a lot of money. But at the same time the utility industry—this isn't about States rights. This is about the utility industry, what the nuclear power industry wants, what the energy industry wants, what the big contributors want as opposed to the people who live in this community who have precious little by way of campaign contributions they can make. This is tied to reform and precious little clout, except this little community has been fighting hard for a year.

So what happened here? I came to the floor of the Senate twice and my colleagues agreed. I didn't hear anybody dissent. There was unanimous consent. Twice I came to the floor of the Senate with amendments. One amendment said let's make it clear that this nuclear waste can only come from Maine, Vermont and Texas. That is what we say it is about. So let's codify that. That amendment was passed in the House of Representatives as well.

The other amendment said if the people of Hudspeth County, as they seek redress of grievance, can show that they have been disproportionately targeted because they are Latina, Latino or poor, they should at least have the right to challenge this in court. And my colleagues, Democrats and Republicans alike, supported these amendments.

That is exactly what happens when an amendment passes on the floor of the Senate with unanimous consent. But then what do they do? They rely on the conference committee. I am starting to believe in a unicameral legislature, I really am, because I think the conference committee is the third house of the Congress and there is no accountability. This conference committee meets sometime, I don't know, 2 a.m., 1 a.m., sometime in the dark of night. Who knows when. And they just bulldoze right through and they knock out both amendments. The Senate is on record twice, first of all, voting for the amendments and then instructions to the conferees to honor the Senate's position.

Colleagues, they took those amendments out. And when you vote tomorrow, please, remember the Latina and Latino community, please remember the organizations, remember the environmental organizations, and other organizations I am going to refer to because they are going to be watching our vote.

Now, it would have been one thing if those amendments had stayed in. I think you would have had more support for this compact, or at least people could have said, well, you know what, at least now we know we are not going to get the shaft at least in one sense. People wouldn't have wanted it in their community, nor would the Presiding Officer, nor would my colleague from Maine, nor would any Senator here. No Senator here would want this waste dump site in their backyard, not one Senator, but it at least would have made this political process look a little bit more open and maybe a little fairer to people, if we had kept the amendments in.

But, oh, no, the conference committee meets somewhere, sometime and takes them out. So I will tell you, this compact should be defeated.

Now, the construction of this nuclear dump in this community raises important questions of environmental justice. This might be the first time in the history of the Senate we have had a debate about environmental justice in the Chamber. It is not just the fight for the people of Sierra Blanca or Hudspeth County or west Texas, for that matter. This is a fight for communities all across the country that don't have the political clout, that aren't the well heeled, that aren't the well connected, that aren't the investors, that aren't the big contributors, and all too often over and over again they are the ones we dump these sites on. This is a fight for poor people and poor communities that are rarely consulted.

This is a fight for people who are seen not as people who should have some say about their environment and their lives but as victims to be preyed upon because they are least able to defend themselves. Except the communities of Hudspeth County, Sierra Blanca, they have made it clear they are not victims. They have made it clear they are women and men of worth and dignity and substance, and they have been fighting hard.

Environmental justice, colleagues, is a difficult issue. Too often legislators and Government officials hide behind the excuse that there is nothing we can do about it, that discrimination results from decisions that are made in the private sector, that it is a matter of State or local responsibility, that it is too hard to prove. Well, this case is pretty easy. The dump won't be built if we reject this compact. We have a direct responsibility. There is a direct Federal role. We cannot wash our hands of this. We cannot go away and pretend that we are not to blame. We are all responsible, and it is up to each and every one of us to take a stand.

Let me go over some of the arguments. Argument No. 1: The Texas Compact raises troubling issues of environmental justice. There is a well-documented tendency for pollution and waste dump sites to be sited in poor minority communities that lack the political power to keep them out. In this case, the Texas Legislature selected Hudspeth County and the Texas Waste Authority selected the Sierra Blanca site after the Authority, after the Authority's scoping study had already ruled out Sierra Blanca as scientifically unsuitable.

Did you get that? Did you get that, colleagues, or staff, that are following this debate? The Texas Waste Authority selected the Sierra Blanca site after the Authority's own scoping study had already ruled out Sierra Blanca as scientifically unsuitable. Communities near the study's preferred sites had enough political clout to keep the dump out but Sierra Blanca, already the site of the largest sewage sludge project in the country, was not so fortunate.

There you go. There is the calculus. You have this poor Hispanic community. They have the largest sewage sludge project in the country. Why not just build a nuclear waste dump site there as well? Sierra Blanca is a low-income, Mexican-American community. Over 66 percent of the citizens of Sierra Blanca are Mexican-American and many do not speak English. About 39 percent live below the poverty line. Hudspeth County is one of the poorest and most heavily Latino areas of Texas. Under the Texas government code, Sierra Blanca is legally classified as a "colonia," which is an economically distressed area within 150 miles of the Mexican border that possesses inadequate water and sewer services, and this is the community that has been targeted for this nuclear waste dump site.

Sierra Blanca is already the site of the largest sewage sludge project in the country, and the Environmental Protection Improvement Corporation is now asking the Texas environmental agency for a license for yet another sewage sludge project east of Sierra Blanca.

Now, I ask my colleagues, I ask the Presiding Officer, if you had the largest sewage sludge project in your community, you are now targeted for another one, and on top of that you would have a nuclear waste dump site also in your community, even though it is a geologically unstable community, earthquake area, would you not have some questions about this?

I heard my colleagues say somewhere that a judge had won an election and, therefore, oh, no, the people there really want it. Look, why don't we just think about this for a moment? Do you really believe that? Do you really believe that? Do you really believe the people in any of the communities that we represent would really want a nuclear waste dump site where they live, on top of the largest sewage sludge project in the country? Do you believe that?

Mr. President, 20 surrounding counties and 13 nearby cities have passed resolutions against it and no city or county in west Texas supports it. I hear one person is elect and that is used as the basis for arguing that the people in the community want it? Give me a break. Give me a break. Mr. President, 20 surrounding counties and 13 nearby cities have passed resolutions against it and no city or county in west Texas supports it. Over 800 adult residents of Sierra Blanca have signed petitions opposing the dump, and a 1992 poll commissioned by the Texas Waste Authority showed that 66 percent of the people in Hudspeth and Culberson Counties were in opposition. Republican Congressman BONILLA, who represents Hudspeth County, and Democratic Congressman CIRO RODRIGUEZ, who represent neighboring El Paso and San Antonio, have all actively opposed the Sierra Blanca dump. And we are being told the people support it?

In an October 1994 statewide poll, 82 percent of Texans were against it—82 percent. Earlier this month, 1,500 U.S. and Mexican citizens, including Texas State Representatives and Senators and Representatives from Mexico, marched from the Mexican border to Sierra Blanca, through scorching desert heat—and it has been hot in Texas—to protest the dump. Local residents have had no say over whether the waste dump should be constructed in Sierra Blanca; no say. They never were consulted at any stage in the process, but rather they were informed after the fact. Each time the waste authority or the legislature selected Hudspeth County for a dump site, and especially after local residents had already won a court case to reverse the selection of Fort Hancock, the news took local residents by complete surprise. At no stage in the site selection process were the residents of Sierra Blanca involved in the decisionmaking.

Now, I said this is an environmental justice question. Listen to this, and I will come back with this tomorrow morning again. A 1984 public opinion survey commissioned by the Texas Waste Authority provides some real useful context for how this has all taken place. The report is called, "An Analysis of Public Opinion on Low-Level Radioactive Waste Disposal in Selected Areas." This report goes on to talk about the benefits of keeping the Latinos uninformed:

> One population that may benefit from [a public information] campaign is Hispanics, particularly those with little formal education and low incomes. This group is the least informed of all segments of the population. . .. The Authority should be aware, however, that increasing the level of knowledge of Hispanics may simply increase opposition to the [radioactive dump] site, inasmuch as we have discovered a strong relationship in the total sample between increased perceived knowledge and increased opposition.

I'll tell you what, I would be ashamed to be a decisionmaker in any kind of process, any kind of consulting report, saying: Better not have these Latinos informed because there is a strong correlation between the amount of their perceived knowledge and their increased opposition.

Well, I guess so. I guess, if every Senator had knowledge of a nuclear waste dump site that was going to be dumped in his or her backyard, the more he or she knew, the more likely they would be in opposition. And we are being told the people in the community just can't wait to have this. There is a danger. I am in profound disagreement with my colleagues that this poor Hispanic community could become a national repository for low-level radioactive waste. We are being told that this will be their savior, this compact will protect them from becoming a national repository.

The conference report—and if my colleagues have any information or facts that contradict what I am about to say, I would certainly appreciate hearing it—the conference report on H.R. 629 would allow appointed compact commissioners to import radioactive waste from any State or territory. They have it within their authority to do so. There is no language that prohibits them from doing so. And both the State of Texas and nuclear utilities across the country will have an economic incentive to bring in as much waste as possible to make the dump economically viable and to reduce the disposal costs.

Let me be clear about it again. This conference report does not have one word that would prohibit the appointed compact commissioners from importing radioactive waste from any State or territory in the country. If you had not stripped out our amendment, which the Senate unanimously supported twice, which said that the waste can only come from Texas and Vermont and Maine, then there would be some protection of this kind. Not any longer. Don't be making the argument that this Compact, stripped of the protection for people, now provides people with the protection.

Section 3.05, Paragraph 6 of the Compact provides that the Compact Commission may enter into an agreement with any person, State, regional body or group of States for importation of low-level radioactive waste. Shall I repeat that, because I have heard it said on the floor of the Senate that this Compact is great because it protects people from becoming a national repository site? Section 3.05, Paragraph 6 of the Compact provides that the Compact Commission may enter into an agreement with any person, State, regional body or group of States for importation of low-level radioactive waste. All it requires is a majority vote of the eight unelected compact commissioners. And the conference committee—and I know the Senators from the States out here were part of this—stripped away the amendment that said it could only come from Texas, Maine or Vermont.

Mr. President, according to the Texas Observer, March 28, 1997:

> More than two or three national dumps will drive fees so low that profit margins anticipated by States (and now private investors) will be threatened. This economic reality—and growing public resistance to new dumps—has raised the very real possibility that the next dump permitted will be the nuclear waste depository for the whole nation, for decades to come.

They could very well be right, and you know what? They could not have made that argument about what is about to happen to the people of Sierra Blanca if the conference committee had kept in our amendment. But, no, no. The utility industry, they know what the potential of this is. They didn't want that. The conference committee stripped the House and Senate environmental justice amendments.

To avoid turning this low-income Mexican-American community into a national depository for radioactive waste, I offered two amendments. The first would have given local residents the chance to prove environmental discrimination in court, and the second, as I have said three times or more, would have limited incoming waste to the States of Texas, Maine and Vermont. My colleagues, in the dark of night in conference committee, decided that it would be a crime to give local residents a chance to prove environmental discrimination in court. And my colleagues, in the dark of night in conference committee, decided that it would be a crime to make sure that we codified in language our claim that the waste would only come from Maine and Vermont and Texas.

The Senate instructed conferees to insist on these amendments, but the conference ignored the Senate's instructions and stripped them both and that is why Senators should vote against this compact. The conference committee even stripped the amendment limiting the waste to three States, despite the fact that this provision was passed by both the Senate and the House. Mr. President, we have a national responsibility to remedy this injustice, especially since Congress would be complicit in construction of this dump.

This is not a purely State and local issue. I have heard this argument made: This is a State or local issue; we have no business being involved. Of course we do. We are being asked to vote on it.

Then this argument that is being made, which I will get to in a moment, is, "Well, wait a moment, there is no waste dump site for sure that has been selected." Do you know what? If you want to make this argument, why are we pressing for a vote on this compact? It is one of two ways: Either colleagues can come out here and they can say, "You know what? Now these administrative judges have issued a report, and they should have, and what they said is correct saying this is a geologically unstable area. And so maybe, Senator WELLSTONE, all that you are talking about, about the injustice of this waste dump site being put right on top of a poor Hispanic community, may not happen, because we haven't really decided." So say some people right now in this debate. I heard it from my colleagues tonight. If that is the case, we shouldn't vote on this yet. Let's wait and see, and then we will know what is in the compact and we will know exactly where this has been sited.

Or, we have to vote no, because if you vote yes, you are complicit in the construction of this dump. And I want to tell you, the siting process is outrageous. This siting process that took place in Texas is outrageous. It is an affront to anybody's sense of justice. This is not a purely State or local issue, because we have to vote on it.

For constitutional reasons, the Texas compact cannot take effect without Federal legislation. Senators from all 50 States, not just the compact States, will be asked to give their consent.

Mr. President, in the El Paso Times of May 28, 1998, Governor Bush said:

> If there's not a Compact in place, we will not move forward.

In an interview published April 5-11, El Paso, Inc., Governor Bush said:

> The legislation would approve the Compact between Texas, Maine and Vermont. If that does not happen, then all bets are off.

Moreover, the Texas Legislature has indicated it will not fund construction without the upfront money from the compact.

The Texas Waste Authority requested over $37 million for fiscal year 1998-1999 for construction of the dump, but the legislature allocated no construction money. They did not appropriate funding for the licensing process and for payments for the host county after the House zeroed out funding for the authority altogether.

Congress is responsible for this dump. If you will, this dump site has been dumped on the Congress, it has been dumped on the Senate. Construction of the Sierra Blanca dump depends upon the enactment of the conference report to H.R. 629. If the Senate rejects it, Texas will not build a dump in Sierra Blanca. But within 60 days of its enactment, Maine and Vermont will pay Texas $25 million to begin construction.

We wouldn't even be having this battle if these amendments had been kept in. I wouldn't have liked it. I would have still had questions about this, but I would have thought at least there was some sense of fairness and justice. I want every one of my colleagues to know, you voted, we voted unanimously, to make sure that we made it clear that, indeed, this waste could only come from Maine, Vermont, and Texas, and we voted unanimously that the people should have a right to prove discrimination in court.

But now, that has been taken out in conference committee. So you have the compact without any of the protections for people. You have the compact, with all of its injustice, and it is simple: If you vote against it, then you are voting against Texas building a dump site, a nuclear waste dump site in Sierra Blanca, which is an environmental injustice. If you vote for it, then within 60 days of enactment, Maine and Vermont will pay Texas $25 million to begin construction. If my colleagues want to say, "Paul, we agree this isn't right, what is being done to these people, but you don't know for sure it is going to be this site," then I say, "Why don't we postpone this vote? Why are you so anxious to ram it through?"

I heard about other compacts. There are two points. First of all, other compacts, other compacts, fine, but the issue at hand is this compact, this site selection.

Mr. President, this whole argument about, "Well, we don't really know the specific site," again, the administrative judge's decision is not binding. That is point No. 1. The Texas environmental agency's Governor appointees are not bound by this at all. They are all appointed by the Governor. They can do whatever they want. The views of this agency, as I said before, which will make the decision, are known. The executive director argued against the hearing officer's recommendation. He said:

> Additional information on "special impact" [i.e., environmental justice] is not needed to make a decision on the license application. The executive director recommends issuance of a license because the applicant has met all the requirements under the law.

We know what they are going to do. Come on, let's just be direct about this. The Governor's views are known. I have quoted him.

And then there is the box law. I say to my colleagues, you need to know the specifics of what you are voting on here. The Texas Legislature selected Hudspeth County to host the dump in 1991, and the Texas Waste Authority identified a dump site near Sierra Blanca in 1992. The 1991 box law is still on the books, and regardless of what the TNRCC does, the box law requires that the dump be built in Hudspeth County, which is predominantly Hispanic and poor.

I want to make that clear—I want to make that clear—that is where it is going to be built, and it is an environmental injustice. It is time we stand up against this kind of injustice. This is not the decision of the people of Maine or the decision of Vermont, but this is what is going to happen.

Mr. President, this conference report is about nuclear utility rights, not State or local rights. The conference committee followed the wishes of the nuclear utilities, not the local residents. Nuclear utilities who stand to benefit from cheap disposal of nuclear waste strongly supported this legislation without amendments. Local residents, including the local Republican Congressmen, overwhelmingly opposed the dump.

Of course, the utility industry got their way in conference committee. We know their clout here. They never wanted people anywhere—it is not, in all due respect to the people who are here tonight from Hudspeth County, it is not just you. This industry doesn't want regular citizens anywhere in the country to have a right to prove discrimination. And this industry has big plans for Hudspeth County as a national repository for waste, so they didn't want any amendment making it clear it could only come from Maine or Vermont or Texas.

Mr. President, I think that I might have said enough for tonight, or maybe not. We will see how the debate goes. I will have tomorrow morning to speak about this as well.

I have not, in all due respect, heard one argument on the floor of the Senate that is very persuasive. It is just simply not true this compact is all about giving people the protection from being a national repository site. It is simply not true that this is just sort of medical waste from hospitals, it is gloves. It is simply not true this is simply low level so we don't have to worry about it. It is simply not true that this is none of our business. This is a civil rights issue.

Let me conclude by including some quotes, if I can find them.

Mr. President, I will do the quotes tomorrow. It is a civil rights issue. That is what this is all about. This is the issue that we have been talking about. As a matter of fact, this is an issue of, every time we are faced with a situation about where a nuclear waste site goes, a dump site goes, or incinerator—and the list goes on and on—then what happens is communities of color, low-income communities, are the ones that are targeted. That is exactly what has happened in Texas.

We had amendments that would have provided some protection. The Senate went on record. Every Senator supported those amendments, and then they were stripped out of conference committee. That is why Senators should vote against this.

Mr. President, I just want to make it clear that the League of United Latin American Citizens, LULAC, is adamantly opposed to this. I believe they are going to use this for scoring. That is important. By golly, people in the Latino community ought to hold every Senator accountable for their vote on this. It is a civil rights issue. There is a strong letter from the Leadership Conference on Civil Rights in favor of both our amendments which were stripped out of the conference committee in the dark of night. The House Hispanic caucus favored the amendments opposed to this compact, the Texas NAACP, League of Conservation Voters. This is a major issue of justice, and it is a major environmental issue as well.

I conclude by urging my colleagues to vote against this compact. And on the floor of the Senate tonight and tomorrow morning I will also make an appeal to the administration: Mr. President, Mr. Vice President, we need you to speak out on this. You have talked about environmental justice. You have said it is a major priority. What is happening with this compact, what is now being proposed—just think of what this is going to mean for the people who live in Sierra Blanca. If there is ever one example that brings into sharp focus the issue of environmental justice, this is it. We need the President to make it clear that if this should pass, he will veto it. This compact should not pass in its present form.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Maine.

Ms. SNOWE. Mr. President, I will just make a few brief concluding comments in response to some of the issues that were raised by the Senator from Minnesota. I respect his views and his opinions although we certainly differ on the perspective on this issue. This isn't a unique or different approach to this issue of the disposal of low-level radioactive waste. Indeed, the U.S. Congress mandated that the States assume the responsibility of the disposal of low-level radioactive waste in or out of their States. And this is in response to a congressional mandate that began in 1980 and, as I said earlier, reinforced by amendments to that act in 1985.

So this isn't a diversion from that approach. It isn't different from all of the other compacts that have been ratified by the Congress over time. And, as I said earlier, there are nine different compacts, that include 41 different States, including the State of Minnesota, the State that the Senator represents. So why should Texas and Maine and Vermont be any different?

The Senator referred to some of the amendments that he had offered to this legislation, but they did not prevail. Those amendments did not prevail because those conditions and stipulations would require years of reratification. And I mention the fact that those conditions were not included in any of the other nine compacts that were enacted and ratified by the Congress over the years.

We all respect the Senator's perspective on the issue of environmental justice. No one is suggesting for a moment that we should override the environmental issues, any of the issues that would adversely, and disproportionately adversely, affect a community with respect to public health and safety questions, environmental issues, or income.

We believe in the State of Texas—through its procedures, through its public procedures, through its political process, through its State laws, through the Federal laws—to make the appropriate decision, environmentally and scientifically and geologically, in terms of the safe disposal of low-level radioactive waste. That is the issue here. And we are doing this consistent with all of the other compacts and all of the other statutes that have been enacted by the U.S. Congress over the last 20 years.

In fact, I was in the House of Representatives back in 1980 when this was a major question: How do we resolve it? It is not an easy question. It is not as if we do not have low-level radioactive waste. We have a problem, as we do with high-level radioactive waste. But we have hospitals and we have research laboratories, and we have to dispose of the materials that result from those facilities; we have no choice. And that is why we have this compact before the U.S. Senate, as do so many of the other States.

Forty-one States, including the Senator's own State of Minnesota, have a compact. But now we are saying Texas and Vermont and Maine are not allowed to enter into a compact? Are we saying that the Governor of the State of Texas or the legislature, the house and the senate, are not concerned with the views of their constituencies with respect to this issue?

Mr. WELLSTONE. Mr. President, will the Senator yield?

Ms. SNOWE. Are we saying that senators and representatives are not concerned with the views of the constituents who live in Sierra Blanca or any other locations where these facilities are sited? Are we trying to override the Clean Air Act, the Clean Water Act, the Nuclear Regulatory Commission, that are all referenced, I might add, in the conference report? None of this can be sited anywhere on Earth without regard to environmental and public health and safety questions. It has to go through a process.

In fact, the Senator from Minnesota mentioned two administrative law judges in Texas who have been conducting evidentiary hearings on the license application to construct and operate this disposal site. And the judges issued a proposal for decision on the application in Hudspeth County saying they needed more information in two aspects of the potential site. And the appropriate Texas agency is now taking the recommendation under consideration and responding on the safety question. And the judges want more information as to whether there are any negative socioeconomic impacts in this facility to the citizens and to tourism. So environmental justice is being considered. This isn't ignoring those issues. That is why this legislation is site-neutral, because we want the appropriate agencies and statutes at the Federal, State and local levels to take hold and determine what is the safest location, respecting the wishes of a community.

Now, the Senator mentioned the people who don't support it in Hudspeth County. We don't even know, in the final analysis, if that is where it is going to be. That is up to the State of Texas through its process. That has been stipulated in law in terms of what they have to consider.

It says:

> Nothing in this compact that diminishes or otherwise impairs the jurisdiction, authority, discretion of the either the following: The U.S. Nuclear Regulatory Commission, the Atomic Energy Act of 1954. Nothing in the compact confers any new authority to the State commission to do any of the following: Regulate the packaging or transportation of low-level waste, regulate the health, safety and environmental hazards from source byproducts and special nuclear materials, or inspect the activities of licensees of the agreement of the States or U.S. Nuclear Regulatory Commission.

All of it is in place, just like it has been done for 41 other States over the years. That is what we are talking about. We are not saying we are going to run roughshod over anybody's wishes or rights. That is a determination that has to be made with the State of Texas through the public process, which has been done and is continuing at this moment. That is what we are asking.

So I hope that my colleagues will support the conference report, which is not unusual, not unlike any of the 9 previous compacts that have been ratified by the Congress over the last 20 years.

I yield the floor.

Mr. WELLSTONE. First of all, Mr. President, I want to say to my colleague that this waste disposal compact is not functional. We have no nuclear waste dump sites that have been chosen. I am not sure how many of these compacts have ever chosen a dump site. I don't know whether my colleague knows the answer to that question. I don't, but I am guessing it's very few, if any. Let me be clear about that. I am not aware that any of these compacts have led to nuclear waste dump sites. If so, I bet it is precious few.

I'm confused. On the one hand, we hear some discussion on the floor of the Senate about how we look at the selection by this person. Do the people in the community really want this? Then we hear that it may not even be in Hudspeth County. I spent 45 minutes going through the background of this, all the way from when the legislature made the decision in 1991. Of course it is going to be there. I went through all the quotes. Yes, you have some administrative judges. I ask my colleague, if you are convinced that we don't know what the site is yet—and, of course, one difference between this and any other compact is that we didn't have sites before—then why don't we wait for a vote on this until we know where the site is? That would be the best thing to do. That would be a fair thing to do.

Commissioner John Hall, by the way, in talking about the issue of environmental justice—my colleague says, of course, the people are concerned about this—made it very clear that this issue isn't going to be addressed in the State licensing process. It has not been addressed and will not be before the final license is issued. My colleague may want to think otherwise because it is more comforting, but it is just not the case.

The commissioners of the Texas administrative agency, TNRCC, which will make the final decision on the Sierra Blanca license, have stated that environmental justice must be addressed at the Federal level because Texas has no clear standards or requirements for evaluating them. Commissioner John Hall explained at a 1995 meeting of the TNRCC, "This whole issue probably needs to be addressed. But it is not this commission's job to articulate a new major policy of that sort. That has to be left to the United States Congress. That is not our job. Our job is to apply the standards as they exist, and while that may be a very legitimate issue, that is not our job."

You just can't have it both ways. People in Texas say, and the Commissioner says, "We are not going to be dealing with this issue of environmental justice." I went through the process. They came across Hudspeth County and moved it away from other sites where people had clout. They have chosen a geologically unstable area. I have all sorts of religious and civil rights organizations who say this discriminates against people in the community who are disproportionately poor or who are Hispanic as well. The executive director of the TNRCC explained in his motion to strike that "environmental justice is not one of the criteria to be considered under the Texas Radiation Control Act or the rules of the TNRCC in the commission's decision whether to license the facility." They are not looking at that at all. They are saying they can't. They are saying it is up to us. I had two amendments that my colleague from Maine supported—it was unanimous consent, and any Senator who wanted to disagree could have come to the floor and disagreed—which said people ought to at least have a right to prove discrimination if there is discrimination, and let's make sure this only comes from Maine, Vermont and Texas. Both of those amendments, at the wishes of the utility industry, were taken out in committee.

I am saying to colleagues one more time—vote for this and you just watch. I will bet you every dollar I have, which isn't a lot, if we vote for this compact, that dump site will be located in this Hispanic, low-income community. I will bet you there is not one Senator in here who would want to make a bet with me on that. That is what this is all about. Don't be fooled. The amendments were stripped out. This compact now is a major injustice. It could have been a much better agreement, but somebody—and I don't even know who—decided they wanted to take out these amendments. Now it is up to colleagues in the Senate to vote against this. Otherwise, you will be voting for a major injustice. You will be voting for what I consider to be a violation of the civil rights of the people that live in Hudspeth County.

Mr. President, I yield the floor, and I have concluded my remarks for tonight.

Mr. HATCH. Mr. President, I rise today to support the conference report to H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact, a Compact among the states of Texas, Maine, and Vermont. The Texas Compact which was introduced in the House by Representative BARTON and has 23 cosponsors, and the conference report to the Compact, both passed the House overwhelmingly with bi-partisan support. I am confident that the conference report to the Texas Compact will now pass this body with the same commanding support it garnered in the House.

In July of this year, I was a Conferee to the Texas Compact along with Senators THURMOND and LEAHY. I thank Senators THURMOND and LEAHY, Congressman BLILEY who chaired the conference, and all other conferees for working together to accomplish the goal of passing the Texas Compact through conference without any unnecessary or distracting amendments that would have forced the Compact States to go through an arduous re-ratification process. After thorough consultation with the governors of the Compact States, the conferees unanimously agreed to recede from two amendments that were offered by Senator WELLSTONE. The Wellstone amendments would have spawned costly litigation and imposed strict limitation not imposed on other existing compacts. The conferees ultimately concluded that the amendments were not in the best interests of the Texas Compact.

The passage of this Compact will place the States of Texas, Maine, and Vermont in compliance with the 1980 Low-level Radioactive Waste Policy Act which Congress passed in an effort to establish a uniform Federal policy on nuclear waste disposal. While the Federal Government retained responsibility over high-level waste disposal, this act placed the onus on the States to dispose properly of low-level radioactive waste generated within their borders.

To promote and encourage the fulfillment of this obligation by all States, Congress authorized the States to enter into compacts with other States to share waste disposal facilities. It is pursuant to this obligation and mandate that the Texas-Maine-Vermont Compact was negotiated and approved by the legislatures of Texas and Vermont and through a public referendum in the State of Maine. The compact was subsequently signed by the governors of all three states.

Currently, nine interstate compacts involving 41 States are operating through Congressional consent. I have received a letter signed by the Governors of Texas, Maine, and Vermont urging Congress to pass this compact as passed by the States. This compact would bring these states into compliance with federal law. The hard work for drafting a compact that all three states would ratify and that would meet with congressional approval has been completed for some time. The States have carefully crafted a compact that will serve their low-level waste disposal needs in a responsible and lawful manner.

The States have done their part and have been patiently waiting for congressional consent before moving forward with plans to construct the waste disposal facility. It is now time for this body to do its part in assuring that this compact will be passed swiftly without further delay. I therefore support this important piece of legislation, and encourage my colleague to do the same.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. There are 40 minutes equally divided and reserved for tomorrow. Both sides are yielding back the balance of the time for tonight?

Ms. SNOWE. That's correct.

Mr. WELLSTONE. That's correct.

MORNING BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, this morning I missed the vote on the Fiscal Year 1999 Military Construction Appropriations Conference Report, which this body approved by a wide margin. I missed the vote due to a long airline delay—a delay especially vexing to me because I had scheduled my departure from South Carolina to arrive here in plenty of time to vote on this legislation. Had I been here, I would have been proud to cast an "aye" vote for this bill.

As a combat veteran, I'm convinced a strong and vigorous military is vital to our nation's security and interests. The Military Construction Appropriations Conference Report is crucial to strengthening our armed forces, and it is tremendously important to the people of South Carolina.

I was proud to work with fellow Appropriations Committee members to secure additional money for projects at the Parris Island Marine Corps Recruit Depot, McEntire Air National Guard Station, Spartanburg Air National Guard Center, Beaufort Marine Air Corps Station, and Charleston Air Force Base. In addition to strengthening our military, these projects will help the brave men and women in uniform who serve on these bases and their dependents.

I was proud to help make the 1999 Military Construction Appropriations Conference Report a reality, and I'm pleased to see it approved today by the Senate.

Mr. COVERDELL. Mr. President, with regards to this morning's vote on the military construction appropriations conference report, vote number 253, I would like the RECORD to show that had I been present I would have voted aye. This bill provides important funding for military construction projects across the country, including a number of projects at military installations in Georgia.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3696. An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse"; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 624: A bill to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce (Rept. No. 105–297).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolutions (S.J. Res. 40 and H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States (Rept. No. 105–298).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2429. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans Affairs.

By Mr. GRAMS:

S. 2430. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. HELMS, Mr. STEVENS, Mr. COCHRAN, Mr. INOUYE, Mr. HOLLINGS, Mr. SPECTER, Mr. FAIRCLOTH, Mr. DURBIN, and Mr. FORD):

S.J. Res. 55. A joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served inpositions of command during World War II, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. Res. 268. A resolution congratulating the Toms River East American Little League team of Toms River, New Jersey, for winning the Little League World Series; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 269. A resolution to authorize production of Senate documents and representation by Senate Legal Counsel in the case of Rose Larker, et al. v. Kevin A. Carias-Herrera, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2429. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans' Affairs.

NATIONAL CEMETERY LEGISLATION

Mr. CLELAND. Mr. President, today I am pleased to offer an important piece of legislation designed to address a critical need of Georgia's veterans and their families.

One of the greatest honors our country provides for a veteran's service is the opportunity to be buried in a national cemetery. It is logical that a veteran's family would want to have the grave site of their loved one close by. They want to be able to visit to place flowers or a folded American flag by the headstone of their father, mother, sister or brother. Georgia veterans' families deserve such consideration. The establishment of a new veterans national cemetery in the Atlanta metropolitan area is one of my highest legislative priorities.

The current veterans population in Georgia is estimated to be nearly 700,000, with over 400,000 residing in the Metro Atlanta area. Our state currently has two cemeteries designated specifically for veterans, in Marietta and Andersonville. Marietta National Cemetery has been full since 1970, and Andersonville National Historic Cemetery is located in southwest Georgia, at a considerable distance from most of the state's veterans population.

The large population of veterans' families in Metro Atlanta and North Georgia is not being served, and we need to change that.

Abraham Lincoln once said: "All that a man hath will he give for his life; and while all contribute of their substance the soldier puts his life at stake, and often yields it up in his country's cause. The highest merit, then, is due to the soldier."

We owe it to our veterans and their families to provide a national veterans cemetery close to their home.

I have been pursuing this matter for over 20 years, since I was head of the Veterans' Administration, now called the Department of Veterans' Affairs. Nationally, there are over 300,000 vacancies in national cemeteries for veterans, but in Georgia, there are no such vacancies. The only option these veterans have is burial in Andersonville, a national historic cemetery which is operated by the National Park Service, not the VA, and is more than 100 miles away from the Metro Atlanta area. This deeply concerns me, especially when one considers that Georgia has the highest rate of growth in terms of military retirees in the Nation, and that the majority of these veterans reside in Metro Atlanta. We really must do better for our veterans.

In 1979, when I was head of the VA, our studies documented that the Atlanta metropolitan area was the area having the largest veterans population in the country without a national cemetery. Later that same year, I announced that Metro Atlanta had been chosen as the site for a new VA cemetery, which was to be opened in late 1983. The Atlanta location was chosen after an exhaustive review of many sites, including consideration of environmental, access, and land use factors, and most importantly, the density of veterans population. Unfortunately, the Reagan Administration later withdrew approval of the Atlanta site. Over the years since then, Atlanta has repeatedly been one of the top areas in the United States most in need of an additional national cemetery.

Mr. President, the bill I am introducing today is simple. First, it requires the Department of Veterans Affairs to establish a national cemetery in the Atlanta metropolitan area not later than January 1, 2000. Second, it requires the Department to consult with appropriate federal, state, and local officials to determine the most suitable site. Finally, the bill further requires the Secretary of Veterans Affairs to report to Congress on the establishment of the cemetery, including an estimate on its cost and a timetable for completion of the cemetery.

I believe this bill is a necessary first step toward the eventual establishment of a national cemetery to meet the needs of Atlanta's veterans and their families. Admittedly, several factors must be resolved before the cemetery can be established. A site must be found and funding must be made available. However, we must move swiftly to resolve this problem so that a critical element of our commitment to the Nation's veterans can be met.

I am hopeful that the Senate will take favorable action on my bill early in the next Congress. I want to thank my colleague from Georgia, Senator COVERDELL, for joining me in this important effort, and Representative BARR for sponsoring the companion bill in the other body.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Atlanta, Georgia, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Georgia and local officials of the Atlanta, Georgia, metropolitan area, and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging

to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(d) DEADLINE.—The Secretary shall complete the establishment of the national cemetery under subsection (a) not later than January 1, 2000.

Mr. COVERDELL. Mr. President, today I am proud to join my esteemed colleague from Georgia, Senator CLELAND, in introducing this very important piece of legislation authorizing a new National Cemetery in the Atlanta, Georgia, metropolitan area. For many years Georgia has had a pressing need for a new national cemetery for veterans. Now, with the leadership of my friend from Georgia who, I might add, has been working to make this a reality for about twenty years, and with the introduction of this legislation, I believe we can finally build this much needed cemetery.

Mr. President, Georgia has one of the fastest growing veterans populations in the country. Currently, about 700,000 veterans call Georgia home with well over half, about 440,000, living in the Metro-Atlanta region; the area where this new cemetery would be built. However, the only national cemetery in the area has been full since 1970. Furthermore, the only other veterans cemetery in the state is operated by the National Parks Service, not the Department of Veterans' Affairs, and is in Andersonville, a town in southwest Georgia far from the concentration of Georgia veterans.

Mr. President, I believe my colleague has clearly demonstrated to us all further justification for a new national cemetery in Georgia. VA studies have concurred the need for this cemetery and, in fact, Atlanta was chosen as a site for a new cemetery in 1983. Again, Senator CLELAND makes all this clear and I thank him for his dedication to this project.

Burial in a national cemetery is a deserving honor for our nation's veterans, but it is becoming increasingly difficult to bestow upon them, especially in Georgia. This bipartisan legislation seeks to remedy this situation. Mr. President, by focusing on areas across the country with pressing needs for more burial slots, Congress can increase access to the honor of burial in a national cemetery. Georgia is such an area. By passing this measure, Congress would help veterans, and their families, find a burial place befitting their patriotic service to this great land.

By Mr. ROTH (for Mr. BIDEN, Mr. THURMOND, Mr. HELMS, Mr. STEVENS, Mr. COCHRAN, Mr. INOUYE, Mr. HOLLINGS, Mr. SPECTER, Mr. FAIRCLOTH, Mr. DURBIN, and Mr. FORD):

S.J. Res. 55. A joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served impositions of command during World War II, and for other purposes; to the Committee on Armed Services.

JOINT RESOLUTION RELATIVE TO REAR ADMIRAL HUSBAND KIMMEL AND MAJOR GENERAL WALTER SHORT

• Mr. ROTH. Mr. President, on Wednesday, September 2, 1998 the *U.S.S. Missouri*, arguably our nation's most famous battleship, will be permanently berthed at Pearl Harbor. The *Missouri*, with its remarkable and gallant history of naval combat in the United States Navy, will serve as a fitting monument to those Americans who fought and died in the name of freedom, liberty, and justice.

However, I must confess that the remembrance of the events surrounding the December 1941 attack on Pearl Harbor also rekindles a painful memory of one of the great injustices that occurred within our own ranks during World War II, an injustice that still remains, an injustice that continues to tarnish our nation's military honor.

Admiral Husband Kimmel and General Walter Short were the two senior commanders of U.S. military forces deployed in the Pacific at the time of the disastrous surprise attack on Pearl Harbor. In the immediate aftermath of the attack, these two commanders were unfairly held singularly responsible for the success of the attack. They were scapegoated.

First, they were publicly accused of dereliction of duty by a hastily conducted investigation. Then, when subsequent investigations conducted during World War II exonerated these officers, those findings were kept secret on the grounds that they undercut the war effort.

But, what is most unforgivable is that after the end of World War II, this scapegoating was given a near permanent veneer when the President of the United States declined to advance Admiral Kimmel and General Short on the retired list to their highest ranks of war-time command—an honor that was given to every other senior commander who served in war-time positions above their grade. As Commander-in-Chief of the Pacific and United States Fleets, Admiral Kimmel, a two star, served as a four star commander. Major General Short, also a two star, served as a three star commander when he was the Commanding General of the Army's Hawaiian Department.

Today, this singular exclusion from advancement on the military's retired list only perpetuates the myth that Admiral Kimmel and General Short were derelict in their duty and singularly responsible for the success of the attack on Pearl Harbor. This is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States. It is clearly inconsistent with the most basic notion of fairness and justice. Such scapegoating is inconsistent with this great nation's unmatched military honor.

It is high time that this injustice suffered by General Short and Admiral Kimmel be rectified. Toward that end, I introduce on behalf of myself, Senator BIDEN, the Chairman of the Armed Services Committee, the Chairman of the Foreign Relations Committee, the Chairman of the Appropriations Committee, the Chairman of the Veterans Committee and Senators INOUYE, COCHRAN, HOLLINGS, FAIRCLOTH and DURBIN, a joint resolution intended to right this longstanding injustice.

The joint resolution calls upon the President to posthumously advance on the retirement list Major General Short's grade to Lieutenant General—his rank of command as Commanding General of the Army's Hawaiian Department and Rear Admiral Kimmel's grade to Admiral—his rank of command as Commander in Chief, U.S. Fleet.

The facts that constitute the case of Admiral Kimmel and General Short have been remarkably documented over time—which is one the reasons that I am disappointed that after fifty-seven years this injustice has not been rectified.

Since the attack on Pearl Harbor back in December of 1941, there have been numerous investigations and histories on the job performance of Kimmel and Short. These include nine official governmental investigations and reports and one inquiry conducted by a special Joint Congressional Committee. Findings of six of these inquiries are noted in the resolution.

Perhaps the most flawed, and unfortunately most influential investigation, was that of the Roberts Commission. Less than 6 weeks after the Pearl Harbor attack, it presented a hastily prepared report to the President accusing Kimmel and Short of dereliction of duty—a charge that was immediately and highly publicized.

Admiral William Harrison Standley, who served as a member of the Roberts Commission later and disavowed its report, stated that Admiral Kimmel and General Short were "martyred" and "if they had been brought to trial, they would have been cleared of the charge."

Later, Admiral J.O. Richardson, who was Admiral Kimmel's predecessor as Commander in Chief, U.S. Pacific Fleet, wrote:

> In the impression that the Roberts Commission created in the minds of the American people, and in the way it was drawn up for that specific purpose, I believe that the report of the Roberts Commission was the most unfair, unjust, and deceptively dishonest document ever printed by the Government Printing Office.

The highly publicized accusation of that infamous investigation contributed to the inaccurate myth that these two officers were singularly responsible for the success of the attack on Pearl Harbor.

Since 1941 a number of official investigations provided clear evidence that these two commanders were unfairly singled out for blame that should have been widely shared with their senior commanders. These reports include, among others, a 1944 Navy Court of Inquiry, a 1944 Army Pearl Harbor Board of Investigation, a 1946 Joint Congressional Committee Report, and more recently a 1991 Army Board for the Correction of Military Records. The findings of these official reports are described in the Resolution and can be summarized as four principal points.

First, the investigations provide ample evidence that the Hawaiian commanders were not provided vital intelligence that they needed and that was available in Washington prior to the attack on Pearl Harbor. Their senior commanders had critical information about Japanese intentions, plans, and actions, but neither passed this on nor took issue or attempted to correct the disposition of forces under Kimmel's and Short's commands.

Second, the disposition of forces in Hawaii were consistent with the information that was made available to Admiral Kimmel and General Short. Based on the information available to the Hawaiian commanders, the forces under their command at Pearl Harbor were properly disposed.

In my review of this case, I was most struck by the honor and integrity demonstrated by General George Marshall who was Army Chief of Staff at the time of the attack. General Short interpreted a vaguely written war warning message sent from the high command in Washington on November 27, 1941 as suggesting the need to defend against sabotage. Consequently, when he concentrated his aircraft away from perimeter roads to protect them, he inadvertently increased their vulnerability to air attack. When he reported his preparations to the General Staff in Washington, the General Staff never took steps to clarify the reality of the situation.

The Report of the Joint Congressional Committee of 1946 is testament to General Marshall's sense of honor and integrity. General Marshall testified that as Chief of Staff, he was responsible for ensuring the proper disposition of General Short's forces. He acknowledged that he must have seen General Short's report, which would have been his opportunity to issue a corrective message, and that he failed to do so.

Mr. President, I only wish that the force of General Marshall's integrity and sense of responsibility had greater influence over the management of the case of Admiral Kimmel and General Short.

A third theme of these investigations concerned the failure of the Department of War and the Department of the Navy to properly manage the flow of intelligence. The Dorn Report completed in 1995 for the Deputy Secretary of Defense at the request of Senator THURMOND stated that the handling of intelligence in Washington during the time leading up to the attack on Pearl Harbor was characterized by "ineptitude * * * limited coordination * * * ambiguous language, and lack of clarification and follow-up," among other serious faults. The bottom line is that poor command decisions and inefficient management structures and procedures blocked the flow of essential intelligence from Washington to the Hawaiian commanders.

The fourth and most important theme that permeates the aforementioned reports is that blame for the disaster at Pearl Harbor cannot be placed only upon the Hawaiian commanders. Some of these reports completely absolved these two officers. While others found them to have made errors in judgement, all the reports subsequent to the Roberts Commission cleared them of the charge of dereliction of duty.

And, Mr. President, all those reports identified significant failures and shortcomings of the senior commanders in Washington that contributed significantly—if not predominantly—to the success of the surprise attack on Pearl Harbor. The Dorn Report put it best, stating that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared."

Mr. President, I would like to emphasize two points about these investigations. First, these two officers were repeatedly denied their requests—their requests—for courts martial.

Second, the conclusions of the 1944 Naval Court of Inquiry and the Army Pearl Harbor Board—that Kimmel's and Short's forces had been properly disposed according to the information available to them and that criticized their superior officers for not sharing important intelligence—were kept secret on the grounds that they were detrimental to the war effort.

For reasons unexplainable to me, the scapegoating of Admiral Kimmel and General Short has survived the cleansing tides of history. It is an unambiguous fact that responsibility for the success of the Pearl Harbor attack lies with the failure of their superiors situated in Washington to provide them the intelligence that was available.

One can make the case that back in the midst of World War II, allowing blame to fall and remain solely on Admiral Kimmel and General Short helped prevent the American people from losing confidence in their national leadership. But perpetuating the cruel myth that Kimmel and Short were singularly responsible for the disaster at Pearl Harbor is not only unfair, it blemishes the military honor of our nation.

This issue of fairness and justice has been raised not only by General Short and Admiral Kimmel and their surviving families today, but also by numerous senior officers and public organizations around the country.

Mr. President, allow me to submit for the RECORD a letter endorsing our resolution from five living former naval officers who served at the very pinnacle of military responsibility. They are former Chairmen of the Joint Chiefs of Staff Admiral Thomas H. Moorer and Admiral William J. Crowe and former Chiefs of Naval Operations Admiral J.L. Holloway III, Admiral Elmo R. Zumwalt and Admiral Carlisle A.H. Trost.

The efforts of these and other officers have been complemented by the initiatives of many public organizations who have called for posthumous advancement of Kimmel and Short. At various times down through the years, they have included the Veterans of Foreign Wars, the Retired Officers Association, the Naval Academy Alumni Association, the Pearl Harbor Commemorative Committee, the Admiral Nimitz Foundation, and the Pearl Harbor Survivors Association.

I submit for the RECORD a moving resolution passed by the Delaware Chapter of the VFW last June calling for the posthumous advancement of General Short and Admiral Kimmel and a letter from the President of the VFW to the President of the United States making the same request.

Mr. President, Admiral Kimmel and General Short have been unjustly stigmatized by our nation's failure to treat them in the same manner with which we treated their peers. To redress this wrong would be fully consistent with this nation's sense of justice.

The message of our joint resolution is about justice, equity, and honor. Its purpose is to redress an historic wrong, to ensure that these two officers are treated fairly and with the dignity and honor they deserve, and to ensure that justice and fairness fully permeate the memory and lessons learned from the catastrophe at Pearl Harbor.

The President should advance the ranks of Admiral Kimmel and General Short on the retired list to their highest war-time ranks, as was done for all their peers. After 57 years, this correction is long overdue.

I urge my colleagues to support this joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution, the VFW resolution, and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 55

Whereas, Rear Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, possessed an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor;

Whereas Major General Walter C. Short, formerly the Commander of the United States Army Hawaiian Department, possessed an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor;

Whereas numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided with the necessary and critical intelligence available that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6-7, 1941, known as the Fourteen-Part Message;

Whereas on December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general;

Whereas Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge";

Whereas on October 19, 1944, a Naval Court of Inquiry exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor"; criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation"; and, concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service;

Whereas on June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel;

Whereas on October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war"; detailed information and intelligence about Japanese intentions and war plans were available in "abundance" but were not shared with the General Short's Hawaii command; and General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this";

Whereas the reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial;

Whereas the joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short issued, on May 23, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty;

Whereas the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., on April 27, 1954, recommended that Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947;

Whereas on November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Lieutenant General Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list";

Whereas in October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Admiral Kimmel and recommended that the case of Admiral Kimmel be reopened;

Whereas the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared";

Whereas the Dorn Report found that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war"; that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels"; and, that "together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered";

Whereas, on July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short;

Whereas the Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on a retired list with the highest grade held while on the active duty list;

Whereas Rear Admiral Kimmel and Major General Short are the only two eligible officers from World War II who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under the terms of the Officer Personnel Act of 1947;

Whereas this singular exclusion from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States;

Whereas Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime ranks as were their fellow veterans of World War II; and

Whereas the Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime grades: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVANCEMENT OF REAR ADMIRAL KIMMEL AND MAJOR GENERAL SHORT ON RETIRED LISTS.

(a) REQUEST.—The President is requested—

(1) to advance the late Rear Admiral Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(2) to advance the late Major General Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—Any advancement in grade on a retired list requested under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

SEC. 2. SENSE OF CONGRESS REGARDING THE PROFESSIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEUTENANT GENERAL SHORT.

It is the sense of Congress that—

(1) the late Rear Admiral Husband E. Kimmel performed his duties as Commander in

Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

Resolution Adopted by the Delaware Veterans of Foreign Wars

Whereas, Admiral Husband E. Kimmel and General Walter C. Short were the Commanders of record for the Navy and Army forces at Pearl Harbor, Hawaii, on December 7, 1941 when the Japanese Imperial Navy launched its attack; and

Whereas, following the attack, President Franklin D. Roosevelt appointed Supreme Court Justice Owen J. Roberts to a Commission to investigate such incident to determine if there had been any dereliction of duty; and

Whereas, the Roberts Commission conducted a rushed investigation in only five weeks. It charged Admiral Kimmel and General Short with dereliction of their duty. These findings were made public to the world; and

Whereas, the dereliction of duty charge destroyed the honor and reputations of both Admiral Kimmel and General Short, and due to the urgency of the war neither man was given the opportunity to defend himself against the accusation of dereliction of duty; and

Whereas, other investigations showed that there was no basis for the dereliction of duty charges, and a Congressional Investigation in 1946 made specific findings that neither Admiral Kimmel nor General Short had been "derelict in his duty" at the time of the bombing of Pearl Harbor; and

Whereas, it has been documented that the United States Military had broken the Japanese codes in 1941. With the use of a cryptic machine known as "Magic," the Military was able to decipher the Japanese diplomatic code known as "Purple" and the military code known as JN–25. The final part of the diplomatic message that told of the attack on Pearl Harbor was received on December 6, 1941. With this vital information in hand, no warning was dispatched to Admiral Kimmel or General Short to provide sufficient time to defend Pearl Harbor in the proper manner; and

Whereas, it was not until after the tenth investigation of the attack on Pearl Harbor was completed in December of 1995, that the United States Government acknowledged in the report of Under Secretary of Defense Edwin S. Dorn, that Admiral Kimmel and General Short were not solely responsible for the disaster but that responsibility must be broadly shared; and

Whereas, at this time the American public have been deceived for the past fifty-six years regarding the unfounded charge of dereliction of duty against two fine military officers whose reputations and honor have been tarnished; now, therefore be it

Resolved, That the Veterans of Foreign Wars urges the President of the United States to restore the honor and reputations of Admiral Husband E. Kimmel and General Walter C. Short by making a public apology to them and their families for the wrongful actions of past administrations for allowing these unfounded charges of dereliction of duty to stand. Be it

Resolved, That the Veterans of Foreign Wars urges the President of the United States to take the necessary steps to posthumously advance Admiral Kimmel and General Short to their highest wartime ranks of Four-Star Admiral and Three-Star General. Such action would correct the injustice suffered by them and their families for the past fifty-six years.

Re the honor and reputations of Admiral Husband Kimmel and General Walter Short.

Honorable Members of the United States Senate.

Dear Senators: We ask that the honor and reputations of two fine officers who dedicated themselves to the service of their country be restored. Admiral Husband Kimmel and General Walter Short were singularly scapegoated as responsible for the success of the Japanese attack on Pearl Harbor December 7, 1941. The time is long overdue to reverse this inequity and treat Admiral Kimmel and General Short fairly and justly. The appropriate vehicle for that is the current Roth-Biden Resolution.

The Resolution calls for the posthumous advancement on the retired list of Admiral Kimmel and General Short to their highest WWII wartime ranks of four-star admiral and three-star general as provided by the Officer Personnel Act of 1947. They are the only two eligible officers who have been singled out for exclusion from that privilege; all other eligible officers have been so privileged.

We urge you to support this Resolution.

We are career military officers who have served over a period of several decades and through several wartime eras in the capacities of Chairman, Joint Chiefs of Staff and/or Chief of Naval Operations. Each of us is familiar with the circumstances leading up to the attack on Pearl Harbor.

We are unanimous in our conviction that Admiral Husband Kimmel and General Walter Short were not responsible for the success of that attack, and that the fault lay with the command structure at the seat of government in Washington. The Roth-Biden Resolution details specifics of this case and requests the President of the United States to nominate Kimmel and Short for the appropriate advancement in rank.

As many of you know, Admiral Kimmel and General Short were the Hawaiian Commanders in charge of naval and ground forces on Hawaii at the time of the Japanese attack. After a hurried investigation in January, 1942 they were charged with having been "derelict in their duty" and given no opportunity to refute that charge which was publicized throughout the country.

As a result, many today believe the "dereliction" charge to be true despite the fact that a Naval Board of Inquiry exonerated Admiral Kimmel of blame; a Joint Congressional Committee specifically found that neither had been derelict in his duty; a four-to-one majority of the members of a Board for the Correction of Military Records in the Department of the Army found that General Short had been "unjustly held responsible" and recommended his advancement to the rank of lieutenant general on the retired lost.

This injustice has been perpetuated for more than half a century by their sole exclusion from the privilege of the Act mentioned above.

As professional military officers we support in the strongest terms the concept of holding commanders accountable for the performance of their forces. We are equally strong in our belief in the fundamental American principle of justice for all Americans, regardless of creed, color, status or rank. In other words, we believe strongly in fairness.

These two principles must be applied to the specific facts of a given situation. History as well as innumerable investigations have proven beyond any question that Admiral Kimmel and General Short were not responsible for the Pearl Harbor disaster. And we submit that where there is no responsibility there can be no accountability.

But as a military principle—both practical and moral—the dynamic of accountability works in both directions along the vertical line known as the chain of command. In view of the facts presented in the Roth-Biden Resolution and below—with special reference to the fact that essential and critical intelligence information was withheld from the Hawaiian Commanders despite the commitment of the command structure to provide that information to them—we submit that while the Hawaiian Commanders were as responsible and accountable as anyone could have been given the circumstances, their superiors in Washington were sadly and tragically lacking in both of these leadership commitments.

A review of the historical facts available on the subject of the attack on Pearl Harbor demonstrates that these officers were not treated fairly.

1. They accomplished all that anyone could have with the support provided by their superiors in terms of operating forces (ships and aircraft) and information (instructions and intelligence). Their disposition of forces, in view of the information made available to them by the command structure in Washington, was reasonable and appropriate.

2. Admiral Kimmel was told of the capabilities of U.S. intelligence (MAGIC, the code-breaking capability of PURPLE and other Japanese codes) and he was promised he could rely on adequate warning of any attack based on this special intelligence capability. Both Commanders rightfully operated under the impression, and with the assurance, that they were receiving the necessary intelligence information to fulfill their responsibilities.

3. Historical information now available in the public domain through declassified files, and post-war statements of many officers involved, clearly demonstrate that vital information was routinely withheld from both commanders. For example, the "Bomb Plot" message and subsequent reporting orders from Tokyo to Japanese agents in Hawaii as to location, types and number of warships, and their replies to Tokyo.

4. The code-breaking intelligence of Purple did provide warning of an attack on Pearl Harbor, but the Hawaiian Commanders were not informed. Whether deliberate or for some other reason should make no difference, have no bearing. These officers did not get the support and warnings they were promised.

5. The fault was not theirs. It lay in Washington.

We urge you, as Members of the United States Senate, to take a leadership role in assuring justice for two military careerists who were willing to fight and die for their country, but not to be humiliated by its government. We believe that the American people—with their national characteristic of fair play—would want the record set straight.

Thank you.

THOMAS H. MOORER,
Admiral, U.S. Navy (Ret.),
Former Chairman, Joint Chiefs of Staff,
Former Chief of Naval Operations.
WILLIAM J. CROWE,
Admiral, U.S. Navy (Ret.),
Former Chairman, Joint Chiefs of Staff.
J.L. HOLLOWAY III,
Admiral, U.S. Navy (Ret.),
Former Chief of Naval Operations.
ELMO R. ZUMWALT,
Admiral, U.S. Navy (Ret.),
Former Chief of Naval Operations.
CARLISLE A.H. TROST,
Admiral, U.S. Navy (Ret.),
Former Chief of Naval Operations.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, June 26, 1998.

Mr. EDWARD R. KIMMEL,
Wilmington, DE.

DEAR MR. KIMMEL: Thank you for your letter to Mr. Larry Rivers, Adjutant General, Veterans of Foreign Wars of the United States, dated January 2, 1998. Your letter addressed Secretary of Defense William S. Cohen's comments made in a letter to Senator Strom Thurmond, Chairman of the Senate Armed Services Committee, dated November 18, 1997.

Attached is a copy of a letter VFW Commander-in-Chief John E. Moon recently sent to Secretary Cohen. This letter supports the proposal, lead by Senators Joseph R. Biden and William V. Roth, Jr. in May 1998, asking that Admiral Husband Kimmel and General Walter Short not bear the full responsibility for the December 7, 1941 attack on Pearl Harbor.

We hope that the Secretary of Defense will act favorably on the request of Senators Biden and Roth.

Sincerely,

KENNETH A. STEADMAN,
Executive Director.•

• Mr. BIDEN. Mr. President, tomorrow is an important day for all who honor the valor and sacrifice Americans made in World War II. Tomorrow, the history of America's war in the Pacific is brought full circle. The U.S.S. *Missouri*, the ship on which the United States formally accepted Japan's surrender, will be permanently berthed at Pearl Harbor, the site of America's entry into the war against Japan following a devastating surprise attack.

It is appropriate that in this same week I, along with my colleagues, Senators ROTH, THURMOND, INOUYE, STEVENS, HOLLINGS, FORD, DURBIN, SPECTER, HELMS, COCHRAN, and FAIRCLOTH, seek to close the circle for the two commanders at Pearl Harbor fifty-seven years ago, Admiral Husband Kimmel and General Walter Short. Today, we are introducing a resolution that seeks long overdue justice for these two fine officers.

Now some of you will ask "why now?" The answer is not just because we are honoring the service and sacrifice of Americans who served in the Pacific campaign by permanently berthing the *Missouri* at Pearl Harbor. It is more basic than that—there can be no statute of limitations for restoring honor and dignity to men who spent their lives devoted to America's service and yet were unfairly treated. When it comes to serving truth and justice, the time must always be "now".

I hope that most of you will read this resolution. The majority of the text details the historic case on behalf of Admiral Kimmel and General Short and expresses Congress's opinion that both officers performed their duty competently. Most importantly, it requests that the President submit the names of Kimmel and Short to the Senate for posthumous advancements on the retirement lists to their highest held wartime rank.

Mr. President, this action would not require any form of compensation. Instead, it would acknowledge, once and for all, that these two officers were not treated fairly by the U.S. government and it would uphold the military tradition that responsible officers take the blame for their failures.

I will address these points in more detail and will review some of the evidence regarding the soundness of Kimmel and Short's military decisions.

First, I want to discuss the treatment of Kimmel and Short and who bore responsibility. Like most Americans, Admiral Kimmel and General Short requested a fair and open hearing of their case, a court martial. They were denied their request. After lifetimes of honorable service to this nation and the defense of its values, they were denied the most basic form of justice—a hearing.

Let me review some of the facts. On December 18, 1941, a mere 11 days after Pearl Harbor, the Roberts Commission was formed to determine whether derelictions of duty or errors of judgment by Kimmel and Short contributed to the success of the Japanese attack. This Commission concluded that both commanders had been derelict in their duty and the President ordered the immediate public release of these findings.

Several facts about the Roberts Commission force us to question its conclusions. First, Kimmel and Short were denied the right to counsel and were not allowed to be present when witnesses were questioned. They were then explicitly told that the Commission was a fact-finding body and would not be passing judgment on their performance. When the findings accusing them of a serious offense were released, they immediately requested a court-martial. That request was refused. It is difficult to imagine a fair review of the evidence given the rules of procedure followed by the Commission.

I also think that it is important to note the timing here. It would be difficult to provide a fair hearing in the charged atmosphere immediately following America's entry into the war in the Pacific. In fact, Kimmel and Short were the objects of public vilification. The Commission was not immune to this pressure. One Commission member, for example, Admiral Standley, expressed strong reservations about the Commission's findings, later characterizing them as a "travesty of justice". He did sign the Report, however, because of concerns that doing otherwise might adversely affect the war effort. As you will see, the war effort played an important role in how Kimmel and Short were treated.

The Roberts Commission was the only investigative body that found these two officers derelict in their duty.

In 1944 an Army Board investigated General Short's actions at Pearl Harbor. The conclusions of that investigation placed blame on General Marshall, the Chief of Staff of the Army at the time of Pearl Harbor and in 1944. This report was sequestered and kept secret from the public on the grounds that it would be detrimental to the war effort.

That same year, a Naval Court of Inquiry investigated Admiral Kimmel's actions at Pearl Harbor. The Naval Court's conclusions were divided into two sections in order to protect information indicating that America had the ability to decode and intercept Japanese messages. The first and longer section, therefore, was classified "top secret." The second section was written to be unclassified and completely exonerated Admiral Kimmel and recognized that Admiral Stark bore some of the blame for Pearl Harbor because of his failure to provide Kimmel with critical information available in Washington. Then Secretary of the Navy James Forrestal instructed the Court that it had to classify both sections "secret" and not release any findings to the public.

I won't go any further with this discussion of history, again I urge my colleagues to read the resolution. I hope that I have made my point that these officers were not treated fairly and that there is good reason to question where the blame for Pearl Harbor should lie.

The whole story was re-evaluated in 1995 at the request of Senator THURMOND by Under Secretary for Defense Edwin Dorn. In his report, Dorn concluded that responsibility for the disaster at Pearl Harbor should be broadly shared. I agree. Where Dorn's conclusions differ from mine and my cosponsors, is that he also found that "the official treatment of Admiral Kimmel and General Short was substantively temperate and procedurally proper." I disagree.

These officers were publicly vilified and never given a chance to clear their names. If we lived in a closed society, fearful of the truth, then there would be no need for the President to take any action today. But we don't. We live in an open society. Eventually, we are able to declassify documents and evaluate our past based on at least a good portion of the whole story. One of our greatest strengths as a nation comes from our ability to honor truth and the lessons of our past.

Like most people, I can accept that there was a good case for the need to protect our intelligence capabilities during the war. I cannot accept that there is a reason for continuing to deny the culpability of others in Washington at the expense of these two officers' reputations 57 years later. Continuing to falsely scapegoat two dedicated and competent officers dishonors the military tradition of taking responsibility for failure. The historic message sent is that the truth will be suppressed to protect some responsible parties and distorted to sacrifice others.

One point I want to make here is that we are not seeking to place blame. This is not a witch-hunt aimed at those superior officers who were advanced in rank and continued to serve, despite being implicated in the losses at Pearl Harbor. I think the historic record has become quite clear that blame should be shared.

The unfortunate reality is that Admiral Kimmel and General Short were blamed entirely and forced into early retirement.

After the war, in 1947, they were singled out as the only eligible officers from World War II not advanced to their highest held wartime ranks on the retirement lists, under the Officer Personnel Act of 1947. By failing to advance them, the government and the Departments of the Navy and Army perpetuate the myth that these two officers bear a unique and disproportionate part of the blame.

The government that denied these officers a fair hearing and suppressed findings favorable to their case while releasing hostile information owes them an official apology. That's what this resolution calls for.

The last point that I want to make deals with the military situation at Pearl Harbor. It is legitimate to ask whether Admiral Kimmel and General Short, as commanding officers, properly deployed their forces. I think reasonable people may disagree on this point. I have been struck by the number of qualified individuals who believe the commanders properly deployed based on the intelligence available to them. I will ask to enter this partial list of flag officers into the RECORD. Among those listed is Vice Admiral Richardson, a distinguished naval commander, who wrote an entire report refuting the conclusions of the Dorn Report. My colleagues will also see the names of four Chiefs of Naval Operations and the former chairman of the Joint Chiefs of Staff Admiral Thomas Moorer. It was Admiral Moorer who observed that, "If Nelson and Napoleon had been in command at Pearl Harbor, the results would have been the same."

In conclusion, Mr. President, I believe this case is unique and demands our attention. As we honor those who served in World War II by permanently berthing the U.S.S. *Missouri* in Pearl Harbor, we must also honor the ideals for which they fought. High among those American ideals is upholding truth and justice. Those ideals give us the strength to admit and, where possible, correct our errors.

I urge my colleagues to support this resolution and move one step closer to justice for Admiral Kimmel and General Short.

Mr. President, I ask unanimous consent a partial list of flag officers be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

The following is a partial listing of high-ranking retired military personnel who advocate in support of the posthumous advancement on the retired lists of Rear Admiral Husband Kimmel and Major General Walter Short to Four-Star Admiral and Three-Star General respectively:

ADMIRALS

Thomas H. Moorer; Carlisle A.H. Trost; William J. Crowe, Jr.; Elmo R. Zumwalt; J.L. Hollaway III; Ronald J. Hays; T.B. Hayward; Horatio Rivero; Worth H. Bargley; Noel A.M. Gayler; Kinnaird R. McKee; Robert L.J. Long; William N. Small; Maurice F. Weisner; U.S.G. Sharp, Jr.; H. Hardisty; Wesley McDonald; Lee Baggett, Jr.; and Donald C. Davis.

VICE ADMIRALS

David C. Richardson and William P. Lawrence.

REAR ADMIRALS

D.M. Showers and Kemp Tolley.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 951

At the request of Mr. TORRICELLI, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

S. 971

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 971, a bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

S. 977

At the request of Mr. TORRICELLI, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 977, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, and to designate certain Federal lands as Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas where logging and other intrusive activities are prohibited.

S. 1067

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1097

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1097, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 1162

At the request of Mr. ALLARD, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1162, a bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack offenses.

S. 1334

At the request of Mr. BOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1734

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1734, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1858

At the request of Mr. REED, his name was added as a cosponsor of S. 1858, a bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient.

S. 1875

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1875, a bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes.

S. 2283

At the request of Mr. DEWINE, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Louisiana [Ms. LANDRIEU], the Senator from North Dakota [Mr. DORGAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Dakota [Mr. DASCHLE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Indiana [Mr. LUGAR], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2283, a bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Nebraska [Mr. KERREY], the Senator from Maine [Ms. SNOWE], the Senator from Virginia [Mr. ROBB], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Vermont [Mr. LEAHY], the Senator from Colorado [Mr. CAMPBELL], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2318

At the request of Mr. CAMPBELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2318, a bill to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period.

S. 2346

At the request of Mr. ALLARD, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 2346, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 2353

At the request of Mr. DURBIN, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 2353, a bill to redesignate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 2354

At the request of Mr. BOND, the names of the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2357

At the request of Mr. ASHCROFT, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Kansas [Mr. BROWNBACK], the Senator from Minnesota [Mr. GRAMS], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 2357, a bill requiring the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

S. 2358

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 2358, a bill to provide for the establishment of a service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Maryland [Mr. SARBANES], the Senator from Ohio [Mr. GLENN], the Senator from North Dakota [Mr. DORGAN], the Senator from Rhode Island [Mr. REED], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2371

At the request of Mr. LOTT, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 2371, a bill to amend the Internal Revenue Code of 1986 to reduce individual capital gains tax rates and to provide tax incentives for farmers.

S. 2382

At the request of Mr. MCCAIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2382, a bill to amend title XIX of the Social Security Act to allow certain community-based organizations and health care providers to determine that a child is presumptively eligible for medical assistance under a State plan under that title.

SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the medicare and medicaid programs.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the names of the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Virginia [Mr. ROBB], the Senator from New Jersey [Mr. TORRICELLI], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENT NO. 3013

At the request of Mr. CAMPBELL the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of amendment No. 3013 intended to be proposed to S. 1112, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

AMENDMENT NO. 3368

At the request of Mr. Graham the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of amendment No. 3368 proposed to S. 2312, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

SENATE RESOLUTION 268—CONGRATULATING THE TOMS RIVER EAST AMERICAN LITTLE LEAGUE TEAM FOR WINNING THE LITTLE LEAGUE WORLD SERIES

Mr. LAUTENBERG (for himself and Mr. Torricelli) submitted the following resolution; which was considered and agreed to:

S. Res. 268

Whereas on Saturday, August 29, 1998, the Toms River East American Little League team defeated Kashima, Japan, by 12 runs to 9 runs to win the 52d annual Little League World Series championship;

Whereas Toms River East American team is the first United States team to win the Little League World Series championship in 5 years, and the fourth New Jersey team in history to win Little League's highest honor; and

Whereas the Toms River East American team has brought pride and honor to the State of New Jersey and the entire Nation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Toms River East American Little League Team and its loyal fans on winning the 52d annual Little League World Series championship;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the team's members, parents, coaches, and managers; and

(3) recognizes and commends the people of Toms River, New Jersey, and the surrounding area for their outstanding loyalty and support for the Toms River East American Little League team throughout the team's 28-game season.

SENATE RESOLUTION 269—TO AUTHORIZE PRODUCTION OF SENATE DOCUMENTS AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. Daschle) submitted the following resolution; which was considered and agreed to:

S. Res. 269

Whereas, in the case of *Rose Larker, et al.* v. *Kevin A. Carias-Herrera, et al.*, Civil No. 97CA06257, pending in the Superior Court for the District of Columbia, a subpoena has been issued for the production of documents of the Sergeant-at-Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or document production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate is authorized to produce documents relevant to the case of *Rose Larker, et al.* v. *Kevin A. Carias-Herrera*, et al.

Sec. 2. That the Senate Legal Counsel is authorized to represent the Sergeant-at-Arms and Doorkeeper of the Senate in connection with the production of documents in this case.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT

McCONNELL (AND OTHERS) AMENDMENT NO. 3491

Mr. McConnell (for himself, Mr. Leahy, and Mr. Harkin) proposed an amendment to the bill (S. 2334) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 3, line 6, strike the following proviso: "*Provided further*, That the Export Import Bank shall not disburse direct loans, loan guarantees, insurance, or tied aid grants or credits for enterprises or programs in the New Independent States which are majority owned or managed by state entities:"

McCONNELL (AND LEAHY) AMENDMENTS NO. 3292–3294

Mr. McConnell (for himself and Mr. Leahy) proposed three amendments to the bill, S. 2334, supra; as follows:

Amendment No. 3292

On page 71, line 17, after the word "activities" insert: "and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions".

Amendment No. 3493

On page 107, line 25, strike "and activities that reduce vulnerability to climate change."

Amendment No. 3494

On page 3, line 5 and 6, strike "1999 and 2000" and insert in lieu thereof, "1999, 2000, 2001 and 2002".

On page 8, line 23 and 24, strike ", and shall remain available until September 30, 2000".

On page 13, line 13, insert "demining or" after the words "apply to".

On page 13, line 14, strike "other".

On page 21, line 3, strike "other than funds included in the previous proviso,".

On page 29, line 9, strike "appropriated" and insert in lieu thereof "made available".

On page 29, line 13, strike "deBremmond" and insert in lieu thereof "deBremond".

On page 31, line 23, insert "clearance of" before "unexploded ordnance".

On page 39, line 1, insert "may be made available" after "(MFO)".

On page 40, lines 5 and 6, strike "Committee's notification procedures" and insert in lieu thereof, "regular notification procedures of the Committees on Appropriations".

On page 49, line 2, insert after "commodity" the following, "*Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations".

On page 57, line 17, insert "disease programs including" after "activities or".

On page 84, beginning on line 25, through page 85, line 5, strike all after the words "The authority" through the word, "countries", and insert in lieu thereof, "Any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501)".

On page 90, on lines 1, 5, and 15 before the word "Government" insert the word "central".

On page 90, line 13, after the word "resigned" insert the word "or is implementing".

On page 91, line 24, before the word "Government" insert the word "central".

On page 95, line 5, delete "steps" and insert in lieu thereof, "effective measures".

On page 95, line 7 strike the word "further".

On page 106, line 8, strike "1998 and 1999" and insert in lieu thereof "1999 and 2000".

On page 109, line 21, strike "any".

On page 117, line 24, after "remain available" insert "until expended".

LUGAR AMENDMENT NO. 3495

Mr. McConnell (for Mr. Lugar) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 114, strike all after line 1 through page 115, line 6 and insert the following:

SEC. 578. LIMITED WAIVER OF REIMBURSEMENT REQUIREMENT FOR CERTAIN FOREIGN STUDENTS.

Section 214(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)), as added by section 625(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–699), is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking "(l)(1)" and inserting "(l)(1)(A)"; and

(4) by adding at the end the following new subparagraph:

"(B) The Attorney General shall waive the application of subparagraph (A)(ii) for an alien seeking to pursue a course of study in a public secondary school served by a local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) if the agency determines and certifies to the Attorney General that such waiver will promote the educational interest of the agency and will not impose an undue financial burden on the agency.".

DURBIN AMENDMENTS NOS. 3496–3498

Mr. DURBIN proposed three amendments to the bill, S. 2334, supra; as follows:

AMENDMENT NO. 3496

On page 11, line 15, before the period insert the following: "*Provided further*, That, of the funds appropriated under this heading and made available for activities pursuant to the Microenterprise Initiative, not less than one-half shall be expended on programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loan".

AMENDMENT NO. 3497

At the appropriate place in the bill, insert the following new section:

SEC. . SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights, which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release", and that "any one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful";

(2) the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in that country; and

(3) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

AMENDMENT NO. 3498

At the appropriate place in the bill, insert the following new section:

SEC. . (a) Not later than January 31, 1999, the Inspector General of the Department of Defense and the Inspector General of the Department of State shall jointly submit to Congress a report describing the following:

(1) The training provided to foreign military personnel within the United States under any programs administered by the Department of Defense or the Department of State during fiscal year 1998.

(2) The training provided (including the training proposed to be provided) to such personnel within the United States under such programs during fiscal year 1999.

(b) For each case of training covered by the report under subsection (a), the report shall include—

(1) the location of the training;

(2) the duration of the training;

(3) the number of foreign military personnel provided the training by country, including the units of operation of such personnel;

(4) the cost of the training;

(5) the purpose and nature of the training; and

(6) an analysis of the manner and the extent to which the training meets or conflicts with the foreign policy objectives of the United States, including the furtherance of democracy and civilian control of the military and the promotion of human rights.

BROWNBACK AMENDMENT NO. 3499

Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 15, line 13, before the period insert the following: ": *Provided*, That, of the funds appropriated under this heading, not less than $500,000 shall be available only to Catholic Relief Services solely for the purpose of the purchase, transport, or installation of a hydraulic drilling machine to provide potable drinking water in the region of Nuba Mountains in Sudan".

MCCAIN (AND OTHERS) AMENDMENT NO. 3500

Mr. MCCAIN (for himself, Mr. MURKOWSKI, and Mr. HELMS) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 33, line 4, before the colon insert the following: ", and (4) North Korea is not actively pursuing the acquisition or development of a nuclear capability (other than the light-water reactors provided for by the 1994 Agreed Framework Between the United States and North Korea) and is fully meeting its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons".

MCCAIN (AND MURKOWSKI) AMENDMENT NO. 3501

(Ordered to lie on the table)

Mr. MCCAIN (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) Congress makes the following findings:

(1) North Korea has been active in developing new generations of medium-range and intermediate-range ballistic missiles, including both the Nodong and Taepo Dong class missiles.

(2) North Korea is not an adherent to Missile Technology Control Regime, actively cooperates with Iran and Pakistan in ballistic missile programs, and has declared its intention to continue to export ballistic missile technology.

(3) North Korea has shared technology involved in the Taepo Dong I missile program with Iran, which is concurrently developing the Shahab-3 intermediate-range ballistic missile.

(4) North Korea is developing the Taepo Dong II intermediate-range ballistic missile, which is expected to have sufficient range to put at risk United States territories, forces, and allies throughout the Asia-Pacific area.

(5) Multistage missiles like the Taepo Dong class missile can ultimately be extended to inter-continental range.

(6) The bipartisan Commission to Assess the Ballistic Missile Threat to the United States emphasized the need for the United States intelligence community and United States policy makers to review the methodology by which they assess foreign missile programs in order to guard against surprise developments with respect to such programs.

(b) It is the sense of Congress that—

(1) North Korea should be forcefully condemned for its August 31, 1998, firing of a Taepo Dong I intermediate-range ballistic missile over the sovereign territory of another country, specifically Japan, an event that demonstrated an advanced capability for employing multistage missiles, which are by nature capable of extended range, including intercontinental range;

(2) the United States should reassess its cooperative space launch programs with countries that continue to assist North Korea and Iran in their ballistic missile and cruise missile programs;

(3) any financial or technical assistance provided to North Korea should take into account the continuing conduct by that country of activities which destabilize the region, including the missile firing referred to in paragraph (1), continued submarine incursions into South Korea territorial waters, and violations of the demilitarized zone separating North Korea and South Korea;

(4) the recommendations of the Commission to Assess the Ballistic Missile Threat to the United States should be incorporated into the analytical process of the United States intelligence community as soon as possible; and

(5) the United States should accelerate cooperative theater missile defense programs with Japan.

DASCHLE (AND LEAHY) AMENDMENT NO. 3502

Mr. LEAHY (for Mr. DASCHLE for himself and Mr. LEAHY) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.—Progress Reports to Congress on United States Initiatives to Update the Architecture of the International Monetary System.

SEC. 2. REPORTS REQUIRED.—Not later than July 15, 1999 and July 15, 2000, the Secretary of the Treasury shall report to the Chairmen and Ranking Members of the Senate Committees on Appropriations, Foreign Relations, and Banking, Housing and Urban Affairs and House Committees on Appropriations and Banking and Financial Services on the progress of efforts to reform the architecture of the international monitary system. The reports shall include a discussion of the substance of the U.S. position in consultations with other governments and the degree of progress in achieving international acceptance and implementation of such position with respect to the following issues:

(1) Adapting the mission and capabilities of the International Monetary Fund to take

better account of the increased importance of cross-border capital flows in the world economy and improving the coordination of its responsibilities and activities with those of the International Bank for Reconstruction and Development.

(2) Advancing measures to prevent, and improve the management of, international financial crises, including by—

(a) integrating aspects of national bankruptcy principles into the management of international financial crises where feasible; and

(b) changing investor expectations about official rescues, thereby reducing moral hazard and systemic risk in international financial markets—

In order to help minimize the adjustment costs that the resolution of financial crises may impose on the real economy, in the form of disrupted patterns of trade, employment, and progress in living standards, and reduce the frequency and magnitude of claims on United States taxpayer resources.

(3) Improving international economic policy cooperation, including among the Group of Seven countries, to take better account of the importance of cross-border capital flows in the determination of exchange rate relationships.

(4) Improving international cooperation in the supervision and regulation of financial institutions and markets.

(5) Strengthening the financial sector in emerging economies, including by improving the coordination of financial sector liberalization with the establishment of strong public and private institutions in the areas of prudential supervision, accounting and disclosure conventions, bankruptcy laws and administrative procedures, and the collection and dissemination of economic and financial statistics, including the maturity structure of foreign indebtedness.

(6) Advocating that implementation of European Economic and Monetary Union and the advent of the European Currency Unit, or euro, proceed in a manner that is consistent with strong global economic growth and stability in world financial markets.

BUMPERS (AND HUTCHINSON) AMENDMENT NO. 3503

Mr. LEAHY (for Mr. BUMPERS for himself and Mr. HUTCHINSON) proposed an amendment to the bill, S. 2334, supra as follows:

At the appropriate place add the following:

SEC. . SENSE OF THE CONGRESS REGARDING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES.

(a) FINDINGS.—Congress finds that—

(1) Many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

(2) children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

(3) there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

(4) although the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 24, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention; and

(5) decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States Government should promote international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

KEMPTHORNE (AND OTHERS) AMENDMENTS NOS. 3504–3505

Mr. MCCONNELL (for Mr. KEMPTHORNE for himself, Mr. CRAIG, and Mr. DORGAN) proposed two amendments to the bill, S. 2334, supra; as follows:

AMENDMENT NO. 3504

On page 77, line 20, after word "all" insert "agriculture commodities,".

On page 78, line 3, insert "(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the U.S. directors of international financial institutions (as referenced in section 514) in complying with this sense of Congress resolution."

AMENDMENT NO. 3505

On page 49, insert "(a)" before "The."

On page 50, line 11, add the following: "(b) The Secretary of the Treasury shall instruct the United States Executive Directors of international financial institutions listed in paragraph (a) of this section to use the voice and vote of the United States to support the purchase of American produced agricultural commodities with funds appropriated or made available pursuant to this Act."

SPECTER (AND OTHERS) AMENDMENT NO. 3506

Mr. SPECTER (for himself, Mr. BIDEN, and Mr. HARKIN) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, not less than $28,900,000 shall be made available for expenses related to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission; *Provided*, That such funds may be made available through the regular notification procedures of the Committee on Appropriations.

FEINSTEIN (AND McCONNELL) AMENDMENT NO. 3507

Mrs. FEINSTEIN (for herself and Mr. MCCONNELL) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in title V, insert the following:

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) Indonesia is the World's 4th most populous nation, with a population in excess of 200,000,000 people.

(2) Since 1997, political, economic, and social turmoil in Indonesia has escalated.

(3) Indonesia is comprised of more than 13,000 islands located between the mainland of Southeast Asia and Australia. Indonesia occupies an important strategic location, straddling vital sea lanes for communication and commercial transportation including all or part of every major sea route between the Pacific Ocean and the Indian Ocean, more than 50 percent of all international shipping trade, and sea lines of communication used by the United States Pacific Command to support operations in the Persian Gulf.

(4) Indonesia has been an important ally of the United States, has made vital contributions to the maintenance of regional peace and stability through its leading role in the Association of South East Asian Nations (ASEAN) and the Asia Pacific Economic Cooperation forum (APEC), and has promoted United States economic, political, and security interests in Asia.

(5) In the 25 years before the onset of the recent financial crisis in Asia, the economy of Indonesia grew at an average rate of 7 percent per year.

(6) Since July 1997, the Indonesian rupiah has lost 70 percent of its value, and the Indonesian economy is now at a near standstill characterized by inflation, tight liquidity, and rising unemployment.

(7) Indonesia has also faced a severe drought and massive fires in the past year which have adversely affected its ability to produce sufficient food to meet its needs.

(8) As a consequence of this economic instability and the drought and fires, as many as 100,000,000 people in Indonesia may experience food shortages, malnutrition, and possible starvation as a result of being unable to purchase food. These conditions increase the potential for widespread social unrest in Indonesia.

(9) Following the abdication of Indonesia President Suharto in May 1998, Indonesia is in the midst of a profound political transition. The current president of Indonesia, B.J. Habibie, has called for new parliamentary elections in mid-1999, allowed the formation of new political parties, and pledged to resolve the role of the military in Indonesian society.

(10) The Government of Indonesia has taken several important steps toward political reform and support of democratic institutions, including support for freedom of expression, release of political prisoners, formation of political parties and trade unions, preparations for new elections, removal of ethnic designations from identity cards, and commitments to legal and civil service reforms which will increase economic and legal transparency and reduce corruption.

(11) To address the food shortages in Indonesia, the United States Government has made more than 230,000 tons of food available to Indonesia this year through grants and so-called "soft" loans and has pledged support for additional wheat and food to meet emergency needs in Indonesia.

(12) United States national security interests are well-served by political stability in Indonesia and by friendly relations between the United States and Indonesia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the decision of the Clinton Administration to make available at least 1,500,000 tons of wheat, wheat products, and rice for distribution to the most needy and vulnerable Indonesians is vital to the well-being of all Indonesians;

(2) the Clinton Administration should work with the World Food Program and nongovernmental organizations to design programs to make the most effective use of food donations in Indonesia and to expedite delivery of food assistance in order to reach those in Indonesia most in need;

(3) the Clinton Administration should adopt a more active approach in support of democratic institutions and processes in Indonesia and provide assistance for continued economic and political development in Indonesia, including—

(A) support for humanitarian programs aimed at preventing famine, meeting the needs of the Indonesian people, and inculcating social stability;

(B) leading a multinational effort (including the active participation of Japan, the nations of Europe, and other nations) to assist the programs referred to in subparagraph (A);

(C) calling on donor nations and humanitarian and food aid programs to make additional efforts to meet the needs of Indonesia and its people while laying the groundwork for a more open and participatory society in Indonesia;

(D) working with international financial institutions to recapitalize and reform the banking system, restructure corporate debt, and introduce economic and legal transparency in Indonesia;

(E) urging the Government of Indonesia to remove, to the maximum extent possible, barriers to trade and investment which impede economic recovery in Indonesia, including tariffs, quotas, export taxes, nontariff barriers, and prohibitions against foreign ownership and investment;

(F) urging the Government of Indonesia to—

(i) recognize the importance of the participation of all Indonesians, including ethnic and religious minorities, in the political and economic life of Indonesia;

(ii) take appropriate action to assure the support and protection of minority participation in the political, social, and economic life of Indonesia; and

(iii) release individuals detained or imprisoned for their political views.

(G) support for efforts by the Government of Indonesia to cast a wide social safety net in order to provide relief to the neediest Indonesians and to restore hope to those Indonesians who have been harmed by the economic crisis in Indonesia;

(H) support for efforts to build democracy in Indonesia in order to strengthen political participation and the development of legitimate democratic processes and the rule of law in Indonesia, including support for organizations, such as the Asia Foundation and the National Endowment for Democracy, which can provide technical assistance in developing and strengthening democratic political institutions and processes in Indonesia;

(I) calling on the Government of Indonesia to repeal all laws and regulations that discriminate on the basis of religion or ethnicity and to ensure that all new laws are in keeping with international standards on human rights; and

(J) calling on the Government of Indonesia to establish, announce publicly, and adhere to a clear timeline for parliamentary elections in Indonesia.

(c) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) A description and assessment of the actions taken by the Government of the United States to work with the Government of Indonesia to further the objectives referred to in subsection (b)(3).

(B) A description and assessment of the actions taken by the Government of Indonesia to further such objectives.

(C) An evaluation of the implications of the matters described and assessed under subparagraphs (A) and (B), and any other appropriate matters, for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 3508

Mrs. FEINSTEIN (for herself, Mr. MCCONNELL, and Mrs. BOXER) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in title V, insert the following:

SEC.   . (a) FINDINGS.—Congress makes the following findings:

(1) In May 1998, more than 1,200 people died in Indonesia as a result of riots, targeted attacks, and violence in Indonesia. According to numerous reports by human rights groups, United Nations officials, and the press, ethnic Chinese in Indonesia were specifically targeted in the riots for attacks which included acts of brutality, looting, arson, and rape.

(2) Credible reports indicate that, between May 13 and May 15, 1998, at least 150 Chinese women and girls, some as young as 9 years of age, were systematically raped as part of a campaign of racial violence in Indonesia, and 20 of these women subsequently died from injuries incurred during these rapes.

(3) Credible evidence indicates that these rapes were the result of a systematic and organized operation and may well have continued to the present time.

(4) Indonesia President Habibie has stated that he believes the riots and rapes to be "the most inhuman acts in the history of the nation", that they were "criminal" acts, and that "we will not accept it, we will not let it happen again.".

(5) Indonesian human rights groups have asserted that the Indonesia Government failed to take action necessary to control the riots, violence, and rapes directed against ethnic Chinese in Indonesia and that some elements of the Indonesia military may have participated in such acts.

(6) The Executive Director of the United Nations Development Fund for Women has stated that the attacks were an "organized reaction to a crisis and culprits must be brought to trial" and that the systematic use of rape in the riots "is totally unacceptable. . . and even more disturbing than rape war crimes, as Indonesia was not at war with another country but caught in its own internal crisis".

(7) The Indonesia Government has established the Joint National Fact Finding Team to investigate the violence and allegations of gang rapes, but there are allegations that the investigation is moving slowly and that the Team lacks the authority necessary to carry out an appropriate investigation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the mistreatment of ethnic Chinese in Indonesia and the criminal acts carried out against them during the May 1998 riots in Indonesia is deplorable and condemned;

(2) a complete, full, and fair investigation of such criminal acts should be completed by the earliest possible date, and those identified as responsible for perpetrating such criminal acts should be brought to justice;

(3) the investigation by the Government of Indonesia, through its Military Honor Council, of those members of the armed forces of Indonesia suspected of possible involvement in the May 1998 riots, and of any member of the armed forces of Indonesia who may have participated in criminal acts against the people of Indonesia during the riots, is commended and should be supported;

(4) the Government of Indonesia should take action to assure—

(A) the full observance of the human rights of the ethnic Chinese in Indonesia and of all other minority groups in Indonesia;

(B) the implementation of appropriate measures to prevent ethnic-related violence and rapes in Indonesia and to safeguard the physical safety of the ethnic Chinese community in Indonesia;

(C) prompt follow through on its announced intention to provide damage loans to help rebuild businesses and homes for those who suffered losses in the riots; and

(D) the provision of just compensation for victims of the rape and violence that occurred during the May 1998 riots in Indonesia, including medical care;

(5) the Clinton Administration and the United Nations should provide support and assistance to the Government of Indonesia, and to nongovernmental organizations, in the investigations into the May 1998 riots in Indonesia in order to expedite such investigations; and

(6) Indonesia should ratify the United Nations Convention on Racial Discrimination, Torture, and Human Rights.

(c) SUPPORT FOR INVESTIGATIONS.—Of the amounts appropriated by this Act for Indonesia, the Secretary of State, after consultation with Congress, shall make available such funds as the Secretary considers appropriate in order to provide support and technical assistance to the Government of Indonesia, and to independent nongovernmental organizations, for purposes of conducting full, fair, and impartial investigations into the allegations surrounding the riots, violence, and rape of ethnic Chinese in Indonesia in May 1998.

(d) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) An assessment of—

(i) whether or not there was a systematic and organized campaign of violence, including the use of rape, against the ethnic Chinese community in Indonesia during the May 1998 riots in Indonesia; and

(ii) the level and degree of participation, if any, of members of the Government or armed forces of Indonesia in the riots.

(B) An assessment of the adequacy of the actions taken by the Government of Indonesia to investigate the May 1998 riots in Indonesia, bring the perpetrators of the riots to justice, and ensure that similar riots do not recur.

(C) An evaluation of the implications of the matters assessed under subparagraphs (A) and (B) for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

GORTON AMENDMENT NO. 3509

Mr. GORTON proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS REGARDING THE IMF RESPONSE TO THE ECONOMIC CRISIS IN RUSSIA.

(a) Congress finds that—

(1) Russia is currently facing a severe economic crisis that threatens President Boris Yeltsin's ability to maintain power;

(2) The Russian Communist Party will soon be a part of the government of the Russian Republic and may be given real influence over Russian economic policies;

(3) The International Monetary Fund has continued to provide funding to Russia despite Russia's refusal to implement reforms tied to the funding;

(4) The Russian economic crisis follows a similar crisis in Asia;

(5) The International Monetary Fund imposed strict requirements on the Republic of Korea and other democratic and free market nations in Asia;

(6) The International Monetary Fund has not imposed the same requirements on Russia; and

(7) Russia has not made the same commitment to free market economic principles as the Republic of Korea and other Asian nations receiving assistance from the International Monetary Fund.

(b) It is the sense of Congress that the International Monetary Fund should not provide funding to a Russian government whose economic policies are significantly affected by the Russian Communist Party, or under significantly less free market conditions than those imposed on the Republic of Korea and other democratic, free market nations in Southeast Asia.

ASHCROFT (AND OTHERS) AMENDMENT NO. 3510

Mr. McCONNELL (for Mr. ASHCROFT for himself, Mr. FEINGOLD, and Mr. FAIRCLOTH) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 109, strike lines 15–23, and insert in lieu thereof the following:

SEC. . PROHIBITION ON ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO.

None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Speaker of the House of Representatives, the Majority Leader of the Senate, the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo is—

(1) investigating and prosecuting those responsible for civilian massacres, serious human rights violations, or other atrocities committed in the Congo; and

(2) implementing a credible democratic transition program, which includes

(A) the establishment of an independent electoral commission;

(B) the release of individuals detained or imprisoned for their political views;

(C) the maintenance of a conducive environment for the free exchange of political views, including the freedoms of association, speech, and press; and

(D) the conduct of free and fair national elections for both the legislative and executive branches of government.

Notwithstanding the aforementioned restrictions, the President may provide electoral assistance to the central Government of the Democratic Republic of Congo for any fiscal year if the President certifies to the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo has taken steps to ensure that conditions in subsection 2 (A), (B), and (C) have been met.

ASHCROFT AMENDMENT NO. 3511

Mr. McCONNELL (for Mr. ASHCROFT) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION.

None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation or any similar organization.

LOTT (AND OTHERS) AMENDMENT NO. 3512

Mr. McCONNELL (for Mr. LOTT for himself, Mr. KYL, Mr. BROWNBACK, and Mr. McCONNELL) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill insert the following:

"Notwithstanding any other provision of law, of the amounts made available under Title II of this Act, not less than $10,000,000 shall be made available only for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, and developing and implementing agreements among opposition groups; *Provided*, that any agreement reached regarding the obligation of funds under the previous proviso shall include provisions to ensure appropriate monitoring on the use of such funds; *Provided further* that of this amount not less than $3,000,000 shall be made available as a grant to Iraqi National Congress, to be administered by its Executive Committee for the benefit of all constituent groups of the Iraqi National Congress; provided further that of the amounts previously appropriated under section 10008 of Public Law 105–174 not less than $2,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indicting of Iraqi officials for war crimes; *Provided further* that of the amounts made available under this section, not less than $1,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes; *Provided further* that of the amounts made available under this section, not less than $3,000,000 shall be made available only for the conduct of activities by the Iraqi democratic opposition inside Iraq; *Provided further* that within 30 days of enactment of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on implementation of this section."

WELLSTONE AMENDMENT NO. 3513

Mr. McCONNELL (for Mr. WELLSTONE) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . TRAFFICKING IN WOMEN AND CHILDREN.

The Secretary of State, in consultation with the Attorney General and appropriate nongovernmental organizations, shall—

(1) develop curricula and conduct training for United States consular officers on the prevalence and risks of trafficking in women and children, and the rights of victims of such trafficking; and

(2) develop and disseminate to aliens seeking to obtain visas written materials describing the potential risks of trafficking, including—

(A) information as to the rights of victims in the United States of trafficking in women and children, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(B) the names of support and advocacy organizations in the United States.

LEAHY (AND OTHERS) AMENDMENT NO. 3514

Mr. McCONNELL (for Mr. LEAHY for himself, Mr. DODD, Mr. HARKIN, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Findings.—Congress makes the following findings:

(1) The December 2, 1980 brutal assault and murder of four American churchwomen by members of the Salvadoran National Guard was covered up and never fully investigated:

(2) On July 22 and July 23, 1998, Salvadoran authorities granted three of the National Guardsmen convicted of the crimes early release from prison;

(3) The United Nations Truth Commission for El Salvador determined in 1993 that there was sufficient evidence that the Guardsmen were acting on orders from their superiors;

(4) In March 1998, four of the convicted Guardsmen confessed that they acted after receiving orders from their superiors;

(5) Recently declassified documents from the State Department show that United States Government officials were aware of information suggesting the involvement of superior officers in the murders;

(6) United States officials granted permanent residence to a former Salvadoran military official involved in the cover-up of the murders, enabling him to remain in Florida; and

(7) Despite the fact that the murders occurred over 17 years ago, the families of the four victims continue to seek the disclosure of information relevant to the murders.

(b) SENSE OF CONGRESS. —It is the sense of Congress that—

(1) information relevant to the murders should be made public to the fullest extent possible;

(2) the Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders to the victims' families and to the American public, in prompt response to Congressional requests;

(3) the President should order all other Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims'

families relevant information as expeditiously as possible;

(4) in making determinations concerning the declassification and release of relevant information, the Federal agencies and departments should presume in favor of releasing, rather than of withholding, such information; and

(5) the President should direct the Attorney General to review the circumstances under which individuals involved in either the murders or the cover-up of the murders obtained residence in the United States, and the Attorney General should submit a report to the Congress on the results of such review not later than January 1, 1999.

DODD (AND HARKIN) AMENDMENT NO. 3515

Mr. MCCONNELL (for Mr. DODD for himself and Mr. HARKIN) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all overseas military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House.

KENNEDY (AND OTHERS) AMENDMENT NO. 3516

Mr. MCCONNELL (for Mr. KENNEDY for himself, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. TORRICELLI) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS REGARDING THE TRIAL IN THE NETHERLANDS OF THE SUSPECTS INDICTED IN THE BOMBING OF PAN AM FLIGHT 103.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted 2 Libyan intelligence agents—Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah—in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader, Colonel Muammar Qadaffi, refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The sanctions in Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline, a ban on flights into and out of Libya by other nations' airlines, a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan government funds in other countries.

(5) Colonel Qaddafi has continually refused to extradite the suspects to either the United States or the United Kingdom and has insisted that he will only transfer the suspects to a third and neutral country to stand trial.

(6) On August 24, 1998, the United States and the United Kingdom proposed that Colonel Qadaffi transfer the suspects to the Netherlands, where they would stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges.

(7) The United States-United Kingdom proposal is consistent with those previously endorsed by the Organization of African Unity, the League of Arab States, the Non-Aligned Movement, and the Islamic Conference.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998, in United Nations Security Council Resolution 1192.

(9) The United States Government has stated that this proposal is nonnegotiable and has called on Colonel Qadaffi to respond promptly, positively, and unequivocally to this proposal by ensuring the timely appearance of the two accused individuals in the Netherlands for trial before the Scottish court.

(10) The United States Government has called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(11) Secretary of State Albright has said that the United States will urge a multilateral oil embargo against Libya in the United Nations Security Council if Colonel Muammar Qadaffi does not transfer the suspects to the Netherlands to stand trial.

(12) The United Nations Security Council will convene on October 30, 1998, to review sanctions imposed on Libya.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Colonel Qadaffi should promptly transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands to stand trial before the Scottish court;

(2) the United States Government should remain firm in its commitment not to negotiate with Colonel Qadaffi on any of the details of the proposal approved by the United Nations in United Nations Security Council Resolution 1192; and

(3) if Colonel Qadaffi does not transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands by October 29, 1998, the United States Permanent Representative to the United Nations should—

(A) introduce a resolution in the United Nations Security Council to impose a multilateral oil embargo against Libya;

(B) actively promote adoption of the resolution by the United Nations Security Council; and

(C) assure that a vote will occur in the United Nations Security Council on such a resolution.

FEINGOLD AMENDMENT NO. 3517

Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . DEVELOPMENT ASSISTANCE IN NIGERIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The bilateral development assistance program in Nigeria has been insufficiently funded and staffed, and the United States has missed opportunities to promote democracy and good governance as a result.

(2) The recent political upheaval in Nigeria necessitates a new strategy for United States bilateral assistance program in that country that is focused on promoting a transition to democracy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the United States Agency for International Development, should—

(1) develop a new strategy for United States bilateral assistance for Nigeria that is focused on the development of civil society and the rule of law and that involves a broad cross-section of Nigerian society but does not provide for any direct assistance to the Government of Nigeria, other than humanitarian assistance, unless and until that country successfully completes a transition to civilian, democratic rule;

(2) increase the number of United States personnel at such Agency's office in Lagos, Nigeria, from within the current, overall staff resources of such Agency in order for such office to be sufficiently staffed to carry out paragraph (1); and

(3) consider the placement of such Agency's personnel elsewhere in Nigeria.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President, acting through the United States Agency for International Development, shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on the strategy developed under subsection (b)(1).

FEINSTEIN AMENDMENT NO. 3518

Mr. MCCONNELL (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Section 40A of the Arms Export Control Act (22 U.S.C. 2781) is amended—

(1) in subsection (a), by striking "that the President" and all that follows and inserting "unless the President determines and certifies to Congress for purposes of that fiscal year that the government of the country is cooperating fully with the United States, or is taking adequate actions on its own, to help achieve United States antiterrorism objectives.";

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after subsection (a), as so amended, the following new subsections (b), (c), and (d):

"(b) REQUIREMENT FOR CONTINUING COOPERATION.—(1) Notwithstanding the submittal of a certification with respect to a country for purposes of a fiscal year under subsection (a), the prohibition in that subsection shall apply to the country for the remainder of that fiscal year if the President determines and certifies to Congress that the government of the country has not continued to cooperate fully with United States, or to take adequate actions on its own, to help achieve United States antiterrorism objectives.

"(2) A certification under paragraph (1) shall take effect on the date of its submittal to Congress.

"(c) SCHEDULE FOR CERTIFICATIONS.—(1) The President shall, to the maximum extent practicable, submit a certification with respect to a country for purposes of a fiscal year under subsection (a) not later than September 1 of the year in which that fiscal year begins.

"(2) The President may submit a certification with respect to a county under subsection (a) at any time after the date otherwise specified in paragraph (1) if the President determines that circumstances warrant the submittal of the certification at such later date.

"(d) CONSIDERATIONS FOR CERTIFICATIONS.—In making a determination with respect to the government of a country under subsection (a) or subsection (b), the President shall consider—

"(1) the government's record of—

"(A) apprehending, bringing to trial, convicting, and punishing terrorists in areas under its jurisdiction;

"(B) taking actions to dismantle terrorist organizations in areas under its jurisdiction and to cut off their sources of funds;

"(C) condemning terrorist actions and the groups that conduct and sponsor them;

"(D) refusing to bargain with or make concessions to terrorist organizations;

"(E) isolating and applying pressure on states that sponsor and support terrorism to force such states to terminate their support for terrorism;

"(F) assisting the United States in efforts to apprehend terrorists who have targeted United States nationals and interests;

"(G) sharing information and evidence with United States law enforcement agencies during the investigation of terrorist attacks against United States nationals and interests;

"(H) extraditing to the United States individuals in its custody who are suspected of participating in the planning, funding, or conduct of terrorist attacks against United States nationals and interests; and

"(I) sharing intelligence with the United States about terrorist activity, in general, and terrorist activity directed against United States nationals and interests, in particular; and

"(2) any other matters that the President considers appropriate."; and

(4) in subsection (e), as so redesignated, by striking "national interests" and inserting "national security interests".

CRAIG AMENDMENT NO. 3519

Mr. McCONNELL (for Mr. CRAIG) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 82, at line 10, strike "Yugoslavia." and add in lieu thereof the following:

"Yugoslavia: *Provided further*, That funding for any tribunal under this act shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds under this act shall not be available for any tribunal during any period in which the Subcommittee on International Operations of the Committee on the Foreign Relations has not held hearings on the practices and procedures of such tribunal and reported to the Chairman of the Committee on Foreign Relations and the Committee on the Judiciary that such tribunal does not engage in any practice or procedure that is violative of fundamental principles of justice embodied in the guarantees and protections of the Constitution of the United States."

SMITH (AND OTHERS) AMENDMENT NO. 3520

Mr. McCONNELL (for Mr. SMITH of Oregon for himself, Mr. THOMAS, Mr. BROWNBACK, Mr. ALLARD, Mr. BOND, Mr. GRAMS, Mr. DODD, Mr. SESSIONS, Ms. COLLINS, Mr. D'AMATO, Mr. WYDEN, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SECTION 1. SHORT TITLE.

This section may be cited as the "Equity for Israel at the United Nations Act of 1998."

SEC. 2. EFFORT TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that—

(1) the United States must help promote an end to the inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations region blocs, which serve as the basis for participation in important activities of the United Nations, including rotating membership on the United Nations Security Council; and

(2) the United States Ambassador to the United Nations should take all steps necessary to ensure Israel's acceptance in the Western Europe and Others Group (WEOG) regional bloc, whose membership includes the non-European countries of Canada, Australia, and the United States.

(b) REPORTS TO CONGRESS.—Not later than 60 days after the date of the enactment of this legislation and on semiannual basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate);

(1) Actions taken by representatives of the United States, including the United States Ambassador to the United Nations, to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc:

(2) efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body;

(3) specific responses solicited and received by the Secretary of State from each of the nations of Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization; and

(4) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

SMITH (AND OTHERS) AMENDMENT NO. 3521

Mr. McCONNELL (for Mr. SMITH of Oregon, for himself, Mr. BIDEN, Mr. D'AMATO, and Mr. JOHNSON) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place, add the following:

SEC. . SANCTIONS AGAINST SERBIA-MONTENEGRO.

(a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect until January 1, 2000, unless the President submits to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia-Montenegro in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia-Montenegro to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia-Montenegro to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia-Montenegro from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia-Montenegro.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia-Montenegro.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the government of Serbia-Montenegro is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the Former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia-Montenegro, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the government of Serbia-Montenegro is implementing internal democratic reforms; and

(5) Serbian, Serbian-Montenegrin federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) Statement of Policy.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia-Montenegro until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) Exemption of Montenegro.—The sanctions described in subsection (b)(1) should not apply to the government of Montenegro.

(f) Definition.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) Waiver Authority.—

(1) The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

(2) Such a waiver may only be effective upon certification by the President to Congress that the United States has transferred and will continue to transfer (subject to adequate protection of intelligence sources and methods) to the International Criminal Tribunal for the former Yugoslavia all information it has collected in support of an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, or genocide.

(3) In the event of a waiver, within seven days the President must report the basis upon which the waiver was made to the Select Committee on Intelligence and the Committee on Foreign Relations in the Senate, and the Permanent Select Committee on Intelligence and the Committee on International Relations in the House of Representatives.

KYL AMENDMENT NO. 3522

Mr. KYL proposed an amendment to the bill, S. 2334, supra; as follows:

Beginning on page 119, line 1 of the bill, strike all through page 120, line 13, and insert the following:

Section 601. Conditions for the Use of Quota Resources.—(a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the Board of Executive Directors of the Fund have agreed by resolution that stand-by agreements or other arrangements regarding the use of Fund resources shall include provisions requiring the borrower—

(1) to comply with the terms of all international trade obligations and agreements of which the borrower is a signatory;

(2) to eliminate the practice or policy of government directed lending or provision of subsidies to favored industries, enterprises, parties, or institutions; and

(3) to guarantee non-discriminatory treatment in debt resolution proceedings between domestic and foreign creditors, and for debtors and other concerned persons.

COATS AMENDMENT NO. 3523

Mr. COATS proposed an amendment to the bill, S. 2334, supra; as follows:

On page 31, line 7, strike "and" and all that follows through "(KEDO)" on line 9.

Beginning on page 32, strike line 10 and all that follows through line 24 on page 33 and insert the following: "That, notwithstanding any other provision of law, of the funds appropriated under this heading not less than $56,000,000 shall be available only for antiterrorism assistance under chapter 8 of part II of the Foreign Assistance Act of 1961.".

BROWNBACK AMENDMENT NO. 3524

Mr. McCONNELL (for Mr. Brownback) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 26, line 5, insert "and infrastructure for secure communications and surveillance systems" after "training".

BOND AMENDMENT NO. 3525

Mr. McCONNELL (for Mr. Bond) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

(a) Findings.—Congress finds that—

(1) Iraq is continuing efforts to mask the extent of its weapons of mass destruction and missile programs;

(2) proposals to relax the current international inspection regime would have potentially dangerous consequences for international security; and

(3) Iraq has demonstrated time and again that it cannot be trusted to abide by international norms or by its own agreements, and that the only way the international community can be assured of Iraqi compliance is by ongoing inspection.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the international agencies charged with inspections in Iraq—the International Atomic Energy Agency (IAEA) and the United Nations Special Commission (UNSCOM) should maintain vigorous inspections, including surprise inspections, within Iraq; and

(2) the United States should oppose any efforts to ease the inspections regimes on Iraq until there is clear, credible evidence that the Government of Iraq is no longer seeking to acquire weapons of mass destruction and the means of delivering them.

(c) Report.—Not later than 30 days after the date of enactment of this Act, the President shall submit a report to Congress on the United States Government's assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction. The report shall also—

(1) assess the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and

(2) include the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Tuesday, September 1, 1998, at 2:00 p.m. for a hearing on "Use of Mass Mail to Defraud Congress."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, September 1, 1998 at 9:30 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Fixing a Broken System: Preventing Crime Through Intervention."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE YEAR 2000—SIXTEEN MONTHS AND COUNTING

• Mr. JOHNSON. Mr. President, I rise today to speak about a critical issue which I fear has not received the attention it deserves. I am speaking about the Year 2000 computer problem which will strike in a mere sixteen months.

The year 2000 holds potential problems for all Americans. At numerous hearings by the Senate Banking Subcommittee on Financial Services and Technology, on which I serve, witnesses have testified that the year 2000 problem involves more than just computers—it is a pervasive problem for which there is no quick fix. But fix it we must, because there can be no extension of time.

I commend the efforts of Senator Bennett, Chairman of that Banking Subcommittee, for his tireless efforts to raise the profile of Y2K issues. Senator Bennett now chairs the joint task force on Y2K, and he will be a forceful advocate for the necessity of addressing this issue.

Government, businesses, farms and homes rely on computers for nearly every aspect of their operations—from paying Social Security, to operating vehicles and equipment, to calculating interest, to conducting elections, to launching missiles. A failure in one computer system could not only be devastating to that particular operation, but could also have a domino effect.

For these reasons, it is vitally important that government and the private sector work together to avoid a potential disaster. According to a recent General Accounting Office (GAO) study, the federal government is extremely vulnerable to year 2000 problems because of its widespread dependence on computer systems.

The GAO study found uneven progress and made a number of recommendations for federal agencies to implement. Among them are the need to establish priorities, solidify data exchange agreements, and develop contingency plans.

GAO testimony before the Senate Agriculture Committee, on which I also serve, focused on the U.S. Department of Agriculture's (USDA) computer systems. The GAO concluded that if not properly fixed, severe consequences could result such as:

Payments to schools, farmers and others in rural communities could be delayed or incorrectly computed.

The economy could be adversely affected if information critical to crop and livestock providers and investors is unreliable, late or unavailable.

The import and export of foodstuffs could be delayed, thus increasing the likelihood that they will not reach their intended destinations before their spoilage dates.

Food distribution to schools and others could be stopped or delayed.

Public health and safety could be at risk if equipment used in USDA's many laboratories to detect bacteria, diseases, and unwholesome foods is not compliant.

These are a few of the potential year 2000 computer problems in just one agency of the federal government. Many federal agencies have made tremendous progress in solving their computer problems, but many more have been remiss. Therefore, the role of the Administration through the President' Council on Year 2000 Conversion becomes even more important in ensuring the federal government's readiness for year 2000.

I am encouraged by President Clinton's recent initiatives to increase national and global awareness of the Y2K problem and to facilitate private sector attempts to address it. The President's "Year 2000 Good Samaritan" legislation is designed to promote private sector exchange of year 2000-related information and would help our national preparedness for 2000.

Y2K will not just impact the United States. In today's global economy, no area can remain isolated from any other. The United States also will contribute $12 million to assist the World Bank's plan to raise awareness of the problem in developing countries.

I am also encouraged by the recent testing of Y2K compliance by Wall Street firms which are conducting a series of tests to see whether U.S. markets will face Y2K difficulties. These firms represent the type of foresight which will limit any dislocation caused by the Y2K glitch. This is the first known comprehensive effort to check the compliance of corporate America for the Y2K bug, and I hope more sectors of the economy quickly follow suit.

The potential difficulties are almost incalculable, when we consider the tremendous role computers play in our everyday lives. From food distribution to air traffic control. From our monetary infrastructure to electric power grids. Telecommunications systems and traffic lights. All of these necessities we take for granted could be impacted on January 1, 2000.

Congress must continue it's oversight to make certain that the necessary resources are brought to bear on this critical issue. We have made progress, but there is still a tremendous amount of work to be done. The clock is running, and we cannot afford to fail to meet the year 2000 deadline.●

GRAND RAPIDS' COMMUNITY SUCCESS

● Mr. ABRAHAM. Mr. President, I rise to bring to my colleagues' attention an important article from The American Enterprise magazine. In it Michael Barone of Reader's Digest lauds the great success of Grand Rapids, Michigan in rebuilding its economy and community. Mr. Barone reports that a vital combination of entrepreneurship, public spirit, and responsible philanthropy have brought the people of Grand Rapids together to build a vibrant economy and public life.

Business and community leaders in Grand Rapids have joined together to rehabilitate the downtown area. They have encouraged one another to sponsor important projects like the Van Andel Institute for nutrition research and Faith Inc., which trains people from close-in neighborhoods and places them in full-time jobs. A pro-business environment has facilitated the growth of diverse businesses, from furniture manufacturers to merchandisers. And Grand Rapids' respect for free markets and entrepreneurship has maintained an economy in which unemployment is low and small business thrives, with 80 percent of local businesses employing fewer than 30 people.

Mr. President, as we in the Senate continue our debate over how best to encourage the revitalization of distressed urban areas, I hope we will learn from cities like Grand Rapids. As a member of the Renewal Alliance and a strong supporter of its efforts to help distressed urban areas, I feel that Grand Rapids can provide us with an extremely helpful model of what works. This great city shows the importance of local involvement, free markets, and faith in rebuilding strong communities.

I heartily recommend this article to my colleagues and ask that its text be printed in the RECORD.

The article follows:

[From the American Enterprise, Sept./Oct. 1998]

A CITY WHERE BUSINESS AND PHILANTHROPY FLOURISH

(By Michael Barone)

Looking for a city with a tradition of community involvement, creative local philanthropy, vibrant cultural institutions old and new? Try Grand Rapids. The home town of President Gerald Ford, the city proposed by Chicago Tribune publisher Colonel Robert McCormick as a new national capital, Grand Rapids remains largely unknown nationally and even in Michigan is often overshadowed by Detroit. But greater Grand Rapids is now approaching a million people, its strong local economy has led Michigan's economic recovery, and its successful entrepreneurs have built civic institutions the envy of many metro areas two or three times the size. Civil society is alive and well here.

What are Grand Rapids' secret? One is a vigorous free market economy, built steadily over decades. Grand Rapids was first settled by New England Yankees and immigrants from Germany and the Netherlands at the falls of the Grand River, in the heart of Michigan's immense forests. Its first industries were lumber and a natural offshoot, furniture. In the first decades of this century Grand Rapids was the nation's leading producer of household furniture. But the forests were overharvested, the furniture market collapsed in the Depression, and after World War II manufacturers relocated to North Carolina.

Some furniture manufacturers who survived turned to office furniture. Today three of the nation's four largest office furniture manufacturers are located in Grand Rapids or nearby Holland. But there is plenty of diversity as well. The city is a leader in injected plastic moldings and a major center for tool and die shops, with lots of small successful firms. It is the headquarters of Meijer, whose 100-plus Thrifty Acres stores combine supermarkets with general merchandise stores—a formula Wal-Mart has copied but has not been able to make pay as well as Meijer. Grand Rapids is the headquarters of Universal Wood Products, the nation's largest fence producer. It is the home of Gordon Foods and Bissell carpet sweepers. It has one large General Motors plant and dozens of auto suppliers. Ada, a village six miles east, is the home of Amway, privately owned by the Van Andel and DeVos families, founded in a garage in 1959, now selling over $7 billion of home care housewares, and cosmetic products in 52 countries, most of them manufactured in Grand Rapids' Kent County.

Most of Grand Rapids' successful companies are small: 80 percent of businesses employ fewer than 30 people, according to John Caneppa, former chairman of Grand Rapids' Old Kent Bank. Firms that have grown bigger have done so through creative innovation and good employee relations. Local office furniture manufacturers pioneered modular units and electronic connectors. Amway took an old idea—direct sales—and made it work on a scale never seen before. Fred Meijer, to make shopping more pleasant for parents with kids, installed mechanical ponies in his stores which cost one cent per ride and personally hands out "Purple Cow" cards for free ice cream cones.

Employee relations are also an important part of Grand Rapids' success. "We have

60,000 people working with us," Fred Meijer says. "We need them; so let's treat them like we need them." If any of us makes a mistake, he adds, "we don't need to be bawled out, we need to be helped to succeed." That way, the "job will be better, and everybody will be more productive."

Nor is there an adversarial relationship between business and government. "The best thing government can do is to get out of the way," says Grand Rapids City Manager Kurt Kimball. "To try to create an environment that enables the private sector to achieve its ends. Prosperity for business means prosperity for residents. Then we'll have the resources for quality of life." Says GR magazine editor Carol Valade, "There is a very low tolerance for government here—the attitude is, I will do it myself. And a tremendous respect for the arts of the entrepreneur. It spills over into government. The city removed 98 percent of its effluents from its sewers, without federal funds—the only city in Michigan to do so."

Successful small businesses and small businesses that have grown large but have stayed headquartered here, have helped build Grand Rapids' cultural institutions. Even the banks have remained local. Old Kent is still based in Grand Rapids, though it has spread outward; First Union sold out to Detroit-based NBD, but David Frey, whose grandfather founded the bank, has kept the Frey Foundation here, and 85 percent of its grants are in western Michigan. "Giving money intelligently is hard work," Frey says. "A lot of due diligence is required. But there's the prospect of great satisfaction."

Anyone walking through downtown Grand Rapids can see some of the reasons for that satisfaction. Twenty-five years ago, downtown Grand Rapids looked dumpy, with aging and often empty commercial buildings, and a grubby convention center. Then Grand Rapids' business leaders decided to make it something special. "Always the private sector has taken the lead," says Frey. "And people are willing to put corporate money into projects. Then they would get the city, county, or state governments to forge a coalition." Phase one, in the mid-1970s, included a new Old Kent building and Vandenberg Center, which replaced abandoned warehouses. Phase two included the Amway Plaza Hotel and the Gerald Ford Museum. Phase three includes the recently opened Van Andel Arena for Grand Rapids' minor league hockey and basketball, a new convention center, and a downtown campus for Grand Valley State College.

The secret is leadership and commitment. "We have people who give time and effort and support. They sit at the same table," says Pete Secchia, head of Universal Products, and also a leader of Michigan's Republican Party who served as Ambassador to Italy under Bush. "When we promise something," says Fred Meijer, sitting around a table with other Grand Rapids business leaders, "we don't do it lightly. Not one of us has ever reneged on a promise." If there are problems, someone jumps in and solves them. "The Amway Plaza would be torn down or destitute if Amway hadn't picked it up," Meijer adds.

With no major university or medical school, Grand Rapids has missed out on the boom in biomedicine. But that's likely to change with the building of a Van Andel Institute for nutrition research at Grand Rapids' Butterworth Hospital. Steve Van Andel, who has succeeded his father Jay as co-head of Amway, describes the process. "We watched our fathers build the firm. The second generation got even more involved with the community. The building decision was also made by the second generation of the Van Andel and DeVos families. My dad and family have been discussing it for years. We decided to do something. Dad was always interested in nutrition, so we decided to build an institute that would work on nutrition research and education." He is thinking big. Peter Cook, who owns several big car dealerships and is on the board, says that it has five Nobel Prize winners as advisers and will have 200 to 300 doctors and scientists in a $30 million building.

Grand Rapids' philanthropists are buttressed not by the liberalism of so many national foundations but by traditional virtues. It's an early-to-bed-early-to-rise town, where people eat at home with their families. "Everyone is doing well but restaurants," says Secchia, "but the breakfast joints are filled at 6:30 in the morning." The churches are busy on Sundays, filled with people from all economic levels; the billionaire Van Andels and DeVoses pray at a modest Reform church not far from downtown. Or as Peter Cook puts it, "A lot of our people have done more than their share in giving. We grew up in a Christian home and tithed, and after that you gave more. We give 30 to 40 percent of our income. . . . That type of thing is very influential. This is a good place to work and live."

Entrepreneurial and religious impulses also inform Grand Rapids' programs to help the poor. Gene Pratt, now retired, tells of raising $1 million in less than two hours to renovate his community center, and how a kids' gardening project produced City Kids Barbecue sauce, got it stocked in Meijer's and other local supermarkets, and got 5 percent of the market. Verne Barry, head of the Downtown Development Agency, came to Grand Rapids in 1985 after living homeless in New York. With ministries and social service agencies he founded Faith Inc., which won competitive contracts with 25 local manufacturers. Hiring people from close-in neighborhoods, his group got commitments for 10 percent of the jobs on projects like the Van Andell Arena. He claims that more than 50 percent of those with little work experience are now in permanent employment.

Grand Rapids has low crime, low unemployment, and scandal-free local government. But statistics tell only part of the story. For Grand Rapids' leaders have put the imprint of their own personalities on the civic institutions they've built. The Grand Rapids Museum hosted an exhibit of the artist Perugino in 1997–98; Secchia helped set it up using his Italian contacts and the fact that Perugia is a sister city. Fred Meijer took over a 20-acre parcel of industrial property and built the Frederik Meijer Gardens, one of the nation's largest conservatories. Amid the plants and the gardens outside he placed 70 bronze sculptures he has collected over the years. You can see him there some days, smiling and enjoying himself as he leads kids around, explaining the plants and sculptures, and handling out Purple Cow cards for free ice cream cones—the spirit of Grand Rapids in person.●

WHAT'LL YA' HAVE? A TRIBUTE TO THE VARSITY

● Mr. CLELAND. Mr. President, I would like to take this opportunity to salute Georgia's beloved Varsity Restaurant for 70 years of prospering business and never-ending dedication to its customers and employees. People have come from all around the world simply for a sampling of the Varsity's great food and down home hospitality.

The Varsity was founded by Frank Gordy in 1928. As the world's largest drive-in, the Varsity's hot dogs, chili dogs, hamburgers, chili burgers, onion rings, french fries, and fried pies are the best in the world. The Varsity also sells more Coca-Cola than any other single outlet in the world. Whether you get your "dogs" at Atlanta's North Avenue Varsity, the Gwinnett Varsity off Jimmy Carter Blvd., the Varsity Jr. on Lindbergh Drive or the Varsity on Broad Street in Athens you are guaranteed to go back for more.

The menu is extensive and the Varsity's volume is legendary. Two miles of hot dogs, a ton of onions, 2500 pounds of potatoes, and 5,000 fried pies are served every day. Six 50 gallon pots of chili are made from scratch and, like all specialty items, are prepared from original recipes. Varsity orange is piped from the kitchen to faucets at the serving counter and the popular frosted version is also on tap.

Every time I come home to Atlanta from Washington, D.C., stopping by the Varsity is a must on my agenda. In fact, it is often my first stop after leaving the airport. All Georgians can attest that the Varsity's heavy weight, chili steak, frosted orange or fried pies are unlike any other food in the world. I cannot count the number of meals I have eaten at this Atlanta institution, but the memories of dining at the Varsity are endless.

Mr. President, I ask that you join me, our colleagues, and the entire Gordy family in recognizing 70 years of mouth-watering food and fond memories, and in wishing the entire Varsity family many more successes in the future.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Monday, August 31, 1998, the federal debt stood at $5,564,553,479,478.04 (Five trillion, five hundred sixty-four billion, five hundred fifty-three million, four hundred seventy-nine thousand, four hundred seventy-eight dollars and four cents).

Five years ago, August 31, 1993, the federal debt stood at $4,403,247,000,000 (Four trillion, four hundred three billion, two hundred forty-seven million).

Ten years ago, August 31, 1988, the federal debt stood at $2,575,800,000,000 (Two trillion, five hundred seventy-five billion, eight hundred million).

Fifteen years ago, August 31, 1983, the federal debt stood at $1,348,374,000,000 (One trillion, three hundred forty-eight billion, three hundred seventy-four million).

Twenty-five years ago, August 31, 1973, the federal debt stood at

$461,845,000,000 (Four hundred sixty-one billion, eight hundred forty-five million) which reflects a debt increase of more than $5 trillion—$5,102,708,479,478.04 (Five trillion, one hundred two billion, seven hundred eight million, four hundred seventy-nine thousand, four hundred seventy-eight dollars and four cents) during the past 25 years.•

12th ANNUAL ENTREPRENEURIAL WOMEN'S CONFERENCE

• Mr. DURBIN. Mr. President, I rise today to offer my congratulations to the Women's Business Development Center (WBDC) as it celebrates the 12th Annual Entrepreneurial Women's Conference. The event, which is to be held on September 9, 1998, at Chicago's Navy Pier, will celebrate the Women's Business Development Center's second decade of outstanding service to women in the business community.

The Women's Business Development Center is a Chicago-based nonprofit women's business assistance center devoted to providing services and programs that support and accelerate the growing role of women business owners in the economy. Since its founding in 1986 by Carol Dougal and Hedy Ratner, the Women's Business Development Center has facilitated more than $20 million in women's business loans and has assisted women-owned businesses in gaining over $90 million of government and private contracts. More than 30,000 women business owners have benefitted from the following programs and services: counseling, workshops, entrepreneurial training, the Women's Business and Finance Programs, the Women's Business Enterprise Initiative, the Entrepreneurial Woman's Conference and the Women's Business and Buyers Mart.

The success of the Women's Business Development Center has inspired similar initiatives across the country. Women's business development programs modeled after the Center have been launched by economic development organizations in Indiana, Ohio, Florida, Massachusetts, and Pennsylvania. The tremendous inroads made by women in the business community over the past decade is due in no small part to the efforts of these organizations.

Mr. President, there are now more than 7.7 million women-owned businesses in the United States, and 250,000 of these businesses are located in my homestate of Illinois. Nationally, women's businesses generate $2.3 trillion of sales and employ one out of every four U.S. company workers.

Given the importance of women-owned businesses to the economy, I look forward to hearing about the continued successes of the Women's Business Development Center in the years to come. Once again let me offer my congratulations to the Women's Business Development Center on their 12th anniversary.•

5TH ANNUAL CROATIAN FESTIVAL

• Mr. ABRAHAM. Mr. President, I rise today to recognize the 5th Annual Croatian Festival that took place August 29–30, 1998 at St. Lucy Croatian Catholic Church in Troy. The Croatian Festival is a very important event for the Croatian community of Michigan, in that it showcases the beautiful Croatian culture and heritage and unites the 20 various Croatian organizations in the state who have come together to organize the Festival. Over the past few years, the Festival has proven to be a very exciting time with exhibits focusing on different regions of Croatia, a variety of Croatian foods, games and traditional Croatian music.

In addition to serving as a celebration of the Croatian culture, the Festival serves the very important purpose of raising funds to assist and reduce the debt of St. Lucy Croatian Catholic church. I wish St. Lucy success as they strive for this goal. I also want to extend my best wishes to the entire Croatian community of Michigan.•

GEMOLOGICAL INSTITUTE OF AMERICA AND GEM LABORATORY

• Mrs. BOXER. Mr. President, I rise today to commend the exemplary work of the Gemological Institute of America (GIA) and the GIA Gem Laboratory.

GIA has been the nation's leader in gemology training and education since 1931, conducting valuable research and establishing standards upon which purchasers of gems in the United States and abroad have come to rely.

The Federal Trade Commission (FTC), in establishing regulations concerning gems that are the subject of trade in the United States, adopted standards developed by GIA.

GIA's Gem Laboratory—located in New York City and Carlsbad, California—operates to protect the public from misrepresentation of gems, to assist in the recovery of stolen property, and to provide information useful in the prosecution of criminals involved in gem fraud or theft.

The Gem Laboratory is also the main body applying the FTC's regulations on gems (26 CFR Part 23), such that consumers have a means of determining whether the products they purchase are, in fact, the real thing. It serves an essential role in identifying gems and in detecting synthetics as well as colored, doctored, or treated gems being marketed as natural and in deterring those who might attempt to profit by misrepresenting their goods to American consumers.

The Laboratory can achieve these purposes only because it is responsible for identifying and/or testing a large proportion of the significant gems purchased by consumers in the United States.

The Laboratory's extensive computerized gem database enables it to identify stolen gems that it had previously tested and inhibits the fencing of stolen gems, thereby providing an important deterrent to gem theft.

At the request of the United States Customs Service and pursuant to licensing by the Nuclear Regulatory Commission, the Gem Laboratory also tests for irradiated gems posing a health risk to the American public.

The Federal Bureau of Investigation and local law enforcement agencies rely on the Gem Laboratory for assistance in solving crimes involving gems. The Laboratory has been instrumental in solving many such crimes, providing crucial evidence and expert testimony essential to their successful prosecution.

Mr. President, I commend GIA and the GIA Gem Laboratory for their contribution to the protection of the consumer. Through its work, the Gem Laboratory significantly lessens the burdens of the federal government that would otherwise have to be borne by the FTC, the FBI, the Customs Service, and other government agencies.•

REPORT OF THE SPECIAL INVESTIGATION UNIT ON GULF WAR ILLNESSES

• Mr. ROCKEFELLER. Mr. President, today the Committee on Veterans' Affairs released the final report of its Special Investigation Unit (SIU) on Gulf War Illnesses. The report represents the culmination of the unit's year-long, 20-member staff investigation into issues surrounding the illnesses that have affected many veterans of the 1990–91 Persian Gulf War.

The Gulf War ended over seven years ago, but the aftermath of this military victory will remain with us for years to come. This brief war represented a critical turning point in our concept of modern warfare. For the first time since World War I, we faced the possibility of widespread use of chemical warfare agents. Previously, concerns about the use of "weapons of mass destruction" focused on the threat of nuclear warfare, increasingly possessed by the more developed nations of the world, but still limited in availability. But in the Gulf, we came face-to-face with the threat of the "poor man's atomic weapons"—chemical and biological weapons.

Chemical and biological weapons have been around for a long time. The United States and its allies abandoned the use of chemical weapons many years ago. In April 1997, the United States Senate ratified the Chemical Weapons Convention, joining many other nations in the international disarmament of chemical weapons. But for terrorists and rogue nations, chemical and biological weapons remain the weapons of choice, and they are likely to play a significant role in the battlefields of the future. According to Secretary of Defense William S. Cohen, just as we faced this threat in the Gulf War, we are likely to face it again.

In hearings before the Committee on Veterans' Affairs, military heroes such as General Norman Schwarzkopf and General Colin Powell recounted their fears about the potential use of chemical or biological weapons in the Gulf War. They described the dilemmas they faced as they realized that vaccine supplies were inadequate to protect the 697,000 men and women who were deployed to the Gulf, forcing our leaders to decide who would be protected and who would not. They recalled the anguish associated with making those decisions. But fortunately, the widespread use of chemical weapons and the massive casualties that had been predicted for that war did not occur.

After the Gulf War, it was generally agreed that we must be better prepared to meet this threat in the future. We needed to develop new technologies for the detection of chemical and biological weapons in the battlefield; to make sure that we had adequate supplies of vaccines and medical antidotes, and other protective equipment, especially masks and suits; and to ensure that our troops received adequate training to carry out their mission in the event of use of chemical/biological warfare. Given the crisis our military faced during the Gulf War as our leaders realized that we were not well prepared then, you might expect it would be high priority to make sure we are not caught unprepared again. Sadly, this has not been the case.

The SIU report finds that almost eight years after the Gulf War, our military is still not prepared to fight in a chemical or biological warfare environment. The Inspector General of the Department of Defense corroborated these findings in a recent report which states that with the exception of Navy surface ships, our armed forces are unable to assess unit chemical and biological defense readiness because unit commanders have not made this training a priority. Of the 232 units reviewed by the Inspector General, 80 percent were not fully integrating chemical and biological defense into unit mission training. This is completely unacceptable.

The SIU also found that training for chemical and biological warfare is still inadequate, and that the technology for battlefield detection of chemical warfare agents has not improved since the Gulf War. Although the threat of chemical and biological warfare has increased since the Gulf War and hangs heavy over the potential battlefields of the 21st century, the military still has inadequate supplies of vaccines and chemical/biological protective equipment. It is imperative that we be prepared to face these very real risks. Moreover, we must be ready for the possibility that the next terrorist attack on U.S. civilians may include such weapons. The task of domestic defense and preparedness poses an even greater challenge.

Recent events underscore the need to make this defense and readiness issue a national priority. Eight years after the Gulf War, United Nations inspectors still have not been able to fully assess Iraq's chemical and biological weapons capabilities. We have all seen the roadblocks that Saddam Hussein has succeeded in placing in the path of this international effort to inspect for these weapons. Fortunately, we did not have to send in military personnel in the recent U.S. attack to destroy the chemical plant in Sudan. Had we needed to, however, and if these terrorists had chemical and biological weapons, I fear our ground troops would have been ill-prepared to function in such an environment.

My concerns here are not new. In 1994, when I was chairman of the Committee, my staff issued a report that called attention to many of the long-term health concerns arising from our soldiers' exposures to environmental hazards. Many of the concerns raised then remain today.

Senator SPECTER and I will call upon Secretary Cohen to carefully consider the findings of this report and provide an emergency action plan to address these shortcomings. I am confident that he is as concerned about our military's preparedness for this threat as we are, and we look forward to his response.

Our military men and women must be protected and they must be prepared to fight in a chemical/biological warfare environment. That means that they need ongoing, quality training in chemical/biological defense and detection systems that will work quickly and reliably on the battlefield. It means that they need adequate supplies of the required chemical protection masks and suits, and training in how to properly use them under battlefield conditions. It means they need sufficient supplies of vaccines, antibiotics, and medical antidotes. And it means that they need well-trained medical personnel who are prepared to respond to chemical and biological warfare casualties, and the medical equipment needed to care for such casualties.

All of this means a commitment of time and funding across all the service branches, and the support and leadership of commanders everywhere to guarantee this commitment. Most of all, this requires a solid commitment from this Congress and President Clinton.

We have had enough talk of readiness—it's time to make it a reality if we are to fight on the battlefields of the 21st century.

Mr. President, I request that a summary of the report's findings prepared by my staff be printed in the RECORD.

The summary follows:

REPORT SUMMARY

The report of the Committee on Veterans' Affairs' Special Investigation Unit (SIU) on Gulf War Illnesses is thematically divided into 4 major sections or chapters.

Chapter 1 addresses DoD and CIA intelligence operations during the War and the destruction of the Khamisiyah munitions depot. It reviews some of the communication problems that existed with poor transfer of critical intelligence information between DoD and CIA on the locations of Iraqi chemical weapons facilities. It also critically reviews DoD's efforts to "model" the events that transpired at the U.S. demolition of the Khamisiyah munitions depot in March 1991. The SIU report is particularly critical of the Office of the Special Assistant for Gulf War Illnesses' (OSAGWI) efforts to research the weather conditions that existed on the day of the demolition, as it related to estimates of the numbers of U.S. servicemembers who would have potentially been exposed to low levels of chemical warfare agents, such as sarin.

The report points out that the OSAGWI modeling report does not integrate crucial weather information provided by a division of the Air Force that is typically viewed as expert on such issues. Further, the OSAGWI report was largely an internal document, and it was not subjected to the scientific rigors of the peer review process. The Special Investigation Unit (SIU) also contracted with a scientific consultant who supported these criticisms and found that the estimate of approximately 100,000 servicemembers who may have been exposed to be a grossly overestimated figure.

The defense and intelligence chapter also details the SIU's investigation of the question of whether there are additional Khamisiyahs or chemical weapons exposures to be found. On the basis of extensive review of classified and unclassified documents, interviews with military officials in Great Britain, France, the Czech Republic, and our Arab allies, and an interview with inspectors of the United Nations Inspection Team, the SIU found no evidence to either prove or disprove that the Iraqis offensively used chemical weapons during the Gulf War. The SIU did find that during the Gulf War, our military was not adequately prepared to deal with the threat of chemical or biological warfare, and our military continues to be inadequately prepared today.

Chapter 2 is an "Assessment of Gulf War Veterans' Health Care Services and Compensation at the Department of Veterans Affairs." The SIU team found that VA has often inadequately monitored a number of Persian Gulf War health and benefits programs. As a result, VA demonstrates inconsistent compliance with their own regulations and policy directives, and inadequate implementation of services and benefits for Gulf War veterans. This chapter concludes that too many Gulf War veterans are dissatisfied with the health care that they are receiving from VA, and too few are receiving timely responses to their compensation benefits claims.

The SIU report states that "although VA purports to operate as a single entity on behalf of veterans, in practice it is a loosely linked group of bureaucracies that operate largely in isolation from one another." This organizational structure contributes to problematic communication and bureaucratic hurdles that affect VA's ability to provide effective and efficient service to Gulf War veterans. The greatest problems were seen in VBA's handling of Gulf War compensation claims, and their processing was characterized as "inconsistent and counterproductive." While the report notes problems with the health care provided to Gulf War veterans, the SIU staff also found a number of very caring and competent health professionals who were delivering appropriate health care, despite obstacles such as limited information and resources.

Chapters 3 and 4 focus specifically on health concerns and health research. This chapter reviews the chronology of health-related events, the assessment of the range of possible exposures in the Gulf War, the nature of the health problems that have emerged, and the government research response on this issue. This information is presented in Chapter 3, "Evaluations of Wartime Exposures, Gulf War Veteran Health Concerns, and Related Research, and Unanswered Questions." Chapter 4, "Possible Long Term Health Consequences of Gulf War Exposures: An Independent Evaluation," contains the brief reports of scientists the SIU contracted with for independent reviews. These prominent scientists reviewed scientific literature on a variety of exposures including pesticides, PB, chemicals, stress, and other wartime and environmental hazards, and the health consequences that follow such exposures.

Both health chapters conclude that there is no single "Gulf War Syndrome" characterized by a single disease entity or diagnostic label. Instead, there is a significant proportion of Gulf War veterans who returned home with a number of chronic, poorly understood symptoms such as headaches, joint pains, rashes, fatigue, gastrointestinal difficulties, and other symptoms that are potentially disabling in some cases. In studies that have compared the rate of these symptoms among Gulf War veterans to the rate of symptoms in veterans of the same era who were not deployed to the Gulf, significantly more symptoms are reported by the Gulf War veterans. It is clear that many veterans are ill, and it is also clear that we may never know why.

There are many reasons why the question of "why are Gulf War veterans ill?" cannot be answered.

First, DoD deployed many reservists and active military personnel to the Gulf without adequate pre-deployment medical evaluations; as a result, we do not know what preexisting illnesses or health conditions they may have had. In any health investigation, such information would serve as an important baseline from which to assess the pattern of emerging illnesses.

Second, DoD's medical recordkeeping for the Gulf War was grossly inadequate. There are no clear records of even basic information, such as the vaccine records of the men and women who served in the Gulf. It is unclear whether such records were ever kept or whether they were destroyed because they were not felt to be a high enough priority to warrant space on the military cargo planes returning to the United States after the war. Many of the medical records from the war are also missing, hindering any efforts to review information on the numbers of troops who were hospitalized or received medical care in the Gulf. Finally, there was no DoD recordkeeping on the range and extent of exposures present in the Gulf. All these factors seriously hinder any research efforts to establish a cause and effect for the health problems that followed the Gulf War.

Also, in addition to the broad range of possible exposures—heat, pesticides, PB, smoke from oil well fires, petroleum products, ultra-fine sand particles, stress, and others—and their individual health effects, there is also the issue of the potential effects of an almost infinite number of possible combinations of such agents. Health research today is often not designed or conducted in ways that allow us to fully understand the interactive effects of such agents and their subsequent health consequences. All these issues complicate, and in fact hamper, current examinations of the events of the Gulf War while trying to answer the question of "why are Gulf War veterans ill?".

Some of the scientific experts the SIU contracted with were able to provide very sound criticism of some of the hypotheses about Gulf War illnesses, such as discounting the role of a possible infectious agent, such as mycoplasma. They were also able to clarify issues such as the possible health effects of PB or pesticides, as well as the links between stressful exposures, such as combat, and long-term physical health. These experts also made a number of important recommendations regarding future research directions and better prevention of unnecessary health risks which were integrated into the report.

A number of the report's recommendations will be used to develop additional legislation. Many of the major legislative issues have been covered already in S. 2358, the legislation that was introduced by Senators ROCKEFELLER, BYRD, and SPECTER. Specifically, S. 2358, the Persian Gulf War Veterans' Act of 1998:

Calls for the Secretary of VA to contract with the National Academy of Sciences (NAS) to provide a scientific basis for determining the association between illnesses and exposures to environmental or wartime hazards as a result of service in the Gulf War;

Authorizes VA to presume that illnesses that have a positive association with exposures to hazards during the war were related to service even if there was no evidence of illness during service;

Extends VA's authority to provide health care to Gulf War veterans through 2001;

Requires the Secretary to task NAS with the identification of additional research issues that the government should conduct to better understand the adverse health effects of exposures to environmental or wartime hazards associated with Gulf War service;

Tasks NAS with assessing potential treatment models for chronic, undiagnosed illnesses that have affected Gulf War veterans;

Establishes a system to monitor the health status and health care utilization of Gulf War veterans with chronic, undiagnosed illnesses within VA and DoD health care systems;

Requires that VA, in consultation with HHS and DoD, carry out an ongoing outreach program to provide information to Gulf War veterans;

Extends and improves upon VA's Persian Gulf Spouse and Children Evaluation Program, and;

Requires the Secretary of VA to enter into an agreement with NAS to study the feasibility of establishing, as an independent entity, a National Center for the Study of Military Health. Such a center would evaluate and monitor interagency efforts and coordination on issues related to post-deployment and would look at issues of how to better prevent and treat post-conflict illnesses.

In addition to these important issues addressed by S. 2358, the report highlights further a number of shortcomings within VA's and DoD's current policies. They include:

The need for DoD to place a higher priority on training and preparedness for the threat of offensive use of chemical and biological weapons (CBW) in today's warfare scenarios, including better CBW detection systems, adequate supplies of protective masks and suits, adequate numbers of vaccines for protection, and medical isolation units for treatment of such casualties;

The need for greater prevention of unnecessary health risks in the battlefield (and on domestic military bases), such as unnecessary exposures to inappropriate use of and inadequate monitoring of environmental agents such as pesticides, solvents, depleted uranium, and other identified health hazards, to include coordination and consultation with EPA and CDC on identifying and managing such risks;

The need for DoD to participate in the proposed national, state-based birth defects registry in order to better assess the relative risks of birth defects in military populations;

Given VA's history with environmental health issues such as Agent Orange, atomic veterans, and Gulf War veterans' health concerns, the need for VA to create the position of an Assistant Secretary of Veterans Affairs for Deployment-Related Health Matters, with responsibilities to include oversight of issues such as battlefield illnesses;

The need for DoD and VA to improve monitoring of health care to Gulf War veterans, to include identification of any barriers to care currently in the system and the need to develop methods for early detection of illnesses with delayed onset, such as cancer;

The need to ensure comprehensive pre- and post-deployment medical examinations of Reservists who are placed on active duty for deployment for military operations; and

The need for the Secretaries of the Departments of Defense and Veterans Affairs to implement doctrine that reflects and builds upon the lessons learned from the Gulf War in order to avoid repeating many of these same mistakes with future military deployments and veteran populations.●

TRANSPORTATION AND TRAVEL REFORM ACT OF 1998

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 533, H.R. 930.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 930) to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H.R. 930) to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses, which had been reported from the Committee on Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Travel and Transportation Reform Act of **[**1997**]** *1998*".

SEC. 2. REQUIRING USE OF THE TRAVEL CHARGE CARD.

(a) In General.—Under regulations issued by the Administrator of General Services after consultation with the Secretary of the Treasury, the Administrator shall require that Federal employees use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel. The Administrator shall exempt any payment, person, type or class of payments, or type or class of personnel from any requirement established under the preceding sentence in any case in which—

(1) it is in the best interest of the United States to do so;

(2) payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

(3) the Secretary of Defense or the Secretary of Transportation (with respect to the Coast Guard) requests an exemption with respect to the members of the uniformed services.

(b) Agency Exemption.—The head of a Federal agency or the designee of such head may exempt any payment, person, type or class of payments, or type or class of agency personnel from subsection (a) if the agency head or the designee determines the exemption to be necessary in the interest of the agency. Not later than 30 days after granting such an exemption, the head of such agency or the designee shall notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

[(b)**]** *(c)* Limitation on Restriction on Disclosure.—

(1) In general.—Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

"(q) Nothing in this title shall apply to the disclosure of any financial record or information to a Government authority in conjunction with a Federal contractor-issued travel charge card issued for official Government travel.".

(2) Effective date.—The amendment made by paragraph (1) is effective as of October 1, 1983, and applies to any records created pursuant to the United States Travel and Transportation Payment and Expense Control System or any Federal contractor-issued travel charge card issued for official Government travel.

[(c)**]** *(d)* Collection of Amounts Owed.—

(1) In general.—Under regulations issued by the Administrator of General Services and upon written request of a Federal contractor, the head of any Federal agency or a disbursing official of the United States may, on behalf of the contractor, collect by deduction from the amount of pay owed to an employee of the agency any amount of funds the employee owes to the contractor as a result of delinquencies not disputed by the employee on a travel charge card issued for payment of expenses incurred in connection with official Government travel. The amount deducted from the pay owed to an employee with respect to a pay period may not exceed 15 percent of the disposable pay of the employee for that pay period, except that a greater percentage may be deducted upon the written consent of the employee.

(2) Due process protections.—Collection under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.

(3) Definitions.—For the purpose of this subsection:

(A) Agency.—The term "agency" has the meaning that term has under section 101 of title 31, United States Code.

(B) Employee.—The term "employee" means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service.

(C) Member; uniformed service.—Each of the terms "member" and "uniformed service" has the meaning that term has in section 101 of title 37, United States Code.

[(d)**]** *(e)* Regulations.—Within 270 days after the date of enactment of this Act, the Administrator of General Services shall promulgate regulations implementing this section, that—

(1) make the use of the travel charge card established pursuant to the United States Travel and Transportation System and Expense Control System, or any Federal contractor-issued travel charge card, mandatory for all payments of expenses of official Government travel pursuant to this section;

(2) specify the procedures for effecting under subsection **[**(c)**]** *(d)* a deduction from pay owed to an employee, and ensure that the due process protections provided to employees under such procedures are no less than the protections provided to employees pursuant to section 3716 of title 31, United States Code;

(3) provide that any deduction under subsection **[**(c)**]** *(d)* from pay owed to an employee may occur only after reimbursement of the employee for the expenses of Government travel with respect to which the deduction is made; and

(4) require agencies to promptly reimburse employees for expenses charged on a travel charge card pursuant to this section, and by no later than 30 days after the submission of a claim for reimbursement.

[(e)**]** *(f)* Reports.—

(1) In general.—The Administrator of General Services shall submit 2 reports to the Congress on agency compliance with this section and regulations that have been issued under this section.

(2) Timing.—The first report under this subsection shall be submitted before the end of the 180-day period beginning on the date of enactment of this Act, and the second report shall be submitted after that period and before the end of the 540-day period beginning on that date of enactment.

(3) Preparation.—Each report shall be based on a sampling survey of agencies that expended more than $5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. The head of an agency shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director of the Office of Management and Budget.

(g) Reimbursement of Travel Expenses.—In accordance with regulations prescribed by the Administrator of General Services, the head of an agency shall ensure that the agency reimburses an employee who submits a proper voucher for allowable travel expenses in accordance with applicable travel regulations within 30 days after submission of the voucher. If an agency fails to reimburse an employee who has submitted a proper voucher within 30 days after submission of the voucher, the agency shall pay the employee a late payment fee as prescribed by the Administrator.

SEC. 3. PREPAYMENT AUDITS OF TRANSPORTATION EXPENSES.

(a) In General.—(1) Section 3322 of title 31, United States Code, is amended in subsection (c) by inserting after "classifications" the following: "if the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government".

(2) Section 3528 of title 31, United States Code, is amended—

(A) in subsection (a) by striking "and" after the semicolon at the end of paragraph (3), by striking the period at the end of subsection (a)(4)(C) and inserting "; and", and by adding at the end the following new paragraph:

"(5) verifying transportation rates, freight classifications, and other information provided on a Government bill of lading or transportation request, unless the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government.";

(B) in subsection (c)(1), by inserting after "deductions" the following: "and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government"; and

(C) in subsection (c)(2), by inserting after "agreement" the following: "and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government".

(3) Section 3726 of title 31, United States Code, is amended—

(A) by amending subsection (a) to read as follows:

"(a)(1) Each agency that receives a bill from a carrier or freight forwarder for transporting an individual or property for the United States Government shall verify its correctness (to include transportation rates, freight classifications, or proper combinations thereof), using prepayment audit, prior to payment in accordance with the requirements of this section and regulations prescribed by the Administrator of General Services.

"(2) The Administrator of General Services may exempt bills, a particular mode or modes of transportation, or an agency or subagency from a prepayment audit and verification and in lieu thereof require a postpayment audit, based on cost effectiveness, public interest, or other factors the Administrator considers appropriate.

"(3) Expenses for prepayment audits shall be funded by the agency's appropriations used for the transportation services.

"(4) The audit authority provided to agencies by this section is subject to oversight by the Administrator.";

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) in order as subsections (d), (e), (f), (g), (h), and (i), respectively;

(C) by inserting after subsection (a) the following new subsections:

"(b) The Administrator may conduct pre- or postpayment audits of transportation bills of any Federal agency. The number and types of bills audited shall be based on the Administrator's judgment.

"(c)(1) The Administrator shall adjudicate transportation claims which cannot be resolved by the agency procuring the transportation services, or the carrier or freight-forwarder presenting the bill.

"(2) A claim under this section shall be allowed only if it is received by the Administrator not later than 3 years (excluding time of war) after the later of the following dates:

"(A) The date of accrual of the claim.

"(B) The date payment for the transportation is made.

"(C) The date a refund for an overpayment for the transportation is made.

"(D) The date a deduction under subsection (d) of this section is made.";

(D) in subsection (f), as so redesignated, by striking "subsection (c)" and inserting "subsection (e)", and by adding at the end the following new sentence: "This reporting requirement expires December 31, 1998.";

(E) in subsection (i)(1), as so redesignated, by striking "subsection (a)" and inserting "subsection (c)"; and

(F) by adding after subsection (i), as so redesignated, the following new subsection:

"(j) The Administrator of General Services may provide transportation audit and related technical assistance services, on a reimbursable basis, to any other agency. Such reimbursements may be credited to the appropriate revolving fund or appropriation from which the expenses were incurred.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of enactment of this Act.

SEC. 4. REIMBURSEMENT FOR TAXES ON MONEY RECEIVED FOR TRAVEL EXPENSES.

(a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 5706b the following new section:

"§ 5706c. Reimbursement for taxes incurred on money received for travel expenses

"(a) Under regulations prescribed pursuant to section 5707 of this title, the head of an agency or department, or his or her designee, may use appropriations or other funds available to the agency for administrative expenses, for the reimbursement of Federal, State, and local income taxes incurred by an employee of the agency or by an employee and such employee's spouse (if filing jointly), for any travel or transportation reimbursement made to an employee for which reimbursement or an allowance is provided.

"(b) Reimbursements under this section shall include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in subsection (a). In addition, reimbursements under this section shall include penalties and interest, for the tax years 1993 and 1994 only, as a result of agencies failing to withhold the appropriate amounts for tax liabilities of employees affected by the change in the deductibility of travel expenses made by Public Law 102-486.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5706b the following new item:

"5706c. Reimbursement for taxes incurred on money received for travel expenses.".

(c) EFFECTIVE DATE.—This section shall be effective as of January 1, 1993.

SEC. 5. AUTHORITY FOR TEST PROGRAMS.

(a) TRAVEL EXPENSES TEST PROGRAMS.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5710. Authority for travel expenses test programs

"(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

"(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

"(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

"(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

"(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

"(d) No more than 10 test programs under this section may be conducted simultaneously.

"(e) The authority to conduct test programs under this section shall expire 7 years after the date of enactment of the Travel and Transportation Reform Act of [1997] *1998*.".

(b) RELOCATION EXPENSES TEST PROGRAMS.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

"§ 5739. Authority for relocation expenses test programs

"(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary relocation expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

"(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

"(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

"(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

"(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

"(d) No more than 10 test programs under this section may be conducted simultaneously.

"(e) The authority to conduct test programs under this section shall expire 7 years after the date of enactment of the Travel and Transportation Reform Act of [1997] *1998*.".

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is further amended by—

(1) inserting after the item relating to section 5709 the following new item:

"5710. Authority for travel expenses test programs.";

and

(2) inserting after the item relating to section 5738 the following new item:

"5739. Authority for relocation expenses test programs.".

SEC. 6. DEFINITION OF UNITED STATES.

Chapter 57 of title 5, United States Code, is amended—

(1) in section 5721—

(A) in paragraph (4), by striking "and" following the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(6) 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979); and

"(7) 'Foreign Service of the United States' means the Foreign Service as constituted under the Foreign Service Act of 1980.";

(2) in section 5722—

(A) in subsection (a)(2), by striking "outside the United States" and inserting "outside the continental United States"; and

(B) in subsection (b), by striking "United States" each place it appears and inserting "Government";

(3) in section 5723(b), by striking "United States" each place it appears and inserting "Government";

(4) in section 5724—

(A) in subsection (a)(3), by striking ", its territories or possessions" and all that follows through "1979"; and

(B) in subsection (i), by striking "United States" each place it appears in the last sentence and inserting "Government";

(5) in section 5724a, by striking subsection (j);

(6) in section 5725(a), by striking "United States" and inserting "Government";

(7) in section 5727(d), by striking "United States" and inserting "continental United States";

(8) in section 5728(b), by striking "an employee of the United States" and inserting "an employee of the Government";

(9) in section 5729, by striking "or its territories or possessions" each place it appears;

(10) in section 5731(b), by striking "United States" and inserting "Government"; and

(11) in section 5732, by striking "United States" and inserting "Government".

SEC. 7. TECHNICAL CORRECTIONS TO THE FEDERAL EMPLOYEE TRAVEL REFORM ACT OF 1996.

Section 5724a of title 5, United States Code, is amended—

(1) in subsections (a) and (d)(1) and (2), by striking "An agency shall pay" each place it appears and inserting "Under regulations prescribed under section 5738, an agency shall pay";

(2) in subsections (b)(1), (c)(1), (d)(8), and (e), by striking "An agency may pay" each place it appears and inserting "Under regulations prescribed under section 5738, an agency may pay";

(3) by amending subsection (b)(1)(B)(ii) to read as follows:

"(ii) an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services.";

(4) in subsection (c)(1)(B), by striking "an amount for subsistence expenses" and inserting "an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services,";

(5) in subsection (d)(2)(A), by striking "for the sale" and inserting "of the sale";

(6) in subsection (d)(2)(B), by striking "for the purchase" and inserting "of the purchase";

(7) in subsection (d)(8), by striking "paragraph (2) or (3)" and inserting "paragraph (1) or (2)";

(8) in subsection (f)(1), by striking "Subject to paragraph (2)," and inserting "Under regulations prescribed under section 5738 and subject to paragraph (2),"; and

(9) by striking subsection (i).

Ms. SNOWE. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 930) was passed.

AUTHORIZATION FOR REPRESENTATION BY SENATE LEGAL COUNSEL

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 269 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 269) to authorize production of Senate documents and representation by Senate Legal Counsel in the case of Rose Larker, et al. v. Kevin A. Carias-Herrera, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of Rose Larker, et al. v. Kevin A. Carias-Herrera, et al., pending in the Superior Court for the District of Columbia, involves claims of personal injury by the named plaintiff, a former employee of the Sergeant at Arms who worked in Environmental Services. The defendant in this case has issued a subpoena for documents to the Senate Sergeant at Arms. The enclosed resolution would authorize the Sergeant at Arms to produce such documents. It would also authorize the Senate Legal Counsel to represent the Sergeant at Arms in connection with the production of such documents.

Ms. SNOWE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 269) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 269

Whereas, in the case of *Rose Larker, et al.* v. *Kevin A. Carias-Herrera, et al.*, Civil No. 97CA06257, pending in the Superior Court for the District of Columbia, a subpoena has been issued for the production of documents of the Sergeant-at-Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or document production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate is authorized to produce documents relevant to the case of *Rose Larker, et al.* v. *Kevin A. Carias-Herrera, et al.*

SEC. 2. That the Senate Legal Counsel is authorized to represent the Sergeant-at-Arms and Doorkeeper of the Senate in connection with the production of documents in this case.

MEASURE INDEFINITELY POSTPONED—S. 2160

Ms. SNOWE. Mr. President, I ask unanimous consent that S. 2160 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 2, 1998

Ms. SNOWE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:15 a.m on Wednesday, September 2. I further ask that when the Senate reconvenes on Wednesday, immediately following the prayer, Senator BENNETT be recognized to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I further ask consent that following the statement by Senator BENNETT the Senate resume consideration of the Texas Compact conference report and there be 40 minutes of debate equally divided between Senators WELLSTONE and SNOWE. Further, that upon the conclusion or yielding back of time, the Senate proceed to a vote on adoption of the conference report without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. SNOWE. Mr. President, for the information of all Senators, when the Senate reconvenes on Wednesday at 9:15 a.m., Senator BENNETT will be recognized for 15 minutes of morning business. Following the Senator's statement, the Senate will resume consideration of the Texas Compact conference report with 40 minutes of debate remaining. At the conclusion of that debate, the Senate will proceed to a vote on adoption of the conference report. Following that vote, the Senate will resume consideration of the foreign operations appropriations bill.

Rollcall votes are expected throughout Wednesday's session as the Senate attempts to complete action on the Texas Compact, the foreign operations appropriations bill, and any other legislative or executive items cleared for action.

RECESS UNTIL 9:15 A.M. TOMORROW

Ms. SNOWE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:20 p.m., recessed until Wednesday, September 2, 1998, at 9:15 a.m.

SENATE—*Wednesday, September 2, 1998*

(Legislative day of Monday, August 31, 1998)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our hearts are often restless. We long to rest in You. We feel an inner emptiness only You can fill, a hunger only You can satisfy, a thirst only You can quench. All our needs are small in comparison to our deepest need for You. No human love can fulfill our yearning for Your grace. No position can satisfy our quest for significance. No achievement can substitute for Your acceptance. Our relationship with You is ultimately all that counts. Grant us the sublime delight of Your presence. There is no joy greater than knowing You, no peace more lasting than Your Shalom in our souls, no power more energizing than Your enabling spirit empowering us. This is the day You have made for us to enjoy and to serve You. We intend to live it to the fullest to glorify You. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Utah, is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, this morning there will be a period of morning business for up to 15 minutes. Following morning business, the Senate will resume consideration of the Texas Compact conference report, with 40 minutes remaining for debate equally divided between Senators SNOWE and WELLSTONE.

At the conclusion of debate time, the Senate will proceed to a vote on the adoption of the conference report. Therefore, the first rollcall vote of today's session will occur at approximately 10 a.m.

Following that vote, the Senate will resume consideration of the foreign operations appropriations bill. Rollcall votes are expected throughout Wednesday's session as the Senate attempts to complete action on the foreign operations appropriations bill.

I thank my colleagues for their attention.

MORNING BUSINESS

Mr. BENNETT. Mr. President, under the previous order, I understand I am to be recognized for 15 minutes in morning business.

The PRESIDENT pro tempore. That is correct.

CENSURING THE PRESIDENT

Mr. BENNETT. Mr. President, yesterday, as is the habit in the Senate, the Republicans met in policy luncheon during the lunch hour, and during that meeting I made some comments which, under the terms of the meeting, normally remain confidential. Apparently they were sufficiently provocative that, within an hour or so of the meeting, my office was besieged with calls from reporters who wanted to know if I was going to proceed in the manner that had been reported to them. Others of my colleagues were similarly accosted by reporters who wanted to know what is Senator BENNETT going to do on the issue he raised in the policy lunch. Rather than try to respond to each of those reporters individually, I decided that I would take the floor this morning and make a presentation of what it was I said at the policy lunch yesterday, and thereby end any suspense anyone may have. I assure you, this issue is probably not worth the amount of concern that was stirred up yesterday, but I will make it clear what I said and what I have in mind.

The issue that was under discussion had to do with the behavior of the President of the United States, as indicated by his statement to the people of America several weeks ago. I made this comment. I said that if any Member of this body had engaged in that kind of behavior, he or she would be subject to censure for that behavior, and I singled out three areas in particular which I feel would be worthy of censure.

The first: It is now clear that the President of the United States had a relationship with an intern who was under his control and in his purview within the White House, which was improper, or, in the words of the President himself, "wrong." This was not a chance encounter. It was not a matter of her bringing him a piece of pizza, catching his eye, he catching her eye, she smiled at him, he smiled at her, and something improper happened and that was the end of it. It was an affair with sexual activity that began in December of 1995 and continued for 18 months, including the period of time after she had left the White House and was no longer in the President's direct line of report. And it ended, apparently, only because it was discovered and reported in the public. If any Member of this body had that kind of a relationship with an intern in his office he would, I think, very appropriately be subject to censure from the Ethics Committee and by the Senate as a whole. That is the first item.

The second item: When this matter became public, the President went before the public and insisted in the most emphatic possible language that it had not happened. Furthermore, he then gathered his Cabinet and his closest aides around him and, in direct personal contact with many of them, assured them that the public reports of this activity were false, and urged them to go forward and speak in his behalf repeating that denial. We had members of the President's Cabinet come before the Congress and repeat that denial, in effect lying to the Congress from their position as Cabinet officers on behalf of the President of the United States. This, in my opinion, is the second thing that would justify censure, lying and urging others, particularly members of his official family, to lie in various fora, including an official forum of the Congress of the United States.

Then there is the third: While this was going on, for a period of 7 to 7½ months, the President allowed many of his subordinates, aides and supporters to not only lie about this issue—admittedly, they thought they were telling the truth because they had believed the President—but also to attack and smear those who were telling the truth; to go after the reputation of those who had come forward with an accurate description of what was going on and attempt to destroy those reputations in the public arena. This, in my opinion, would be a third reason for censure. And I repeat, I am convinced that if any Member of this body had, No. 1, engaged in that kind of extended improper sexual relationship with an intern; No. 2, lied to his own associates and urged those associates to go forward and lie in his behalf; and, No. 3, then sat by while others of his official family smeared the reputations of those who were telling the truth, a motion for censure would be brought upon this floor and passed, I believe, overwhelmingly.

So I raised in the policy luncheon yesterday the possibility of having a motion of censure raised as a sense-of-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the-Senate resolution with respect to the President of the United States. I pointed out that this should in no way prejudge any impeachment activity that might occur in the House of Representatives for several reasons. In the first place, we do not know what is in Judge Starr's report that will come to the House of Representatives, and what I have described has public circulation, indeed confirmation by the President himself, and therefore need not depend upon Judge Starr's report in order for us to act upon it.

Second, Judge Starr's report and the action of the House of Representatives will not take place, if such action does occur, until the 106th Congress. I believe that something as serious as this should be commented on by the 105th Congress. I do not know that I will be in the 106th Congress. I hope I will be. The political signs in my home State indicate that I will be. But I can take nothing for granted, and I raised with my colleagues yesterday the possibility of having this Congress go on record as stating that it found totally unacceptable and subject to condemnation—because the word "censure" is a synonym for condemn—the actions of the President in the three areas I have described.

I pointedly said I do not want to go beyond those three areas with any resolution of censure because I do not know what is in Ken Starr's report. I do not want to prejudge the issue of whether or not those three items constitute impeachable offenses or high crimes and misdemeanors as such offenses are described in the Constitution. I think that is the responsibility for the House to undertake under the Constitution, and the House, in the 106th Congress, will make that decision.

I raised that possibility within the Republican policy luncheon, for conversation and counsel from my colleagues. I received a good deal of conversation and counsel from my colleagues, both in that luncheon and subsequent to it, and I have reflected on the matter myself in conversations with my staff. But, as I said, it was within an hour or so after I had made essentially the same statement that I have made here within the policy luncheon that members of the press were after me and some of my colleagues, to say, "Is Senator BENNETT going to offer a motion of censure with respect to the President of the United States?" I told those reporters, as I indicated earlier, that I would give them their answer today.

The answer is no, Senator BENNETT will not be offering a motion of censure, for two reasons. First, there are some who would interpret that motion of censure as an attempt to bring this issue to closure. Closure, interestingly enough, is a psychological term, not a legal term. In legal terms, you come to guilty or innocent; you come to "case closed," with a final finding of fact. Closure seems to be a psychological term where you say the individual is now able to deal with this issue.

But, aside from the semantic question involved, I do not want to be a party to any suggestion that the investigation of the President's behavior and the consideration of whether or not that behavior constitutes an impeachable offense should come to an end by virtue of the resolution that I might offer. So, for that first reason, I have concluded that I will not, in fact, offer this resolution.

The second reason I have decided not to offer the resolution is because some have suggested that, since the Senate would ultimately be the jury that would try any accusations with respect to impeachment, I should not, as a Member of the Senate, prejudge the case. I can draw a fine line with which I would be comfortable that would say that my resolution of censure, saying that I found this behavior in the three areas I have described to be reprehensible, would not prejudge a determination as to whether that behavior constituted a high crime or misdemeanor under the Constitution, and I would be comfortable with that distinction. But since there are some who would not be comfortable and who would suggest that by offering the resolution I was prejudging the case, I have also, for that second reason, decided that I will not offer that resolution.

That, I hope, Mr. President, clears up, if anybody had any concerns about what I said yesterday in the policy luncheon, what I intend to do.

I conclude, however, with this one final thought with respect to this issue. One of the reasons I considered offering the resolution, so that the Senate at least would go on record as making it clear that this behavior was unacceptable, is because I imagined this scenario in the future:

Let us suppose that at some point in the future—pick a date, 5 years—the superintendent of West Point, a married man in his early fifties, became involved sexually with a 21-year-old female cadet who had come to his office to bring him coffee. The superintendent maintained a sexual relationship with that female cadet for the next 18 months while she was still within his purview and under some form or other of his control. Other cadets found out about the relationship and began talking about it in the scenario I am describing.

The superintendent, let us suppose, adamantly denies that the relationship is going on, recognizing that it is totally inappropriate and wrong. An investigation is opened whereby legally constituted authorities from the Department of Defense check into the rumors. The superintendent attacks the investigator, smears his ability and his integrity, denies absolutely to his own circle of aides that the affair had ever taken place, and allows the impression to go forward throughout the entire community that he is the subject of a witch hunt being undertaken by the Department of Defense.

After 7 months of stonewalling, denying and refusing to cooperate, the superintendent is then forced to admit that, No. 1, the relationship did take place; No. 2, he has been lying through the 7 months; and, No. 3, there has been a smearing of the reputation of people of high integrity.

I would not want, under that circumstance, to have the superintendent then approach the Department of Defense with a poll showing that 58 percent of the cadets were happy under his superintendency at West Point and say, "Since the Commander in Chief did something like this 5 years ago and no reprimand of any kind came out of the Congress, why cannot I do exactly the same thing under these circumstances and not have it affect my career?"

I wish the precedent to be laid down that says that this kind of activity, whether it constitutes impeachable offenses or not, cannot go uncommented on in an official way. And just because I have decided that I will not offer this resolution in this Congress at this time for the two reasons I have outlined, I do make it clear, Mr. President, that should the voters of Utah send me back here to serve in the 106th Congress, I will do what I can to give Members of Congress a clear opportunity, regardless of impeachment proceedings, to express their opinion on the behavior of the President of the United States in this circumstance.

I yield the floor.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ASHCROFT). The Senate will proceed to the conference report to accompany H.R. 629, which the clerk will now report.

The assistant legislative clerk read as follows:

> A conference report to accompany H.R. 629, an act to grant consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The time on this conference report is limited to 40 minutes to be equally divided.

Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am now pleased to yield to my colleague from Maine, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I rise to join the senior Senator from Maine, Senator SNOWE, in urging my colleagues to approve the conference report on H.R. 629, legislation that would ratify the Low-Level Radioactive Waste Disposal Compact, known as the Texas Compact.

In entering into an agreement for the disposal of low-level radioactive waste, the States of Maine, Texas, and Vermont followed the direction established by the Congress in the Low-Level Radioactive Waste Policy Act and its 1985 amendments. That legislation contemplated that States would form agreements of this nature for the disposal of low-level waste, and thus, by ratifying the compact, Congress will be completing a process that it set in motion.

Since 1985, Congress has ratified 9 compacts involving 41 States. Put differently, 82 of the 100 Members of this body live in States with compacts that have already been ratified by the Senate, and with the approval of the Texas Compact, that number will rise to 88. In short, what Maine, Texas, and Vermont are seeking today has already been routinely granted in the vast majority of States.

While the disposal of radioactive waste is bound to generate controversy, this agreement has been overwhelmingly approved by the legislatures of the three compacting States, signed by their Governors, and, in the case of the State of Maine, endorsed by voters in a referendum. This is consistent with the congressional determination that the States bear responsibility for the disposal of low-level radioactive waste and that, in the interest of limiting the number of disposal sites, they work together to carry out this responsibility. Indeed, ratification by Congress is necessitated only because State-imposed limitations on the importation of waste would otherwise violate the commerce clause.

Mr. President, the Senator from Minnesota, whom I enjoy serving with on the Committee on Labor and Human Resources, has criticized the disposal site that is under consideration by the State of Texas. Apart from the fact that the location of the site is a matter for Texas to determine and is not a component of this bill, that criticism is unsupported by the facts.

In making the decision to consider the proposed site in Hudspeth County, TX, there has been extensive public involvement as well as a thorough environmental and technical review. The county was found to have two critical characteristics for a disposal site; namely, very little rainfall and very low population density. Indeed, the county is the size of the State of Connecticut and has a population of only 2,800 people, and it must be remembered, Mr. President, that this is only a proposed site. Final approval will not be forthcoming unless all of the standards established by Texas law are satisfied.

The decision to consider the site in Texas has nothing to do with who lives there. It has everything to do with the fact that very few people live there.

This body has been presented with nine low-level radioactive waste compacts. It has not imposed changes on any one of those agreements. In keeping with congressionally established policy for the disposal of low-level waste, Maine, Texas, and Vermont are simply seeking the same treatment.

I commend my colleague from Maine, Senator SNOWE, for her leadership on this issue, and I urge my colleagues to support the conference report. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise again this morning to speak against the conference report to H.R. 629. This is the Texas-Maine-Vermont Compact which will result in the dumping of low-level radioactive waste from Texas, Maine, and Vermont, and potentially other States, at a dump located in Texas. The dump is expected to be built in the town of Sierra Blanca in Hudspeth County where 66 percent of the residents are Latino, and 39 percent live below the poverty line.

Mr. President, the construction of this dump site in this community raises important questions of environmental justice. This is not just about the people in Hudspeth County or about the people in Siérra Blanca, or about west Texas for that matter. This is a fight for communities all across the country who do not have the political clout to keep this pollution out. This is a fight for minority communities who are burdened with a disproportionate share of these sites.

It seems to be a pattern in our country, whenever we decide where we are going to build a power line or where we are going to build a nuclear waste dump site or where we are going to put an incinerator, it never is located in communities where people who live in those communities have political clout. It is not located where the heavy hitters and the well-connected and the people who give the big contributions live. It is almost always located in communities of color.

Mr. President, there is an article today that I recommend for my colleagues in the New York Times entitled, "For Some, Texas Town Is Too Popular as Waste Disposal Site." This is all about what we are debating today. I just read the conclusion. Maria Mendez, a retired school aide from Allamore, who lives in the community, is quoted as saying:

> I think Sierra Blanca was chosen for all this dumping because we don't have any political clout. I think it's a racism thing; I really do. Here we are, the hugest dump in the whole world. First sludge, now nuclear waste. Our home has been taken over as the nation's dumping ground.

Mr. President and colleagues, environmental justice is a difficult issue. Too often we hide behind excuses. We say, "These are private sector decisions. This is a matter of State and local responsibility. It is too hard to prove." But this is pretty easy. The dump will not be built if we reject this compact. We have direct responsibility, we have a Federal role, a direct Federal role. We cannot wash our hands of this. We cannot walk away and pretend we are not to blame. We are all responsible. And it is important to take a stand.

This compact raises troubling issues of environmental justice. In this case, the Texas Legislature selected Hudspeth County. They already selected Hudspeth County. And the Texas Waste Authority selected the Sierra Blanca site after the Authority's scoping study had already ruled out Sierra Blanca as scientifically unsuitable. The Waste Authority selected the site after the Authority's own scoping study had ruled Sierra Blanca out as scientifically unsuitable; that is to say a geologically active area; that is to say an earthquake area.

Communities near the preferred site have had enough political clout to keep the dump out, but Sierra Blanca—already the site of the largest sewage sludge project in our country—was not so fortunate. The Waste Authority does a scoping study. The scoping study says this is not scientifically suitable, but the Waste Authority goes ahead and chooses this community. Why not? Disproportionately poor, disproportionately Latino. This is an issue of environmental justice.

The residents of Sierra Blanca, Hudspeth County and west Texas do not want this dump. Last night, some of my colleagues talked about the election of one official, and they said the people want this dump. This candidate was elected, and he was for it. But twenty surrounding counties and 13 nearby cities have passed resolutions against it. And no city or county in west Texas supports it.

Nor would any Senator in this Chamber want this waste dump site built in their backyard. I doubt whether any Senator in this Chamber has ever been faced with this. These waste dump sites are not put where Senators live. They are put in the communities disproportionately of color, disproportionately low-income. This is a debate about environmental justice in our country.

Over 800 adult residents of Sierra Blanca have signed petitions opposing the dump. A 1992 poll, commissioned by the Texas Waste Authority, showed 64 percent opposition in Hudspeth and Culberson Counties. Republican Congressman BONILLA, who represents Hudspeth County, and Democratic Congressmen REYES and RODRIGUEZ, who represent neighboring El Paso and San Antonio, have all actively opposed the dump site.

In an October 1994 statewide poll, 82 percent of Texans said they were against it. Local residents have had no say over whether the waste dump site will be constructed in Sierra Blanca. They were never consulted at any stage in the decision-making process.

As a matter of fact, Mr. President, a 1984 public opinion survey commissioned by the Texas Waste Authority provides some useful context for what is going on. Let me just quote from what their consultant said. This is the report:

> One population that may benefit from [a public information] campaign is Hispanics, particularly those with little formal education and low incomes. This group is the least informed of all segments of the population. . . . The Authority should be aware, however, that increasing the level of knowledge of Hispanics may simply increase opposition to the [radioactive dump] site, inasmuch as we have discovered a strong relationship in the total sample between increased perceived knowledge and increased opposition.

The concern is that if this poor Hispanic community finds out more about this, they will be opposed to it. Indeed, people in the community are opposed. And they should be.

Mr. President, my colleague, with all due respect, last night said we need to have the compact to protect the people in Hudspeth County from becoming a national repository of nuclear waste. That is not the way it works.

The conference report on H.R. 629 would allow appointed compact commissioners to import radioactive waste from any State or territory. And both the State of Texas and nuclear utilities across the country will have an economic incentive to bring as much waste as possible to make this site economically viable and to reduce their disposal costs.

Section 3.05, paragraph 6 of the compact provides that the Compact Commission may enter into an agreement with any person, State, regional body, or group of States for importation of low-level radioactive waste. All it requires is a majority vote of the eight unelected compact commissioners.

Mr. President, the Texas Observer, March 28, 1997, had it right:

> More than two or three national dumps will drive fees so low that profit margins anticipated by states (and now private investors) will be threatened. This economic reality—and growing public resistance to the dumps—has raised the very real possibility that the next dump permitted will be the nuclear waste depository for the whole nation, for decades to come.

Of these nine compacts, I want to point out to my colleagues that not one compact has built a nuclear waste dump site.

Mr. President, here is what is so egregious about what has happened here. To avoid turning this low-income, Mexican-American community into a national repository for radioactive waste, I offered two amendments. Colleagues, this is really what the vote is about. Twice you have been on record. The Senate has unanimously said, A, "We support an amendment which makes it clear that the waste can only come from Maine, Vermont, and Texas. We support an amendment that puts in the language what we say this is about." That was passed twice by the unanimous vote of the U.S. Senate.

The second amendment said that the people in Hudspeth County would have a chance to prove local discrimination in court, that if they could show they have been unfairly targeted then they could go to court to challenge this.

My colleagues, Democrats and Republicans, we have gone on record twice supporting these amendments. In the dark of night—no wonder people get so disillusioned about this process—the conference committee stripped out both amendments, took both amendments out.

Would it be such a crime if we passed this compact with an amendment that made it clear that the waste could only come from Texas, Maine, and Vermont? That is what they say the compact is about. Would it be such a crime if this Hispanic community had some way of seeking redress of grievance and could challenge discrimination in court? That amendment was taken out. That is why this compact is flawed. That is why we should vote against it.

Environmental justice is a national responsibility. We have a national responsibility to remedy this injustice because if we do not, the Congress will be complicit in the construction of this dump.

This is not purely a State or local issue. We have to vote on it. We have to vote up or down. That is what our constitutional system is all about. This compact requires congressional consent. The Texas Compact cannot take effect without Federal legislation, since all 50 States—not just the compact States—will be asked to give their consent.

Construction of the Sierra Blanca dump depends upon enactment of this conference report. If we reject it today, Texas will not build a dump in Sierra Blanca. But within 60 days of enactment, if you vote for this, Maine and Vermont will pay Texas $25 million to begin construction.

Let me point out this is different from all the other compacts because it is crystal clear where the site is going to be. The Texas Legislature already selected Hudspeth County, and the Texas Waste Authority already identified a dump site near Sierra Blanca. That is what is at issue here.

Our consent ought to be conditional. We ought to make it clear that the compact can take effect only if the waste comes from these three States only. But the conference committee knocked that amendment out—the utility companies didn't want that.

We ought to make it clear the people of Hudspeth County at least have a right to appeal this site selection. I think people in Maine and Vermont agree with that idea, but we took that amendment out.

This is not a debate about State or local rights. The conference committee followed the wishes of the nuclear utilities, not the local residents—the utilities who were going to benefit from cheap disposal of nuclear waste. They supported this legislation with no amendments. That is why this legislation is so flawed.

On July 7, 1998, two administrative hearing officers recommended that the license for the Sierra Blanca dump be denied. They made a good decision. What they said was that this is a tectonically active area. We have a very real danger of earthquakes. This does not make sense from the point of view of science. And they were right.

But the problem is that the Texas Environmental Agency, the TNRCC, made up of officials appointed by the Governor, are not bound by what these hearing officers have recommended. The executive director has gone on record saying that he doesn't agree. And the Governor has gone on record saying that Hudspeth County and Sierra Blanca is the right place for this dump to be.

I say to my colleagues that we really have two choices here. We can say, look, if we don't know where the site is going to be, then let's put off the vote. But, no, that is not what we are doing. The idea here is to just ram this through. As soon as we do, believe me, it will go in Hudspeth County, Sierra Blanca. That will be a travesty.

I want to just cite for colleagues the broad coalition of religious, environmental, social justice and public interest groups that oppose this: The League of United Latin American Citizens, LULAC; Greenpeace; the Texas NAACP; the Mexican American Legislative Caucus of the Texas House of Representatives; the Sierra Club; the House Hispanic Caucus; the Bishop and the Catholic Diocese of El Paso; the United Methodist Church General Board of Church and Society; Friends of the Earth; Physicians for Social Responsibility; the League of Conservation Voters; and 100 other local and national civic organizations.

I ask unanimous consent to have printed in the RECORD a letter from

Robert Bullard, a professor at Clark Atlanta University, a leading expert on environmental justice.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CLARK ATLANTA UNIVERSITY,
Atlanta, GA, September 1, 1998.
Vice President AL GORE,
The White House,
Washington, DC.

DEAR VICE PRESIDENT GORE: We are pleased to have an administration that cares about people, the environment, and justice. This letter is to express my concern about the Texas/Maine/Vermont Compact and its environmental justice implications. The issue is plain and simple. To allow the compact to go forward would be an act of environmental racism. For this administration to stand silent does not show a commitment to environmental injustice that follows a national pattern of siting waste facilities and other locally unwanted land uses or LULUS in people of color and low-income communities.

Having written several books and researched environmental problems in communities of color for more than two decades, it is very clear to me that the Sierra Blanca case is a classic case of environmental racism. For this administration to stand silent does not show a commitment to environmental justice or a commitment to protect the civil rights of the residents in Sierra Blanca, Texas. Many grassroots community leaders I have talked to want to see the Clinton Administration come out with a strong, bold, and powerful public statement in opposition to the Texas/Maine/Vermont Compact.

The people in Texas and across the nation need your help and support.

Sincerely,
ROBERT D. BULLARD,
Ware Professor and Director.

Mr. WELLSTONE. Mr. President, let me read a portion of the letter.

> This letter is to express my concern about the Texas/Maine/Vermont Compact and its environmental justice implications. The issue is plain and simple. To allow the compact to go forward would be an act of environmental injustice that follows a national pattern of siting waste facilities and other LULUs [locally unwanted land uses] in people of color and low-income communities. Having . . . researched environmental problems in communities of color for more than two decades, it is very clear to me that the Sierra Blanca case is a classic case of environmental racism.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has 15 minutes 50 seconds remaining and the Senator from Minnesota has 3 minutes 59 seconds remaining.

Ms. SNOWE. May I be informed when I have consumed 10 minutes?

The PRESIDING OFFICER. The Chair will inform the Senator when she has consumed 10 minutes.

Ms. SNOWE. Mr. President, I think it is important this morning to review some of the facts regarding this conference report before the Senate that creates this Texas Compact, because I do think that some of the facts have been lightly regarded during the course of this debate.

This is nothing that hasn't been done before. This conference report will ratify a compact between the States of Texas, Maine and Vermont for the disposal of low-level radioactive waste, as has been done on nine previous occasions by the U.S. Congress in response to a mandate by the Congress in both 1980 and 1985 that required the States to accept responsibility for the disposal of low-level radioactive waste.

Mr. President, 41 States—including the State of Minnesota, the State which the Senator represents and who opposes this compact—have entered into a compact over the last 20 years in response to the mandate that was issued by the U.S. Congress. There are nine such compacts.

This compact in this conference report does not deviate from the previous compacts. The fact of the matter is this compact gives greater control to the State of Texas in terms of the determination of the siting and all of the other factors to repeatedly and safely dispose of low-level radioactive waste. This compact allows the State of Texas, the State of Vermont and the State of Maine to do what 41 other States, including Senator WELLSTONE's own State of Minnesota, do—to dispose of this low-level radioactive waste. The States are responsible for making this determination, whether it is in their State or out of their State, for the waste that is generated within their borders.

There are other factors that have to be clarified here today. The Senator from Minnesota said no other States in these compacts have determined or designated other sites—which is incorrect—at the time of the ratification. In fact, three other compacts—the Northwest, the Rocky Mountain and the Southeast, which passed by the Congress in 1985—had operating facilities that were intentionally designated as the compact's regional facility.

As has been said, the failure of this Congress to ratify this conference report to create this compact will result in no facility being built in Texas.

As this chart illustrates, there are 684 such storage sites in the State of Texas. They are temporary. They are interim storage facilities. What does that mean? It means that they don't have to meet all the same strict requirements that a permanent storage facility will have to meet. So if this conference report is ratified by the Congress, that means the State of Texas can consolidate into one permanent facility to meet all of the State, local and Federal requirements.

It is not, as the Senator from Minnesota has suggested, that we are running roughshod, we are going to override all of the strict Federal, State and local regulatory requirements with respect to safety and health regulations, and of course environmental regulations. This issue isn't going to go away. The waste has already been generated. In fact, even the administrative law judge wants the commission to go back to review essential factors to indicate that the process is working so that all of the requirements under Federal, State and local law are examined very carefully, in terms of the site, so that it is environmentally and geologically safe and sound. But even the administrative law judge determined on July 7 that, indeed, the State of Texas is in need of a low-level waste disposal site.

Congress did not put conditions on the nine other compacts that were ratified by Congress on previous occasions. So this compact should not be dealt with any differently. We are going to adhere to all of the safe requirements that have been established in law. So the siting in Texas is not being done in a vacuum. To the contrary.

Just to name a few of the regulatory requirements that have to be reviewed and have to be satisfied and have to be adhered to and are being done, as included in this book right here that goes through the entirety of the process that has been implemented in the State of Texas for a siting of a facility, there is the Civil Rights Act, which has to be adhered to; title VI of the Civil Rights Act has to be regarded; the Clean Water Act; the Clean Air Act; the Toxic Substances Control Act; the Atomic Energy Act; the 1980 Low-Level Radioactive Waste Policy Act; the 1985 Amendments; the Texas Radiation Control Act, and the Texas Health and Safety Code. They all must be adhered to.

So there is a process. The Senator from Minnesota suggests that there has not been a process, or public participation. To the contrary, there has been extensive public participation, and the process is not over. This compact is site neutral. That doesn't mean to say that the State of Texas hasn't been examining the site in Sierra Blanca, but the process has not been completed. It is being examined very carefully. There has been public participation. There have been numerous hearings within Hudspeth County and Sierra Blanca specifically about this issue. The Texas Legislature overwhelmingly has supported it in both the house and senate, as have the Governors, Governor Richards and Governor Bush; the State of Vermont, both legislatures, and the State of Maine, on a bipartisan basis. In fact, 24 of the 30 members of the Texas congressional delegation are all in support of this conference report. So it has been regarded.

I want to read to my colleagues an open letter to the people of the State of Texas from 100 residents of Sierra Blanca and Hudspeth County. I ask unanimous consent to have a letter from Judge Peace, the county judge, printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HUDSPETH COUNTY COURTHOUSE,
Sierra Blanca, TX, August 25, 1998.

Hon. KAY BAILEY HUTCHISON,
Russell Office Building,
Washington, DC.

DEAR SENATOR HUTCHISON: It is my understanding that the United States Senate will be considering the Texas/Maine/Vermont Compact soon. I want to thank you for supporting this important measure. Its passage will bring needed revenue and opportunity to our area. Sierra Blanca has already benefited greatly from the presence of the Texas Low-Level Radioactive Waste Disposal Authority in the area. The benefits (jobs and infrastructure improvement) will increase during construction and operation of the low-level radioactive waste disposal facility. The truth is the socieconomic benefits for the residents of Sierra Blanca are enormous and overwhelmingly positive. Continued economic benefits are absolutely critical to the future development of Hudspeth County.

I want you to know that the majority of citizens favor the development of such a facility. I have enclosed an advertisement that recently ran in the Austin American Statesman, paid for by donations and community funds. The people of Sierra Blanca and Hudspeth County voiced their support for a better future and tangible real life advances that will make our communities more livable. The advertisement reflects the widespread support in our area for this project; the support runs across the business community to elected officials. During the recent primary elections, this issue was openly debated in the County Judge, Commissioners Court, and County Democratic Chairmanship races; those who supported the project won, while those who opposed it lost.

Thank you for your continued support. If you have further questions or if I can help you in any other way, please feel free to call.

Sincerely,

Judge JAMES A. PEACE.

Ms. SNOWE. I want to read this open letter that was placed as an advertisement in a local newspaper:

> We support the approval of the license for the proposed radioactive waste disposal facility near our town. It offers hope for a better future and tangible, real-life advances that will make Sierra Blanca and Hudspeth County more livable. The overwhelming majority of residents support this project near our town for the following reasons:
>
> A halt to exporting our children to other areas for employment; a larger job market for all residents of Sierra Blanca and Hudspeth County; the ripple effect seen from additional businesses and services to support the facility; improved medical care; increased property values; a broader tax base; enhanced infrastructure; disposal fees paid to the county; upward mobility, and an improved standard of living; a better perception of our community by ourselves and others.
>
> The critics—almost all of whom live outside the community—say the proposed site is not a reasonable road to economic development for Sierra Blanca. We say that these people do not speak for us and that this is our only road in sight.

I believe the people of Hudspeth County have spoken. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Austin American-Statesman, July 22, 1998]

AN OPEN LETTER TO THE PEOPLE OF THE STATE OF TEXAS FROM RESIDENTS OF SIERRA BLANCA, TEXAS AND HUDSPETH COUNTY

We support the approval of the license for the proposed radioactive waste disposal facility near our town. It offers hope for a better future and tangible, real life advances that will make Sierra Blanca and Hudspeth County more livable. The overwhelming majority of residents support this project near our town for the following reasons:

A halt to exporting our children to other areas for employment,

A larger job market for all the residents of Sierra Blanca and Hudspeth County,

The ripple effect seen from additional businesses and services to support the facility,

Improved medical care,

A broader tax base,

Enhanced infrastructure,

Disposal fees paid to the County,

Upward mobility and an improved standard of living, and

A better perception of our community by ourselves and others.

Until the proposed project, the only method of upward mobility and economic development for the residents of Sierra Blanca was a bus ticket out of town. There was little hope for economic progress. Sierra Blanca was destined to be a small, remote, dying community.

The critics—almost all of whom live outside the community—say the proposed site is not a reasonable road to economic development for Sierra Blanca. We say that these people do not speak for us and that this is the only road in sight.

After four years of intensive review, TNRCC issued a favorable Environmental Assessment. We are totally satisfied that the project will be safe and the residents of Sierra Blanca want it to be licensed. It is a sign of hope and a brighter future.

The only negative socio-economic impact would be the denial of the license and the decision to site the facility elsewhere.

Ms. SNOWE. The fact of the matter is that there has been extensive public participation, and it has not been completed. In fact, there were local elections in Hudspeth County, and all of the candidates who were in support of this facility were elected or reelected. I think that speaks volumes. This was an issue in those campaigns. I will also submit for the RECORD the list of supporters of the compact and the following letters; a letter from nine Texas Members of the House of Representatives; the Governors of Maine, Texas and Vermont; a letter from the National Governors' Association; the National Conference of State Legislatures; the Nuclear Regulatory Commission; a "Dear Colleague" by two members of the Texas House of Representatives. All of them are in support of the Texas Compact before us here today.

I ask unanimous consent that the list and these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR TEXAS COMPACT CONSENT ACT

ORGANIZATIONAL SUPPORT (18 NATIONAL ORGANIZATIONS, 11 REGIONAL ORGANIZATIONS)

Organizations United (American Association of Physicists in Medicine, American College of Nuclear Physicians, American Council on Education, American Heart Association, American Medical Association, American Nuclear Society, American Society of Nuclear Cardiology, Appalachian Compact Users of Radioactive Isotopes Association, Association of American Medical Colleges, California Radioactive Materials Management Forum, Council on Radionuclides and Radiopharmaceuticals, Edison Electrical Institute, Health Physics Society, International Isotope Society, Michigan Coalition of Radioactive Material Users, National Association of Cancer Patients, National Electrical Manufacturers Association, Nuclear Energy Institute, Pharmaceutical Research and Manufacturers of America, Society of Nuclear Medicine, Society of Prospective Medicine); Robert Carretta, Chair, Organizations United.—March 16, 1998; May 1, 1996.

Society of Nuclear Medicine, Southwestern Chapter; Resolution. Southwestern Chapter of the Society of Nuclear Medicine.—April 1997.

Texas Radiological Society; Resolution. Texas Radiological Society.—April 4, 1997.

Texas Medical Association; Resolution. Texas Medical Association.—April 4, 1997.

Texas Radiation Advisory Board; Resolution. Texas Radiation Advisory Board.—March 16, 1996.

Health Physics Society; Resolution. South Texas Chapter of the Health Physics Society.—February 24, 1996. Resolution. North Texas Chapter of the Health Physics Society.—February 22, 1996.

Radiation Safety Officers; Resolution. Radiation Safety Officers Advisory Group of the University of Texas System.—February 12, 1996.

Texas Society of Professional Engineers; Resolution. Texas Society of Professional Engineers.—January 26, 1996.

California Radioactive Materials Management Forum; Alan Pasternak, Technical Director, California Radioactive Materials Management Forum.—October 6, 1997.

WASHINGTON, DC,
March 13, 1998.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: As members of the Texas delegation, we urge you to lift your hold on H.R. 629/S. 270, the Texas Low-Level Radioactive Waste Disposal Compact.

This bill follows the guidelines set forth by Congress in 1985, setting up a compact for the disposal of low-level radioactive waste. The legislation is strongly supported by the three states affected—Texas, Maine, and Vermont—and H.R. 629 passed the House by an overwhelming vote of 309–107.

We appreciate the concerns that have been expressed about radioactive waste, and the impact that it could have on our environment if not properly handled. We agree that these are important issues which must be fully and completely examined—a process that is currently under way in Texas through an intense administrative hearing process.

But ultimately, low-level radioactive waste exists and all parties are better served if there are safe and secure disposal facilities. While this may not be the best solution for all states—such as Minnesota—the Texas State Legislature, in conjunction with the state leadership of Vermont and Maine, has come to agreement for the waste generated in those states.

Finally, concerns have been raised regarding the location of the proposed disposal site in Texas. This site was not selected by the U.S. Congress, and the bill before us does not reference a specific site.

We urge you to lift your hold on this Texas bill so that the process may move forward and this agreement may be implemented.

Chet Edwards, Martin Frost, Max Sandlin, Eddie Bernice Johnson, Ralph Hall, Charles W. Stenholm, Ken Bentsen, Gene Green, Jim Turner.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, July 15, 1997.

DEAR SENATOR: As the Governors of the member states, we strongly urge passage by the U.S. Senate of S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act.

The 1980 Low-Level Radioactive Waste Policy Act and its 1985 amendments make each state "responsible for providing, either by itself or in cooperation with other states," for disposal of its own commercial low-level radioactive waste. In compliance with this federal legislation, the states of Texas, Maine and Vermont have arranged to manage their waste through the terms of the Texas Compact. This compact passed the legislatures of the states involved and is supported by all three Governors. Texas, Maine and Vermont have complied with all federal and state laws and regulations in forming this compact. For the Congress to deny ratification of the Texas Compact would be a serious breach of states' rights and a rejection of Congress' previous mandate to the states.

It is important to remember that S. 270 is site neutral—a vote on S. 270 is neither a vote to endorse nor oppose the proposed site in Texas. Federal legislation leaves the siting of a facility to state governments and should be resolved during formal licensing proceedings. Currently, the Texas Natural Resource Conservation Commission is conducting the appropriate hearings.

Please vote to supply the member states of the Texas Compact with the same protections that you have already given 42 states in the nine previously approved compacts. Thank you for your time and attention on this very important matter. We appreciate all efforts made on behalf of states' rights.

Sincerely,

GEORGE W. BUSH.
HOWARD DEAN, M.D.
ANGUS S. KING, JR.

NATIONAL GOVERNORS ASSOCIATION,
March 2, 1998.

DEAR MEMBER OF CONGRESS: On behalf of the National Governors' Association, we urge you to adopt S. 270 without amendment. This bill provides congressional consent to the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. The National Governors' Association (NGA) policy in support of this compact is attached. We are convinced that this voluntary compact provides for the safe and responsible disposal of low-level waste produced in the three member states.

As you know, under the Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980, Congress mandated that states assume responsibility for disposal of low level radioactive waste, and created a compact system that provides states with the legal authority to restrict, dispose of, and manage waste. Since 1995, forty-one states have entered into nine congressional approved compacts without amendments or objections. The Texas-Maine-Vermont Compact deserves to be the tenth.

Your support for this bipartisan measure, which has the full support and cooperation of the Governors and legislatures of the three participant states, will be crucial.

If you have any questions concerning this matter, please don't hesitate to contact Tom Curtis of the NGA staff at (202) 624-5389.

Sincerely,

GOVERNOR GEORGE V. VOINOVICH,
Chairman, National Governors' Association.
GOVERNOR TOM CARPER,
Vice Chairman, National Governors' Association.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, March 11, 1998.

Re: S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act

NCSL URGES YOU TO SUPPORT THIS BILL WITHOUT AMENDMENT

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The National Conference of State Legislatures (NCSL) urges you to support S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, which will allow the states of Maine, Texas, and Vermont to continue to work together to develop a facility in Hudspeth County, Texas for the disposal of the low-level radioactive waste produced in those three states. NCSL has consistently reiterated its firm belief that states must be allowed to exercise their authority over the storage and disposal of low-level radioactive waste, authority that was granted to them by Congress in the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Waste Policy Act Amendments of 1985.

NCSL is concerned about H.R. 629, the version of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act which passed through the House of Representatives last October. H.R. 629 was amended with language that was not in the compact as approved by the Maine, Texas and Vermont state legislatures. No low-level radioactive waste compact between states has ever been amended by Congress. We believe that the amendments to H.R. 629 would establish an unfortunate precedent for Congressional tinkering with agreements that have already been passed by their relevant state legislatures.

The states of Maine, Texas, and Vermont have already expended significant time and resources in order to negotiate an agreement on the Hudspeth County facility. It would be inappropriate for Congress to attempt to alter a valid effort by the Compact states to meet their responsibilities under the Low-Level Radioactive Waste Policy Act. We urge you to support S. 270 without amendment.

Sincerely,

CRAIG PETERSON,
Utah State Senate, Chair, NCSL Environment Committee.
CAROL S. PETZOLD,
Maryland House of Delegates, Chair, NCSL Energy & Transportation Committee

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NUCLEAR REGULATORY COMMISSION,
Washington, DC, March 20, 1998.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: In response to the request from your staff, here are the views of the Nuclear Regulatory Commission (NRC) on two proposed amendments to S. 270, a bill to provide the consent of Congress to the Texas Low-Level Radioactive Waste (LLW) Disposal Compact. The proposed amendments would add two new conditions to the conditions of consent to the compact: (1) that no LLW may be brought into Texas for disposal at a compact facility from any State other than Maine or Vermont (referred to below as the "exclusion" amendment): and (2) that "the compact not be implemented . . . in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level" (referred to below as the "discrimination clause"). These amendments raise some significant questions of concern to the NRC.

First, no other Congressional compact ratification legislation has included such conditions to Congress' consent. Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions. In the past, Congress has set a high priority on establishing a consistent set of rules under which the interstate compact system for LLW disposal would operate.

With respect to the exclusion condition, while the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 authorize compact States to exclude LLW from outside their compact region, the terms of doing so are left to the States. This is consistent with the intent of these statutes to make LLW disposal the responsibility of the States and to leave the implementation of that responsibility largely to the States' discretion. Thus, the addition of the exclusion condition to the compact would deprive the party States of the ability to make their own choices as to how to handle this important area. In addition, restriction on importation of LLW into Texas to waste coming from Maine or Vermont could prevent other compacts (or non-compact States) from contracting with the Texas compact for disposal of their waste (such as has occurred between the Rocky Mountain and Northwest compacts). This type of arrangement with existing LLW disposal facilities may well become a preferred economical method of LLW disposal. It is also important to note that the exclusion condition may hamper NRC emergency access to the Texas facility pursuant to section 8 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

With respect to the discrimination clause, the Commission supports the general objectives of efforts to address discrimination involving "race, color, national origin, or income level." However, it is unclear how a condition containing broad language of the type contained in the proposed amendment would be applied in a specific case involving a compact. This lack of clarity is likely to create confusion and uncertainty for all parties involved, and could lead to costly, time-consuming litigation. Including such a provision in binding legislation may have broad significance for the affected States and other parties and would appear to warrant extensive Congressional review of its implications.

In light of the above, the NRC opposes the approval of amendments to S. 270 that would incorporate the exclusion condition or an undefined discrimination clause into the Texas compact bill.

Sincerely,

SHIRLEY ANN JACKSON.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR CBC MEMBER: We are writing to ask you to vote for H.R. 629, a bill we both are cosponsoring to ratify the Texas-Maine-Vermont Low-Level Radioactive Waste Compact.

Although H.R. 629 specifically provides Congressional consent for the Texas, Maine, and Vermont Compact which provides for the safe, responsible disposal of low-level waste produced in those three states, every state has a stake in the success of this compact. The Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980 requires states to manage the disposal of low-level waste. The compact system provides a mechanism for states to ensure their control over the origin of the waste and allows the individual host staet—with input from interested citizens—to determine the appropriate location for the disposal site.

Your state may or may not be one of the 41 states that have entered into the 9 compacts previously ratified by Congress. Either way, passage of H.R. 629 will reaffirm your State's right both to control local land use and, subject to federal and state health, safety, and environmental laws, to determine the best and safest location for disposing of your State's waste.

Through bipartisan cooperation, the Governors and Legislatures of Texas, Vermont, and Maine negotiated and ratified this Compact in full compliance with all federal and state laws. Since 1985, nine other compacts comprising 41 states have been ratified by Congress without amendment or objection. Please join us in helping all of our States to protect the health and safety of our citizens by co-sponsoring and voting for the Texas-Maine-Vermont Low-Level Radioactive Waste Compact ratification bill.

In the last Congress, some members of the Texas delegation opposed ratification of the Compact because of concerns over the location for the proposed site in Texas. We are satisfied that all appropriate health, safety, and environmental concerns are being addressed in a responsible manner by the Texas state government.

The Commerce Committee reported H.R. 629 on June 25th. The bill will be coming to the floor soon. We strongly urge you to vote for this bill.

EDDIE BERNICE JOHNSON,
Member of Congress.
SHEILA JACKSON LEE,
Member of Congress.

Ms. SNOWE. The fact of the matter is that there has been a public process. There has been very careful evaluation and concern about the views of the constituents in the local area of Hudspeth County, of Sierra Blanca, of the State of Texas. The fact is, the Senator from Minnesota wants to treat the States of Texas, Vermont, and Maine differently from 41 other States, including the Senator's own State of Minnesota.

The States of Texas, Vermont, and Maine are doing just what the Congress required them to do—enter into a compact. The failure of this Congress to approve this conference report and ratify this compact would mean that the State of Texas could not create one safe permanent disposal for low-level radioactive waste; that they would have to maintain 684 temporary storage facilities that do not meet the strict Federal, State and local requirements that this permanent facility would be required to meet.

So, Mr. President, I urge my colleagues to adopt this conference report. I reserve the balance of my time.

The PRESIDING OFFICER (Mr. INHOFE). The Senator has 9 minutes remaining.

Mr. WELLSTONE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. WELLSTONE. Mr. President, would the Chair please notify me when I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. WELLSTONE. Mr. President, A, this is the only compact the Senate has considered where we have a site identified for construction of a compact dump. In this particular case, 90 percent or more of that waste is going to come from nuclear power plants.

B, with all due respect to my colleague, the argument that the people in Sierra Blanca and Hudspeth County want this is an argument that just cannot be accepted on the floor of the U.S. Senate. Eight hundred adult residents of this town of Sierra Blanca signed petitions in opposition. A 1992 poll commissioned by the Texas Waste Authority showed 64 percent in opposition. In a poll in 1994, 82 percent of Texans were against it. It just doesn't wash.

Third, as colleagues follow this debate, again, the Texas legislature selected Hudspeth County. The Texas Waste Authority selected the Sierra Blanca site after the Authority's own scoping study said it is not scientifically suitable. But this was the path of least political resistance. This is an issue of environmental justice. This is being put on the back of a community that is disproportionately Hispanic and poor. That is what today's article in the New York Times is all about.

Finally, let me name some of the members of a coalition of religious, environmental, social justice and public interest groups who oppose the compact. I cite the League of United Latin American Citizens, LULAC. The Latino community should make us accountable on this vote. This is an issue of environmental justice. Then there is GreenPeace, the Texas NAACP, the Texas House of Representatives Mexican-American Legislative Caucus, the Sierra Club, the House Hispanic Caucus, and the League of Conservation Voters. I reserve my final 2 minutes, the balance of my time.

Mr. LEAHY. Mr. President, let me go back to the basic reason we are debating this Compact today. This Compact is before the Senate today because we shifted the responsibility to manage low-level nuclear waste to the states almost a decade ago. Congress encouraged the states to enter into compacts to share this responsibility. Forty-one states have already followed our direction by entering into compacts very similar to the one we have before us today. With the expectation that Congress would ratify their compact, just like we have nine other times, the states of Texas, Vermont and Maine entered into this Compact.

That was more than four years ago. We have delayed this Compact long enough. The amendments that Senator WELLSTONE offered to the Compact when it passed the Senate earlier this year would delay implementation of this Compact even further. When the Conference Committee considered these amendments, we not only heard opposition to the amendments from the National Governors' Association and the Nuclear Regulatory Commission, but also from each of the governors of Texas, Maine and Vermont.

Their letter urges Congress to pass the Compact without amendments. The letter makes it clear that the governors believe that the amendments would require re-ratification by the states and would undoubtedly lead to costly and time-consuming litigation. But their letter raises what I think is the most important question: what is our role in ratifying this Compact? Congress has passed nine other compacts without any amendments. In fact, we passed them by unanimous consent. So why is this Compact so different? Contrary to Senator WELLSTONE's statement, the Compact makes no mention of a site. Nowhere in this legislation will you find a mention of Sierra Blanca, Texas. The people of Texas will make a decision for themselves. The Compact will not.

We are not here to select the site for them. We are not here to write the Compact agreement for them. We are not here to decide how much waste should be deposited at the facility or where that waste should come from. The states have already made those decisions for themselves. As the governors pointed out, the Wellstone amendments would have been an "infringement on state sovereignty." It would have been the first time Congress amended an original contract negotiated by the states. Inclusion of these amendments in the Compact would deny the states the right Congress gave them to make their own choices as to how to handle disposal of low-level nuclear waste.

The amendments offered to the Compact by Senator WELLSTONE were inappropriate. I can understand Senator WELLSTONE's concern that too many sources of pollution and waste facilities are targeted to minority and low-income areas, but one of his amendments would have created new opportunities for litigation that go far beyond the "environmental justice" guidance recently proposed by the Environmental Protection Agency. The amendment would also apply federal environmental justice standards to states for the first time. Congress should address the issue of environmental justice. But we should take the time to do it right, not through amendments to an agreement between three states that are following the lead of nine other similar agreements.

The second amendment attached by Senator WELLSTONE also expands the role of Congress in approving these compacts. This Compact is the result of years of negotiation among the three states and approved by the legislatures of those states. Senator WELLSTONE argues that his amendment would give Texas protection from having to accept waste from states other than Maine and Vermont. However, the Compact already gives Texas the majority vote in deciding if and from whom additional waste may come. This amendment is unnecessary and would only lead to further delay of the Compact since it will likely require re-ratification by the member states. In fact, under the Wellstone amendment, Texas may be more open to accepting waste from other states because it would not have the protection of the exclusionary provisions of the Compact.

The States of Texas, Maine and Vermont have done their job. They have negotiated a compact among them to provide for the responsible disposal of low-level radioactive waste and submitted it to this body as required under Federal statute, for the consent of the Congress. Now, we need to do our job. Those Senators who support the basic premise that we agreed to in 1980, that states should have the responsibility to dispose of their waste, should vote for this bill. It is the responsibility of Congress to follow through on the direction we gave to states in 1980 and ratify this Compact.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am very pleased to be able to yield 4 minutes to my colleague from the State of Texas, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Maine.

Mr. President, I think it should be noted that all six Senators from three affected States are supportive of this legislation.

I want to begin my remarks with the most important thing I can possibly say, and that is, I would never support a hazardous waste site in my State that wasn't in full compliance with Federal and Texas environmental laws and regulations. This is the most important of all of the things that I could possibly say.

This compact came about because of Federal legislation—the Low-Level Radioactive Waste Policy Act and its 1985 amendments. They allowed States to come together, and encouraged States to come together, to find waste disposal facilities that would meet the needs of our country.

In fact, all of us would love not to have any waste that would be put anywhere. But if we didn't have waste, we wouldn't have medical remedies, we wouldn't have the cures for people's diseases. That is what this waste is. It is not nuclear waste. It not high-level hazardous waste. It is low-level medical waste.

The law has created 41 States that have formed 9 low-level radioactive waste compacts. Minnesota is a member of one such compact ratified by Congress in 1985. Nine compacts have been formed. And the compact that Texas, Maine, and Vermont have created is no different from these, and it seeks to provide the citizens of our three States the same protections enjoyed by the State of Minnesota and the other 40 States that have formed compacts.

I think it is very important that we address the issue of how this came about.

A compact agreement was negotiated by former Governor Ann Richards with the Governors of Maine and Vermont. The compact was overwhelmingly approved by the Texas State Legislature and signed by Governor Richards in 1993. That compact now enjoys the support of our current Governor, George Bush, and our Lieutenant Governor, Bob Bullock.

Maine's compact was passed by their legislature and signed in 1993. It also passed a State-wide referendum. In Vermont, legislation was passed by the legislature and signed by the Governor in 1994. I don't think the Federal Government has a mandate to nullify a contract among three State Governors and ratified by their legislatures.

I think it is also important that we address the local issue that has been addressed by the Senator from Minnesota.

We have not yet—the three States together, nor the State of Texas—decided on a place for this radioactive waste. However, there is careful consideration being given to Hudspeth County, which is the focus of where they are looking for the site of this low-level waste compact as a place where they are going to put the waste.

Hudspeth County is the third largest county in Texas, with 4,566 square miles. It has a population of 3,200 people.

I want my colleagues to know that the vast majority of the county's leadership support locating this facility in Hudspeth County as long as it is done in an environmentally safe way, which the Governor has promised will happen or it will not be created.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senator from Texas have 2 additional minutes.

The PRESIDING OFFICER. The Senator from Maine has only 1 additional minute remaining.

Ms. SNOWE. Mr. President, I was informed earlier that I had 9 minutes remaining.

I ask unanimous consent for 1 additional minute and the Senator from Minnesota to have an additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I certainly will not object. My understanding is that the Senator from Texas needed additional time.

If additional time is added on your side and then added to my side as well, that will be fine with me.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. There is one other addition I would like to have, and that is that the Senator from Minnesota have an additional 1 minute as well.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, what is the agreement?

The PRESIDING OFFICER. I think this side would have 4 additional minutes remaining, of which the Senator from Texas would use 1, and you would have 3 additional minutes remaining.

Mr. WELLSTONE. So the additional minutes added to the side in favor of this would be the same as the amount of time added to the opposition. Is that correct?

The PRESIDING OFFICER. That is not correct.

Mr. WELLSTONE. That is not correct?

The PRESIDING OFFICER. There would be 2 additional minutes remaining, and you would be getting 1 additional minute.

Mr. WELLSTONE. I will say what would be fair would be 2 additional minutes on each side.

Ms. SNOWE. I agree with that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

It is very important that the people of our country know that the people of Hudspeth County want this low-level waste authority. They in fact had an election this past May in the primaries. The county elections were held. And every opponent of the Low-Level Radioactive Waste Compact who sought office in Hudspeth County lost.

I ask unanimous consent to have printed in the RECORD a letter of support from the Hudspeth County judge, James Peace, and 300 community leaders in the county in support of the compact; and, furthermore, letters from the National Governors' Association, the Western Governors' Association, the National Conference of State Legislatures, the Nuclear Regulatory Commission of the United States, the M.D. Anderson Cancer Center in Houston, the University of Texas System, the Texas Tech University Health Sciences Center in El Paso, and the University of Texas Health Science Center at San Antonio.

There being no obligation, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 2, 1998.

DEAR MEMBER OF CONGRESS: On behalf of the National Governors' Association, we urge you to adopt S. 270 without amendment. This bill provides congressional consent to the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. The National Governor's Association (NGA) policy in support of this compact is attached. We are convinced that this voluntary compact provides for the safe and responsible disposal of low-level waste produced in the three member states.

As you know, under the Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980, Congress mandated that states assume responsibility for disposal of low level radioactive waste, and created a compact system that provided states with the legal authority to restrict, dispose of, and manage waste. Since 1995, forty-one states have entered into nine congressional approved compacts without amendments or objections. The Texas-Maine-Vermont Compact deserves to be the tenth.

Your support for this bipartisan measure, which has the full support and cooperation of the Governors and legislatures of the three participant states, will be crucial.

If you have any questions concerning this matter, please don't hesitate to contact Tom Curtis of the NGA staff at (202) 624-5389.

Sincerely,

GOV. GEORGE V. VOINOVICH,
Chairman.
GOV. TOM CARPER,
Vice Chairman.

WESTERN GOVERNORS' ASSOCIATION,
Washington, DC, March 12, 1998.

DEAR SENATOR: The Western Governors' Association urges you and your fellow Senators to pass S. 270, without amendment. This legislation would ratify the Texas-Maine-Vermont Low Level Radioactive Waste Compact. Congress envisioned this type of compact when it passed the Low Level Radioactive Waste Policy Act (LLRWA) of 1980. This Compact is a voluntary group of states which joined together to identify and operate a site for the disposal of low level radioactive waste. The site and management program is fully supported by the Governor of Texas, the host state.

As you know, Congress requires the states to take responsibility for the proper disposal of the low level radioactive waste generated within their borders, and created the compact system to allow states to join together to meet this mandate. The Western Governors support such compacts particularly when the states join voluntarily and when the host governor supports the location and operation of the disposal site.

Your vote for adoption of S. 270, without amendment, is critical to its ratification. This will allow the three states to move towards complying with the LLRWA.

If you have questions please contact me or Rich Bechtel, Director of the WGA Washington Office.

Sincerely,

JAMES M. SOUBY.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, March 11, 1998.

Re S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act NCSL urges you to support this bill without amendment.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: The National Conference of State Legislatures (NCSL) urges you to support S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, which will allow the states of Maine, Texas, and Vermont to continue to work together to develop a facility in Hudspeth County, Texas for the disposal of the low-level radioactive waste produced in those three states. NCSL has consistently reiterated its firm belief that states must be allowed to exercise their authority over the storage and disposal of low-level radioactive waste, authority that was granted to them by Congress in the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Waste Policy Act Amendments of 1985.

NCSL is concerned about H.R. 629, the version of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act which passed through the House of Representatives last October. H.R. 629 was amended with language that was not in the compact as approved by the Maine, Texas and Vermont state legislatures. No low-level radioactive waste compact between states has ever been amended by Congress. We believe that the amendments to H.R. 629 would establish an unfortunate precedent for Congressional tinkering with agreements that have already been passed by their relevant state legislatures.

The states of Maine, Texas, and Vermont have already expended significant time and resources in order to negotiate an agreement on the Hudspeth County facility. It would be inappropriate for Congress to attempt to alter a valid effort by the Compact states to meet their responsibilities under the Low-Level Radioactive Waste Policy Act. We urge you to support S. 270 without amendment.

Sincerely,

CRAIG PETERSON,
Utah State Senate, Chair, NCSL Environment Committee.
CAROL S. PETZOLD,
Maryland House of Delegates, Chair, NCSL Energy & Transportation Committee.

U.S. NUCLEAR
REGULATORY COMMISSION,
Washington, DC, March 20, 1998.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: In response to the request from your staff, here are the views of the Nuclear Regulatory Commission (NRC) on two proposed amendments to S. 270, a bill to provide the consent of Congress to the Texas Low-Level Radioactive Waste (LLW) Disposal Compact. The proposed amendments would add two new conditions to the conditions of consent to the compact: (1) that no LLW may be brought into Texas for disposal at a compact facility from any State other than Maine or Vermont (referred to below as the "exclusion" amendment); and (2) that "the compact not be implemented . . . in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level" (referred to below as the "discrimination clause"). These amendments raise some significant questions of concern to the NRC.

First, no other Congressional compact ratification legislation has included such conditions to Congress' consent. Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions. In the past, Congress has set a high priority on establishing a consistent set of rules under which the interstate compact system for LLW disposal would operate.

With respect to the exclusion condition, while the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 authorize compact States to exclude LLW from outside their compact region, the terms of doing so are left to the States. This is consistent with the intent of these statutes to make LLW disposal the responsibility of the States and to leave the implementation of that responsibility largely to the States' discretion. Thus, the addition of the exclusion condition to the compact would deprive the party States of the ability to make their own choices as to how to handle this important area. In addition, restriction on importation of LLW into Texas to waste coming from Maine or Vermont could prevent other compacts (or non-compact States) from contracting with the Texas compact for disposal of their waste (such as has occurred between the Rocky Mountain and Northwest compacts). This type of arrangement with existing LLW disposal facilities may well become a preferred economical method of LLW disposal. It is also important to note that the exclusion condition may hamper NRC emergency access to the Texas facility pursuant to section 8 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

With respect to the discrimination clause, the Commission supports the general objectives of efforts to address discrimination involving "race, color, national origin, or income level." However, it is unclear how a condition containing broad language of the type contained in the proposed amendment would be applied in a specific case involving a compact. This lack of clarity is likely to create confusion and uncertainty for all parties involved, and could lead to costly, time-consuming litigation. Including such a provision in binding legislation may have broad significance for the affected States and other parties and would appear to warrant extensive Congressional review of its implications.

In light of the above, the NRC opposes the approval of amendments to S. 270 that would incorporate the exclusion condition or an undefined discrimination clause into the Texas compact bill.

Sincerely,

SHIRLEY ANN JACKSON.

HUDSPETH COUNTY JUDGE,
Sierra Blanca, TX, August 25, 1998.
Hon. KAY BAILEY HUTCHISON,
Russell Office Building,
Washington, DC.

DEAR SENATOR HUTCHISON: It is my understanding that the United States Senate will be considering the Texas/Maine/Vermont Compact soon. I want to thank you for supporting this important measure. Its passage will bring needed revenue and opportunity to our area. Sierra Blanca has already benefited greatly from the presence of the Texas Low-Level Radioactive Waste Disposal Authority in the area. The benefits (jobs and infrastructure improvement) will increase during construction and operation of the low-level radioactive waste disposal facility. The truth is the socioeconomic benefits for the residents of Sierra Blanca are enormous and overwhelmingly positive. Continued economic benefits are absolutely critical to the future development of Hudspeth County.

I want you to know that the majority of citizens favor the development of such a facility. I have enclosed an advertisement that recently ran in the Austin American Statesman, paid for by donations and community funds. The people of Sierra Blanca and Hudspeth County voiced their support for a better future and tangible real life advances that will make our communities more livable. The advertisement reflects the widespread support in our area for this project; the support runs across the business community to elected officials. During the recent primary elections, this issue was openly debated in the County Judge, Commissioners Court, and County Democratic Chairmanship races; those who supported the project won, while those who opposed it lost.

Thank you for your continued support. If you have further questions or if I can help you in any other way, please feel free to call.

Sincerely,

JAMES A. PEACE.

[From the Austin American-Statesman, July 22, 1998]

AN OPEN LETTER TO THE PEOPLE OF THE STATE OF TEXAS FROM RESIDENTS OF SIERRA BLANCA, TEXAS AND HUDSPETH COUNTY

We support the approval of the license for the proposed radioactive waste disposal facility near our town. It offers hope for a better future and tangible, real life advances that will make Sierra Blanca and Hudspeth County more livable. The overwhelming majority of residents support this project near our town for the following reasons:

A halt to exporting our children to other areas for employment
A larger job market for all the residents of Sierra Blanca and Hudspeth County
The ripple effect seen from additional businesses and services to support the facility
Improved medical care
Increased property values
A broader tax base
Enhanced infrastructure
Disposal fees paid to the County
Upward mobility and an improved standard of living
A better perception of our community by ourselves and others

Until the proposed project, the only method of upward mobility and economic development for the residents of Sierra Blanca was a bus ticket out of town. There was little hope for economic progress. Sierra Blanca was destined to be a small, remote, dying community.

The critics—almost all of whom live outside the community—say the proposed site is not a reasonable road to economic development for Sierra Blanca. We say that these people do not speak for us and that this is the only road in sight.

After four years of intensive review, TNRCC issued a favorable Environmental Assessment. We are totally satisfied that the project will be safe and the residents of Sierra Blanca want it to be licensed. It is a sign of hope and a brighter future.

The only negative socio-economic impact would be the denial of the license and the decision to site the facility elsewhere.

THE UNIVERSITY OF TEXAS
MD ANDERSON CANCER CENTER,
Houston, TX, February 20, 1995.
Hon. HENRY BONILLA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BONILLA: Early this session, Congress will have the opportunity to ratify the Texas Compact, an interstate compact entered into by Texas, Maine and Vermont for the disposal of low-level radioactive waste at a joint facility. As President of The University of Texas M.D. Anderson Cancer Center at Houston, I write to tell you of the great importance of this legislation to M.D. Anderson Cancer Center.

Along with five other health related components of The University of Texas System, M.D. Anderson engages in important research and medical activities which require the use of radioactive materials. Such materials are an essential part of biomedical research into illness like cancer, AIDS, and Alzheimer's disease. Radioactive matter is used extensively in the development of new drugs and is critical to the process of diagnosing and treating patients. For example, radioactive tracer elements are used to detect coronary artery disease and lung and bone scans help locate blood clots or cancerous cells. Radiation therapy is also effective in controlling the spread of many types of cancer.

The low-level radioactive waste generated by research and detection and treatment of illnesses must be disposed of in a responsible, permanent manner. Ratification of the compact between Texas, Maine and Vermont will provide Texas with $25 million, sent by the other two states, to help defray the costs involved with developing a safe facility. This legislation which will be sponsored by Congressman Jack Fields and several co-sponsors from the Texas delegation, finalizes years of negotiations between the states and safeguards Texas against having to accept out-of-compact waste in the future.

Again, I urge your support of the Texas Compact and your consideration to join Congressman Fields as a co-sponsor. Congress gave the states a mandate to manage their low-level radioactive waste. With your vote for ratification, Texas can move forward toward that goal.

Sincerely,

CHARLES A. LEHAISTRE,
President.

TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER AT EL PASO,
El Paso, TX, October 17, 1995.
KAY BAILEY HUTCHINSON,
Russell Senate Bldg.
Washington, DC.

DEAR SENATOR HUTCHINSON: Enclosed is a review of the Radioactive Waste Disposal Site that I completed on 18 July 1995. Texas needs this radioactive waste disposal site. We have 2,217 users of radioisotopes in Texas. We know of 684 sites that produce radioactive waste that must be disposed of properly in order to safeguard the health of all Texans.

Medical diagnosis and treatment with radioisotopes is a significant factor at hospitals and cancer treatment centers. Radioisotopes are used at many Texas Universities and teaching institutions. There has to be a site for disposal of their wastes. We can not simply store this material on site at 684 different places.

We have to look to the total disposal of radioactive waste in Texas and do the best possible job so that future generations are not affected by sloppy disposal and contamination of ground water or food chains. The Eagle Flat site at Sierra Blanca meets those needs.

We need your support in approving HR 558 which is the compact between Texas, Maine, and Vermont. Congress has approved 9 compacts which includes 41 states. Please vote for approval of the 10th compact so that Texas can move forward on proper disposal of radioactive wastes with input and monies from Maine and Vermont.

The site selected in Hudspeth County is being reviewed by the Texas Department of Natural Resources. Approval by that state agency will enable Texas to properly dispose of its radioactive waste. The state approval process continues to move forward at this time. Public hearings at the state level are scheduled for Spring 96.

Sincerely,

CHARLES H. WILLIAMS,
Chairman, Institutional Review Board.

THE UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER AT SAN ANTONIO,
San Antonio, TX, December 5, 1995.
Re passage of H.R. 558/low-level radioactive waste compact.
Hon. LAMAR SMITH,
U.S. Representative, District 21,
San Antonio, TX.

DEAR CONGRESSMAN SMITH: It is my understanding that the House of Representative may once again vote on a low-level radioactive waste (LLW) compact among Texas, Maine, and Vermont. As you evaluate this issue, I thought you might be interested in the importance of such compacts to The University of Texas Health Science Center at San Antonio.

As you know, UTHSCSA engages in important research, medical treatment, and diagnosis using radioactive materials. These activities could be curtailed, or even possibly eliminated, if long-term, reliable LLW disposal is not available. Much, if not all, of our research depends on radioisotopes used as "tracers." These isotopes allow researchers to identify cells being studied without using dyes or chemicals which would interfere with the experiment. Virtually all aspects of contemporary biomedical research depends on the use of these radioisotopes.

Currently, at UTHSCSA, the following research is underway using low-level radioactive materials: (1) Cancer research on causes and treatment of different types of cancer; (2) Exploration and mapping of human genomes; (3) Studies on the effects of aging; (4) Diabetes in the Hispanic population; (5) Bone loss, density, growth, and osteoporosis; (6) Genes that suppress tumors; (7) Pathogenicity of various infectious agents; and (8) Studies of neuroendocrinology and pineal physiology.

According to figures from the Texas Low-level Radioactive Waste Disposal Authority, approximately 23% of the LLW sent to the proposed Texas disposal facility will be generated by medical research and health facilities, including the fifteen academic and health institutions of The University of Texas System. The University of Texas System and the UTHSCSA rely on Congress to support the State's efforts to provide generators of LLW a safe, secure, and permanent LLW disposal facility.

Thank you for your further consideration of this issue, which is of great concern to this University and its important research and health care goals. We appreciate your interests and support.

Sincerely yours,

JOHN P. HOWE III,
President.

Mrs. HUTCHISON. Mr. President, the issue before us today is whether the citizens of Texas, Maine, and Vermont will enjoy the same protections as 41 other States to ensure safe and environmentally sound disposal of dangerous radioactive material.

The local support is there. The Governor has assured us that there will not be a site selected until all of the scientific data shows that this is where it should go, and we are doing exactly what Congress directed us to do in creating safe places for this low-level radioactive waste.

I hope my colleagues will support this, as all of the six Senators who have a direct interest in this are doing.

Thank you, Mr. President. I thank the Senator from Maine. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, will the Chair notify me when I have 1 minute left?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I say to my colleagues that the site has been selected. The only remaining question is final licensing. The site in Hudspeth County, Sierra Blanca, is disproportionately Hispanic and disproportionately poor. That is what this debate is all about. This is an injustice. If you vote for this compact, you will be ratifying this injustice. If you vote against this compact, then this will not happen.

That is why LULAC, that is why the League of Conservation Voters, that is why the Sierra Club, that is why the religious community, that is why 100 different organizations from around the country, that is why people came here, as difficult as it was, all the way from Hudspeth County to say please don't do this.

We had two amendments that would have made this fair.

Please, colleagues, listen to this. One amendment that you voted for said that if the people in Hudspeth County can prove that this is discriminatory, they should have a right to do so in court. The other amendment says let's make it clear that the waste can only come from Maine, Vermont, and Texas. Twice the Senate went on record with unanimous votes supporting both those amendments, and in the conference committee those amendments were knocked out. The utility industry wanted them knocked out. They don't want the people to have any kind of remedy for discrimination. There is no assurance that the waste will come just from Maine, Vermont, and Texas. They want this to be a national repository site.

That is why we should vote against this compact—the first compact ever with a clear site for building a compact nuclear waste dump. This is an environmental injustice.

I reserve the remainder of my time.

Ms. SNOWE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Ms. SNOWE. Mr. President, let me make a final comment. I think we have had very extensive debate.

I believe that the facts have been emphasized and clarified with respect to this issue. The fact of the matter is, this compact adheres to all of the standards that have been applied to previous compacts ratified by the Congress, nine such instances as mandated by the U.S. Congress. The fact is, 82 Senators in this body represent States that have compacts, but the Senator from Minnesota is saying that somehow the States of Texas and Vermont and Maine should be discriminated against, that they should not be allowed to enter into a compact to safely dispose of low-level radioactive waste—waste, yes, that is generated by universities, by medical centers, by defense facilities, by power plants.

The Senator from Minnesota is saying that somehow we should be treated differently from his own State of Minnesota and all of the other 40 States that are included in these compacts. The State of Texas has procedures, has a public process, has a political process to determine where the site should be located. The Senator from Minnesota is somehow suggesting that the State of Texas does not have the trust and the confidence of the people that it serves to make a judgment in adherence to their State environmental and public and health and safety laws as well as the Federal Government, all of which, I might add, have to be adhered to, all of which have been outlined in this process throughout. This has not been something that somehow has materialized out of thin air, overriding and breaching all of the environmental and safety laws in America.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. So I would urge my colleagues to adopt this conference report that allows the States of Texas and Vermont and Maine to do what 41 other States, including the State of Minnesota, have been able to do in the past.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Colleagues, you have never voted for a compact with a specific site for building a compact dump, not with a site in Sierra Blanca, not with a site disproportionately Hispanic and poor.

This is an environmental vote. This is a geologically active area. The science says no, but it is the path of least political resistance. This community is targeted. We will now vote. If you vote for this compact, you vote for an injustice. Do the right thing and vote against this compact.

Twice you have gone on record, colleagues, by unanimous vote: yes, for the compact as long as people have a right to challenge this and have a chance to prove discrimination. Yes, we vote for the compact if we make it clear that this won't become a national repository site and the waste can only come from Maine and Vermont and Texas. And both of those amendments, in the dark of night, were stripped by the conference committee.

That is why so many religious and civil rights organizations have said vote against this. LULAC, the League of Conservation Voters, the Sierra Club, the Catholic diocese, the Methodist Church, so on and so forth. This is a justice vote. We have to vote on this, and once and for all it is important for us to be on the side of justice and vote no on this compact.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. WELLSTONE. Does my colleague have any time remaining?

The PRESIDING OFFICER. Her time has expired.

Mr. WELLSTONE. I then will yield the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr.

DOMENICI), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 15, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—78

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brownback
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Dorgan
Enzi
Faircloth
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kerrey
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murray
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—15

Akaka
Boxer
Bryan
Durbin
Feingold
Harkin
Kennedy
Kerry
Lautenberg
Moseley-Braun
Reed
Reid
Torricelli
Wellstone
Wyden

NOT VOTING—7

Bingaman
Coverdell
Domenici
Glenn
Helms
Inouye
Murkowski

The conference report was agreed to.

Mr. MCCONNELL. addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider the last vote be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

UNANIMOUS-CONSENT REQUEST—H.R. 2183

Mr. DASCHLE. Mr. President, I think that we want to finish this foreign operations appropriations legislation, and I hope that we can do it. I hope we can do it sometime soon. I note there are a number of amendments that are left to be considered on this important piece of legislation. I commend our ranking member and the chairman for their efforts in resolving this important piece of legislation in a timely way. There are a number of other amendments that must be considered before we can come to closure.

The question then comes as to what we take up next. Yesterday, we discussed on the Senate floor how important it is that one of the bills that we take up next be the Patients' Bill of Rights, managed care reform. The other piece of legislation, Mr. President, that ought to be taken up immediately is legislation that was already passed in the House, the Shays-Meehan bill, H.R. 2183, the campaign finance reform bill.

Mr. President, the House deliberated on that bill for some time. House Members worked their will. They did a good job in dealing with all of the controversial aspects of campaign reform this year. They recognize, as many of us recognize, that we are not going to solve the problem with one piece of legislation. But they made a major contribution to solving the problems we face with regard to soft money and independent expenditures and reporting and enforcement.

Whether or not we move this issue forward will be determined by whether or not we are willing to act in the course of the next 6 weeks. Time is running out. I applaud Senators MCCAIN and FEINGOLD for their news conference this week wherein they said they will press for this legislation, they will offer their bill as an amendment to another bill at some point in the future.

Mr. President, whether it is the McCain-Feingold bill or the Shays-Meehan bill, this Senate must not lose the opportunity to complete its work on campaign finance reform this year. We must have the opportunity to address the issue. We must take up that legislation.

I will be propounding a unanimous consent request at some point this morning—in just a few moments—to ask that campaign finance reform be the next order of business, to ask, again as we did yesterday, that it be laid aside for other important appropriations bills simply because we recognize the urgency of passing appropriations legislation on time. We are way past due. We have not passed a budget. We have not passed any of the appropriations bills. Not one has been signed into law.

Mr. President, to the extent we can do all that we can to resolve the remaining procedural and other related problems on appropriations, we must do so. But there is no question that, as we look to what must be completed prior to the end of this year, the two issues that have to be addressed are the campaign finance reform bill and the Patients' Bill of Rights that we discussed yesterday.

We come to the floor this morning simply to focus attention on the need for expeditious consideration of this legislation, on how critical it is that we, as Republicans and Democrats, agree, as did Members in the House, to make it the kind of priority it deserves to be, to address the array of problems that we have.

I cannot think of a more diverse philosophical body than the House today. We have the far left and we have the far right. We have the extremes on both sides. With all of the extreme positions that Members are capable of taking, they came together and passed the Shays-Meehan bill just before we left.

Mr. President, now it is our turn. Now we have an opportunity to do the same thing. Now we can pass the legislation here. We had a debate earlier. We were disappointed that we were not able to come to closure on it. But now is the time. The House has acted. So must we.

So far this cycle Republicans and Democrats have spent $37 million more than the last cycle—$37 million. Campaigns continue to escalate in cost and degrade in quality. More and more, there is a rush for dollars. More and more questions are asked about how money is raised. More and more, the people are turned off and tuned out by a political process that has gone awry. They ask that we react. They ask that we show some leadership. They ask that we take some steps to correct this situation before it gets even worse. The House heard; and the House reacted. The Senate now must do the same.

There is no better time to do it than now. We all are cognizant of the fact that there are only 60 days left before the next election. Within those 60 days, there will be even more money raised, tens of millions of dollars raised, across this country. As we speak, I guarantee you, there are Senators and House Members and candidates in small rooms everywhere dialing for dollars—incessant dollar dialing that has reached an unprecedented threshold. And the implications of all that money become more serious, the implications for the legislative process, the implications for campaigns themselves, the implications for the democracy that we all treasure.

Mr. President, there has to be an end at some point. We have to curtail this incessant effort to raise more and more money at the cost of the credibility of the American people as they view our campaigns in 1998.

Not all of us are on the floor right now, but if we were, I say with unanimity our Democratic caucus wishes to express the hope that we can pass the Shays-Meehan bill this week, next week, or certainly at some point before we leave. If we pass the Shays-Meehan bill as it passed in the House, which I am prepared to do, I will accept it. I will take the language that was passed in the House and I will send it off to the President. He has already indicated he will sign it. We don't have to go to conference. There is nothing we have to do that would complicate our actions once it passes in the Senate.

So let's do it. Let's agree, as Republicans and Democrats, that it is important to do it now. The time is running out. I urge my colleagues—urge my colleagues—to agree.

Mr. President, I ask unanimous consent that upon the disposition of the foreign operations appropriations bill, the Senate proceed to the consideration of H.R. 2183, the House-passed campaign finance reform bill, that only relevant amendments be in order, that it be the regular order, but that the majority leader may lay the bill aside for any appropriations bills and appropriations conference reports.

Mr. McCONNELL. I object.

The PRESIDING OFFICER (Mr. SANTORUM). The objection is heard.

Mr. DASCHLE. Mr. President, I am not surprised, but I am disappointed.

We will continue to persist. We will continue to make the effort each day, either in the form of unanimous consent requests like this, or with amendments offered to bills that will be considered. We will not let this issue pass. It is essential that we consider this legislation before it is too late, before we run out of time, before we miss a golden opportunity to seize the moment and do what the Senate should have done earlier this year, should have done last year, should have done 10 years ago. This will not go away. We can do it either the easy way or the hard way, but we will continue to persist.

Mr. WELLSTONE. Will the minority leader yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before coming back, I was at the Minnesota State Fair, which is quite a focus group—almost half the State's population comes there in 13 days. Without going through my conversations with people in Minnesota, I want to ask you whether or not back home in South Dakota or as you travel around the country, what kind of discussions do citizens have with you about the mix of money and politics and reform?

Does the minority leader think that this is, in fact, a burning issue to people? We have been told for so long that people don't really care about campaign finance reform. What is the minority leader hearing from people in South Dakota? What is he hearing from citizens in our country? Why does he, as the leader of our party, put this at the very top of his priorities?

Mr. DASCHLE. The Senator from Minnesota raises an important point.

As I talked to South Dakotans all over the state this last month of August, I found it remarkable how many people simply said they don't want to have anything to do with the political process anymore. I had many, many Republicans who said they are just sick and tired of what is happening out there. Most of it, they said, relates to the money—the money chase, the implications of more money, the influence of big money on the legislative process. They are tired of it.

I think without question they all understand that the rules, the laws, need to be changed.

It was remarkable to hear the consistency with which people expressed that point of view to me—Republicans, independents, and Democrats; they all said it. They all indicated with increasing intensity that unless we change the system we could lose it, that unless we change the rules we will become victims of the current ones.

That, to me, is the essence of why this is so essential, why it is important that we act now.

Mr. FEINGOLD. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Wisconsin for a question.

Mr. FEINGOLD. Mr. President, before I ask a question, let me thank the minority leader for his tremendous leadership on this issue and for maintaining the support of the entire Democratic caucus for reform—whether it be the McCain-Feingold bill or the Shays-Meehan bill, which is very similar.

One of the criticisms made of this bill consistently, which I obviously have never found very valid, is that it is a partisan bill. The fact is that seven Republicans have supported this bill out here on the floor, and the number in the House was overwhelming.

I wonder if the minority leader is aware that a quarter of all the members of the Republican Party in the House supported this legislation.

Mr. DASCHLE. I was aware of that, and I think the Senator from Wisconsin raises a very important point. I actually believe that there are at least 25 percent of the Republican caucus in the Senate who support campaign reform. I just wish they would express themselves, as I know the House already has, in that regard.

As I talk to colleagues on the other side of the aisle, they tell me they are supportive of it. They tell me they understand we need to see some change. I just hope that some additional courageous Republican Senators will step forth and join us. All we need are 60 votes; we already have 45 Democratic Senators. As the Senator from Wisconsin knows, we already have several Republican Senators who have expressed support and are willing to continue to support our effort. So a dozen or so additional Republican Senators would put us over the top.

Mr. FEINGOLD. Mr. President, this is precisely the reason the senior Senator from Arizona and I announced yesterday that we will be forcing the issue if your proposal is not agreed to, to bring this up, because we do believe that there will be Members on the other side of the aisle here who will support us. In fact, we are down, now, to only eight people.

The fact is that originally people said, "You only have several cosponsors. You only have two Republicans. It will never get through the House." That is just a series of what I regard as excuses.

Mr. President, now it is very simple. The President has said he is ready to sign the bill. A majority of this body has indicated on the record they are for the bill and a majority of the other House is dramatically in favor of the bill.

I just wonder if the leader would comment for a minute on the significance if we don't get this done this year. Unfortunately, we can't pass a bill that will affect this election, the one that will happen in 60-some days. That was an agreement we had. We worked hard and we would have loved to avoid the abuses that are going on right now as we speak. But there is another election coming up in the year 2000.

I wonder if the leader would talk for a minute about what it means if we don't get the job done now.

Mr. DASCHLE. The Senator from Wisconsin probably knows better than anybody in this Chamber the implications of doing nothing. No one has worked harder, provided greater leadership, and engendered more respect on both sides of the aisle than the Senator from Wisconsin. He is running, as am I, this year. He knows the race for dollars. He understands the implications of that race. He understands, as well, the average cost of a Senate race right now is over $4 million. He knows, as I do, that we have already surpassed last year's record-breaking levels, last cycle's record-breaking levels in the amount of money required to be successful.

He knows, as I do, we will be seeing double-digit figures when it comes to what it will take to wage a successful Senate race anywhere in the country. He knows the implications of that. I must say, Mr. President, you don't need any imagination to recognize just what a devastating effect that has.

I was at two fundraising breakfasts this morning, neither for myself. That is exactly what is happening all over this city and across this country—fundraiser after fundraiser, more and more money generated with implications on the legislative and political process.

Where does it end? How will we possibly recruit candidates in the future when we tell them: We want you to be a part of the Democratic process, but we want you to cough up $10 million to do so if you are going to be in the U.S. Senate?

How can we do that? How can we recruit with a straight face—except for those who have the resources and the wherewithal? How many more millionaires should we have in a representative body of 100 people? We have some very good and diligent and hard-working people of wealth in this country, and I am glad they are here. But I want to make sure that working families are also represented, that we elect people who understand what it takes to earn a paycheck and make ends meet, to send a child to college. I want those people in the Senate as well. How do you do it when you have to raise $10 million? Who do you turn to? So the Senator from Wisconsin very appropriately raises the question, "What are the implications?" There are many, many more. We can talk all day long about the implications. Those are just a few.

Mr. FEINGOLD. Mr. President, I thank the leader for his statements and for his leadership on this issue. I was enthusiastic about coming back to work on this issue again after I have had conversations with people like the Senator from Michigan. I was very enthusiastic when I had a chance to meet with the senior Senator from Arizona. We decided definitely yesterday to move, and move soon, on this issue. I am even more excited and enthusiastic that we can finish the job. The excuses are over. The whole thing is down to eight Senators. It is time to do the job. I thank the leader very much.

Mr. DASCHLE. I thank the Senator for his comments. I appreciate the contribution he has made. I will be happy to yield to the Senator from Massachusetts for a question, if he has one.

Mr. KERRY. I thank the leader. I will ask the leader, first of all, a series of questions. My first question is, I assume the leader has reached out to the majority leader of the Senate and suggested to him that there is a way in which the U.S. Senate could take an appropriate amount of time to properly deal with this effort. I wonder if the leader will share with the Senate and with the country what the response is of the Republican side of the aisle with respect to the ability of the Senate to carry out its responsibilities here.

Mr. DASCHLE. The Senator from Massachusetts raises the question, "What is the response?" We got it a few minutes ago. We asked very reasonably that we take up this bill next—that we finish the foreign ops appropriations bill, which is critical. We have to get these appropriations bills done.

As I have noted, not one of the 13 appropriations bills has been signed into law. Here it is now September. The next fiscal year is less than 4 weeks away, and we have yet to pass one appropriations bill. So we recognize that we have to get our work done in that regard, but we also recognize that there will be gaps, that there are other needs out there, legislatively, and there can be no greater needs than the request we made yesterday about a Patients' Bill of Rights consideration and the request we make today on campaign finance reform. Why? Because the House has already acted on both bills.

So the response we got today, as I noted, was disappointing because we are trying to be reasonable. We are suggesting that only relevant amendments be offered. We are suggesting that we lay the bill aside to finish our work on appropriations bills. We would be prepared to suggest other options. In fact, I would even go so far—and I haven't talked to my colleagues about this, so I am premature in making this offer, but just for the record I would be willing to accept a vote, up or down, on the Shays-Meehan bill—no questions asked; no amendments. Let's just have a vote, up or down, on Shays-Meehan and send it to the President if it passes. I would be prepared to do even that. Many colleagues might want to go farther than that.

How much time does it take to have one vote? How much time does it take to consider something that has already passed in the House, such as the Shays-Meehan bill? I talked to the Senator from Wisconsin. He is not one of those who is so concerned about pride of authorship that his name has to be on it. He said he would be prepared to take whatever we would do here to get either bill passed. He has taken a very meritorious position on this issue. My point is, in answer to the Senator from Massachusetts, we have tried to be as reasonable about this as we know how to be.

Mr. KERRY. I ask the leader further, what options, then, might be available to the minority at this point in order to try to make clear our serious determination to see this issue properly addressed in the U.S. Senate?

Mr. DASCHLE. Well, the Senator from Massachusetts is as much of a legislative strategist as I am, and he and I and others have talked about what our recourse is given the intransigence on the other side. I suppose we have two options that I am aware of. There may be others, but there are two in particular. One we tried this morning—asking consent over and over that this legislation be scheduled. The second is to take it upon ourselves to schedule it by offering it in the form of an amendment to whatever bill may come along. I have noted already publicly, and the Senator from Wisconsin has noted yesterday in a news conference, that those options are available to us and we will use them as we see the need.

I hope that will not be necessary. I hope that we can come to some agreement. I hope that we can be reasonable about this and recognize that the House has acted, and that having a vote on Shays-Meehan isn't too much to ask. But those are our options. We aren't going to lay back and just accept the fact that our Republican colleagues would prefer not to deal with this issue. It is too important not to deal with it. It is too much of a priority for too many Americans and for the political system, not to mention the Democratic caucus, for us to ignore it. So we will use those options and others, if they become available to us, because this is as important a bill and important an issue as there is pending before the Senate today.

Mr. KERRY. Mr. President, I appreciate the answer of the leader. I ask him further if he would agree that despite the fact that there is a great difficulty in the current atmosphere in this country and in the context within which our politics is being played out in Washington and in the national media—there is a great difficulty in conveying to the public the importance of an issue, but I assume that the leader would agree with me that all the great words that are spoken on the floor of the Senate, all of the meaning of this institution, all of the history that is wrapped up in this most watched and intriguing and certainly successful experiment in democracy on the face of the planet, that all of us really are facing a fundamental distortion that the American people understand today—in a process that has seen the cost of elections rise more than 100 percent; more and more millions of dollars are being spent and less and less Americans are able to access the system. Less and less people are able to take part, and more and more special interests are taking the system and defining it in terms of the money that they have available to them.

I assume that the leader will share with me that this is not an ordinary issue that we are talking about. This is something that goes to the fundamental notion of what kind of democracy we market to the rest of the world, and that if we are not capable of changing our own house and putting in order this system, then we lose something, not just with respect to our democracy at home, but with respect to the rest of the world. I assume the leader will share with me and others here that, somehow, we have a responsibility in the next days to get this issue to rise to the full measure of importance that it has. I also assume the leader shares with me the view that, otherwise, what happened in the House becomes a sham, that the House may have taken a freebie vote, knowing that all they had to do was rely on the leadership of the Senate to say, "We are not going to let it come up; we are going to let the parliamentary process kill this." I assume the leader will agree with me that that would do an enormous disservice to the full measure of what this issue is really all about.

Mr. DASCHLE. The Senator from Massachusetts puts his finger right on the question. What was that vote all about? Did they really hope, as we do, that it will be put on the President's desk for signature some time before we adjourn? Or was there some cynical ploy here to position themselves for election back home with the realization that it wasn't going anywhere? That is why this unanimous consent request is a test. That is why our continued persistence will continue to be the test as to how serious many of our Republican colleagues are, who publicly espouse campaign reform, when it comes to passing a bill. He is also correct in what he said about its implications.

This isn't my desk. I am standing at the Democratic whip's desk. But this desk happens to be Henry Clay's desk. Henry Clay sat at this desk over 100 years ago. I must say that in all of the time since he sat at this desk I don't know that our democratic process has ever been in greater jeopardy than it is today. Henry Clay used to sit at this desk and would have incredible debates about the direction this country was going to take. People would stay here overnight. People would be here for days and weeks fighting the issues and the policies of the day because they believed so deeply in the direction our country was going to take.

But do you know what happens? What happens is that we get told by our colleagues that "I cannot be here on Monday. I have to go campaign. I can't be here on Friday. I have to go raise money. In fact, I can't even be here on Tuesday mornings or Thursday afternoons because I have to go raise money."

Henry Clay must be turning over in his grave. That isn't the U.S. Senate. The money chase? That isn't what he fought his whole life to protect and preserve as one of our finest patriots. We have to live up to that standard. And I swear we are not doing it so long as we are bridled and enslaved by the incredible money chase that goes on day after day relentlessly and gets worse each political season.

Mr. KERRY. I thank the leader for that important connection to the real history and the reality of what we are talking about.

In 1988, both parties—Democrats and Republicans—raised $45 million combined in so-called "soft money"—$45 million only 10 years ago. In 1992, that number doubled to $90 million. And in the last race in 1996 when this Senator was running, that number rose to $262 million. Everyone knows that this time, in 1998, even more money will be spent, and everyone knows that money is being spent outside of the spirit of the law. It is being spent to directly impact candidacies to elect candidates even though it is so-called "under the issue exception" of the first amendment.

We have a very, very fundamental challenge. I thank the distinguished leader for his persistence and for his commitment to the notion that this issue is going to find its footing, its honest footing; it is going to find a way to penetrate the cynicism and the skepticism; and we are somehow going to break through and let the American people know that a majority of the U.S. Senate wants campaign finance reform and is prepared to vote for the Shays-Meehan bill now. There is only one thing stopping us. It is called the Republican majority. They don't want this to happen. They don't want it to happen because they are in favor of incumbency protection.

I am sure that the Democrat leader would agree with me that this really is one of the most fundamental and important changes we could make because how we can change health care, how we can affect education, how we can properly have all the disparate elements of American society represented is ultimately decided by the amount of money in our campaigns. I am sure that the leader will agree with me that if we are going to be a democracy representing all of America, we simply have to make this process more accessible and more available to the average person and to all Americans.

Mr. DASCHLE. I agree completely with what the Senator just said. In a democracy, it is supposed to be of and by the people. But how can it be of and by the people when you need the millions of dollars it now takes to be a legitimate candidate anywhere in the country? How can you say to people from working families, "Look, we want you to be engaged, and not only vote and participate, but we would like you to help lead," if all we can do in response to their question about what it is going to cost is to admit that it costs millions of dollars that he or she doesn't have? How is it of and by the people when it becomes even more problematic with each cycle of escalating costs, already $37 million more this cycle than last cycle? That isn't democracy. That isn't what the Founding Fathers and what Henry Clay thought about when he thought about this system and what they were going to do to protect it.

I yield to the Senator from Illinois for a question.

Mr. DURBIN. Mr. President, I thank the Senator from South Dakota for making this unanimous consent request. I would like to ask him a question.

Many people who are watching this debate are not quite sure it is on the square. Is it possible that incumbent Senators now standing on the floor of the U.S. Senate really want to change the system that brought them to this body? I think there is a healthy degree of skepticism by people who are watching this debate wondering how they could want to change the system that brought them to their political position in life, brought them to the U.S. Senate.

Can the Senator from South Dakota tell us how close we are to enacting meaningful reform, whether it is the legislation by Senator FEINGOLD, by Senator MCCAIN, or by the Shays-Meehan bill from the House? How close are we to that moment where we could call a vote and actually produce a bill that would change the system dramatically? Is this a pipe dream? Is this a theory? Is this a political stunt, or is this a reality, a real possibility on the legislative side?

Mr. DASCHLE. I like the way the Senator from Illinois poses the question because it really brings it down to the essence of what we are asking. He asks how close we are. I would suggest we are 1 hour and one vote close. That is how close we are. I would be willing to settle for an hour of debate on either side and have the vote on Shays-Meehan this afternoon and send it off to the President.

What we get when we pass Shays-Meehan, or McCain-Feingold, is we finally get an end to "soft money"; we finally get some constraints on this outrageous escalation of so-called independent issue ads. We get an array of additional improvements in our systems that constrain and further constrict the money-hungry process from continuing to escalate out of control. That is what we get with one vote and 1 hour.

Mr. DURBIN. If I could ask the Senator from South Dakota a further question, anyone watching this debate has to be puzzled. If the Senator from South Dakota is truthful in what he says, as I believe he is, and if a majority of the Senate supports this reform, why isn't this bill on the floor? If a majority of the Senators are prepared to vote for it, why isn't this bill being brought up for consideration at this moment?

Just a few minutes ago, the Senator from South Dakota made what is called a unanimous consent request to go to the bill. That is literally what it means. It takes unanimous consent of the Senate—not a majority vote—to bring it to the floor, and one Senator on the Republican side stood up and objected. So we were stopped in our tracks.

But can the Senator from South Dakota explain to those who are watching this debate why we have to go to a unanimous consent request to bring a matter to the floor which we believe enjoys the support of more than a majority of the membership of the Senate.

Mr. DASCHLE. The Senator from Illinois asks a good question. Why we have to ask unanimous consent is because even though it is in this calendar, the calendar of business—I could find the page very easily—of Wednesday, September 2nd, it is an item of business to be taken up by the Senate. Why? Because it has already passed in the House. But we have to ask unanimous consent because the Republican leadership is unwilling to schedule it. Even though it has now passed in the House, even though there is a majority of Senators who are prepared to support it, there is intransigence on the part of our Republican leadership to bring this bill up.

All we can do is hope that perhaps with some persistence and some repetition asking unanimous consent, or offering the bill as an amendment, we can take up what should be a normal course of business given the Senate Calendar.

Mr. DURBIN. I would like to ask one more question. I see my colleague from the State of Connecticut is up for a question as well. I will make one last request of the Senator from South Dakota.

The argument used most often by the critics of this campaign finance reform is an argument often used by the Senator from Kentucky, the Republican Senator who objected to this unanimous consent, which is that to reduce the amount of money being spent on a campaign will restrict free speech in America, will restrict the right of American citizens to express their views by spending their money in a political campaign.

Would the Senator from South Dakota address this, because I think it is the core issue here. Are we in fact reducing the amount of money at the expense of restricting the constitutional right to free speech? That I think is the crux of this debate, at least the nominal debate that we hear, and I would like the Senator from South Dakota to address it.

(Mr. STEVENS assumed the Chair.)

Mr. DASCHLE. I think it is a sad commentary that anyone could actually subscribe to the proposition that freedom of speech is directly related to the freedom to spend. The freedom to spend actually blocks out the freedom of speech, because if we are spending more and that becomes in essence the cacophony of voices in a campaign, the real freedom of speech—that is, the substantive debate, the opportunity to conduct meaningful campaigns on the issues—is drowned out.

So that in essence is what is happening. More and more money goes into 30-second attack ads, and less and less real speaking to the issues occurs. That in essence is the irony of this whole debate. That is the problem we are facing. We are reducing real freedom of speech with this unlimited freedom to spend.

Mr. DURBIN. I might say to the Senator from South Dakota in closing, beyond our rhetoric in the Chamber, take a look at the facts, and in 1996 we had more money spent on campaigns than any time in our history. We had the lowest percentage of eligible voters in American history in 72 years cast a vote in the Presidential election between President Clinton and Senator Dole.

That is an indication to me that the American people understand what the Senator from South Dakota is saying. They think there is something fundamentally flawed with this system and negative advertising, the money chase that the Senator from South Dakota addresses. If we do nothing else before we leave this year, I hope this Senate will address this important issue.

I thank the Senator from South Dakota for his leadership.

Mr. DASCHLE. I thank the Senator from Illinois for his good questions. And I yield to the Senator from Connecticut for a question.

Mr. LIEBERMAN. I thank the Senator from South Dakota.

If I may, before posing my question, I want to reflect upon an experience I had last year as a member of the Senate Governmental Affairs Committee which held extensive hearings into this subject matter of the 1996 campaign and how it was financed. And I must say as I look back to it, the mental image I have of it is being waist deep in muck and fighting our way through it. It was a stunning, mind-altering, ultimately embarrassing experience, to see what has happened to our great democracy and the extent to which, at a time when we question the public's trust in government, we have created a system that amounts to evasion of law clearly by lawmakers, by all of us in the lawmaking class, by those who are running for office.

And why do I say that? What became clear in those hearings, we have laws, we have laws that limit the amount of money that individuals can give to campaigns—$2,000 per individual. We have laws that limit the amount that a political action committee can give—$10,000 in the whole cycle—to a given campaign. We have laws that prohibit corporations and unions from contributing to political campaigns. It could not be clearer. And then there is created this so-called soft money loophole through which is driven not a Mack truck, a whole division, a whole army which has obliterated the limits.

So we have individuals giving hundreds of thousands of dollars, we have corporations and unions giving millions of dollars, we make a mockery of the law, and we have just the effect the Senator from South Dakota and the Senator from Illinois have just talked about, which is quite the opposite of reform here—restricting people's rights.

The reality, the place we have come to, the sad place we have come to, limits individual rights and, even more underneath that, the individual American's confidence that he or she has the same ability roughly as every other American to affect their Government. Why? You don't have to be a rocket scientist or a political scientist to come to the belief that an individual or a group that can give hundreds of thousands of dollars has more access to their Government than the average American does.

I remember that during the debate we had—one of the earlier debates we had on this subject—one of our colleagues brought out a chart, and to me it told a lot of the story, and it responds to, I know, some of the conclusions made by Members of the Senate that the public doesn't really care about campaign finance reform. I disagree. When you ask people what problems they are most worried about, campaign finance reform is not going to come out on the top of that list, in part because I think there is a misapprehension. I read a quote last year from somebody who said, "Oh, campaign finance reform. Well, I care more about how they spend my tax money than how they raise their campaign money." The reality is that how campaign money is raised, as we have seen here and the leader has spoken to quite eloquently—how campaign money is raised affects how their tax money is spent and who pays taxes.

But look, we are leaders. We were elected to do what we think is right. We were elected to build confidence in our Government. So hopefully we will respond to more than just polls here.

The chart that I referred to earlier that one of our colleagues brought out had two lines on it. One showed the trend line of contributions to American political campaigns. The other showed the trend line of the turnout of Americans in voting—startling difference. As the money goes up, the public participation in elections goes down because people don't think their vote counts anymore.

I say to the Senator from South Dakota, as I think about the situation, as I know we got 52 votes for the McCain-Feingold bill here, and we were all raised to believe the will of the majority prevails in our democracy, it is not so in the Senate apparently. In the House, much to everybody's surprise—and I must say with some pride, due in good measure to the great leadership given by Congressman CHRIS SHAYS of Connecticut—the Shays-Meehan bill passed.

We have another opportunity to right this wrong. The problem is not going to go away. Just in the last week, the Attorney General has commenced initial inquiries that relate to campaign finance practices in 1996. And I can't believe after all that we have learned, after all that the media has told us, after all that we know—because as the Senator from South Dakota has said, it is our lives; we are being pulled by the money chase away from what should be the focus of our interest, which is the people's business—I can't believe that we are going to end this 105th session of Congress without doing something to reform our campaign finance laws.

So my question to the Senator from South Dakota, with thanks for his persistent leadership on this serious matter, is—well, two really. One, in the course of the Senator's career, if we are not able to pass campaign finance reform in this session, would the Senator not agree that this is one of the most grievous abdications of this Chamber's responsibility in a long time faced with a real problem? And second, I suppose, does the leader agree that part of what is needed here is for the public to speak to their elected leaders and plead with them, particularly in the Senate, those of our colleagues who can take us either to a vote or from 52 to 60 to break the filibuster, that it really matters to them that we adopt campaign finance reform this year?

Mr. DASCHLE. I thank the distinguished Senator from Connecticut for his leadership and tremendous effort that he has put forth to bring us to this point.

As to his first question, I hadn't raised until now the point that the Senator made so appropriately. I don't know if there are many Congresses that have spent more time investigating than this one has. This Congress has probably spent more money and more time investigating than any since the early 1970s. And as the Senator from Connecticut so appropriately points out, with all that investigation, there can be no question about the need for some reform. Obviously, there is a question about the need for enforcement and follow through after enforcement with regard to what may or may not have happened, the allegations, all of the information raised in these investigations. But then the question comes, What do we do about it? And we have been asking that question ever since the investigations here in the Senate have ended. What do we do about it?

How tragic it would be for us to say, "Look, we have now exposed all of these problems but we choose to do nothing. We choose to ignore the fact that reform is so critical." What does that say to the American people? Look, here are the problems. But, look here, we are not going to do anything about them.

So, the Senator from Connecticut raises, I think, the essence of what it is that we, as Senators, need to confront in our minds, in our hearts, about what is important before we close in a mere 6 weeks. We have investigated. We now know without any question, with great authority, there are some serious problems that have to be addressed. To wash our hands of the matter now would be a tragedy of an order that I do not think we have seen in this country.

As to what those of you who are watching may do, I hope Senators will receive mail and phone calls and comments from every constituent who has any interest in the democratic process, who understands that without some contact with your Senators there is a real chance they may not change their minds. So, contact is of the essence. I think it ought to be done as soon as possible.

I thank the Senator from Connecticut. I will be happy to yield to the Senator from Michigan for a question.

Mr. LEVIN. I thank the leader for yielding. I do have a number of questions.

First, let me say I think we have never been closer to enacting comprehensive campaign finance reform than we are at this moment. The majority of the Senate favors it. The House, through a very courageous act on the part of many of its Members, has overcome the opposition of the House leadership to pass Shays-Meehan.

It was said earlier this year that there would be no way of passing Shays-Meehan against the will of the leadership of the House of Representatives. But a very stalwart, gutsy coalition of Democrats and Republicans in the House found a way to have the majority rule in the House of Representatives. It was not easy. It took incredible energy and willpower. They exercised it and they prevailed, and the majority prevailed over the wishes of the leaders of the House of Representatives. So, now we are in a situation where the majority of the Senate favors comprehensive reform and the House has passed comprehensive reform.

The leader has spoken earlier as to what it is that is stopping us from trying to get comprehensive reform adopted in the Senate this year. The majority of the public clearly favors it. All public opinion polls show it. They are skeptical that we will do anything about it—the polls show that as well—but they favor it. Now we are going to come down, it seems to me, to a test of wills, a great and a historic test of wills in the U.S. Senate. The opponents of campaign finance reform have the right to filibuster. They have used that right, and they have the right to filibuster. But the proponents, the supporters of campaign finance reform, do not need to withdraw simply because there is a filibuster on the floor. If that were done, we would not have civil rights legislation. The people who supported civil rights legislation did not always have 67 votes going in. You can start with a majority and offer an amendment, or offer a bill, and just because the opponents filibuster the bill does not require us, those of us who support campaign finance reform, to give up our right to offer the amendment and to have the amendment disposed of by the Senate. And if the filibusterers want to tie up the Senate and prevent the Senate from voting, that is their right. But the supporters of campaign finance reform are not obligated to withdraw an amendment simply because the opponents use their right to filibuster.

That is why what we are now facing, given the opposition to the unanimous consent request this morning, is a historic test of wills between the majority that favors campaign finance reform, a bipartisan majority that now has seven Republicans and all the Democrats, and those who oppose campaign finance reform. We must not withdraw in the face of a filibuster. The stakes are too huge. They have been illuminated here this morning eloquently by the Democratic leader. The stakes are whether we are going to restore public confidence to a campaign finance system which is in tatters. We are supposed to have limits on contributions. It is supposed to be $1,000 per person per campaign. Corporations are not allowed to contribute to campaigns, and neither are unions. Yet, we have corporations and unions contributing huge amounts of money which, for all intents and purposes under any reasonable interpretation, support or oppose campaigns. That is what is now happening because of the soft money loophole.

We have a chance this year, better than we have ever had, to close that soft money loophole and to restore public confidence in the campaign finance system. We have a chance to do it. If we will show the same courage on a bipartisan basis as was shown in the House of Representatives, down that hall just a few weeks ago, we can pass campaign finance reform in the Senate. But what it will take is a determination on the part of the supporters not to withdraw our majority view in the face of a filibuster. The filibusterers have their rights to tie up the Senate. We have our rights to offer an amendment and seek a vote on that amendment. And, in the face of a filibuster, we need not withdraw and give in to a filibuster.

My question of the Democratic leader is this: Was it his hope this morning, and intent this morning in offering this unanimous consent proposal, that we have a course of action which would allow the Senate to work its will, to permit amendments to Shays-Meehan providing they are relevant? As I read the unanimous consent request and heard the unanimous consent proposal, relevant amendments would be in order. Was it the Democratic leader's proposal this morning that we have an opportunity to resolve this issue in a way which would allow us to do all of our other business and to avoid the kind of filibuster which we now very clearly see is going to be forthcoming from the objection to this unanimous consent agreement?

Mr. DASCHLE. I will respond to the Senator from Michigan. Before I do, let me say I wish the entire Chamber had heard what he has just said with regard to what it is we are trying to do and what the implications of this really are. I don't know of anybody in the Senate who has put more force, personally, and more of his own personal credibility, behind this issue than has the Senator from Michigan. I appreciate deeply his commitment.

The Senator poses a very understandable question. What is it we are asking here? What do we want? We simply want the opportunity to reflect the will of the majority of the Senate on an issue for which there is a moment of opportunity, from a historical perspective. This is our moment. If we fail in the next 6 weeks, we start all over with a new Congress, with all of the odds stacked as much against us, if not more, than they were this Congress. So what we are saying is let's seize the opportunity, let's seize the moment here and do what the House has already done. On a bipartisan basis, let's work with Republicans and Democrats to pass the Shays-Meehan bill. We will take it in any shape or form we can. I offered, as I know the Senator from Michigan heard, to simply take up the bill that was passed in the House and, on a 1-hour, one-vote basis, let's move it on to the President.

Obviously, I recognize the complexity of this legislation. I would be more than happy, as the request suggests, to consider entertaining relevant amendments because there are differences of opinion. Just yesterday, we argued for the need for relevant amendments to the Patients' Bill of Rights. So we are consistent in our request here. Let's have relevant amendments on the Patients' Bill of Rights. Let's have relevant amendments on campaign finance reform, if the minority chooses—the minority in this case being those who oppose campaign reform—to have them. So we are not asking for much. We are simply saying let's seize the moment, as the Senator from Michigan so appropriately described, and let's get on with doing what we were elected to do before it is too late.

Mr. LEVIN. I thank the leader for his leadership and for his comments.

Mr. DASCHLE. I thank the Senator from Michigan. I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. BURNS). The clerk will report the pending bill.

The assistant legislative clerk read as follows:

A bill (S. 2334) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell/Leahy amendment No. 3491, to provide that the Export Import Bank shall not disburse direct loans, loan guarantees, insurance, or tied aid grants or credits for enterprises or programs in the new Independent States which are majority owned or managed by state entities.

Inhofe amendment No. 3366, to require a certification that the signing of the landmine convention is consistent with the combat requirements and safety of the armed forces of the United States.

Kyl amendment No. 3522, to establish conditions for the use of quota resources of the International Monetary Fund.

Coats amendment No. 3523, to reallocate funds provided to the Korean Peninsula Energy Development Organization to be available only for antiterrorism assistance.

McCain modified amendment No. 3500, to restrict the availability of certain funds for the Korean Peninsula Energy Development Organization unless an additional condition is met.

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Kyl amendment No. 3522 that there be 40 minutes for debate prior to a motion to table, with the time equally divided and controlled in the usual form, with no intervening amendments in order prior to a tabling vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, the distinguished Senator from Texas has patiently been waiting to offer an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3500

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3500.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside. If there is no objection, the pending amendment will be the McCain amendment No. 3500.

AMENDMENT NO. 3526 TO AMENDMENT NO. 3500

(Purpose: To condition the use of appropriated funds to the Korean Peninsula Energy Development Organization)

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to amendment No. 3500 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. McCONNELL, proposes an amendment numbered 3526 to amendment No. 3500.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add the following proviso: (5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law.

Mrs. HUTCHISON. Mr. President, I will speak briefly about what Senator McCAIN and I are trying to do.

My amendment says that no funds will be contributed to North Korea until the President has certified that North Korea is not providing ballistic missiles or ballistic missile technology to a country, the government of which the Secretary of State has determined is a terrorist government.

This adds to Senator McCAIN's amendment which has the same prohibition of funding for North Korea if they are continuing to build a nuclear weapon.

Senator McCAIN and I are clearly saying that the United States will not continue to fund an agreement with North Korea that we know is being violated. The McCain amendment deals with the nuclear capability North Korea appears to be building. It would restrict the use of funds for the Korean Peninsula Energy Development Organization pending a Presidential certification that North Korea has stopped its nuclear weapons program as it has promised to do. My amendment adds the requirement that North Korea is not transferring ballistic missile technology to other terrorist countries.

Mr. President, this week, we saw what trying to coerce and reward a totalitarian dictatorship will achieve. North Korea launched a two-stage ballistic missile toward Japan, a country which has provided emergency food relief to North Korea and wound up having a ballistic missile pass through their air space as thanks.

North Korea has admitted selling ballistic missiles to raise hard currency. It has made repeated threats to restart its nuclear program, claiming that the United States has not honored its obligations. Recently we learned of evidence that the North Koreans are ignoring their part of the agreement and building a new underground site for nuclear weapons development.

I raised concerns 4 years ago when the Clinton administration proposed this framework agreement. It seemed to be an all-carrot-no-stick approach to North Korea. The agreement was to help develop a peaceful nuclear program giving them 500,000 tons of heavy fuel oil. I was concerned that the nuclear weapons program would continue and that the fuel oil that we promised would be diverted to military use. I am sorry to say both seem to have occurred. The fuel was diverted almost immediately for military use.

Since signing the agreement, the North Koreans have also continued to conduct military operations against South Korea, sending spy submarines into South Korean waters and discharging commandos on to South Korean territory. This is hardly the behavior of a partner to an agreement, and sending them a no-strings gift of 35 million American taxpayer dollars is hardly a responsible act for the U.S. Congress to make.

The North Korean launch this week of the ballistic missile over the airspace of Japan was truly a shot across the bow of the civilized world. North Korea was warned beforehand that testing this type of missile would have a direct impact on our negotiations. They ignored the warning. We must make it clear to the North Koreans that we cannot and will not disconnect North Korean conventional military activity from the nuclear issue. Their failure to meet their obligations not to build nuclear weapons, nor to sell the technology to rogue nations, cannot be disassociated from our contribution to their country. We must stop rewarding dangerous North Korean provocations. This amendment will ensure that we do just that.

Mr. President, I urge adoption of the second-degree amendment to the McCain amendment.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I support the amendment by Senator HUTCHISON modifying the bill's language on funding for the Korean Energy Development Organization, which we refer to as KEDO.

I would like to step back for a moment to 1995, shortly after the agreed framework was signed in October of 1994. By March of 1995, there was the first evidence that the North Koreans were cheating. In hearings before this subcommittee and in writing, I challenged the administration's assertions that the North was in full compliance and that no U.S. oil was being diverted. Eventually, it became clear that the North was cheating and diverting oil. Although new monitoring procedures were established, there was no suspension of oil or a threat to cut off the program. I am convinced that this is when the North learned that they could engage in a pattern of challenge, deception and noncompliance without any penalty at all.

In fiscal year 1997, the Senate had an extensive debate about providing U.S. assistance to provide fuel oil to North Korea and to support administrative expenses for KEDO. The bill my subcommittee reported to the Senate capped funds at $13 million, half the administration's request, and provided the funds in three stages, requiring certification that the fuel was not—I repeat, not—being diverted for military purposes.

At that time, many of us were uncomfortable continuing any aid to this terrorist regime, let alone doubling the amount available which the administration had requested. In its statement of policy, this is what the administration had to say at that time about any curbs, cuts or conditions:

> Among our most serious concerns are the restrictions placed on the U.S. contributions to KEDO, especially the funding cap that reduces the request by nearly half. This funding is inadequate to meet our commitment to support the North Korea framework agreement and is unacceptable to the Secretaries of State and Defense. KEDO is one of the pillars of U.S. nonproliferation policy which seeks to ensure strategic stability in the Pacific. Our very modest $25 million request for funds helps continue the reduction of North Korea's nuclear weapons capacity, while leveraging strong burdensharing contributions from South Korea, Japan and other countries. The administration strongly urges the committee to remove the cap . . . and drop the needlessly restrictive certification language.

Again, that is what they had to say.

Regrettably, the administration prevailed on this floor in a 73-to-27 vote allowing full funding for KEDO. So I lost that one, I say to my friend from Texas.

Mr. President, I think it is now safe to say that on both the nonproliferation and burden-sharing front, KEDO is a bust.

All last week, the administration was too busy with bilateral talks in New York to brief the committee on the status of negotiations over allegations disclosed in the press that the North is building a secret facility to house a nuclear reactor replacing the one sealed under the Agreed Framework.

With those talks still underway, as the Senator from Texas pointed out, Monday—this week—for the first time in more than 5 years, North Korea carried out a flight test of a ballistic missile which the South Korean Government estimates has a range of over 1,200 miles. The first stage of the missile landed in waters between Russia and Japan, with the second stage flying over Japanese territory and falling into the Pacific. Understandably, the Japanese have withdrawn their pledge of billions of dollars for the construction of an alternative reactor—a perfectly logical response to what happened Monday.

Mr. President, if U.S. funding for KEDO is the pillar of our nonproliferation policy and the key to burden sharing, I think it is time we start building a new foundation for our policy. Secret nuclear facilities, flight testing, ballistic missiles, and who knows what other activities are not a nonproliferation policy, they are simply a nonpolicy.

Today, I say to the Senator from Texas, I think her amendment is excellent and is exactly the direction in which we should go. The administration will complain that these new conditions are not consistent with the Agreed Framework, that the North did not agree to suspend its nuclear weapons program in return for $30 million, they only agreed to freeze part of it.

Mr. President, it makes no sense for the United States to continue to pay for an agreement which fails to protect our allies and our interests in the Pacific. Monday's tests, along with the past pattern of deception and diversion, should convince all of us we should not spend millions more from our limited foreign aid coffers to prop up a government determined to acquire and to sell nuclear weapons.

As I mentioned previously, this is hardly the first time we have debated the administration's flawed policy on the peninsula. We have had years of compromise, capitulation, and concessions from the administration. The North blusters and blackmails; there is tough talk followed by no action or, worse still, concessions for more fuel and food.

Thirty-six thousand American troops standing guard in the South deserve more than that. Once and for all, it should be absolutely clear to the North, we will not pay their way to test, deploy, or sell nuclear weapons. We will not pay for the appearance or possibility of compliance with the Agreed Framework.

Again, I commend the Senator from Texas. I think her amendment is right on the mark and I congratulate her for it.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I want to thank the Senator from Kentucky, who is a cosponsor of this second-degree amendment, for helping us with it because obviously, when the committee was putting together its bill, we did not know of North Korea's provocative actions of last week.

I think it is imperative that the Senate act very decisively to say that we are not going to continue to appease a country that is clearly selling technology to rogue nations that would harm our own allies and, furthermore, is breaking an agreement they made with us in return for which we would have assisted the people of North Korea in developing peaceful energy sources.

I hope, with all my heart, that North Korea will back up, that it will keep its commitment to stop building a nuclear weapon. I hope that it will step back and stop selling ballistic missile technology to rogue nations. Then it would be eligible for the money that has been fenced in this bill.

But until they do, it would be highly irresponsible for the U.S. Senate to go forward with a no-strings-attached gift of 35 million taxpayer dollars that are against the interests of the United States and all of our allies.

Thank you, Mr. President. And I thank the Senator from Kentucky for his leadership on this issue.

Mr. McCONNELL. Mr. President, I thank again the Senator from Texas and ask unanimous consent that her amendment be temporarily laid aside.

I see the Senator from Arizona is here. We have a time agreement on his amendment. I yield the floor.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The Senator from Arizona is recognized.

Mr. KYL. Thank you.

AMENDMENT NO. 3522

Mr. KYL. Mr. President, I call up amendment No. 3522. I inquire of the Chair as to what the time agreement is.

The PRESIDING OFFICER. The Senator has that right. The time limit is 40 minutes equally divided.

Mr. KYL. Thank you, Mr. President.

Mr. President, the Senate passed the supplemental appropriations bill last March. Included in that bill was a provision to provide $18 billion in additional budget authority for the International Monetary Fund. That funding, as we all know, was eventually stripped out of the supplemental conference report because Members could not come to an agreement on the funding or on reforms for the IMF.

Today, of course, we are back debating the foreign operations bill. Obviously, we are trying to develop some kind of consensus in going forward for the funding of the IMF. Unfortunately, in my view, this bill that we are debating right now does not go far enough to move the IMF toward reform, including in the areas of transparency and bankruptcy reform. It includes conditions much less restrictive than those voted out of the Appropriations Committee earlier this year.

I support the restrictions that were developed by the Appropriations Committee. As a result, I am offering this amendment today which, while not going as far as I would like, would move the IMF closer to reform than the current provisions of the fiscal year 1999 foreign operations bill will do.

As I said, when the Senate debated IMF reform in March, the full Senate Appropriations Committee approved, by a vote of 26–2, a series of reforms affecting IMF funding. They were not as strong as some of us would have liked. But instead of strengthening the provisions on the Senate floor, an amendment was offered to weaken them, and that amendment passed 84–16.

Those of us who voted against the weakening amendment in March are here today again to request that the Senate vote for this amendment and require the IMF and its recipients to use the $18 billion in U.S. taxpayer-contributed funds in more open and responsible ways.

The Kyl amendment changes only one of the reform sections included in the foreign operations bill. It does not prevent the United States from releasing funding to the IMF. The current IMF language requires the G–7 nations to publicly agree to seek policies that provide for new conditions. But seeking policies is not the same as requiring policies.

So my provision simply returns to the Senate Appropriations Committee-passed language and states that:

> None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the Board of Executive Directors of the Fund have agreed by resolution that standby agreements or other arrangements regarding the use of Fund resources shall include provisions requiring the borrower [to agree to a set of conditions].

Passing an amendment that requires a commitment from the board of directors of the Fund to pass such a resolution makes more sense than just asking for a public commitment to such reforms. The IMF, by its nature, is often the antithesis of free market reform. IMF intervention often rewards negligent bankers or corrupt or incompetent governments and often does not reward individual countries that work through the private sector to get through tough times.

So my amendment, which does not cut off funding for the IMF, would nevertheless return to a stricter version of reforms than is currently included in this bill. There is a case that some have made that IMF funding should be eliminated altogether. I will not try to make that case today, although people like Lawrence Lindsay and Allan Metzer of AEI, for example, have made a strong argument that much of the money we have contributed to the IMF has been wasted. It is true that no money has been lost yet, although Lindsay suggests that the IMF is like the FDIC in the late 1970s or early 1980s. At that time, the taxpayers had not lost any money in the FDIC either.

If the world is ready to topple into an economic abyss, there probably is not much the IMF could do about it in any event. Its $23 billion in lending in 1997 was about a tenth of the private capital flow into developing countries alone. And in any event, there is evidence that suggests that the IMF has actually been a barrier to economic growth in poorer countries.

According to Johns Hopkins University economist Steve Hanke, few nations actually graduate from IMF emergency loans. Many stay on the dole for years on end. One study found of 137 mostly developing countries from 1965 to 1995, less than a third graduated from IMF loan programs. The Heritage Foundation found that of IMF borrowers from 1965 to 1995, no more than half were better off than when they started the loan programs. Almost all were actually poorer. Almost all were deeper in debt.

So what we are trying to do with this amendment is to restore some of the conditions that will ensure that the money American taxpayers have worked hard to earn will actually serve a useful and productive purpose if contributed to the IMF.

Clearly, the policies promoted by the IMF are important. Whether debt incurred by other nations as a result of IMF intervention is good or bad depends on the uses to which that debt is put. If it increases productive capital, income increases and the debt can be serviced from the increased wealth that is generated. If, however, borrowing is used to hold the exchange rate steady so private lenders can flee, there are no productive assets from which later interest payments can be made.

Unfortunately, it is the latter type of policies that are typically promoted by the IMF. The IMF promotes trade barriers in order to cut current account deficits. The IMF promotes tax increases to reduce budget deficits, and currency devaluations to adjust exchange rates. The IMF long ago admitted it was not committed to free markets, explaining that "programs have accommodated such nonmarket devices as production controls, administered prices, and subsidies." These are the kind of policies that often bring economies to a halt.

The better policy is to promote fair and reliable bankruptcy laws, transparent and internationally accepted accounting procedures, minimal government interference in the allocation of credit, prudent oversight of banking systems, and competition among foreign and domestic banking organizations. All of these are the kind of reforms that we all agree should be pursued.

But that is as far as the foreign operations bill before us goes. Basically, it just says this is what we ought to be doing. It does not require the implementation of these reforms in the countries that are going to receive the IMF loans. As a result, it does nothing to assure that that money will not be wasted. By contrast, my amendment would ensure that reforms are accomplished before taxpayer dollars are allocated.

Why is it important to ensure that reform is accomplished first? In some cases, IMF programs have effectively subsidized very inefficient and even corrupt political systems. Former Secretary of State George Shultz suggested in testimony before the Joint

Economic Committee earlier this year that creditors must be held accountable for their mistakes. Taxpayers should not assume the risk of bad decisions or those bad decisions will continue to be made.

That is the sad record, unfortunately, of many of the countries that have received these IMF loans in the past.

Bailouts effectively shield investors and politicians from the consequences of their poor economic decisions by "socializing" the risks and reducing the cost to failure associated with investment. Risks are socialized because everyone ends up paying for an individual investors' errors; the costs of failure are reduced because either directly or indirectly the IMF can compensate investors when their investments fail. IMF bailouts, as they are currently constructed, encourage investors to engage in activity they would likely avoid if there were no IMF to shield them from actions. Investors, not people or countries, are being bailed out. We should understand that when we talk about bailing out a country, that is really inaccurate. We are talking about bailing out investors. In the so-called Mexican bailout in 1995, the Mexican people suffered a sharp decline in the standard of living there, and there were large increases in unemployment and an overnight erosion of the savings. Investors, however, escaped with minimal losses.

Lawrence Lindsay contends IMF bailouts probably make systematic contagion more likely in the long run and suggests that the best protection we have against bankers overextending themselves to imprudent borrowers is the bankers' fear of losing money.

The amendment I am presenting today is an effort to ensure that these poor lending practices are not continuing. Virtually all of us have agreed that the IMF needs reform. In fact, we put that reform in the amendment that was adopted earlier this year to the supplemental appropriations bill. But that amendment rejected the Senate appropriations decision, which was made on a 26-2 vote, to have really meaningful reforms required—not simply pursued. That is the difference—do you try to pursue it or do you guarantee it before you give this taxpayer money.

Let me close with the final thought about what is not at issue because of our very real concern about the state of the Russian economy now. All of the experts agree that assistance to Russia will only work if Russia makes fundamental reforms, the kind of things that would be required under my amendment.

For example, the President in Moscow yesterday urged the Russians—quoting from a Washington Times story of today—to follow free market principles.

Here is what the President said:

> Investors move in the direction of openness, fairness and freedom . . . you have to play by the rules.

That is precisely what would be required by my amendment.

The President said he would not give "any fresh money unless it moves decisively toward reform."

The article points out that IMF detractors are not proposing to withdraw money that has already been committed. I want to make that point crystal clear. We are not talking about not loaning money to the Russians, money that has already been committed. We are saying the same thing the President of the United States is telling them: You have to make a commitment to the fundamental reforms, otherwise the money is wasted and we both lose.

Mr. President, the same thing could be said of other countries in the world. These countries are not going to be denied loans if they establish the kind of rules of law required for a functioning economy. If they don't, all the money in the world will not help them anyway. That is true for Russia, as well as it is for the other countries that might be receiving IMF loans.

In conclusion, my amendment simply restores the original committee language setting forth reasonable conditions for IMF loans. If we are unwilling to do this, then some will suggest that we are simply committing $18 billion in taxpayer funds to feel good about having done something to help countries having economic difficulties. Let's ensure that in approving our contributions to the IMF, that that money will be effectively spent.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, who controls time on the Kyl amendment?

The PRESIDING OFFICER. Senator KYL is in charge of 20 minutes. Do you rise in opposition or in support?

Mr. McCONNELL. Maybe it was not clear in the unanimous consent agreement, but it was my understanding that Senator HAGEL would control the time in opposition to the amendment.

If not, I ask unanimous consent that Senator HAGEL control the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized in opposition.

Mr. HAGEL. Mr. President, I yield myself such time that I will need to complete my statement.

Mr. President, I rise in opposition to the amendment of my friend, Senator KYL. Six months ago this body spoke very clearly and strongly on IMF. We voted 84-16 to approve a strong IMF package that has two parts: Strong and achievable IMF reforms and the full $17.9 billion funding for America's IMF contribution.

The IMF reform and funding language in the foreign operations bill today is identical to the reform package of the Senate-passed bill 6 months ago. We should not now start second-guessing ourselves and undoing what we have done. We should stand by the solid reforms and the funding package that won 84 votes in March.

The Kyl amendment would replace that carefully crafted language with a different and untested mechanism for reform, a mechanism that we considered but abandoned on the Senate floor early in our negotiation 6 months ago. I might add, Mr. President, this was after very long and detailed consultations with the Federal Reserve Chairman, Alan Greenspan, the Treasury Secretary, Bob Rubin, and many others.

Along with Senator McCONNELL, Appropriations Chairman STEVENS, Senator GRAMM, Senator BIDEN and others, I helped craft the reforms that passed the Senate. We negotiated the reforms carefully, with the involvement of many Senators. It took weeks, many weeks. We worked word by word, line by line to present something to this body that was achievable, workable. The package we passed in March and includes meaningful IMF reforms that are also achievable.

We recognize that America alone cannot shape the world economy. So we required in our reform language the G-7 countries to come together to help reform the IMF. These reforms consist of the following: Reforms so IMF will require recipient countries to live up to their international trade obligations; reform so IMF will require recipient countries to eliminate crony capitalism and clean up corruption; reforms that will improve transparency of IMF operations, and to encourage bankruptcy law reforms in recipient countries.

Mr. President, these are not funny reforms. These are not patsy, weak reforms. The new IMF funding will go forward, but not until the Treasury Department succeeds in getting these reforms accomplished at the IMF. This is written into the reform legislation. These reforms are real and they will make a real difference at the IMF.

It would be absolutely irresponsible for Congress to shrug off the IMF as economies around the globe falter. We should not go backwards. America must continue to lead. The Senate must continue to lead. Global events, such as we have talked about today, yesterday, and will continue to talk about, have demonstrated even more forcefully the need for the U.S. to support the IMF.

Mr. President, the IMF is not perfect. It is not without flaws. It needs reform; indeed it needs reform. But, my goodness, at a time when we have economic chaos around the globe, we need many confidence builders, and the IMF institution in itself will not change this, but it will help. If we didn't have an IMF, what would we have? Would the United States want to step up to this alone? Would France or Germany? The second largest economy in the world—Japan—is in economic chaos, with no banking structure. We need some type of a mechanism to help address these issues. Asia was burning when the Senate acted 6 months ago. Now that fire has engulfed Russia and is spreading to Latin America. Our own economy is feeling this heat.

Mr. President, markets respond to confidence. Markets respond to confidence. Our debates today about IMF and other economic issues are not just about numbers, or about the arcane comparisons of one reform versus another reform. No, these debates are real and they are about sending a signal around the world. Is America engaged? Will we continue to lead? Or will America pull back? America's interests require us to help shore up confidence around the world.

This debate is about America's interests. This is not esoteric. This is about America's interests, America's economic stability and global stability. The U.S. suffered a record trade deficit in May, the fourth consecutive month. Exports hit their lowest point in 15 months. Over the first 5 months of this year, America's trade deficit increased nearly 40 percent from the same period last year. Why is that? Many parts of America's economy are already feeling the pain of the spreading Asian "flu." Wall Street is on a roller coaster ride. The farm economy is suffering, largely due to the loss of overseas markets. Corn and soybean exports are down more than 50 percent from 2 years ago. Wheat exports are down more than 30 percent.

These economic problems will not be limited to American farmers and ranchers, and not even to America's investors. They will ripple through the economies of the Midwest and the rest of this Nation. Events around the world will continue to affect our economy here at home and global stability. When you have global instability, Mr. President, it goes far beyond economic instability. Global instability affects everything—our national defense, our interests and our economy. The situation in Japan is very dangerous. Many economies in Asia are clinging to Japan for support. Japan was a direct contributor to the financial package to Russia. I don't think I need to spell out to colleagues the disastrous effect of a significant downturn in the Japanese economy. Let me point out a headline from today's Washington Times: "Tokyo's Troubles Overshadow Russia's: With Bad Economic Decisions, Japan Could Start a Worldwide Recession."

This is not the time to lose our perspective and diddle and dawdle—reform versus technicality and reform versus technicality. This is the time for America to do the right thing, to step up and lead the world, help the IMF and insert the reforms that we passed by 84 votes last March.

I want to close, Mr. President, by quoting the last paragraph of a letter from the U.S. Treasury Secretary, Bob Rubin, which he sent to the congressional leadership yesterday. He talks about the IMF. He talks about how broadly the IMF plays a role across the global economic scene:

> More broadly, a fully equipped IMF is in the economic interest of our important trading partners throughout the world. While we agree that the IMF needs reform, and are committed to continuing our strong efforts to achieve meaningful change, it remains an effective and indispensable tool in the management of the international economy. I respectfully urge you and your colleagues to act with the utmost dispatch to pass this legislation.

Mr. President, the Senate should stand by the leadership that we provided on this issue in March. I respectfully suggest that my colleagues look at this Kyl amendment and defeat this Kyl amendment. Mr. President, I end by saying that when the time on the debate on this issue expires, I intend to make a motion to table the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL. Mr. President, I yield 3 minutes to the distinguished chairman of the Senate Appropriations Committee, the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair. I came, as a matter of fact, to read the letter he has just read. So I will just be very brief.

I ask unanimous consent that that letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. STEVENS. Mr. President, very clearly, this is a matter of the image of the United States in the total global economics of today. If we retreat from the vote that we achieved last spring, I think we will send a terrible message to the world at a time when we should be viewed as a leader in trying to restore the economies of the world.

So I hope this Senate will vote once again to support, providing the additional funding for the IMF that it needs, and that we will insist that we achieve the agreement of the House on this provision that is in the bill.

This is not the time for us to change our minds. This is a time to show the strong will of the Senate, that the United States remains clear in its objectives to assure that there are mechanisms to deal with international crises such as so many of our global trading partners face today.

I thank the Senator from Nebraska for his leadership. As a matter of fact, I thank all of those who come from the Agriculture Committee; they have been very forthright and direct in supporting the proper position on the IMF. I thank the Chair and the Senator from Nebraska.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, September 1, 1998.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As the 105th Congress returns to complete its business in the few weeks remaining before adjournment, I am writing to urge once again that Congress immediately consider and pass the Administration's request for $18 billion in critical funding for the International Monetary Fund (IMF).

Since late last year, we have been urging action on this priority legislation. Events over the last eight months—not to mention the last few days and weeks—underscore the impact on the U.S. economy of developments abroad, including in Asia and Russia. We simply cannot afford any further delay in providing the IMF with the resources it requires to help contain the threat of further financial and political instability around the world.

Let me be clear, the fundamentals of the American economy remain sound, with continuing good prospects for strong growth with low inflation, but recent developments testify clearly to the impact of global uncertainty on U.S. financial markets and, ultimately, on our economy. While there has been progress in stabilizing economies in countries such as Korea and Thailand, which are implementing strong IMF programs, we have already seen a decline in US exports to key markets in Asia by over 20 percent through June of this year, amounting to over $22 billion worth of exports to key markets in Asia by over 20 percent through June of this year, amounting to over $22 billion worth of exports on an annualized basis.

Against this backdrop, it is critical that the United States takes the steps necessary to protect the interests of American workers, businesses, and farmers. More broadly, a fully equipped IMF is in the economic interest of our important trade partners throughout Latin America. While we agree that the IMF needs reform, and are committed to continuing our strong efforts to achieve meaningful change, it remains an effective and indispensable tool in the management of the international economy. I respectfully urge you and your colleagues to act with the utmost dispatch to pass this legislation.

Sincerely,

ROBERT E. RUBIN.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I inquire how much time I have?

The PRESIDING OFFICER. The Senator from Arizona has 9 minutes. The Senator from Nebraska has 9 minutes 3 seconds.

Mr. KYL. Thank you. I doubt that we have to take the full amount of time in completing this debate. I want to make one critical point. The Senator from Alaska, the chairman of the Appropriations Committee, has just made the point that the United States cannot retreat from our international obligations or we will be sending a terrible message. I want to make it very clear that the Kyl amendment doesn't retreat at all. In fact, it moves forward.

The Kyl amendment simply institutes the language that the chairman of the Appropriations Committee supported when the committee voted 21-1 to ensure that the money lent by the United States would be effectively spent by requiring some conditions that will work.

Now, what the bill before us does is erase those conditions and put in some good-sounding language that isn't going to do the trick. As a matter of fact, both the lead editorial in the Wall Street Journal today, and a lead op-ed piece by David Malpass, the chief international economist at Bear Stearns, make the point that this money will not be spent effectively if we continue to follow current practices. As a matter of fact, from the latter op-ed piece, "To avoid accountability, the U.S. maintains the facade that the IMF is dealing with the crisis and that Japan is to blame for much of it."

Are we really going to do something about this crisis? I totally agree with my friend from Nebraska, Senator HAGEL, on the nature of the problem, and I believe that we essentially agree on the solution.

The only difference is how serious we are about implementing the solution. Here is the crux of the debate. Under the bill before us, there are two key phrases about how we are going to implement the funding, how we are going to spend the money and implement the reforms that we all agree to.

One, we are going to seek to implement these reforms—the language is on line 2 of page 120: "and will seek to implement." And then down on line 19, "The United States shall exert its influence with the Fund and its members to encourage" these reforms. We are going to "seek" and we are going to try to "encourage."

That is not going to work. It is the same old thing.

What the Appropriations Committee voted 26 to 2 to do was to actually include the reforms. The language in my amendment says "shall include."

Those are the two operative phrases. That is the difference we are debating about the reforms we all agree to. The question is, Are we going to encourage these other countries that we lend the money to, to effect the reforms, or are we going to require that they shall be included in the agreement that we enter into with these countries?

All of us agree about the nature of the problem. We are all just as committed to an international economy. We all agree on the solution—the bankruptcy reforms, the transparency. There is no disagreement about that. The only disagreement is, are we going to require it—the Kyl amendment that the Appropriations Committee voted 26 to 2 to do—or are we going to seek to encourage people to do these things?

I submit that if all we are going to do is seek to encourage, we are going to end up in the same place as we have been, with countries spiraling downward and downward and downward.

The President of the United States had it right when he said in Russia yesterday, to get your fair share of investment, you have to play by the rules. If that is his opinion—and I know it is, and I agree with it—"have to play by the rules" is a requirement. It is not something we are just asking them to do; it is something we are going to require them to do. It is our money we are lending to them for the good of us all. U.S. taxpayers have some right to insist that it is going to be spent wisely. We all agree that it hasn't worked in the past. The President is saying to the Russians: What you have been doing has not worked. You have to play by the rules.

The Kyl amendment says that the agreements shall require that the reforms be included. The current bill says we will seek to implement and will exert our influence to encourage.

On the one hand, you have a requirement; on the other hand, you have the same loose language that will allow these countries to continue to slide into economic despair because they don't have the courage or the ability to adopt the reforms, and they are not being required to do so by the Fund that is lending them the money.

That is why I urge the adoption of the original committee language which will be much stronger and will guarantee that this money will be spent wisely.

I reserve the remainder of my time.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask my friend if he would be willing—does he have any time to yield?

Mr. HAGEL. We have 9 minutes. I would be very happy to yield time. How much time?

Mr. BIDEN. I didn't want to take all that time. Will the Senator yield me 4 minutes?

Mr. HAGEL. All right. Thank you. I yield the distinguished Senator from Delaware 4 minutes.

Mr. BIDEN. Mr. President, the Senate has already spoken on the important question of U.S. support for a stronger International Monetary Fund.

Following the essential leadership of Senator STEVENS, along with my colleague on the foreign relations committee, Senator HAGEL, we went on record in March, by vote of 84 to 16, to provide full funding for U.S. participation in the IMF.

At that time, we also declined to place unworkable conditions on that funding.

As international lender of last resort, the IMF is right now part of our last line of defense against an economic chain reaction that could turn the financial turmoil on the front pages of today's newspapers into a real global crisis.

Mr. President, as I have said before, the IMF is certainly not a perfect institution. But I have not stopped going to my doctor because I think the health care system needs reform.

The Kyl amendment guarantees indefinite delay in the availability of the U.S. contribution to the basic reserves of the IMF, and in turn throws into doubt the participation of other nations who look to us for leadership.

This amendment would require that the IMF change its basic rules for providing emergency financial support—essentially a change in its bylaws—before the U.S. contribution can go forward.

Those rule changes themselves may well make sense—in fact, the IMF already makes such conditions part of the requirements for its loans.

But the requirement that the IMF must first formally adopt reforms in the conditions on countries that receive its funds—conditions, I might add, that we here in the United States could not meet in every case outselves—is a formula for deadlock and indefinite delay.

This is the opposite what is required of us at this crucial period.

As the leading economy in the world, we have a special obligation to support this international instutution—that we created, I might add—charged with maintaining stability in international financial markets.

The amendment now before us is a formula for delay, at the very time when we must act to restore confidence so lacking those markets.

I urge my colleagues to vote against the Kyl amendment.

Mr. President, one of the most able Senators in terms of his willingness to reason on this floor is the Senator from Arizona, Senator KYL.

I listened to what he just said about his amendment. He says: Look, all we are doing is going to require the IMF to do what the President says they should have to do anyway before we lend money. By implication, don't throw good money after bad, and so on and so forth.

What we are doing here is, if we adopt the Kyl amendment, it guarantees, in my view, an indefinite delay in the ability of the U.S. contribution to the basic reserve of the IMF and throws in doubt the participation of other nations who look to us for leadership. Right now it is a really simple deal. If we come up with our $18 billion commitment in total, roughly, what happens is, we control the outcome. No loan can be made. It needs an 85 percent vote. I think we have 18 percent control.

Why go ahead and throw sand in the gears here now knowing that we are going to, by fiat, in the minds of other nations, amend the way in which the IMF runs now without consultation or agreement by the other participants who make up 82 percent of the Fund, guaranteeing that this thing comes to a screeching halt?

If in fact the Senator believes the President is right, then he has to assume the President is not going to instruct the U.S. representative at the IMF to vote for releasing dollars without the commitments being met. But what you do now if you adopt the Kyl amendment is as good as not coming up with the $18 billion, because the other nations say: Hey, look, you once again are unilaterally changing the basic rule for providing emergency support, essentially a change in the bylaws of the IMF. Where I come from, that is not how you usually get cooperation. You don't unilaterally tell the French and the Brits and everyone else this is the way it is going to be. You already have that power. You have the power. Without the U.S. vote, nothing goes. Bingo. Nothing goes.

It seems to me the way to do this is, let's deal, as my friend from Nebraska has been often the lone voice in pointing out with this international financial crisis, and still have a little bit of confidence. This isn't going to fix the thing. This is just going to do in a shot—like a shot of adrenaline, a shot of confidence, we are stepping up to the plate. We are not backing away from an international obligation, as we see it, for our own safety's sake.

Then, if we want to sit down with our partners in the IMF and say, "Look, it is time to change the bylaws," that is a different deal. But let's not do unilaterally what is going to, in my view, in my opinion, get a response from the other 82 percent of the voting block out there saying, "Hey, U.S., you don't call it. You don't unilaterally change the rules." You can in effect unilaterally change the rules by voting no. You can sit in those meetings and say, "Look, we ain't voting for this deal unless the following conditions are met."

I respectfully suggest—and I realize my time is probably up—that we should oppose the Kyl amendment.

I yield the floor.

Mr. HAGEL. Mr. President, I yield to the Senator from Minnesota 1½ minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1½ minutes.

Mr. GRAMS. Thank you very much.

Mr. President, I rise to respectively oppose the amendment by my colleague, Senator KYL. As has been noted before, this amendment would reverse all of the progress made on the conditions package negotiated among many of us when we supported the $18 billion replenishment for the IMF on the Supplemental earlier this year. Senator KYL's amendment includes a negotiating position that was debated, and rejected by members of this body. It would, in effect, result in the U.S. share of the replenishment being delayed or withheld at a time when IMF assistance is needed to help us shore up economies in crisis, now expanding well beyond Asia. We need to stabilize and improve these markets for our farmers and exporters, whose losses have begun to resonate, most recently in our own stock market. As was noted before, our agriculture exports are down 30 percent since the beginning of the year. This is not the time to play games with IMF funding.

I believe few of us want to reopen these sensitive negotiations. I urge my colleagues to stick to the agreement we passed earlier. It was a good one that will result in progress toward improving the way the IMF operates. This is not the time for the Senate to reverse its leadership on IMF funding. We should stay the course—and urge our colleagues in the House and in the White House to do the same.

I urge my colleagues to oppose the Kyl amendment.

I yield the remaining time.

Mr. MACK. Mr. President, I rise to support the proposed amendment and urge my colleagues to vote against tabling it.

The current world economic crises and the International Monetary Fund's request for financial replenishment offer us a chance to re-examine the United States' role in the world economy. If the U.S. is going to participate in institutions that influence economic policy around the world, then we must exert our influence in strong support of sound economic policies, not just rubber-stamp whatever plans international bureaucrats cook up. It does us no good to stand idly by and let the IMF squander our resources on ill-conceived rescue plans, such as the tax-hike package recently foisted on Russia.

What should the IMF be promoting? The same policies that we support here in the United States. To name just a few, these include: a monetary policy dedicated to long-term price stability, a sensible tax system that encourages people to work, save and invest, free and open markets and sound banking systems that use consistent accounting methods, have transparent balance sheets and lend based on market forces, not political pressure.

The best way to start down this path is to set strong conditions on the IMF. This amendment moves us in this direction. In particular, it would promote free trade, market-based lending and the fair treatment of international investors. I urge my colleagues to vote against tabling it.

Mr. HAGEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 3 minutes 12 seconds.

Mr. HAGEL. Mr. President, I yield to my colleague from Kansas 2½ minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2½ minutes.

Mr. ROBERTS. Mr. President, I want to refer to the statement made by my distinguished colleague and friend from Arizona about the 21–1 vote that happened in committee. I must say that it is my observation over a weekend of deliberations things were changed in that particular bill that we needed to address, and we did. And so the Senate spoke 84 to 16 to endorse the reforms, and they are not passive reforms, that were worked on by a whole group of Senators—Senator GRAMS, myself, Senator HAGEL, Senator BIDEN, Senator MCCONNELL, and Senator STEVENS.

Basically, what are we talking about here? We require consensus in regard to achieving these reforms not only with the G–7 nations but the 37 other nations involved. This isn't just a U.S. IMF program. Under the Kyl amendment, he says that we have to micromanage basically from Congress, from the U.S. standpoint something called a board of executive directors. That process is very slow. We don't have the time in regard to that, with the global contagion, maybe the global pneumonia, that is occurring right now. So the Senate has spoken 84 to 16.

I would point out that the seriousness of this is extremely critical. The Senator from Nebraska has talked about what is happening in agriculture. It is happening in every segment in regard to the economy, not only in this country but all over the world.

We have a package. We have been meeting here with other Senators across the aisle for normal trading status with China, with fast-track legislation, with sanctions reform and now IMF. If this amendment passes, it is a killer amendment. I don't mean to perjure the amendment, but it is a killer amendment. A, it will kill IMF, and, B, IMF cannot work under the circumstances of this amendment. And the testimony to that certainly comes from Chairman Greenspan and many others.

And so I urge the Senate to stick by that early vote. Again, I would mention it was, what, 86 to 14? No, 84 to 16. Well, there were two that were off base, but we will get it back.

I yield back the remainder of my time.

Mr. HAGEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 45 seconds.

Mr. HAGEL. I ask that the remainder of my time be allotted to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 45 seconds.

Mr. SARBANES. I thank the Senator.

Mr. President, I just want to follow along with what the able Senator from Kansas has said. Adoption of this amendment would prevent the United States from consenting to a quota increase until all of these conditions had been met. These conditions cannot be met immediately. That is a guaranteed thing. It means that the United States would, in effect, not be carrying through a quota increase.

We are facing a very serious financial crisis worldwide. One of the instruments we have to deal with that is the IMF. We need to pass this quota increase, and we need to do it immediately, and we need to address this situation. If the IMF is perceived, as it now is, not to have the resources with which to deal with the international crisis, it will only worsen and intensify the crisis. If anyone wants to ask what is the one thing we can do to try to address this crisis, it is to pass this legislation without this amendment. I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The time has expired for the Senator from Nebraska, and the Senator from Arizona has 3 minutes 48 seconds.

Mr. KYL. I thank the Chair. I won't use all of that time. In my remaining time, I, first of all, ask unanimous consent to have printed in the RECORD the two articles from the Wall Street Journal to which I alluded earlier.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 2, 1998]

U.S. NEEDS TO PROMOTE CURRENCY STABILITY

(By David Malpass)

The ruble devaluation has plunged Russia into political and economic upheaval. Already the financial fallout has spread beyond its borders, helping to knock $1 trillion off the value of U.S. equities alone and worsening the now-global currency crisis. Expressed in U.S. dollars, world output will fall more than 2% in 1998, pressuring debtors and hurting corporate earnings world-wide. As we enter the second year of the "Asian" crisis, the risk is clear: Countries everywhere that borrowed dollars or produced commodities could collapse.

The U.S. has the power to stop the contagion and start the recovery, but has not used it. The International Monetary Fund has only added to the problem. Working in tandem, the U.S. and the IMF have lurched from one bad policy idea to another, with no vision, not even any apparent comprehension of the severity of the crisis.

RUSSIA BEWARE

Their initial approach to Thailand's crisis last year was to promote a limited devaluation, advise Bangkok to raise taxes, and hope for the best—a strategy that had disastrous results in Mexico in 1994. Thailand's per capita income has fallen to $1,800 this year from $3,000 in 1996, and the country is now on its fifth IMF program revision.

During South Korea's December crisis, the policy evolved into a massive bailout by the U.S., the IMF and international banks that had lent Korea too much money. The Korea approach included a devaluation, a floating exchange rate backed by impossibly high interest rates, rosy IMF economic forecasts, the false hope of export-led growth and a heavy dose of patience. Result: South Korea's economy will shrink to $280 billion this year from $485 billion in 1996, a 42% contraction. The IMF has revised its forecast for Korea's 1998 growth rate, down to minus 4% in July from plus 2.5% in January. These figures quantify the failure of its floating exchange rate austerity policies. Russia beware.

By the time the devaluation scythe pointed toward Russia this June, a third U.S. policy had emerged. In a telephone conversation on July 10, Presidents Boris Yeltsin and Bill Clinton agreed on a plan to bail Russia out, this time before the devaluation. However, no measures were included to anchor the ruble. All Russia got was another IMF austerity program—a Russian commitment to shrink the economy further by squeezing taxes out of the energy companies, the country's lifeblood. Result: capital flight, a devastating betrayal of the ruble, a standstill on debt payments, and the likelihood of a cold winter for Russians as energy companies prepare to cut off cities and provinces that can't pay their bills.

Throughout it all, the U.S. has had no policy that would deal with the heart of the global currency problem: a strong dollar and a cycle of devaluations. The current Band-Aid approach includes the following elements: Until further notice, all developing countries are to keep interest rates dramatically higher than they can afford, spreading recession across the developing world. Economies that link their currencies to the U.S. dollar—important ones such as Argentina, Brazil, China and Hong Kong—get no clear guidance on the future value of the greenback. To avoid accountability, the U.S. maintains the facade that the IMF is dealing with the crisis and that Japan is to blame for much of it. The U.S. encourages countries to enact vague and painful "reforms," never mentioning or forcing the one reform that matters most—a policy of currency stability.

What, if anything, can the U.S. government do to stop the contagion? First, even if it won't cut interest rates, it can state unequivocally that Washington wants the value of the dollar to be stable and will place a high priority on this responsibility. Simply changing from the current "strong dollar" policy to a "stable dollar" policy would allow gold and commodity prices to recover moderately from their current deflation-spooked levels and end the talk of world deflation.

The U.S. should then begin to promote stable money for developing countries at the Group of Seven, the IMF, the World Bank and elsewhere. Consideration should be given to transparent price-rule monetary policies, currency boards, dollarization, currency unions and other techniques that have dependably created growth. Such an effort alone would lift financial markets in many developing countries by 30% or more in a matter of days. Public statements and actions on currencies matter a lot. Across most of the world, financial markets bottomed on June 17 at the exact minute the U.S. intervened to stop the Japanese yen's free-fall. Over the next four weeks, equity markets across the industrialized world hit record highs on the hope that the U.S. cared about currencies and wanted the yen, the Chinese renminbi and the Russian ruble to be stable.

The correction in world financial markets began in mid-July when it became clear that America didn't intend to follow through. The U.S. gave no sign that the dollar would stop strengthening, further driving down the dollar price of gold and oil. Washington also offered no supportive comments on the renminbi or the yen, contributing to speculative selling. The U.S. declined to make even a simple statement of the obvious—that a Hong Kong devaluation would destroy Hong Kong as a world financial center and was unthinkable. And by July 21, details on Russia's IMF program came out showing just another failed austerity package.

As for Russia, now that it has embarked on the road of devaluation, Moscow should think of how to lessen the blow. There are ways to do this.

First, Russia should announce a monetary program aimed explicitly at limiting the devaluation and providing future stability for the ruble. It should also use its leverage with the U.S. to fight the IMF penchant for free-floating exchange rates and private-sector austerity. Russia's formal Aug. 17 statement was an IMF recipe for disaster. It promised a policy of balanced budgets (meaningless during a recession), high interest rates to fight inflation (inflation is a currency phenomenon, not an interest-rate one) and a floating ruble defined by market prices (meaning it will sink due to neglect). The IMF statement after the devaluation made not one mention of the ruble, complimented Russia on its satisfactory economic progress and promised more funds if Russia carried out its IMF program. These are the same IMF policies that caused the depression in Asia, and prolonged the lost decade in Latin America in the 1980s.

A new, credible monetary policy would entice capital back into Russia, and the country could then begin to treat its debt crisis with economic growth rather than default. Russia and the world should agree that a free-floating exchange rate is an unworkable policy for the ruble and would lead Russia down the path Indonesia followed.

DEVALUATION DAMAGE

When exchange rates float after a devaluation, interest rates have to stay impossibly high to compensate for currency uncertainty. Russia should establish a monetary-policy mechanism in which the amount of liquidity in the economy is regulated by the central bank for the primary purpose of keeping the currency stable. Russia could anchor the value of the ruble against gold, the dollar or the euro, and could use a currency board or an automatic price-rule monetary policy. It should immediately legalize the use of foreign currency, as economist Steve Hanke argued on this page last week. At this point in the ruble's collapse, the key aim is to make a dramatic policy change at the central bank to allow the people of Russia a stable currency as they work to salvage the economy.

Time and again, the U.S. and the IMF have underestimated the importance of currency stability and the damage caused by devaluations. The devaluationists' promise of a quick recovery in Asia has been dashed, but no constructive policy has emerged. Russia now heads down the same path, dragging others with it. The American farm belt feels the consequences when the dollar appreciates and people in Asia buy less wheat. U.S. towns on the Canadian border feel it when Canadians get priced out of U.S. stores. Yet 18 months into the global currency crisis, the world's biggest economic and military power has no whiff of a policy to address it.

INTERDEPENDENCE, AFTER ALL

(By Michael Camdessus and Lawrence Summers)

So U.S. stocks could not go ever upward while the rest of the world falls apart. We have interdependence after all, and what the markets' remarkable voltality—plunging 500 one day, rising 288 the next—is telling us is that the world economy has been terribly mismanaged.

Secretary Robert Rubin dropped by the Treasury press room after the 512-point drop Monday to say that the fundamentals "are strong due in part to the sound policies we've been following." The market is telling us that the market was too high, he suggests, neither he nor the Federal Reserve feels the need to do anything about it, fishing in Alaska was fun, and Congress should pony up the next installment of funding for the International Monetary Fund.

There is of course a lot to be said for refusing to panic because of a market drop. Stocks will fluctuate as we've seen in recent days and several hundred points aren't what they used to be. But the Dow Jones industrials are still off nearly 16% from their July high. Historically, a plunge in the stock market predicts recession in the real economy only about half the time. In the other half, economic policy makers get the message in time.

The last market crash in 1987 reflected disturbances in the world financial mechanism, as is so often the case, arguably as far back as 1929, when the issues were international liquidity and impending protectionism. In 1987, the market crashed when Treasury Secretary Baker went on television to argue with the Bundesbank about which side should adjust to keep the mark and dollar in reasonable alignment. The markets stayed sick through year-end, but recovered when the world central banks staged a huge joint intervention showing that international cooperation had been restored. With this timely demonstration, the real economy escaped without damage.

This time around the international influences are even more palpable. The Russian devaluation, coming as President Yeltsin was losing power and President Clinton was self-destructing, was clearly the immediate spark. In and of itself, neither the value of the ruble nor the output of Russia is important to world commerce. But the message was that we are not yet out of the round of competitive devaluation that started a year ago in Thailand. A continuing worldwide cycle of devaluation and a world-wide collapse in liquidity would be a big event indeed, from which the real economy in the U.S. could not be immune.

The most likely form of panic right now would be for the Congress to yield to Secretary Rubin's entreaties on the IMF funding. The IMF and what it represents is the problem, not the solution. If we were the Congress, there would be no funding for the IMF without a change in management. IMF head Michel Camdessus should be replaced, along with Deputy Treasury Secretary Lawrence Summers, the U.S. point man in international finance. The needed rethinking is impossible so long as they are there to defend the errors that caused the present world-wide mess.

It is, of course, always true that economies around the world have their own share of mismanagement. Indonesia has been an exemplar of crony capitalism, and Russia has its tycoonocrats instead of the rule of law. Japan "pricked the bubble" into its current deflationary impasse—an example U.S. policy makers should heed well. But such problems have persisted for decades; they were pushed over the brink and into crisis by specific policy errors.

The first of these was the Mexican bailout masterminded by Mr. Summers. The 1994 devaluation was a disaster for Mexico, where workers still have not reclaimed their share of world purchasing power, especially with the peso just now on another sharp decline. Yet the Wall Street lenders and Mexican billionaires did just fine with their tesobonos—short-term dollar-denominated Mexican government paper—because Mr. Summers arranged to have them bailed out, including interest at risk-screaming rates like 14%. The lesson the markets had to draw was: Wheee! Crossborder loans are a one-way bet. Throw money at the world. Russia, even.

This enormous escalation in moral hazard was compounded by sheer intellectual error at the IMF, which persisted against all evidence in believing that devaluations can rebalance economies. Devaluations cause inflation, with all of its economic and social dislocation. What's more, devaluations tend to spread as each country feels it has to "remain competitive" in international markets. Mr. Camdessus is on record as repeatedly having advised Thailand not to get its banks and property companies under control, but to devalue the baht. When he got his way, the current crisis dawned.

What is to be done, now that we see even the U.S. cannot escape unscathed? The first priority is to stop the cycle of devaluation somewhere. Unhappily, Hong Kong authorities have been behaving foolishly, pouring monetary reserves into the stock market. But central bank purchases of shares, like purchases of any other asset, inject Hong Kong dollars into the markets; you defend a currency by restricting domestic liquidity, not creating it. Brazil, the key to whether the cycle will spread to Latin America, seems to understand better.

The Federal Reserve could ease much of this pressure by creating more American dollars. It is certainly true that the Fed should not be using monetary policy to support the stock market at current levels, any more than it should use monetary policy to combat "irrational exuberance." But the case for easing rests on nothing more or less than a commitment to price stability, since Alan Greenspan's own advance indicators of the price level—foreign exchange, gold and the yield curve—are all signaling deflation ahead. The demand for dollars is clearly on the rise, and Mr. Greenspan should accommodate it, rather than restricting the supply of dollars to keep short-term interest rates from falling as the market drives long rates down.

The saving grace of market drops is that they provide time for policy to adjust before the real economy is affected. But around the world ordinary producers and consumers are already suffering, and trouble lies ahead in the U.S. as well if the Treasury, Fed and IMF fail to use this time to get international financial management back on an even keel.

Mr. KYL. Secondly, Mr. President, I was just advised of an error, and I appreciate being advised of that, on line 1 of my amendment. Instead of "line 1," it should read "line 19"—beginning on page 119, line 19 of the bill. I ask unanimous consent to make that change in my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I also ask for the yeas and nays on the amendment, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KYL. I thank the Chair. I will just conclude with this point.

The distinguished Senator from Delaware, for whom I have great admiration, made the point that the President may instruct our delegates to seek these reforms and, indeed, he may but we do not currently have the means to insist on them. My amendment would change that.

The distinguished Senator from Kansas made the point that the reforms in the current bill are not patsy reforms, and, indeed, he is correct in that. As I said, we essentially all agree on the reforms. The only difference is whether they are going to be urged upon the nations to which the money is lent or they are going to be imposed as requirements on the lending of the money. That is what this amendment boils down to. Do we ensure that the reforms are included by requiring it, or do we simply seek to include them and merely encourage the borrowers to engage in the reforms that we all support?

I think the debate is clear. I urge my colleagues to support the amendment and yield back the remainder of my time, Mr. President.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I move to table the Kyl amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kyl amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "no."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 74, nays 19, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—74

Akaka
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Harkin
Hatch
Hollings
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—19

Abraham
Allard
Ashcroft
Byrd
Campbell
Enzi
Faircloth
Grassley
Hutchinson
Hutchison
Inhofe
Kyl
Mack
McConnell
Nickles
Santorum
Sessions
Smith (NH)
Thompson

NOT VOTING—7

Bingaman
Coverdell
Domenici
Glenn
Helms
Inouye
Murkowski

The motion to lay on the table the amendment (No. 3522) was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Virginia.

BALTIC STATES AND NATO EXPANSION

Mr. WARNER. Mr. President, I am joined here by my distinguished colleague from New York. We would like to bring to the attention of the Senate certain language in the report accompanying the bill. And I refer to page 40. It is entitled "Baltic States and NATO Expansion."

> The Committee has provided $15,300,000 in FMF grant assistance to accelerate the Baltic States integration into NATO.

This action comes following similar action in last year's statement of managers. I ask unanimous consent to have printed in the RECORD excerpts from the text of last year's language.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALTIC STATES AND NATO EXPANSION

The Committee has provided $15,300,000 in FMF grant assistance to accelerate the Baltic States integration into NATO. The Committee regrets that budget constraints prevent matching last year's levels but remains supportive of this initiative. This assistance supports these democracies as they enhance their military capacities and adopt NATO standards. The Committee believes that FMF should be allocated among the three nations on a proportional basis.

The Committee has not continued the prior limitations on the international military education and training program for Indonesia. However, the Committee expects the Defense Security Assistance Agency to consult with the Committee regarding any plans to provide IMET to Indonesia, given past human rights concerns and the continued influence of the Armed Forces in Indonesian political and economic affairs. Any participants should be carefully vetted and courses should emphasize civilian control of the armed services.

* * * * *

THE BALTIC NATIONS

The conference agreement provides that $18,300,000 should be made available to Estonia, Latvia and Lithuania. These funds are provided to enhance programs aimed at improving the military capabilities of these nations and to strengthen their interoperability and standardization with NATO, including the development of a regional airspace control system. Given progress in economic reform and meeting military guidelines for prospective NATO members, the conferees believe the Baltic nations will make an important contribution to enhancing stability and peace in Europe and are strong candidates for NATO membership.

The conference agreement retains House language which provides that the obligation of funds for any non-NATO country participating in the Partnership for Peace shall be subject to notification.

Mr. WARNER. Here the language says:

> These funds [$18,300,000] are provided to enhance programs aimed at improving the military capabilities of these nations and to strengthen their interoperability and standardization with NATO. . . .

Mr. President, Partnership for Peace, is, I presume, the primary means by which these countries could work within the NATO framework. But I must say that I regret that this language is so specific as to use the word "grant assistance to accelerate the Baltic States integration into NATO."

The Senate considered NATO expansion very thoroughly earlier this year, at which time I, together with my distinguished colleague from New York, expressed our strongest reservations, particularly as it related to a timetable of any nature, for further admission of nations into NATO.

This does not spell out a timetable, but it certainly gives them, in this language, together with the funds, a recognition which in my judgment is inappropriate, certainly at this time when the situation in Russia is so tenuous, as explained in the previous debate on NATO expansion, and in the context of the Baltic States. I will leave it to my colleague further details on that. But it is the judgment of the military planners in NATO that providing NATO assistance to these countries, should it be necessary, could well involve the use of nuclear weapons. I say that because inclusion of these nations in NATO at some future date is a matter that will have to be considered with great care and thoroughness by all NATO nations.

I just think at this time to incorporate the language in an act of the Congress of the United States, presumably to be signed by the President, would send an improper signal into the community of nations who are desiring to join NATO at some future date.

So I basically stated my views on it. I yield the floor, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New York.

Mr. MOYNIHAN. I join my revered friend the senior Senator from Virginia in this matter and would begin by reminding the Senate that in the debate on expanding NATO to include Poland, Hungary and the Czech Republic, he forcefully made the point that the administration was already talking about a further expansion to the Baltic States. That would be a thumb in the eye of the Russians. The language from the Committee report which Senator WARNER has just read implies that the Senate has come to agreement on the matter when it clearly has not.

Estonia and Latvia have large Russian minority populations and all three have tenuous relationships with Russia. Yet it seems to be working, considering these three independent nations were held "captive"—subsumed by the Soviet Union—for three-quarters of a century. Latvia recently dismantled a Soviet radar station, and there are some accommodations being made for minorities in these nations.

Expanding NATO to include the Baltics would be provocative in the extreme, as the Russians have made so clear. The Russians who would like to continue to make reforms in their troubled country have said: "Don't do this." Those leaders who seek the greatest liberalization of Russian society have said "Heavens, don't give this weapon to the enemies of democracy and market enterprise. Don't put us in a situation where nuclear war in Central Europe is not to be dismissed as an outlandish improbability."

I remarked yesterday, in a statement supporting the International Monetary Fund replenishment that the situation of the Soviet military is alarming to the point of despair. In Krasnoyarsk, General Alexander Lebed, who is now governor there, has, by reports published in Moscow, undertaken to pay the Soviet strategic forces located in his Krai. The people with their hands on the triggers of the nuclear missiles are not being paid. I suggest the first rule of government is: Pay the Army. In a situation that is unstable, to take this posture regarding Nato expansion is to invite misunderstanding and worse.

Mr. President, there is nothing we can do to change the report language, but I would like to make the point that it has not been decided that any of the Baltic states should join NATO. I do not think that the term "accelerate the Baltic States integration into NATO"—accelerate: faster than planned—such a term is not appropriate.

If it were possible in conference for the distinguished chairman and the ranking member to see that this does not become part of the conference report itself or the accompanying statement of managers; I think that would serve stability in Central Europe and the security of the United States.

I will make no accusations. The Senator from Virginia and I simply say: Do not casually get into a situation that will be thoroughly misread and deeply resented by the people we most want to have as our friends in Moscow. And particularly not on a day when the President himself is there.

With that, Mr. President, I yield the floor. I see no other Senator seeking recognition, so I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

THE CRISIS IN AGRICULTURE

Mr. HARKIN. Mr. President, I know a lot of us were out in our States during the August recess. I was too. I had a series of meetings around the State with farm families and people in small towns and communities and rural areas. Quite frankly, what I found was more than just disturbing. What I found was that there is a looming crisis in agriculture and in our farm economy.

For some time I and a number of my colleagues have been trying to call attention in this body to the very serious situation in the farm economy. The livelihood and the life savings of hundreds of thousands of farm families are in jeopardy. The economic underpinnings of many rural communities are also at stake. In mid-July, the entire Senate went on record noting the existence of the serious farm economic problems and calling for immediate action. But later on, just before we broke for the August recess, this Senate rejected an amendment that Senator DASCHLE and I offered to restore farming protection that was taken out in the 1996 farm bill.

All we wanted to do in a very modest attempt was to take off the caps that were put on the loan rates in the 1996 farm bill. We did not in any way want to attempt at that point to change the farm bill. We just simply wanted to remove the caps. The loan rates were still there. They were just capped at the 1996 level. All we wanted to do was remove those.

As I listened to the debate on that amendment, it seemed clear to me that many of my colleagues doubted the seriousness of the problems in the farm economy. I heard statements that if we just let the market work, if exports would just get back on track, the situation would turn around, or so the argument went.

So, I went out to my State to have some meetings in August to sort of take the temperature and gauge just how serious the situation was. In the intervening time since we left here, the situation has become, I am sad to say, far worse. The bottom literally has dropped out of commodity prices. I point out that the falling commodity prices cover both livestock and crops. Often, at least in my State, if the commodity price of a crop was low, the livestock prices might be up a little bit, and the farmer would at least have something to sell to make some money. Now all of the major commodities—corn, soybeans, pork, and beef—are all deeply in the red.

So at this point I don't see how there can be any doubt that we have an economic disaster in the farm sector.

I have some charts that will show just what happened over the last 6 weeks since the Senate considered this amendment that Senator DASCHLE and I offered on July 17.

Here are central Illinois, corn prices. Here is where they were when we debated the amendment. Here is where they are now—a 21 percent decline in 6 weeks in the corn prices.

Here is central Illinois, soybean prices—again, a 21 percent decline in the past 6 weeks.

Here is Kansas City, hard red winter wheat prices—down 13 percent in the past 6 weeks, and headed south. There is nothing to indicate that it is going to come up.

Since July 16, the day the Senate passed its version of the agriculture appropriations bill, the following market prices declined:

Dodge City, KS, wheat—down 20 percent;

North central Iowa corn—down 26.1 percent;

North central Iowa soybeans—down 20.7 percent;

South Iowa and Minnesota hogs—down 11.5 percent;

Billings, MT, feed barley—down 20 percent.

That is just since the middle of July.

Here are the charts that I used in July to show what was happening to commodity prices, going clear back to 1990. It sort of drifts along, and we had a big spike in here from 1994 up to 1996. Then, after the 1996 farm bill was passed, the prices have been coming down and coming down. This little red figure shows just what happened since we were here in July.

I dare say if we do nothing, if we sit here and twiddle our thumbs and do nothing, that line will continue to go down during the fall months.

That was corn.

Here is the farm-level soybean price. Again, since the farm bill passed, the price has been coming down; now in the last 6 weeks, its down even more.

Here is the wheat price. Again, it spiked up here about 1996, has been generally coming down the last 6 weeks—a precipitous drop in the price of wheat.

Again, as I said, Mr. President, I don't think there can be doubt any longer that we have an economic disaster in the farm sector.

In my State, corn prices have fallen to the levels of the farm crisis years of the 1980s, and they still remain under downward pressures. As I say, there is nothing indicating that it is going to pull these back up. The prices have fallen over 25 percent since mid-July and are about $1 a bushel below the cost of production.

USDA's most recent estimation indicates that 1998 net farm income will be 20 percent lower than it was in 1996—about $42.5 billion. And it was about $53.3 billion in 1996.

I could go on and on citing more discouraging figures. But it is obvious that the numbers tell the story. It is simply no longer possible to deny the severity of the problems in the farm economy. Those problems are already spilling over into rural economies and into our small towns and communities.

If the situation continues, it will affect our entire national economy.

Let me just, again, underscore the consequences if we do not act. If we do not act, we are going to lose thousands of farm families that we cannot afford to lose. Many of us here remember the 1980s farm crisis. I can just tell you that my State of Iowa can't bear to go through that again. Our Nation can't bear to go through that again.

Farmers are, indeed, resourceful people. Farmers and farm families can handle a lot of adversity and survive in business and maintain their families on the farm. But when commodity prices fall the way they have recently, farmers are at the mercy of the market. If we do not have some actions to ameliorate the effects of these low commodity prices, we are going to see a lot of farm families forced out of business. They will be gone forever and often gone from their community entirely. By and large, they will not be able to return when the farm economy turns around. Farming is too capital intensive for that kind of in and out and in again type of approach.

Basically, we are talking here a lot about younger farm families who have money borrowed and who do not have a lot of equity built up, who are the most vulnerable to severe downturns in the farm economy like we are now seeing. They are energetic, they are perhaps some of the most educated farmers we have ever had in America, but they often do not have the financial resources to hang on through the kind of long, serious economic downturn that we have now. These younger farmers are the ones we can least afford to lose; they are the future of agriculture and the future of our rural communities. As they are forced out of agriculture, food production becomes concentrated in fewer and fewer hands, and this is not a healthy trend for rural communities, consumers or our Nation as a whole.

I just point out that in Russia, the former Soviet Union, they are breaking up these old, huge farms because they did not work. I don't think we want to go down that path of having larger and larger land holdings in this country.

Now, I just focused my remarks on younger farmers and young farm families. I mentioned that, Mr. President, at one of my farm meetings in Iowa, and there were a number of older farmers there who jumped all over me and said, well, you are missing us. I said, yes, but I want to talk about the younger farmers and how they don't have a lot of equity. One of the older farmers shook his finger at me and said that is just my point. I have built up my equity in my farm. That is my retirement. I haven't made a lot of money.

I am reminded of the old adage: Farmers live poor and die rich. They have a lot of land, they have a lot of equity built up, but they have never made a lot of money. He said that is my retirement, and I see it going away before my very eyes because of these low commodity prices, because of what is happening out there, because they are having to borrow now, because they are digging into their equity base just to stay afloat.

So it is not just the younger farmers. I think it spreads across the whole spectrum.

I also read in the newspaper a comment made by a certain politician, who will remain unnamed, who said basically if farmers are having trouble now, it is because they were simply not managing their farms correctly; they were bad managers. That is my own words, "bad managers."

Well, he mentioned this, and this was, of course, the topic of conversation at one of my farm meetings, and several of the farmers there pointed to the fact that they had survived the 1980s. And as they pointed out, any farmer that got through the 1980s is not a bad manager. If they could manage their debt loads and the low prices and the shakeout that we had in agriculture in the 1980s, they are pretty good managers. But now they can't handle this. Farm debt is now at the highest level it has been since 1985, and that was the beginning of the washout of a lot of farmers in the mid and late 1980s.

We can all look to the causes, what causes all this. Well, I don't know that they are all that complicated. We have had good crop production conditions. We are going to have a bumper crop of soybeans this year, the largest production of soybeans this year. We are going to have a big crop of soybeans in my State, too. Corn may not have a record year, but may be the second largest record year. So we have a lot of supplies and a lot of farm commodities in the world market.

At the same time, the demand has gotten weak for a number of reasons, not the least of which has been the economic downturn in Asia. I saw some figures—I don't have the charts for them. I will bring them up in the next couple of days—which showed our exports to Asia not off all that much in terms of quantity but in terms of price. What we are getting for what we are selling is way, way down. And so we have a very weak foreign market there. They don't have any money in Asia, and so a lot of our sales have eroded.

Now, another aspect is the strength of the U.S. dollar versus the currencies of these other countries that compete with us to sell ag exports. The weakness of those currencies allows those other countries to gain a competitive advantage over us. Now, there isn't a farmer in my State that has any ability to control that. If these other currencies are weak and they can undercut us in selling their commodities to other countries, there is not a darned thing that one or ten or a thousand farmers in my State can do about it. But it is a fact and that is what is happening. So they have gained competitive advantage over us.

In addition, farmers in several areas of the U.S. have suffered severe losses because of weather and crop disease problems. So while we have a bumper crop, we have places such as North Dakota and Texas where they have had tremendous drought problems and weather problems and they don't have a crop at all or they have crop disease problems.

So you put all this together, and with total freedom to plant and then farmers have planted—in fact, I have heard more than one comment in my State about how much of the conserved land that we had in the past is now being planted, and that farmers are planting them more intensely. And again, if you understand ag economics, you understand that if you have a fixed base, fixed amount of land, you are going to try to get the most production out of that land, even if the prices fall.

That is why I don't think there are a lot of people—I know a lot of people understand it. I know the Presiding Officer understands ag economics. But a lot of them think that a farmer is like General Motors, that if prices fall you can cut back production to meet the supply and demand situation. The farmer can't do that. One farmer is not General Motors. That one farmer has no control over the total supply and the total demand.

Secondly, it is counterintuitive. You would think if prices would fall, for example, in corn, a corn farmer would say, well, if the prices are down, I am not going to plant corn; I will plant something else. We heard a lot of this during the debate on the farm bill. Well, quite frankly, what happens, if the price drops, the farmer looks at his fixed base and says, gee, you know, the marginal cost of planting an extra acre or 2 or 5 or 10 acres of corn is almost nothing, and maybe I can plant more intensively and I can get more out of that fixed unit that I have. And therefore, even if the prices drop, I will have more production out of that unit and that will cover the lower prices. Therefore, low prices don't lead to decreased production of crops. It, in fact, can lead to increased production of a crop.

That is what we are seeing right now—simple, basic farm economics. And so you put all these forces together, and what we have is the disaster we are having right now. But again, keep in mind these are forces beyond the control of a farmer. The farmer is at the mercy of weather, at the mercy of world commodity surpluses, at the mercy of economic problems, and they are at the mercy of other foreign currencies and their values, all of which are things that conspire together to ruin our markets.

It is because of these forces that are beyond the control of farmers that we in our country have traditionally had in place a system of farm income protection. Certainly, we want to let the market work, but we also recognize that when the market turns around, or when disaster strikes, or when things intervene to skew the market, that it should not wipe out farm families who have done everything within their power to produce and to meet the demands of the market. These farmers should not be forced out without any protection against events beyond their control.

Again, a lot of people say, Why should we treat farmers differently than any other business? The reason we have always had these policies in place is because farming is not like any other business. As Neil Harl, the distinguished professor of agricultural economics at Iowa State University, has said repeatedly, farmers are not like General Motors. Farmers are uniquely vulnerable to forces over which they have no control.

The 1996 farm bill greatly pared back protections against forces over which farmers have no control. The 1996 farm bill said to farmers: Produce all you can and export all you can. That is fine until foreign markets turn sour. That is fine until other countries' currencies are able to beat our own and they can get a competitive advantage over us because of the competitive value of their currencies. That is fine until other governments intervene, in terms of their support and their control of their own agricultural commodities.

When foreign markets turn sour because of these events, like we are now seeing, the 1996 farm bill basically leaves American farmers to bear the brunt of these powerful world economic forces that are totally beyond their control.

Basically, the 1996 farm bill put farmers on a high wire and then took away the safety net. Again, I will keep reminding my colleagues that under previous farm policies farmers got a lot more help in contending with those world economic forces beyond their control. There were deficiency payments that compensated for low prices. There was the Farmer Owned Reserve which paid farmers to pull grain off of the market in times of surpluses. There were not artificially low caps on commodity loan rates. There were paid land diversions and acreage limitations to keep production in line with demand. So there were all kinds of policies in place to help farmers weather these powerful economic forces over which they have no control. But the 1996 farm bill took that all away.

Now, again, we have to ask ourselves, are we so ideologically rigidly attached to the 1996 farm bill that our hands are so tied that we cannot respond to these low farm prices and to the disaster that is facing us in rural America? Ideology is fine, but let's be practical about it. Let's use some common sense here. I do not mind if people have an ideology they want to pursue. That is fine. I think there is a lot of ideology in the 1996 farm bill. Those who had that ideology won the votes, won the bill and got it through. But, as President Clinton said when he signed the bill into law, that it is seriously flawed because there is not an adequate safety net there to help farmers through these kind of times that we will see in the future.

I think what we need is to set our ideology aside and come together here to recognize that we have a disastrous farm economy out there right now. I might also say to my colleagues and friends who want to see the 1996 farm bill continue, that if we do not take some modest steps now to make some minor fixes in the 1996 farm bill, then there will be mounting pressure to make drastic changes in farm policy. In other words, if we do not get ahead of the curve, then we may have to take very dramatic steps, and those steps could go back to something even previous to the 1996 farm bill.

So all I am saying is that there is no reason to keep the loan rates capped. We ought to take the caps off of loan rates. I also believe that we need to put into place, at least over the next couple or 3 years, just for this year, a form of a Farmer Owned Reserve where, as we have in the past, we actually paid farmers some up-front money to store their grain and then the farmer can decide when to market that grain. I call it giving the farmers more freedom to market. Right now, farmers have freedom to plant, under the 1996 farm bill. But, because of the 1996 farm bill, they are forced to market their grain at the lowest possible prices. That is inherently unfair. Let's give the farmer some more freedom to market, and that means giving the farmer the ability to store the grain, either on the farm or in local elevators or the warehouse, and then be able to market that grain over the next couple or 3 years, when, we hope, prices will recover.

If we do fund the International Monetary Fund and they can straighten out the Asian economy, it is likely that the Asian economy can rebound in the next 12 to 15 months. That would put upward pressure on our grain prices. The problem is the farmers won't have the grain then. But if we had some system where the farmer could store that, as he could in the past under the Farmer Owned Reserve, then the farmer could market that grain at the higher prices in the future.

I think those two items, taking off the loan rate caps and giving the farmers the ability to store their grain and to market it when they want to rather than dumping it on the market this fall, are the two things that we could do to save the 1996 farm bill. They are modest steps. They don't take away planting flexibility. They don't take away all of the abilities that we gave the farmers. It does not reinstitute any kind of set-asides or Government mandates on what a farmer has to plant or where they have to plant. All that would stay in place. Those were the good features of the 1996 farm bill.

But, what we need to do in order to save those, I believe, is to take a couple of these modest steps. If we do not do that, we are going to see a lot of grain dumped on the market this fall. We are going to see these prices go down even further, and we will have a full-blown depression in rural America. It is almost there right now. It is almost there. We are on the brink of it in rural America. Many farmers basically see this as their last year if we do not do something.

So, again, I take this time on the floor to point out to my colleagues that we have to address this. I do not believe it is a partisan matter. I think bipartisan support is growing all over this country. I have seen letters, documents from different places around the country that indicate that we ought to do something. North Dakota Governor Edward T. Schafer and Republican legislators supported what the North Dakota Farmers' Union and the North Dakota farmers both embraced in an agreement last week. One of them was a 1-year lifting of the loan rate caps. So here we have, I think, some bipartisan support for doing this. I do not think it is a partisan effort.

Again, we have to be practical. We cannot be held prisoner by an ideology or blind devotion to every last provision of a farm bill passed over 2 years ago, 2 years ago when we saw some of the highest prices we have ever seen for crops. That is when the farm bill was passed. Now we are in the basement.

So let's work for a practical solution that will help our farm families and rural communities this fall. Let's take the caps off of loan rates. Let's have at least a 1-year provision for a Farmer Owned Reserve to give the farmer the opportunity to market when prices are high. We must act soon. It is our responsibility. I think it would be a dereliction of our duty to leave here in October without passing legislation to address the deepening farm income crisis in our Nation. I hope and expect sometime within the next several days, perhaps next week, Senator DASCHLE and I and others, hopefully in a bipartisan manner, will again be offering an amendment to lift the loan rate caps, to get the loan rates up, the marketing loan basis for these farmers this fall.

I am hopeful that our colleagues will really take a serious look at this, because we are facing a farm crisis in America unlike any we have seen in a long, long time, and we have to act and we have to act now.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Arizona.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3500, AS FURTHER MODIFIED

Mr. McCAIN. Mr. President, I ask unanimous consent to modify my amendment, and the modification is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's amendment is so modified.

The amendment, as further modified, is as follows:

On page 33, line 4, before the colon insert the following: "; and (4) North Korea is not actively pursuing the acquisition or development of a nuclear capability (other than the light-water reactors provided for by the 1994 Agreed Framework Between the United States and North Korea).

Mr. McCAIN. Mr. President, the modification, by the way, takes out the provision, at the request of the administration and others, that requires that the North Koreans be fully meeting their obligations under the treaty on the nonproliferation of nuclear weapons. I did that with some reluctance, but, at the same time, the important aspect of this amendment is that the President must certify that North Korea is not actively pursuing the acquisition or development of nuclear capability, other than light-water reactors provided for in the 1994 Agreed

Framework between the United States and North Korea.

I think it is the desire of the distinguished manager that we vote on this amendment. First of all, I ask, if it has not taken place, that the Hutchison second-degree amendment be voice voted at this time.

The PRESIDING OFFICER. The question is on agreeing to the Hutchison amendment.

Mr. McCONNELL. If the Senator from Arizona will withhold for just a moment.

Mr. McCAIN. Mr. President, I will make some additional remarks which are so compelling, and as soon as the Senator from Kentucky desires, I will yield so that we can proceed with this vote. I know the Senator from Kentucky is very interested in concluding this legislation, as are the rest of us. Given the conditions in the world today, I argue this is one of the most important pieces of legislation that we will consider in the Senate.

Yesterday there was an article in the New York Times, parts of which I think are important to note.

It is titled "Missile Test By North Korea: Dark Omen for Washington." Part of the article says:

> The officials and arms experts said the test also suggested that North Korea had made real progress towards building Taepodong-2, which is reportedly capable of traveling 2,400 to 3,600 miles and could strike targets throughout Asia and as far away as Alaska.
>
> Henry D. Sokolski, the executive director of the Nonproliferation Policy Education Center in Washington, said the ability to build rockets in stages opened the door to intercontinental missiles, which in theory have virtually unlimited range.
>
> "We're entering a new era," Mr. Sokolski said.
>
> Gary Milhollin, director of the Wisconsin Project on Nuclear Arms Control, another research organization in Washington, said the missile test was "a clear sign" of North Korea's intent to develop nuclear weapons, despite its 1994 agreement with the United States to stop in exchange for energy assistance.
>
> Mr. Milhollin said a two-stage missile was too costly to build simply for delivering conventional weapons. "It means they plan to put a nuclear warhead on it or export it to somebody who will," he said. "The missile makes no sense otherwise."

Mr. President, these are important statements. Some argue that perhaps the North Koreans are just simply building a missile and they are not pursuing the acquisition of nuclear weapons.

As Mr. Milhollin said, it doesn't make sense. Why else would they be building a two-stage rocket without planning also to have that missile armed with a weapon of mass destruction?—from what we have seen in the past, most likely a nuclear weapon.

I don't want to go through the litany of my complaints about this agreement that was made with North Korea in 1994. I spoke at length on the floor of the Senate and with the media. I did not see any indication that the North Koreans were serious. I did see indications they were in violation of the Non-Proliferation Treaty to which they were signatories and that we were basically providing them with a bribe. I also believed and still believe that unless the North Koreans understand they have to pay a significant price, then they will continue in this most destabilizing activity.

The Florida Times Union on August 28 said:

> An argument could be made that Pyongyang feels it must renew its nuclear program to keep people warm, but it also claims it cannot feed its people and has been begging successfully for free rice. If it doesn't have enough money to feed its people, how can it have enough money to build expensive nuclear facilities and two-stage rockets? Pyongyang presumably is taking money that would have been spent on food and heat if not for western charity in building a nuclear arsenal.
>
> Unfortunately, the administration made it easy for Pyongyang to cheat. The agreement does not require inspections to verify North Korean compliance. Oddly enough, Pyongyang threatened earlier this month to pull out of the agreement over the U.S. failure to lift economic sanctions quickly enough. It has also complained about the lack of progress toward diplomatic ties. Those sound more like excuses to me for cheating on an agreement rather than reasons to break it. Not once since its inception in the aftermath of World War II has North Korea proven itself trustworthy. That makes it difficult for the United States to continue making agreements based purely on trust.

Mr. Hoagland, probably one of the most respected, if not the most respected, individual commentators on the issues of national security, said:

> The U.S.-negotiated agreement that froze North Korea's nuclear weapons development in 1994 is coming apart.
>
> With their economy in trouble, South Korea and Japan have been having second thoughts about the high levels of economic aid the deal mandates, and Congress has always been unhappy about the fuel oil shipments the administration agreed to make without congressional consultation. These concerns were undermining the accord even before the discovery this month that North Korea has been working on an underground secret facility that almost certainly violates the accord.
>
> That discovery could be the nail in the coffin of the agreement, which pulled North Korea and the United States back from a military confrontation that could soon resume.

Mr. President, Mr. Charles Krauthammer, a man whom I have great respect for, also wrote on August 30:

> Consider North Korea. In 1994, it broke the Nuclear Non-Proliferation Treaty and embarked on nuke building. How did Clinton react? By agreeing to supply North Korea indefinitely with free oil while the United States and allies build for it two brand new (ostensibly safer) $5 billion nuclear reactors in return for a promise to freeze its weapon program.
>
> Now it turns out that while taking this gigantic bribe North Korea was building a huge new nuclear facility inside a mountain. The administration, inert and dismayed by such ungentlemanliness, refuses to call this a violation of the agreement. Why? Because concrete has not been poured.

Today the Los Angeles Times editorial reads, "Time to Rethink North Korea Policy":

> If ever there was a time for Washington to reappraise its policy toward North Korea, it is now. In the midst of meetings between American and North Korean negotiators in New York, the Pyongyang regime fired a new, longer-range missile across the Sea of Japan and over the Japanese mainland. That provocative act constitutes a major setback in diplomatic efforts to draw hostile North Korea into the world community.
>
> The missile was discussed at Monday's meeting in New York, which focused on implementation of a 1994 accord under which the United States, South Korea, Japan and the European Union would help North Korea build two nuclear power reactors of no military use in exchange for a freeze on nuclear weapons development. U.S. representatives did not say Monday what, if any, explanation was given by Pyongyang. On Tuesday, North Korea declined to meet.
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> * * * * *
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> U.S. officials, curiously, said they were not surprised by the test and had warned of it in advance. Military analysts pointed to the range capability that North Korea has now shown and said that chemical, biological and even nuclear warheads could be put on such a missile. The test came only a few weeks after U.S. intelligence satellites uncovered activity at a huge, supposedly shuttled nuclear facility.
>
> Perhaps Pyongyang fired the missile as a ploy to get Washington to fully deliver on its pledge to provide 500,000 tons of fuel oil this year as part of the reactor deal. If so, the tactic has backfired. Members of Congress who had balked at paying for the fuel now are irate.
>
> North Korea may have also been advertising its missile to other renegade nations. Military sales are one of the few money-making ventures left for the impoverished country, which has been warning that it may have to restart its nuclear weapons program. The episode smacks of blackmail, not diplomacy. All the more reason for the Clinton administration to reconsider its long, patient persuasion of Pyongyang.

Mr. President, on July 8, 1998, Secretary of State Albright said:

> Regional security is another matter on which dialogue with Beijing has enhanced cooperation and fostered progress. For example, the People's Republic of China has consistently supported the Agreed Framework that has frozen North Korea's dangerous nuclear weapons program, and has urged the North to continue complying with it.

Secretary Albright said, on March 4, 1998:

> Our request this year includes $35 million for the Korean Energy Development Organization. The Agreed Framework has succeeded in freezing North Korea's dangerous nuclear program. Now it has begun that program one step at a time—having secured over 90% of the program's spent fuel, which represents several bombs' worth of weapons-grade plutonium after reprocessing.

Secretary Albright, on February 10, 1998:

> We believe our FY99 budget request for $35 million for KEDO is both necessary and justified to maintain U.S. leadership within

> KEDO, ensure that KEDO continues to fulfill its important mission, and secure continued DPRK compliance with its nonproliferation obligations under the U.S. DPRK Agreed Framework.

She said, on February 12, 1997:

> Let me just say this is obviously a very complex subject, but I believe that the framework agreement is one of the best things that the administration has done because it stopped a nuclear weapons program in North Korea.

Mr. President, the Wall Street Journal on Friday, August 21, said North Korea's nukes—

> In essence, what was signed in 1994 was an arms-control agreement that suffered from the central flaws common to all such efforts: Even when verification is possible—and in this case it was specifically excluded—there is no way to enforce compliance. More to the point, there is no will to enforce it. So much effort and face and prestige goes into getting these deals signed that when something goes wrong, nobody wants to admit it.
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> * * * * * *
>
> North Korea is different only because Pyongyang openly conducts foreign policy through blackmail. Earlier this year, it threatened to resume its nuclear weapons program and declared it would keep selling missiles to clients like Iran and Iraq unless the U.S. lifted economic sanctions. It also has demanded more fuel oil and more food for its hungry population. A group of U.S. Congressmen in North Korea for a whirlwind official famine tour this week came away convinced that millions are near starvation and hundreds of thousands of others have already died of hunger. As terrible as this is, it is all the more horrifying when you consider that the Stalinist regime is spending what little money it does have building long-range missiles that will be able to hit the United States, according to a commission appointed by the U.S. Congress. Or on that giant new underground complex where nuclear weapons production was "frozen" in 1994.
>
> It may turn out that the complex is not a nuclear-weapons plant after all. Even so, the administration's timely retaliation in Afghanistan and the Sudan will have two beneficial effects. It will signal the North Koreans that America's patience is not unlimited, and that consequently they may wish to rethink their current strategy of trying to blackmail the U.S. into coughing up more aid by playing the nuclear card.

Mr. President, the fact is that no one understands North Korea. No one understands what goes on inside that Orwellian country. And it is impossible to predict what the thinking is that would cause them to have a delegation in New York supposedly in serious negotiations and at the same time launch this two-stage missile. I cannot imagine the reaction of the American people if a foreign country launched a missile one stage of which hit on one side of Florida and the other one hit on the other side of Florida.

Mr. President, I think the American people would be incredulous and greatly disturbed over such an event. Well, that is what the North Koreans just did vis-a-vis Japan, a country that had pledged to provide the bulk of several billion dollars worth of construction of a nuclear powerplant.

This is a serious situation. Obviously, the proliferation of weapons of mass destruction and the means to deliver them is one of the greatest challenges we face in this post-cold war era. We have to bring this threat to a halt. I hope that the administration, as the Los Angeles Times recommends, rethinks the North Korean policy. In the meantime, we cannot continue to fund any program that would provide any encouragement as well as financial assistance to a country that clearly has time after time after time broken its word and has committed acts of provocation and aggression.

Mr. President, I suggest the absence of a quorum. But, Mr. President, before I do that, I want to say that I would like to move this amendment as soon as possible, and hope that we can do so. I yield the floor.

Mr. DODD. Mr. President, if my colleague will yield, I have an amendment I would like to offer. If my colleague from Arizona has completed his debate on this, I would ask——

Mr. McCAIN. Mr. President, will the Senator yield? I am told by staff here that they would prefer to wait until the manager of the bill comes to the floor before that permission be granted. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I defer to the managers to make a proper motion to temporarily set aside the McCain amendment for the purposes of offering and debating at this point my amendment.

Mr. McCONNELL. Mr. President, we have an understanding with the distinguished Senator from Connecticut that at whatever point the two Democratic Senators who are requesting an opportunity to be heard on the McCain amendment arrive on the Senate floor, we can go back to the McCain amendment and dispose of that. With that understanding with the distinguished Senator from Connecticut, I have no objection to temporarily laying aside the McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. I inform my colleagues I know there are other Members who want to be heard on this amendment, and I certainly would not ask for a vote on this amendment until other Members have had a chance to be on it. Specifically, my colleague from Alabama, Senator SHELBY, and possibly others, will speak in opposition, I am told, to this amendment. I will not make an attempt to have the amendment disposed of until they have had an opportunity to be heard.

AMENDMENT NO. 3527

(Purpose: Establish a procedure for the declassification of information pertaining to Guatemala and Honduras)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Connecticut [Mr. DODD], for himself, and Ms. MIKULSKI, Mr. KERREY, Mr. KERRY, and Mr. LEAHY, proposes an amendment numbered 3527.

Mr. DODD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . RESPONSIBILITY TO MAKE AVAILABLE HUMAN RIGHTS RECORDS PURSUANT TO PENDING REQUESTS.

(a) GUATEMALA AND HONDURAS.—

(1) The United States has received specific written requests for human rights records from the Guatemala Clarification Commission and the National Human Rights Commissioner in Honduras, and from American citizens and their relatives who have been victims of gross violations of human rights in those countries.

(2) Not later than 120 days after the date of enactment of this Act, each agency shall review all requested human rights records referred to in subsection (a)(1) which it has not yet located or reviewed for the purpose of declassifying and disclosing such records to the public except as provided in subsection (b).

(b) POSTPONEMENT OF PUBLIC DISCLOSURE.—

(1) GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS.—An agency may only postpone public disclosure of a human rights record or portions thereof that are responsive to the pending requests—

(A) pursuant to the declassification standards contained in section 6 of P.L. 102–526, or

(B)(i) if its public disclosure should be expected to reveal the identity of a confidential human source,

(ii) however it shall not be grounds for withholding from public disclosure relevant information about an individual's involvement in a human rights matter solely because that individual was or is an intelligence source, however, the public disclosure of the fact that the individual was or is such a source may be withheld pursuant to this section.

(2) REVIEW OF DECISION TO WITHHOLD RECORDS.—The Interagency Security Classification Appeals Panel (hereinafter in this section the "Panel"), established under Executive Order No. 12958, shall—

(A) review all decisions to withhold the public disclosure of any human rights record that has been identified pursuant to requests referred to in subsection (a)(1), subject to the declassification standards referred to in subsection (b)(1);

(B) notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and publish such determination in the Federal Register;

(C) contemporaneously notify the President of its determination, who shall have the sole and nondelegable authority to review any determination of the Panel, and whose review shall be based on the declassification standards referred to in subsection (b)(1). Within 30 calendar days of notification, the President shall provide the Panel with an unclassified certification setting forth his decision and the reasons therefor; and

(D) publish in the Federal Register a copy of any unclassified written certification, statement, and any other materials that the President deems appropriate in each instance.

(3) REFERENCES.—For purposes of this section, references in sections 6 and 9 of P.L. 102–526 to "assassination records" shall be deemed to be references to "human rights records".

(c) CREATION OF POSITIONS.—(1) For purposes of carrying out the provisions of this section, there shall be two additional positions on the Panel. The President shall appoint individuals, not currently employees of the United States Government, who have substantial human rights expertise and who are able to meet the requisite security clearance requirements for these positions.

(2) The rights and obligations of such individuals on the Panel shall be limited to matters relating to the review of human rights records and their service on the panel shall end upon completion of that review.

(d) DEFINITIONS.—In this Section:

(1) HUMAN RIGHTS RECORD.—The term "human rights record" means a record in the possession, custody, or control of the United States Government containing information about gross violations of internationally recognized human rights committed in Honduras and Guatemala.

(2) AGENCY.—The term "agency" means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Defense Department, the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice, the National Security Council, and the Executive Office of the President.

(3) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term "gross violations of internationally recognized human rights", has the same meaning as is contained in section 502(B)(d)(1) of the Foreign Assistance Act of 1961.

Mr. DODD. Mr. President, I have brief remarks about this amendment. It is focused on two countries, Guatemala and Honduras. It is not worldwide. It is designed to try to have documents declassified, dating back to a decade ago. Many people recall the tragedies of the conflict in Central America. It actually goes back more than two decades. In the case of Guatemala, it goes back 30 or 40 years.

Civil wars have now been concluded. There are democratically led governments moving in a direction to try to address their underlying economic and social needs. The conflict that plagued these countries and ourselves cost the lives of thousands of people, as well as thousands more who were injured and brutalized in those conflicts.

We are seeking with this amendment to declassify certain information that might allow us, in the case particularly of an American citizen who was brutalized in that conflict almost a decade ago, to gather necessary information so that those who perpetrated the crimes against her could be brought to the bar of justice.

The Clinton administration has already agreed in principle to assist the Guatemalan and Honduran authorities investigating past human rights abuses that occurred during this period. These investigations are critical to these societies being able to complete the process of reconciliation and establish a credible foundation on which to build democratic institutions which truly reflect the rule of law and to put an end to impunity.

While some U.S. agencies have already responded very fully and positively to these requests, others appear to have done little or nothing meaningful to review and turn over materials that could be critical to the success of this exercise. The slowness of certain agencies in the production of materials, in some cases which are totally nonresponsive to these requests, have caused a level of cynicism about the commitment of some agencies to fully support this effort.

I know my colleagues, Senator LEAHY and Senator MCCONNELL, are very familiar with the case of the American citizen, Sister Dianna Ortiz, who was abducted and brutally raped and tortured while serving in a rural community in Guatemala in 1989. Not surprisingly, Sister Ortiz's life has never been the same. Her efforts to shed light on the details of the crimes against her have been met with indifference, at best. As is too often the case in rape cases, she believes that rather than being viewed as the victim, she has been treated by certain government officials as a perpetrator of some crime or involved in nefarious behavior. I don't think the 101 cigarette burns on her back would indicate necessarily at all that someone was the perpetrator rather than the victim.

Just today, I received a very moving letter from Sister Ortiz. Attached to her letter was a statement that she recently gave laying out some of the new information about her case. Let me quote from her letter, because I think it helps explain why I am offering this amendment today. Sister Ortiz writes:

> Despite my efforts, I still don't know the truth of why I was abducted and tortured. It is true that government agencies have released documents to me. They consist of such public items as articles written by the press, human rights reports from the U.S. Embassy in Guatemala, documents relating to cases other than my own, and letters written to Members of Congress. I have also received blank sheets of white paper.

Mr. President, this is not just some isolated document. This is basically what a lot of the released documents look like here. This is declassified human rights documents, blank pages: "Honduran armed services human rights and corruption." A blank page.

Here is another example of the declassified documents released on her case:

> A U.S. ally has received U.S. Embassy and Honduran government support.

It goes on. That has little or nothing to do with the situation involving Sister Ortiz. The rest is blank.

This is one of the released documents:

> Press reports of January 1988 indicate that the 316 battalion was deactivated in September 1987 to quell speculation following allegations of death squad activities made against the battalion.

The rest is blank, as if this were some highly pertinent document. This is obviously not readable here at all. For the purpose of demonstrating to my colleagues, here is what we are talking about. I could go through this quickly. These are all blank pages. I am not filling these in. These are sheets of blank pages that come up on this report.

Now, obviously, there are legitimate concerns that intelligence agencies can have about just releasing any and all documents that people would like to have access to. You can't tolerate that, even in a case as moving as that of Sister Ortiz.

This amendment says that within 120 days of enactment of the underlying bill it would search the documents for relevant material in Honduras and Guatemala if documents are discovered and found, and the agencies, for whatever reasons—there are a list of reasons—adopted in law where methods and sources could be revealed and other important information that could be harmful to U.S. interests. Then there is a panel made up of representatives from the Central Intelligence Agency, the Department of State, the Department of Defense, the Archivist of the United States and the Justice Department, which would review that request from the agency objecting to the release of certain documents. So there is a system whereby they would review whether or not, in fact, the decision not to release information was worthwhile.

So there is a process in place here. It is not worldwide. It is, in fact, situations surrounding these two countries. It involves an American citizen who was brutally tortured and would like to get to the bottom of what happened to her—an American nun working in Honduras and in Guatemala doing work that she and others felt made a significant contribution to the well-being of people there. She would like to find out why it happened. It is not asking too much, in the case of these two countries, for the declassification of documents which could help her pursue this case, again, allowing for a very legitimate process to be in place so that there is not the unintentional release of documents that could in some way compromise the interests of the United States.

That is the sum and substance of this amendment, Mr. President. I hope that our colleagues will see fit to be supportive of it. It doesn't go too far, in my view. As I said, it is limited in scope, in terms of the countries involved, and also there is a process in place in this amendment that would allow for the information, in cases where it should not be released, to be withheld.

I also point out, Mr. President, that I am particularly grateful to my colleagues, Senators LEAHY, MIKULSKI, KERRY of Massachusetts and KERREY of Nebraska, the vice chairman of the Intelligence Committee, who is a cosponsor of this amendment, along with Senator HARKIN and several others who have joined with me in this effort.

I ask unanimous consent that the full text of the letter from Sister Ortiz, as well as the very moving testimony that she gave on June 25, 1998, be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 2, 1998.

Senator CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: I cannot begin to thank you enough for being in the forefront of the struggle for the Human Rights Information Act. Thousands upon thousands of Guatemalans and Hondurans await the outcome of Senate action on this legislation which is of so much importance to them. It is, of course, of great importance to me as well.

It may seem to many in Congress that my search for justice is never-ending. This is hardly surprising for it is exactly how it has felt to me during these past nine long years. Despite my best efforts, I still don't know the truth of why I was abducted and tortured nor have I obtained any information on the identity of "Alejandro." It is true that various government agencies have released documents to me. Now, let me tell you a little about them. They consist of such (public) items as articles written by the press, human rights reports from the U.S. Embassy in Guatemala, documents relating to cases other than my own, and letters written to members of Congress. I have also received blank white sheets, and a few messages from former Ambassador Thomas Stroock—one written a week after I was abducted that stated: "Her story, as told is not accurate." Other cables from Stroock's office/State Department describe me as a political strategist, who had perhaps staged my own abduction to secure a cut-off of U.S. aid to the Guatemalan military. These are examples of "relevant documents" which have been released to me.

In the summer of 1996, the Justice Department conducted a criminal investigation. What I learned only during my participation was that I was to be the subject of the investigation and not those who abducted and tortured me. During my testimony before the House Human Rights Caucus on June 24th of this year, I spoke publicly of the treatment I received at the hands of DOJ officials. I am enclosing that testimony as both description of and further witness to how my case has, in fact, been investigated.

Now, on top of all this, I have been told by a legislative aide to another Senator that members of the Senate Intelligence Committee are saying that only 3 or 4 documents (pages) have been withheld from me. At this moment, a 284+ page Classified Report pertaining to my case remains in the hands of the Justice Department, which has been made available to the Intelligence Oversight Board, the former Ambassador to Guatemala, Thomas Stroock, and who knows how many others. But I, on the other hand, am denied access to it in order to protect my privacy and that of their sources, or so I am told (refer to June 24th Statement enclosed).

Again Senator Dodd, I thank you for your efforts on behalf of all who seek the truth. Like countless Guatemalans and Hondurans, this is all I seek. By calling on my government to declassify documents, I am simply pleading with it to allow us to heal. I want to put this nightmare behind me. I want to be able to have a good night's rest. I want peace—for myself and for the people of Guatemala and Honduras. And I don't think that is too much to ask.

In a spirit of gratitude,

DIANNA ORTIZ,
OSU.

CONGRESSIONAL HUMAN RIGHTS CAUCUS BRIEFING ON TORTURE

(By Sister Dianna Ortiz)

Thank you all for coming. As a survivor of torture, I want to urge you to support declassification of United States government documents that shed light on human rights abuses. Simply by declassifying documents, our government can save lives. Survivors of human rights violations need to know as much as possible about who committed the atrocities against them. With this information, justice is possible, and only justice can lay the foundation for reconciliation, stability, and peace. Guatemala and Honduras are two countries that would benefit immeasurably from full declassification. The sticking point in these instances seems to be that the US has supported the abusers.

Take my case, for example. In 1989, while I was working as a missionary in Guatemala, I was abducted and brutally tortured by Guatemalan security agents. My back was burned over 100 times with cigarettes. I was gang-raped repeatedly. I was beaten, and I was tortured psychologically as well—I was lowered into a pit where injured women, children, and men writhed and moaned, and dead decayed, under swarms of rats. Finally, I was forced to stab another human being.

Throughout the ordeal, my Guatemalan torturers said that if I did not cooperate, they would have to communicate with Alejandro. My last minutes in detention, I met Alejandro, whom the torturers referred to as their boss. He was tall and fair skinned and spoke halting Spanish, with a thick American accent. His English was American, flawless, unaccented. When I asked him if he was an American, his answer was evasive: "Why do you want to know?"

He told me to get into his jeep and said he would take me to a friend of his at the United States embassy, who would help me leave the country. During the ride, he enjoined me to forgive my torturers and said if I didn't, there would be consequences for me. He reminded me that may torturers had made videotapes and taken photos of the parts of the torture I was most ashamed of. He said if I didn't forgive my torturers, he would have no choice but to release those photos and tapes to the press. At that point, I jumped out the jeep and ran.

For the last nine years, I have tried to stop running. I have tried to face the torturers head on and demand answers, demanded justice. Instead of "forgiving" my torturers, I filed suit against the Guatemalan government and called for an investigation. Like so many investigations in Guatemala, it led nowhere. Guatemalan and US officials alike said in public and in private that I was a lesbian who had never been tortured but had sneaked out for a tryst. The 111 cigarette burns on my back were the result of kinky sex.

Two years ago, I held a five-week vigil before the White House, asking for the declassification of all US government documents related to human rights abuses in Guatemala since 1954, including documents on my own case. I asked to know the identity of Alejandro. The Justice Department had begun an investigation August 1995, and the Intelligence Oversight Board had been investigating my case for more than a year, but I still had no answers. Finally, after weeks of fasting and camping day and night before the White House, a number of State Department documents were released to me. The following year, various FBI documents were declassified, but none of these documents contained anything about the identities of my torturers or of their boss, Alejandro.

Efforts to obtain information through US government investigations also led nowhere. The Department of Justice interviewed me for more than forty hours, during which time DOJ attorneys accused me of lying. They interrogated my friends and family members and generally made it clear that I was the culprit, I was the one being investigated, not the US government officials who might have acted wrongly in my case. Ultimately, the investigators seemed unable to comprehend the effects on a torture survivor of testifying in intricate detail for hours on end. Extremely dangerous and painful flashbacks were the consequence in my case. A torture survivor should never be asked to re-enter the torture chamber, to relive the brutal abuse. After I had given the great majority of my testimony, I felt compelled to withdraw from direct participation in the DOJ investigation. The investigators had the sketches I had made with the help of a professional forensic artist, delineating the characteristics of each torturer, including Alejandro, and the investigators had my testimony, in detail. The responsibility for finding answers lay with them.

Because I could no longer subject myself to the retraumatization brought on by the investigators' questions and manner, the DOJ closed my case. Exactly what the DOJ's final conclusions were, I do not know. I do know that as a result of the investigation, the DOJ came up with a 200+ page report, which is classified. The Department of Justice told me the report was classified to protect sources and methods and to protect my own privacy. Dan Seikely, who was in charge of the Department of Justice investigation, said only three people would be able to see the report: Attorney General Janet Reno, the deputy attorney general, and himself. Only four copies of the report existed, he said, and they would be kept under lock and key.

In recent months, however, it has become clear to me that a number of other people have read the report. A government official recently told me that he had seen the report and added that officials in the State Department also had seen it, as had Thomas Stroock, the US ambassador to Guatemala at the time I was abducted. I can't help but wonder how my government intends to protect my privacy by releasing the report to such individuals. It was under Stroock's command that an embassy staff member told a visiting religious delegation—"I'm tired of all these lesbian nuns coming down to Guatemala." It was Stroock who said, a week after I was abducted, before any embassy member had interviewed me, "Her story as told is not accurate." It was Stroock who told the State Department that my motives were questionable, that I had perhaps staged my own abduction to secure a cut-off of US aid to the Guatemalan army. Yet it is Stroock to whom the US government gives the report—a report so private that even I cannot see it. After he had read the DOJ report, Stroock spoke to a journalist, who in turn called me. Stroock was informing the press of his access to the report. In spite of his questionable right to see it, he was making no secret of the privileges he enjoyed. There are things in the report that I have kept secret, that I have been ashamed of—things that I didn't tell DOJ investigators but that my friends revealed as they were being interrogated—and I have lived under this tacit blackmail: If I push for more answers in my case, or if I even file a Freedom of Information Act request to get the DOJ report declassified, the secret information the investigators have will be leaked.

Instead of having that information leaked, let me simply tell you: I got pregnant as a result of the multiple gang rapes by my torturers, and unable to carry within me what they had engendered, what I could view only as a monster, the product of the men who had raped me, I turned to someone for assistance and I destroyed that life. Am I proud of this decision? No. But if I had to make the decision again, I believe I would again decide as I did eight years ago.

I had little choice. My survival was so precarious at that time that to have to grow within me what the torturers had left me would have killed me. I tell you this simply to free myself so that I can proceed to uncover the truth. Today, I am filing a FOIA to demand the DOJ report on my case. After such anguish that the DOJ interviews caused me, I have the right to know what was learned in my case, what conclusions were reached and why. I demand access to the report, the same access that members of the State Department, Thomas Stroock, and members of the Intelligence Oversight Board have had, in spite of Seikely's guarantee of confidentiality.

I want to be able to evaluate the thoroughness of the investigation so that I can make informed decisions about what step to take next. My torturers were never brought to justice. It is possible that, individually, they will never be identified or apprehended. And in some senses, I would like to resign myself to this fact and move on. I have a responsibility, however, to the people of Guatemala and to the people of the world, a responsibility to insist on accountability where accountability is possible. If the US government was involved in my torture in Guatemala, in what other countries of the world are torturers receiving orders from Americans? We have to know what the United States has done and where. For our own peace of mind as US citizens and for the good of the citizens of the world, we need the files released. If the US has done nothing wrong, then we can all rest easy. If the US is culpable, we must know this and expose this and take steps to ensure that our government never again collaborates with or hires torturers, in any place, for any reason.

Mr. DODD. Mr. President, again, at the request of the managers of the bill, at this point, I will yield the floor. I presume what will happen is that there are other Members who may show up to debate the McCain amendment, and then there would be a vote on that, and then there may be another amendment that would be disposed of. If I could be notified by my staff, or others, as to when the appropriate time to come back and engage in a further debate with those who have a differing point of view, I am happy to do that.

Mr. McCONNELL. If my friend has completed his remarks, we will simply lay aside his amendment. Senator THOMAS is here to speak on the McCain amendment.

Mr. DODD. I thank my colleague from Kentucky very, very much for his courtesies in this, and my colleagues, as well, who have other amendments pending. I appreciate it very much.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Dodd amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 3500, AS FURTHER MODIFIED

Mr. THOMAS. Mr. President, I rise to address briefly the McCain amendment on S. 2334. I will talk a little bit about the situation in North Korea and the bill relating to the Korean Peninsula Energy Development Organization, KEDO. I have been chairman of the Subcommittee on East Asia for almost 4 years, and we have held five hearings on North Korea during that time—more than any other single country, with the exception of China. In all of that time, I have continued to be amazed at and concerned by the dangerous, unpredictable and unbalanced nature of the regime in North Korea. Despite widespread starvation and disease, the Government continues to adhere to the very economic policies which have led to famine in the first place. Despite the worldwide reputation of communism, the Government continues to revolve around sort of a Stalinist cult of personality slavishly devoted to Kim Jong Il.

Despite international norms and conventions, the North Koreans continue to sell nuclear and conventional missile technology to such rogue states as Iraq and Libya in violation of the Nuclear Proliferation Treaty. Despite the terms of the Agreed Nuclear Framework with the United States, North Korea continues to develop its program aimed at producing nuclear missiles.

Mr. President, I have been sort of a begrudging supporter of the Agreed Framework since its inception. Although the agreement is far from perfect, I supported it because I believed that, in the end, it was in our best interest and in the best interest of the East Asia region to do so. I supported it through its fits and starts. I supported it when the North diverted oil deliveries to military use and when the North showed signs of restarting their nuclear program. I supported it because, on the whole, North Korean movement forward in the Four-Party Talks and cooperation in the nuclear area outweighed the North's traditional tendency to always push the envelope with us.

Mr. President, when North Korea fired off a missile last week over Japanese air space, it was kind of the straw that broke the camel's back. This is what I consider to be a clearly belligerent act and should drive home the fact to this body that the Agreed Framework has been gutted by North Korea. At present, it seems no better than the paper on which it was written. Time after time, the DPRK has broken its commitment under the agreement. While the North took our oil and dragged its heels, it has constructed underground facilities to test both propulsion and warhead systems with only one purpose: the development of long- and short-range nuclear weapon capabilities.

Frankly, I have a sinking feeling that they have used us, played us for a fool, and have played it very well. Mr. President, I intend to meet with the Defense Intelligence Agency this week, and to hold a hearing next week in our subcommittee to examine the present situation and to ask the State Department and Defense Department some tough questions.

If these questions can't be answered to our satisfaction, and if we can't be convinced that adherence to the Agreed Framework under the circumstances are in our best interests, then our support, I am sure, will evaporate very quickly.

I am pleased that we are considering it here. I am supportive of the McCain amendment. I look forward to having a chance to vote on it.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the Senator from Arizona offered his amendment yesterday afternoon at 4 o'clock. We are trying to make progress on the bill.

I understand there is one person who desires to speak on the other side.

In fairness to everyone, with the concurrence of the Senator from Arizona, if we can't bring this to conclusion, I am going to make a motion to table the McCain amendment at 3 o'clock so that we can get an expression of opinion on the amendment of the distinguished Senator from Arizona.

In the meantime, Mr. President, I think we have some amendments that have been cleared on both sides which I will shortly send to the desk: a Brownback amendment on Iran;

DeWine amendment on alternative crop development; three Craig amendments; a Reed-Reid amendment on scholarships; and a DeWine amendment on Haiti.

AMENDMENTS NUMBERED 3528 THROUGH 3534 EN BLOC

Mr. McCONNELL. Mr. President, I send the amendments to the desk, and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 3528 through 3534, en bloc.

The amendments (Nos. 3528 through 3534) are as follows:

AMENDMENT NO. 3528

The Senate finds that:

According to the Department of State, Iran continues to support international terrorism, providing training, financing, and weapons to such terrorist groups as Hizballah, Islamic Jihad and Hamas;

Iran continues to oppose the Arab-Israeli peace process and refuses to recognize Israel's right to exist;

Iran continues aggressively to seek weapons of mass destruction and the missiles to deliver them;

It is long-standing U.S. policy to offer official government to government dialogue with the Iranian regime, such offers having been repeatedly rebuffed by Tehran;

More than a year after the election of President Khatemi, Iranian foreign policy continues to threaten American security and that of our allies in the Middle East;

Despite repeated offers and tentative steps toward rapprochement with Iran by the Clinton administration, including a decision to waive sanctions under the Iran-Libya Sanctions Act and the President's veto of the Iran Missile Proliferation Sanctions Act, Iran has failed to reciprocate in a meaningful manner.

Therefore it is the sense of the Senate that:

(1) the Administration should make no concessions to the government of Iran unless and until that government moderates its objectionable policies, including taking steps to end its support of international terrorism, opposition to the Middle East peace process, and the development and proliferation of weapons of mass destruction and their means of delivery; and

(2) there should be no change in U.S. policy toward Iran until there is credible and sustained evidence of a change in Iranian policies.

AMENDMENT NO. 3529

(Purpose: To provide additional resources for enhanced alternative crop development support in source zone)

On page 10 line 19, insert "*Provided further*, That of the funds appropriated under the previous proviso not less than $80,000,000 shall be made available for alternative development programs to drug production in Colombia, Peru and Bolivia.

AMENDMENT NO. 3530

(Purpose: To establish a Joint United States-Canada Commission on Cattle and Beef and dairy products to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the countries with respect to the production, processing, and sale of cattle, beef, and dairy products, and for other purposes)

At the appropriate place, insert:

SEC. . JOINT UNITED STATES-CANADA COMMISSION ON CATTLE AND BEEF.

(a) Establishment.—There is established a Joint United States-Canada Commission on Cattle, Beef and Dairy Products to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of cattle, beef, and dairy products, with particular emphasis on—

(1) animal health requirements;

(2) transportation differences;

(3) the availability of feed grains;

(4) other market-distorting direct and indirect subsidies;

(5) the expansion of the Northwest Pilot Project;

(6) tariff rate quotas; and

(7) other factors that distort trade between the United States and Canada.

(b) Composition.—

(1) In general.—The Commission shall be composed of—

(A) 3 members representing the United States, including—

(i) 1 member appointed by the Majority Leader of the Senate;

(ii) 1 member appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 3 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, producers, and other members.

(2) Appointment.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) Report.—Not later than 180 days after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to tariff rate quotas and the production, processing, and sale of cattle and beef, and dairy products.

AMENDMENT NO. 3531

(Purpose: To describe the circumstances under which funds made available under the legislation may be available to any tribunal)

On page 82, line 10, strike "Yugoslavia." and insert the following: "Yugoslavia: *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for the tribunal shall be made available subject to the regular notification procedures of the Committees on Appropriations.

AMENDMENT NO. 3532

(Purpose: To express the Sense of the Senate concerning the operation of agricultural commodity foreign assistance programs)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE.

(a) It is the Sense of the Senate that:

(1) The U.S. Department of Agriculture should use the GSM-102 credit guarantee program to provide 100 percent coverage, including shipping costs, in some markets where it may be temporarily necessary to encourage the export of U.S. wheat.

(2) The U.S. Department of Agriculture should increase the amount of GSM export credit available above the $5.5 billion level (as it did in the 1991/1992 period). In addition to other nations, extra allocations should be made in the following amounts to:

(A) Pakistan—an additional $150 million;

(B) Algeria—an additional $140 million;

(C) Bulgaria—an additional $20 million; and

(D) Romania—an additional $20 million.

(3) The U.S. Department of Agriculture should use the PL-480 food assistance programs to the fullest extent possible, including the allocation of assistance to Indonesia and other Asian nations facing economic hardship.

(4) Given the President's reaffirmation of a Jackson-Vanik waiver for Vietnam, the U.S. Department of Agriculture should consider Vietnam for GSM and PL-480 assistance.

AMENDMENT NO. 3533

At the appropriate place in the bill, insert the following: "That of the funds made available by prior Foreign Operations Appropriations Acts, not to exceed $750,000 shall be made available for the Claiborne Pell Institute for International Relations and Public Policy at Salve Regina University."

AMENDMENT NO. 3534

(Purpose: to prohibit the availability of funds for Haiti unless certain conditions are met)

Beginning on page 90 line 1, after the word "the" insert "central".

On page 91, line 11, after the word "ratified" insert "or is implementing".

On page 91, strike lines 19 through 20, and insert "for the Haitian National Police, customs assistance, humanitarian assistance, and education programs."

On page 91, line 22, after the word "available" insert "to the Government of Haiti".

On page 92, line 5 strike everything after the word "council" through the "period" on line 7 and insert in lieu thereof "that is acceptable to a broad spectrum of political parties and civic groups."

On page 92, line 8, after the word "Parties" insert "and Grass Roots Civic Organizations."

On page 92, line 13 after the word "parties" insert "and for the development of grass roots civic organizations".

On page 92, insert new section (e):

"(e)(1)Availability of Administration of Justice Assistance.—Funds appropriated under this act for the Ministry of Justice shall only be provided if the President certifies to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate that Haiti's Ministry of Justice:

(A) Has demonstrated a commitment to the professionalization of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School;

(B) Is making progress in making the judicial branch in Haiti independent from the executive branch, as outlined in the 1987 Constitution; and

(C) Has re-instituted judicial training with the Office of Prosecutorial Development and Training (OPDAT).

(2) The limitation in subsection (e)(1) shall not apply to the provision of funds to support the training of prosecutors, judicial mentoring, and case management.

On page 92, line 14, strike "(e)" and insert "(f)".

On page 93, strike section (f) and all that follows.

Mr. DEWINE. Mr. President, this amendment reflects a significant change in course on how we administer U.S. assistance in Haiti. From a practical standpoint, the amendment will not decrease our total commitment to the people of Haiti. However, it does place very clear restrictions on assistance to the Haitian government.

To best understand the reasons for this amendment—and why we have chosen to place more conditions on direct aid to the government of Haiti—it is important to first talk about the current situation in Haiti.

Mr. President, I have visited Haiti six times in the past three years. I have taken a great interest in assisting the people of Haiti as they establish, develop and sustain democracy, economic stability and a better quality of life. Through these visits, I have had the opportunity to see what changes have taken place and the general direction of events in Haiti.

My colleagues may recall that on April 3, 1998, I provided the Senate an update on the current economic, and political state of Haiti. At that time, I stated that Haiti's political system was not stable. Little has changed for the better since then. This continued instability is of direct concern to the United States. The concern of course is that this unstable democracy could descend into outright chaos. If this occurs, the result could be an exodus of boat people coming to our shores.

Mr. President, let me mention a few key facts to describe the current situation there.

First, it has been over 14 months since then Haitian Prime Minister Rosny Smarth resigned due to his frustration with the government's inability to resolve an electoral dispute and implement his economic modernization plan. Since then, a Prime Minister has not been confirmed by the Parliament.

The Prime Minister is designated as the Chief Executive of the Government. He appoints the Cabinet and basically runs the government. Without a Prime Minister, the country simply cannot function. Bills that may be passed by the Haitian Parliament cannot be signed into law and the privatization of any government industries cannot be fully implemented.

It is truly unfortunate, that to date, this vacancy has not been filled. The current Education Minister has been nominated for the position. It is, however, unclear if he will be confirmed by the Haitian Senate. One of the main reasons for this continued delay stems from the Haitian government's inability to resolve the serious discrepancy surrounding the April 1997 elections.

This current political impasse stems from pervasive fraud and improper vote tabulation regarding elections held in April of 1997. Not only have the Haitian opposition political parties demanded that the April 1997 elections be annulled, the international community, including the United Nations, has also deemed the elections—which produced only a meager five percent turnout—fraudulent. The opposition political parties continue to insist that they will not move forward to confirm a Prime Minister until the April 1997 electoral dispute is resolved.

This paralysis in government is being felt everywhere: economic reform efforts have stalled. The legislature still has not passed a budget. It has not enacted structural reforms needed to free up over $100 million in foreign assistance, nor has it approved loans for millions in technical assistance. The process of privatizing key government industries is dramatically slow, as are plans to downsize the public sector. With progress impeded by a political stalemate it is no surprise that potential investors who could play a key role in uplifting Haiti's economic development are discouraged from going forward.

Complicating matters even more was an upcoming national/municipal election in Haiti slated for November 1998. Hundreds of seats were up, including the entire lower chamber of the Haitian Parliament, up to two-thirds of the Senate and all municipal seats. Since there continues to be no resolution to the irregularities surrounding the previous election, however, the elections that constitutionally should be held in November have not been scheduled nor is there reason to believe that they will occur any earlier than next spring. All of this raises even more questions and concerns on Haiti's ability to administer future elections, including the presidential elections scheduled for the year 2000.

Democracy literally is at a standstill in Haiti. And it will remain stagnant until previous electoral disputes are resolved, and a credible, nonpartisan, competent electoral commission to oversee elections is established.

The composition of the electoral commission is the key source of controversy. A number of opposition parties in Haiti would like to have some representation on the commission, or at least make sure that the commission is neutral and not biased.

Mr. President, I understand that Haitian President Preval recently said he will move forward with naming a provisional electoral council. There is concern that he intends not to consult with all opposition parties—meaning that the interests of other political parties will likely be excluded. This step would not seem to be an effective way to resolve the current political impasse.

When I spoke about Haiti last April, I urged that no U.S. assistance be used to underwrite the proposed November elections until a settlement of the April 1997 electoral dispute is reached—and until a fair and independent Electoral Council is established in accordance with the constitution. I am pleased that these conditions on funding are currently in the pending Foreign Operations Appropriations Bill, as well as in the House version.

Even if the electoral disputes are resolved and an electoral commission appointed, democracy cannot be sustained as long as lethal violence is seem as an effective tool to achieve political goals. To date, not one single case of the dozens of political killings that have occurred in Haiti since the early 1990's have been resolved. As a result, no one has been convicted and sentenced for any one of these crimes.

Mr. President, according to a House International Relations Committee staff report released just last week, fears of a new wave of political killings are on the rise following the recent murder of a Catholic priest who was a vocal critic of the current government, as well as of former President Aristide. The report also states that "A key opposition leader expressed concern that three other political figures may be targeted for assassination."

Not only have opposition political leaders been allegedly threatened, Haitians working for democratic institutions such as the International Republican Institute have also been targeted for intimidation and threats on their lives. One Haitian IRI employee was even held at gunpoint for his involvement in democratic activities in Haiti.

Mr. President, I also am concerned about new reports of drug corruption within the Haitian government. Specifically, there have been numerous reports in Haitian newspapers that Haitian National Police employees were arrested for involvement in drug trafficking. Haiti has become increasingly attractive as a transit point for international drug traffickers. Unless we address this situation soon, Haiti could turn into a full-fledged narco-state. And that means more and more illegal drugs coming through Haiti to the United States.

Mr. President, I have given you a brief outline and assessment of the current political situation in Haiti.

It has been the policy of this Congress for three years that until the Haitian government is able to meet specific economic, political and social reforms, our assistance to that government should be extremely limited. The money, instead should go to benefit Haitians directly.

That was the fundamental purpose of an amendment originally offered by our former Majority Leader, Bob Dole in 1995. Under the original Dole amendment, benchmarks for reform had to be met if assistance was to be provided. If these conditions were not met, government assistance would be transferred to non-governmental organizations, of NGOs. In the end, the President called for and received from Congress the power to waive these conditions and allow aid to go forward if he believed restricting aid to the Haitian government posed a national security concern to the United States. Congress included this national security waiver with the hope that things would improve in Haiti. Each year for the past three years, we have renewed the Dole amendment with some marginal modifications. Each year, the President has exercised his waiver authority to keep U.S. aid flowing to the Haitian government. And each year we hope the Haitian government will finally get its act together.

Well, Mr. President, three years have gone by. And the situation remains bleak. Based on a review of that situation, I now believe that it is necessary to go back to the original Dole proposal by removing the national security waiver. We have tried—patiently—for three years to work with the Haitian government to establish and sustain democracy there. Yet, I find it extremely difficult to invest in a government that is not willing to make changes to advance democracy and its economic health. We have spent well over $2 billion in the past four years in Haiti.

We should continue to fund programs through NGOs that will benefit Haitians. But giving the government money for programs if they are not willing to implement needed political and economic reforms is wasted money.

Mr. President, let me turn now to an explanation of my amendment to the this bill. Let me first make it clear that this amendment does not prohibit assistance to Haiti. Just like current law, this amendment conditions our assistance to the Government of Haiti—but not the Haitian people. That means that any funds distrtibuted to Haiti through NGOs for the benefit of Haitians will not be threatened nor compromised in any manner.

Let me first outline the important general conditions that the Haitian government must meet before we believe it receives any additional funding from the US government. These conditions are outlined—almost verbatim—in the pending Senate and House Foreign Operations Appropations bill.

These general conditions include:

First, the Haitian government must re-sign the Agreement on Migration Interdiction and Operations with the United States and must cooperate with the US in halting illegal emigration from Haiti. It has been nearly four years since this agreement expired and the US government has been waiting for Haiti to resign this agreement.

The second condition is that the Haitian government must conduct thorough investigations of extrajudicial and political killings and that it must cooperate with US authorities in these investigations. There have been dozens of political murders in Haiti over the past several years. Not a single one has been solved. That has got to change.

Third, the Haitian government must take action to remove from the Haitian National Police, and other national palace and ministerial guards, individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of human rights or to have engaged in narcotics trafficking.

Fourth, that the Haitian government must complete privatization of at least three major public entities. The Haitian government is now years behind its own drafted scheduled in privatizing several key public entities.

The final condition is that the Haitian government must implement the counter-narcotics agreements recently signed between both countries last October. There are a total of six counter-narcotics agreements including the Ship Rider and Maritime Pursuit Agreements which allow US law enforcement to patrol Haitian waters for drug interdiction matters. These agreements basically allow for instantaneous implementation of drug enforcement activities between the two countries.

These are very important and reasonable conditions that must be met before the US government releases any general assistance directly to the government of Haiti. Many of them are not new.

Let me now address a more controversial question—whether the Administration can waive these conditions for national security reasons, and allow funding to go forward. For the past three years, the Administration has exercised its waiver authority to allow funding to go to the government. The pending bill before us continues this waiver; the pending House bill does not. My amendment would adopt the House version on this point. We must send a message to the government of Haiti that we cannot continue to give them money if they lack political will to make necessary reforms.

Mr. President, while my amendment would remove the national security interest waiver; there are several important exceptions to this amendment as well as in the pending bill that would enable the US government to continue funding certain important government programs. Taken together, these exceptions include—counter-narcotics assistance; support for the Haitian National Police's Special Investigative Unit; the International Criminal Investigative Training Assistance Program; customs assistance; anti-corruption programs; urgent humanitarian assistance; and education. There is also a separate provision on conditioning electoral and administration of justice assistance to the government of Haiti under a separate set of conditions.

One additional point I want to make is while I have included several additional exceptions to the Limitation of Assistance provision to the government of Haiti—I intend to explore during the conference of this bill the possible need to limit the total amount of money the Haitian government can receive if conditions set for in this amendment are not met while assistance to the government in these areas continues to flow.

Mr. President, before I conclude, I would like to mention two essential assistance programs that we provide to Haiti through NGO's.

First and foremost, US assistance through P.L. 480 Title II feeding programs to the poor is absolutely critical and should be continued. There are impoverished people in Haiti—particularly children—who desperately need help. They are not responsible for the country's political crisis. They should not have to suffer because of it.

Mr. President, there has been a proliferation of facilities in Haiti which must care not only for a vast number of orphans but also for an increasing number of abandoned and neglected children. The capital city, Port-au-Prince, has seventy orphanages—all of these which are run by only one relief organization, Christian Relief Services (CRS). There are many other orphanages throughout the entire country which take care of thousands and thousands of orphaned and abandoned children in Haiti.

I have visited these facilities in Haiti and I can give you a first-hand account of the heart breaking stories. The flow of desperate children into these orphanges is constant and these institutions face an increasing challenge in accommodating all of these needy children. The sad part is that these many of these orphanages get no other means of support other than the food administered to them through CRS, which in turn receives its resources through AID.

Last year and again this year, I have worked with Senators COCHRAN and BUMPERS—the Chairman and Ranking Member of the Agriculture Appropriations Subcommittee—to ensure we continue the emergency feeding programs in Haiti through the PL 480 Title feeding program. I thank Chairman COCHRAN and Senator BUMPERS for their assistance in funding this program last year and for doing so again in this year's bill.

Similarly, I have worked with Chairman McCONNELL and Senator LEAHY to include up to $250,000 to support a pilot program to assist Haitian children in orphanages. The objective behind the program is to find ways to help orphanages better organize and manage themselves to seek outside help for resources for these children. I thank the Chairman, and Senator LEAHY for funding this initiative last year and for doing so again in the pending bill.

Another very important assistance program that should be maintained, if not expanded, is agricultural assistance programs. Agricultural production in Haiti is extremely low. In the long run, agricultural production is necessary if Haiti is to provide jobs and food for its population.

Haiti today imports two thirds of its food. Every day, thousands of Haitians leave rural areas where they are unable to provide for themselves, and flood into the cities which are unable to sustain the population pressures. In the long run, agricultural and rural development is crucial to the goal of providing jobs, income and food for Haiti's people.

To further develop the rural and agricultural sectors of Haiti, attention needs to be given to a decentralized development strategy. I believe that continued focus on non-governmental organizations is appropriate. In fact, current USAID funding for agriculture and environmental programs in Haiti is all administered through NGOs. I believe that we should be promoting regional development and that associations linking private sector interests with local government need to be established. One way to do this is to link our own successful foundations and institutions of higher education together with local Haitians interested in pursuing this goal.

Given the importance of developing and expanding sound agriculture and environment programs in Haiti, I intend to work with Chairman MCCONNELL and Senator LEAHY to ensure that at least 20% of our total assistance for Haiti be for the promotion of agriculture and environment programs in Haiti. It is my hope that they will accept this request in conference report language.

Mr. President, I cannot overestimate enough the need to continue assistance programs to Haiti through the NGO community. We want to help Haitians in terms of feeding programs, agriculture and environment programs, and other initiatives such as basic health and education.

Mr. President, as you can see from the specifics of my speech, I have given serious thought to our assistance policy toward Haiti. U.S. policy toward Haiti is complicated. As I said at the beginning of these remarks, establishing, developing and sustaining democracy in Haiti is an important national interest.

One thing is clear: The U.S. cannot do for Haiti what it will not do for itself. The Haitians first have to realize the need to solve their political crisis. They clearly have not yet hit rock bottom; maybe that's what it will take to create the political will to move forward. Unfortunately, I do not yet see the requisite political will and determination in Haiti.

In the meantime, we cannot just walk away from Haiti completely. We must find ways to help the Haitian people, primarily through NGO's—since the Haitian Government has proven itself to be incapable of providing for its own people.

There's a tough road ahead for Haiti. With this amendment, we are helping to set some realistic conditions whereby that country can succeed.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3528 through 3534) en bloc were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I heard the distinguished Senator from Kentucky say—and I know we have word of those who wish to speak. The Senator from Kentucky and I have been on the floor, as have other Senators, since early yesterday morning on this bill. We are within sight of land, and we would kind of like to get some things moving.

If people have a matter they wish to add to the debate, or a matter that they wish to say, or things that they feel the Senate should consider for this side of the aisle, I would strongly urge them to come to do that, because there will be the effort of the chairman and myself to wrap this bill up as soon as we can.

Mr. MCCONNELL. Mr. President, I say to my friend from Vermont that as far as we are aware there are only three more amendments that may require a rollcall vote, and then we would be ready to go to final passage. So we can, indeed, see the light at the end of the tunnel.

AMENDMENT NO. 3500, AS FURTHER MODIFIED

Mr. LEAHY. Mr. President, while waiting for others, I note with regard to the North Korea McCain amendment that I stand behind no Member of this body in my respect for my friend from Arizona, and certainly I know no one who has followed the situation in North Korea closer than he has. I give him a great deal of weight for his insight. I understand his concerns. I share them. I suspect that most Senators do, especially as we watched the unbelievably irresponsible activity on the part of North Korea in their recent missile firing.

Unfortunately, this amendment would prevent the United States from fulfilling its obligations under the Korea nuclear reactor agreement. Maybe the Congress will make that decision to do that. Of course the Congress can. But I hope that Senators would think long and hard before we go down that road. This North Korea agreement is not perfect. There is no disagreement about that on this side of the aisle. There is also no disagreement about the behavior of the North Korean Government. It is reprehensible. At times it seems inexplicable. It is certainly the most irresponsible activity of any country on Earth today. They almost seem to want the United States to back out of this agreement.

But I think the questions we should ask, if I could have the attention of my friend from Arizona, would be just these:

Does the Secretary of Defense support this amendment? Does the commander of our forces in Korea support the amendment? What do they think the level of danger between the United States and North Korea will be with this amendment?

I ask this because I share the frustration of the Senator from Arizona toward North Korea.

Mr. MCCAIN. First of all, I appreciate the efforts of the distinguished Chairman of the subcommittee who mentioned he has had five hearings on this issue. We obviously paid close attention to the Senator from Wyoming who now feels that the time has come to support this amendment. I believe that the commander of the forces in Korea, the Secretary of Defense, the Secretary of State, probably the national security adviser, and even the President, if he knows about the amendment, is probably in opposition.

I want to tell the Senator from Vermont this agreement was flawed from the beginning. I stood on the floor of the Senate and said it would fail. It was a bribe. It was kicking the can down the road. There was no inspections required. The reality is that North Korea, which is the most Orwellian, bizarre government in history, they have a ruler who is—well, he likes to kidnap Japanese movie actresses. We are supposed to trust the word of these people? And they just launched a missile—a two-stage missile—which every arms control expert in America will tell you that you don't build these kind of missiles unless they are armed with weapons of mass destruction.

This thing was wrong from the start, and everything that we have seen has proven that to be the case, including every major newspaper in America—the L.A. Times, the New York Times, the Washington Post, and, frankly, the former national security adviser, Mr. Brzezinski, and many others; Dr. Kissinger, and many others.

For each expert that the Senator from Vermont could present, I could give you one who is as well regarded, or more highly regarded, who feels that it is time that we at least demand that they stop building nuclear weapons.

I reply to the Senator from Vermont. The amendment simply says that we won't continue to pay them millions of dollars if they in return continue to try to build nuclear weapons, which is what the whole agreement was about, supposedly, to start with.

I thank the Senator from Vermont.

Mr. LEAHY. I thank the Senator for his answer, which is precisely what I anticipated. I am not suggesting experts are in opposition. I merely wanted, for purposes of debate, to have that.

He speaks of these Orwellian, bizarre people. I suspect it is giving the North Korean leadership the benefit of the doubt to call them Orwellian and bizarre. They are worse than that. We can't ignore what has happened there. But we are not dealing with rationale people.

Had I been the one to write the agreement we have with them, I would like to think that I would have written it a lot differently than it is. But I also understand the concerns that countries like South Korea, Japan, and others have put a lot more money and a lot more effort into this agreement than the United States has.

I do not want to give the North Korean Government an excuse to make the situation we now have a lot worse.

We have done some things with this agreement. The North Korean nuclear facility at Yongbyon and Taechom have been frozen under the IAEA inspection. Virtually all of the spent fuel in the Yongbyon reactor has been safely canned under IAEA seals. Those are spelled forth.

At the same time, this is a country which I think both the Senator from Arizona and I would agree has the ability to make inspections. The ability to determine what they are doing is probably as difficult as any country in the world. What makes it worse, unlike some other countries where it is difficult to find out what they are doing, they are not countries with the potential nuclear power and potential nuclear weapons power.

Mr. President, I yield the floor and suggest the absence of a quorum.

I withhold the suggestion of the absence of a quorum. I see the Senator from Arizona on the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, is it still the desire of the Senator from Vermont that—does Senator LEVIN still wish to speak on this?

Mr. LEAHY. I wonder if the Senator from Arizona and the distinguished chairman would mind if we put in a quorum call for 2 minutes. If at that time we do not hear from the Senator, I will not do anything to delay this further.

Mr. MCCONNELL. And then there will be no objection to lifting it later?

Mr. LEAHY. No.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, if I may, I wish to make another comment or so on this amendment.

I understand the notion that you want to make this thing work, and we have tried for quite a long time. It just seems to me that around the world right now in a number of places we are having these kinds of countries with the dictators sort of testing the United States, saying, "You have told us certain things, we have made certain agreements, but we are not going to keep them, and what are you going to do about it?"

I feel as if that is an increasing tendency around the world, and this is one of them, as well as Iraq and some other places. So I think we want to continue to work, we would like to have the KEDO agreement, we would like to go ahead with the light-water reactor to avoid the nuclear development in North Korea, but that is the deal. And if that isn't being adhered to, then I think you have to do something. I think we have to take a tougher position than we have in the past.

I just do not see that it is good for the United States in the future to be making agreements with these sorts of rogue countries, trying to make things better, going ahead and doing our part, and them not doing theirs. I think that is what this amendment is about. And what we are challenged with, frankly, is to say, "We have things that need to be done, we are willing to work with you, but you have to keep up your part of the bargain." I think that is what this is all about.

I yield the floor.

By the way, if I may take that back, I was also listening to Senator DODD's proposal that has to do with things in Central America that have been kept secret, and I am very much interested in part of that myself, the Sister Ortiz thing that really needs to be declassified, in my judgment. So I just wanted to comment that I speak in support of the Dodd amendment.

I yield the floor.

Mr. MCCONNELL. Madam President, I move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Ms. COLLINS). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the McCain amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Idaho (Mr. KEMPTHORNE), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

I also anounce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "no."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 11, nays 80, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—11

Akaka
Biden
Chafee
Cleland
Daschle
Kerrey
Kohl
Leahy
Levin
Lieberman
Wellstone

NAYS—80

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Collins
Conrad
Craig
D'Amato
DeWine
Dodd
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NOT VOTING—9

Bingaman
Brownback
Coverdell
Domenici
Glenn
Helms
Inouye
Kempthorne
Murkowski

The motion to lay on the table the amendment (No. 3500), as further modified, was rejected.

Mr. LEVIN. Mr. President, I voted to table the McCain amendment because I believe it undermines the agreement we have in place with North Korea that is designed to denuclearize North Korea. This could effectively give North Korea an excuse to produce plutonium that it could use for nuclear weapons, which would be absolutely contrary to our most basic national security interests.

The McCain amendment would add a requirement for a certification relative to North Korea that would undermine the Agreed Framework that has frozen North Korea's nuclear weapons plutonium production program, because it would change the terms of that agreement. Before any of the fiscal year 1999 funds for implementation of that Agreed Framework could be spent, the McCain amendment would require the President to certify that North Korea is essentially denuclearized, which is not yet the case but which is the very goal of the Agreed Framework.

The Agreed Framework stipulates that North Korea must freeze its plutonium production facilities, namely three graphite-moderated nuclear reactors (either operating or under construction) and a plutonium reprocessing facility, in exchange for an international consortium (the Korean Peninsula Energy Development Organization, or KEDO) providing two proliferation-resistant light water nuclear power reactors.

Before the U.S. delivers key nuclear components to the North Korean light-water reactor program, North Korea must come into full compliance with its nuclear safeguards agreement with the International Atomic Energy Agency (IAEA) under the nuclear Non-Proliferation Treaty (NPT). It was understood from the outset that it would take a number of years, and probably not before the year 2003, before North Korea would come into full compliance with its obligations under the NPT.

The whole idea of the Agreed Framework was in fact to bring North Korea into full compliance with the NPT and to go beyond the NPT's requirements by requiring North Korea to freeze and then dismantle its plutonium production facilities, and to place all its spent nuclear fuel in canisters safeguarded and monitored by the IAEA and eventually remove that spent fuel from North Korea. These represent significant security gains for the United States and we should honor our commitments under the agreement to realize these gains.

We should not give North Korea an excuse to walk away from its obligations under the Agreed Framework and to resume the production of plutonium for nuclear weapons. I believe that is what the McCain amendment would do, and that is why I voted to table the McCain amendment.

AMENDMENT NO. 3526

Mr. McCONNELL. Madam President, is the Senator from Kentucky correct that the pending amendment is the Hutchison amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. It is my understanding Senator HUTCHISON may want to modify her amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I would like to offer a modification to my amendment that will be argued and offered by Senator COATS from Indiana. It is acceptable to me as a modification of my amendment.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. There is apparently some question about clearing this amendment, which we believe is not objectionable to anybody. But I have just been informed it is cleared. I would like to——

Mr. LEAHY. I tell the Senator from Indiana he is correct on that.

Mr. COATS. I thank the Senator.

I would like a brief amount of time in which to explain what the modification is, because it is relevant to the action that was just taken by the Senate and I think important and determinative perhaps of action that will be taken subsequent to the disposition of this bill by the Senate in the conference. I am willing to do that at whatever time is appropriate. I know the majority leader is here, and I defer to him on that or to any other business that the——

Mr. McCONNELL. Would the Senator yield?

Mr. COATS. Yes.

Mr. McCONNELL. The majority leader would like to make a few comments, if you would just withhold.

Mr. COATS. I would be more than pleased to.

Mr. LOTT. I know other Senators may want to speak briefly also on this subject.

SENATOR STROM THURMOND CASTS HIS 15,000TH VOTE

Mr. LOTT. Madam President, I speak, I am sure, for the entire Senate in extending congratulations to Senator THURMOND, a great Senator from South Carolina, for having just cast his 15,000th vote in this Chamber.

An occasion like this reminds us of the continuity and the stability which the framers of the Constitution sought to establish in the Senate. I am sure that they had Senator STROM THURMOND in mind when they sought that. In the person of Senator THURMOND their intent was most notably fulfilled.

I am sure that if our distinguished President pro tempore were to ask which of those 15,000 votes he considers his most important, he would probably respond, even though I am sure he was proud of the vote he just cast, that the most important one is the next vote, for STROM always looks ahead.

Today, we join him in looking ahead, not recounting the tremendous record that he sets with this vote and all the votes of the past but, rather, counting on his future votes for what is good and right for the country he has served so long.

Madam President, this is a milestone. This is a magnificent gentleman who brings tremendous credit to his constituency, his State, to the U.S. Senate, and to America. I am very proud to call him a colleague and to commend him for this 15,000th vote he has just cast.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, I join my colleagues in congratulating today the distinguished Senator from South Carolina.

With the previous vote, Senator THURMOND joins the extraordinary Senator ROBERT C. BYRD, as one of only two U.S. Senators in the history of our Nation to cast 15,000 votes in this institution.

People outside of the Senate may not understand how astounding an achievement that is.

Let me put it this way: If this were baseball, Senator THURMOND and Senator BYRD would be Mark McGwire and Cal Ripken rolled into one. It is unlikely any of us will ever see their likes again.

But this is not baseball.

This is something even more fundamental to who we are as Americans.

This is the United States Senate. This is the place where we make the laws for a nation dedicated to the rule of law.

To serve here is a great honor—and an even greater responsibility.

In his 45 years in this body, Senator THURMOND has fought passionately to fulfill that responsibility as he has understood it. His tenacity and dedication to the causes in which he believes are legendary.

He fought for 20 years to require warning labels on alcohol. In 1988, thanks to Senator THURMOND's unwavering leadership, the Senate finally voted to do just that.

Five years later, in a tragic irony, Senator THURMOND's family experienced the kind of agony known to too many American families.

His beloved daughter Nancy was lost, killed by a drunk driver. She was only 22.

Nothing can heal the pain of losing someone so dear.

But I hope that this distinguished Senator takes some comfort in knowing that, thanks to his tenacity, perhaps another father, somewhere in America, will tuck his own little girl safely into bed tonight, instead of mourning her too-early death at the hands of a drunk driver.

Senator THURMOND truly is an institution within an institution.

His long and distinguished career is remarkable for its many successes—both in and out of the Senate.

In addition to being the longest-serving U.S. Senator in history, he has also served as a senator in the South Carolina State legislature and as Governor of that great State.

He has been a senior member of both the Democratic and Republican parties and the Presidential candidate of a third party. How many more people can say that in this country?

He volunteered for service in World War II and, on June 5, 1944, at the age of 43, took part in the first drop of the D-Day invasion—the air drop of American troops on Normandy Beach.

I am told that Senator THURMOND wanted to parachute onto Normandy Beach. But another officer—who clearly did not know who he was dealing with—decided Senator THURMOND was too old to jump out of an airplane. So he piloted a glider instead, landing, with the rest of his company, behind enemy lines.

Senator THURMOND is today a retired major general in the Army reserves.

He is also a member of the South Carolina Hall of Fame, and a recipient of more honors and awards than any of us can name, including the prestigious Presidential Medal of Freedom.

Years from now, when we look back on this summer, millions of Americans will tell their grandchildren what it was like to watch Mark McGwire and Sammy Sosa chase Roger Maris' home run record.

If I am lucky enough to have grandchildren, I will tell them about a milestone that was reached this summer for a second time, another record that people thought would remain forever unchallenged—15,000 votes in the U.S. Senate.

And I will tell them, "I was there. I got to work with both of those men. And they were truly amazing."

So, Madam President, on this day when Senator THURMOND enters the record books yet again, I congratulate him on behalf of Senate Democrats for his historic achievement. And I thank him for his many contributions to this body and to this Nation.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I join with my two illustrious leaders in saluting Senator THURMOND—truly an outstanding Senator. None of us has ever seen a Senator like Senator THURMOND. He has served in the U.S. Senate 44 years. He has accumulated scores of honors, awards, and accolades.

Today, he adds yet another accomplishment to his roster of achievements: the casting of his 15,000th vote in the Senate.

This is a remarkable milestone for a remarkable individual.

I would suggest if anyone wants to read a truly remarkable autobiography or biographical sketch, they read in the Senate CONGRESSIONAL RECORD about Senator THURMOND. I have never seen anything like the accounts of his career.

Casting fifteen thousand votes in the United States Senate represents a record of service that few in this Chamber can hope to achieve in a lifetime. For Senator THURMOND, it is only part of the story.

It was only after a rich and varied career that spanned more than three decades—a career as a teacher, a decorated World War II soldier, a governor, and a lawyer in private practice and he studied Blackstone; Blackstone; not many lawyers can say they studied Blackstone—that STROM THURMOND embarked on a new chapter in his life. In 1954, at the age of 52, he became the first—and only—person to be elected to the Senate on a write-in ballot. That is a remarkable achievement in itself. He remains today the oldest and the longest serving Senator in history, a true legend in this institution and in his home state of South Carolina.

Although he has worn many different hats over the years—teacher, soldier, lawyer, governor, Senator—the common threads that are woven throughout his life are those of patriotism and service to his fellow citizens. His first job out of college, after graduating from Clemson University in 1923, was as a teacher and athletic coach in his hometown of Edgefield, South Carolina. It wasn't long before he was named county superintendent of education while studying law—Blackstone—in his spare time. By 1930, he had his law degree and was serving as city and county attorney in his hometown.

He was elected state senator in 1933 and began service as a circuit judge in 1938. So he has been in all of the branches of Government—the judicial branch, the executive branch, and the legislative branch. Four years later, after 1938, he left his promising judicial career behind to volunteer—volunteer—for service in World War II. He was soon flung directly into the eye of the storm, landing at Normandy on D-Day with the Army's 82nd Airborne Division. The distinction with which he served in World War II earned him five Battle Stars and 15 decorations, medals, and other awards. Now, who can match that?

At the end of the war, STROM THURMOND returned home and was elected governor of South Carolina. It was only after a run for President in 1948, the completion of his term of office as governor, and a brief period of private law practice that Senator THURMOND turned his sights to the United States Senate. His length of service and the thousands of votes he has cast in this institution are proof that he has never looked back.

At a time in his life when most would have put the rigors of the workplace long behind them, Senator THURMOND continues his public service. He serves ably as chairman of the Senate Armed Service Committee and as the senior member of the Judiciary and Veterans Affairs Committees. As President pro tempore of the Senate, he is meticulous in attending to his duties, often as I have said being the first to arrive in this chamber in order to call the Senate into session.

For many years, the walls of Senator THURMOND's office in the Russell Senate Office Building were lined, floor to ceiling, with hundreds of plaques and pictures and certificates of appreciation for his service to the people of South Carolina and to the nation. Those awards and citations marked the moments in history that Senator THURMOND has witnessed, and influenced, from his position as a United States Senator. No doubt he could connect many of his 15,000 votes with the events chronicled and memorialized on the walls of his office. Many of those mementoes have been transferred to the Strom Thurmond Institute of Government and Public Affairs at Senator THURMOND's alma mater, Clemson University, but for those of us who have been privileged to see them, it was a striking sight.

And yet, if one were to visit Senator THURMOND's office when all of those citations were displayed there, one would find that the Senator would not direct your attention to the case displaying his military medals. He would not point out the photos of him with Presidents and world leaders. He would not urge you to read the commendations from esteemed organizations in his state or in the nation. No, Senator THURMOND would draw your attention to the photos of his four children, Nancy Moore, a promising college student whose life was cut short by a tragic automobile accident; Strom Jr., a lawyer like his father—I doubt he studied Blackstone; Julie, who works for the Red Cross; and Paul, who works for the Senate Government Affairs Committee. Those children are the crowning achievements of Senator THURMOND's career; among all of his historic votes and all of his honors and awards, they are the accomplishments of which he is most proud.

The sheer number of votes that he has cast is a wonderful achievement for which we honor Senator THURMOND, but as a fellow Senator, a father, and a grandfather myself, I salute Senator THURMOND not only for the number of votes that he has cast but also for his lifelong dedication to the Senate, to his family, his patriotism, and his service to the people of America.

Mr. President, 1,843 Senators have served in this body since the Senate first met on April 6, 1789. I can remember STROM THURMOND when I first came to the Senate. As I look around me, he is the only Senator in this body whom I recognize as a Senator who sat here when I took my oath of office for the first time as a Senator.

I can remember his wife, his first wife, as she sat in the galleries and looked down at the Senate, listening to STROM as he spoke. Then when she was taken away by the Father of us all, I came to the Senate that day and I saw STROM THURMOND, sitting right there at his desk, as I recall. I walked up to him, held out my hand and told him I was sorry. That same stern, strong look that we so often see on STROM THURMOND's face was the look that he gave to me; a strong, firm handshake; straight as an arrow, stern as an Indian, he thanked me for my expression of condolences.

It has been said that "the measure of a man's life is the well spending of it, and not the length." By any measure, Senator THURMOND is an example of a life both great in length and well spent. I congratulate my esteemed and illustrious colleague on his remarkable career and on his remarkable life.

I thank my Creator for having blessed me with the many thousands of friendships that I have enjoyed over the years, so many scores of which have been other Members of this Chamber, among whom only one do I look upon as senior to myself. I congratulate myself on having lived to serve with this man, and I hope that God's blessings will continue to be upon STROM THURMOND.

Madam President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, as we say in this body, I would like to associate myself with the remarks of all those who have spoken and make a slightly different point—not as well as my colleagues have spoken.

You know, I don't think a Senator can be measured merely in terms of the number of votes he or she has cast. It is a reflection of their sense of responsibility and the exercise of their duty. But there is something special about that fellow sitting over there from South Carolina. I have been here 26 years with the Senator from South Carolina, and for 16 of those I got to sit as either the ranking member or chairman of the Judiciary Committee right next to STROM.

I think it is fair to say that a lot of people thought we were strange bedfellows because everybody could tell that we truly liked one another. People would ask me, "Why do you like STROM THURMOND so much? You disagree with him on so many things." I would say, "I'll tell you why." There are two reasons, and it is a measure, in my view, of what makes him a great Senator. No. 1, he is here to get things done. He is not here to stop things. He is here to get things done. He is a legislator.

I remember when I first took over as the chairman of the committee, I went to STROM and said, "STROM, I would like to make a deal with you. There is a lot we disagree on and some we agree on. Let's put aside what we disagree on and focus on the things we agree on." He looked at me, and he finally said, "OK." He stood up and put his hand out, and from that point on, as much as we may disagree, there wasn't anything we have ever had a cross word on.

One of my most memorable occasions was when he and I went down to the White House to try to convince President Reagan to sign a crime bill. President Reagan was in the beginning of his second term. We sat in that Cabinet room. We were on one side of the table and William French Smith, Ed Meese, and someone else was on the other side. The President walked in and sat down between STROM and me. We made our pitch as to why he should sign onto the Thurmond-Biden crime bill back then. The President looked like he was getting convinced, like maybe he was going to come our way. This is absolutely a true story. With that, Ed Meese stood up and said, "Mr. President, it's time to go." The President wanted to hear what STROM had to say a little longer, but Ed Meese said, "Mr. President, it's time to go."

The President was sitting down and then decided it was time to go. He had his arms like this, and he went to get up, and STROM reached over and put his hand on the President's arm and pulled him back down in the seat and he said, "Mr. President, the one thing you got to know about Washington is that when you get as old as I am, you want to get things done, you have to compromise."

Who in the Lord's name could have possibly told Ronald Reagan that—he was almost as old as STROM and had been around as long—and smile and make the President laugh? He not only got away with it, he talked the President into his position. That is a remarkable ability. This man can say and do things that if any of the rest of us ever did them, we would be long gone. But do you know why it works? It is because people know where his heart is. People know what his objective is. People know that he is doing what he is doing not for political purposes but because he really believes it.

If you will allow another point of personal privilege here. I remember a very tough time in my career. I was chairman of a committee and there were wild accusations being made about me. I was foolish enough to be trying to run for President of the United States. It was before a very contentious hearing on a Supreme Court Justice. He and I disagreed on whether the justice should be a Justice. I called a meeting of the entire committee off of the committee room in the back and I said, "Gentlemen"—there were all men on the committee at the time—I said, "Gentlemen, if these accusations relevant to me are getting in the way of the ability to conduct this committee, I am willing to step down as chairman." Before the last syllable got out of my mouth, STROM THURMOND stood up in that meeting and said, "That's ridiculous. You stay as chairman. We all have confidence in you." I said, "Don't you want me to explain?" He said, "There is no need to explain. I know you."

I will never forget that. I can't think of many other men or women who would, having a significant political advantage at that moment, not only not take advantage, but stand by me—stand by me.

And so I think the thing that makes his 15,000 votes matter so much is that everybody knows they matter to him. They matter to him.

I will close by saying—and I apologize for being so personal, but I think it is the measure of this man, at least in my view. My daughter is 17 years old. She has, like all of us in here who have served in the U.S. Senate for a long time, had the great honor and opportunity to meet kings and princes and presidents and significant political figures. She, like all of our children, pays the price for having a father or mother who is a Senator or who holds high public office. But they also have the advantage of meeting these people as well. She has had scores of pictures taken.

To this day, my beautiful 17-year-old daughter has one picture of a public figure in her bedroom on her dresser that has been there for 9 years, and it is a picture of Senator STROM THURMOND handing her a key chain behind his desk in his office. I didn't ask her to keep that. I kind of wish she would put a Democrat's picture in there. I didn't even make the bureau. But STROM THURMOND is there. I think the reason is because all the time my wife Jill was carrying her, STROM would, every third day, ask me during a hearing what was going on and give me all kinds of advice about what I should and should not do.

My wife and I were in the delivery room and were just handed our beautiful baby girl, and a doctor walked around the corner with a cell phone and said, "There's a call for you, Senator." We were literally in the delivery room. I thought, my God, war must have been declared. I grabbed the phone, thinking it was the most incredible and unusual thing to hand me a phone in the delivery room. I say to my friend from West Virginia that he is not going to be surprised to hear this. "JOE, STROM. Congratulations." How in the Lord's name he knew at that moment is beyond me. But everything with him is personal. It is personal in that he gives. It is personal in that he gives. It is not personal that he holds a grudge. It is not personal that he takes advantage. It is personal. Politics is personal.

Those votes meant something, and the way he has conducted himself in this body makes me very, very, very proud to say I serve with him and very proud to think that he likes me.

It has been a pleasure serving with you. I just hope you do what you did for me on your 90th birthday. I had the great honor to be one of the four speakers at your 90th birthday. But, you old devil, you never told me Richard Nixon was going to be the other speaker when I showed up. It was me, President Nixon, Bob Dole, and a Presbyterian minister, whom I don't remember; he used to work in the Nixon White House.

I just ask for one favor. On your 100th birthday, as you are running for your next term of office, I volunteer to be one of the 500 people, assuming I am still around, who will be happy to stand up and speak for you on your 100th birthday, because I want to be around on your 110th after you finish your next term and a half. I congratulate you, Senator, not on the 15,000 votes, but it is the way you cast them, the way you talked about them, the way you cared about them that makes you unique among all of us in this Chamber.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes distinguished Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to say that when I came to this Chamber I was 100th in seniority. I sat up here at the end of the line. When I came to this Chamber, I had not served in the House of Representatives before this. So I didn't know many of the Members. But there was one Senator who was always unfailingly courteous, polite, and warm. And that is the Senator from South Carolina. Whenever he saw me, there was a cheery word, a note of encouragement, and a willingness to be helpful. I have never forgotten his courtesy and his kindness.

Once again, this week, when my chief of staff died suddenly, among the very first Senators to call me with condolences was the senior Senator from South Carolina. He called my office. When he saw me in the hall, he took me aside and said how he felt about the loss of my top aide.

Mr. President, we are here to celebrate a record of a remarkable stream of votes by the Senator from South Carolina. But, more than that, I think we want to celebrate the kind of man that he is and the contribution that he makes to this Chamber and to this country.

I thank the Chair. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will be very brief.

Let me also congratulate Senator THURMOND for this remarkable record.

I just have two things to say. One is, I think one of the ways that we should evaluate Senators is just how they treat people. I say to the pages, I don't know over the years how many times I have seen Senator THURMOND have ice cream with the pages. I don't know how many times I have seen him constantly being so gracious and having a good time and talking with and treating people really well—support staff, whether they be elevator operators or you name it.

I just would like to thank Senator THURMOND, not always for the position he takes on issues, but for the way he treats people, which I think might matter more than anything else.

Then finally, STROM, since I am being so nice here on the floor and saying exactly what I believe, I would like to ask you a favor. Since I came out here to congratulate you, next time when you shake my hand or grab my shoulder, could you do it just a little more gently?

I yield the floor. (Laughter.)

Mr. HOLLINGS. Mr. President, today marks a milestone in the history of my state, in the history of the Senate, and in the history of the United States. Today Senator STROM THURMOND, the longest-serving Senator in United States history, cast his 15,000th vote. This is a proud moment for not only Senator THURMOND but for the great state he serves and for the venerable history of this institution.

What is perhaps even more remarkable than the number of votes Senator THURMOND has cast is the thought he put into each of those votes and the conviction with which he has voted. I have not always voted with the Senior Senator from South Carolina, but I have never doubted he cast each vote with no consideration other than the good of our state and nation in mind.

This is one of many records the senior Senator from South Carolina has achieved. I well recall rising last year to pay tribute to the Senator on the occasion of his setting a new longevity mark in the Senate. In fact, Mr. President, STROM THURMOND's entire life is remarkable for his ability to blaze a trail for others and set new marks.

Many of my colleagues today have spoken of Senator THURMOND's gracious manner, his compassion for others, and his profound respect for the traditions and the history of the United States Senate. Indeed, no one possesses these qualities to a greater degree than STROM THURMOND.

Senator JOSEPH BIDEN said today, "politics is personal." And as he pointed out, STROM THURMOND understands this better than anyone. No one knows better than Senator THURMOND that the Senate's success is directly related to its members' decorum and the warmth of their personal relations. Senator BYRD spoke movingly of Senator THURMOND's presence at a memorial service after the death of his grandson. I have no doubt that many other Senators could tell similar stories. STROM THURMOND is as devoted to his colleagues as anyone I have ever known. For him, friendships transcend party lines.

Of course, Senator THURMOND's loyalty and dedication extend beyond the confines of this room. An ardent patriot, he left his life as a father and judge behind to volunteer for combat duty in World War II and participated in numerous campaigns. Senator THURMOND is one of those rare people who we can say with certainty loves America even more than he cherishes his own life.

If it is possible for one person to embody the traditions and personality of an institution, STROM THURMOND personifies the United States Senate. He is a man of respect, good will, humor, energy, principle, integrity, and loyalty. It is no exaggeration to say that serving the people of South Carolina and the United States is Senator THURMOND's life. Today we have the great fortune to repay his dedication in a small way by making the sort of personal gestures for which Senator THURMOND is famous. Mr. President, it is my great pleasure to congratulate my colleague and old friend on the occasion of his 15,000th vote.

Mr. COATS. Mr. President, I know the pending business is the Hutchison amendment and my modification to that. I know that the managers are anxious to move forward.

Just before I do that, I would like to add briefly my thoughts to those that have already been expressed for perhaps the most remarkable individual I have ever met.

I too am privileged, like the rest of us, to have served in this body as an associate and colleague of STROM THURMOND. I was 5 years old when STROM THURMOND ran for President. I learned about him in studying history and government in school. I never dreamed that I would have the opportunity to know the man personally and to be a colleague of his and serve with him.

Much has been said that I heartily agree with about the stature of this man, the remarkable career that he has had and is having, and his remarkable service to the people of South Carolina and to our Nation.

I am one of those who share with the Senator from Delaware the pleasure and surprise of a phone call from STROM THURMOND on the day of my daughter's wedding apologizing for not being there, congratulating me and congratulating her. I, like Senator BIDEN, hadn't a clue as to how he found out my daughter was being married. I never mentioned it to him. But there he was.

I had the pleasure of coaching young Paul Thurmond in youth league basketball on Saturday mornings as our boys, my son and STROM's son, would run up and down the floor. We won the championship, by the way, thanks to the great athletic ability and talent of Paul. As they would run up and down the floor, I only had to turn around just a little bit, because two rows behind the coaching bench was Paul's father, STROM THURMOND, cheering on his son.

Each of us could stand here and tell stories, I think, until deep in the night about the impact that this individual has had on each of us and the impact that he has had on this Senate.

STROM is an inspiration.

Bob Dole has said over and over, "I just order whatever STROM orders. Whatever he is eating must be the right thing."

STROM has detailed for me his physical exercise regimen, which is something that I can't keep up with. I don't know how he does it, but he does. I have been the recipient of his handshake, as Senator WELLSTONE has, and I walk away rubbing my hand in awe and respect for the strength of this individual.

Finally, I have sat with him shoulder to shoulder on the Senate Armed Services Committee, and a deeper patriot, a more committed American, someone with a more remarkable story of a lifetime of service to the military of this Nation I don't think has ever lived. Someone who flew in a glider in the invasion of Normandy, served as a distinguished officer in the military, and then served as chairman of the Armed Services Committee, as he now does—that is a story that is not going to be repeated. That is a story that is not going to be duplicated. God only makes one of each of us. But he made STROM THURMOND a very, very, very special human being.

It has been a deep honor and a deep privilege of mine to have known him, to be counted as his friend, to have served with him. It is a memory that I will cherish for as long as I live.

Mr. President, unless there are others who seek to add to these statements in honor and recognition of Senator THURMOND, I will proffer my modification. However, I will yield to the Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, just before the Senator's modification of my amendment, I want to add that as people in America today are going to the movie theaters and seeing for the first time the horrors of war, if every person who sees "Saving Private Ryan" will think about this great leader, STROM THURMOND, whom we are talking about today, and realize that this was a man who, in his forties, volunteered to go into World War II, and went into Normandy—the sights of which most of us could not have imagined unless we saw this movie—and was there in his forties, volunteered to be there to serve his country—as Senator COATS so well said, they will never make another STROM THURMOND.

I just want to add my accolades for this great man and what he has given for our country besides voting 15,000 times. He has done so much more.

Thank you, Mr. President. I yield the floor.

Mr. BYRD. Mr. President, if the distinguished Senator from Indiana will allow me, there have been other references made here of a personal nature involving Senator THURMOND. I would not want to let this occasion pass without my making one such reference.

It was on April 12 of 1982 that I lost my grandson in a truck accident. Memorial services were held 2 days later. My colleague, Senator Randolph, came to that memorial service—my then colleague. My present colleague, Senator ROCKEFELLER, was Governor of the State of West Virginia at that time. He came. There was one other Senator who attended that memorial service for my grandson. And that Senator was STROM THURMOND. I can never forget that, and I would have been remiss in letting this opportunity pass without my having publicly expressed my gratitude to STROM THURMOND for his having attended that service on that day, a day that I can never, never forget. I thank him from the bottom of my heart.

I think Senator THURMOND wishes to say something and so I shall take my seat.

The PRESIDING OFFICER. The very honorable and distinguished Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I am speechless. I can't thank enough the Members of the Senate for their kind words—Senator LOTT, the majority leader; Senator DASCHLE, the minority leader, Senator BYRD, Senator BIDEN, Senator CONRAD, Senator WELLSTONE, Senator HOLLINGS, Senator COATS, and Senator KAY BAILEY HUTCHISON. I will not take time now to say much. I just want to express my appreciation to all of them for their kind words.

I have been in the Senate now for 44 years, and I have never known or served with finer people than we have here. I have cast my 15,000th vote. The quality of the people in this body is just outstanding, and I wish all of them to stay here until they could cast 15,000 votes. It is an experience to be in this body that one will never forget. As time goes by I think we appreciate more and more the Members of this body, what they stand for, and their outstanding service.

Again, I thank all of them for their kind words. I thank all of you for listening, and I deeply appreciate everything that you have done for me and to help me. After all, inspiration is one of the finest qualities, and you people here have inspired me, and I hope I have been able to be of some inspiration to you. Good luck and God bless all of you.

(Applause, Senators rising.)

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the distinguished Senator from Kentucky.

Mr. McCONNELL. Mr. President, before returning to the bill, many of us were at Senator THURMOND'S 90th birthday, and I remember he said to all of us, "If you eat right and don't drink whiskey and exercise, you will be here for my 100th birthday."

We thank you for being an inspiration to us all, and we look forward to being at your 100th birthday party.

Thank you, Senator THURMOND, for your contributions.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The honorable Senator from Indiana.

AMENDMENT NO. 3526, AS MODIFIED

Mr. COATS. Mr. President, I have a modification to the Hutchison amendment I would like to send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there any objection to the modification? Without objection, it is so ordered.

The amendment (No. 3526), as modified, is as follows:

Add the following proviso:

(5) (a) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law.

(b) PROVISION OF INTELLIGENCE.—The Director of Central Intelligence will provide for review and consideration by the House Permanent Select Committee on Intelligence, House International Relations Committee, House National Security Committee, Senate Appropriations Committee Senate Select Committee on Intelligence, Senate Foreign Relations Committee and Senate Armed Services Committee all relevant intelligence bearing on North Korea's compliance with the provisions of this amendment. Such provision will occur not less than 45 days prior to the President's certification as provided for under this section.

(c) DEFINITION OF RELEVANT INTELLIGENCE.—For the purposes of this section, the term intelligence includes National Intelligence Estimates, Intelligence Memoranda, Findings and other intelligence reports based on multiple sources or including the assessment of more than one member of the Intelligence Community.

Mr. COATS. Mr. President, I would like to just briefly explain to my colleagues what I have attempted to do.

Yesterday, I sent to the desk an amendment which would have transferred the $35 million that is appropriated in the foreign operations appropriations bill that is before us now, and reallocated that money from the currently earmarked Korean Peninsula Energy Development Organization to the antiterrorist portion of funding contained within this bill. I did so because of the disturbing news that have been reported on by the New York Times and other organizations relative to violations, apparent violations of the agreement that we entered into with North Korea to freeze their nuclear development program.

The New York Times—and I will recount some of that in a moment—pointed out that U.S. intelligence agencies have detected a huge, secret, underground complex in North Korea that they believe is the centerpiece of an effort to revive the country's frozen nuclear weapons program.

Members will remember that in return for a freeze on that program, the United States entered into an agreement with North Korea to provide certain items for humanitarian assistance, food aid, oil for energy production, as well as a commitment to put together a consortium which would build two light-water nuclear reactors to supply energy, but that could not be used for the purpose of developing material which might be used for weapons of mass destruction.

The Times report cites a senior administration official saying, and I quote:

> "The North had not yet technically violated the Agreed Framework because there is no evidence that Pyongyang has begun pouring cement for a new reactor or a reprocessing plant . . ." Nevertheless, an unidentified official has said it is a serious development, to say nothing of it is an incredibly stupid move, because it endangers both the nuclear accord and humanitarian aid to North Korea.

The Washington Post stated that the site that was discovered is huge, that some 15,000 reported North Koreans are at work on this underground cavern, and this comes only 6 months after the President of the United States has certified that North Korea is complying with the provisions of the Agreed Framework. That certification is what is necessary in order for these funds to be released.

My amendment sought to take a portion of those funds, transfer it to the antiterrorism section of this bill in recognition of the fact that this Presidential certification was no longer relevant, now that the agreement had been violated.

I am willing to withdraw that amendment in light of the fact that Senator MCCAIN has offered an amendment adding language to the certification process so that the President, in addition to other items that he has to certify, will have to certify that North Korea is not engaged in a violation of the agreement. The exact wording is "pursuing the acquisition or development of nuclear capability other than the light-water reactors" referred to in the agreement.

I would have voted against the McCain amendment, or for the motion to table had we not been able to work out language which I could now add to the amendment of the Senator from Texas which would add further conditions to this certification. The bottom line is, I think the certification has turned into an empty process. It is a process by which the so-called host country, in this case North Korea, essentially tells us everything is OK, and then we, on the basis of that, go ahead and certify. The term "certification" is not defined, but yet if we look at the use of the term that is used in the agreement that we have with the People's Republic of China regarding nuclear nonproliferation, it simply says that the President certifies to the Congress that the Republic of China has provided clear and convincing evidence that they are in compliance with the agreement. And so the burden of proof is on the country which we are trying to determine whether or not they have violated the agreement, rather than on our ability to verify the fact that they have or have not complied with the agreement.

President Reagan used to say trust but verify. Well, this is trust but not verify.

And so what I am attempting to do with this modification, which goes to an amendment offered by the Senator from Texas, is to say that not less than 45 days prior to the President's certification as provided for in this bill, the Director of Central Intelligence will provide for review and consideration by the House Permanent Select Committee on Intelligence, House International Relations Committee, House National Security Committee, Senate Select Committee on Intelligence, Senate Foreign Relations Committee, and Senate Appropriations Committee as well as the Senate Armed Services Committee, all relevant information bearing on North Korea's compliance with the provisions of this amendment.

That gives us the opportunity in Congress to determine whether or not the certification is a legitimate certification. That gives us the information to determine whether or not North Korea is in full compliance with what they agreed to do. So I think this language is important.

One last thing. I am withdrawing my amendment, partly because I believe the other body will take action on some deferral of this money and that this item can be handled in conference. It is clear that without that assurance we may get bogged down here in this process, and I don't want to hold up this appropriation. I thank the Senator from Kentucky for agreeing to this modification. I particularly thank the Senator from Texas for allowing me to make this modification to her amendment, which will then become part of the bill.

I think this is a serious problem. If the New York Times report is substantiated, if it is correct, even remotely correct, it is a clear and direct violation of the promise and agreement made by North Korea to freeze its nuclear development capabilities. If that is the case, it is clear that this is a breach of promise which requires very serious reaction and response by the United States.

The President of the United States and the Secretary of State have certified to us directly that there are no violations. Yet, we now receive this particular information. I have quotes here from the President of the United States and from the Secretary of State which have led us to believe that everything is in compliance. Yet, we now receive this report. So it is the credibility of the certification process that is at stake here, and I would say it is the credibility of this administration in evaluating the intelligence. Therefore, it is necessary that, at the very least, the Congress have access to all relevant intelligence regarding this particular agreement so in the future we can verify it, in addition to the trust that is placed by this administration on the word of North Korea.

Mr. President, testifying before the House Subcommittee on Foreign Operations, Committee on Appropriations on March 4, 1998, Secretary Albright stated:

> Our request this year includes $35 million for the Korean Energy Development Organization. The Agreed Framework has succeeded in freezing North Korea's dangerous nuclear program.

On May 8, 1998, James Foley, Department of State said:

> We, of course, closely monitor the Agreed Framework. We are, until now, satisfied that the DPRK has indeed met its obligations to the present.

On May 13, 1998, Jamie Rubin said:

> We are confident that North Korea has not violated the across-the-board freeze on its nuclear activities . . . and the Agreed Framework is alive and well.

On July 8, 1998, Secretary Albright testified before the Senate Foreign Relations Committee that:

> The People's Republic of China has consistently supported the Agreed Framework that has frozen North Korea's dangerous nuclear weapons program. . . .

On July 19, 1998, Jamie Rubin, Department of State, responding to a GAO report alleging North Korea was blocking inspections at sites covered by the Agreed Framework said:

> We have frozen and stopped the North Korean nuclear program from moving in a direction that would have threatened the world. The freeze is still being monitored and we believe it is still in effect.

Less than 1 month later on August 17, 1998, the New York Times broke the following story:

> U.S. Intelligence Agencies have detected a huge secret underground complex in North Korea that they believe is the centerpiece of an effort to revive the country's frozen nuclear weapons program, according to officials who have been briefed on the intelligence information.
>
> The finding also follows a string of provocations by the north, including missile sales

> to Pakistan and the incursion of a small North Korean submarine carrying nine commandos off the South Korean coast this year.

And what was the administration's reaction? According to the same New York Times article:

> A senior administration official said the north had not yet technically violated . . . the Agreed Framework, because there is no evidence that Pyongy Ang has begun pouring cement for a new reactor or reprocessing plant. . . .

The article continues:

> But spy satellites have extensively photographed a huge work site 25 miles northeast of Yongbyon, the nuclear center, where, until the 1994 accord, the north is believed to have created enough plutonium to build six or more bombs. Thousands of North Korean workers are swarming around the new site, burrowing into the mountainside, American officials said.

And if that is not enough, Monday's test flight of the Taepo Dong-1 over Japan demonstrates that North Korea has mastered the technology of delivering a nuclear warhead. Yesterday's New York Times reported the following:

> Gary Milhollin of the Wisconsin project on nuclear arms control . . . said the missile test was "a clear sign" of North Korea's intent to develop nuclear weapons, despite its 1994 agreement with the United States to stop in exchange for western assistance. Milhollin said a two-stage missile was too costly to construct simply for delivering conventional weapons. "It means they plan to put a nuclear warhead on it or export it to somebody who will," he said. "The missile makes no sense otherwise."

In short, this administration has negotiated an accord in 1994 that we cannot and do not even attempt to monitor and verify. As we have just been reminded this week by the resignation of a key U.S. arms inspector in Iraq, William Ritter, "The illusion of arms control is more dangerous than no arms control at all."

Yet that is precisely where we are left. An illusion that the administration refuses to define as such. Certifications that are meaningless. Ronald Reagan reminded us to "trust, but verify." The North Koreans insist by their reluctance to admit inspectors that we will not verify as a basic term of the agreement. So we are left simply with trust. Trust the North Korean regime which has just launched long range missiles over our allies. Trust of the administration. Trust that has been frivolously squandered and badly eroded.

Again, I thank the participants in this for accepting this modification of the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator COATS for his addition to my amendment, because I do think it strengthens the base amendment. What Senator McCAIN has done is assure, in order to get this money, that there would be no nuclear proliferation by North Korea. My amendment then comes in and says we will not allow the ballistic missile technology to be sold by North Korea to terrorist nations. I think the amendment of Senator COATS strengthens both of these by assuring the certification process is real.

I think it is very clear that the Senate is speaking with a very loud voice that we are not going to continue to sit back and let North Korea break the agreement that they made, sell technology to terrorist nations that would use that technology against the United States or our allies anywhere in the world, and let them do it and reward them for it. We are not going to do it. The signal is clear. The Senate is speaking.

I thank Senator COATS, I thank Senator McCONNELL, I thank Senator McCAIN for working together to send a very clear message that we want North Korea to abide by the agreement they made. If they do, we will reward them. If they do not, they will not get one penny of taxpayers' money from this country.

Mr. President, I urge my amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. I understand there is no objection to the Hutchison amendment as modified by Senator COATS.

The PRESIDING OFFICER. Is there further debate on the Hutchison amendment? If not, without objection, the Hutchison amendment, as modified, is agreed to.

The amendment (No. 3526), as modified, was agreed to.

AMENDMENT NO. 3500, AS FURTHER MODIFIED, AS AMENDED

Mr. McCONNELL. I believe the pending amendment is now the McCain amendment. There are no objections to that.

The PRESIDING OFFICER. The Senator is correct. Is there objection to vitiating the yeas and nays on the McCain amendment?

Without objection, it is so ordered.

If there is no objection, the McCain amendment is agreed to.

The amendment (No. 3500), as further modified, as amended, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3523

The PRESIDING OFFICER. If there is no objection, the Coats amendment is withdrawn.

Amendment No. 3523 was withdrawn.

AMENDMENT NO. 3532, AS MODIFIED

Mr. McCONNELL. Mr. President, I have a technical correction to an earlier approved Craig amendment which has been cleared by both sides. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The previously agreed to amendment (No. 3532), as modified, is as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE.

(a) It is the Sense of the Senate that:

(1) The U.S. Department of Agriculture should use the GSM-102 credit guarantee program to provide 100 percent coverage, including shipping costs, in some markets where it may be temporarily necessary to encourage the export of US agricultural products.

(2) The U.S. Department of Agriculture should increase the amount of GSM export credit available above the $5.5 billion minimum required by the 1996 Farm Bill (as it did in the 1991/1992 period). In addition to other nations, extra allocations should be made in the following amounts to:

(A) Pakistan—an additional $150 million;

(B) Algeria—an additional $140 million;

(C) Bulgaria—an additional $20 million; and

(D) Romania—an additional $20 million.

(3) The U.S. Department of Agriculture should use the PL–480 food assistance programs to the fullest extent possible, including the allocation of assistance to Indonesia and other Asian nations facing economic hardship.

(4) Given the President's reaffirmation of a Jackson-Vanik waiver for Vietnam, the U.S. Department of Agriculture should consider Vietnam for PL–480 assistance and increased GSM.

Mr. McCONNELL. Mr. President, the Senators from North Dakota have been waiting patiently on the floor and would like to address another issue for a few moments. I, therefore, yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask consent I be recognized to speak as in morning business and that my colleague from North Dakota, Senator CONRAD, be recognized following my brief remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTHWEST AIRLINES JET SERVICE IN NORTH DAKOTA

Mr. DORGAN. Mr. President, last Saturday morning at 12:01 a.m., labor negotiations between Northwest Airlines and its pilots broke down. There was a labor strike and, therefore, a shutdown of Northwest operations. The result of that shutdown of operations means that all jet airplane service to North Dakota is gone. The shutdown has a substantial impact on our entire region of the country, but on our State it has a profound impact because all jet service is now gone. There is not one jet flying in or out of North Dakota.

I have talked to President Clinton. I have talked to Secretary of Transportation Slater. I have talked to Northwest Airlines and I have talked to the pilots.

It is clear to me that this labor dispute is not going to be settled in the coming hours. We have waited now for several days following the shutdown, during which the Transportation Secretary called the parties together. But even from that, there is not a negotiation ongoing. None is scheduled tomorrow, and none is scheduled the next day, as I understand it. It is now clear to me this will not be settled quickly unless the President invokes his emergency powers.

This dispute is about corporate profits and pilots' paychecks, and they have every right to have a dispute about that. But no one has a right to visit on our State the burden and the devastating consequences that occur when an essential part of our transportation system is withdrawn, when all jet service is withdrawn, and that is what has happened in North Dakota.

Today, my colleagues, Senator CONRAD and Congressman POMEROY, and I have asked President Clinton to appoint a Presidential emergency board, and to call the parties back to work to restore service to our State. During the 60-day period, we want the President to help resolve a settlement in this dispute and to end this shutdown. We don't do this lightly. We understand that this is an important step.

I don't know who is at fault, but I know who is hurt. In a State like ours, where all jet airplane service is gone, there are devastating consequences. Because the airline industry has now retreated into regional monopolies, a shutdown of service or a labor strike causes devastation to certain regions of the country. This can no longer be business as usual. We must ask this President to invoke his emergency powers and get airline service restored to our region of the country.

Mr. President, one final point. We also ask that the regional carrier in North Dakota that has also discontinued service, Mesaba Airlines, of which Northwest is a minority shareholder, restore its service to our State as well. We are preparing a request to the president of Mesaba and to Northwest to do that.

This is a very difficult step for me and my colleagues to take, but we have no choice. We cannot allow day after day after day to go by with our State suffering the impact and the burden of a dispute that has resulted in the discontinuation of all jet service in North Dakota. It is unfair to the citizens of North Dakota and our region, and I want the President to put a stop to it and restore air service in our region immediately.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

Mr. President, today we have asked the President of the United States to intervene to bring the parties back to work at Northwest Airlines, to get the planes flying, and to do it before Labor Day.

We had hoped that the two parties would reach agreement on their own. This is a dispute between private parties, but it has a distinctly public result, because all jet service is shut off from North Dakota.

We had asked the Secretary of Transportation to bring the two sides back together. He did that yesterday. I have now had a chance to talk to the Secretary at some length. I have had a chance to talk to the two sides, and it is very clear to me, although the Secretary, I think, did the very best job possible in the circumstances, that the two sides have not resumed negotiations today, and they have no plan to resume negotiations tomorrow. In fact, they have no plan to get back together until Saturday. That is too long. That is unacceptable.

We need the two parties to resolve this matter and to do it promptly so that the public trust can be restored, so the public can move, so the blood supply that comes into the biggest hospital in our State can move, can be supplied, so that key parts that are needed for important plants in North Dakota can come in by air, and so that our own traveling public can move.

It is not too much to ask these parties to immediately go back to the table and to resolve their differences. Given the continuing impasse, we believe it is imperative that the White House acts, and acts promptly. That is what has triggered our request today to the President to invoke his emergency powers and bring the parties back to work, to get this airline up and operating again.

I hope the President will be listening closely to our plea to get the relief that our State so desperately needs. I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3527

Mr. SHELBY. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending amendment is the Dodd amendment, No. 3527.

Mr. SHELBY. Mr. President, I rise to oppose the Dodd amendment, and my opposition is this:

First, the Dodd amendment would give foreign organizations—foreign organizations—extraordinary statutory privileges to expedite and to compel declassification of U.S. national security information. Yes, it would give foreign organizations—not us—extraordinary statutory privileges to expedite and compel declassification of U.S. national security information, something that we have not ever had.

Creating such statutory rights, which the Dodd amendment, if it is adopted and becomes law, will do, also opens the door to foreign organizations to take intelligence, law enforcement, defense and foreign policy agencies to court to compel special declassification requests.

Second, to complete the review of the numerous documents that fall under this amendment in just 4 months—4 months—agencies will be forced to reassign personnel, many of whom would otherwise be carrying out important mission functions, or risk being sued by foreign organizations for noncompliance. Imagine that, think about this, I ask my colleagues this afternoon.

Third, this amendment offered by the Senator from Connecticut is woefully inadequate in protecting intelligence sources and methods and, as a result, will chill current and future sources from providing the CIA with critical information—the very information that policymakers need to address human rights and other important foreign policy issues in many countries.

Fourth, the Dodd amendment applies the same standards for withholding information that are being used to declassify records relating to the JFK assassination. The JFK records are over 40 years old. The documents covered by this amendment are much newer, some only a year old. Because the privacy, law enforcement and intelligence concerns are much greater in newer documents, there is no reason for the standards to be any different than those set out in President Clinton's Executive Order No. 12958. Otherwise, we risk jeopardizing ongoing prosecutions, losing critical intelligence sources and methods, and releasing private information.

Mr. President, while we have previously enacted declassification exceptions for other historical records, special statutory authority to expedite and compel declassification of records should be exclusively reserved for American citizens, not foreign entities.

The intelligence community has informed the Intelligence Committee in the Senate that it expects that substantial litigation costs will result if the amendment offered by the Senator from Connecticut becomes law.

Litigation costs can be approximately 100 times as much per case than processing information for declassification and usually results in little, if any, additional information being released. Just think about it, Mr. President. Think about how far this amendment will go.

Finally, the Dodd amendment is an unfunded mandate. Agencies would be required to pay for this declassification requirement out of existing funds. I understand that there are only a limited number of personnel with the necessary expertise to review and to declassify our intelligence records. As a result, resources spent on reviewing documents for the foreign organizations under this amendment, if it were adopted, will no longer be available to process declassification requests for others—including many U.S. citizens. U.S. citizens with equally meritorious requests for information will have to stand aside while these foreign entities go to the front of the line.

In the fiscal year 1998, Mr. President, Congress funded a special declassification program to review and to declassify many of these documents. Since this amendment changes the standards for withholding information, the intelligence community will have to re-review the documents that the taxpayers have already paid to review.

Mr. President, at the proper time I would hope that we would table this amendment, especially until we have an opportunity to fully consider its impact on the intelligence community and the Departments of State, Defense and Justice, as well as the American people.

I think this amendment has not been well thought out. I know it has not been debated at length yet.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

Mr. President, both the chairman of the Senate Select Committee on Intelligence, who has just spoken, and I have just come from a briefing by the Director of the Central Intelligence Agency, the Director of the FBI, and a host of other officials involved in protecting American secrets and engaging in counterterrorism around the world.

The Director of the Central Intelligence Agency has said that the amendment that is pending before us is woefully inadequate to protect our national security and the information that we need to keep classified in the United States.

I wholeheartedly associate myself with the remarks of the chairman of the Intelligence Committee and want to argue in the strongest way that this amendment be defeated. It should be defeated on a 98-2 vote, frankly, because it would be an astonishing precedent-setting action of giving to foreign countries—foreign powers—power over United States classified material, power that not even U.S. citizens possess.

It would greatly jeopardize the sources and methods for gathering intelligence that we have to employ in different parts of the world in order to get the information necessary to protect the security of the United States, all in the name of human rights, which all of us are, frankly, extraordinarily committed to protect. As a member of the Intelligence Committee, I can tell you that the chairman of the Intelligence Committee, who has just spoken, and I, and others, have gone to great lengths to ensure that the CIA and other American intelligence organizations are strictly adherent to standards for human rights and that we will help others track down human rights abuses wherever and however it is necessary. But to provide for the wholesale declassification of American secret information for Guatemalan and Honduran organizations under this amendment, as I said, is not only unprecedented, but is astonishing in its lack of concern for American security.

I do not suggest, by any means, that the sponsors of the amendment do not deeply care about the security of the United States. But the way this amendment is written, as I said, according to the Director of the Central Intelligence Agency, is woefully inadequate in protecting intelligence sources and methods, and as a result will chill current and future sources from providing the CIA information, in fact, information that is essential for us to ensure the protection of human rights in the very countries for which this amendment is designed to get information.

It ostensibly applies the same standards that are used for the declassification of documents relating to the JFK assassination. And that is the basis upon which it is argued, "Oh, well, it must be OK." But there are a couple of key factors here, Mr. President.

First of all, those are for Americans. This is declassification for American citizens. This is not declassification for foreign governments or foreign organizations. But of equal importance, the JFK assassination documents are—what?—40 years old. We are talking, in this amendment here, about information which is much more current. The privacy, law enforcement, and intelligence concerns are much greater in these newer documents.

There is no reason, frankly, for the standards to be different than those set out in the President's Executive Order 12958. Otherwise, we risk jeopardizing ongoing prosecutions, we risk losing critical intelligence information, compromising sources and methods, and, frankly, releasing a lot of private information as well.

As I said, it is astonishing to me that we would have an amendment that would literally give foreign organizations these extraordinary statutory privileges to expedite and compel declassification of U.S. national security information. And for the other reasons that the chairman pointed out—the unfunded mandate, the substantial costs associated with it, the substantial litigation costs—I am not sure if the chairman pointed that out, but the litigation costs alone could be well over 100 times greater than just the processing cost for the information itself.

In fiscal year 1998, Congress funded a very special declassification program to review and declassify many of the documents. Since this amendment changes the standards for withholding information, the intelligence community will have to re-review the documents, and, as I said, the taxpayers have already paid for that review.

We ought to table this amendment until we have an opportunity to fully consider its impact, the impact on the intelligence community, the Departments of State, Defense and Justice, as well as on the human rights that, frankly, would be potentially abused and the human rights concerns that we have as a result of not being able to have access to the same information or to the information that we need to protect human rights because of the implication with respect to the sources and methods that could well be degraded as a result of the passage of this amendment.

So this is the kind of thing that ought to be considered very, very carefully, first of all, in the Select Committee on Intelligence. It has not been done. It ought to be very carefully vented through the administration. As I said, the DCI is very, very concerned about this particular amendment. It is premature at best and enormously antithetical to our intelligence collection efforts at worst. As a result, at the appropriate time I will urge my colleagues to support a motion to table this amendment.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Connecticut.

Mr. DODD. I thank the President.

Mr. President, let me thank, again, the distinguished manager of the underlying bill. This has been a disjointed debate. We have had several intervening matters since I first offered the amendment a couple of hours ago, almost 3 hours ago. So I will just revisit the purpose of the amendment, what it does.

Mr. President, I listened and had a chance to hear some brief comments by the Senator from Alabama, and now the Senator from Arizona on this issue.

Mr. President, I ask unanimous consent that Senator JEFFORDS be added as a cosponsor, as well, to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what this amendment does is it involves two countries—Honduras and Guatemala. As most of my colleagues are aware, in these two countries we were deeply involved for about a decade. And actually conflict went on for some time longer than that where literally thousands of people lost their lives. We as a country were deeply involved in it. There were divisions here in the United States over that level of involvement, that type of involvement. We are not here today to revisit the conflict in Central America of the 1980s. There have been pending requests in both of these two situations involving Honduras and Guatemala going back 3 or 4 years, requesting information and documentation involving some very significant and severe human rights violations.

I identified one earlier involving an American citizen who was raped and brutally tortured in Guatemala. Her case has never been resolved. She would like to have it resolved. Sister Ortiz with the Carmelite Order of Nuns would very much like to get to the bottom of it. I think all of us can understand that if that happened to anyone we knew. As an American citizen, she would like to find out what happened. How do you do that when you are trying to declassify information?

What this amendment does in both the case of Honduras and Guatemala, there is a request for declassification, which we provide for all the time, but in these particular cases, if the agency, whatever it may be, is unwilling for very important reasons to declassify everything, that there would be an opportunity for a panel—and we have done this before; this is not unprecedented—made up of people from the CIA, the Justice Department, the Department of Defense, the State Department and others, that would review the request and if, in fact, they felt that the request for certain information would violate existing law, methods, resources, procedures, personnel and so forth—then they would deny the request. If they think it is OK, despite the agency's objection—and that is not too big a surprise to us that the agency historically takes the position of being opposed to declassification of any documents; that is not new at all. That has been their reaction.

As I showed my colleagues, we have blank page after blank page when asking for documentation. That is a request, and we have one entire blank page. You are trying to get to the bottom of a case involving an American citizen or other people where human rights violations occur. This should not be that controversial. I would not ask that just anyone be able to have access to documents or the declassification without going through a process here to determine whether or not any of that information could be harmful to our own country. But it seems to me when a citizen has been hurt, when others who make legitimate requests and don't get to the bottom of information, and we can help by providing information through a declassification process, in two very specific cases here, these two countries, this ought not to be too much to ask. It is not costly; it need not go on long.

The notion somehow that a non-U.S. citizen may request this information, that somehow this is unprecedented, that is not unprecedented. Many people all over the world request information. It doesn't mean they automatically get it.

With all due respect to my colleagues, I point out that Senator KERREY of Nebraska, the vice chairman of the Intelligence Committee, is a cosponsor of this amendment. We have talked about a number of other cases. Michael DeVine, American citizen, murdered in Guatemala by the Guatemalan military. It was covered up for years. We are trying to get to the bottom of it.

Is it wrong for American citizens not to be able to request declassification of material that might shed light on who brutalized them or murdered them? We can go through a very legitimate process where we can examine whether or not that information ought to be declassified. If a determination is made that it can be, then we can release it to help get to the bottom of that. The administration has already, by Executive order, said it has no problem with this in terms of getting to a declassification, but we want to have an orderly process.

This amendment, and I do not claim perfection, this amendment is an effort here to try to do it in an orderly way, to say that you can make your application; that if the respective agency has a problem with a request, there is a way of evaluating whether or not that information ought to be forthcoming, and not just a panel made up of anybody but people who come from the various agencies that I think people would be concerned about.

I was hoping the amendment would just be agreed to here, that this, again, shouldn't rise to the level of a major concern. In the case of Sister Ortiz, I don't think it is outrageous to make this request. Ambassador Stroock, who was the Ambassador in Guatemala appointed by President Bush, supports this amendment. I am told now by our colleague, CRAIG THOMAS, who spoke on behalf of this amendment, from Wyoming, that he believes, in fact the declassification would help put this matter to rest once and for all.

My view is people can overreact on these matters here when it comes to this kind of information, but we have heard and know of other cases of American citizens overseas where their lives have been threatened. In the case of Sister Ortiz, a rape and torture. In the case of Michael DeVine, murdered. I don't think it is outrageous for this body to provide a procedure and a mechanism whereby people can find out, through an orderly and proper process of declassification, information that might lead to those who are responsible for it. I hope we would be able to support an amendment that would adopt a process that is orderly and one that will, I hope, assist these people.

There may not be anything in this information. Some have suggested there is not a lot of information in some of these cases. If that is the case, there is less reason to be opposed to it. In two specific cases here, if there is some information, and it helped to get to the bottom of it, I think we could all have a sense of pride that we contributed to that.

I urge my colleagues to join Senator HARKIN, Senator MIKULSKI, Senator KERRY of Massachusetts, Senator KERREY of Nebraska, Senator LEAHY, Senator JEFFORDS, and myself in adopting this amendment.

Mr. KERREY. Mr. President, I support the amendment offered by Senator DODD that requires the declassification of information pertaining to human rights violations in Guatemala and Honduras. Americans citizens and their relatives, as well as many Guatemalan and Honduran citizens, were victims of gross human rights violations in these nations, and it is our government's duty to provide them with as much information as judiciously possible. Further, I believe the release of this information will help the democratic governments of Guatemala and Honduras pursue justice, acknowledge the truth, cement the rule of law, and help enable the healing of these societies rent by decades of civil war.

When we deal with the declassification of intelligence information, the issues are never simple. The mission of our intelligence agencies is to collect information that will protect American lives and preserve our national security. But, in order to provide this vital information, our intelligence personnel must persuade clandestine sources to provide information covertly, and they must use specialized methods that help collect and protect those secrets. Revelation of sources and methods, even if done in pursuit of moral ends, will only increase the threat to American lives and security. Revelation of sources and methods would, ironically, diminish America's ability to get information on human rights abuses. This amendment has been crafted with an awareness of the need to inform Americans more broadly while at the same time protecting intelligence sources and methods. I appreciate Senator DODD's understanding of these issues and his leadership on this amendment.

American citizens and their relatives have been wrongfully imprisoned, injured, raped, and killed during the course of the civil wars in Guatemala and Honduras. Our government may not have all the information they seek about what occurred in these countries, but what relevant information we do have we should provide them. This amendment will help their pursuit of justice and hopefully provide answers to the many questions that surround these events.

Fortunately, the violence and strife that plagued Guatemala and Honduras over the years has abated. These nations now have democratic governments that bring hope and promise to their citizens. But, each of these nations must face their past in order to build a just and prosperous society in the future. The Guatemala Clarification Commission and the National Human Rights Commissioner in Honduras are integral to this process. The information that will be provided to these groups under this amendment can only help bring healing and promote peace in our hemisphere.

Ms. MIKULSKI. Mr. President, in 1989, Sister Dianna Ortiz was brutally abducted and raped in Guatemala where she was working as a missionary.

She was victimized by the Guatemalan government and by her own government. From the day of the attack, the United States government has compounded her suffering. She was accused of fabricating her story. She has been treated like a criminal instead of as a victim.

I am horrified by the reports of Sister Dianna's abduction and torture—and by our government's cruel response to her suffering, which continues today.

I would like to read to my colleagues from a column written by Paul Ferris in the National Catholic Reporter:

> Her kidnaping and confinement included multiple gang rapes; repeated beatings; intimidation and interrogation; over 100 cigarette burns on her back; video taping her captivity as a form of blackmail; and lowering her in a pit where injured women, children and men writhed and moaned and the dead decayed under swarms of rats. Finally, her abductors held her hand and arms as she was physically coerced into stabbing a woman with a machete.

That is why I am a cosponsor of Senator DODD's amendment to declassify government documents that shed light on human rights abuses. Federal agencies would be required to identify, organize and declassify all records regarding American activities in Guatemala and Honduras after 1944. This would enable Sister Dianna and other victims of torture to learn the truth about their cases.

We need to learn the truth, even if it is painful. By hiding behind a wall of secrecy, we are eroding the American people's confidence and trust in their government. We undermine our foreign policy and intelligence agencies—and the important work they do—if we cover-up their past actions.

Some argue that the release of this information would "compromise intelligence sources and methods." I disagree. If our sources were people who attacked American citizens, we need to know it. If our methods included complicity in torture, we need to know that too.

Sister Dianna Ortiz and other victims of torture are seeking to rebuild their lives. The least that we can do is to help them to learn the truth about the tragic events that have changed their lives.

Mr. President: Our policies must reflect our values. If our efforts to promote democracy and human rights around the world are to be successful, we must be honest and open about the tragic mistakes we have made in the past.

I commend Senator DODD for his leadership in calling for an honest and just accounting of America's history in Central America. I urge my colleagues to join me in supporting his amendment.

I ask unanimous consent that the Ferris column and an article from the National Catholic Reporter be printed in the RECORD at this time.

SISTER DIANNA IS INSPIRATIONAL

(By Paul Ferris)

Members of the Baltimore archdiocese should know that Ursuline Sister Dianna Ortiz, since her ordeal, (reported in CR July 2) has devoted all her energy to the task of helping other torture survivors and has worked tirelessly for the cause of human rights for the people of Guatemala and other countries where torture exists. Sister Dianna has become a model of faith and courage to countless religious and laity whom she has inspired.

Through the testimonies of Sister Dianna and members of Coalition Missing, a group she co-founded comprised of American citizens, Guatemalans living in the U.S. and their families who suffered torture and murder in Guatemala, the United States government felt compelled to investigate and publicly disclose CIA and other intelligence agency abuses in paying known human rights violators, referred to as "dirty assets," to spy for the U.S. As a result of the Intelligence Oversight Board investigation, at least 100 dirty assets were removed from the CIA's payroll and CIA station chiefs were fired from their positions in Guatemala for not reporting the extent of the crimes committed against the people of Guatemala by these dirty assets. This Intelligence Oversight Board (IOB) report recommended a number of reforms in the way intelligence agencies operate in an effort to bring them into line with American democratic values. The IOB also exposed the ugly fact that, for at least nine years, torture was being taught at the notorious School of the Americas in Fort Benning, Ga.

Though Sister Dianna's testimony has been continually challenged by the Guatemalan government, and by U.S. State Department and Justice Department officials, the Human Rights Commission of the Organization of American States, after a thorough seven-year investigation, found Sister Dianna to be an "entirely credible witness," and has demanded the apprehension and punishment of her abductors and their co-conspirators, and restitution to Sister Dianna as much as possible.

Sister Dianna has been able to accomplish all of this while at the same time trying to heal from her own physical and emotional torment associated with the after-effects of torture. Her kidnapping and confinement included: multiple gang-rapes; repeated beatings; intimidation and interrogation; over 100 cigarette burns on her back; video taping her captivity as a form of blackmail; and lowering her in a pit where injured women, children and men writhed and moaned and the dead decayed under swarms of rats. Finally, her abductors held her hands and arms as she was physically coerced into stabbing a woman with a machete.

Among a whole host of violated personal, civil and religious rights cited by the Organization of American States against the government of Guatemala in the case of Sister Dianna, one that concerns every Catholic directly is the denial of her right to missionary activity. The attack on Sister Dianna, who was teaching Mayan children to read by using the Bible as a text, is an attack on all Catholics and Christians who, exercising their God-given and legal right to religious freedom, seek to spread the Gospel of Jesus through missionary activity in other lands.

DIANNA ORTIZ JOINS VIGIL FOR TORTURE VICTIMS

(By Arthur Jones)

WASHINGTON.—The heat index was 106 degrees as the small group set up its table in Lafayette Park across the street from the White House preparing for a June 26 dawn-to-dusk candlelight vigil.

Among the people wearing the white "Help Stop Torture" T-shirts was Ursuline Sr. Dianna Ortiz who, during Congressional testimony two days earlier, broke down as she recounted how she had become pregnant as a result of being brutalized and raped by Guatemalan security forces and had had an abortion.

The nearby White House was unoccupied—President Clinton was in Beijing where, finally, he had decided to speak out on China's human rights abuses.

The gathering in Lafayette Park—sponsored by the Torture Abolition and Survivors Support Committee that was culminating three days of Washington meetings and testimony—had similar concerns. The Support Committee estimates the United States is home to more than 400,000 torture survivors.

Before the Congressional Human Rights Caucus June 24, torture victims from the 1980s and '90s described what they underwent in locations ranging from Turkey to Nigeria, from Iraq to the Philippines, from Columbia to Pakistan, from Tibet to Guatemala (see accompanying story).

Ortiz told the caucus, "For the last nine years I have tried to stop running. I have tried to face the torturers head on and demand answers, demand justice. Instead of forgiving my torturers, I filed suit against the Guatemalan government and called for an investigation."

She said the Guatemala investigation "led nowhere," that her five-week vigil in front of the White House seeking declassification of documents that could reveal the identities of her torturers had failed; the U.S. government investigations produced nothing; that Department of Justice investigators accused her of lying; and that Guatemalan and U.S. government officials, "in public and private, said I was a lesbian who had sneaked out for a tryst, [that] the 111 cigarette burns on my back were the result of kinky sex."

Ortiz said that because she could no longer subject herself to the "retraumatization" brought on by justice department invesigators' questions and manner, the department had closed her case.

One of the people who saw the Department of Justice report, said Ortiz, was Thomas Stroock, U.S. ambassador to Guatemala at the time of her 1989 abduction, "who before any member of the U.S. Embassy had interviewed me, said 'Her story is not accurate,' and told the State Department that my motives were questionable."

Stroock later discussed the report with a journalist, Ortiz testified, "who then called me. There are things in that report I have kept secret, that I have been ashamed of—things I did not tell DOJ investigators but that my friends revealed as they were being interrogated—and I have lived under tacit blackmail."

"Let me simply tell you," she told the panel, "I got pregnant as a result of the multiple gang rapes by my torturers, and unable to carry within me what they had engendered, what I could view only as a monster, the product of the men who had raped me, I turned to someone for assistance and destroyed that life."

Ortiz was unable to continue, the rest of her testimony was read for her: "If I had to make the decision again, I believe I would again decide as I did eight years ago. I had little choice. My survival was so precarious at that time that to have to grow within me what the torturers had left me would have killed me. I tell you this simply so that I can proceed with the truth."

Ortiz has since filed a Freedom of Information Act request for the Department of Justice report.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me make two quick points and perhaps close this debate.

First of all, under U.S. law, families and victims of crime in the United States, Americans, have the ability to go through the State Department to get this kind of information. That provision was included in last year's intelligence bill.

Secondly, I made the point earlier we are not as concerned about American citizens having the right to get information declassified as we are foreign organizations. What I pointed out was there are two foreign organizations that are specifically defined in the bill as being permitted, then, to have access to this information and to require the departmental procedure which would result in the declassification or at least the consideration of declassification of this information. That is what is unprecedented here. That is what would be so astonishing.

Finally, the process here is not a simple, inexpensive process where the CIA can inject and stop it. It is an interagency group, and the CIA can be and, in fact, a majority of time where this has been used, my understanding is it has been overridden. There are private people on the panel as well as representatives from other government agencies. As a result, you are talking about an extraordinarily time-consuming and expensive operation for people who are really charged with other responsibilities.

With respect to the American citizens, I think we have that covered. With respect to foreign powers and foreign groups, I don't think we want to give them rights in requiring declassification of materials that the Director of the Central Intelligence Agency is concerned does not adequately protect our national security needs.

Again, I urge at the appropriate time that the motion to table be supported.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I think the Senator from Connecticut has made a very, very strong and a very good statement in support of his amendment.

The Senator from Connecticut is one of the most knowledgeable people, if not the most knowledgeable Senator, on Central and Latin American matters. He has traveled many times to the region, he speaks fluent Spanish, and he has been consistent in speaking up for the rights of American citizens and of the Central American people.

I have often worried that because of our own complicity, either active or accidental, we have allowed the cover-up of some very serious misdeeds in that part of the world.

After the murder of the Jesuits, I was very critical of the investigation of those heinous crimes. I was asked to go down so the Salvadoran authorities could show me how they were conducting an investigation to get the perpetrators. And I went to see the chief investigator, the prosecutor.

Now, Mr. President, a murder case is a relatively easy crime to prosecute. Any of us who has prosecuted murder cases knows that. You have a dead body, you have certain physical evidence, and you put it together. It was so obvious that the evidence of the murders of the Jesuits had been destroyed, covered up, removed. Members of our own Government were well aware of this and didn't want to blow the whistle. I did in a press conference, and I quickly left the country, I might say, because of threats against me for doing it.

What the Senator from Connecticut proposes by this amendment is to protect, among others, our own citizens. People like Sister Dianna Ortiz, who have tried for years to find out what her own government knows about what was done to her, and possibly who was involved. There are other crimes that were covered up, including by U.S. officials. If mistakes were made or crimes committed in Central America we should know about them. It is, after all, it is information in the possession of our own Government.

The amendment of the Senator from Connecticut protects information that should be kept secret in the interests of national security. But too often, information that should not be kept secret has been withheld, information which could shed light on atrocities and the fate of people who disappeared. That is wrong. I might ask this question of my friend from Connecticut. Would it be safe to say that his amendment protects our legitimate national security interests, while it seeks to obtain information about crimes that were committed that the American people have every right to know about?

Mr. DODD. Mr. President, let me respond to the Senator from Vermont. I thank him for his support on this. In this amendment, we took Public Law 102–526, section VI, entitled "Grounds for Postponement of Public Disclosure of Records." This is the so-called "Kennedy assassination" language. What I did is I took the exact language—all of the language, which provides the exemptions of where this information should not be provided, and I took the word "assassination" and replaced it with the words "human rights." Here is an example. Reading from the existing law:

> Disclosure of assassination records and of particular information to the public may be postponed subject to the limitations of the act.

We write:

> Disclosure of human rights records. 1. Threat of military defense intelligence, conduct, foreign relations, and so forth. Intelligence agents, intelligence sources, and other matters currently related to the military defense.

All the way down this entire language, all we did is replace the words "human rights" for "assassinations" when it comes to Honduras and Guatemala. We added an additional provision that is not in the Kennedy assassination statute. In addition, the amendment provides that "a document may remain classified if its public disclosure would be expected to reveal the identity of a confidential human source." So we even add to it here.

I say to my colleague from Vermont that we virtually stick to existing law. We provide that if in fact there has been a rejection here by the Agency, then a panel made up of representatives of the Department of Justice, the State Department, Central Intelligence Agency, and Department of Defense can review, over a 30-day period, that request to determine whether or not the sustained declassification is warranted. If they conclude it is not, then it could be declassified so that we can get the information out. Other than that, we follow exactly the Kennedy assassination language, with the exception that we add a provision that is not in the law.

It even goes further. I always thought it was not a matter of great debate here about whether or not human rights—something we cherish, something we talk about all the time.

My Lord, we have provided sanctions on countries all over the world that deprive people of basic human rights. Are we saying, in the case of Honduras and Guatemala where there are huge human rights violations, that we are not going to make an effort to get to the bottom of this, where particularly American citizens' rights were deprived, where they were brutalized? I don't understand that.

Mr. LEAHY. Well, Mr. President, I say to my friend from Connecticut, that really is the point. In my years here, I have seen time and time again a resolution or amendment to condemn this or that country that violates human rights. They usually pass virtually unanimously. That is fine. We should stand up for human right wherever they occur. But we are now asking our own government for information about Americans whose human rights were violated, and we get pages and pages that are blacked out. That is unacceptable. We should at least be able to tell the families of Americans who disappeared or who were murdered or tortured as much as we can about these crimes.

Frankly, we cannot credibly condemn other countries for their misdeeds, and not be willing to find out what happened to our own citizens because possibly, conceivably, somebody in our Government may have broken the law. If they did we should know about it, and if the truth comes out we can hold people accountable and deter others from covering up crimes in the future. So I strongly support the amendment of the Senator from Connecticut.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, there are three amendments that have been cleared on both sides. I would like to take care of them before going on to Senator HATCH's comments, which are unrelated to the bill.

Amendment No. 3491 is on Export-Import Bank. Amendment No. 3366 is on landmines.

AMENDMENTS NOS. 3491, 3366, AND 3535, EN BLOC

Mr. MCCONNELL. Mr. President, I send three amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 3491, 3366 and 3535, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3366

(Purpose: To require a certification that the signing of the Landmine Convention is consistent with the combat requirements and safety of the armed forces of the United States)

On page 82, line 16, after the end period insert: "This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the armed forces of the United States.".

AMENDMENT NO. 3491

(Purpose: To amend title I)

On page 3, line 6, strike the following proviso: "*Provided further*, That the Export Import Bank shall not disburse direct loans, loan gurantees, insurance, or tied aid grants or credits for enterprises or programs in the New Independent States which are majority owned or managed by state entities:".

AMENDMENT NO. 3535

OFFICE OF SECURITY

SEC. . (a) ESTABLISHMENT OF OFFICE.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law, have the responsibility for the supervision, direction, and control of all security activities relating to the programs and operations of that Agency.

(b) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—There are transferred to the Office of Security all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the date of enactment of this Act. The administrator shall transfer from the Office of the Inspector General of such Agency to the Office of Security established by subsection (a), the personnel (including the Senior Executive Service position designated for the Assistant Inspector General for Security), assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, and other funds held, used, available to, or to be made available in connection with such functions. Unexpended balances of appropriations, and other funds made available or to be made available in connection with such functions, shall be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development".

(c) TRANSFER OF EMPLOYEES.—Any employee in the career service who is transferred pursuant to this section shall be placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendments (Nos. 3491, 3366, and 3535) were agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Only one amendment remains at the desk. It has been withdrawn. That is amendment No. 3519. That will not be offered. After Senator HATCH has spoken, I will be making a motion to table the Dodd amendment.

So I say to all Senators that is the last vote prior to final passage. We should have two votes—a vote on the motion to table the Dodd amendment and then a vote on final passage—and we will be finished with this bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Without losing my right to the floor, I ask unanimous consent that I be permitted to yield to Senator DODD to make his final remarks, and then I will make my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

AMENDMENT NO. 3527

Mr. DODD. Mr. President, I wanted to conclude my remarks here. The Kennedy assassination language was a process for declassification. It wasn't necessarily through an application process that we are talking about this amendment. There is a distinction in that regard.

Secondly, regardless of where a bona fide request comes from for declassification, if it is a bona fide request, whether it is made by a U.S. citizen or a non-U.S. citizen, there is nowhere I know of in there that says somebody is precluded from making the request because they are a non-U.S. citizen, as long as we protect the legitimate source. I point out that most of the other agencies effectively had no difficulty with this. The reason we are requesting this amendment is because we have had a problem with one or two agencies; where they have provided information, it is blank page after blank page, redacted page after redacted page.

Again, I think on the issue of human rights, certainly we have seen in cases where we wanted to get to the bottom of information involving U.S. citizens, that it is hard enough with some of these countries to get the cooperation in the country themselves to get information. It is a rather ominous thought that a U.S. citizen, or others seeking to get information about why they were murdered or brutalized, that they would face the kind of false obstruction from their own country.

So, in the case of Honduras and Guatemala, we felt, particularly where these cases involved—particularly the case of Sister Ortiz—an American nun who was raped and tortured in that country, that helping her provide some information to get to the bottom of her case here goes back to 1989—with all of the safeguards included specifically in this amendment is a modest request, indeed, for us to be able to meet.

I hope when the appropriate motion is made and the yeas and nays are asked on this that my colleagues would support us in adopting this amendment.

Again, I thank my colleague from Utah for his graciousness.

The PRESIDING OFFICER. The Senator from Utah is recognized.

(The remarks of Mr. HATCH and Mr. LEAHY are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I ask the Dodd amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3501

(Purpose: To state the sense of Congress regarding ballistic missile development by North Korea)

Mr. McCONNELL. There is one final amendment at the desk cleared on both sides. I call up amendment No. 3501 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] for Mr. MCCAIN, for himself, and Mr. MURKOWSKI, proposes an amendment numbered 3501.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC.   . (a) Congress makes the following findings:

(1) North Korea has been active in developing new generations of medium-range and intermediate-range ballistic missiles, including both the Nodong and Taepo Dong class missiles.

(2) North Korea is not an adherent to the Missile Technology Control Regime, actively cooperates with Iran and Pakistan in ballistic missile programs, and has declared its intention to continue to export ballistic missile technology.

(3) North Korea has shared technology involved in the Taepo Dong I missile program with Iran, which is concurrently developing the Shahab-3 intermediate-range ballistic missile.

(4) North Korea is developing the Taepo Dong II intermediate-range ballistic missile, which is expected to have sufficient range to put at risk United States territories, forces, and allies throughout the Asia-Pacific area.

(5) Multistage missiles like the Taepo Dong class missile can ultimately be extended to intercontinental range.

(6) The bipartisan Commission to Assess the Ballistic Missile Threat to the United States emphasized the need for the United States intelligence community and United States policy makers to review the methodology by which they assess foreign missile programs in order to guard against surprise developments with respect to such programs.

(b) It is the sense of Congress that—

(1) North Korea should be forcefully condemned for its August 31, 1998, firing of a Taepo Dong I intermediate-range ballistic missile over the sovereign territory of another country, specifically Japan, an event that demonstrated an advanced capability for employing multistage missiles, which are by nature capable of extended range, including intercontinental range;

(2) the United States should reassess its cooperative space launch programs with countries that continue to assist North Korea and Iran in their ballistic missile and cruise missile programs;

(3) any financial or technical assistance provided to North Korea should take into account the continuing conduct by that county of activities which destabilize the region, including the missile firing referred to in paragraph (1), continued submarine incursions into South Korea territorial waters, and violations of the demilitarized zone separating North Korea and South Korea;

(4) the recommendations of the Commission to Assess the Ballistic Missile Threat to the United States should be incorporated into the analytical processes of the United States intelligence community as soon as possible; and

(5) the United States should accelerate cooperative theater missile defense programs with Japan.

Mr. McCONNELL. This has been approved by both sides.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is agreed to.

The amendment (No. 3501) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3527

Mr. McCONNELL. Mr. President, the Dodd amendment is the pending amendment. Let me just say to my colleagues, if the motion to table the Dodd amendment, which I will shortly make, is approved, then the next vote will be on final passage and we will be to the completion of this legislation.

Senator SHELBY has indicated if the motion to table is not approved, he will have further observations to make about the Dodd amendment.

So Mr. President, at this time on behalf of the Senator from Alabama, Senator SHELBY, and myself, I move to table the Dodd amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GORTON). The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Craig
D'Amato
DeWine
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—7

Bingaman
Coverdell
Domenici
Glenn
Helms
Inouye
Murkowski

The motion to lay on the table the amendment (No. 3527) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider that vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to add my name and my distinguished colleague from Vermont, Mr. JEFFORDS, as cosponsors of amendment No. 3530 offered to S. 2334 by Senator McCONNELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL ENVIRONMENT FACILITY

Mr. LEAHY. Mr. President, I have a statement relating to an amendment I had intended to offer concerning the Global Environment Facility, which I have decided not to offer in the interest of finishing action on this bill. There is strong, bipartisan support for the GEF and I hope we can find additional funds for it later in this session.

Mr. President, this bill contains $47 million to pay a portion of our arrears to the Global Environment Facility. An amendment I had planned to offer would provide an additional $145 million, which would cover our outstanding arrears which currently total $192 million. Unfortunately, there is no money in the bill to pay our FY 1999 contribution to the GEF.

The Balanced Budget Act provides for an automatic adjustment of the discretionary budget caps to accommodate these additional arrears, so my amendment would not require an offset or any additional budget authority.

Mr. President, if we are going to provide $47 million toward the arrears we owe the GEF, we should provide the whole amount. There is no reason not to do it. That was one of the purposes of the Balanced Budget agreement.

It does not require additional budget authority. But it we miss this chance, we will make it virtually impossible to pay these arrears later on when we no longer have the benefit of the automatic adjustment under the Balanced Budget Act.

The GEF is the world's largest environmental organization. It has enjoyed bipartisan support in the Congress for years. It funds projects to protect biodiversity, stop ocean pollution, prevent ozone depletion, and promote energy conservation.

A few Members of the Congress have called the GEF a "back-door" funding mechanism for the Kyoto Protocol. What is the evidence of that? The GEF was established years before Kyoto was even conceived of. For years, the GEF has been pushing the developing countries to do more to prevent global warming. Kyoto has not changed that. If anything, it has made it even more relevant and timely.

The Resolution on Kyoto sponsored by Senator BYRD and Senator HAGEL earlier this year calls on the developing countries to do more to prevent global warming.

That is one of the GEF's goals, and a reason why we should support it.

The GEF is not only good for the environment, it is good for U.S. business. American contractors have won 30 percent of the GEF contracts awarded to donor countries. These contracts have primarily gone to American companies involved in environmental engineering, energy efficiency, and renewable energy. The U.S. is the world's leader in these areas, and our companies will reap the rewards as the GEF helps the developing countries confront their exploding populations, huge energy demands, and a legacy of ignoring the consequences of environmental pollution.

The GEF has funded over 500 projects in 119 countries. Each dollar the U.S. contributes is matched by 5 dollars from other donors and 10 dollars from the developing countries themselves, private companies, and other international institutions. But without strong U.S. participation there is far less incentive for other countries to contribute.

Mr. President, I am reluctant to call this free money, since no money is free. But this is about as free as any money we are going to see. My amendment would not require one dime of additional budget authority for us to erase $192 million in past commitments to an organization that deserves our strong support.

Mr. President, to expedite completion of this bill at this late hour, I have agreed to withhold offering my amendment. However, is is my fervent hope that we will revisit this issue, and that if additional budget authority becomes available later this session that we use some of it to make a contribution to the GEF for FY 1999, and that we make the cap adjustment provided for under the Balanced Budget Act to cover the $192 million in arrears that would be made available under my amendment. To do so would not affect any of the other funds in this bill, but it would fulfill our commitment to pay these arrears, and support the most important international organization devoted to protecting the environment.

DEVELOPMENT ASSISTANCE FOR AFRICA

Mr. FEINGOLD. Mr. President, I rise today in support of development assistance for Africa, which is included in the fiscal year 1999 Foreign Operations appropriations bill.

For fiscal year 1999, the total funding for development assistance has gone down once again. At the same time, there are still earmarks for many programs in all regions in this bill. Given that there will be necessary cuts throughout all of these accounts, Africa should not suffer any more than other accounts simply because it lacks the earmarks that have been given to other regions of the world.

Development assistance for Africa used to be provided through a separate account called the Development Fund for Africa (DFA), which was created in the fiscal year 1988 appropriations bill to meet a broad range of objectives specifically aimed at Africa, including rural and sustainable development, private sector development, maternal and child health needs, and educational improvement, particularly in the primary grades. For a variety of reasons, the DFA has been dropped as a separate funding account. Nevertheless, the goals and programs embodied in the DFA continue to be important in terms of our Africa program.

For many years, these goals were championed by our former colleagues and former Chairmen of the Subcommittee on African Affairs, Senators Nancy Kassebaum-Baker and Paul Simon. As the current Ranking Member of that subcommittee, I share their commitment to these goals. I have seen how the 48 countries of sub-Saharan Africa are increasingly becoming even more relevant to United States interests, and our economic, political, humanitarian, and security concerns.

Long-term development assistance to African nations—whether through bilateral or multilateral channels—directly complements U.S. foreign policy goals and national security interests.

There are several examples of this complementary relationship.

First, we have an interest in a safe and healthy environment. The rapid spread of the Ebola virus demonstrated some of the areas of vulnerability on the African continent. Now, unfortunately, the rates of HIV and AIDS infections in Africa are the highest in the world, and they are continuing to rise rapidly. As we have seen, viruses do not need visas.

Second, we have an interest in expanding trade and investment ties with the African continent. U.S. exports to Africa expanded by 22.7 percent in 1995—this is nearly twice the growth rate of total U.S. exports worldwide. Already U.S. exports to Africa equal 54 percent more than our exports to the former Soviet Union. We export more to South Africa alone than to all of Eastern Europe combined.

Third, we have an interest in democracy. More than half of African nations now can be considered democratic or have made substantial progress toward democracy. Many of these nations also are moving toward free-market economies.

Fourth, we have an interest in human resource development. Sub-Saharan Africa has the fastest growing and poorest population in the world. A substantial percentage of Africa's population is under 18 years of age. These children will soon grow to adulthood and I hope there will be opportunities for them to lead productive and dignified lives, in which their basic human needs are met. At the same time, Africa's infant and child mortality rates are 2 to 3 times higher than those in Latin America or Asia.

Finally, we have an interest in security. It is unfortunate, but Africa also is home to terrorist activity and to drug and arms trafficking. As the recent bombings of our embassies in Kenya and Tanzania, and the bombing of a crowded restaurant in South Africa have painfully demonstrated, Africa is not immune to the scourge of terrorism.

Mr. President, a stable African continent serves American interests. The Development Fund for Africa was created to ensure a steady source of long-term development funds for Africa. Over the past decade, the DFA has contributed to substantial gains in health care, education, small business development, democracy, and stability. A sustained assistance program for Africa helps African nations to invest in development and not in crises. The types of challenges we face in Africa today are very complex and require long-term solutions. And this requires long-term investment.

As a result of DFA assistance, African farmers are growing more food, more children are attending primary school, and more informal sector entrepreneurs have access to credit than was possible 10 years ago. And the United States has played a key role in helping several African countries experience dramatic drops in fertility through effective family planning and health care programs.

In sum, Mr. President, our assistance program represents a sound investment in our relationship with the continent of Africa that signals our continued interest in remaining engaged with Africa. I hope that during consideration of this bill in the Senate, in the House, and in conference, as well as during the United States Agency for International Development budgeting process, that we can maintain a similar proportion of the total development assistance appropriations as that requested by the President in the congressional presentation documents for foreign assistance.

Mr. GORTON. Mr. President, as the Senate considers appropriations for foreign operations, I would like to recognize the efforts of two organizations headquartered in my home state of Washington. World Vision Relief and Development (WVRD) and World Concern Development Organization (WCDO) have made great strides in bringing hope to a troubled world.

On countless occasions, World Vision has achieved its objective of long-term transformation of human lives through effective implementation of emergency relief, rehabilitation and sustainable development programs throughout the world. World Vision, which is largely funded through the generosity of Americans, has operations in approximately 94 different countries. Of particular note is World Vision's efforts on behalf of the world's children. Through tireless efforts in public health and nutrition, the organization has allowed children to survive.

In Sudan, World Vision has shown courageous long-term interest in the tragedy that continues to unfold there. Since operating in Sudan since the early 1980s, World Vision has provided 4 therapeutic feeding centers, brought medical supplies and services to the needy, and been committed to long-term agricultural development.

WCDO based in Seattle works in the areas of relief, rehabilitation and development to help the recipients in developing countries achieve self-sufficiency, economic independence, physical health and spiritual peace through integrated community development. WCDO fosters crop improvement through new crops, cash crops and improved seed demonstration projects. It has also raised world literacy rates, developed communities, provided shelter for refugees, and given thousands the skills necessary to survive and grow. The world is a better place with WCDO in it.

I know the Senate will join me in saluting the care World Vision and World Concern have shown for those in desperate need of compassion and a helping hand.

(At the request of Mr. LEAHY, the following statement was ordered to be printed in the RECORD.)

• Mr. LEAHY. Mr. President, I have agreed to strike section 578 of the bill which contains a reporting requirement relating to arms sales. I have done so in response to a request by the chairman and ranking member of the Foreign Relations Committee.

However, both Senator HELMS and Senator BIDEN have agreed that they will include a modified version of this reporting provision which has been negotiated and agreed upon by myself, Senator HELMS, Senator BIDEN, and Senator MCCONNELL in legislation that has been reported by the Foreign Relations Committee and which is expected to be acted on by the Senate later this month. If that legislation is not adopted by the Senate or the reporting provision is not included in whatever version of that legislation becomes law, Senator HELMS, Senator BIDEN, and Senator MCCONNELL have agreed to support its inclusion in the FY 1999 Foreign Operations Conference Report, a Continuing Resolution, or whatever other legislative vehicle is appropriate. My purpose in striking section 578 is to give the Foreign Relations Committee an opportunity to include the modified reporting provision in its legislation, but to ensure that if that fails it is included in a legislative vehicle that becomes law.

Mr. HELMS. The senator is correct.

Mr. MCCONNELL. I concur.

Mr. BIDEN. I concur.•

(At the request of Mr. MCCONNELL, the following statement was ordered to be printed in the RECORD.)

• Mr. DOMENICI. Mr. President, the Senate is now considering S. 2334, the Foreign Operations and Export Financing Appropriations bill for fiscal year 1999.

The Senate bill provides $12.6 billion in budget authority and $4.9 billion in new outlays to operate the programs of the Department of State, export and military assistance, bilateral and multilateral economic assistance, and related agencies for fiscal year 1999.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $12.6 billion in budget authority and $12.6 billion in outlays for fiscal year 1999.

The subcommittee is below its section 302(B) allocation for budget authority and outlays.

Mr. President, I will ask that a table displaying the Budget Committee scoring of this bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, I would like to commend the committee for including full funding for the IMF in this bill. The committee and Senator MCCONNELL's leadership on this issue as well as the sanctions task force is a great contribution to this Congress and the American people.

Liquidity levels are at historically low levels at the IMF and if we choose not to fund our share of the increase, there will be no increases from the other 181 members of the IMF. According to IMF bylaws, no U.S. participation would guarantee no world participation in the increased funding.

The language in this bill and passed by the Senate in the 1998 supplemental also addresses the reforms needed by the IMF, especially addressing the issues of greater transparency and stronger promotion of free trade.

Mr. President, I urge the adoption of the bill.

I ask that the table to which I referred be printed in the RECORD.

The table follows:

S. 2334, FOREIGN OPERATIONS APPROPRIATIONS, 1999 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1999, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	....	12,554	....	45	12,599
Outlays	....	12,595	....	45	12,640
Senate 302(b) allocation:					
Budget authority	....	12,600	....	45	12,645
Outlays	....	12,600	....	45	12,645
1998 level:					
Budget authority	....	13,215	....	44	13,259
Outlays	....	12,829	....	44	12,873
President's request:					
Budget authority	....	14,079	....	45	14,124
Outlays	....	13,002	....	45	13,047
House-passed bill:					
Budget authority	....	....	....	45	....
Outlays	....	7,695	....	45	....
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	....	−46	....	....	−46
Outlays	....	−5	....	....	−5
1998 level:					
Budget authority	....	−661	....	1	−660
Outlays	....	−234	....	1	−233
President's request:					
Budget authority	....	−1,525	....	....	−1,525
Outlays	....	−407	....	....	−407
House-passed bill:					
Budget authority	....	12,554	....	....	12,554
Outlays	....	4,900	....	....	4,900

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.•

U.N. CONVENTION TO COMBAT DESERTIFICATION

Mr. FEINGOLD. Mr. President, I would like to commend the Committee on Appropriations for including language in its report on S. 2334, the Foreign Operations Appropriations Bill for FY 1999, related to the United Nations Convention to Combat Desertification. In its discussion of funding for the International Fund for Agricultural Development (IFAD), the Committee notes its support for that organization's efforts to implement this important Convention. The United States was instrumental in negotiation of this treaty, and has signed it, but the Senate has yet to exercise its advice and consent responsibilities on it.

Mr. President, desertification is a serious problem with which many of my colleagues may not be familiar. I fear the Convention may be overlooked because of this ignorance, but at great cost and with little reason.

THE PROBLEM OF DESERTIFICATION

Desertification is the severe land degradation of arid and semi-arid regions, rendering such drylands unable to sustain crops or other vegetation. It is not the spread of existing deserts, but rather the destruction of fertile soils, largely through human activity. In the past, drylands recovered easily following long droughts and dry periods. Under modern conditions, however, they tend to lose their biological and economic productivity quickly unless they are sustainably managed. Today drylands on every continent are being degraded by over-cultivation, deforestation and poor irrigation practices. Excessive population pressure and unwise economic policies also exacerbate the problem.

Over one-quarter of the Earth's land surface is endangered by desertification, threatening the livelihoods of one billion people. In Africa, 73 percent of drylands are moderately or severely desertified, and the proportion of drylands affected by desertification is comparable. In addition, 40 percent of the land surface of the United States, covering most of 17 western states, qualifies as affected dryland areas. The direct worldwide economic loss from desertification, mainly from decreased agricultural productivity, is estimated at $42 billion per year, while the cost of actions needed to combat it is estimated at between $10–22 billion annually. The loss of annual income in areas immediately affected by desertification in the United States is an estimated $5 billion. It is clear that it is far more cost-effective to prevent desertification than to deal with its devastating consequences.

To most Americans, the Dust Bowl of the 1930's is the most familiar example of desertification and its consequences—massive hunger, poverty, and migration. Mr. President, desertification is far more than an environmental problem. It is connected to famine, malnutrition, starvation, epidemics, poverty, economic and social instability and mass migration. Desertification contributes to water scarcity. In many countries, inadequate water resources leads to increased political tension, often rendering desertification a security issue. Around the world, desertification and water shortages lead to reduced crop production, hunger and mass migration which can spark turmoil and armed conflict over scarce food resources. These upheavals can result in heavy costs to the U.S. taxpayer in the form of extended humanitarian assistance or large immigration programs.

The Convention to Combat Desertification was called for at the U.N. Conference on Environment and Development in Rio in 1992, when the severity of the problem was recognized. At that time, several African nations argued that the Climate Change and Biodiversity Conventions did not address their major environmental concern—desertification.

The United States has since been an active participant during the negotiation and drafting process. The Convention entered into force in 1996 and has been ratified by more than 120 countries. The President submitted the treaty to the Senate for its advice and consent in August of 1996, but no action has yet taken place. It is crucial that we consider this treaty as soon as possible, prior to the Conference of the Parties, due to take place in November.

Mr. President, this treaty is unlike the other environmental conventions brought before the Senate in recent years. It advocates a unique method that I believe will have efficient, effective outcomes. Not only is this the first international treaty to address directly the issue of poverty and land degradation in rural areas, but it also calls for the participation of resource users in the development of solutions. This is one of the most important facets of the convention; by stressing the need for concerted, cooperative action at all levels, strategies to attack this problem becomes an amalgamation of expertise and experience. First-hand knowledge of the problem and an awareness of the particularities means that programs will be specifically designed to meet the needs of a certain area. This method will also empower the residents of countries—mostly developing countries—where desertification is a particular problem, helping people to help themselves.

The Convention calls upon affected countries to establish national action plans to combat the problem at local and regional levels, and calls upon developed countries to channel existing bilateral and multilateral funds to support these programs. These national action plans mean that countries will be active participants that will accept responsibility without imposing some kind of universal solution on countries that may have different needs.

Thus, the Convention aims to ensure that funding programs are better coordinated, that funding is based on the needs of affected countries, that donor countries can be sure their funds are well spent, and that recipients obtain the maximum benefit from the sums available. No new funding is required. Instead, the treaty establishes a Global Mechanism which can serve to mobilize and coordinate donor resources to combat the problem of desertification.

The United States has a long history of managing its drylands. Desertification affected hundreds of thousands of Americans during the Dustbowl years of the 1930s, when impoverished farmers had to abandon their exhausted land. Today, desertification in the United States has been associated with Western grazing and water management practices. Aspects of the desertification process, such as soil erosion, present a serious threat to agricultural productivity. As a result of these decades of experience, we have created a variety of programs and institutions to combat drought. The United States is considered to have the premier technology and expertise in this area, and so our participation in the Convention to Combat Desertification can really determine its success.

It is of course important to consider the implications of the treaty for the United States. The Convention to Combat Desertification does not require any land-use restrictions, legislation or regulations for U.S. implementation. The President has asserted that if the U.S. was to ratify the treaty its obligations would be met by current law and on-going programs. Most importantly, the Convention does not call for increased funding from the United States. This treaty operates on existing levels of aid.

Mr. President, around the world desertification and water shortages lead to reduced crop production, hunger, and mass migration which can spark turmoil and armed conflict over scarce food resources. The Convention to Combat Desertification could lead to powerful preventive action that reduces dependence on U.S. foreign aid.

Mr. President, there are many reasons why it is in the U.S. national interest to ratify the Convention to Combat Desertification.

First, expectations are high among the CCD nations that private sector business and NGOs will play a key role in coordinating and implementing the provisions of the treaty. The U.S. agricultural industry, our excellent university system, and strong network of NGOs have much to offer their counterparts in developing countries in combating desertification. The treaty provides opportunities for U.S. agribusiness to build positive relationships with developing country governments and to improve the policy environment for bilateral trade in their emerging markets. By providing the necessary institutional mechanisms, the CCD will facilitate the transfer of technology and information from U.S. business firms to the world's huge and expanding drylands.

It is clear that ratifying the CCD creates a number of opportunities for the U.S. private sector, including the export of American technical assistance and expertise in erosion control. Failure to ratify will place American agribusiness at a competitive disadvantage vis-a-vis similar businesses in the 128 countries that have already ratified the CCD.

Second, being part of the CCD is critical to U.S. leadership in promoting democracy and sound stewardship of natural resources around the world. If the Senate ratifies the Convention prior to adjournment this year, the U.S. could play a major role in decisions affecting the treaty's implementation this November.

Third, helping fight desertification abroad, and the poverty that goes with it, benefits American exports and the U.S. trade balance. Rising incomes in the agricultural sector of developing countries generate a higher demand for U.S. exports of seeds, fertilizer, agrochemicals, farm and irrigation equipment as well as other U.S. produced goods and services. By helping build markets in developing countries, we gain greater access to them in the long run.

As desertification deepens poverty worldwide, it undercuts economic growth and triggers social instability in developing countries. This results in more frequent and costly U.S. food programs, increased immigration to the U.S. from land-degraded countries like Mexico, and reduced foreign markets for American businesses. The CCD has the potential to alleviate these problems, with no additional American foreign aid. It also stimulates business and leads to better trade environments.

Mr. President, this Convention is important to the leaders of many African nations. In fact, it was presented as a priority of the African Diplomatic Corps prior to President Clinton's trip to Africa earlier this year.

As the Ranking Member of the Subcommittee on African Affairs, I have had the opportunity to see first hand how valuable the provisions of this Convention will be to the people of Africa. It is a mechanism by which the people of Africa will be assisted in preserving and protecting their land, which is a vital element in Africa's fight to become self-sufficient. This convention is innovative because it requires participation from all segments of the population, from the farmers and herders who work the land, to local governments and environmental organizations, to those who affect environmental and agricultural policy at the national and regional levels. It works from the bottom-up, incorporating the knowledge of those directly involved for a more effective approach.

The consideration of this Convention will also refocus the Senate's attention on the plight of the African people. It is the perfect opportunity for the Senate to go on record in support of programs that are both vital to the African continent and consistent with United States foreign, economic, and environmental policy. The Convention also furthers the Administration's stated policy to build a new partnership with Africa.

Mr. President, there has been virtually no formal opposition to the Convention to Combat Desertification. The same arguments used against U.S. participation in the United Nations or in other international organizations or against other environmental treaties—views I do not share, but which nevertheless are argued here in this body—simply do not apply to the CCD. There are no possible constraints on U.S. sovereignty or policies, but just the sort of benefits that I have described.

This should be a non-controversial issue, and it is in our best interest to deal with it as soon as possible. Swift ratification ensures U.S. leadership and potential profit. I hope that the Senate Committee on Foreign Relations, of which I am an active member, will act on this treaty in a timely manner.

PEACE CORPS

Mr. DODD. Mr. President, for 37 years now, the Peace Corps has been promoting international peace and friendship through the service abroad of American volunteers. More than 150,000 Americans from every background have served in the Peace Corps in 132 countries. Right now, more than 6,500 peace Corps Volunteers are living and working alongside local people in 84 countries.

The Peace Corps is a model of citizen service on international scale and a model of American leadership in the world. In their engagement abroad, American Peace Corps Volunteers share and represent the culture and values of the American people, while living and working alongside local people, and speaking the local language. In doing so, they earn respect and admiration for our country. This is a different type of American Leadership and an important complement to our formal U.S. foreign policy.

From the day of its establishment, the Peace Corps has seen strong bypartisan support for its programs. I regret that this year the subcommittee has not been able to fund the Peace Corps at the administrations full request. However, I do understand the difficult budgetary constraints facing the subcommittee this year.

Mr. LEAHY. I want to associate myself with the remarks of the Senator from Connecticut. I too regret that we were limited in our ability to provide funding. Unfortunately, the funding allotted to the 150 account is inadequate to meet all our foreign policy needs. I believe the members of the subcommittee made best efforts to fund all worthy programs including the Peace Corps. There may be opportunities to review some of these levels in conference.

Mr. DODD. I thank the Senator from Vermont for his remarks. Certainly, I would hope that additional funds could be found to supplement the FY 1999 Peace Corps budget if at all possible. As my colleagues know, the Peace Corps is a very personal matter for me as I served as a Peace Corps Volunteer in the Dominican Republic. This was a very worthwhile experience for me personally.

I know that our colleague from Georgia, Mr. COVERDELL, also has very personal feelings with respect to the Peace Corps having served as a Peace Corps Director before being elected to the Senate.

Mr. COVERDELL. I thank the Senator from Connecticut. Mr. President, Peace Corps volunteers are some of our best ambassadors to the world. They represent the finest characteristics of the American people: a strong work ethic, generosity of spirit, a commitment to service, and an approach to problems that is both optimistic and pragmatic. The people-to-people nature of the Peace Corps, and its separation from the formal conduct of the foreign policy of the United States, has allowed Volunteers to establish a record of service that is respected and recognized globally.

Furthermore, the Peace Corps is helping to prepare America's workforce with overseas experience by training Volunteers to use skills that are increasingly important to America's participation in the international economy. Volunteers worldwide learn more than 180 languages and dialects, and they receive extensive cross-cultural training that enables them to function effectively at a professional level in different cultural settings. Returned Volunteers often use these skills and experiences to enhance careers in virtually every sector of our society—Congress, the Executive branch, the Foreign Service, education, business, finance, industry, trade, health care, and social services.

The Peace Corps has emerged as a model of citizen service and of practical assistance to people in 132 developing countries, as my colleague mentioned. I can certify that during my tenure as Director and since then, virtually every ambassador or other official I have met from countries with volunteers is an enthusiastic supporter of the Peace Corps. They view the Peace Corps as the most successful program of its kind. I think it is the right time to look to further expansion of the Peace Corps and I believe reaching a level of 10,000 volunteers is an appropriate goal. I appreciate the funding constraints the Senator from Vermont spoke of. I hope that more resources do become available and at that time would look forward to working with my colleagues from Connecticut, Vermont, and the Chairman to prepare the Peace Corps for extending its mission into the 21st Century.

SECTION 907

Mr. TORRICELLI. Mr. President, there is perhaps no greater foreign policy priority in the post-cold-war world than assisting former Communist countries in making the difficult transition to democracy. The fall of the Soviet Union was not the final victory of the cold war. That will come only when all of these former adversaries embrace liberty, free markets, and the rule of law. Recognizing this, the 102nd Congress in 1992, passed the Freedom Support Act. This bill acknowledged that we can help countries make the transition to democracy both with the carrot of economic aid and the stick of withholding such assistance. It included a provision, Section 907, which mandated that with the exception of humanitarian aid, democracy-building funds, and investment assistance, Azerbaijan will not receive any direct economic aid until it ceases the blockade of neighboring Armenia and the Armenian enclave of Nagorno-Karabakh.

However, since that historic moment in 1992, this provision of the Freedom Support Act has repeatedly come under fire for its scope and perceived effect on relations between the United States and Azerbaijan. Opponents of Section 907 have repeatedly sought the opportunity to weaken its restrictions, or eliminate them altogether, arguing that they are no longer valid and have unfairly constrained U.S. investment in the Caspian Sea region. In response, I would argue that Section 907 is still necessary to safeguard the rights of the Armenian people.

Mr. President, I am pleased that the Foreign Operations Appropriations Bill reaffirms our commitment to Section 907 of the Freedom Support Act. By doing so, this Congress reaffirms our commitment to the peaceful resolution of international conflicts and to the Armenian people themselves. The Azeri blockade of Armenia and Nagorno-Karabakh is a direct result of the dispute between the two countries over the status of Nagorno-Karabakh, the longest-running ethnic conflict in the former USSR. The human cost to date has been 35,000 lives and 1.4 million refugees.

The Azeri blockade has been particularly brutal for Armenia which relies on its ties to the outside world for survival. It is a land-locked country where only 17 percent of the land is arable. Due to the blockade, 80 percent of the Armenian population now live in poverty. Humanitarian assistance cannot get to Armenia, which is still trying to rebuild from the devastating earthquake of a decade ago, and Nagorno-Karabakh is dealing with a critical shortage of medical equipment. Industrial recovery has been stalled as 90 percent of Armenia's energy supply comes from abroad, and without its usual rail and transportation routes, Armenia is forced to rely on chartered cargo flights from Russia and Ukraine, or insecure land connections through Georgia, one of the most unstable countries in the former Soviet Union.

Mr. President, the tragedy is that while life in Armenia is bleak, Azerbaijan has a bright future. It is estimated that Azerbaijan controls oil reserves of 40 billion barrels, and with it the potential to generate tremendous revenue. Section 907 will not cripple Azerbaijan. Indeed, since 1992, we have sent $130 million of humanitarian aid to ensure that this does not happen. Instead, this provision sends a powerful message to the Azeri government that in the post-Cold War era the United States will not tolerate the inhumane and belligerent treatment of innocent people in Armenia, in the former USSR, or anywhere the world over. We owe it to the Armenian people to continue this pressure on Azerbaijan to lift its blockade, and I am proud that this bill keeps Section 907 intact.

AMENDMENT NO. 3516

Mr. TORRICELLI. Mr. President, I rise today in support of the amendment offered by Senator KENNEDY regarding the tragedy of Pan Am Flight 103. This year marks the tenth anniversary of the bombing over Lockerbie, Scotland which killed 270 people. The memory of the 189 American citizens on board that doomed flight has not faded with the passage of time, but those who want to see justice done have become increasingly frustrated with the amount of time it has taken to try and bring the perpetrators to justice.

It now appears as if the indicated suspects, Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah, may finally be tried for their crime. The United States-United Kingdom proposal urges Colonel Qaddafi to transfer the suspects to the Netherlands to stand trial before a Scottish court, under Scottish law, and by a panel of Scottish judges. However, I believe that it is critical for the United States to retain its pressure on Colonel Qaddafi to comply with the will of the international community. Qaddafi must transfer these suspects to the Netherlands, but the United States must also continue to refuse to negotiate with Qaddafi on this issue. Should Qaddafi fail to transfer the suspects, it is critical that the United Nations prepare a strong response and impose a multilateral oil embargo against Libya. I wholeheartedly support the language of this amendment, and I am pleased to be a cosponsor.

RESTRICTIONS ON IMET FOR INDONESIA

Mr. FEINGOLD. Mr. President, I would like to comment on one provision of the Foreign Operations Appropriations bill that does not appear in this year's bill, for fiscal year 1999, and that is the provision that would impose certain restrictions for security assistance to Indonesia.

As many of my colleagues may know, since 1992, the Congress has imposed restrictions on the provision of International Military Education and Training, known as IMET, to Indonesia, in response to the despicable treatment by the Indonesian military in East Timor the previous year, when more than 100 civilians were brutally massacred. In the Foreign Operations bill that year, for FY 1993, the Congress cut off all IMET assistance for Indonesia.

A few years later, in the Foreign Operations Appropriation bill for fiscal year 1996, Congress authorized a limited form of IMET, known as "expanded IMET," meaning military training courses focused on the management of defense resources, improvement in domestic systems of military justice in accordance with internationally recognized human rights, and the principle of civilian control of the military. This was the result of a compromise between those of my colleagues who support close ties between the United States military and Indonesia, and those of us, myself included, who remained skeptical and opposed because of continuing human rights abuses in Indonesia.

In 1997, Indonesia withdrew completely from the program because it recognized the continuing opposition from some of us in Congress to these relations. President Suharto wanted to avoid what he knew would be criticism over his military's treatment of East Timor, and he decided that IMET, ultimately, was not worth it to him.

This year, the Appropriations Committee has decided to remove the limitations on IMET for Indonesia. I welcome the Committee's report language urging the Defense Security Assistance Agency to consult with Congress regarding its plans for IMET training in Indonesia, particularly given past human rights concerns. However, since such consultation is not mandated, I would hope the DSAA will follow this proscription, and consult early and fully with the relevant appropriations and authorizing committees of both Houses of Congress.

Nevertheless, it is my strong view that 1998 is not the year to change our policy with respect to IMET in Indonesia.

Congress wisely restricted IMET at a time when the Indonesian military was clearly involved in myriad abuses. This year, Indonesia has certainly undergone tremendous changes. We have seen the country suffer through a quickly downsliding economy. We have seen student demonstrations not thought possible in that country's restrictive political environment. And then, amazingly, we have seen the resignation of long-time authoritarian leader Suharto.

The country's new leader, President B.J. Habibie, has certainly taken some steps that are encouraging. He has released some political prisoners, and allowed workers to form unions. He has pledged to hold parliamentary elections by May and presidential election by December 1999. And, he has even broached the sensitive subject of East Timor, agreeing to hold talks on the region's status, and announcing a drawdown of some troops.

But, in my view, these actions should still be considered mere preliminary steps. They are promising, but do not yet warrant a policy change with respect to our military training.

Notably, Nobel Peace Prize winner Bishop Carlos Ximenes Belo, and other reliable sources in Dili, the capital of East Timor, believe the situation in East Timor remains substantially unchanged. Asked if he saw any concrete results after the UN action, the bishop said firmly, "Not yet." In early August, Belo stated, "There is still intimidation and terror."

In late July, there was a widely publicized announcement of Indonesian troop withdrawal from East Timor, with about 100 foreign journalists brought there for the occasion. The problem is that there is every indication that the drawdown may not actually have taken place. Bishop Belo stated on August 20 that the troops were actually shifted to the western side of the island and later brought back to East Timor in trucks. "We must denounce this," Bishop Belo said at the time. Other sources note that the army in East Timor's rural areas does not seem to act in the same spirit of reform that the leadership in Jakarta is professing.

With all the political changes taking place in Indonesia, generally, it remains critical that the country's government make strong efforts to demilitarize East Timor as quickly as possible, and establish a United Nations or other international presence to protect human rights. Until such measures are in place, any claims of progress can have little credibility. There is a strong need to monitor closely conditions on the ground.

Given this unsure environment, and particularly the unclear role of the military in the transition process, I believe restrictions on IMET training continue to be appropriate.

As a result, I am disappointed that this year's bill does not include the restrictions that were first included in the Foreign Operations bill for fiscal year 1996, and continued every year since then. I believe removing these restrictions represents a radical step that I fear will send the wrong signal to the Indonesian Government.

It is, however, my understanding that the House version of this bill, which is still in committee, is likely to include these restrictions. If this is the case, it is my sincere hope that the Senate conferees will agree to accept the House version of these provisions.

Mr. McCAIN. Mr. President, in going through the fiscal year 1999 foreign operations appropriations bill and accompanying report, I was pleased by the apparent reduction in earmarks and other wasteful and unnecessary spending compared with past years. The fact that part of the reason for this reduction is that programs traditionally funded in the foreign operations bill have been shifted to other appropriations bills only mildly diminishes my enthusiasm for the progress that has been made on this bill.

Foreign aid programs, as all of us in Congress know, are enormously unpopular with the vast majority of the American populace. That only one percent of the federal budget is allocated for foreign assistance and generally supports U.S. foreign policy objectives does not detract from the extreme disfavor with which the public views the notion of their tax dollars going to foreign countries. It has always been to Congress' credit that it passes foreign aid legislation every year despite public opposition out of this recognition for the very important role aid programs play in facilitating economic growth and social stability in less developed nations.

While the bill before us includes fewer earmarks for the benefit of parochial or other favored programs, there are still too many. Some of the examples of earmarks and other wasteful spending are annual occurrences. A particularly egregious case in point is the annual $3 million allocation for the International Fertilizer Development Center. An annual provision in the foreign aid bill, it is highly questionable whether the millions of dollars funneled to this program are warranted by its actual value to less developed countries or to the American public. Some justification for this funding, as well as a sense of whether it could and should be competitively awarded, would go a long way toward alleviating my concern about its continued inclusion in this bill.

The International Law Enforcement Academy for the Western Hemisphere in Roswell, New Mexico is the recipient in this bill of $5 million. This is a classic earmark, matching an activity established and geographically located for parochial reasons. That the bill mandates it receive $5 million simply compounds the injury to the integrity of the federal budget process represented by this project. Clearly, the concept of fiscal responsibility remains alien to members of this body.

One area in which there has been no discernable improvement is earmarking for specific academic institutions, a practice that wastes millions of dollars every year, either in clearly questionable programs or by failing to mandate competitive bidding processes. The accompanying list includes these projects, but a few in particular warrant special mention. The International Integrated Pest Management Training and Research Center at the University of Vermont probably does fine work in the field of pest management—a serious endeavor given the scale of damage to crops regularly inflicted through pest infestations—but directing the Agency for International Development to provide it $1 million without the benefit of a competitive process is typically irresponsible.

The foreign operations appropriations bill also includes earmarks for the University of Hawaii, University of Northern Iowa, George Mason University, Utah State University, Montana State University, Mississippi State University, and the aforementioned project at the University of Vermont. Of these seven university earmarks, five are located in the states of members of the Appropriations Committee and a sixth is in the state of the Senate majority leader. You don't have to be Hercule Poirot to be suspicious of this pattern. Israel being a desert country and Hawaii being the quintessential tropical climate, it makes perfect sense that they are corroborating on a project involving tropical plants and animals. I strongly encourage AID to look closely at the merits of this project before allocating scarce resources toward it.

Additional funds are expected to flow to universities through the Collaborative Research Support Projects (CRSPs) for such worthwhile causes as cowpea, peanut, pond dynamics, and sorghum/millet development programs. That the peanut industry enjoys considerable political influence is not news; that the Appropriations Committee wants to allocate funds for research on pond scum, however, is, as Monty Python used to say, "something really different."

Finally, S. 2334 continues the onerous practice of minimizing the value of foreign aid dollars through protectionist provisions. While the "Buy America" section of the bill is not mandatory, an appropriations bill automatically carries with it a certain implicit authority. Declaring that, "to the maximum extent possible, assistance provided under this Act should make full use of American resources . . ." is clearly intended to convey a certain message to pertinent federal agencies. The mandatory reporting requirement imposed on these agencies included in this section of the bill can be expected to have precisely that effect.

Mr. President, the waste and noncompetitive allocations represented in the foreign operations appropriations bill is minuscule relative to the billions literally wasted in the defense and transportation bills on highly questionable programs. Given the disdain with which the American public views foreign aid, however, the types of earmarks specified in the accompanying list represent a serious diversion of scarce resources otherwise needed for truly worthy programs. I regret that Congress feels compelled to continue to act without a sense of restraint, but I have been around long enough to understand that my protestations won't change the system. That I can at least illuminate the problem will have to suffice.

I ask unanimous consent that the list of objectionable programs be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROGRAMS IN THE FOREIGN OPERATIONS APPROPRIATIONS BILL FOR FY 1999

TITLE II—BILATERAL ECONOMIC ASSISTANCE

[In millions]

Programs with funds earmarked:	
American Schools and Hospitals abroad	$15.0
American University in Beirut	
Lebanese American University	
Hadassah Medical Organization	
Feinberg Graduate School of the Weizmann Institute of Science in Israel	
Johns Hopkins University's Bologna and Nanjing Centers	
U.S. Telecommunications Training Institute	0.5
Mitch McConnell Conservation Fund	1.2
University Development Assistance Programs	12.5
Mississippi State University	
Arab-American University of Jenin	
University of Vermont	
American University of Armenia ($10.0)	
Montana State University	
International Fertilizer Development Center	3.0
Microenterprise Poverty Programs	145.0
Opportunities Industrialization Centers, International	0.4
Carelift International	3.0
International Fund for Agricultural Development	2.5
International Law Enforcement Academy—Western Hemisphere	5.0
Programs for which the committee recommends funding:	
MasterCare International—encourages funding	3.4
Center for Health and Population Research—encourages funding for establishment of an endowment to supplement Center's annual budget	1.5
Patrick J. Leahy War Victims Fund—Recommends funding	12.0
Office of Women in Development—Encourages funding	15.0
University Development Assistance Programs—encourages AID and DOS to expand involvement of the following universities in development activities:	
University of Hawaii	
University of Northern Iowa	
George Mason University	
Utah State University	
Montana State University	
Tuberculosis treatment—support the binational surveillance and treatment initiative underway along the Texas-Mexico border	
Private Voluntary Organizations—ensure that the level of funding to PVO's is maintained	
Tropical Fish and Plant Competitiveness—requests AID to consider joint application from Israel and state of Hawaii to enhance market competitiveness	
Collaborative Research Support Projects—expects AID to make its best efforts to at least maintain funding for the CRSPs	
American Bar Association—Sustain funding for ABA projects at FY 1998 levels	
Russian, Eurasian, and East European Research and Training Prgm.—sustain current level of funding	
Eurasian Medical Education Program—AID should consult with Committee concerning FY 1999 funding to sustain and expand the program	
Farmer-to-Farmer—AID should support these exchanges directly, in addition to the funding FTF receives from the Agriculture Department	
Soils Management Collaborative Research Support Program—Recommends AID fund SM-CRSP at a level that allows achievement of the goals for all approved projects	

TITLE V—GENERAL PROVISIONS

Purchase of American-Made Equipment and Products—Assistance provided under this Act should make full use of American resources, and heads of Federal agencies shall advise any entity receiving funds under this Act of the above

Mr. KERREY. Mr. President, I rise today to offer my thoughts on the bill currently pending before the Senate. In particular, I would like to comment on the inclusion of the $14.5 billion to replenish the International Monetary Fund's (IMF) capital base and the $3.5 billion for the New Arrangements to Borrow (NAB). I appreciate the responsible action taken by the Chairman and Ranking Member of the Foreign Operations Subcommittee and the full Appropriations Committee in including these provisions in this bill.

The continuing international financial crisis poses too great of a threat to the economic prosperity of the American people for Congress to delay action on funding the IMF. The economic disruptions in Asia are impacting U.S. export markets and having an adverse effect on the U.S. economy as a whole. In my home state of Nebraska—where 45% of all exports go to East Asia and support 56,000 jobs in agriculture, food processing, transportation, and manufacturing—people have already felt the effects of the Asian crisis. The economic repercussions in the United States of a further spread of the Asian financial flu should not be underestimated. For this reason, swift Congressional action is necessary to restore confidence and hedge against future disruptions.

Aside from the economic consequences, I am deeply concerned this crisis could affect our security interests. For anyone who doubts the national security ramifications, all you have to do is to turn on the television to see the effects of spreading instability. The political chaos in Russia that has resulted from their economic troubles threatens not only Russia's free market reforms but the historic democratic achievements of the Russian people. The political and economic collapse of Russia would favor elements intent on returning to the days of dictatorship and central economic planning. Cooperation with Russia would be replaced with conflict; our peace and security would be threatened.

The Senate passed legislation earlier this year as a part of the FY98 Emergency Supplemental Appropriations Bill that would have provided the full $18 billion requested by the President for the IMF. However, funding for the IMF became mired in non-related, political battles and was not acted upon by the House of Representatives. The failure to act at that time was irresponsible. The failure to act now would be disastrous.

Mr. President, while there is no guarantee that timely Congressional action on IMF funding could have helped avoid the current difficulties in Russia and Asia, we should not wait for economic instability to spread and to further jeopardize the economic health and safety of our nation. We must act now to restore confidence and promote economic growth in the United States and in the global economic system.

I yield the floor.

GLOBAL ENVIRONMENT FACILITY

Mr. JEFFORDS. Mr. President, I would like to direct my colleagues' attention to an issue that has not been given sufficient attention during debate on this bill—funding for the Global Environment Facility (GEF). The legislation before us provides $47.5 million for the GEF, far less than the Administration's request and $145 million short of the amount necessary to cover our arrears to the GEF.

The GEF was created because the world's developed nations sought to involve the developing world in improving the global environment, but realized that they lacked the resources and technology to make significant progress on their own. The GEF was designed to help these nations act in an environmentally responsible manner in areas where their actions would have a broad environmental impact. For we all know that if we are going to make significant progress in solving the world's most pressing environmental problems, there will have to be a collective effort by most of the world's nations.

In 1994, developed nations pledged $2 billion to the GEF, payable over four years. The U.S. portion of that replenishment was $430 million. To date, Congress has appropriated substantially less, and total arrears amount to $192.5 million. And now several donor countries are beginning to condition their own contributions on payment of our past due amounts. Without new funding, the GEF's ability to implement its programs will end in about six months.

Mr. President, the GEF has emerged as the principal international funding mechanism for global environmental protection. The organization works in four areas—biodiversity, energy, ozone protection, and international waters. Over 500 projects in 119 countries have been funded under GEF's own unique approach. To obtain the most impact for its limited resources, the GEF generally does not fund entire projects. Instead it funds the difference between what it would cost a country to do a project in the traditional manner without environmental safeguards, and the cost of doing that same project in an environmentally responsible manner.

Mr. President, we are all becoming increasingly aware that our biggest environmental problems will require global solutions. And these problems will require financial commitments from many nations. The GEF is the only institution of its kind, and is pivotal to the success of these efforts. While it is making strides in resolving some of these very serious problems, it is being hobbled by America's failure to pay up. Donors are looking to the U.S. to resume its leadership, and because of the special provisions of the balanced budget act allowing payment of U.S. arrearages to international institutions, we now have an opportunity to do so. I urge the managers of this legislation to make this issue a priority in conference with the other body and to seize the moment to make good on our debts.

AMENDMENT NO. 3506

Mr. HARKIN. Mr. President, I rise to share some of my reasons for voting in favor of the Specter-Biden amendment that restored the Comprehensive Test Ban "prepcom" funding. I strongly supported the Specter-Biden amendment to restore the $28 million for the U.S. share of an international network to monitor nuclear weapons testing.

The international monitoring network will support the Comprehensive Test Ban Treaty that bans all nuclear weapons explosive tests. This treaty will help our nation's nuclear non-proliferation goals by helping to stem the development of new nuclear weapons. The treaty, which awaits ratification in the U.S. Senate, has the support of the Joint Chiefs of Staff, former JCS Chairman General Colin Powell, and the vast majority of the American public.

Not only would the nuclear testing monitoring network help the U.S. as we move toward a nuclear weapons ban, it would also prove useful to our national security even without a global testing ban. As I have stated repeatedly on the floor, I am a strong supporter of a nuclear weapons test ban or C-T-B-T. However, even my colleagues that have not decided to support the treaty should support the international monitoring system on its own merits. Why shouldn't we enhance our nation's and our allies ability to detect nuclear weapons tests? The network would establish monitoring stations in places like the former Soviet Union, China, South Asia and Africa, greatly enhancing our capability to detect nuclear tests.

The CTBT's monitoring system is not fully operational. Nevertheless, even in its current and incomplete form, the system provided timely data on events at the respective nuclear test sites. Through the CTBT Prepcom, we will add monitoring stations in Pakistan, China, Kazakhstan, Diego Garcia, and elsewhere.

We saw the benefits of international monitoring in the seismic event in the Kara Sea off of Russia. Six international monitoring stations detected this event on August 16, 1996 in the Kara Sea near the Russian test site. The data from these stations allowed our intelligence community to conclude that the event was not nuclear, not associated with Novaya Zemlya activities, but rather, was an earthquake 130 kilometers southeast of the Novaya Zemlya test site.

In another recent example, the seismic stations in the CTBT Prepcom almost immediately detected the Indian and Pakistani nuclear tests, enabling the U.S. to identify the location and yield of the tests with high accuracy. This is clearly a success for the emerging CTBT detection system.

Some may ask why the U.S. should fund an international system? Why can't we just go it alone. A key answer is money. The U.S. paying for only 25% of the cost is better than footing the bill for the whole system. For example, the Air Force originally planned on paying for the entire cost of monitoring stations in Kazakhstan and South Korea. Instead, we will only pay for 25% of the costs of these stations.

In summary, I think there are many good reasons to support a nuclear weapons test ban. However, even if one has not yet decided to support the treaty, the funding of an international monitoring system is reasonable on its own and I am gratified to see that the majority of my Senate colleagues voted in favor of the Specter-Biden amendment.

AMENDMENTS NOS. 3536 THROUGH 3538, EN BLOC

Mr. LEAHY. There are several manager amendments at the desk, and I ask they be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes amendments Nos. 3536 through 3538, en bloc.

The amendments (Nos. 3536, 3537, and 3538) are as follows:

AMENDMENT NO. 3536

(Purpose: To provide assistance for sub-Saharan Africa)

At the appropriate place, insert the following new title:

TITLE —ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 01. AFRICA FOOD SECURITY INITIATIVE.

In providing development assistance under the Africa Food Security Initiative, or any comparable program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women, and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects; and

(3) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

SEC. 02. MICROENTERPRISE ASSISTANCE.

In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should take into consideration the needs of women, and should use the applied research and technical assistance capabilities of United States land-grant universities.

SEC. 03. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders in order to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, and technical expertise.

SEC. 04. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) IN GENERAL.—The Overseas Private Investment Corporation shall exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guarantees, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(1) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(2) have a clear track record of support for sound business management practices; and

(3) have demonstrated experience with participatory development methods.

(b) USE OF CERTAIN FUNDS.—The Overseas Private Investment Corporation shall utilize existing equity funds, loan, and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 05. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education, and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—The plan described in subsection (a) shall be designed to ensure that—

(1) research and extension activities respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa; and

(2) sustainable agricultural methods of farming is considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa.

AMENDMENT NO. 3537

(Purpose: To state the sense of the Senate regarding the development by the International Telecommunication Union of world standards for the next generation of wireless telecommunications services)

At the appropriate place in the bill, insert the following:

SEC. . (a) The Senate makes the following findings:

(1) The International Telecommunication Union, an agency of the United Nations, is currently developing recommendations for world standards for the next generation of wireless telecommunications services based on the concept of a "family" of standards.

(2) On June 30, 1998, the Department of State submitted four proposed standards to the ITU for consideration in the development of those recommendations.

(3) Adoption of an open and inclusive set of multiple standards, including all four submitted by the Department of State, would enable existing systems to operate with the next generation of wireless standards.

(4) It is critical to the interests of the United States that existing systems be given this ability.

(b) It is the sense of the Senate that the Federal Communications Commission and appropriate executive branch agencies take all appropriate actions to promote development, by the ITU, of recommendations for digital wireless telecommunications services based on a family of open and inclusive multiple standards, including all four standards submitted by the Department of State, so as to allow operation of existing systems with the next generation of wireless standards.

Mr. KERREY. Mr. President, I rise today to address a very serious problem facing U.S. telecommunications service and equipment suppliers. The International Telecommunications Union is currently considering the implementation of a family of world standards for the next generation of digital wireless communications. These ITU standards will have a significant impact on the ability of American telecommunications equipment and service suppliers to compete in the competitive world telecommunications market. European nations, working through the European Telecommunications Standards Institute (ETSI), proposed a standard to the ITU based on Global System for Mobile Communication (GSM), the only digital standard permitted by law in Europe. The ETSI proposal is not compatible with American developed CDMA technology and if adopted by the ITU it could have the affect of shutting U.S. CDMA manufacturers out of the world market and rendering such investments obsolete. In light of the EU's decision to only submit a GSM standard to the ITU it is important that the United States take steps to ensure that American developed technology is not left behind.

The sense of the Senate I offered today with Senator LOTT, sends a strong message that the Federal Communications Commission and other appropriate executive branch agencies should take all appropriate actions to promote U.S. technology in this ITU proceeding. At the conclusion of the World Trade Organization Basic Telecommunications Agreement, the Administration assured Congress that the telecommunications markets of America's largest trading partners would be open to U.S. companies. However, the European Union is considering a technical standard for itself that could lock U.S. manufacturers out of the European market. A similar result in the ITU would be devastating. I am pleased today that the Senate has sent a clear statement to U.S. negotiators that the pending ITU standards must not reflect a narrow and harmful standard that locks American wireless technology out of world markets. Instead, U.S. negotiators should promote a family of standards that are compatible with U.S. technologies and safeguard American interests.

The ITU is now on notice that whatever standards it may adopt next, such standards must be harmonized or compatible with each other.

AMENDMENT NO. 3538

On page 38, line 22, delete $69,000,000 and insert in lieu thereof $75,000,000.

On page 7, line 21, delete $1,890,000,000 and insert in lieu thereof $1,904,000,000.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3536, 3537, and 3538) were agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, the Senator from Indiana wants to modify an amendment.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 3526, AS MODIFIED

Mr. COATS. Mr. President, there is a technical correction needed, which has been accepted on both sides. I therefore ask unanimous consent that lines 3 through 16 of the previously adopted amendment No. 3526 appear on line 24 after the word "activities."

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, finally, let me thank Senator LEAHY for his cooperation and friendship as we put this bill together. In addition to thanking my friend and colleague, Senator LEAHY, I also want to express my appreciation to Tim Rieser, Cara Thanassi, and J.P. Dowd of Senator LEAHY's staff, and Steven Cortese and Jennifer Chartrand of the full committee, and Billy Piper, Shannon Bishop on my staff, and my long time foreign policy advisor, Robin Cleveland, as well as Senator STEVENS. Thanks to all of these people for their participation in the development of this legislation.

Mr. LEAHY. I thank my good friend from Kentucky for all his help and for helping to protect the interests of Members on both sides of the aisle. He has been a pleasure to work with. As always, he was very ably assisted by Robin Cleveland, who has done a tremendous job, and Jennifer Chartrand and Billy Piper, who have also worked so hard on this. I have had Tim Rieser, Cara Thanassi, and J.P Dowd on my staff. Tim has been with me for many years, as has J.P. Dowd. This is Cara's first year working on the Foreign Operations bill and she has been a great help.

AMENDMENT NO. 3539

(Purpose: To provide sound management of and support for U.S. Refugee resettlement)

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ABRAHAM, proposes an amendment numbered 3539.

On page 30, line 7, strike the final period and insert a semicolon, and insert the following: "*Provided further*, That amounts appropriated under this heading for fiscal year

1999, and amounts previously appropriated under such heading for fiscal year 1998, shall remain available until expended."

Mr. BYRD. Mr. President, what does the language mean, so that I can understand it?

Mr. ABRAHAM. Mr. President, I would be happy to elaborate on the legislation. The amendment's purpose is as follows: Each year in our refugee resettlement programs, we have considerable costs associated with that. We appropriate moneys for those. In a typical year, we always have trouble at the end of the year with respect to remaining funds that need to be spent. If there is remaining money at the end of a year, it will be carried forward to use in the next fiscal year for those purposes.

Mr. BYRD. For those purposes again?

Mr. ABRAHAM. Refugee resettlement purposes.

Mr. BYRD. Thank you.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 3539) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I believe that completes all of the amendments.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Do the managers of the bill desire a rollcall?

Mr. McCONNELL. Yes. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—3

Byrd
Faircloth
Smith (NH)

NOT VOTING—7

Bingaman
Coverdell
Domenici
Glenn
Helms
Inouye
Murkowski

The bill (S. 2334), as amended, was passed.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas, Mr. BROWNBACK, is recognized.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE APPLICATION OF THE INDEPENDENT COUNSEL STATUTE TO THE CLINTON/GORE/DNC CAMPAIGN FINANCE SCANDAL

Mr. HATCH. Mr. President, the last several weeks leading up to the end of a Congress are always a pressure packed time and a challenging time for all Members of this body. This fall, of course, is no exception. Given the legislative challenges we face, I would prefer that the Judiciary Committee's and the Senate's efforts stay focused exclusively on completing remaining legislative and appropriations items. Unfortunately, the Attorney General of the United States, Janet Reno, has diverted our attention from those issues we would all prefer to be working on because of her continued refusal to do what the law compels her: request the appointment of an independent counsel to conduct the investigation of the fundraising activities surrounding the 1996 reelection campaign. I thank my ranking member on the Senate Judiciary Committee, Senator LEAHY, for being willing to meet with me and Attorney General Reno and others for almost 3 hours this morning and into the afternoon.

We met along with top officials and staff of the Justice Department, including Deputy Attorney General Holder, Criminal Division Director James Robinson, Former Task Force head Charles LaBella, FBI Task Force lead agent James DeSarno, Public Integrity head Lee Radek, along with House Judiciary Chairman HYDE, House Government Reform and Oversight Chairman BURTON, and Ranking Member WAXMAN, having invited the Ranking Member JOHN CONYERS as well who could not attend the meeting, regarding the campaign finance investigation and the application of the independent counsel statute to this widespread and dangerous scandal.

I had requested this meeting in late July after the existence of the so-called LaBella memorandum had come to light. In that memo, Mr. LaBella, her handpicked lead investigator with the most extensive knowledge of the facts of this scandal, concluded that the facts and law dictated that a broad independent counsel be appointed to investigate campaign finance abuses by the 1996 Clinton/Gore reelection campaign, the Clinton administration, and the Democratic National Committee. This memo came several months after a similar written conclusion made by the Director of the Federal Bureau of Investigation, Louis Freeh.

Under federal law, the Attorney General must apply to the special division of the Court of Appeals for the D.C. Circuit for appointment of an independent counsel whenever, after completion of a preliminary investigation, she finds that a conflict of interest exists or when she finds specific and credible information that a high-ranking official included in a specific category of individuals within the executive branch may have violated federal law. The appointment of an independent counsel is a serious matter and one which the Attorney General should only initiate when necessary.

Yet, more than one and a half years ago, all ten Republicans on the Judiciary Committee felt the time had come to request such an appointment. We sent a letter to the Attorney General, as we are authorized to do by the independent counsel statute, requesting that she make an application for an independent counsel and demonstrating the evidence which requires such an application concerning the campaign finance scandal.

I must confess, as I did then, to a degree of frustration with the Independent Counsel Act. Did I appreciate having to send our letter? Certainly not. Do I believe that changes need to be made to the Independent Counsel Act? Yes. Yet, the Independent Counsel Act is the law of the land and, notwithstanding its relative flaws, we on the Judiciary Committee and even a stubborn Attorney General have an obligation to abide by it. That issue was the primary focus of today's meeting.

In addition, the Department and my House colleagues asked me to broaden the focus of today's meeting to include a review of the LaBella memorandum. I agreed to this additional focus in order to work toward a reasonable resolution of the ongoing contempt dispute between Attorney General Reno and the House Committee on Governmental Reform and Oversight concerning the Attorney General's refusal to produce this document.

I had hoped that today's meeting might allay my concerns that the Attorney General is flouting both the independent counsel law and the Congress in its legitimate oversight function. Unfortunately, only some of my concerns were addressed satisfactorily.

On the contempt issue, I believe that Chairman BURTON generally concluded that today's review of the partially-redacted memoranda is a solid first step towards a reasonable resolution of the dispute. It is clear that we will need to have followup discussions with the Department as to some of the redactions, but it appears that the contempt crisis possibly may be averted. I congratulate Chairman BURTON, Ranking Member WAXMAN, Chairman HYDE, and the Attorney General for striving towards an accommodation, and I am pleased that our meeting had this positive outcome.

We are not yet there, and it is a decision that only the House can make. But I have to say I think we made a very important first step, hopefully the final step, and towards a positive outcome here.

I should point out, however, that approximately 60–70% of the LaBella memo was redacted on the alleged grounds that it discussed material protected under Rule 6(e), and nobody should conclude that the Attorney General has made a complete disclosure to the Congress.

However, on the larger and more significant issue of the appointment of an independent counsel, I cannot announce similar progress. After reviewing redacted versions of the memos prepared by Mr. LaBella and Director Freeh, it is clear that both gentlemen have advanced strong, convincing arguments in support of a broad-based independent counsel. Importantly, when I asked the Attorney General and her top advisors why those recommendations have, thus far, been rejected, the answers I received were vague, insufficient, or unconvincing.

I have urged Attorney General Reno to appoint a broad-based independent counsel for campaign finance for well over a year. In fact, these events have gone on for well over 2 years. I have written the Attorney General numerous times to demonstrate how she is misapplying and misunderstanding the independent counsel law. The law allows her to appoint an independent counsel if she has information that a crime may—that is the pivotal word, "may"—have been committed, but she has read the law as requiring that the evidence shows without a doubt that a crime has been committed. This standard is way too high. By setting up these legal standards, she basically has required that a smoking gun walk in the doors of Justice Department before she will do anything.

I believe she is reexamining that issue. She has promised us to reexamine it. She has promised to look into this one final time, and I hope with all my heart she is doing so in good faith, and I will give her the benefit of the doubt that she is.

But, as has been widely reported, numerous individual investigations are being handled by the task force. We found out again today that is true. The LaBella memorandum talked in terms of literally dozens of independent investigations in which he was involved. Yet, the task force has reportedly never conducted an investigation or inquiry into the entire campaign finance matter in order to determine if there exists specific and credible information warranting the triggering of the independent counsel statute. Indeed, as has been reported, the task force has been utilizing a higher threshold of evidence when evaluating allegations that may implicate the Independent Counsel Act or White House personnel.

It has been argued that this different legal standard being applied to the campaign finance investigation has had the result of keeping the investigation of White House personnel out of the reach of the Independent Counsel Act. Today's briefing failed to respond to or put to rest any of these longstanding charges.

I have admired the courage of FBI Director Freeh and lead investigator LaBella in discussing, within applicable rules, their views on these important issues. They made it clear that the independent counsel is required under the law, that there are no legal arguments for the Attorney General to hide behind. Director Freeh stated that covered White House persons are at the heart of the investigation. Investigator LaBella said there was a core group of individuals at the White House and the Clinton campaign involved in illegal fundraising. That should be the end of the argument.

I was also struck by Mr. LaBella's comments that the public only knows one percent of what's out there. That scares me because I thought we have heard a lot about abuses by the DNC and how foreign money corrupted our system. His remark shows just how much we need an independent counsel.

Now some may attempt to defend the Attorney General by noting that she has initiated two 90-day reviews of potential perjury by the Vice-President and former White House deputy chief of staff Harold Ickes. The political machine surrounding the Attorney General may have convinced her to take the two limited actions she has initiated to relieve the political heat. These two 90-day reviews completely avoid the substance of the real allegations. This is not to minimize the significance of perjury allegations, but her actions thus far miss the larger issues.

Any independent counsel must be given authority to delve into the most important questions surrounding or involving the scandal. As the New York Times concluded, a limited appointment would be a "scam to avoid getting at the more serious questions of whether the Clinton campaign bartered Presidential audiences or policy decisions for contributions. A narrowly focussed inquiry could miss the towering problem of how so much illegal foreign money, possibly including Chinese government contributions, got into Democratic accounts." This is the New York Times.

We read today how FBI Director Freeh and Lead Investigator LaBella have recommended an appointment with a wide scope, and the Attorney General should not and cannot ignore their wise counsel any longer. As a unnamed senior government source told the Wall Street Journal: "We showed [the Attorney General] significant threads of evidence that went right into the White House and to the upper levels of the DNC." Yet the Attorney General, thus far, has refused to act.

Moreover, the time for 30-day or 90-day reviews has passed: we need action. The campaign finance violations we are discussing happened 2 and 3 years ago. While the independent counsel statute allows for 30 and 90 day review periods, it does not require it. When the FBI Director and the lead investigator lay out the evidence showing that a broad independent counsel is necessary, the review periods are not warranted.

I must also take issue with the Attorney General's assertions that the current investigation is not a failure because it has secured a limited number of indictments. Let's remember that the ongoing campaign finance investigation has only indicted the most conspicuous people who made illegal donations to the DNC or the Clinton/Gore campaign. It has made no headway in finding out who in the administration or DNC knew about or solicited these illegal donations. Until it does so, the investigation is a failure, and in the eyes of many a sham.

Rather than make pronouncements concerning what the Congress should or must do in response to the Attorney General's continued misinterpretation of the law, I feel it is prudent to meet with those of my colleagues on the Judiciary Committee who joined with me in requesting that she apply for the appointment of an independent counsel more than a year ago.

I also want to pay particular tribute and respect to my ranking minority member, Senator LEAHY, who sat through all this today, has cooperated through all this, has tried to get to the bottom of this with us, and who may have a different view from me but nevertheless has worked in a bipartisan way to try to resolve these matters, a way that I intend to continue to work. And I don't think anybody can accuse me of not bending over backwards for the Attorney General through all these months and years.

In closing, let me quote the New York Times, which, I believe, captured the situation perfectly: "Ms. Reno keeps celebrating her stubbornness as if it were some sort of national asset or a constitutional principle that had legal standing. It is neither. It is a quirk of mind or personality that has blinded her to the clear meaning of the statute requiring attorneys general to recuse themselves when they are sunk to the axle in conflict of interest." That is strong language. I wish it had not had to be issued by the New York Times. But to many it seems to be accurate.

Strong will is a character trait I admire. Certainly I admire the Attorney General in many ways. But adherence to one's personal opinion at the expense of the law cannot be ignored, particularly when it is the Attorney General. Her refusal to appoint an independent counsel in accordance with the law should be of great concern to both Republicans and Democrats and to the American people for whom she is obligated and sworn to enforce the law. Notwithstanding the recent announcements, this matter has now passed the point of reasonableness, and I am no longer willing to give the Attorney General the benefit of the doubt: it is now beyond dispute that she is not living up to her duty to enforce the law.

I am hopeful that within a short period of time she will enforce the law, or I will have more to say on this matter. I have bent over backwards to try to be accommodating to her and accommodating to the Justice Department, but as we all know, it is now becoming an embarrassment to the Justice Department. There are a few down there who are backing her decisions and an awful lot of people including the Nation's top investigator, Louis Freeh, his chief investigator, James V. Desarno of the FBI, and the chief prosecutor and investigator, Charles LaBella, who have no axe to grind but all of whom have said it is time to get this behind us, to get an independent counsel, to stop any claims of conflict of interest, and to implement the law that is so clear on its face so that we can get to the bottom of these problems and do so in a way that does not involve the President's appointee investigating the very people who appointed her including the President.

I hope nobody has any legal problems in this matter, but it has to be resolved in the eyes of the American people and certainly has to be resolved in the eyes of the Judiciary Committee or at least those who have requested that she request the appointment of an independent counsel, and it is time to get this behind us.

Again, I thank all of those who were in the meeting this morning—specifically, my colleague Senator LEAHY, my dear colleagues over in the House, Chairman HYDE who chairs the Judiciary Committee and has tremendous burdens on his shoulders right now, and also Congressmen BURTON and WAXMAN.

I yield the floor.

Mr. LEAHY. Mr. President, first off, I thank my friend, the distinguished senior Senator from Utah, for his kind remarks. We have tried to work very closely together on this. It is something that is not a happy chore for either one of us. The meeting we had today was nearly 3 hours, as I recall. He and I went off and had lunch afterward and discussed it. I think it accomplished a great deal. He and his counterpart in the House, Chairman HYDE, did a service for the Congress and for the country by patiently working out what I believe could have been a very difficult situation with the House Government Reform and Oversight Committee contempt resolution against the Attorney General. He has helped all people, Republicans and Democrats, and I commend the Senator from Utah for that.

The Attorney General and the Deputy Attorney General and all the others who have been listed by the Senator from Utah, as I said, spent nearly 3 hours together today. The Attorney General explained, as she has in the past in public hearings, her reasons for not appointing an independent counsel to take over the ongoing Department investigation of allegations of wrongdoing in the 1996 Presidential election. She also provided us on a confidential basis internal Department memoranda in this matter.

Without going into what is in those memoranda, I mention the fact that she made them available for our review because it is unprecedented. And I, for one, appreciate the way the Attorney General has tried to keep Congress, in its oversight capacity, informed.

This is a serious matter. Whether or not the Attorney General should appoint an independent counsel has diverted the attention of a number of committees, both here in the Senate and the House, and a number of Members. It is a difficult thing because there are grand jury rules that have to be followed, there are secrecy rules that have to be followed, and there are internal procedures that have to be followed that sometimes may not allow for an instant response between the time a question is asked and the evening news.

The Attorney General has referred matters to independent counsels at least 10 times, if you count both the requests she has made for appointments of new independent counsels or expansions of the jurisdictions of those independent counsels already operating. So she does not shy away from exercising her discretion under the independent counsel statute.

I do not want to see us get involved in some kind of intense second-guessing and arm-twisting of the Attorney General when she has shown she is willing to trigger an independent counsel statute, as she has done 10 times already. This goes for when she has declined to do so as well. So whether one agrees or disagrees with the Attorney General's decision on appointing independent counsels, or decisions not to appoint independent counsels—and one can agree or disagree—but what we as Senators want to be careful about, what we must be careful about, is not to politicize what is already becoming an overly politicized process. The meeting this morning was designed to bring down the decibel level. I do not want to be in a position to increase it.

I give the Attorney General credit for playing it straight with Members of Congress in both parties; for always being available and willing to explain her reasons to the extent she can without jeopardizing ongoing investigations or violating grand jury secrecy rules.

I have been here with five administrations and dealt with Attorneys General through all of them. There are some things that they cannot share with us and have to wait on, either because of grand jury rules or ongoing investigations, before they can discuss them.

This Attorney General is not going to be pushed around by anybody in Congress. I would be concerned if she allowed herself to be pushed around. We have had discussions about internal debates that have taken place within the Department of Justice and the FBI on whether in this or that or in another instance an independent counsel should be appointed. I would certainly hope there would be an internal debate. These are very, very serious matters. If we had a Department of Justice or an FBI where internally, on every single issue, everybody walked in lockstep, my question would be what have they missed?

I never remember prosecuting a case of any seriousness or complexity when I was a prosecutor, but with the police or the investigators or other members of my office having some internal debate. "Are we bringing the right charge? Are we bringing enough charges? Are we bringing too strong a charge? Should we withhold charges?" And nothing I ever had to deal with began to reach the significance of what the Attorney General is dealing with.

So will there be internal debate? Of course there will be. Should there be internal debate? Of course there should be. But under the law, at some point the buck stops on her desk, and she has to make that decision. Once she has made that decision, fine. If we disagree, let us say so. But understand that she has to make it.

Prosecutors have enormous power. The trust and the confidence of the American people in our justice system would evaporate if this Attorney General or any Attorney General allowed politics to dictate decisions like these. I don't think she is doing that. I believe, this is confirmed by listening to even some in the Department of Justice who have disagreed with her decisions. They have all said, unanimously, that they understand she is looking at this very, very honestly. She has made her decisions very directly and very honestly.

People from both the FBI and within the Department of Justice, when asked specifically, "Was anybody put off limits? Was any part of the investigation put off limits?", they said unanimously nothing was put off limits. They were not told to put anybody or any transaction or any activity off limits.

So I think we will see more on this as days go on. I think the meeting this morning was a valuable one and I commend my friend from Utah for having the meeting. Many aspects of this we agree on. Some aspects we may disagree on. But I state to my friend from Utah he has been fair and open with us on this. If we have disagreements, they are honest disagreements. But he and I will continue to work closely on this because in the end what we want to see, whatever these questions are, is that we have them resolved fairly. And I think we agree on that. I yield the floor.

Mr. HATCH. Mr. President, if I can take just another minute?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, you know, by some counts—some can count as many as nine requests for preliminary reviews in this matter. We are now almost 2 to 3 years down the line. The evidence is growing cold. The witnesses are absenting the country. We have evidence that cannot be found. And we had investigators telling us today that while one part of the Justice Department is going this way, another part of the Department is going another way, they weren't meeting, and that they were not able to put these threads of evidence together because of the type of restrictions and limitations that were placed on them.

It is true that they said that they could investigate anybody, but thus far it seems as though the White House and the DNC leadership, the people who would have known who committed crimes were off limits or at least have not been fully examined. That is one reason why Mr. LaBella, Mr. Freeh, and Mr. Desarno—top people in this Government—have suggested that we should have an independent counsel.

I think the Attorney General has to make a decision here one way or the other. If she makes a decision to just have a limited, narrowly appointed independent counsel or counsels under these circumstances, then I have to say that is going to be a catastrophic event.

I am hopeful that she will do the right thing within a very limited period of time. She does not have to use the 90 days that she has requested. She has had years now to make determinations in these matters, and she ought to make them, and she ought to make them one way or the other—to her praise or condemnation. I personally believe that she will, within a short period of time. I pray with all my heart that she will, because I like her personally, and I don't feel good about standing up and disagreeing with her. I would like to have a good relationship with her and would naturally like her to be a great Attorney General. But she has to face these problems and she has to face that statute and she can no longer ignore it. Even if she does not agree with the mandatory part of that statute, which appears to be the case, although she is willing to relook at it, she has to agree that there is a whopping conflict of interest here, both an actual conflict and an appearance of a conflict, which necessitates the requests for the appointment of a broad-based independent counsel in these matters to get this finally behind us. And I hope that we can do that.

I apologize to my colleague from Kentucky for interrupting this debate, but this is important to do. I apologize to him at this time and I yield the floor.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6509. A communication from the Senior Attorney of the Copyright Office, Library of Congress, transmitting, pursuant to law, the Copyright Office's report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-6510. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notification that the Department is allotting emergency funds made available under the Low-Income Home Energy Assistance Act of 1981 to eleven States; to the Committee on Labor and Human Resources.

EC-6511. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Secretary's report on Head Start programs for fiscal years 1994 through 1997; to the Committee on Labor and Human Resources.

EC-6512. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Pediculide Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment" (RIN0910-AA01) received on August 18, 1998; to the Committee on Labor and Human Resources.

EC-6513. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, the Office of Civilian Radioactive Waste Management's report on activities and expenditures for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC-6514. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna" (I.D. 070698D) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6515. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Papayas Grown in Hawaii; Increased Assessment Rate" (Docket FV98-928-1 FR) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6516. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Increase in Desirable Carryout Used to Compute Trade Demand" (Docket FV98-989-2 FIR) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6517. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Exemption from Area No. 2 Handling Regulation for Potatoes Shipped for Experimentation and the Manufacture or Conversion into Specified Products" (Docket FV98-948-2 IFR) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6518. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Florida" (Docket 98–014–2) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6519. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Removal of Quarantine Area" (Docket 97–056–15) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6520. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Addition to Quarantined Areas" (Docket 98–083–1) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6521. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Removal of Regulated Area" (Docket 98–084–1) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry..

EC–6522. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Validated Brucellosis-Free States; Alabama" (Docket 98–086–1) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6523. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Addition to Quarantined Areas" (Docket 98–083–2) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6524. A communication from the President of the United States, transmitting, pursuant to law, notice of the extension of the national emergency declared in Executive Order 12924; to the Committee on Banking, Housing, and Urban Affairs.

EC–6525. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Iraq (Executive Order 12722); to the Committee on Banking, Housing, and Urban Affairs.

EC–6526. A communication from the President of the United States, transmitting, pursuant to law, notice that the President has taken additional steps regarding the national emergency with respect to the National Union for the Total Independence of Angola (Executive Order 12865); to the Committee on Banking, Housing, and Urban Affairs.

EC–6527. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Portfolio Reengineering: Notice of Fiscal Year 1998 Transition Program Guidelines" (FR–4162–N–03) received on August 17, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6528. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the Board's annual report for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–6529. A communication from the Secretary of Defense, transmitting, notice of military retirements; to the Committee on Armed Services.

EC–6530. A communication from the Chief of the Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Military Housing Maintenance function at Travis Air Force Base, California; to the Committee on Armed Services.

EC–6531. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Quality Assurance Among North Atlantic Treaty Organization Countries" (Case 97–D038) received on August 17, 1998; to the Committee on Armed Services.

EC–6532. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Letter of Offer and Acceptance" (Case 98–D015) received on August 17, 1998; to the Committee on Armed Services.

EC–6533. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Waiver of 10 U.S.C. 2534—United Kingdom" (Case 98–D016) received on August 17, 1998; to the Committee on Armed Services.

EC–6534. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Personnel Records and Training" (RIN3206–AH94) received on August 17, 1998; to the Committee on Governmental Affairs.

EC–6535. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled "Annual Report of the Civil Service Retirement and Disability Fund for Fiscal Year 1997"; to the Committee on Governmental Affairs.

EC–6536. A communication from the Assistant Secretary for Management and Budget and Chief Financial Officer of the Department of Health and Human Services, transmitting, pursuant to law, the Department's Federal Managers Financial Integrity Act Annual Report and the Department's report under the Inspector General Act for the period April 1, 1997 through September 30, 1997; to the Committee on Governmental Affairs.

EC–6537. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, a copy of the Auditor's report entitled "Analysis of Projected Fiscal Year 1999 Dedicated Tax Revenue for the Washington Convention Center Authority"; to the Committee on Governmental Affairs.

EC–6538. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions and deletions to the Committee's Procurement List dated August 10, 1998; to the Committee on Governmental Affairs.

EC–6539. A communication from the Manager of Employee Benefits and Payroll, AgriBank Farm Credit Bank, transmitting, pursuant to law, the annual financial report of the Retirement Plan for the Employees of the Seventh Farm Credit District for fiscal year 1997; to the Committee on Governmental Affairs.

EC–6540. A communication from the Chief of Staff of the Office of the Commissioner of Social Security, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Aged, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Standards of Conduct for Claimant Representatives" (RIN0960–AD73) received on August 17, 1998; to the Committee on Finance.

EC–6541. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Former Indian Reservations in Oklahoma" (Notice 98–45) received on August 13, 1998; to the Committee on Finance.

EC–6542. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of Fringe Benefits" (Rev. Rul. 98–40) received on August 17, 1998; to the Committee on Finance.

EC–6543. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Consolidated Overall Foreign Loss Provisions" (Notice 98–40) received on August 19, 1998; to the Committee on Finance.

EC–6544. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Disaster Relief" (Announcement 98–81) received on August 19, 1998; to the Committee on Finance.

EC–6545. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Estate and Gift Tax Marital Deduction" (RIN1545–AU27) received on August 19, 1998; to the Committee on Finance.

EC–6546. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Last In, First-Out Inventories" (Rev. Rul. 98–42) received on August 19, 1998; to the Committee on Finance.

EC–6547. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the "applicable percentage" of depletion for oil and gas produced from marginal properties (Notice 98–42) received on August 19, 1998; to the Committee on Finance.

EC–6548. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the inflation adjustment factor to be used in computing the enhanced oil recovery credit (Notice 98–41) received on August 19, 1998; to the Committee on Finance.

EC–6549. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rewards for Information Relating to Violations of Internal Revenue Laws" (RIN1545–AU85) received on August 20, 1998; to the Committee on Finance.

EC–6550. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Returns Relating to Higher Education Tuition and Related Expenses" (Notice 98-46) received on August 20, 1998; to the Committee on Finance.

EC-6551. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated August 12, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Indian Affairs.

EC-6552. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Office's report entitled "Sequestration Update Report for Fiscal Year 1999"; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on the Budget and to the Committee on Governmental Affairs.

EC-6553. A communication from the Principal Deputy Under Secretary of Defense for Acquisition and Technology, transmitting, Selected Acquisition Reports for the quarter ending June 30, 1998; to the Committee on Armed Services.

EC-6554. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Determine the Plant 'Pediocactus winkleri' (Winkler Cactus) to be a Threatened Species" (RIN1018-AC09) received on August 17, 1998; to the Committee on Environment and Public Works.

EC-6555. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District" (FRL6142-3) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6556. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries" (FRL6145-5) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6557. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Streamlining the State Sewage Sludge Management Regulations" (FRL6145-8) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6558. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triasulfuron; Pesticide Tolerance" (FRL6023-8) received on August 13, 1998; to the Committee on Environment and Public Works.

EC-6559. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, Yolo-Solano Air Quality Management District, and Ventura County Air Pollution Control District" (FRL6140-6) received on August 17, 1998; to the Committee on Environment and Public Works.

EC-6560. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpropathrin; Extension of Tolerance for Emergency Exemptions" (FRL6020-2) received on August 17, 1998; to the Committee on Environment and Public Works.

EC-6561. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Uses of Certain Chemical Substances" (FRL5788-7) received on August 17, 1998; to the Committee on Environment and Public Works.

EC-6562. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan Revisions; Ohio" (FRL6147-9) received on August 17, 1998; to the Committee on Environment and Public Works.

EC-6563. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Georgia State Implementation Plan" (FRL6143-7) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6564. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Washington: Withdrawal of Immediate Final Rule for Authorization of State Hazardous Waste Management Program Revision" (FRL6147-3) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6565. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions" (FRL6021-6) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6566. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Consumer and Commercial Products: Schedule for Regulation" (FRL6149-6) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6567. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting" (FRL6145-6) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6568. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Architectural Coatings" (FRL6149-7) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6569. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Consumer Products" (FRL6149-8) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6570. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings" (FRL6149-5) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6571. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triclopyr; Extension of Tolerances for Emergency Exemptions" (FRL6021-5) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6572. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Deltamethrin; Pesticide Tolerance" (FRL5795-2) received on August 19, 1998; to the Committee on Environment and Public Works.

EC-6573. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds From Sources that Store and Handle Jet Fuel" (FRL6144-5) received on August 20, 1998; to the Committee on Environment and Public Works.

EC-6574. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of New Jersey; Disapproval of the 15 Percent Rate of Progress Plan" (FRL6151-2) received on August 20, 1998; to the Committee on Environment and Public Works.

EC-6575. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program" (FRL6151-4) received on August 20, 1998; to the Committee on Environment and Public Works.

EC-6576. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Guidelines for the Feather and Down Products Industry" received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6577. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Trade Regulation Rule Regarding Use of Negative Option Plans by Sellers in Commerce" received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6578. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Partnering for Construction Contracts" received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6579. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Mentor–Protege" received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6580. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Contracting by Negotiation" received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6581. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector" (I.D. 072798A) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6582. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Technical Amendment" (I.D. 062298C) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6583. A communication from the Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "General Grant Administration Terms and Conditions of the Coastal Ocean Program" (RIN0648–ZA47) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6584. A communication from the Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "National Marine Sanctuary Program Regulations; Florida Keys National Marine Sanctuary Regulations; Anchoring on Tortugas Bank" (RIN0648–AK45) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6585. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules to Provide for Operation of Unlicensed NII Devices in the 5 GHz Frequency Range" (Docket 96–102) received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6586. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; (Redwood, Mississippi)" (Docket 96–231) received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6587. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Old Forge and Newport Village, New York)" (Docket 97–179) received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6588. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Warrenton and Enfield, North Carolina and La Crosse and Powhatan, Virginia)" (Docket 97–229) received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6589. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Advance Notice of Arrival: Vessels Bound for Ports and Places in the United States" (Docket 97–067) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6590. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; St. Johns River, Jacksonville, Florida" (Docket 07–98–033) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6591. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines" (Docket 97–ANE–51–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6592. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29295) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6593. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29294) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6594. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tioga, ND" (Docket 98–AGL–34) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6595. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Spencer, IA" (Docket 98–ACE–31) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6596. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Forest City, IA" (Docket 98–ACE–30) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6597. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A340 Series Airplanes" (Docket 97–NM–340–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6598. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–215–6B11 (CL–415 Variant) Series Airplanes" (Docket 98–NM–03–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6599. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6–80A3 Series Turbofan Engines" (Docket 98–ANE–35–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6600. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier-Rotax GmbH 912 F Series Reciprocating Engines" (Docket 98–ANE–26–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6601. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Model 172R Airplanes" (Docket 98–CE–60–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6602. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Denison, IA" (Docket 98–ACE–29) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6603. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Grassy Sound Channel, Middle Township, New Jersey" (Docket 05–98–015) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6604. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; West Palm Beach, Florida" (Docket 07–98–049) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6605. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 301

Airplanes" (Docket 98–CE–54–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6606. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 750 Citation X Series Airplanes" (Docket 98–NM–208–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6607. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes" (Docket 98–CE–40–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6608. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International CFM56–3, –3B, –3C, –5, –5B, and –5C Series Turbofan Engines" (Docket 97–ANE–54–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6609. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–215–1A10 and CL–215–6B11 Series Airplanes" (Docket 98–NM–05–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6610. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasilera de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes" (Docket 97–NM–279–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6611. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization of Miscellaneous Rotorcraft Regulations" (Docket 28929) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6612. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Barrow, AK" (Docket 98–AAL–7) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6613. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Colorado Springs USAF Academy Airstrip, CO" (Docket 98–ANM–07) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6614. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29293) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6615. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Dunkirk, NY" (Docket 98–AEA–10) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6616. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes" (Docket 98–NM–146–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6617. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146–RJ Series Airplanes" (Docket 97–NM–128–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6618. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; de Havilland Model DHC–8–100, –200, and –300 Series Airplanes" (Docket 98–NM–70–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6619. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) Airplanes" (Docket 97–NM–116–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6620. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sabb Model 2000 Series Airplanes" (Docket 98–NM–213–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6621. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes" (Docket 98–NM–160–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6622. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sabb Model SABB 2000 Series Airplanes" (Docket 98–NM–151–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6623. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 98–NM–180–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6624. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 60 Airplanes" (Docket 98–NM–227–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6625. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilateus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, and BN–2T Series Airplanes" (Docket 97–CE–112–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6626. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilateus Aircraft Ltd. Model PC–7 Airplanes" (Docket 98–CE–30–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6627. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glaser-Dirks Flugzeubau GmbH Model DG–400 Gliders" (Docket 98–CE–07–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6628. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASW–19 Sailplanes" (Docket 98–CE–05–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6629. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fortuna, CA" (Docket 98–AWP–3) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6630. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company (RHC) Model R44 Helicopters" (Docket 98–SW–25–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6631. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes" (Docket 98–NM–128–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6632. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes Equipped with AlliedSignal RIA–35–B Instrument Landing System Receivers" (Docket 98–NM–154–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6633. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Air Bag On-Off Switches" (RIN 2127–AH25) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6634. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29300) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6635. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument

Approach Procedures; Miscellaneous Amendments" (Docket 29299) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6636. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Propeller Inc. HC-E4A-3(A, I, J) Series Propellers" (Docket 98-ANE-53-AD) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6637. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes" (Docket 97-NM-287-AD) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6638. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes" (Docket 97-NM-248-AD) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6639. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes" (Docket 97-NM-20-AD) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6640. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class D Airspace and Class E Airspace; Willoughby, OH" (Docket 98-AGL-36) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6641. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Akron, CO" (Docket 98-ANM-10) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6642. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pueblo, CO" (Docket 98-ANM-01) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6643. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Superior, WI" (Docket 98-AGL-38) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6644. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Moorhead, MN" (Docket 98-AGL-40) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6645. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Glenwood, MN" (Docket 98-AGL-39) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6646. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Slayton, MN" (Docket 98-AGL-35) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6647. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of VOR Federal Airway; WA" (Docket 97-ANM-23) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6648. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Kearney, NE" (Docket 98-ACE-34) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6649. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Beatrice, NE" (Docket 98-ACE-32) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6650. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ottumwa, IA" (Docket 98-ACE-27) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6651. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establish Class E Airspace; Davenport, IA" (Docket 97-ACE-21) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

S. 389. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes (Rept. No. 105-299).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 2431. A bill to provide support for the human rights and treatment of international victims of torture; to the Committee on Foreign Relations.

By Mr. JEFFORDS (for himself, Mr. HARKIN, Mr. BOND, Mr. KERREY, Mr. MCCONNELL, Ms. COLLINS, Mr. KENNEDY, Mr. REED, and Mr. FRIST):

S. 2432. A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2433. A bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2434. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 2435. A bill to permit the denial of airport access to certain air carriers; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. LOTT, and Mr. THOMPSON):

S. Res. 270. A resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Air Line Pilots Association and Northwest Airlines; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. MCCONNELL, Ms. COLLINS, Mr. KENNEDY, Mr. REED, and Mr. FRIST):

S. 2432. A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

ASSISTIVE TECHNOLOGY ACT OF 1998

• Mr. JEFFORDS. Mr. President, ten years ago Congress passed the Technology-Related Assistance for Individuals with Disabilities Act, referred to as the "Tech Act". My friend, Senator HARKIN, was the principal sponsor in the Senate. I was the principal sponsor in the House. Both Houses of Congress worked together and passed the same legislation on the same day. Once again, Senator HARKIN and I, with our colleague Senator BOND, joined forces to draft the Assistive Technology Act of 1998 (ATA), which we are introducing today with the co-sponsorship of Senators KENNEDY, FRIST, COLLINS, MCCONNELL, REED, and KERRY. Once again, we are working toward expeditious consideration of legislation that promotes access to assistive technology for individuals with disabilities. With the assistance of our colleagues in the Senate and the other body, I am confident that the ATA will become law. The ATA authorizes funding for assistive technology activities for fiscal years 1999 through 2004.

The ATA builds on the success of its predecessor, the Tech Act. The Tech Act sunsets September 30, 1998. This will result in the termination of federal assistance to nine states for promoting access to assistive technology for individuals with disabilities, and place the remainder of the states in jeopardy of diminished or no funding during or after fiscal year 1999.

Through the ATA the Senate has the opportunity to reaffirm the federal role of promoting access to assistive technology devices and services for individuals with disabilities. The bill allows States flexibility in responding to the assistive technology needs of their citizens with disabilities, and does not disrupt the ongoing work of the 50 State assistive technology programs funded under the Tech Act.

These programs make a difference. Access to assistive technology for an individual with a disability means independence, ability to work or attend school, and the opportunity to participate in community life. Lack of access to assistive technology means dependence and isolation.

In my State of Vermont, Lynne Cleveland is the project director for our Tech Project. Lynne testified before the Labor and Human Resources Committee on April 29, 1998 on the impact of the Vermont Tech Project on the lives of Vermonters with disabilities. For example, one of the many things the Vermont Tech Project supports is a rehabilitation engineering technician program, the only one in the nation, at Vermont Technical College. Graduates of the program work for schools, non-profit agencies, state agencies, and vendors helping others make appropriate, cost-effective decisions regarding assistive technology for individuals with disabilities and educating others about the need for and value of the individual with a disability having a central role in such decisions.

The Vermont Tech Project touches and changes the lives of individual Vermonters of all ages and walks of life. For Bill, a man in his mid-thirties who suffered a stroke, the Tech Project helped secure assistive technology that enabled him to obtain employment designing web pages. Equally important to Bill is that assistive technology enables him to talk again with his children. For Ray, who lost his vision in mid-life, acquiring assistive technology has allowed him to continue as a snowplow dispatcher for the State of Vermont. For Ty, a teenager born with a visual impairment, access to assistive technology means she can pursue her goal of becoming a lawyer. For Annie, a first grader with Downs Syndrome, having assistive technology means that she can use the computer in a regular education classroom, learning and playing games with her classmates. For Lillian, a senior citizen, access to and training on a closed circuit television, enables her to stay in her home rather than living in a nursing home. The Vermont Tech Project has touched each of these individuals by working with others to change policies, improve coordination, pool resources, and educate people about the benefits of assistive technology.

Across the U.S., state assistive technology programs have brought about a wide range of improvements in the last decade. State assistive technology programs have contributed to changes in state laws, improved coordination among state agencies and between the public and private sector, all of which have expanded access to assistive technology. These programs have increased public awareness of the value of assistive technology, have educated individuals with disabilities about how to select and purchase appropriate assistive technology, and expanded the number of individuals in schools, the workplace, and other settings of community life that can provide assistance in selecting, securing, and using assistive technology.

The ATA allows this important work to continue. Title I of the bill supports states in sustaining and strengthening their capacity to address the assistive technology needs of individuals with disabilities; title II brings focus to the federal investment in technology that could benefit individuals with disabilities; and title III supports micro-loan programs to provide assistance to individuals who desire to purchase assistive technology devices or assistive technology services. The legislation also draws attention to and promotes consideration of the principles of universal design in the design of future technology and using the power of the INTERNET to bring best practices related to assistive technology to anyone's keyboard.

In title I the ATA streamlines and clarifies the expectations, including expectations related to accountability, associated with continuing federal support for state assistive technology programs. It targets specific, proven activities, as priorities, referred to as "mandatory activities". All state grantees must set measurable goals in connection to their use of ATA funds, and both the goals and the approach to measuring the goals must be based on input from a state's citizens with disabilities.

If a state has received fewer than 10 years of federal funding under the Tech Act for its assistive technology program, title I of the ATA allows a state, which submits a supplement (a continuity grant) to its current Tech Act grant for federal funds, to use ATA funds for mandatory activities: a public awareness program, interagency coordination, technical assistance and training, and outreach. Such a state also may use ATA funds for optional grant activities: alternative state-financed systems for assistive technology devices and assistive technology services, technology demonstrations, distribution of information about how to finance assistive technology devices and assistive technology services, and operation of a technology-related information system, or participation in interstate activities or public-private partnerships pertaining to assistive technology.

If a state has had 10 years of funding for its assistive technology program through the Tech Act, the state may submit an application for a noncompetitive challenge grant under the ATA. Grant funds must be spent on specific activities—interagency coordination, an assistive technology information system, a public awareness program, technical assistance and training, and outreach activities.

In fiscal years 2000 through 2004, if funding for title I exceeds a certain level, states operating under challenge grants may apply for additional ATA funding, provided through competitive millennium grants. These grants are to focus on specific state or local level capacity building activities related to access to technology for individuals with disabilities.

Title I of the ATA also authorizes funding for protection and advocacy systems in each state to assist individuals with disabilities to access assistive technology devices and assistive technology services, and funding for a technical assistance program, including the National Public Internet Site, and specifies administrative procedures with regard to monitoring of entities funded under title I of the ATA.

Title II of the ATA authorizes national activities, including increased coordination and communication among federal agencies with regard to addressing the assistive technology needs of individuals with disabilities. Title III of the Act authorizes a broad range of alternative financing mechanisms to assist individuals with the purchasing of assistive technology through micro-loans.

Providing access to assistive technology for individuals with disabilities was a simple promise in 1988. Today it is much, much more. The ATA represents the bridge to the next century for individuals with disabilities. Across that bridge lies increased independence, realized potential, new partnerships, unimagined challenges, and unlimited opportunities.•

• Mr. HARKIN. Mr. President, I support the Assistive Technology Act of 1998. This Act will enable States and the Federal Government to build on their work under the Technology-Related Assistance for Individuals with

Disabilities Act of 1988, or Tech Act, which sunsets this year, and to establish new directions in assistive technology policy for the 21st Century.

In 1988, I was proud to be the chief Senate sponsor of the Tech Act, and was very fortunate to work with then-Representative JEFFORDS, who was the chief House sponsor. In developing this new Act, I have been fortunate to work with Senator JEFFORDS again, and also with Senator BOND, whose commitment and leadership have been invaluable.

The issue of assistive technology is deeply important to me. My brother Frank is deaf. Assistive technology is part of our relationship. Frank and I talk all the time, using a TDD; we watch television together using a closed-caption decoder. My nephew Kelly was injured in the Navy and is a quadriplegic. But he lives independently, in large part because of assistive technology. For example, Kelly is able to drive his van by using a wheelchair lift and hand controls.

But assistive technology doesn't just work for people with disabilities. We hear all the time that defense research often has everyday applications. The same is true of assistive technology research. I saw a television commercial recently, advertising voice-activated software for business executives. Well, that technology was originally development for people whose disability kept them from using a keyboard. And if you've ever watched the closed-captioned news in a noisy restaurant or so you didn't wake up your husband or wife, you've used assistive technology. The more assistive technology we develop, the more all of us will benefit from it.

Under the Assistive Technology Act of 1998, States will be able to continue the consumer-responsive programs of technology-related assistance for people with disabilities they have developed over the past ten years.

The Act will help States establish and strengthen systems to inform people with disabilities what their assistive technology options are, so they can take advantage of them. It will enable States to help schools and employers accommodate assistive technology users, so they can live independently, and get an education and a job. And the Act will create a one-stop Internet site where consumers, family members, assistive technology professionals, and anyone else who's interested can access all the information there is about assistive technology.

The Act also recognizes that the Federal government must work more efficiently, and with the private sector, if we are going to make assistive technology more accessible. It requires federal agencies and offices that conduct assistive technology research to work more closely together, to take advantage of each other's abilities and information and to better utilize federal resources. It enables the Federal government to increase its research, and to make grants to outside researchers, for assistive technology and universal design. It offers help to small businesses to research, develop, and bring assistive technology to the market. And the Act enables the Federal government to work with the information technology industry, to increase the industry's voluntary participation in efforts to make information technology more accessible to people with disabilities.

Finally, the Act will help States establish, or expand, loan programs for people with disabilities or their representatives to access to meet their assistive technology needs.

I have often said that disability is a natural part of the human experience, that in no way diminishes the right of individuals to live independently, enjoy self-determination, pursue meaningful careers and enjoy full inclusion in the economic, political, social, cultural, and educational mainstream of American society. Assistive technology enables people with disabilities to exercise that right.

There have been amazing changes in technology since we wrote the Tech Act, ten years ago. Technology can do more for more people than ever before—and that trend is going to continue. But that also means the consequences are greater than ever if we don't make assistive technology, information technology, and our society generally, more accessible, because the more technology can do, the further people with disabilities will fall behind if they can't use it.

Mr. President, this Act enjoys broad support in the disability community and the assistive technology community, and is endorsed by the National Governors Association. I hope my colleagues will join Senators JEFFORDS, BOND, and me, and our other cosponsors, in supporting this worthwhile Act.•

• Mr. BOND. Mr. President, today with my colleagues Senator JEFFORDS and Senator HARKIN I introduce the Assistive Technology Act of 1998. This important piece of legislation will provide technical assistance to the more than 50 million citizens in the United States with disabilities.

The Tech Act, passed in 1988, has proven time and again its invaluable assistance in helping persons with disabilities acquire assistive technology that improves their functional capability and quality of life. This technical assistance allows students to learn better in school, adults to acquire jobs, and seniors to live more independently. I have seen the success of the State Tech Act projects first hand in my home State of Missouri. It is estimated that 750,000 Missourians of all ages live with a disabling condition. Ms. Diane Golden, of the Missouri Assistive Technology Project, informed me that Missouri's state office handled 4,000 direct cases this past year, not including thousands of calls regarding information and referrals.

Mr. President, Missourians know the impact of the State Tech Act Projects.

Wanda, an elder Kansas City woman lost most of her hearing late in life. For three years, she lived without the ability to talk with friends or to call her doctor in an emergency. Wanda's inability to use the telephone, in addition to other age related issues, was threatening her ability to continue living in her own home.

Missouri Tech Act Project staff worked with Wanda to identify an adaptive telephone that would allow her to continue to live independently. The cost of the device was prohibitive for this woman and no public funding source was available. Nevertheless, Project staff located a private funding source for the adaptive telephone and as a result Wanda has been able to continue to live independently.

Realizing that thousands of individuals throughout the state were facing the same need for adaptive telephone equipment, the Project developed a statewide telecommunication equipment distribution program that provides Missourians, with all types of disabilities, adaptive telephone equipment. The program has been operational for a year and has provided more than one million dollars of adaptive telephone equipment to thousands of Missourians.

Another Missourian, Mary, an 8-year-old young girl, who is non-vocal, needed an augmentative communication device that would allow her to communicate at home and school. Medicaid had approved purchasing the device just before its conversion from a fee-based system to a managed care system. The new managed care plan was unfamiliar with augmentative communication devices and the family was having no success in securing the device. Project staff worked with the managed care provider to explain the importance and cost-effectiveness of augmentative communication devices and as a result, secured funding for Mary's device.

Understanding that most, if not all, of the managed care plans under contract with Medicaid would be unfamiliar with augmentative communication devices and other types of assistive technology, Project staff worked with the Missouri Medicaid plans to educate them about the importance, cost-effectiveness, and coverage of assistive technology. As a result, numerous plans routinely approve assistive technology. As a result, numerous plans routinely approve assistive technology devices and many call the Project for assistance when they receive requests for assistive devices of which they are unfamiliar.

These examples are just a small sampling of the successes of the Missouri

Technology Assistance Project. Some other accomplishments of the Project include development of an educational technology access informational packet that the Department of Education distributed to more than 17,000 schools nationally; passage of a sales tax exemption for the purchase of assistive technology in Missouri; establishment of a short-term equipment loan program; development and distribution of a Consumer Guide to Missouri Assistive Device Lemon Laws; and establishment of a web page with postings of equipment for their recycling program.

Missouri's success is one example of the many accomplishments of other State Tech Act Projects since the inception of the Tech Act in 1988. The Assistive Technology Act of 1988 will guarantee that states continue to serve the disabled community, their families, friends, teachers, and employers.

The bill we are introducing also provides improvements to the current State Tech Act Projects. Some notable improvements include better coordination and information sharing; Microloan programs to help assistive technology end users in obtaining assistive devices; incentive grants to assure better accountability of all programs; and increased small business investment in assistive and universally designed technology research and development. These improvements and new initiatives strengthen the work currently done by the State Tech Act Projects, encourage improvements to current programs and are forward looking in the acquisition, development, and service delivery of assistive technology.

State Tech Act Projects provide vital technology related services to individuals with disabilities. The initiatives of these important programs ensure the availability of technology to people with disabilities that make living independently a reality. The Assistive Technology Act of 1998 strengthens and maintains a program that works for a constituency that would otherwise be denied the exciting opportunities that technology affords.

Mr. President I urge my colleagues in the Senate and the House to pass this legislation expediently so that technological assistance can continue to be available for our nation's disabled.

Let me conclude by thanking my distinguished colleagues Senator JEFFORDS and Senator HARKIN and their staff for their hard work on this important piece of legislation. Mr. President, on behalf of Senators JEFFORDS and HARKIN and myself, I ask unanimous consent to print in the RECORD, a letter of support for the Assistive Technology Act of 1998 from the United Cerebral Palsy Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED CEREBRAL PALSY ASSOCIATIONS,
Washington, DC, September 2, 1998.

DEAR SENATORS JEFFORDS, BOND, AND HARKIN: On behalf of United Cerebral Palsy Association (UCPA) and our 151 affiliates, we strongly endorse the Assistive Technology Act of 1998. We applaud your interest in overcoming barriers to, funding for, and access to assistive technology devices and services for individuals with disabilities of all ages. This access provides the gateway to not only education and employment but also other activities of daily living for the approximately 54 million individuals with disabilities in this country.

Through our national technical assistance efforts, UCPA has been able to assist thousands of people by providing information, training and technical assistance to individuals with disabilities, family members, and those who work with individuals with disabilities. However, a great number of individuals do not have access to assistive technology that would improve their quality of life. This legislation will further the goal of universal access.

Thank you for the opportunity to comment on this legislation.

Sincerely,

PETER KEISER,
Chair, Community Services Committee.●

By Mr. D'AMATO:

S. 2433. A bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses; to the Committee on Banking, Housing, and Urban Affairs.

FINANCIAL INFORMATION PRIVACY ACT

Mr. D'AMATO. Mr. President, I rise today to introduce important pro-consumer legislation to protect the privacy of confidential financial information for every American. The Financial Information Privacy Act will make it a federal crime to obtain or attempt to obtain private consumer information from our nation's financial institutions through the use of false, fictitious or fraudulent statements.

Mr. President, the exploitation of personal information by unscrupulous "information brokers" and individuals attempting to pry into the private financial affairs of others is an issue of vital concern to every American.

A flourishing industry of "information brokers" has emerged as detailed in hearings held just last month by the House Banking Committee. These individuals use deceptive practices, such as lying about their identity on the phone, in order to obtain personal customer information for resale. Armed with personal information such as bank account balances, account numbers and transaction activity, this information can be used to build a profile of a consumer which can be bought and sold in the marketplace. Advances in technology have enabled information brokers to inexpensively create enormous databases of individual profiles and use the Internet to market their information worldwide.

Mr. President, these same techniques are used by criminals to obtain information to create fraudulent credit applications that can quickly destroy a victims credit worthiness and require months of effort to clear up. The problem is growing exponentially. One of the leading credit reporting services reports that since 1992, the number of financial fraud cases where individuals have pretended to be another person has risen from 32,000 to more than 500,000 in 1997. I believe the evidence is clear that inadequate financial privacy laws are a significant factor in this rise. Americans demand and rightfully expect the privacy of personal financial information.

While existing laws do provide protection against unfair and deceptive practices, there is no federal law that expressly prohibits acquiring personal customer account information under false pretenses. Banking groups and federal regulatory agencies have all testified that this legislation would be an important tool to protect consumers from the invasive practices of information brokers. Passage of this measure will make it clear that Congress will not tolerate this invasion of privacy and will do whatever is necessary to insure that the private financial information of our citizens remains private.

Mr. President, in closing I want to comment Chairman LEACH for his quick action in the House to move this measure forward. Working together with our House colleagues, we have an opportunity to greatly strengthen the privacy laws that safeguard the personal financial information of every American. I urge my colleagues to vote in favor of this vital legislation.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL INFORMATION PRIVACY.

(a) IN GENERAL.—The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"TITLE X—FINANCIAL INFORMATION PRIVACY PROTECTION

"Sec.
"1001. Short title.
"1002. Definitions.
"1003. Privacy protection for customer information of financial institutions.
"1004. Administrative enforcement.
"1005. Civil liability.
"1006. Criminal penalty.
"1007. Relation to State laws.
"1008. Agency guidance.

"§ 1001. Short title

"This title may be cited as the 'Financial Information Privacy Act'.

"§ 1002. Definitions

"For purposes of this title, the following definitions shall apply:

"(1) CUSTOMER.—The term 'customer' means, with respect to a financial institution, any person (or authorized representative of a person) to whom the financial institution provides a product or service, including that of acting as a fiduciary.

"(2) CUSTOMER INFORMATION OF A FINANCIAL INSTITUTION.—The term 'customer information of a financial institution' means any information maintained by a financial institution which is derived from the relationship between the financial institution and a customer of the financial institution and is identified with the customer.

"(3) DOCUMENT.—The term 'document' means any information in any form.

"(4) FINANCIAL INSTITUTION.—

"(A) IN GENERAL.—The term 'financial institution' means any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution.

"(B) CERTAIN FINANCIAL INSTITUTIONS SPECIFICALLY INCLUDED.—The term 'financial institution' includes any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act), any loan or finance company, any credit card issuer or operator of a credit card system, and any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p)).

"(C) FURTHER DEFINITION BY REGULATION.—The Board of Governors of the Federal Reserve System may prescribe regulations further defining the term 'financial institution', in accordance with subparagraph (A), for purposes of this title.

"§ 1003. Privacy protection for customer information of financial institutions

"(a) PROHIBITION ON OBTAINING CUSTOMER INFORMATION BY FALSE PRETENSES.—It shall be a violation of this title for any person to obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, customer information of a financial institution relating to another person—

"(1) by knowingly making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial institution with the intent to deceive the officer, employee, or agent into relying on that statement or representation for purposes of releasing the customer information;

"(2) by knowingly making a false, fictitious, or fraudulent statement or representation to a customer of a financial institution with the intent to deceive the customer into relying on that statement or representation for purposes of releasing the customer information or authorizing the release of such information; or

"(3) by knowingly providing any document to an officer, employee, or agent of a financial institution, knowing that the document is forged, counterfeit, lost, or stolen, was fraudulently obtained, or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent into relying on that document for purposes of releasing the customer information.

"(b) PROHIBITION ON SOLICITATION OF A PERSON TO OBTAIN CUSTOMER INFORMATION FROM FINANCIAL INSTITUTION UNDER FALSE PRETENSES.—It shall be a violation of this title to request a person to obtain customer information of a financial institution, knowing or consciously avoiding knowing that the person will obtain, or attempt to obtain, the information from the institution in any manner described in subsection (a).

"(c) NONAPPLICABILITY TO LAW ENFORCEMENT AGENCIES.—No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, to obtain customer information of a financial institution in connection with the performance of the official duties of the agency.

"(d) NONAPPLICABILITY TO FINANCIAL INSTITUTIONS IN CERTAIN CASES.—No provision of this section shall be construed so as to prevent any financial institution, or any officer, employee, or agent of a financial institution, from obtaining customer information of such financial institution in the course of—

"(1) testing the security procedures or systems of such institution for maintaining the confidentiality of customer information;

"(2) investigating allegations of misconduct or negligence on the part of any officer, employee, or agent of the financial institution; or

"(3) recovering customer information of the financial institution which was obtained or received by another person in any manner described in subsection (a) or (b).

"(e) NONAPPLICABILITY TO CERTAIN TYPES OF CUSTOMER INFORMATION OF FINANCIAL INSTITUTIONS.—No provision of this section shall be construed so as to prevent any person from obtaining customer information of a financial institution that otherwise is available as a public record filed pursuant to the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934).

"§ 1004. Administrative enforcement

"(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—Except as provided in subsection (b), compliance with this title shall be enforced by the Federal Trade Commission in the same manner and with the same power and authority as the Commission has under the title VIII, the Fair Debt Collection Practices Act, to enforce compliance with such title.

"(b) ENFORCEMENT BY OTHER AGENCIES IN CERTAIN CASES.—

"(1) IN GENERAL.—Compliance with this title shall be enforced under—

"(A) section 8 of the Federal Deposit Insurance Act, in the case of—

"(i) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

"(ii) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act, by the Board;

"(iii) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System and national nonmember banks) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation; and

"(iv) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation, by the Director of the Office of Thrift Supervision; and

"(B) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union.

"(2) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF OTHER LAWS.—For the purpose of the exercise by any agency referred to in paragraph (1) of its powers under any Act referred to in that paragraph, a violation of this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in paragraph (1), each of the agencies referred to in that paragraph may exercise, for the purpose of enforcing compliance with this title, any other authority conferred on such agency by law.

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

"(B) may bring an action on behalf of the residents of the State to recover damages of not more than $1,000 for each violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF FEDERAL REGULATORS.—

"(A) PRIOR NOTICE.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission and, in the case of an action which involves a financial institution described in section 1004(b)(1), the agency referred to in such section with respect to such institution and provide the Federal Trade Commission and any such agency with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

"(B) RIGHT TO INTERVENE.—The Federal Trade Commission or an agency described in subsection (b) shall have the right—

"(i) to intervene in an action under paragraph (1);

"(ii) upon so intervening, to be heard on all matters arising therein;

"(iii) to remove the action to the appropriate United States district court; and

"(iv) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, no provision of this subsection shall be construed as preventing the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Federal Trade Commission or any agency described in subsection (b) has instituted a civil action for a violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Federal Trade Commission or such agency for any violation of this title that is alleged in that complaint.

"§ 1005. Civil liability

"Any person, other than a financial institution, who fails to comply with any provision of this title with respect to any financial institution or any customer information of a financial institution shall be liable to such financial institution or the customer to whom such information relates in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by the financial institution or customer as a result of such failure; or

"(B) any amount received by the person who failed to comply with this title, including an amount equal to the value of any nonmonetary consideration, as a result of the action which constitutes such failure.

"(2) ADDITIONAL DAMAGES.—Such additional amount as the court may allow.

"(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"§ 1006. Criminal penalty

"(a) IN GENERAL.—Whoever violates, or attempts to violate, section 1003 shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(b) ENHANCED PENALTY FOR AGGRAVATED CASES.—Whoever violates, or attempts to violate, section 1003 while violating another law of the United States or as part of a pattern of any illegal activity involving more than $100,000 in a 12-month period shall be fined twice the amount provided in subsection (b)(3) or (c)(3) (as the case may be) of section 3571 of title 18, United States Code, imprisoned for not more than 10 years, or both.

"§ 1007. Relation to State laws

"(a) IN GENERAL.—This title shall not be construed as superseding, altering, or affecting the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that such statutes, regulations, orders, or interpretations are inconsistent with the provisions of this title, and then only to the extent of the inconsistency.

"(b) GREATER PROTECTION UNDER STATE LAW.—For purposes of this section, a State statute, regulation, order, or interpretation is not inconsistent with the provisions of this title if the protection such statute, regulation, order, or interpretation affords any person is greater than the protection provided under this title.

"§ 1008. Agency guidance

"In furtherance of the objectives of this title, each Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act) shall issue advisories to depository institutions under the jurisdiction of the agency, in order to assist such depository institutions in deterring and detecting activities proscribed under section 1003.".

(b) REPORT TO THE CONGRESS.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General, in consultation with the Federal Trade Commission, Federal banking agencies, and appropriate Federal law enforcement agencies, shall submit to the Congress a report on the following:

(1) The efficacy and adequacy of the remedies provided in the amendments made by subsection (a) in addressing attempts to obtain financial information by fraudulent means or by false pretenses.

(2) Any recommendations for additional legislative or regulatory action to address threats to the privacy of financial information created by attempts to obtain information by fraudulent means or false pretenses.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2434. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to a motor vehicle franchise contracts; to the Committee on the Judiciary.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT OF 1998

Mr. GRASSLEY. Mr. President, today, I am joined by my colleague from Wisconsin, Senator FEINGOLD, in introducing the Motor Vehicle Franchise Contract Arbitration Fairness Act of 1998.

As the Senate's leading advocate of ADR or alternative dispute resolution, I have attempted to facilitate the use of ADR in a number of ways. In the last Congress, we enacted my legislation to make permanent the use of ADR with and among our federal agencies. This year, we are attempting to enact legislation authorizing federal court-annexed ADR.

A small percentage of ADR cases involves the use of binding arbitration. In dealing with arbitration, I have tried to emphasize the use of voluntary, rather than mandatory arbitration. Both parties must agree to voluntary arbitration, whereas mandatory arbitration can be forced upon a party, as in the case of some contractual arrangements. The authorization and use of mandatory arbitration has to be carefully considered since the right to trial may be limited or even forfeited.

One such arrangement can be found in some contracts between automobile or truck dealers and manufacturers. In these contracts, dealers are given a "take it or leave it" clause that forces them to agree to binding arbitration. There is no real bargaining. If the dealer wants the contract, he or she has to agree to the mandatory arbitration clause.

A number of states have enacted laws to prevent these types of unfair contracts. But, even though these clauses may violate a number of state laws, the Fourth Circuit overturned a lower court and ruled that these state laws conflict with the Federal Arbitration Act of 1925, and are therefore preempted by the Supremacy Clause of the U.S. Constitution. So much for states' rights.

Historically, Congress has questioned whether arbitration agreements should allow a stronger party to a contract to force a weaker party to forfeit rights to a court as a condition of entering a contract. But, it's been unclear as to what exactly the federal law allows. I believe it's now time to do more than just question these unfair "agreements".

The legislation Senator FEINGOLD and I are introducing today would help remedy this current unfortunate situation by allowing only voluntary arbitration clauses between dealers and manufacturers. The bill would continue to recognize arbitration as a valuable alternative to litigation as long as both parties voluntarily agree to it. We want to preserve arbitration as an effective alternative to litigation, but we want to ensure that it's a fair alternative.

I urge my colleagues to join Senator FEINGOLD and myself in trying to address these unfair franchise contracts.

Mr. FEINGOLD. Mr. President, I rise today to introduce, with my distinguished colleague from Iowa, Senator GRASSLEY, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 1998.

While alternative dispute resolution such as arbitration can serve a useful purpose in resolving disputes between parties, I am extremely concerned with the increasing trend of stronger parties to a contract forcing weaker parties to waive their rights and to arbitrate disputes. Earlier this Congress, I introduced S. 63, the Civil Rights Procedures Act, to amend certain civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination and sexual harassment.

It has come to my attention that the automobile and truck manufacturers, which present dealers with "take it or leave it" contracts, are increasingly including mandatory, binding arbitration clauses as a condition of entering into or keeping an auto or truck franchise. This practice forces dealers to submit their disputes with manufacturers to involuntary arbitration. As a result, dealers are required to waive access to judicial or administrative forums, substantive contract rights, and statutorily provided protection. In short, this practice clearly violates the dealers fundamental due process rights and runs directly counter to basic principles of fairness.

Historically and currently, franchise agreements for auto and truck dealerships are nonnegotiable with the manufacturer; the dealer accepts the terms offered by the manufacturer or they lose the dealership; plain and simple. Dealers, therefore, have been forced to rely on the states to pass laws designed to minimize the manufacturers' greater bargaining power and to safeguard their rights. The first such state automobile statute was enacted in my home state of Wisconsin in 1937. Since then all states, except Alaska, have enacted substantive law to balance the enormous bargaining power enjoyed by manufacturers over dealers and to safeguard small business dealers from unfair automobile and truck manufacturer practices.

In addition, the majority of states have created their own alternative dispute resolution mechanisms and forums which specialize in auto and truck industry disputes. These administrative forums are inexpensive, efficient, and unbiased. For example, in

Wisconsin mandatory mediation is required before the start of an administrative hearing or court action. Arbitration is also optional if both parties agree. These state dispute resolution forums, with years of experience and precedent, are greatly responsible for the small number of manufacturer/dealer lawsuits.

Unfortunately, when mandatory binding arbitration is included in dealer agreements, state laws and forums established to resolve auto dealer and manufacturer disputes are essentially null and void. Under the Federal Arbitration Act (FAA) arbitrators are not required to apply federal or state law. The stronger party—in this case the auto or truck manufacturer—can, therefore, use mandatory arbitration to circumvent the state laws which were specifically enacted to regulate the dealer/manufacturer relationship. Not only is the circumvention of these laws inequitable, it also eliminates the deterrent to prohibited acts that these state laws provide.

Besides losing the protection of state law and the ability to use state forums, there are other numerous reasons why a dealer may not want to agree to binding arbitration. Arbitration lacks some of the important safeguards and due process offered by administrative procedures and the judicial system. For example: (1) arbitration lacks the formal court supervised discovery process oftentimes necessary to learn facts and gain documents; (2) an arbitrator need not follow the rules of evidence; (3) arbitrators generally have no obligation to provide factual or legal discussion of their decision in a written opinion; and (4) arbitration often does not allow for judicial review.

The most troubling problem with this sort of mandatory, binding arbitration may be the absence of judicial review. Take for instance a dispute over a dealership termination. To that dealer—that small business person—this decision is of paramount importance. Even under this scenario, the dealer would not have recourse to substantive judicial review of the arbitrators' ruling. Let me be very clear on this point; in most circumstances a dealer cannot appeal an arbitration award even if the arbitration panel disregarded state law which likely would have produced a different result.

This problem is growing. The use of mandatory binding arbitration is increasing in many industries, but nowhere is it growing more steadily than the auto/truck industry. Currently 11 auto and truck manufacturers require some form of such arbitration in their dealer franchise contracts.

In recognition of this problem, many states enacted laws to prohibit the inclusion of mandatory, binding arbitration clauses in certain agreements. The Supreme Court, however, held in *Southland Corp.* v. *Keating*, 104 S. Ct. 852 (1984), that the FAA by implication preempts these state laws. The Southland Corp. decision has, in effect, nullified many state arbitration laws that were designed to protect weaker parties in unequal bargaining positions from involuntarily acquiescing—often without other meaningful options—to these mandatory, binding arbitration clauses.

The legislative history indicates that Congress never intended that the FAA be a tool that the stronger party to a contract could use to force the weaker party into binding arbitration. Congress certainly did not intend the FAA to be a weapon used to coerce parties into relinquishing important protections and rights that would have been afforded them by the judicial system. Unfortunately, this is precisely the current situation.

Although contract law is generally the province of the states, the Supreme Court's decision in Southland Corp. has in effect made any state action on this issue moot. I, therefore, along with Senator GRASSLEY, am introducing this bill today to ensure that auto and truck dealers are not coerced into waiving their rights. Our bill, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 1998 would simply allow each party to an auto or truck franchise contract to voluntarily agree to arbitration; mandatory, binding arbitration would be prohibited. The bill would not proscribe arbitration, however. On the contrary, our measure would encourage arbitration by making it a fair choice that both parties to such a franchise contract willing and knowingly select. In short, this bill would ensure that the decision to arbitrate is voluntary and that the rights and remedies provided for by our judicial system are not mandatorily waived.

Today if a small business person wants to obtain or keep her or his auto or truck franchise, she or he may only be able to do so by relinquishing her or his statutory rights and foreclosing the opportunity to use the courts or administrative forums. Mr. President, I cannot not say this more strongly—this is unacceptable; this is wrong. I, therefore, urge my colleagues to join with Senator GRASSLEY and me to put an end to the invidious practice.

By Mr. ALLARD:

S. 2435. A bill to permit the denial of airport access to certain air carriers; to the Committee on Commerce, Science, and Transportation.

AIRPORT PROTECTION FROM FORCED SCHEDULED SERVICE

• Mr. ALLARD. Mr. President, today I am introducing legislation to address a problem facing small reliever airports that do not accept scheduled service operations. Centennial Airport is a small reliever airport near Denver, Colorado, where operations consist primarily of small private chartered and business planes. A unique situation exists at Centennial Airport involving certain charter services and a loophole in the Federal regulations governing scheduled flights.

Centennial Airport is not certificated for scheduled flight service. In fact, the Airport Authority, with strong local backing, has banned scheduled service at Centennial. According to Federal law, the Federal Aviation Administration cannot force any airport to become certificated. The airport is not equipped with a terminal, baggage system, or passenger security. Furthermore, Denver International Airport is less than 25 miles from Centennial, and has the capacity to handle additional scheduled service operations.

A situation arose more than three years ago when a company called Centennial Express Airlines, Inc., began charter service at Centennial, but immediately announced that the airline's service would continue as scheduled service. The Airport Authority sued and the County District Court ordered the flights stopped. In April of this year the Colorado Supreme Court ruled in favor of Centennial Airport Authority's ban. The Court cited the safe operation of the airport as a priority, and upheld the airport's discretion to prohibit scheduled passenger service.

While this decision protected the airport's right to refuse scheduled service, a similar situation recently arose with another company, Colorado Connection Executive Air Services, and the result has been detrimental for Centennial airport.

In 1997, Colorado Connection proposed to start public charter passenger service pursuant to a regular and public schedule. Colorado Connection, which is entirely owned by Air One Charter, tried using a combination of Department of Transportation and Federal Aviation Administration exemptions to offer scheduled service under Federal regulations, because the company that books the flights does not own the aircraft and the schedule is not officially published in the airline guide. The use of two different corporate names allowed Air One Charter to fly the scheduled passenger service under Colorado Connection without subjecting the airline to FAA scheduled service regulations. Air One Charter indicated intent to market 6–12 daily flights to various Colorado cities and to contract baggage services for their flights.

The Centennial Airport Authority unanimously voted to deny airport access to Colorado Connection's scheduled service. The vote took place in April 1998 and a month later the FAA initiated a part 16 investigation. The FAA claims that the Airport Authority's move to deny service is unjustly discriminatory. Last week the

FAA issued a decision to pull Federal funding for Centennial Airport if the ban on scheduled service is not lifted. This decision is in direct conflict with the Colorado Supreme Court's ruling on the issue. It is the result of a loophole in a law that was not intended to force small airports to take on the responsibility and burden of supporting scheduled service.

Immediately following the announcement of the FAA's decision, the owner of Centennial Express was reported by the Denver Post to have plans to begin scheduled flights from Centennial Airport.

I am proposing legislation to rectify this situation and uphold the authority of airports like Centennial to ban all scheduled service if they choose to do so. This bill would allow a general aviation airport to deny access to a part 380 public charter operator that operates as a scheduled service, and clarifies that such action would not be in violation of requirements for federal airport aid. This will not require any airport to do anything, and it will not allow an airport to discriminate against one scheduled service operator and not another.

This amendment is nearly identical to language that the House Commerce Committee has included in its FAA Reauthorization Act. It would prohibit the FAA from charging discrimination if an airport chooses to deny access to scheduled service operators. It will only apply to reliever airports that are not certificated under Part 139 to handle scheduled service and airports within 35 miles of a large hub airport.

I am not aware specifically of any other reliever airports existing outside of Colorado that have an interest in this legislation, however, I hope that my colleagues see the importance of protecting the right of small airports and surrounding communities to refuse all scheduled service operations.●

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 37, a bill to terminate the Uniformed Services University of the Health Sciences.

S. 59

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 59, a bill to terminate the Extremely Low Frequency Communication System of the Navy.

S. 230

At the request of Mr. THURMOND, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 466

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 466, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1097

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1097, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 1482

At the request of Mr. COATS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1482, a bill to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the Medicaid program.

S. 1858

At the request of Mr. JEFFORDS, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1858, a bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient.

S. 1970

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1970, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 2049

At the request of Mr. KERREY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2054

At the request of Mr. JEFFORDS, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. GRAMS), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2054, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a model project to provide the Department of Veterans Affairs with Medicare reimbursement for Medicare health-care services provided to certain Medicare-eligible veterans.

S. 2181

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2181, a bill to amend section 3702 of title 38, United States Code, to make permanent the eligibility of former members of the Selected Reserve for veterans housing loans.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2201

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2222

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2222, a bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program.

S. 2265

At the request of Mr. TORRICELLI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2265, a bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS), to provide Medicare coverage of drugs used for treatment of ALS, and to amend the Public Health Service Act to increase Federal funding for research on ALS.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from Nebraska

(Mr. HAGEL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2318

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2318, a bill to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period.

S. 2323

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the Medicare program.

S. 2346

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2346, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 2371

At the request of Mr. HAGEL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2371, a bill to amend the Internal Revenue Code of 1986 to reduce individual capital gains tax rates and to provide tax incentives for farmers.

At the request of Mr. LOTT, the names of the Senator from Wyoming (Mr. ENZI), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2371, supra.

S. 2425

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2425, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the names of the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Idaho (Mr. KEMPTHORNE) were added as cosponsors of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served inpositions of command during World War II, and for other purposes.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Concurrent Resolution 91, a bill expressing the sense of the Congress that a postage stamp should be issued to commemorate the life of George Washington and his contributions to the Nation.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Missouri (Mr. BOND) were added as cosponsors of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 270—EXPRESSING THE SENSE OF THE SENATE CONCERNING ACTION THAT THE PRESIDENT OF THE UNITED STATES SHOULD TAKE TO RESOLVE THE DISPUTE BETWEEN THE AIRLINE PILOTS ASSOCIATION AND NORTHWEST AIRLINES

Mr. FRIST (for himself, Mr. LOTT, and Mr. THOMPSON) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 270

Whereas a strike by the Air Line Pilots Association, the union of the pilots of Northwest Airlines, has led to a severe disruption in air service;

Whereas such a strike could result in the loss of employment by tens of thousands of individuals in the United States;

Whereas such a strike affects approximately 11 percent of the domestic airline traffic in the United States;

Whereas such a strike would cause more than 44,000 Northwest Airlines employees to be idle;

Whereas such a strike could affect—

(1) the livelihood of thousands of other workers employed in airline and airport supply industries; and

(2) commerce relating to tourism, logistics, and business requiring travel;

Whereas such a strike could cause substantial adverse economic effects in communities of the United States; and

Whereas because nearly 20 percent of the air traffic of Northwest Airlines is in foreign air commerce (as that term is defined in section 40102 of title 49, United States Code), a strike could have an adverse effect with respect to—

(1) the expansion of the market of United States goods and services in foreign countries; and

(2) the trading partners of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should work in conjunction with the National Mediation Board to facilitate a resolution of the labor dispute between the Air Line Pilots Association and Northwest Airlines; and

(2) the President should—

(A) immediately after the enactment of this resolution, encourage the settlement of the issues that are the subject of the labor dispute through the use of the services of the National Mediation Board established under section 4 of the Railway Labor Act (45 U.S.C. 154) or an agreement by the parties to the dispute to arbitrate the issues that are the subject of the labor dispute through the National Mediation Board; and

(B) if necessary, establish a board under section 10 of the Railway Labor Act (45 U.S.C. 160) to serve as an emergency board to investigate the matter relating to the labor dispute and to make a report to the President in the manner prescribed in that section.

• Mr. FRIST. Mr. President, I rise today to ask the Senate to go on record and ask the President to use all of the powers available to him to end the Northwest Airlines strike.

As many of my colleagues are already aware, Northwest Airlines Pilots have been on strike since the 29th of August. At this time there are no talks between pilots and management. Additionally, the management of Northwest Airlines insists that they have made their "final" offer.

Northwest Airlines loses a minimum of $27 million a day in lost revenue. Additional costs are incurred from placing booked passengers on other airlines. The first ten days of the strike are expected to cost the U.S. economy over $700 million. Further, Northwest is temporarily laying off as many as 30,000 workers by the end of this week.

Northwest and Northwest Airlink have 552 departures in Tennessee. This is nearly half of Tennessee's air service. Every major city in Tennessee is affected by the Northwest Airlines strike: Jackson, Tennessee has lost 100 percent of its service, Memphis has lost 77 percent, and Knoxville 11 percent. The strike left over 9,000 passengers stranded in Tennessee. Approximately 46 percent of stranded travelers will be unable to find travel on other airlines.

The numbers of people stranded and the money lost are so large that they have become mere abstractions. Behind the numbers and figures exist struggling small businesses, air travelers experiencing ridiculous inconveniences, and real economic loss. All of these people are innocent bystanders held hostage by a dispute that they have nothing to do with.

For all of the reasons I have outlined, I am submitting a resolution today that asks the President of the United States to act immediately to bring this strike to a quick conclusion. If necessary, the President should not hesitate to create a Presidential Emergency Board to resolve the dispute between the Air Line Pilots Association and Northwest Airlines. Too many people have already suffered as a result of this strike. It is certainly time to advance the common interests of the pilots, passengers, management and bystanders, and end this strike.•

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT

HUTCHISON (AND McCONNELL) AMENDMENT NO. 3526

Mrs. HUTCHISON (for herself and Mr. McCONNELL) proposed an amendment to amendment No. 3500 proposed by Mr. McCAIN to the bill (S. 2334) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes; as follows:

Add the following proviso:

(5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law.

DODD (AND OTHERS) AMENDMENT NO. 3527

Mr. DODD (for himself, Mr. HARKIN, Ms. MIKULSKI, Mr. KERREY, Mr. KERRY, Mr. LEAHY, and Mr. JEFFORDS) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) RESPONSIBILITY TO MAKE AVAILABLE HUMAN RIGHTS RECORDS PURSUANT TO PENDING REQUESTS.—

(1) GUATEMALA AND HONDURAS.—The United States has received specific written requests for human rights records from the Guatemala Clarification Commission and the National Human Rights Commissioner in Honduras, and from American citizens and their relatives who have been victims of gross violations of human rights in those countries.

(2) Not later than 120 days after the date of enactment of this Act, each agency shall review all requested human rights records referred to in subsection (a)(1) which it has not yet located or reviewed for the purpose of declassifying and disclosing such records to the public except as provided in subsection (b),

(b) POSTPONEMENT OF PUBLIC DISCLOSURE.—

(1) GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS.—An agency may only postpone public disclosure of a human rights record or portions thereof that are responsive to the pending requests—

(A) pursuant to the declassification standards contained in section 6 of P.L. 102–526 or

(B)(i) if its public disclosure should be expected to reveal the identity of a confidential human source.

(ii) however it shall not be grounds for withholding from public disclosure relevant information about an individual's involvement in a human rights matter solely because that individual was or is an intelligence source, however the public disclosure of the fact that the individual was or is such a source may be withheld pursuant to this section.

(2) REVIEW OF DECISION TO WITHHOLD RECORDS.—The Interagency Security Classification Appeals Panel (hereinafter in this section the "Panel"), established under Executive Order No. 12958, shall—

(A) review all decisions to withhold the public disclosure of any human rights record that has been identified pursuant to requests referred to in subsection (a)(1), subject to the declassification standards referred to in subsection (b)(1);

(B) notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and publish such determination in the Federal Register;

(C) contemporaneously notify the President of its determination, who shall have the sole and nondelegable authority to review any determination of the Panel, and whose review shall be based on the declassification standards referred to in subsection (b)(1). Within 30 calendar days of notification, the President shall provide the Panel with an unclassified certification setting forth his decision and the reasons therefor; and

(D) publish in the Federal Register a copy of any unclassified written certification, statement, and any other materials that the President deems appropriate in each instance.

(3) REFERENCES.—For purposes of this section, references in sections 6 and 9 of P.L. 102–526 to "assassination records" shall be deemed to be references to "human rights records."

(c) CREATION OF POSITIONS.—(1) For purposes of carrying out the provisions of this section, there shall be two additional positions on the Panel. The President shall appoint individuals, not currently employees of the United States Government, who have substantial human rights expertise and who are able to meet the requisite security clearance requirements for these positions.

(2) The rights and obligations of such individuals on the Panel shall be limited to matters relating to the review of human rights records and their service on the panel shall end upon completion of that review.

(d) DEFINITIONS.—In this Section:

(1) HUMAN RIGHTS RECORD.—The term "human rights record" means a record in the possession, custody, or control of the United States Government containing information about gross violations of internationally recognized human rights committed in Honduras and Guatemala.

(2) AGENCY.—The term agency means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Defense Department, the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice, the National Security Council, and the Executive Office of the President.

(3) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term "gross violations of internationally recognized human rights" have the same meaning as is contained in section 502(B)(d)(1) of the Foreign Assistance Act of 1961.

BROWNBACK AMENDMENT NO. 3528

Mr. McCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill, S. 2334, supra; as follows:

The Senate finds that according to the Department of State, Iran continues to support international terrorism, providing training, financing, and weapons to such terrorist groups as Hizballah, Islamic Jihad and Hamas;

Iran continues to oppose the Arab-Israeli peace process and refuses to recognize Israel's right to exist;

Iran continues aggressively to seek weapons of mass destruction and the missiles to deliver them;

It is long-standing U.S. policy to offer official government to government dialogue with the Iranian regime, such offers having been repeatedly refused by Tehran;

More than a year after the election of President Khatemi, Iranian foreign policy continues to threaten American security and that of our allies in the Middle East;

Despite repeated offers and tentative steps toward rapprochement with Iran by the Clinton administration, including a decision to waive sanctions under the Iran-Libya Sanctions Act and the President's veto of the Iran Missile Proliferation Sanctions Act, Iran has failed to reciprocate in a meaningful manner.

Therefore in the sense of the Senate:

(1) the Administration should make no concessions to the government of Iran unless and until that government moderates its objectionable policies, including taking steps to end its support of international terrorism, opposition to the Middle East peace process, and the development and proliferation of weapons of mass destruction and their means of delivery; and

(2) there should be no change in U.S. policy toward Iran until there is credible and sustained evidence of a change in Iranian policies.

DeWINE (AND OTHERS) AMENDMENT NO. 3529

Mr. McCONNELL (for Mr. DeWINE for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. GRASSLEY, Mr. FAIRCLOTH, and Mr. BOND) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 10 line 19, insert "*Provided further*, That of the funds appropriated under the previous proviso not less than $80,000,000 shall be made available for alternative development programs to drug production in Colombia, Peru and Bolivia.

CRAIG (AND OTHERS) AMENDMENT NO. 3530

Mr. McCONNELL (for Mr. CRAIG for himself, Mr. KEMPTHORNE, Mr. LEAHY, and Mr. JEFFORDS) proposed an amendment to the bill, S. 2334, supra; as follows;

At the appropriate place, insert:

SEC. . JOINT UNITED STATES-CANADA COMMISSION ON CATTLE AND BEEF.

(a) ESTABLISHMENT.—There is established a Joint United States-Canada Commission on Cattle, Beef and dairy products to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of cattle, beef, and dairy products, with particular emphasis on—

(1) animal health requirements;

(2) transportation differences;

(3) the availability of feed grains;

(4) other market-distorting direct and indirect subsidies; and

(5) the expansion of the Northwest Pilot Project.

(6) tariff rate quotas.

(7) and other factors that distort trade between the United States and Canada.

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 3 members representing the United States, including—

(i) 1 member appointed by the Majority Leader of the Senate;

(ii) 1 member appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 3 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, producers, and other members.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) REPORT.—Not later than 180 days after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to tariff rate quotas and the production, processing, and sale of cattle and beef, and dairy products.

CRAIG (AND KEMPTHORNE) AMENDMENTS NOS. 3531-3532

Mr. McCONNELL (for Mr. CRAIG for himself and Mr. KEMPTHORNE) proposed two amendments to the bill, S. 2334, supra; as follows:

AMENDMENT NO. 3531

On page 82, line 10, strike "Yugoslavia." and insert the following: "Yugoslavia: *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further;* That funds made available for the tribunal shall be made available subject to the regular notification procedures of the Committee on Appropriations.

AMENDMENT NO. 3532

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE.

(a) It is the Sense of the Senate that:

(1) The U.S. Department of Agriculture should use the GSM-102 credit guarantee program to provide 100 percent coverage, including shipping costs, in some markets where it may be temporarily necessary to encourage the export of US agricultural products.

(2) The U.S. Department of Agriculture should increase the amount of GSM export credit available above the $5.5 billion minimum required by the 1996 Farm Bill (as it did in the 1991/1992 period). In addition to other nations, extra allocations should be made in the following amounts to:

(A) Pakistan—an additional $150 million;

(B) Algeria—an additional $140 million;

(C) Bulgaria—an additional $20 million; and

(D) Romania—an additional $20 million.

(3) The U.S. Department of Agriculture should use the PL-480 food assistance programs to the fullest extent possible, including the allocation of assistance to Indonesia and other Asian nations facing economic hardship.

(4) Given the President's reaffirmation of a Jackson-Vanik waiver for Vietnam, the U.S. Department of Agriculture should consider Vietnam for PL-480 assistance and increased GSM.

REED (AND REID) AMENDMENT NO. 3533

Mr. McCONNELL (for Mr. REED for himself and Mr. REID) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

That of the funds made available by prior Foreign Operations Appropriations Acts, not to exceed $750,000 shall be made available for the Claiborne Pell Institute for International Relations and Public Policy at Salve Regina University.

DEWINE AMENDMENT NO. 3534

Mr. McCONNELL (for Mr. DEWINE) proposed an amendment to the bill, S. 2334, supra; as follows:

Beginning on page 90, line 1, after the word "the" insert "central".

On page 91, line 11, after the word "ratified" insert "or in implementing".

On page 91, strike lines 19 through 20, and insert "for the Haitian National Police, customs assistance, humanitarian assistance, and education programs."

On page 91, line 22, after the word "available" insert "to the Government of Haiti".

On page 92, line 5 strike everything after the word "council" through the "period" on line 7 and insert in lieu thereof "that is acceptable to a broad spectrum of political parties and civic groups."

On page 92, line 8, after the word "Parties" insert "and Grass Roots Civic Organization".

On page 92, line 13 after the word "parties" insert "and for the development of grass roots civic organizations".

On page 92, insert new section (e):

"(e)(1) AVAILABILITY OF ADMINISTRATION OF JUSTICE ASSISTANCE.—Funds appropriated under this act for the Ministry of Justice shall only be provided if the President certifies to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate that Haiti's Ministry of Justice:

"(A) Has demonstrated a commitment to the professionalization of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School;

"(B) is making progress in making the judicial branch in Haiti independent from the executive branch, as outlined in the 1987 Constitution; and

"(C) Has re-instituted judicial training with the Office of Prosecutorial Development and Training (OPDAT).

"(2) The limitation in subsection (e)(1) shall not apply to the provision of funds to support the training of prosecutors, judicial mentoring, and case management.".

On page 92, line 14, strike "(e)" and insert "(f)".

On page 93, strike (f) and all that follows.

McCONNELL AMENDMENT NO. 3535

Mr. McCONNELL proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place, insert:

OFFICE OF SECURITY

SEC. . (a) ESTABLISHMENT OF OFFICE.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law, have the responsibility for the supervision, direction, and control of all security activities relating to the programs and operations of that Agency.

(b) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—There are transferred to the Office of Security all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the date of enactment of this Act. The Administrator shall transfer from the Office of the Inspector General of such Agency to the Office of Security established by subsection (a), the personnel (including the Senior Executive Service position designated for the Assistant Inspector General for Security), assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, and other funds held, used, available to, or to be made available in connection with such functions. Unexpended balances of appropriations, and other funds made available or to be made available in connection with such functions, shall be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development".

(c) TRANSFER OF EMPLOYEES.—Any employee in the career service who is transferred pursuant to this section shall be placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development.

DEWINE (AND LEAHY) AMENDMENT NO. 3536

Mr. LEAHY (for Mr. DEWINE for himself and Mr. LEAHY) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 01. AFRICA FOOD SECURITY INITIATIVE.

In providing development assistance under the Africa Food Security Initiative, or any comparable program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women, and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects; and

(3) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

SEC. 02. MICROENTERPRISE ASSISTANCE.

In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the

United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should take into consideration the needs of women, and should use the applied research and technical assistance capabilities of United States land-grant universities.

SEC. 03. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders in order to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, and technical expertise.

SEC. 04. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) IN GENERAL.—The Overseas Private Investment Corporation shall exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guarantees, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(1) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(2) have a clear track record of support for sound business management practices; and

(3) have demonstrated experience with participatory development methods.

(b) USE OF CERTAIN FUNDS.—The Overseas Private Investment Corporation shall utilize existing equity funds, loan, and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 05. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education, and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—The plan described in subsection (a) shall be designed to ensure that—

(1) research and extension activities respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa; and

(2) sustainable agricultural methods of farming is considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa.

KERREY (AND LOTT) AMENDMENT NO. 3537

Mr. LEAHY (for MR. KERREY for himself and Mr. LOTT) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Senate makes the following findings:

(1) The International Telecommunication Union, an agency of the United Nations, is currently developing recommendations for world standards for the next generation of wireless telecommunications services based on the concept of a "family" of standards.

(2) On June 30, 1998, the Department of State submitted four proposed standards to the ITU for consideration in the development of those recommendations.

(3) Adoption of an open and inclusive set of multiple standards, including all four submitted by the Department of State, would enable existing systems to operate with the next generation of wireless standards.

(4) It is critical to the interests of the United States that existing systems be given this ability.

(b) It is the sense of the Senate that the Federal Communications Commission and appropriate executive branch agencies take all appropriate actions to promote development, by the ITU, of recommendations for digital wireless telecommunications services based on a family of open and inclusive multiple standards, including all four standards submitted by the Department of State, so as to allow operation of existing systems with the next generation of wireless standards.

LEAHY AMENDMENT NO. 3538

Mr. LEAHY proposed an amendment to the bill, S. 2334, supra; as follows:

On page 38, line 22, delete $69,000,000 and insert in lieu thereof $75,000,000.

On page 7, line 21, delete $1,890,000,000 and insert in lieu thereof $1,904,000,000.

ABRAHAM AMENDMENT NO. 3539

Mr. LEAHY (for Mr. ABRAHAM) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 30, line 7, strike the final period and insert a semicolon, and insert the following: "*Provided further*, That amounts appropriated under this heading for fiscal year 1999, and amounts previously appropriated under such heading for fiscal year 1998, shall remain available until expended."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Presidential nomination of Dr. Jane Henney to be to be Commissioner of Food and Drugs, Department of Health and Human Services during the session of the Senate on Wednesday, September 2, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 2, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REFLECTIONS ON THE 53RD ANNIVERSARY OF V–J DAY

• Mr. GRAMS. Mr. President, I rise today to honor, thank, and remember the men and women who fought so bravely to protect our freedoms during World War II. As my colleagues know, it was 53 years ago today that Japan officially surrendered to the Allies, prompting President Truman's declaration of September 2nd as Victory-Over-Japan Day, or V–J Day.

That monumental declaration marked the end of the most immense and devastating war the world has ever seen—a war that shaped not only the course of history but also the lives of the many brave Americans who, through their service in the U.S. military, fought to restore freedom to lands halfway around the world.

These young Americans were thrust into a situation best described by General William Sherman when he said, quite simply, that war is hell. It is safe to say they experienced horrors and fear most of us cannot begin to comprehend.

To gain some understanding of the realities of war and of the heroism exhibited during World War II, let me take you back to December 7, 1941. The place was Pearl Harbor. George Albert Enloe, a young Navy flyer from Anoka, Minnesota, had just two days earlier turned 26 years old. Before that day he had never really known the realities of war. Here is part of the diary entry he made on that Sunday describing the surprise Japanese attack:

> I can, and will always, remember the bullets that sprayed past me as I ducked into the hanger. Ensign Fox and Ensign Willis were right behind me. Fox was killed; Willis got through with a bullet through his head. The bullets came through the hanger as though it was made of paper . . . I understood then what it means to be "under fire." Before, these were just words. But I found myself actually there. I was scared. I forced myself to stay. We kept shooting.

Enloe survived that day and went on to serve for five more years in the military. In that short period, he became one of the most decorated combat pilots in the entire Navy and just last month, the City of Anoka dedicated a park in his honor.

Unfortunately, as years pass and our nation enjoys one of its greatest periods of prosperity, too many Americans, especially young Americans, are unaware of the sacrifices made and the lessons taught to us by the likes of George Enloe.

In Winona, Minnesota, for example, a young man was recently found guilty of vandalizing flagpoles at a veterans park. What makes this act even more disheartening is that, according to the corrections agent who handled the case, the teen "did not really know what a veteran was."

Thankfully, the judge understood the importance of educating this young man on the sacrifices made by those who have served our nation's military. The sentence handed down by the judge required the teen to see and then write a report on the movie "Saving Private Ryan."

At a time when the movies and TV are saturated with senseless violence, this film exposes Americans to a bleakly realistic portrait of war—a war in which large numbers of Americans fought heroically in the worst conditions imaginable and often died horrible deaths in a battle against oppression. "Saving Private Ryan" is a violent film, just as war is violent. It is a disturbing film, as it ought to be.

I hope that young vandal walked out of the theater with some sense of what a veteran truly is. I hope "Saving Private Ryan" will help to raise that awareness in all Americans. During this time of relative peace, we cannot turn a blind eye to the sacrifices of the past. We must remember that our ability to speak freely, choose a place of worship, and pursue the American dream were protected by every man, every woman who served in World War II. Above all, we must never take for granted what our veterans have taught us, the lesson that is chiseled into the stone of the Korean War Veterans Memorial in Washington, DC—"Freedom Is Not Free."

On the anniversary of the official end of World War II, I encourage Americans to take time today to thank and remember our veterans. Whether they are a neighbor, a friend, or a grandparent, ask about their experiences during that turbulent time. Through their sacrifices, freedom and prosperity have flourished. Tell them they are appreciated.

Mr. President, I have taken a few moments to try to put into perspective the magnitude of the sacrifices made by our young soldiers during World War II. I know that my words are wholly inadequate in reflecting the experiences of those brave men and women. Perhaps understanding ultimately lies not in words, but in actions—the actions of every veteran who swore an oath to defend our sacred freedom from "all enemies, foreign and domestic."

We are duty-bound to pass on those experiences to future generations of Americans, to ensure they know the stories, sacrifices, pain, and ultimate triumph of World War II. For their sake and for the sake of this nation, we must never let another young American forget what a veteran is.●

TRUTH IN BUDGETING

● Mr. **HOLLINGS**. Mr. President, there has been quite a bit of discussion in Washington recently about the need to tell the truth. Well, I have always believed people should tell the truth—in private and in public. That is why I have long opposed the biggest lie, the biggest fraud in this town—the so-called federal budget surplus. The truth is there is no surplus. We continue to borrow money from federal trust funds—mainly Social Security—to mask the budget deficit. Meanwhile, the national debt skyrockets.

I rise today, Mr. President, to draw the Senate's attention to an editorial which appeared in the Sunday, August 30, 1998 edition of the Spartanburg Herald-Journal, published in Spartanburg, SC. This editorial points out the fraudulent nature of the budget surplus and criticizes Congress and the President for failing to tell the American people the truth about the budget. I quote the Herald-Journal: "The truth can be seen in the national debt. That debt is continuing to grow and will keep growing over the next few years. Your budget is not balanced if you continue to go deeper and deeper into debt each year."

The editorial goes on to argue that our priority should be to balance the budget honestly and begin to reduce our national debt, rather than give in to the near-term appeal of further tax cuts—no matter how much merit the individual cuts may have. Mr. President, I have been beating this drum for years now. For the past two years, for example, I have offered budget resolutions to urge we stay the course to balance the budget and begin to reduce the debt.

In fact, I support many of the proposed tax cuts. I have consistently supported making health insurance costs for the self-employed 100 percent deductible, and I have voted to eliminate the marriage penalty three times in this year alone. But each time I have also voted to pay for these tax cuts, so that we stay on course to balance the budget. This should be our top priority. Only by reducing the national debt will we be able to whittle away at our whopping $363 billion in annual interest costs.

I have been trying for years to get the media to expose this fraud Washington perpetrates on the American people. Yet many in the media—people entrusted to report the truth—continue to report a surplus. I am glad to see that at least one newspaper in my home state of South Carolina has seen through this smoke screen. Mr. President, I ask that the entire editorial be printed in the RECORD.

The editorial follows:

[From the Spartanburg Herald-Journal, Aug. 30, 1998]

RIGHT CUTS, WRONG TIME

SOME LAWMAKERS ARE PROPOSING A SET OF WORTHY TAX CUTS AT THE WRONG TIME

Some Republicans in the U.S. House have devised a worthy package of $78 billion in tax cuts. But this year is not the time to cut taxes.

Despite the rhetoric coming from Washington, there is no budget surplus to spend—not on tax cuts, not on education, not even on Social Security.

Leaders of both parties in Congress and at the White House are claiming that they have balanced the budget. But they make their claim by not counting the money they are borrowing from federal trust funds, including Social Security.

The truth can be seen in the national debt. That debt is continuing to grow and will keep growing over the next few years. Your budget is not balanced if you continue to go deeper and deeper into debt each year.

Reducing that debt should be Congress' top priority. Leaders in Washington have already wasted years of a boom economy in which they could have been paying down the debt. They should not waste any more time. They will not even be able to claim a balanced budget if an economic downturn upsets their budget forecasts.

That's why the GOP tax cut plans should be rejected along with President Clinton's spending plans.

The tax cuts offered by House Republicans are even-handed worthwhile cuts.

The plan would raise the standard deduction for married couples to eliminate the marriage penalty some couples incur when they combine their incomes filing jointly.

Under the GOP plan, self-employed taxpayers and employees who have to pay for their own health insurance could deduct 100 percent of that cost.

House Republicans also would let senior citizens earn more money before they start losing Social Security benefits. And they would restore tax credits for businesses for research and development. These would be beneficial tax cuts. But they shouldn't be the highest priority in this budget year.

Tax cut advocates will point out that citizens pay too much in taxes, that the government takes too big a bite out of its citizens' incomes. And they are correct. The government is too big and it takes too much of our money to support it.

But long-term concerns demand paying down the national debt first. If that debt isn't reduced soon, the chance for real and lasting tax cuts will be postponed for decades.

It is tempting in an election year to push for tax cuts. But politicians should not push for short-term political gains and taxpayers should not push for short-term financial gains.

Our national interest and our future demands that we reduce the national debt before increasing spending or reducing taxes.●

RELIEF FOR SMALL BANKS

● Mr. **ABRAHAM**. Mr. President, I rise today to speak in support of S. 2346, legislation which seeks to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for small banks. Expanding S corporation eligibility will greatly benefit small banks and, in this period of increased competition, help them as they strive to compete with credit unions and megabanks.

At present, most banks are classified as C corporations, which subjects them to the double taxation of profits. Earnings at banks classified as C corporations are taxed first at corporate level and, after earnings on stockholders shares are distributed, again by shareholders. Converting to an S corporation is an attractive option for small banks because it eliminates the corporate level income tax and allows greater earnings, often between 30 and 40 percent, to be passed on to shareholders.

Subchapter S of the Internal Revenue Code was first enacted in 1958 to reduce the tax burden on small business corporations. Since then, the Subchapter S provisions have been modified several times, most recently in 1982 and 1996. The changes most recently instituted reflect Republican efforts to relieve the tax burden on small businesses.

The relatively low number of small banks which have made the conversion, however, indicate that Congress needs to take additional steps to liberalize the requirements for conversion to Subchapter S. Many bankers tell me that the excessive regulatory burden placed on our banks often makes conversion to an S corporation an onerous process and discourages small banks from making the change. This must change.

This legislation will amend current law to help facilitate the conversion to an S corporation. Among the reforms is an increase in the number of S corporation eligible shareholders from 75 to 150; the ability of S corporation shares to be held as Individual Retirement Accounts (IRAs); the provision that any stock that bank directors must hold under banking regulations shall not be a disqualifying second class of stock; and permission for banks to deduct bad debt charge offs over the same number of years that the accumulated bad debt reserve must be recaptured.

These provisions, and others included in the legislation, will allow more banks to convert to S corporations. The result will be more efficient, more competitive small banks. And the consumer will be the ultimate beneficiary. I applaud Senator ALLARD for introducing this legislation. I believe it is a positive step that will help maintain a balanced playing field among the financial service industries and I urge the Senate Finance Committee to act on it quickly.•

TRIBUTE TO DR. WILLIAM FOSTER AND THE MARCHING 100

• Mr. GRAHAM. Mr. President, as we approach a new century, I recognize one of the giants of the 20th century: Dr. William Foster, Chairman of the Music Department and Director of Bands at Florida A&M University in Tallahassee, Florida.

After enriching the lives of thousands of students, and entertaining millions around the globe via superlative performances of The Marching 100 band, Dr. Foster is retiring. A special tribute will be held honoring him in Tallahassee on September 4, 1998.

Dr. Foster's service to Florida A&M University and the field of music spans half a century. His genius was in melding the varied sounds of musical instruments—along with unique choreography—into one of the most celebrated and sought-after marching bands in the world.

With each performance, The Marching 100 band proves the axiom that music is an international language. And its director, Dr. Foster, is music's Ambassador at Large, lifting the spirits of all who heard the glorious sounds of this talented group and saw the high-stepping moves that set this band apart from all others.

Mr. President, this is the time of year that we send our children and grandchildren back to school to begin another academic year. As a nation, we focus on the vital role of education.

Dr. Foster personifies the finest attributes of an educator. He passed on knowledge to thousands, he built teamwork and instilled discipline, and he had fun along the way.

The educational leadership of Dr. Foster is one of the reasons why Florida A&M University is ranked among America's leading institutions of higher learning. Last year, Florida A&M University was cited as "College of the Year" by editors of TIME magazine and The Princeton Review.

Mr. President, I have been honored to visit Florida A&M University on many occasions. I have experienced the spirit on campus, in the classrooms and among the greater Florida A&M University family of alumni, faculty, administrators, and students.

And, I have experienced the special joy of watching and listening to The Marching 100 under the direction of Dr. Foster. I call on my colleagues in the Senate—and all those who love music—to join me in this tribute to an outstanding American, a gifted educator and band director without peer: Dr. William Foster.•

TRIBUTE TO JUDGE PATRICK T. SHEEDY

• Mr. KOHL. Mr. President, I rise today to pay tribute to Judge Patrick T. Sheedy, who retired last month in Milwaukee after 19 years as a Circuit Court Judge and eight years as Chief Judge for Milwaukee's District 1.

Pat Sheedy exemplifies everything that we hope to see in a judge in America. He possesses a brilliant legal mind, a compassionate attitude, and the wit to see the humor in almost every situation.

I am proud to say that Judge Sheedy is a complete product of our great state of Wisconsin. He was born in Green Bay and received his undergraduate and his law degree at Marquette University in Milwaukee.

In addition to serving 27 years on the bench, Judge Sheedy served his colleagues in a variety of capacities, including as past President of the Wisconsin Bar Association. But, I know his proudest legacy would be his six children and 12 grandchildren.

Mr. President, we all know of the difficult demands we place on judges in our country. The grueling schedule and stress of legal negotiations can test the patience of even the most reasonable among us. In these most tense moments, Judge Sheedy could diffuse the most trying situations with a bit of his well-known Irish charm and humor.

We all wish Judge Sheedy well in his retirement. But, the City of Milwaukee and the State of Wisconsin will sorely miss a man who has given back so much to our community and our state.•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 1, 1998, the federal debt stood at $5,559,258,503,320.20 (Five trillion, five hundred fifty-nine billion, two hundred fifty-eight million, five hundred three thousand, three hundred twenty dollars and twenty cents).

Five years ago, September 1, 1993, the federal debt stood at $4,398,851,000,000 (Four trillion, three hundred ninety-eight billion, eight hundred fifty-one million).

Ten years ago, September 1, 1988, the federal debt stood at $2,603,539,000,000 (Two trillion, six hundred three billion, five hundred thirty-nine million).

Fifteen years ago, September 1, 1983, the federal debt stood at $1,362,606,000,000 (One trillion, three hundred sixty-two billion, six hundred six million) which reflects a debt increase of more than $4 trillion—$4,196,652,503,320.20 (Four trillion, one hundred ninety-six billion, six hundred fifty-two million, five hundred three thousand, three hundred twenty dollars and twenty cents) during the past 15 years.•

EXPLANATION OF MISSED VOTE

Mr. BROWNBACK. Mr. President, this afternoon I was not present for a vote to table the McCain Amendment No. 3500. Had I been present, I would have voted against the tabling motion. I was absent because I was presenting, posthumously, Mother Theresa's Congressional Gold Medal, which is just now available. The replicas are available from the U.S. Mint. It was a tremendous tribute to a wonderful lady, Mother Theresa, who passed away a year ago September 5, as we remembered her today. My vote would not have changed the outcome of the vote on this motion.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Reserving the right to object, I am trying to get another appropriations bill up, so I would like to not have the floor get under the control of some other problem here.

I do not object.

TRIBUTE TO STROM THURMOND

Mr. DODD. Mr. President, I wish to join my colleagues today in commending our dear friend from South Carolina for achieving the significant mark of having voted on 15,000 occasions as a Member of the Senate. He has been a wonderful friend to me; he was a great friend of my father's, who served with him in this body. I know there have been many kind things said about him today. I just want to add my voice to those accolades. What a great joy it is to serve with this remarkable American. I did not want the day to end without offering my words of congratulations to this fine young man from South Carolina.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I ask unanimous consent I may proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. The Senate is already in morning business, with the 10 minute limitation. The Senator is recognized.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that a Member of my staff, Hilary Hoffman, be granted floor privileges for the rest of the day's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT OF U.S. RATIFICATION OF THE U.N. CONVENTION TO COMBAT DESERTIFICATION

Mr. JEFFORDS. Mr. President, I would like to direct my colleagues' attention to report language accompanying this legislation supporting U.S. ratification of an important treaty—the U.N. Convention to Combat Desertification, also known as the "Drylands" Convention.

The term desertification is often misassociated with the expansion of deserts. Rather, it is the loss of soil fertility in dryland agricultural areas. Most of the world's basic food crops are grown in dryland areas. Poverty, population pressure and unwise government policies often drive farmers to use unsustainable farming practices on marginal lands just to survive. Over time, desertification deepens poverty. It undercuts economic growth and triggers social instability in poor countries lacking resources to combat it.

The American Dust Bowl of the 1930's is a prime example of desertification. The hunger, poverty and migration spawned by the Dust Bowl left an indelible mark on our national psyche. In 1939, John Steinbeck depicted the tragedy so well in his great American novel, The Grapes of Wrath:

> And then the dispossessed were drawn west—from Kansas, Oklahoma, Texas, New Mexico; from Nevada and Arkansas, families, tribes, dusted out, tractored out. Car-loads, caravans, homeless and hungry; twenty thousand and fifty thousand and a hundred thousand and two hundred thousand. They streamed over the mountains, hungry and restless—restless as ants, scurrying to find work to do—to lift to push, to pull, to pick, to cut—anything, any burden to bear, for food. The kids are hungry. We got no place to live. Like ants scurrying for work, for food, and most of all for land.

Every student of U.S. history studies the economic and social impact of the Dust Bowl. U.S. history textbooks feature photos similar to these behind me.

Our national response to this disaster was a successful community-based soil and water conservation effort that is still fighting the threat of desertification in areas of the American West today. While we have grappled with this problem and won, the rest of the world is not so fortunate. Imagine our own Dust Bowl if we did not have the technological know-how or the economic resources to deal with it?

The risk of new dust bowls is increasing at an accelerating rate in over ninety developing countries in Africa, Asia, and Latin America. Billions of tons of topsoil are washed or blown away every year.

The U.S. is feeling the fallout from desertification abroad. Thousands migrate over our borders from land-degraded countries such as Mexico. We spend millions on humanitarian aid for drought-affected countries in Africa. Desertification leads to even more costly and frequent food aid programs. Dwindling land and water resources frequently ignite regional conflict. Desertification abroad will also continue to pose risks to our environmental health and contribute to the loss of plant and animal species which may hold the keys to future sources of food and medicine.

To address the problem, in 1994, the United States participated in negotiating the Drylands Convention. By the time negotiations began, developed nations were weary of carrying huge loads in support of environmental treaties. U.S. negotiators insisted that no new responsibilities be placed on our government. The result is that this treaty is the first of its kind.

It does not establish a big, new U.N. program. No army of U.N. employees will be deployed to fight desertification. The treaty uses a bottom-up approach where the solutions are devised and then carried out by people at the local community level. National action plans required of all donee states by the treaty will add greater cohesion and coordination to existing efforts.

The treaty's financial mechanism is unique as well. No new U.S. foreign aid funding is required under the Convention. The U.S. currently contributes roughly $30 million per year to fight desertification. So why do we need the treaty? Because it gives U.S. foreign aid dollars "more bang for the buck." Existing U.S. foreign aid resources would be used more efficiently by better matching of donors with areas of need through the establishment of a Global Mechanism. It does NOT impose any international mandates on U.S. funding.

But more importantly, the Convention would be good for U.S. business. It would increase opportunities for American agribusiness to export technology and expertise to developing countries affected by desertification through networks established by the treaty. Clearly, there is no bar to marketing these outside the framework of the Convention. But working within the Convention offers distinct advantages. It establishes networks like the Science and Technology Committee, the Roster of Independent Experts, donor coordination groups and partnerships with local community organizations. If the U.S. is not a party to the Convention, U.S. businesses and consultants will be barred from these lists.

Helping to fight desertification and poverty abroad is good for U.S. exports and the U.S. trade balance. Rising incomes in the agricultural sector of developing countries generate a higher demand for U.S. exports of seeds, fertilizer, agro-chemicals, farm and irrigation equipment as well as other U.S.-produced goods and services.

The United States signed the Drylands Convention in 1994. It has been approved by all the Organization of Economic Cooperation and Development (OECD) members except the U.S. and Japan. And Japan is expected to ratify it soon. If the U.S. does not ratify by November 1998, we will not have a voice in establishing the detailed mechanism that is at the heart of the Convention. If we want this treaty to work for us, then we must have a seat at the table in two months.

Ratification of the U.N. Convention to Combat Desertification is a win-win for the United States. We must not let this opportunity slip away from us.

The PRESIDING OFFICER. The Senator from Pennsylvania.

INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the statements made earlier today by Senator HATCH and Senator LEAHY relating to an independent counsel because there is a specific course of action which can be taken to break the impasse, in my legal judgment, and that is with an action for mandamus in the United States District Court for the District of Columbia to compel Attorney General Reno to appoint an independent counsel.

There is no doubt about the serious allegations and scandals in campaign financing. The Governmental Affairs Committee on which I serve conducted extensive hearings last year which showed beyond any doubt irregularities of a most important sort, and some even involving contributions coming from foreign sources traceable to the Government of China. In the face of this overwhelming evidence, the Attorney General has declined to appoint an independent counsel.

The remedy is present for a mandamus action, which would be directed on two legal lines. One is where Attorney General Reno has failed to carry out a mandatory duty, where the independent counsel statute says that she shall act on covered persons, and an alternative legal approach where there is an abuse of a discretionary duty where there is a conflict of interest, and there is both an actual and an apparent conflict of interest. Importantly, Attorney General Reno, when questioned during her confirmation hearing, was a great advocate of an independent counsel on precisely the kind of circumstances which are presented here.

The mandamus action was pursued on three individual occasions, and the United States District Court for the District of Columbia did order mandamus. All three of those cases were reversed for reasons which are not applicable here, where there was lack of standing which was delineated in extensive discussions in the court of appeals on two of those cases. But those three cases by district court judges did confirm the legal approach which I am advocating here today, and which is encompassed in an extensive lawsuit, which has been prepared against Attorney General Reno, calling for a mandamus action.

In two of the cases they were reversed because of lack of standing, and that is a legal issue which poses a hurdle which I believe can be overcome by action by a majority of the majority of the Judiciary Committee of either the House of Representatives or the U.S. Senate. The independent counsel statute gives a majority of the majority of each Judiciary Committee unique positioning to have the requisite standing to require an answer by the Attorney General on a statement of facts and a request that independent counsel be appointed. That does not mean conclusively that there would be standing for a mandamus action, but it is a very strong argument in support of that standing. And, in two of the cases where the court of appeals reversed an order for independent counsel to be appointed, the special standing of Congress and the special standing of the Judiciary Committee was noted. In one of the cases, the Court of Appeals for the District of Columbia referred to congressional oversight, which this would be, and in another case the Court of Appeals for the District of Columbia referred to the special positioning, which the Judiciary Committee had.

There is another issue, laying all the cards on the table face up, as to separation of powers, on matters which were raised in the decision by the Supreme Court of the United States in the case of Morrison v. Olson, upholding the constitutionality of the independent counsel statute. Some of the language of the Supreme Court there has been cited, from time to time, as raising a hurdle for this kind of a lawsuit. But I would point out that, on two of the issues which were raised by the Supreme Court of the United States, the legal argument runs in favor of this kind of an action.

The Supreme Court there referred to a provision of the statute which said that there could be "no judicial review of an action by the Attorney General appointing independent counsel." But the negative implication there is that review would be possible where the Attorney General declines to appoint an independent counsel. There is also a provision in the statute which says that there may be no judicial review by the special three-judge panel where the Attorney General decides not to appoint an independent counsel, and again, by negative implication, there can be review by the United States District Court for the District of Columbia. The three-judge panel is a special panel created to make the actual appointment of an independent counsel.

Mr. President, in outlining these legal hurdles, there is no doubt that there are problems here. But, in my legal judgment, each of these hurdles and any other can be surmounted. And certainly, where there is such a pressing reason to move because of what has happened here on a compelling factual basis, I strongly believe that this effort ought to be made and that it can be made by a majority of the majority on the Judiciary Committee of the Senate or a majority of the majority in the House. And perhaps it would be appropriate for both the House and the Senate to join together as parties plaintiff to solidify and enforce the standing issue and the importance of this action.

My views are not those which I express lightly. They did not arise in the course of the last few days or the last few weeks. My initial concerns were expressed in a Judiciary oversight hearing back on April 30 of 1997, when Attorney General Reno appeared before the Senate Judiciary Committee and was questioned extensively by a number of Members, including myself. At that time I pressed Attorney General Reno on some of the so-called issue advertisements which were really, by any legal interpretation, express advocacy.

Now, if they are express advocacy, and if there is coordination with the Republican National Committee or the Democratic National Committee, then they violate the law; they violate the Federal election law. And, in articulating this concern, on a number of occasions I have said that there is fault on both sides, both by the Republican National Committee and the Democratic National Committee. But the activities by the Democratic National Committee stand on a different level because of the active participation by President Clinton himself in micromanaging the campaign and in working on these commercials. We know that from the testimony, statements of Mr. Leon Panetta, Chief of Staff of President Clinton, and from the statements of Mr. Dick Morris, who was the President's principal adviser on these campaign matters.

This is illustrative of what these commercials had to say. This appeared on advertising:

> Head Start, student loans, toxic cleanup, extra police, anti-drug programs—Dole-Gingrich wanted them cut. Now, they're safe, protected in the 1996 budget because the president stood firm. Dole-Gingrich—deadlock, gridlock, shutdowns. The president's plan—finish the job, balance the budget, reform welfare, cut taxes, protect Medicare. President Clinton gets it done. Meet our challenge, protect our values.

Under no stretch of the imagination could that kind of advertisement be classified as articulating an issue only contrasted with articulating advocacy for the President's campaign.

I asked Attorney General Reno about that specifically on April 30 of 1997. Her response to me was that based on a memorandum of understanding with the Federal Election Commission, it was up to the Federal Election Commission.

On the next day, May 1, 1997, I wrote to Attorney General Reno with a long list of specific advertisements which were conclusively advocacy ads which, when designated and designed and worked on by the President himself, would constitute a violation of the law.

On June 17, I received a reply from Attorney General Reno and then from the Federal Election Commission saying that the Attorney General was saying it was up to the Federal Election Commission and the Federal Election Commission said that they would give advisory opinions. That is something for the future but not something that had already been done.

Mr. President, I ask unanimous consent that my letter of May 1, 1997, the reply from the Attorney General, and the letter from the Federal Election Commission be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, I returned to this issue with Attorney General Reno when she came in for an oversight hearing on July 15 of this year and confronted Attorney General Reno with the very basic fact that the Federal election law, with criminal provisions, is the responsibility of the Department of Justice to enforce and the responsibility of the chief enforcement officer, the Attorney General, to enforce, so that by no stretch of the imagination would it be plausible for the Attorney General to say that it was a matter for the Federal Election Commission. Notwithstanding that, the Attorney General continued to articulate this argument that it was a matter for the Federal Election Commission, which I submit, and I say this respectfully, is spurious and facetious on its face. How can it be a matter for the Federal Election Commission when it is a criminal law, criminal sanction which is the responsibility of the Attorney General and the Department of Justice? This was a very, very material matter.

Mr. President, I think it is relevant at this point to display a couple of charts, one of which is on the issue of covered persons. Referring to the coordination of advocacy advertisements, President Clinton made a statement on December 7 of 1995 at a Democratic National Committee lunch, which is really more than a smoking gun, it is a firing gun, that is on these advertisements. This is the President's voice on tape:

> Now we have come way back. . . . But one of the reasons has been. . .we have been running these ads, about a million dollars a week. . . . So I cannot overstate to you the impact that these paid ads have had in the areas where they've run. Now we're doing better in the whole country. . . . [I]n areas where we've shown these ads we are basically doing ten to fifteen points better than in areas where we are not showing them. . . .

The chart shows Leon Panetta confirmed that President Clinton helped direct expenditures of $35 million in DNC ads, and Dick Morris confirmed that President Clinton micromanaged the TV ad campaign.

This chart was presented during the Judiciary Committee hearing. In addition, the instance of the covered persons where a Mr. Warren Meddoff on October 22, 1996, personally handed President Clinton a business card with a written message suggesting a $5 million contribution.

Two days later on October 24 and again on October 26, deputy chief of staff Harold Ickes solicited Mr. Meddoff, including a call from Air Force One.

On October 29 and 30, Mr. Ickes called Mr. Meddoff and asked for an immediate contribution of $1.5 million within 24 hours.

There are two other instances depicted on this chart, and this chart only covers a very limited amount of information which was disclosed in the hearings of the Governmental Affairs Committee. One of them was a coffee which was held in the Oval Office. The President had received a memorandum from the Democratic National Committee which bore the President's writing, so we know that it was actually seen by the President.

This memorandum identified five individuals who, according to the memo, would be good for a contribution of $100,000 each. They were accorded a coffee in the White House. On May 1, there was this coffee in the Oval Office. Within the course of the week, four of the individuals contributed $100,000 each. That is not in the living quarters. That is not in any way, shape or form justifiable.

When I asked Attorney General Reno about this specifically—and bear in mind that at Judiciary Committee hearings, we have a very limited amount of time. It is not like a speech on the Senate floor where there is unlimited debate. Attorney General Reno said to me, when I asked her if this did not constitute where four people came in—bear with me. Let me read the specific information as to the question I put to the Attorney General, whether this wasn't specific and credible evidence which would satisfy the test of the independent counsel statute.

At page 193 of the record:

> Attorney General Reno: I will be happy to review it with the task force and get back to you, Senator.
>
> Senator SPECTER. Well, OK. I would ask you to review the balance of it. We will provide you with more of the specific and credible evidence, but don't you have a judgment today, Madam Attorney General?
>
> Attorney General Reno: I will review it with the task force.

The other specific bit of evidence was a June 18, 1996, coffee. In the presence of President Clinton, John Huang solicited the attendees saying:

> Elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the re-election of President Clinton.

This language is important because it was stated in the presence of the President in the White House. We know that from the testimony of a former official in the National Security Council who was sitting on one side of the President, a greater distance from the individual who made the statement and the comment was heard.

Again, when confronted with this specifically, the Attorney General declined to give an opinion but said she would get back to me.

That was on July 15 of this year. And more than 45 days have passed, and we still do not have the information.

Very briefly—I will not belabor the point—this was another chart presented at Judiciary Committee hearings which shows the alternative approach on the legal issue, and that is, conflict of interest, where you have Johnny Chung, who contributed some $366,000 to the Democratic National Committee, you have the connection with the President, Vice President, and Mr. Glicken. You have a connection with President Clinton and Pauline Kanchanalak, the connection between President Clinton and John Huang, the connection between Vice President GORE and Maria Hsia, the connection between President Clinton and Charlie Trie.

In all of these matters there is a conflict of interest where these individuals have been indicted. All except for Mr. Huang, there is the delicate matter of plea bargaining and a matter where there ought to be independent counsel not being directed by the Attorney General, who is the appointee of the President.

As outlined in some detail earlier by Senator HATCH—and I will not go over that ground—this evidence has been so compelling that FBI Director Louis Freeh has taken the public position that independent counsel ought to be appointed, not an easy thing to do for the FBI Director, who is a subordinate of the Attorney General. But the FBI Director made that statement.

Then you have the legal judgment of Mr. Charles LaBella, who is the chief prosecutor, also to the effect that independent counsel ought to be appointed. Then when Mr. LaBella was expected to be appointed as U.S. Attorney for the Southern District of California, he was skipped over—a question which needs to be answered in terms of whether his candid approach, disagreeing with the Attorney General of the United States, was a causal factor in his being passed over.

Mr. President, what I have outlined here is a very, very brief statement of very, very compelling evidence of irregularities in campaign finance. And when you deal with the issue of how Federal elections for the Presidency, for the Senate, and the House of Representatives are financed, that goes right to the core of our democratic institutions.

There is an enormous amount of skepticism in America today with the way we have political activities. I just finished, during the course of August, some 12 to 15 town meetings. In every meeting I was asked about campaign finance reform. And there was obvious cynicism by my constituents and really disgust with the way the system is run. And I was asked whether there would be campaign finance reform.

On a number of occasions it was noted that the House of Representatives had taken the bull by the horns and had passed campaign finance reform. And when asked whether it would be done in the Senate, I candidly said it was highly doubtful that 8 additional Senators could be found to join the 52 of us who have voted for cloture in order to have campaign finance reform.

If independent counsel were appointed and we got to the bottom of these issues—and many, many more—I think there would be a tidal wave of public insistence on campaign finance reform which is very necessary for the integrity of the electoral process.

When Senator HATCH, the chairman of the Judiciary Committee, speaks at great length about his frustration in what the Attorney General has not done, that is a frustration I think shared by most of Americans. Certainly it is a frustration which I share, and I think is shared by most of the members of the Judiciary Committee and most of the Members of the Congress of the United States.

In preparing this complaint in mandamus, we have a course of action which has a realistic chance of success. Is it a guarantee? No. There are many lawsuits which are filed, litigation, matters which are initiated which are not absolute guarantees. But when you have very, very compelling factual circumstances, as you do here, it is my legal judgment that the hurdles which have to be overcome can be overcome. And certainly it is an alternative which ought to be tried. It is my hope that the Attorney General will respond and appoint independent counsel. When she has, again, taken steps to have an additional investigation for 90 days, it is not totally insufficient, but it is a sharp indication that she has no intention to go to the core problems, some of which I have outlined here today.

When she activates a 90-day period of an investigation of Vice President GORE on the telephone calls, that is really a red herring, an effort to show some action which is totally—totally—insufficient. When she activates, as she did the day before yesterday, a 90-day period on Deputy Chief of Staff Ickes on a very limited phase, that again is totally insufficient.

What is necessary is to pick up the broad range of investigative leads identified by to the Director of the Federal Bureau of Investigation, Louis Freeh, and the broad range of leads identified by the chief counsel on the matter, Charles LaBella, to proceed. And if the Attorney General does not proceed, then it is my strong recommendation that the Judiciary Committee, a majority of the majority, take the bull by the horns and move to take action to compel the appointment of independent counsel through a mandamus act.

The draft copy of the complaint of mandamus—may I add that this is not carved in stone, that we are actively working to update it and to improve the complaint of mandamus, will outline the legal bases and is an outline of the evidentiary base for such an action.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 1997.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: Following up on yesterday's hearing, please respond for the record whether, in your legal judgment, the text of the television commercials, set forth below, constitutes "issue advocacy" or "express advocacy."

The Federal Election commission defines "express advocacy" as follows:

"Communications using phrases such as "vote for President," "reelect your Congressman," "Smith for Congress," or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate." 11 CFR 100.22

The text of the television commercials follows:

"American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposes tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

"60,000 felons and fugitives tried to buy handguns—but couldn't—because President Clinton passed the Brady Bill—five-day waits, background checks. But Dole and Gingrich voted no. One hundred thousand new police—because President Clinton delivered. Dole and Gingrich? Vote not, want to repeal 'em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No again. Their old ways don't work. President Clinton's plan. The new way. Meeting our challenges, protecting our values.

"America's values. Head Start. Student loans. Toxic cleanup. Extra police. Protected in the budget agreement; the president stood firm. Dole, Gingrich's latest plan includes tax hikes on working families. Up to 18 million children face healthcare cuts. Medicare slashed $167 billion. Then Dole resigns, leaving behind gridlock he and Gingrich created. The president's plan: Politics must wait. Balance the budget, reform welfare, protect our values.

"Head Start. Student loans. Toxic cleanup. Extra police. Anti-drug programs. Dole, Gingrich wanted them cut. Not they're safe. Protected in the '96 budget—because the President stood firm. Dole, Gingrich? Deadlock. Gridlock. Shutdowns. The president's plan? Finish the job, balance the budget. Reform welfare. Cut taxes. Protect Medicare. President Clinton says get it done. Meet our challenges. Protect our values.

"The president says give every child a chance for college with a tax cut that gives $1,500 a year for two years, making most community colleges free, all colleges more affordable . . . And for adults, a chance to learn, find a better job. The president's tuition tax cut plan.

"Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare $270 billion. Cut college scholarships. The president defended our values. Protected Medicare. And now, a tax cut of $1,500 a year for the first two years of college. Most community colleges free. Help adults go back to school. The president's plan protects our values."

Sincerely,

ARLEN SPECTER.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, June 19, 1997.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I have received your letter of May 1, 1997, asking that I offer you my legal opinion as to whether the text of certain television commercials constitutes "express advocacy" within the meaning of regulations of the Federal Election Commission ("FEC"). For the reasons set forth below, I have referred your request to the FEC for its consideration and response.

Under the Federal Election Campaign Act, the FEC has statutory authority to "administer, seek to obtain compliance with, and formulate policy with respect to" FECA, and exclusive jurisdiction with respect to civil enforcement of FECA. 2 U.S.C. §437c(b)(1), *See* 2 U.S.C. §437d(e) (FEC civil action is "exclusive civil remedy" for enforcing FECA). The FEC has the power to issue rules and advisory opinions interpreting the provisions of FECA. 2 U.S.C. §§437f, 438. The FEC may penalize violations of FECA administratively or through bringing civil actions. 2 U.S.C. §437g. In short, "Congress has vested the Commission with 'primary and substantial responsibility for administering and enforcing the Act.'" *FEC* v. *Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 37 (1981), *quoting Buckley* v. *Valeo*, 424 U.S. 1, 109 (1976).

The legal opinion that you seek is one that is particularly within the competence of the FEC, and not one which has historically been made by the Department of Justice. Determining whether these advertisements constitute "express advocacy" under the FEC's rules will require consideration not only of their content but also of the timing and circumstances under which they were distributed. The FEC has considerably more experience than the Department in making such evaluations. Moreover, your request involves interpretation of a rule promulgated by the FEC itself. Indeed, it is the standard practice of the Department to defer to the FEC in interpreting its regulations.

There is particular reason to defer to the expertise of the FEC in this matter, because the issue is not as clear-cut as you suggest. In *FEC* v. *Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Colo. 1993), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir. 1995), *vacated*, 116 S.Ct. 2309 (1996), the United States District Court held that the following advertisement, run in Colorado by the state Republican Federal Campaign Committee, did *not* constitute "express advocacy":

"Here in Colorado we're used to politicians who let you know where they stand, and I though we could count on Tim Wirth to do the same. But the last few weeks have been a real eye-opener. I just saw some ads where Tim Wirth said he's for a strong defense and a balanced budget. But according to his record, Tim Wirth voted against every new weapon system in the last five years. And he voted against the balanced budget amendment.

"Tim Wirth has a right to run for the Senate, but he doesn't have a right to change the facts."

839 F. Supp. at 1451, 1455–56. The court held that the "express advocacy" test requires that an advertisement "in express terms advocate the election or defeat of a candidate." *Id.* at 1456. The Court of Appeals reversed the District Court on other grounds, holding that "express advocacy" was not the appropriate test, and the Supreme Court did not reach the issue.

Furthermore, a pending matter before the Supreme Court may assist in the legal resolution of some of these issues; the Soliciter General has recently filed a petition for certiorari on behalf of the FEC in the case of *Federal Election Commission* v. *Maine Right to Life Committee, Inc.*, No. 96–1818, filed May 15, 1997. I have enclosed a copy of the petition for your information. It discusses at some length the current state of the law with respect to the definition and application of the "express advocacy" standard in the course of petitioning the Court to review the restrictive definition of the standard adopted by the lower courts in that case.

It appears, therefore, that the proper legal status of these advertisements under the regulations issued by the FEC is a question that is most appropriate for initial review by the FEC.

Accordingly, I have referred your letter to the FEC for its consideration. Thank you for your inquiry on this important matter, and do not hesitate to contact me if I can be of any further assistance.

Sincerely,

JANET RENO.

OFFICE OF THE ASSISTANT ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE,
Washington, DC, June 19, 1997.

Hon. JOHN WARREN MCGARRY,
Chairman, Federal Election Commission, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed for the attention and whatever further reply the Federal Election Commission (FEC) finds to be appropriate is a copy of an exchange of correspondence between the Attorney General and Senator Arlen Specter of Pennsylvania concerning the application of the Commission's rules governing issue advocacy by political parties to a specific advertisement. The Department of Justice regards the subject matter of this inquiry as properly within the primary jurisdiction of the FEC.

If we can assist the Commission in any way in this matter, please let me know.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

FEDERAL ELECTION COMMISSION,
Washington, DC, June 26, 1997.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: Your letter of May 1, 1997 to Attorney General Reno has been referred by the Department of Justice to the Federal Election Commission. Your letter asks for a legal opinion on whether the text of certain advertisements constitutes "issue advocacy" or "express advocacy".

As the Attorney General's June 19, 1997 letter to you correctly notes, the Federal Election Commission has statutory authority to "administer, seek to obtain compliance with, and formulate policy with respect to" the Federal Election Campaign Act ("FECA"). 2 U.S.C. §437c(b)(1). The Commission's policymaking authority includes the power to issue rules and advisory opinions interpreting the FECA and Commission regulations. 2 U.S.C. §§437f and 438.

Your May 1 letter notes that the Commission has promulgated a regulatory definition of "express advocacy" at 11 CFR 100.22. While the Commission may issue advisory opinions interpreting the application of that provision, the FECA places certain limitations on the scope of the Commission's advisory opinion authority. Specifically, the FEC may render an opinion only with respect to a specific transaction or activity which the requesting person plans to undertake in the future. See 2 U.S.C. 437f(a) and 11 CFR 112.1(b). Thus, the opinion which you seek regarding the text of certain advertisements does not qualify for advisory opinion treatment, since the ads appears to be ones previously aired and do not appear to be communications that you intend to air in the future. Moreover, "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of [section 437f]." 2 U.S.C. §437f(b).

While the FECA's confidentiality provision precludes the Commission from making public any information relating to a pending enforcement matter, I note that past activity such as the advertisements you describe may be the subject of compliance action. If you believe that the advertisements in question involve a violation of the FECA, you may file a complaint with the Commission pursuant to 2 U.S.C. §437g(a) noting who paid for the ads and any additional information in your possession that would assist the Commission's inquiry. The requirements for filing a complaint are more fully described in the enclosed brochure.

I hope that this information proves helpful to your inquiry. Please feel free to contact my office or the Office of General Counsel if you need further assistance.

Sincerely,

JOHN WARREN MCGARRY,
Chairman.

Mr. SPECTER. Mr. President, that concludes my remarks and I see staff bringing me the concluding papers, which I shall present.

ORDERS FOR THURSDAY, SEPTEMBER 3, 1998

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, September 3. I further ask that when the Senate reconvenes on Thursday, immediately following the prayer, there be a period for the transaction of morning business until 11:30 a.m., and further that the time between 9:30 and 10:30 be divided as follows: Senator BREAUX for 15 minutes, Senator TORRICELLI for 15 minutes, Senator DASCHLE or his designee for 30 minutes. I further ask that the time between 10:30 and 11:30 a.m. be under the control of Senator THOMAS or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, when the Senate reconvenes on Thursday at 9:30 a.m., there will be a period of morning business until 11:30 a.m. Following morning business, the Senate may turn to consideration of any available appropriations bills or other legislation or executive items cleared for action.

EXECUTIVE SESSION

DEPARTMENT OF STATE

Mr. SPECTER. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate go into executive session and that the Foreign Relations Committee be discharged from further consideration of the following nominations, and the Senate then proceed to their consideration: Senator ROD GRAMS, Senator JOSEPH BIDEN, former Senator Claiborne Pell.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Rod Grams, of Minnesota, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Joseph R. Biden, Jr., of Delaware, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Claiborne deB. Pell, of Rhode Island, to be an Alternate Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. Mr. President, on behalf of the majority leader, if there is no further business to come before the Senate—and there appears to be none—I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:18 p.m., recessed until Thursday, September 3, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 2, 1998:

DEPARTMENT OF JUSTICE

ROBERT BRUCE GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS VICE JOHN W. RALEY JR., RESIGNED.

DEPARTMENT OF STATE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

MARY A. RYAN, OF TEXAS

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

RICHARD M. BROWN, OF VIRGINIA
CRAIG G. BUCK, OF TEXAS
VALERIE L. DICKSON-HORTON, OF TEXAS
MOSINA H. JORDAN, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

WILLARD J. PEARSON JR., OF CALIFORNIA
LUCRETIA D. TAYLOR, OF VIRGINIA
GORDON H. WEST, OF VIRGINIA
MARILYN ANNE ZAK, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

PAMELA LOUISE CALLEN, OF MARYLAND
JOHN ARON GRAYZEL, OF NEW YORK
JAMES RAY KIRKLAND, OF TENNESSEE
DAVID L. PAINTER, OF THE DISTRICT OF COLUMBIA
ALLAN E. REED, OF CALIFORNIA
LEE ANN ROSS, OF FLORIDA
JAMES THOMPSON SMITH JR., OF VIRGINIA
MARK STUART WARD, OF CALIFORNIA
WAYNE J. WATSON, OF TEXAS
JANICE M. WEBER, OF PENNSYLVANIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR AND CONSULAR OFFICER AND SECRETARY INT HE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

THOMAS B. ANKLEWICH, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

AURELIA E. BRAZEAL, OF GEORGIA
A. PETER BURLEIGH, OF CALIFORNIA
JAMES FRANKLIN COLLINS, OF ILLINOIS
GENTA HAWKINS HOLMES, OF CALIFORNIA
ALAN P. LARSON, OF IOWA
MARK ROBERT PARRIS, OF VIRGINIA
JOHNNY YOUNG, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MANUEL F. ACOSTA, OF ARIZONA
CHARLES RUSSELL ALLEGRONE, OF VIRGINIA
RICHARD LEWIS BALTIMORE III, OF NEW YORK
RICHARD WARREN BEHREND, OF PENNSYLVANIA
JOHN S. BOARDMAN, OF FLORIDA
BARBARA K. BODINE, OF CALIFORNIA
CLIFFORD GEORGE BOND, OF NEW JERSEY
ROBERT A. BRADTKE, OF PENNSYLVANIA
JOE H. CHADDIC, OF VIRGINIA
JOHN N. CHRISTENSEN, OF TEXAS
J. MICHAEL CLEVERLEY, OF MARYLAND
BRIAN DEAN CURRAN, OF FLORIDA
MATTHEW PATRICK DALEY, OF CALIFORNIA
JAMES MICHAEL DERHAM, OF CONNECTICUT
JOSEPH MICHAEL DETHOMAS, OF VIRGINIA
JOHN M. EVANS, OF THE DISTRICT OF COLUMBIA
MICHAEL BART FLAHERTY, OF COLORADO
THOMAS PATRICK FUREY, OF OREGON
JAMES IRVIN GADSDEN, OF THE DISTRICT OF COLUMBIA
LESLIE ANN GERSON, OF CALIFORNIA
MORRIS N. HUGHES JR., OF CALIFORNIA
EDMUND JAMES HULL, OF ILLINOIS
CAMERON R. HUME, OF CONNECTICUT
JACQUES PAUL KLEIN, OF ILLINOIS
MICHAEL KLOSSON, OF MARYLAND
CHRISTOPHER J. LAFLEUR, OF NEW YORK
JAMES B. LANE JR., OF OHIO
JOHN HARGRAVES LEWIS, OF PENNSYLVANIA
LEE R. LOHMAN, OF PENNSYLVANIA
JEAN ANNE LOUIS, OF VIRGINIA
EILEEN ANNE MALLOY, OF CONNECTICUT
DOUGLAS L. MCELHANEY, OF FLORIDA
ELIZABETH MCKUNE, OF MARYLAND
SHARON K. MERCURIO, OF CALIFORNIA
THOMAS JOES MILLER, OF ILLINOIS
MARK C. MINTON, OF FLORIDA
DAVID RICHARD MORAN, OF VIRGINIA
BRUCE F. MORRISON, OF NEW YORK
TIBOR P. NAGY, OF TEXAS
ROBERT B. NOLAN, OF VIRGINIA
ROBERT PAUL O'BRIEN, OF VIRGINIA
JOHN MALCOLM ORDWAY, OF CALIFORNIA
MICHAEL P. OWENS, OF TEXAS
MARY ANN PETERS, OF CALIFORNIA
KATHERINE H. PETERSON, OF CALIFORNIA
JOYCE B. RABENS, OF CALIFORNIA
MICHAEL E. RANNEBERGER, OF VIRGINIA
RICHARD ALLAN ROTH, OF MICHIGAN
NEIL EDWARD SILVER, OF VIRGINIA
EMIL M. SKODON, OF ILLINOIS
BARBARA J. TOBIAS, OF CALIFORNIA
JAMES R. VAN LANINGHAM, OF VIRGINIA
ROBIN LANE WHITE, OF MASSACHUSETTS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ELIZABETH JAMIESON AGNEW, OF VIGINIA
W. LEWIS AMSELEM, OF CALIFORNIA
WALTER E. ANDRUSYSZYN, OF NEW YORK
JOANNE ARZT, OF NEW YORK
CATHERINE BARRY, OF ILLINOIS
SYLVIA J. BAZALA, OF NEW JERSEY
FREDERICK A. BECKER, OF CALIFORNIA
GREGORY L. BERRY, OF OREGON
CLYDE BISHOP, OF PENNSYLVANIA
RAYMOND A. BONESKI, OF FLORIDA
DONALD E. BOOTH, OF NEW HAMPSHIRE
PAMELA E. BRIDGEWATER, OF MARYLAND
JANET G. BUECHEL, OF WAHSINGTON
MATTHEW JAMES BURNS III, OF FLORIDA
CAREY EDWARD CAVANAUGH, OF FLORIDA
FREDERICK R. COOK, OF ILLINOIS
KATHLEEN M. DALY, OF MARYLAND
CHRISTOPHER WILLIAM DELL, OF NEW JERSEY
PATRICK DELVECCHIO, OF VIRGINIA
PHILO L. DIBBLE, OF THE DISTRICT OF COLUMBIA
TIMOTHY JOHN DUNN, OF CALIFORNIA
CHARLES LEWIS ENGLISH, OF FLORIDA
JUDITH RYAN FERGIN, OF MAINE
JAMES MICHAEL GAGNON, OF VIRGINIA
WILLIAM ROBERT GAINES JR., OF CALIFORNIA
GERARD M. GALLUCCI, OF PENNSYLVANIA
RICHARD F. GONZALEZ, OF CALIFORNIA
WILLIAM HENRY GRIFFITH, OF WEST VIRGINIA
SUNETA L. HALLIBURTON, OF NEW YORK
KATHLEEN V. HODAI, OF WASHINGTON
KARL WILLIAM HOFMANN, OF CALIFORNIA
KEVIN E. HONAN, OF NEW JERSEY
JANICE LEE JACOBS, OF ILLINOIS
STEPHANIE SMITH KINNEY, OF FLORIDA
ROBERT LAWRENCE LANE, OF VIRGINIA
JOHN E. LANGE, OF NEW HAMPSHIRE
JOYCE ELLEN LEADER, OF MARYLAND
HENRY ALAN LEVINE, OF THE DISTRICT OF COLUMBIA
ROBERT PAUL LUDAN, OF CALIFORNIA
JEFFREY JOHN LUNSTEAD, OF PENNSYLVANIA
CARMEN MARIA MARTINEZ, OF FLORIDA
MICHAEL ANTHONY MATERA, OF CALIFORNIA
MARGARET K. MCMILLION, OF PENNSYLVANIA
MICHAEL W. MICHALAK, OF THE DISTRICT OF COLUMBIA
ALICE COOK MOORE, OF GEORGIA
MARIANNE M. MYLES, OF NEW YORK
JOHN R. NAY, OF TENNESSEE
ANDREA J. NELSON, OF NEW JERSEY
JOHN JACOB NORRIS JR., OF VIRGINIA
ROBERT CHAMBERLAIN PORTER JR., OF MAINE
JON R. PURNELL, OF NEW HAMPSHIRE
EVANS JOSEPH ROBERT REVERE, OF VIRGINIA
MARCIE BERMAN RIES, OF TEXAS
JAMES EDMOND ROBERTSON, OF MARYLAND
MARGARET SCOBEY, OF TENNESSEE
MICHAEL JAMES SENKO, OF GUAM
W. DAVID STRAUB, OF KENTUCKY
EDWARD H. VAZQUEZ, OF NEW JERSEY
MARC M. WALL, OF VIRGINIA
JACOB WALLES, OF DELAWARE
CHRISTOPHER WHITE WEBSTER, OF MARYLAND
ROBERT WEISBERG, OF NEW HAMPSHIRE
THOMAS J. WHITE, OF NEW YORK
SETH D. WINNICK, OF NEW JERSEY
ALEJANDRO DANIEL WOLFF, OF CALIFORNIA
PETER S. WOOD, OF CALIFORNIA
WILLIAM BRAUCHER WOOD, OF NEW YORK
DONALD YUKIO YAMAMOTO, OF NEW YORK
STEPHEN MARKLEY YOUNG, OF NEW HAMPSHIRE

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

WILLIAM D. ARMOR, OF VIRGINIA
ERNEST E. DAVIS, OF MISSOURI
DAVID HAAS, OF VIRGINIA
WILLIAM G. HARRISON, OF CALIFORNIA
JOHN E. HOLLAND, OF WASHINGTON
RONALD M. MAZER, OF VIRGINIA
THOMAS E. MCKEEVER, OF TEXAS
WILLIAM L. WUENSCH, OF VIRGINIA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. HARRY A. CURRY, 6275

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DANIEL J. PETROSKY, 1004

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

HART JACOBSEN, 8647
HENRY S. JORDAN, 4582

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES G. HARRIS, 7417

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

EDWARD R. CAWTHON, 0072

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

THOMAS A. BUTERBAUGH, 4403

To be lieutenant commander

THOMAS A. ALKSNINIS, 9762
DERMOT P. CASHMAN, 9690

THE FOLLOWING NAMED OFFICERS FOR PERMANENT APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589(A):

To be lieutenant

DEAN A. BARSALEAU, 8035
PATRICIA D. FARNAN, 0040
JAMES N. ROSENTHAL, 9668

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

CHARLES C. ARMSTEAD, 8696
KAREN A. BRADWAY, 0592
DEBRA A. CAVANAUGH, 0851
FRANCIS D. CUMBERLAND JR., 7234
GARY S. FORTHMAN, 4591
HOWARD D. GOOGINS, 2023

LINDA E. HANSON, 7325
ROY J. HOBBS, 2400
MICHAEL L. HOPPER, 6783
KATHY A. JENNER, 0355
RICHARD D. MARSH, 6813
MICHAEL J. MURPHY, 0956
ROY J. RUFF JR., 2135
GEORGE L. SMALL, 2574
GARY J. TRICHE, 3295
EDWARD J. WRIGHT JR., 5722

To be lieutenant colonel

RUDY C. ABEYTA, 2757
WARREN O. ABRAHAM, 3654
MARC E. ABSHIRE, 2033
EDWARD ACEVEDO, 5456
REMEY J. ACEVEDO, 5545
PAUL C. ACKERMAN, 6828
DARRELL E. ADAMS, 8575
JOHN P. ADAMS, 2268
NORMAN B. ADAMS, 7485
RORY D. ADAMS, 8132
WANDA P.C. ADKINS, 3804
DELANE A. ABANG AGUILAR, 6295
JOHN M. AIKEN, 2035
ANDREW B. ALDERSON, 1460
MARK R. ALDRICH, 2963
RENITA D. ALEXANDER, 8931
LEROY ALFORD, 1659
KEITH R. ALLFORD, 3156
JOHN V. ALLISON JR., 8535
RICHARD E. ANAYA, 0965
LEE C. ANDERSEN, 5449
ARTHUR H. ANDERSON JR., 9871
CRAIGEN B. ANDERSON, 2235
DAVID L. ANDERSON, 9670
MICHAEL P. ANDERSON, 2569
ROGER N. ANDERSON JR., 1744
WARREN M. ANDERSON, 6160
JOHN M. ANDREANO, 7657
ROBERT K. ANGWIN, 4705
TODD M. ANSTY, 2848
JEFFERY S. ANTES, 4173
EDWARD L. ANTOINE JR., 5542
EDWARD R. APPLER, 1153
MICHAEL G. ARCHULETA, 8552
MATTHEW H. ARENS, 9944
JEFFREY M. ARKELL, 6533
FREDERIC M. ARRENDALE, 6725
STEVE ASHER, 2949
ISAAC ATKINS JR., 2018
STEVEN M. ATKINS, 3714
TIMOTHY J. AUER, 1957
OMER F. AUSTIN, 2502
DEREK W. AVANCE, 2782
BRADLEY J. AYRES, 0261
MICHAEL R. BABCOCK 5634
TERESA R. BABERS, 4460
MARK A. BAGGETT, 6954
CHRISTOPHER J. BAGNATI, 6204
DAVID M. BAILEY, 1964
MATTHEW K. BAILEY, 1308
PENNY H. BAILEY, 9927
JEFFREY A. BAKER, 8566
MARK A. BAKER, 7224
RAYMOND N. BAKER 6200
JAMES B. BALDWIN, 8561
PEGGY L. BALL, 2012
JOHN W. BALLENTINE JR., 4342
LANTZ R. BALTHAZAR III, 1307
TODD C. BANGERTER, 0893
SID P. BANKS, 8671
DAVID W. BANTON, 7861
CESIDIO V. BARBERIS JR., 1835
CHARLES T. BARCO, 7423
JAMES L. BAREFIELD II, 5984
GARY D. BARMORE, 5462
MICHAEL D. BARNETT, 2609
KEITH R. BARON, 0466
THOMAS J. BARRALE, 9826
WILLIAM R. BARRETT, 7401
GARY M. BARRETTE, 2409
BRYAN D. BARTELS, 4130
DANIEL W. BARTLETT JR., 0941
KEITH B. BARTSCH, 8873
WILLIAM L. BASSETT, 6527
ROBERT A. BEARDSLEE, 9505
JOSEPH D. BECKER, 4338
JOHN R. BECKHAM JR., 0129
BERNICE B. BECKWITH, 4789
MICHAEL G. BEDARD, 7893
THERESA A. BEDNAREK, 4844
ROBERT J. BELETIC, 5680
JOHN M. BELL, 6410
JOHN S. BELL, 1115
LARRY D. BELL 3708
DAVID M. BELLAMY, 9200
CLYDE T. BELLINGER, 9474
DAVID C. BENDALL, 9785
ALLEN J. BENEFIELD, 1223
MELANIE G. BENHOFF, 7653
VANESSA G. BENN, 2124
RODGER R. BENNETT, 8479
THOMAS W. BERGESON, 9378
JOHN G. BERMINGHAM, 4828
MARK A. BERTHOLF, 1305
ROBERT J. BERTINO, 9515
ERIC H. BEST, 6776
SCOTT A. BETHEL, 7648
CARLO A. BIAGINI, 2491
ADAM R. BIGELOW, 8525
JIM C. BIGHAM JR., 9944
SANDRA R. BIGNELL, 1675
GERARD A. BIGOS, 3249
GUILLERMO A. BIRMINGHAM 6143
CARLEE A. BISHOP 1056
DOUGLAS N. BISSELL, 8545
ERIC B. BJORN, 4827
DOUGLAS S. BLACK, 5215
KENNETH N. BLACKBURN, 2438
FRANCINE BLACKMON, 3137
RUSSELL J. BLAINE, 7239
DARRYL W. BLAN, 2213
BRYAN J. BODNER, 2586
ANDREW P. BOERLAGE, 3606
ROBERT J. BOIS, 4646
TODD A. BOLGER, 8291
PATRICK J. BOLIBRZUCH, 4263
DONALD T. BOLLING, 3966
DOUGLAS J. BOONE, 9267
TIMOTHY L. BOONE, 3900
DAMON K. BOOTH, 9850
MARK E. BOOTH, 0150
SCOTT J. BORG, 4994
ANN L. BORGMANN, 2543
PHILIP A. BOSSERT JR., 6889
DELBERT D. BOTTING, 1287
TODD A. BOUDINOT, 1589
ARMAND D. BOUDREAU JR., 1755
ERIC A. BOWEN, 4337
CHARLES T. BOWMAN, 5139
WALKER H. BOWMAN IV, 8870
STEVEN H. BOYD, 6922
DAVID L. BOYER, 0213
GREGORY T. BOYETTE, 2466
ROBERT K. BOYLES, 7264
PHILIP G. BRADLEY, 6335
WILLIAM S. BRADSHAW, 9227
STEVEN W. BRAGADO, 4997
MARK S. BRANDT, 4945
ROBERT K. BRANNUM, 7415
DWIGHT R. BRASWELL, 4728
EDWARD A. BREDBENNER, 7949
TIMOTHY K. BRELAND, 4478
PAUL N. BRICKER JR., 1402
TONJA M. BRICKHOUSE, 3159
JOHN W. BRIDGE, 6933
HARRY BRIESMASTER III, 6341
CHARLES F. BRINK, 3446
ROBERT ESLEY BRODERICK, 7824
GARY D. BROOKS, 0217
ALAN L. BROOKSHIRE, 5737
LYNN D. BROOME, 5453
ARTHUR J. BROWN III, 7026
BETTY J. BROWN, 3029
CHARLES Q. BROWN JR., 9120
DANIEL P. BROWN, 3331
JAMES H. BROWN III, 0185
JAMES R. BROWN, 2176
REBECCA L. BROWN, 6711
SHIRLEY H. BROWN, 8734
JAMES S. BROWNE, 5556
SCOTT A. BRUMBAUGH, 3217
DARRELL W. BRUNING, 5303
NANCY G. BRUNSKOLE, 2697
JAMES L. BRYAN, 1677
JEFFREY L. BRYANT, 5682
LESLIE M. BRYANT, 0942
JAMES K. BRYDON, 5082
ROBERT S. BUCKLAND, 9282
TIMOTHY R. BUCKNER, 6273
FRANK C. BUDD, 3699
MARVIN G. BUEL JR., 4997
MARK A. BUKER, 4303
DAVID W. BULLOCK, 2406
ROBERT W. BULLOCK, 5622
RICHARD J. BURGESS, 4814
DARRYL W. BURKE, 0693
TIMOTHY S. BURKE, 5099
GREGORY J. BURNS, 0903
CALVIN C. BUTTS, 7993
NELSON CABOT JR., 3141
EDWARD A. CABRERA, 8426
JAMES D. CALDWELL, 8626
STEVEN C. CALL, 8368
DAVID M. CALLIS, 4052
MARIANO C. CAMPOS JR., 0997
PETER C. CANTWELL, 6568
NEAL R. CARBAUGH, 9773
PATRICK T. CAREY 5380
STEPHEN R. CARLSON, 9275
MICHAEL K. CARNEY, 9746
JOSEPH M. CARRIERE, 2748
JEFFREY L. CARSON, 5613
JOHN R. CARTER JR., 3370
THERESA C. CARTER, 4180
HENRY L. CASHEN, 5108
MICHAEL D. CASSIDY 4145
SEAN P. CASSIDY, 0089
WILLIAM J. CASTLE, 0862
JACK S. CASZATT, 3166
DEVIN L. CATE, 5871
CHRISTOPHER R. CHAMBLISS, 4300
LEROY D. CHAMNESS, 2344
STEPHEN R. CHANNEL, 4058
SUSAN C. CHAVERS, 3732
K. MICHAEL CHESONIS, 2558
NOLEN R. CHEW JR., 5664
SHEILA G. CHEWNING, 5709
TIMOTHY G. CHILDRESS, 8561
DAVID L. CHRISTENSEN, 2781
JERALD R. CHRISTENSEN, 5640
MICHAEL S. CHRISTIE, 8065
BRENT CHUBB, 8382
CARY C. CHUN, 7232
STEPHEN B. CICHOCKI, 9053
DANIEL A. CIECHANOWSKI, 2430
ROBERT B. CLARDY, 1646
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ALLEN L. CLARK, 6964
GREGORY C. CLARK, 8892
KENNETH N. CLARK, 6328
PAUL J. CLARK, 7465
TIMOTHY D. CLARY, 9881
MICHAEL D. CLAWSON, 5507
DEAN R. CLEMONS, 6038
HARRY L. CLEMONS JR., 7802
BENJAMIN N. CLEVELAND, 1290
DANIEL R. CLEVENGER, 0935
FRED R. CLIFTON JR., 4041
ALLAN F. COBB, 6575
STEPHEN D. COBB, 6992
MARK R. COBIN, 6335
KENNETH E. COBLEIGH, 3869
LANDON V. COCHRAN, 9428
WILLIAM R. CODY JR., 4256
DAVID A. COFFMAN, 3571
JOHN W. COHO, 8920
BERNARD F. COLLINS II, 8177
NANCY L. COMBS, 4628
MICHAEL B. COMPTON, 8647
FERNANDO X. CONEJO, 5459
HARRY W. CONLEY, 1016
LEE D. CONN, 4880
JAMES P. CONRAD, 4693
MARK J. CONVERSINO, 1053
DAVID P. COOLEY, 9912
TIMOTHY R. COOLEY, 4231
PATRICIA K. COOMBER, 9358
ROBERT W. COOPER, 8998
KIMBERLY J. CORCORAN, 2880
CHRISTOF P. CORDES, 6564
JOHN P. CORNETT II, 8977
NORMAN M. CORTESE, 8850
JOHN M. COTTAM, 8391
JOHNNY N. COUCH, 1114
JERRY R. COUICK, 9510
FREDERICK L. COWELL, 7482
CHRISTOPHER L. COX, 8003
ROBERT E. CRAIG JR., 3319
ARTHUR W. CRAIN, 0906
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MARK C. CREWS, 3112
JOHN R. CRIDER, 9725
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GWENDOLYN J. CRIMIEL, 9238
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FRANCIS CROSBY JR., 8886
HECTOR L. CRUZ, 2054
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MICHAEL V. CZARNIAK, 2871
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JAMES W. DAHLMANN, 3815
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BRYAN A. DALY, 8216
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MERID D. DATES, 6060
JOHN M. DAVIDSON, 3355
CONSTANCE H. DAVIS, 6835
GREGORY E. DAVIS, 0534
TIMOTHY C. DAVIS, 4879
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THOMAS S. DEAN, 8556
JOHN W. DEBERRY, 0446
WILLIAM C. DEBOE JR., 3420
JOHN R. DECKNICK, 0653
MARK A. DEDOMINICK, 2054
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GODFRED N. DEMANDANTE, 7809
NANCY M. DEMING, 9563
CORRINE A. DEMOSS, 9747
JAMES C. DENDIS, 1206
RAY A. DENNIE, 8253
JEFFREY L. DERRICK, 5547
LLOYD D. DESERISY, 8468
NICHOLAS L. DESPORT, 5407
JAMES E. DETEMPLE, 5976
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ROBERT E. DEVANEY, 7425
TROY E. DEVINE, 1261
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JAMES A. DICE, 9054
RICHARD J. DIERINGER, 2035
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MARC K. DIPPOLD, 6982
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JAMES D. DODSON, 5951
GARY L. DOMBROSKIE, 0634
ANTHONY R. DOMINICE, 9739

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THOMAS L. DRIEHORST. 4402
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MARC B. DUNCAN. 0964
MARK C. DURHAM. 1925
SUSAN E. DURHAM. 0953
ELIZABETH M. DURHAMRUIZ. 6957
WALTER B. EADY. 4417
DOMENICK M. EANNIELLO. 5988
MARK J. EDMUNDS. 9312
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VIVIAN C. EDWARDS III. 3698
KENT A. EINMO. 3141
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HAROLD A. ELKINS. 3970
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MATTHEW N. ERICHSEN. 8678
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LYMAN A. FAITH. 5269
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ROBERT L. FANT. 9629
ANGELIQUE L. FAULISE. 9014
KEITH P. FEAGA. 0635
KURT C. FECHT. 2385
MERRILY D. FECTEAU. 9457
WAYNE A. FELTMAN. 7990
MICHAEL A. FERNANDEZ. 1384
BERNARD P. FERRIS JR., 9883
EBBY FERRY. 4442
SANDRA E. FINAN. 6172
WILLIAM B. FINTER. 7817
MICHAEL R. FISCHER. 8654
WILLIAM K. FISHER. 0941
MARK E. FLAK. 5452
DEAN W. FLANDERS. 6331
PAULA BOHN FLAVELL. 1226
STEPHEN D. FLEMING. 6180
STEPHEN M. FLIPPO. 5981
JESUS FLORES. 4624
CHARLES C. FLOYD. 5305
DAVID C. FLYNN. 8266
MICHAEL D. FLYNN. 7801
REINHARD P. FOERG. 4097
KEVIN A. FORD. 2955
KRISTINA M. FORTMANN. 2726
BRYAN H. FORTSON. 7364
ANTHONY A. FOTI. 2261
KURT R. FOX. 9417
MICHAEL E. BARTEAU FRANCE. 9013
GEOFREY A. FRAZIER. 0498
ANDREW C. FRECHTLING. 6899
ROBERT S. FREDELL. 2186
PHILLIP R. FREDERICK. 3685
ERIC A. FREEMAN. 4844
JACK J. FRIEDMAN. 0360
MICHAEL J. FRITZ. 7262
CARL S. FUNK. 7254
JOHN M. FYFE. 5894
DAVID R. GAETA. 8102
DEBORAH A. GALASKA. 5869
CARLA H. GAMMON. 6829
JERRY L. GANDY. 9982
SUSAN J. GARCIA. 8418
JEFFERY D. GARDNER. 9317
JOHN S. GARDNER. 4885
REBECCA P. GARDNER. 6346
ANDREA M. GARDNERINCE. 8137
THOMAS A. GARIN. 0152
LESLIE A. GARLAND. 5787
KENNETH A. GARRISON. 9176
STEVEN H. GAWLER. 4983
KEITH W. GAY. 6649
MICHAEL T. GAY. 2423
KENNETH A. GAYLOR. 2820
JAMES P. GEIB. 6339
BRADFORD D. GENTRY. 6547
DAVID K. GERBER. 1763
MICHAEL L. GERMAN. 7181
RONALD J. GEVRY. 3042
THOMAS B. GIATTINO. 2167
DEBORAH A. GIBBS. 6311
DAVID P. GIBSON JR., 7622
MICHAEL K. GIBSON. 0193
ROBERT D. GIBSON. 9749
SCOTT K. GIBSON III 6353
MARY M. GILLAM. 3873
MARK A. GILLETT. 0456
DENNIS P. GILLON. 9755
BILLY J. GILSTRAP JR., 4142
CARY B. GLADE. 3483
DONALD L. GLEASON. 4840
BRYAN P. GLYNN. 7654
ALAN L. GOARD. 8796
JOHN J. GOMEZ. 6320
JIMMY GONZALEZ. 6649
LARRY T. GOODWIN. 8277
GROVER M. GOSSETT. 4381
DAVID T. GOULD. 3049
RALPH GRACIA. 2484
*DOUGLAS E. GRAHAM. 3165
MICHAEL J. GRAHAM. 1345
GERALD N. GRANT. 0629
LINWOOD N. GRAY. 0986
SAMUEL A.R. GREAVES. 1741
ROBERT S. GREEN. 5707
DAVID T. GREER JR., 8533
CHERYL E. GREGORIO. 3392
DANIEL P. GRENIER. 2513
LAWRENCE S. GRESKO JR., 4933
EDWARD M. GRIFFIN. 8449
SAMUEL R. GRIFFIN. 7304
STEPHEN J. GRIFFIN. 6492
STEVEN C. GRIFFITH. 4360
GARY C. GRIGORIAN. 4182
GINA M. GROSSO. 4823
JOHN W. GROSVENOR. 9825
YOLANDA L. GROVE. 6456
FREDERICK I. GUENDEL JR., 8674
JOHNNY R. GUEST. 6635
JEFFREY G. GUILD. 1423
WILLIAM L. GUTHRIE III. 0955
WILLIAM R. HAAS. 3827
JOSEPH K. HADDAD. 4073
DAVID A. HAGGINBOTHOM. 4227
DEBORAH L. HALL. 8789
JOHN B. HALL JR., 5032
DONALD E. HALLFORD. 4050
PHILLIP A. HAMANN. 4914
JAMES J. HAMMES III. 1420
ROBERT G. HAMPTON. 8159
JAMES M. HAMRICK 6307
RICHARD D. HANDLEY. 7373
KEVIN M. HANFORD. 2399
RONALD F. HANNENBERG. 4187
SCOTT M. HANSON. 8761
JOSEPH R. HAPY. 4021
JAMES D. HARDEN. 5095
ANTHONY L. HARDIN. 7993
BRUCE B. HARDING. 4606
WILLIAM J. HARDING. 3908
DANIEL G. HARGROVE. 7871
JEFFREY D. HARKER. 3549
JAMES J. HARKINS JR., 8703
DANIEL M. HARRIER. 2745
DWIGHT LEE HARRIS. 5686
MARLIN L. HARRIS. 5239
MICHAEL J. HARRIS. 6588
TERESA M. HARRISON. 1352
GARY L. HART. 3230
DANA R. HARTLE. 1510
WILLIS L. HARWELL. 4509
RAYMOND S. HARWOOD. 3665
BRETT D. HASWELL. 3770
STEPHEN M. HASWELL. 5730
JOHN W. HATCH. 2181
MICHAEL C. HATHAWAY. 9546
GREGORY HAWKES. 3785
ADRIAN J. HAYES. 7618
CHRISTOPHER M. HAZEN. 4503
GERALD C. HEADLEY III. 2963
LERNES J. HEBERT. 5612
RANDALL B. HEINBAUGH. 9820
DAVID B. HEININGER. 9630
HENRY E. HELIN. 6364
BRUCE P. HENDRICKSON. 9946
DANIEL L. HENKEL. 6175
THOMAS N. HENSON. 8662
JAMES E. HERRING. 0631
STEVEN C. HERZIG. 0153
MARK D. HESTER. 4382
JENNIFER L. HESTERMAN. 3987
EDWARD C. HEYSE. 3189
THOMAS J. HIETPAS. 2592
ALBERT HILL JR., 7987
GREGORY C. HILL. 4041
JEFFERY HILL. 7587
LARRY W. HILL. 7549
SCOTT H. HILL. 5391
STEPHEN D. HILL. 3674
JEFFREY W. HILT. 3219
MICHAEL J. HIRKA. 4351
JOHN L. HIRST III. 0101
WILLIAM A. HITE. 7822
GARY W. HOGG. 7789
JOE L. HOGLER. 8744
MICHAEL D. HOLBERT. 2156
ARNOLD W. HOLCOMB. 7184
JUAN D. HOLGUIN. 4697
GARY W. HOLLAND. 5885
DANE. HOLLENGA. 9418
MARK T. HOLLERAN. 5565
JOSEPH L. HOLLETT. 3875
JAMES C. HOLLINGSWORTH. 5947
SCOTT H. HOLLOWAY. 2472
BRUCE E. HOLLYWOOD. 2095
RICHARD J. HORAN. 3230
JAMES C. HORTON. 2417
JEFFERY A. HOSKEN. 1861
ROBERT S. HOSKINS. 8985
KENNETH E. HOSTERMAN. 5095
GERALD A. HOUGE. 7020
GREGORY S. HOUSTON. 7463
THOMAS W. HOUSTON II. 0937
JAMES A. HOWARD. 6519
WILLIAM F. HOWARD JR., 9879
LARRY A. HOWE. 4743
MICHAEL P. HOWE. 0656
HAL V. HOXIE. 7325
DENNIS B. HUDSON. 8187
MATTHEW E. HUGHES. 6506
ROBERT K. HUGHES II. 9126
KIRK A. HUNIGAN. 0005
ALAN L. HUNT JR., 7330
PETER C. HUNT. 6088
CARL HUNTER. 8411
CHARLES R. HUNTER. 7949
RICHARD M. HUNTER. 1523
JAMES E. HURLEY. 4945
WILLIAM L. HURT. 7314
WILLIAM R. HURT JR., 9771
JUAN A. HURTADO. 2061
DAVID G. HUTCHISON. 8406
MICHAEL W. HUTCHISON. 4512
JOHN H. IDE. 6547
DAVID C. IMIG. 1324
RICHARD A. INGALSBE. 0285
PERRY B. IRBY. 4443
DEAN C. JACKSON. 4486
DONALD L. JACKSON. 9506
JOSEPH A. JACKSON. 3801
RICHARD S. JACKSON. 8926
RUFUS JACKSON JR., 3284
GORDON J. JACOBS. 9307
JULIE D. JACOBSON. 9775
JOHN D. JAMES. 5573
DOUGLAS F. JAMIESON. 1735
VERALINN JAMIESON. 5573
DOUGLAS F. JAMIESON. 1735
VERALINN JAMIESON. 6699
JADELL JANES. 9755
SCOTT W. JANSSON. 2715
EDWARD H. JARRETT. 4772
STEVEN J. JARVIS. 5457
JAMES G. JASINA. 2189
DENNIS L. JASINSKI. 3466
WAYNE F. JASINSKI. 5366
MARK P. JELONEK. 0180
JAMES M. JENKINS. 4323
RONALD P. JENKINS. 7118
BRADFORD W. JENSEN. 8117
KEVIN R. JOECKEL. 8036
KRIS A. JOHANESSEN. 2112
WILLIAM A. JOHANNESSEN. 1886
STEVEN G. JOHNS. 1645
DANIEL R. JOHNSON. 4409
GARY M. JOHNSON. 8048
KEITH L. JOHNSON. 8776
KIM M. JOHNSON. 0193
MARK D. JOHNSON. 6593
MICHAEL R. JOHNSON. 4922
RICHARD P. JOHNSON. 3328
TROY A. JOHNSON. 8332
WALTER JOHNSON. 9573
DONNA M. JOHNSONBACON. 4531
KENNETH B. JOHNSTON. 1821
BRIAN D. JONAS. 0421
JIMMY L. JONES. 6368
LARRY D. JONES. 0081
LEONARD A. JONES. 7692
RICHARD L. JONES II. 2931
THOMAS M. JONES JR., 9102
VICTOR P. JONES. 9889
DANIEL P. JORDAN. 6369
JOHN F. JOZWICKI. 4592
JOEL B. JUREN. 1538
BRUCE M. JUSELIS. 3109
RICHARD D. JUSTICE JR., 1443
ERIC HAROLD KAMIEN. 2655
CHRISTOPHER E. KANE. 2154
TERRY P. KANE. 8539
MARK A. KANKO. 3876
CHRISTOPHER A. KAPELLAS. 2927
THOMAS KARIKA. 7367
STEVEN H. KAVOOKJIAN. 4798
KELVIN P. KEARNEY. 3316
DARRELL P. KEATING. 4918
JULIE L. KECK. 7085
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JAMES D. KEELS JR., 2372
JOHN F. KEENAN. 7016
LAWRENCE F. KEITH. 6534
GARY C. KELLER. 4793
DOUGLAS E. KELLEY. 6355
DONALD R. KELLY. 2735
MARK D. KELLY. 5196
MICHAEL L. KELLY. 1663
WALTER F. KELLY. 1613
STEVEN S. KEMPF. 3152
DAVID E. KENNEALLY. 9747
THOMAS J. KENNEDY. 1185
GREG A. KERN. 0651
KEVIN G. KERSH. 7314
KENNETH KESKEL. 8344
DONALD J. KESSLER. 3765
TIMOTHY B. KILLAM. 4740
LARRY T. KIMM. 9460
LANCE KING. 5354
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MICHAEL J. KINGSLEY. 2558
BRUCE A. KIRBY. 9310
JOHN L. KIRK. 8335
DAVID M. KIRKHAM. 1289
DEBORAH A. KIRKHUFF. 1935
MAX W. KIRSCHBAUM. 9175

WILLIAM A. KITCH, 2605
TERRENCE J. KLEFISCH, 7144
JERRY D. KLINE, 1329
TONY V. KLUCKING, 3776
JAMES R. KNIGHT, 9430
JAMES T. KNOLL, 7522
DAVID C. KNOPF, 3987
DENISE A. KNOX, 0105
WILLIAM A. KOBREN, 2998
GERARD W. KOLASKI, 1296
THOMAS A. KONICKE, 6891
TERRY T. KONO, 6460
MICHAEL F. KORCHECK, 0056
WAYNE K. KORN, 1124
RANDALL J. KOSINSKI, 2369
REY B. KOURY, 6731
GAIL K. KRAMER, 5356
MARK L. KRAMER, 6084
TIMOTHY J. KRAMER, 7284
GEORGE D. KRAMLINGER, 4710
MARK E. KRAUS, 2091
MERRICK E. KRAUSE, 5033
JOHN T. KREGER IV, 6111
JAY M. KREIGHBAUM, 7643
KEVIN W. KREPS, 6231
KEVIN C. KRINER, 0302
KEVIN C. KRISINGER, 6262
HEATHER M. KTENIDIS, 6963
JOHN T. KUKOWSKI JR., 7898
JOHN J. KUSNIEREK, 5259
STEVEN L. KWAST, 7646
SAM M. KYLE JR., 3124
KURT R. LAFRANCE, 2564
MARIA R. LAMAGNAREITER, 2150
ANDREW H. LAMAR, 5446
MICHAEL W. LAMB, SR., 5045
RICHARD E. LAMB, 8421
MICHAEL J. LANDRY, 9669
ROBIN MIYOSHI LANDRY, 9284
TRUDY E. LANDRY, 1203
RANDEL A. LANE, 0147
GLENN A. LANG, 6900
DAVID H. LANGAN, 0990
JON L. LANGE, 1708
SCOTT G. LARDNER, 1758
DENNIS LARM, 2119
GARY M. LASSITER, 6084
JEFFREY L. LATAS, 9295
STEVEN H. LAUDER, 4960
PAUL L. LAUGESEN, 1571
RONALD K. LAUGHBAUM, 7649
WALTER H. LEACH, 8456
GORDON K. LEE, 0271
KIRK CHI KONG, LEE, 0372
MARK A. LEE, 9133
RICHARD H. LEE JR., 9461
TIMOTHY F. LEE, 0039
HAROLD T. LEHMANN, 4349
MICHELE A. LEHMKUHL, 5727
BENJAMIN C. LEITZEL, 5279
RICHARD K. LEMASTER, 7164
WILLIAM T. LEMENAGER, 5320
DANIEL E. LEVIN, 2800
JONATHAN H. LEVISON, 8745
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RICHARD A. LEWIS, 5862
SCOTT D. LEY, 7245
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ROBERT F. LINDSAY, 3334
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JEFFERY K. LITTLE, 7151
CARL D. LIVERMORE, 2753
JOHN M. LIVINGOOD, 6415
PETER R. LIVINGSTON, 1903
NORMAN D. LLOYD, 8859
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VICTOR E. LOFTON, 6320
MARITZA LOGRASSO, 3599
SCOT H. LOIZEAUX, 6370
WESLEY W. LONG, 9095
DEAN J. LONGO, 5220
JAMES B. LOPEZ, 4741
MADELINE F. LOPEZ, 5804
WARREN LOW, 8784
LYNNETTE M. LOWRIMORE, 4230
ALVIN M. LOWRY JR., 6289
ROBERT M. LUCANIA, 2228
SCOTT A. LUDLOW, 3100
DOUGLAS W. LUHRSEN, 7397
KENT S. LUND, 2702
LOREN M. LUNDSTROM, 8605
CONNIE J. LUTZ, 2341
THOMAS L. LUTZ, 5459
TIMOTHY E. LYNN, 9198
JOHN F. MABE, 1015
STUART W. MABERRY, 3012
JOHN W. MABES JR., 2941
MARK L. MAC DONALD, 9091
NATHAN G. MACIAS, 0267
MICHAEL P. MAC IVER, 4359
JEFFREY M. MACLENNAN, 7156
FRANK C. MADEKA, 6266
BRUCE H. MAGOON, 8349
PHILIP A. MAHON, 6609
WILLAIM M. MAJOR, 7419
WILLIAM A. MALEC, 7604
TIMOTHY R. MALINSKI, 8802
JOEL E. MALONE, 7224
EDWIN L. MARSALIS JR., 8494
MICHELLE M. MARSHALL, 6969
DAVID M. MART, 5905
STUART K. MARTIN, 1238
GREGORY C. MARTINEAC, 1170
JERRY P. MARTINEZ, 4315
JOHN B. MARTINS, 1164
GREGORY P. MASTERS, 8326
KALI K. MATHER, 5529
BETSY T. MATSUOKA, 9087
MICHAEL C. MATTEI, 2748
RONALD E. MATTSON, 4899
PETER M. MAUNZ, 3117
*SHERRI R. MAXWELL, 0108
RUSSELL M. MAYES, 1097
EDWARD J. MC ALLISTER III, 3564
MARK S. MC ALPINE, 2016
JOHN M. MC BRIEN, 2823
ERIN M. MC CARTER, 9956
JAMES P. MC CAW JR., 9298
WARREN J. MC CHESNEY JR., 9321
STANLEY J. MC CLOSKEY, 4295
RICHARD P. MC COY, 3944
VINCENT G. MC CRAVE III, 3202
SAMUEL J. MC CRAW, 7361
DAVID M. MC CULLERS, 8824
JOHN W. MC DONALD, 4227
MICHAEL H. MC DONALD, 1043
KEVIN S. MC DONOUGH, 3354
NEAL B. MC ELHANNON, 8909
MICHAEL E. MC GAUVRAN, 4704
DONALD W. MC GEE, 8584
PAUL H. MC GILLICUDDY, 1541
CATHERINE M. MC GINN, 8884
KEVIN P. MC GINNIS, 3426
THOMAS K. MC INTYRE JR., 3065
VIVECA A. MC KAY, 9011
TIMOTHY A. MC KELVEY, 5137
WILLIAM E. MC KENNA, 0867
JOHN T. MC KENY, 8677
MARK T. MC KENZIE, 1983
BRUCE A. MC KIBBEN, 3001
VIRGINIA M. MC KINLEY, 1650
MICHAEL E. MC KINNEY, 7780
JOHN W. MC LAUGHLIN, 2817
MARK C. MC LAUGHLIN, 2670
PHILIP G. MC LEMORE, 0632
*GERALD D. MC MANUS, 0194
THOMAS C. MC MULLEN, 4597
JOHNNY MC QUEEN, 5131
RALPH T. MEAD JR., 6487
JOHN M. MEEK, 3349
ROBERT N. MELVIN, 1969
EDMUND G. MEMI, 2277
RUBEN MENDEZ, 0023
MICHAEL S. MENSER, 1827
JAMES J. MERCER, 5224
*JAMES M. MEREDITH, 0170
DONALD MERKISON, 1748
MARIE E. MERRICK, 6643
JOSEPH T. MERTAN JR., 9687
*DEAN L. MESSELHEISER, 3119
CHRISTOPHER C. METZ, 7939
KARL W. MICKELSON, 5586
JOHN C. MILLANDER, 6136
DAMIEN F. MILLER, 1896
DOUGLAS W. MILLER, 1519
JEFFREY P. MILLER, 7185
JOSEPH T. MILLER, 7890
MARK E. MILLER, 9743
MICHAEL D. MILLER, 6979
ROBERT D. MILLER, 8548
RONALD K. MILLER, 8860
SAMUEL E. MILLER, 7310
WILLIAM H. MILLER, 6212
DEAN S. MILLS, 6367
ETHEL R. MILLS, 1686
JAMES W. MILLS, 3111
SCOTT B. MILTON, 5330
STEPHEN E. MISRA, 5590
LISTON B. MOBLEY JR., 3911
FREDERICK A. MOHR, 2742
DANIEL J. MOKRIS, 4061
KEITH W. MONCRIEF, 0338
JAY A. MOODY, 0343
FREDERICK W. MOONEY, 0882
THOMAS K. MOORE, 4751
VINCENT D. MOORE, 4601
EUGENE V. MORABITO, 7523
JEFFREY A. MORAGNE, 6207
ROGELIO MORALES JR., 3109
KENNETH J. MORAN, 7613
SCOTT P. MORGAN, 9977
NICKEY R. MORROW, 4004
ROBERT M. MORROW JR., 8722
WILLIAM S. MOSLEY, 9898
CHARLES E. MOSS, 6603
JOSEPH S. MOTOWSKI, 4091
ANDREW M. MUELLER, 6992
WILLIAM M. MULLINS, 0777
TONY R. MULLIS, 9818
CURTIS K. MUNECHIKA, 4477
WILLIAM D. MURDOCH, 4425
GLENN A. MURPHY, 8078
JOHN D. MURPHY, 5144
WILLIAM F. MURPHY, 6421
RONALD U. MUSE, 2207
CHARLES A. MUSTAPICH, 0361
MICHAEL K. MYERS, 8022
PHILIP P. NARDI, 6356
JEFFREY A. NASH, 3679
DANIEL P. NAUGHTON, 4504
RICHARD T. NAYLOR, 3468
KERMIT D. NEAL, 8203
AINSLEY T. NEISS JR., 9871
LAURA L. NELSON, 9075
SHANE T. NELSON, 3670
JERRY L. NEUZIL, 4115
EVERETTE S. NEWTON, 4452
JEFFREY S. NICHOLSON, 2215
MARK M. NICKSON, 6138
MICHAEL J. NIEZBODA, 0476
DANIEL NIGOLIAN, 1211
ROBERT A. NISSEN, 9674
DONALD L. NOAH, 0493
MICHAEL K. NOLAN, 5614
JON D. NORCROSS, 8384
DAVID W. NORSWORTHY, 8639
JOHN B. NORTON JR., 8163
ERIK L. NUTLEY, 5738
MICHAEL E. O'BOYLE, 0188
WILLIAM B. O'CONNOR, 8250
MARC S. OKYEN, 7734
BURL M. OLSON, 2085
DAVID C. O'MEARA, 7296
DAVID L. ORR, 7050
JAMES D. OSBORNE, 7853
GARY A. PACKARD JR., 1944
OSCAR J. PADEWAY, 4004
BOBBY V. PAGE, 6076
DAVID O. PAINE, 4989
GLENN A. PALMER, 9142
ROBERT J. PALMER, 7199
JAIME B. PARENT, 6626
MOHSEN PARHIZKAR, 0877
JEFFERY L. PARKER, 2210
RONNIE E. PARKER, 4832
MATTHEW A PARKS, 9073
ANDREW L. PARRISH, 7216
RANDY L. PARTON, 0592
STEPHEN L. PATCH, 9117
DEANNA A. PAULK, 1564
THOMAS L. PAULY, 5517
BRIAN J. PAWLOWSKI, 9762
EUGENE PAWLOWSKI, 7571
JOHNNY G. PAYNE, 0551
TILLMAN W. PAYNE III, 9321
JOHN H. PEARCY, 9294
JOHN B. PECHINEY, 0901
DAVID L. PECK, 2269
ROBERT E. PECORARO, 8583
ROBERT J. PELLE, 9379
MICHAEL W. PELTZER, 5798
DENNIS S. PEREZ, 4580
RONALD A. PERKINS, 4657
JUDY F. PERRY, 6331
RICHARD M. PERRY, 4617
WILLIAM K. PERRY, 6170
ALAN L. PETERSON, 6766
*RIC D. PETERSON, 1885
STEPHEN R. PETTIT, 3989
RANDY J. PETYAK, 2497
THOMAS P. PFEIFFER, 2929
MICHAEL E. PHELPS, 1585
THOMAS G. PHILIPKOSKY, 7770
BRETT E. PHILLIPS, 2852
DEAN C. PHILLIPS JR., 0983
KEITH W. PHILLIPS, 1493
MICHAEL D. PHILLIPS, 6646
SCOTT N. PHILLIPS, 0155
TRACY A. PHILLIPS, 7361
JENNIFER LYNN PICKETT, 2332
MARK O. PICTON, 4366
EDWARD PIEKARCZYK, 1762
RICHARD P. PIERCE, 2386
JAMES E. PILLAR, 9935
JAMES R. PLOTT, 1339
GERALD P. PLOURDE, 1223
STEPHEN C. PLUNTZE, 9253
ERIC A. POHLAND, 2056
KENNETH W., POLASEK, 0636
ROBERT E. POLIQUIN JR., 1147
GLENN M. POLLICK, 0825
MICHAEL E. PONTONI, 8532
PATRICK A. POPE, 6910
SHAWN H. POTTER, 1487
LYLE D. POWELL, 1030
KIRK H. PRIDELL, 5067
ANDRE M. PROVONCHA, 4838
JAMES E. PROVOST, 6470
RALPH D. PUCKETT, 2402
CAROL A. PUGH, 1808
THOMAS D. QUASNEY, 8147
ROBERT J. RACICOT, 2884
JOSE L. RAMIREZ, 8796
MICHAEL K. RANGER, 8796
JAMES M. RATTI, 0949
JOHN W. RAYMOND, 7256
GUY S. RAZER, 6370
FRANCIS J. RECHNER, 3152
VERDIS P. REDMON, 6208
DEAN REED, 2493
JERRY P. REED, 6801
ROBERT D. REEHOORN, 4668
PETER J. REHO, 0102
PATRICIA A. REILLY, 3235
THOMAS P. REILLY, 3207
ROCKFORD J. REINERS, 3359
RENE GARZA RENDON, 7448
ROBERT T. RENFREW III, 9409
MICHAEL D. RETALLICK, 6338
ANDRE L. REVELL, 9397
JAY H. REYNOLDS, 4653
JOSEPH H. REYNOLDS, 8995
WILLIAM F. REYNOLDS, 7461

RONALD R. RICCHI JR., 0039
CHARLES R. RICE, 6411
HAROLD H. RICE, 5365
THOMAS L. RICHARDS, 2002
BARBARA J. RICHARDSON, 9462
DERRICK M. RICHARDSON, 4284
LOUIS E. RICHARDSON, 3781
MARY F. RIDDELL, 0559
CHARLES D. RIECHERS, 2278
JAMES A. RIESS, 9915
MARIE Y. RIGOTTI, 0893
MICHAEL D. RIHA, 9274
BYRON H. RISNER, 7063
MICHAEL D. RIZZO, 1379
JOHN M. ROBBINS, 6401
HARRY M. ROBERTS, 2753
JOHN E. ROBERTS, 0105
JOHN R. ROBERTS, 2333
RANDY R. ROBERTS, 1777
WILLIAM R. ROBERTS, 9526
JOHN D. ROBINSON JR., 6938
KENNETH L. ROBINSON, 0441
STUART M. RODGERS, 3642
JOSEPH M. ROEDER, 7360
FRANK K. ROGERS, 4558
GLENN D. ROGERS, 1702
KENT D. ROGERS, 4873
ROBERT L. RODGERS, 2203
WILLIAM M. RODGERS, 2500
CARL R. ROHBOCK, 8007
EUGENE A. ROHL, 5159
MICHAEL L. ROLLISON, 1127
DANIEL L. ROONEY, 5805
JON A. ROOP, 6097
MICHAEL G. ROSAS, 9201
JAN L. ROSKO, 3129
THOMAS J. ROSS, 0472
CLIFFORD M. ROTTI, 1185
JOHN R. ROWLANDS, 1544
RONALD G. ROZZO, 2699
MARLON, RUIZ, 4084
WALTER A. RUIZSULSONA, 3665
SCOTT L. RUMPH, 3573
RICHARD C. RUNCHEY, 0626
JOHN H. RUSH, 3019
DAVID M. RUSSELL, 0313
JAMES D. RUSSELL JR., 1314
WILLIAM D. RUSSELL, 3385
*GREGORY W. RUSSIE, 8042
ANTHONY J. RUSSO, 8358
MICHAEL F. RYCKELEY, 3614
EDMOND M. SAAD III, 5760
DIRK J. SALTZGABER, 0986
SEAN O. SALTZMAN, 9997
DIRK H. SALVERIAN, 9571
PHIL L. SAMPLES, 8006
GLENN C. SAMUELSON, 1917
HENRY P. SANDERS, 2727
NICHOLAS R. SANDWICK, 8810
ROBERT R. SANFORD, 3339
FABRIZIO SARACENI, 2080
DONALD W. SAUNDERS, 2518
JAMES P. SAVOY, 8815
ANTHONY L. SCAFIDI, 3533
DAVID L. SCAGLIOLA, 8054
WALTER E. SCALES JR., 3670
WILLIAM E. SCHAAL JR., 2638
PAUL SCHAEFER JR., 3462
DAVID B. SCHAPIRO, 9960
BRETT T. SCHARRINGHAUSEN, 7620
WILLIAM J. SCHEPPERS JR., 4337
RICHARD A. SCHIANO, 4750
DONALD J. SCHILPP, 4327
WILLIAM D. SCHLECHT, 6765
JOEL D. SCHMIEDEKE, 9654
DAVID W. SCHNEIDER, 6723
STEPHEN L. SCHRADER, 3359
JOSEPH A. SCHURHAMMER, 6845
DONNA G. SCHUTZIUS, 2267
RAYTHEON K. SCOTT, 0417
ROBERT J. SCOTT, 7783
ROBERT A. SEEGMILLER, 2490
BRADLEY A. SEIPEL, 1824
DAVID A. SELF, 8543
STEVEN G. SEROKA, 0552
DENNIS E. SHANAHAN III, 1944
JAMES S. SHANE, 1344
STEVI A. SHAPIRO, 5953
JAMES C. SHARP, 2562
TRACY A. SHARP, 2115
JAMES W. SHAW, 5098
JAMES J. SHEPHERD, 9999
JAMES G. SHERRARD, 3161
MARK A. SHERRIER, 9599
LAURA E. SHOAF, 8099
MICHAEL M. SHOUKAT, 7676
MICHAEL R. SHOULTS, 0201
STANLEY W. SHRADER, 4580
JOSEPH A. SHURILA, 1174
ANTHONY B. SILER, 9199
BRADLEY D. SILVER, 3231
STEVEN A. SIMIONE, 9101
WALLACE J. SIMPKIN, 7514
BRIAN A. SIMPSON, 2236
DONALD R. SIMPSON, 7473
ERIC L. SIMPSON, 0001
MARK E. SIMPSON, 2028
JOHN N. SIMS JR., 7169
JOSEPH M. SKAJA JR., 5576
PATRICK D. SMELLIE, 7929
MICHAEL J. SMIETANA, 6236
BRIAN S. SMITH 4117
GARY L. SMITH, 1052
JAMES E. SMITH III, 4312
JEFFREY B. SMITH, 4331
JEFFREY S. SMITH, 6843
JOHN K. SMITH, 4686
JOHN R. SMITH, 8034
KEVIN A. SMITH, 6999
KEVIN C. SMITH, 0463
KEVIN C. SMITH, 1408
KEVIN J. SMITH, 6012
MARK H. SMITH, 9783
MARK K. SMITH, 6521
MICHELE G. SMITH, 7640
PAUL E. SMITH, 7769
PHILIP A. SMITH, 7970
RICHARD J. SMITH, 3238
STAR V. SMITH II, 2292
STEPHEN A. SMITH, 1088
STEWARD A. SMITH, 3591
WILLIAM C. SMITH JR., 1161
JIMMY D. SMITHERS, 3751
ROBERT L. SNEATH JR., 6663
MITCHELL D. SNECK, 2572
KEITH R. SNELL, 5266
GERALD E. SOHAN, 2979
WILLIAM H. SONGER, 6437
RICKY A. SOWELL, 8271
JOANNE M. SPAHN, 2978
JAMES L. SPANJERS, 2957
NATALIE T. STAFF, 7642
KENNETH E. STANFILL, 9186
RICHARD S. STAPP, 4751
RONALD G. STEELE, 1703
TODD D. STEINER, 4465
HOWARD D. STENDAHL, 3620
GREGORY L. STEPHENSON, 5030
MARTHA Y. STEVENSONJONES, 8870
DAVID G. STEWART, 6069
WAYNE E. STILES, 8748
WILLIAM H. STIMPSON, 0158
ROBERT L. STINE JR., 6005
WILLIAM K. STOCKMAN, 9988
KAREN H. STOCKS, 6326
HOMER D. STOUT, 1050
JON R. STOVALL, 1043
JAY M. STRACK, 7693
TIMOTHY W. STRAWTHER, 7326
JAMES H. STRICKLER JR., 0191
JERIDAN STRONG JR., 7554
RALPH M. STROTHER, 8157
MICHAEL J. STUART, 2703
WILLIAM J. SULLIVAN IV, 6671
VICKI M. SUNDBERG, 0952
JON C. SUTTER, 6581
ROBERT L. SWALE, 0880
SCOTT A. SWANSON, 1949
ROCKY A. SWEARENGIN, 4519
TOMMY GLENN SWEIGART, 4364
KRISTIN N. SWENSON, 0614
RUTH D. SYLVESTER, 5406
EDWARD L. SYMONDS, 1717
DOUGLAS G. TARBETT, 8109
MICHAEL J. TASCHNER, 6607
DIANE CAROL TATTERFIELD, 7488
FELECIA D. TAVARES, 8549
JAMES E. TEAL JR., 0182
GABRIEL H. TELLES, 5606
EDWARD L.S. TERRY, 5326
ALFRED E. THAL JR., 6812
CHRISTOPHER J. THELEN, 5392
JEFFREY C. THOMAS, 8830
EARL R. THOMPSON, 5240
PRESTON B. THOMPSON, 0150
RANDY K. THOMPSON, 0673
ROBERT D. THOMPSON, 9475
PAUL R. THOMSON, 6537
WILLIAM J. THORNTON, 0867
LEWIS A. THORP, 5870
LEWIS R. THRASHER JR., 9371
MARK G. TIEDEMANN, 9142
MICHAEL J. TIERNAN, 1576
ROBERT A. TILSON JR., 7116
THERESA M. TITTLE, 3357
STEVEN D. TONEY, 8205
STEVEN M. TORGERSON, 9512
JOHN J. TORRES, 1165
MICHAEL I. TRAPP, 3213
RICHARD G. TREMBLEY, 4596
RICHARD P. TRENTMAN, 4243
BRIAN D. TRI, 7668
KIM C. TRIESLER, 8349
DARI R. TRITT, 9036
WENDELL A. TRIVETTE, 2051
SHEILA A. TRONSDAL, 2245
BRIAN D. TROUT, 6340
DOUGLAS E. TROYER, 9716
GREGORY A. TUITE, 0523
JOHN M. TURACK, 4139
JEFFREY S. TURCOTTE, 2151
RAYMOND E. TUREK JR., 3201
RICHARD D. TURNER, 8154
WILLIAM A. TURNER, 6437
DUSTIN A. TYSON, 0649
DAVID C. UHRICH, 7878
CRAIG W. UNDERHILL, 0928
WILKINS F. URQUHART II, 5025
VARHALL LINDA URRUTIA, 1626
RICKY T. VALENTINE, 1938
RICHARD E. VANARSDEL, 0636
JEFFREY J. VANCE, 4021
ELISE M. VANDERVENNET, 8013
DONALD R. VANDINE, 7793
STEVEN P. VANSCIVER, 1964
GREGORY J. VANSUCH, 9426
ALAN R. VANTASSEL, 7166
MARK J. VEHR, 3907
MARY A. VEHR, 3783
GEORGE R. VELASCO, 1178
KENNETH VERDERAME, 8295
THOMAS E. VEREB, 3107
MARK C. VLAHOS, 4005
PHILIP J. VOGEL, 6233
LOUIS R. VOLCHANSKY, 9608
STEPHEN M. WADE, 7771
VICTOR E. WAGER III, 6685
WILLIAM M. WAID, 6870
RICHARD J. WALBERG, 4830
RANDALL G. WALDEN, 5820
RUSSELL K. WALDEN, 4845
REX J. WALHEIM, 7409
JAMES E. WALKER, 2341
SCOTT G. WALKER, 0858
TIMOTHY D. WALKER, 7615
WILLIAM P. WALKER, 2066
MICHAEL J. WALLACE, 3961
STEVEN P. WALLENDER, 7577
DELVAN R. WALLGREN, 0936
JACQUELINE S. WALSH, 6920
TIMOTHY J. WALSH, 5756
JEFFREY W. WANDREY, 9609
ELEONORE H. WANNER, 4295
JOSEPH M. WARD JR., 4106
KENNETH R. WARD, 3570
STEVEN A. WARD, 8160
MARK E. WARE, 4021
MARK J. WARNER, 8722
RONALD L. WARNER JR., 1387
GARY A. WARREN, 7665
CHRISTOPHER S. WASHER, 8938
STEPHEN L. WATERS, 4638
ALVIN M. WATKINS, 0658
JAMES M. WATKINS JR., 3520
WILLIAM C. WATKINS, 9651
FURMAN D. WATSON, 1745
MARYANN P. WATSON, 1986
SALLY D. WATSON, 0821
JAMES R. WATTS, 4668
TIMOTHY E. WATTS, 3664
WADE B. WATTS, 9633
PAUL C. WAUGH, 6072
JANET L. WEBB, 7637
CHARLES W. WEDDLE JR., 9177
DULCIE A. WEISMAN, 1386
EDWARD J. WEISS, 2282
DANIEL L. WELCH, 5689
RODNEY A. WERNER, 3254
STEVEN D. WERT, 7424
WESCHE, RICHARD L. 5921
TIMOTHY R. WESLING, 3029
DAVID C. WEST, 3859
ROBERT K. WEST, 4774
TERESA J. WHEELER, 4669
DOUGLAS T. WHITE, 4219
GREGORY V. WHITE, 3297
VALERIE S. WHITE, 6455
LYNNETTE T. WHITSEL, 8025
CONRAD A. WIDMAN, 0537
JOHN W. WIEBENER, 9839
LEE T. WIGHT, 4867
RICHARD S. WILCOX, 4543
KEVIN R. WILKERSON, 9229
MARK A. WILKINS, 2090
TERRY A. WILKINS, 8207
TIMOTHY J. WILL, 7279
LARRY L. WILLETTS, 5068
IRA D. WILLIAMS JR., 3765
STEVEN W. WILLS, 8052
KENNETH S. WILSBACH, 8212
DAWN E. WILSON, 3807
JOSEPH E. WILSON JR., 8152
STEVEN L. WILSON, 6750
MARK S. WINTERSOLE, 8960
GERALD W. WIRSIG, 8647
JEFFREY D. WISEMAN, 1658
JOHN B. WISSLER, 4648
BRIAN G. WOIKA, 8946
MARTIN J. WOJTYSIAK IV, 6616
VIVIAN K. WOLF, 1711
DAVID L. WOLFE, 7008
ADRIAN Y.J. WON, 2989
MARK K. WOOD, 3784
WARREN A. WOODROW JR., 4652
LINDA JAMES WOODS, 3005
THOMAS G. WOZNIAK, 9303
JOHN C. WRIGHT, 3573
JOHN L. WRIGHT, 1312
JONATHAN C. WRIGHT, 4460
ROBERT G. WRIGHT JR., 7421
RONALD M. YAKKEL, 1608
KEITH F. YAKTUS, 2302
PAUL E. YANDIK, 6029
ROBERT M. YARBROUGH, 0430
DAVID G. YOUNG, 9806
KENNETH K. YOUNG, 2259
MARIANNE C. YOUNG, 6512
BRYAN K. ZACHMEIER, 9028
TIMOTHY M. ZADALIS, 8713
JOHN D. ZAZWORSKY JR., 0597
WILLIAM J. ZEHNER, 5540
DAVID T. ZEHR, 4037
JOEL M. ZEJDLIK, 6171
ALBERT P. JELENAK JR., 8179
CARL E. ZIMMERMAN JR., 9067
DANIEL R. ZINK, 1387

KEITH W. ZUEGEL, 7580
MICHAEL L. ZYWIEN, 9729

To be major

SHIRLEY J.B. ABBOTT, 4124
*MICHAEL F. ADAMES, 6185
DAVID C. AROSE, 8892
GINO L. AUTERI, 2663
*JIMMY D. BENNER, 4664
DAVID M. BERNIER, 9201
DEAN B. BORSOS, 1995
ERIC C. BRUSOE, 6500
*JOSEPH P. BURGER III, 6339
RICHARD C. BYRD, 1640
CHARLES D. CHAPDELAINE, 5989
JAMES R. CLAPSADDLE, 6935
ROBERT H. COTHRON III, 6191
CORI A. CULVER, 4633
SUSAN L. DAVIS, 1706
PATRICK L. DAWSON, 6919
AMIR A. EDWARD, 3918
DONALD L. FAUST, 8465
JAMES T. FISH, 0646
MICHAEL GAINER, 1034
GORDON D. GOULD, 3616
*LINDA I. GUARDADO, 6677
WILLIAM L. HARRIS, 8038
BARBARA J. HENNING, 0036
EDWIN A. HURSTON, 8512
PHILIP E. JONES, 9166
BRIAN E. KING, 0597
DAVID G. KOSSIVER, 5610
DARRELL W. LANDREAUX, 0470
GREGORY A. LONG, 2598
*JENNEY L. LORD, 8185
JUDY L. LUCE, 9716
LISA A. MACUS, 8873
*JOHN W. MARSH, 7978
ARMAND L. MARTIN, 3836
LEWIS M. MARTIN, 7176
*CRAIG E. MAUCH, 4290
RICHARD W. MILES, 4218
DANIEL S. MILNES, 8260
DONALD T. MOLNAR, 2991
*TERANCE L. NIVER, 5400
THEODORE O. PERSINGER, 1274
THOMAS W. PIKE, 4413
DENNIS R. PORTER, 8527
JAMES C. RAY, 7883
RICHARD J. REISER, 3147
*MICHAEL J. REUSS, 8395
JERRY D. ROBERTS, 2372
ELMO J. ROBISON III, 9636
HEIDIE R. ROTHSCHILD, 7806
WEATHERLY A. RYAN, 0983
KIM L. SCHMIDT, 7707
CHARLES W. SCHOTT, 1624
REBECCA C. SEESE, 8626
TRACY A. TENNEY, 1367
MARK W. TESMER, 6465
RICHARD D. THOMAS, 8814
DAVID P. THOMPSON, 8930
CAMILLE M. TILSON, 2360
PAULA M. TRUSELA, 0648
ROBERT A. VALENTINE, 5103
PHILLIPS K. WHEELER, 3681
KENNETH R. WILSON, 8520
MARSHA M. WOODARD, 7407
JAMES O. WOOTEN, 7540
RUSSELL A. YEAGER, 8080
SCOTT A. ZUERLEIN, 1813

CONFIRMATIONS

Executive nominations confirmed by the Senate September 2, 1998:

DEPARTMENT OF STATE

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROD GRAMS OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOSEPH R. BIDEN JR., OF DELAWARE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 3, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 9

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 625, to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, and to provide for more adequate and timely compensation for accident victims.

SR–253

Labor and Human Resources

Business meeting, to mark up S. 2432, to support programs of grants to States to address the assistive technology needs of individuals with disabilities, proposed Ricky Ray Hemophilia Relief Fund Act of 1998, and to consider pending nominations.

SD–430

10:00 a.m.

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings to examine the impeachment or indictment process of a sitting President.

SD–226

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine enforcement activities of the Federal Aviation Administration.

SR–253

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

SEPTEMBER 10

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2365, to promote competition and privatization in satellite communications.

SR–253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the safety of food imports, focusing on certain fraud and deceptive techniques used by individuals to import food products illegally into the United States.

SD–342

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Special on Aging

To hold hearings to examine how to strengthen and increase programs for family caregivers.

SD–628

Special on Special Committee on the Year 2000 Technology Problem

To hold hearings to examine the Year 2000 computer conversion as related to the transportation industry.

SD–192

10:00 a.m.

Foreign Relations

To hold hearings on the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997.

SD–419

2:00 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

Business meeting, to consider pending calendar business.

SD–226

SEPTEMBER 14

1:00 p.m.

Special on Aging

To hold hearings to examine criminal background checks for nursing home employees.

SD–628

SEPTEMBER 15

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Robert Clarke Brown, of Ohio, John Paul Hammerschmidt, of Arkansas, and Norman Y. Mineta, of California, each to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

SR–253

Foreign Relations

To hold hearings on certain extradition and mutual legal assistance treaties.

SD–419

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine consolidation issues within the telecommunications industry.

SD–226

SEPTEMBER 16

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine the extent of fatigue of transportation operators in the trucking and rail industries.

SR–253

SEPTEMBER 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the impact of United States satellite technology transfer to China.

SR–253

SEPTEMBER 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Sylvia De Leon, of Texas, Linwood Holton, of Virginia, and Amy M. Rosen, of New Jersey, each to be a Member of the Reform Board (AMTRAK).

SR–253

SEPTEMBER 23

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR–253

SEPTEMBER 24

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.

SD–342

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SEPTEMBER 25

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD-342

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

SEPTEMBER 3

9:30 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

SENATE—*Thursday, September 3, 1998*

(Legislative day of Monday, August 31, 1998)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we begin this day with the words of the psalmist when he prayed, "I cried out, You answered me and made me bold with strength in my soul."—Psalm 138:3. We, too, cry out, asking You to make us bold because of Your strength surging in our souls. We yield our souls to be ports of entry and dwelling places for Your Spirit in us. You form our character in us and give us convictions we cannot deny. Your artesian strength makes us resolute in living the truth. We feel a boldness to speak the truth and to follow Your guidance. Exorcise any fear, timidity, or equivocation.

Father, as the Nation looks to our Senators for moral integrity and inspiration, give them a special measure of Your power, so that, from the depth of their souls, they will have Your supernatural strength to lead with courage. We have a great need for You; and You are a great God to meet our needs. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the majority leader, this morning the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate may consider any available appropriations bills or other legislative or executive items cleared for action. Rollcall votes are expected throughout Thursday's session as the Senate continues work on appropriations bills.

The majority leader would like to remind all Members that there are four remaining appropriations bills that the Senate must act on in the next several weeks. Continued cooperation of all Members will be necessary for the Senate to successfully complete the appropriations process.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m.

Under the previous order, the Senator from Louisiana, Mr. BREAUX, is recognized to speak for up to 15 minutes.

Mr. BREAUX. Mr. President, I thank the Chair for recognizing me.

PATIENTS' BILL OF RIGHTS

Mr. BREAUX. Mr. President, I wish to make some comments this morning on the issue of the Patients' Bill of Rights which we have had so much discussion and dialogue about in recent months.

As we all know in this body, the House of Representatives has actually passed a Patients' Bill of Rights. The fact that one chamber has passed legislation is the encouraging news. That is the good news. The bad news is that the Senate may not do anything about it. I think that would be unfortunate for all Americans who are concerned about making sure that their families, their children, have adequate access to quality health care in this country.

The Patients' Bill of Rights, as I said, is now pending in the Senate. The battle now becomes: Do we bring it up? How do we bring it up? What happens to it? Are we going to let election year politics determine the fate of this very important piece of health care legislation?

All of this reminds me of something we just went through not too long ago. For 4 or 5 weeks the Senate debated a tobacco bill. Do we all remember that? Do we all remember what happened to it? It never passed. It never passed because both sides were not able to get together and bridge the gap between what I consider to be relatively minor differences between the various pieces of legislation and we started blaming each other for its failure. So now we are arguing about whose fault it is that it failed instead of debating the issue of who should get credit for getting it passed.

I think it is incredibly more important politically and for the good of this country to be able to argue about success and argue about who should get the credit for accomplishing something rather than arguing about failure and whose fault it is that nothing got done. I have a feeling that we are moving in that same direction when it comes to the Patients' Bill of Rights. Are we all going to go home and blame each other for failure? Or are we going to be able to go back home and say we got together and got something accomplished? I think the latter course of action is much better.

I was disturbed reading the Washington Post yesterday. There was a short article entitled "Plans to Regulate HMOs Unlikely to Reach a Vote in the Senate." That is very disturbing, I think, for all Members who come here in order to pass legislation and do what is appropriate and proper for their constituents.

Even with the little time remaining this session, I think there is a way out of this logjam. I think that many of the issues in the various Patients' Bill of Rights are things that we can reach an agreement on if we are serious about getting a bill passed this year. We need to talk about the information that patients should have and the disclosures health plan should make. We can work that out. We need to talk about access to specialists and pediatricians and direct access for women to their ob/gyn. We can work that out. There are differences in those areas but we should be able to find some common ground on them.

We need to talk about a prudent layperson standard for patients who seek care in emergency rooms: When a person goes to the emergency room thinking they're having a heart attack and they find out it is not that bad, should the insurance company be allowed to deny payment? We can work that out by discussing a prudent layperson standard that ensures that managed companies have to pay for that treatment. If the patient thought their health was in serious jeopardy, the health insurance plan should, in fact, have to pay for that treatment.

We need to talk about an end to gag rules which prohibit doctors from telling their patients all of the treatment options that are available to them. We should put an end to gag rules once and for all. We can work that out.

It seems to me that the most controversial obstacle right now is the issue of whether to expand the right of patients to sue their health plan in state court. One side says we don't want to open up the courts to more litigation. Most of our Republican colleagues have taken a position that patients in ERISA plans should not have a right to sue their managed care plans for damages in state court.

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On the other hand, there are others who say, no, you have to have access to a state court, you have to have the right to litigate if a patient is denied coverage or is otherwise harmed by a decision their plan makes. Principally people on my side of the aisle have taken that position.

While there are differences on many provisions in the various Patients' Bill of Rights, the liability issue seems to be the biggest bottleneck that is preventing this bill from even being considered after it already passed the House. That is unfortunate. If we don't break that logjam, we will go home arguing about whose fault it is that nothing was passed. We can argue about whose fault it was tobacco didn't pass. We can argue about whose fault it was the Patients' Bill of Rights didn't pass. We can argue about whose fault it was appropriations bills weren't passed. We will go home arguing about who should be blamed for failure and not getting anything done for the people who sent us here.

I suggest that there is a way of bridging the gap with a realistic compromise that gets the job done for people concerned about patients' rights. I think the approach I suggest makes a great deal of sense.

There are some managed care plans now, such as Ochsner Health Plan in Louisiana, the largest HMO in the state, that have an external review process for patients who disagree with a plan's decision. There are some plans around the country that do that already for their managed care patients. They have voluntarily established—there is no law that requires it, but they have voluntarily established a procedure where you have an external review if the patient is denied coverage by a health plan. It works very well. But private health plans are not required to have an internal and external appeals process available to their enrollees and most don't.

However, when you talk about the right to sue as being the solution, I really question that. Suppose you are a patient and your health plan says we will not pay for a bone marrow transplant, so someone says, all right, you have the right to sue. The patient will be dead and gone and buried before the litigation is completed, in many cases. That right to sue does not help a person who is in an emergency situation and needs a decision right away. For the vast majority of patients, having access to an internal and external appeals process would prevent the need to go to court in the first place. An external appeals process in particular would give patients the right to have their case heard by an independent, outside panel of experts who have no financial or other connection to the health plan.

I suggest that a compromise can be found by looking at the appeals process that already exists for Medicare beneficiaries in HMOs. About 6 million of the 38 million people in Medicare are in some form of managed care. There is a procedure already established by Congress for these beneficiaries when they are denied coverage by their HMO. There is a procedure in place that works. It has been called the gold standard of the appeals process. It is not perfect. Sure, there are problems with the system such as monitoring and enforcement. Even with a good appeals system in place, patients have to know that an appeals process is available to them, how it works and how to access it. I've recently asked the GAO to review Medicare's internal and external appeals processes to determine whether it needs to be improved. But the Medicare appeals process that Congress put in place works well for beneficiaries overall. I suggest that in an effort to bring this Patients' Bill of Rights to the floor and get something passed, to resolve the impasse between no right to sue and absolute right to sue, we should look for a middle ground by taking what we have in Medicare and using it as model for private health plans. We can do that very simply. In fact, I have an amendment drafted that, if a bill comes up, I would like to offer what I think could bridge the gap on this issue.

Here is generally how the Medicare appeals process works: Health plans have 14 calendar days to make an initial coverage determination for routine matters. If it is an emergency, a real emergency, the Medicare HMO has to make a determination within 72 hours. That is the first step the insurance company must take in this process. If the plan decides to pay for the treatment, that is the end of it, the patient gets the care. But if a patient is denied coverage after this initial decision made by the company, then the beneficiary or his doctor can request an internal review, and it is an internal review by the company. If it is an emergency, they have to reconsider their decision within 72 hours. If it is a nonemergency, they have 30 days to reconsider their original decision. If they reverse their original decision, that is it, no more appeal, the patient is covered. If a patient is still denied coverage after the internal review by the company, then the patient can access an external appeals process. The external appeals process is done by a panel of outside experts, not by the company. These outside experts are people who have no financial interest in the decision and who look at the case and make a decision. If it is an emergency, the external reviewers have to render a decision within 72 hours. If it is a nonemergency, they have 30 days in which to decide. This is an external review—not by the insurance company, not by the carrier, not by anybody who has a financial interest in the outcome of this decision. Outside, independent experts make that decision. If they find in favor of the patient, that is it. There is no further appeal by the health plan.

If the external reviewers find against a patient and say, no, the HMO does not have to pay for that treatment, that patient still has step 4, which is an administrative appeal. That is an appeal to an Administrative Law Judge at the Social Security Administration. The Administrative Law Judge then can make a decision based on what they think the plan provides, whether it is covered or whether it is not covered. If the Administrative Law Judge rules against the Medicare beneficiary, the beneficiary can appeal the decision to the Departmental Appeals Board at the Social Security Administration.

Then, there is a fifth step in the process if the Administrative Law Judge or Appeals Board finds in favor of the plan and against the beneficiary. If the patient is denied coverage by the Administrative Law Judge, that patient still has the right to judicial review in U.S. district court where he can push his case and plead that the procedure be covered. He can't sue for damages; he can't sue for punitive damages, or compensatory damages, but he can sue for coverage. If it is a bone marrow transplant, he could sue for the cost of that procedure, or an MRI, or whatever the procedure would be. This is what we do for Medicare. This is what Congress has helped establish for the 15 percent of Medicare patients who are now in HMOs. It is already in existence and in statute and it works.

A good thing about this, in addition to the fact that it is already there and we know how it works, is that it prevents most of the cases from ever having to go to court in the first place. Either the first, second, or the third level of review solves the problem, and it is done in a timely fashion. Does anybody think they can go to court and get a decision within 72 hours? You could not even file the papers within 72 hours. You would have depositions, hearings, a trial, an appeal, and then it gets kicked back down, and the patient has died, and you are still litigating whether they should be covered or not. That is not necessarily a good procedure.

What I am suggesting to those who say, "Don't allow suits" and to those who say, "You have to have suits in this Patients' Bill of Rights," is that there is a middle ground that makes sense. I ask all of my colleagues just to consider that we are so close to the end of this session and neither side is going to get everything it wants; it is just not going to happen. If we hold out for everything we want and not try to compromise, we are going to go home and argue about failure because nothing will pass. There is a better way to serve the people and that is, I suggest, to say on this question of what rights to give patients when they are denied coverage, let's take what we already do in the Medicare Program and establish that as the procedure to be used for managed care plans in the private sector. While it needs some fine-tuning, it works; it has a proven track record. It is not perfect, but it certainly is better than what patients have right now because, in most cases, patients do not have the right to any kind of internal or external appeal if coverage is denied. I suggest that this makes a great deal of sense and could help resolve part of this problem. We can bring this bill up to the floor next week, adopt this amendment, and then ultimately send this to the President, who I think would be certainly willing to sign something that may not be 100 percent what he wants, maybe not 100 percent of what anyone wants, but it is 100 percent more than we are going to get if we do nothing. This is a suggestion that I hope our colleagues will seriously consider.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

The Senator from North Dakota has 30 minutes reserved. Is it that time that the Senator would intend to use?

Mr. KENNEDY. The Chair is correct. I thank the Chair.

The PRESIDING OFFICER. The Senator is recognized.

INCREASING THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, under the leadership of President Clinton, the country has enjoyed six years of economic growth. Unemployment is at its lowest level in a generation. Inflation is the lowest in 40 years. Despite this week's gymnastics by the stock market, economic indicators continue to be strong. Job growth is projected to continue throughout this year, and inflation is predicted to remain at historically low levels.

But for most Americans, it's someone else's boom. Too many citizens are just one paycheck away from bankruptcy. Facing a sudden health crisis, a divorce, or some other family emergency—these families often have no choice but to declare bankruptcy.

My Republican colleagues respond with legislation to make it easier for banks and credit card companies to squeeze these already-struggling families even harder. I say, giant corporations don't need the help as much as families do.

And the best way to provide effective help is to raise the minimum wage. The amendment I have introduced today will raise the minimum wage by 50 cents on January 1 next year and another 50 cents on January 1, 2000. As we begin the next century, the minimum wage will be $6.15 an hour.

Mr. President, as this chart illustrates, we can see where the minimum wage has gone since 1955 in terms of real dollars.

We were back here at $4.34 in 1988. We raised the minimum wage here in a two-step procedure, and then it declined in terms of real purchasing power. And now we are talking about raising it up to what would be $6.15 an hour in the year 2000. But if you look at this chart, Mr. President, you will see that the actual purchasing power in the year 2000 in today's dollars would be only $5.76. This chart is a constant, real dollar chart. And even if we raise it to this level, we will still be below where the minimum wage was for some 15 years from the 1960s through the 1970s under Republicans and Democrats alike—below that level at a time of extraordinary prosperity for millions of Americans—millions of Americans—even with that increase.

If we do not increase it, if we do not accept this amendment, we will find out that the minimum wage effectively will be not $5.15 an hour, but $4.82 an hour, which will put us close to the lowest levels in the last 35 years in terms of purchasing power for working families at the lower end of the economic ladder.

Those at the bottom of the economic ladder have not received their fair share of the nation's remarkable growth. Working 40 hours a week, 52 weeks a year, minimum wage workers earn just $10,700—$2,900 below the poverty level for a family of three.

In the midst of what many experts are calling "the best economy ever," 12 million working Americans are still earning poverty-level wages.

For them, survival is the daily goal. If they work hard enough and their hours are long enough, they can make ends meet—but only barely. They don't have time for their families. They can't participate adequately in activities with their children.

They can't afford to buy birthday presents or do the countless other things that most of us take for granted.

We know who minimum wage workers are. They assist teachers in classrooms across the country. They care for the chronically ill in their homes. They are child care workers and aides in nursing homes. They sell us groceries at the supermarket, and serve us coffee at the local coffee shop. They clean corridors and empty trash in office buildings in countless communities around the nation.

They are workers like Valerie Bell, a custodian for a contractor in Baltimore, who told us what a higher minimum wage means in human terms. For workers and their families, it means far more than dollars and cents. It means dignity. As she said, "We no longer have to receive food stamps or other social services to supplement our incomes. We can fix up our homes and invest in our neighborhoods. We can spend more at the local grocery store. We can work two low-wage jobs, rather than three low-wage jobs, and spend more time with our families. Our utilities won't be cut off. We can pay the medical bills we accumulated from not having health benefits in our jobs."

Minimum wage workers are people like Cathy Adams, a home health aide from Viola, IL. Cathy is a high school graduate who is currently enrolled in a computer training program at the local community college. She lives with her two daughters, who are 10 and 11.

Cathy works 11 and one-half hours a day, five days a week, caring for a woman with multiple sclerosis. She bathes her, dresses her and feeds her. She does the grocery shopping, the laundry, and the cleaning. She runs errands and schedules doctors' appointments.

Cathy likes her job and is fond of her client. But she finds it hard to live on $5.30 an hour. She told us in March that "I literally live paycheck to paycheck. After paying the bills, whatever is left over goes to groceries. I have $9 in my savings account and worry about being able to save for my girls' education. We rarely have money to go to a movie or eat out at a restaurant.

The other day, my girls asked me to take them ice skating at school. While it only cost $10, I had to think twice about whether we could afford it."

And minimum wage earners are workers like Kimberly Frazier, a child care aide from Philadelphia. Kimberly works full time and earns $5.20 an hour. She is a single mother with three children.

Kimberly says that her salary barely covers her bills—rent of $250 a month, food, utilities, clothing for three growing children, and carfare to get to work. Kimberly says, "I can't afford a car and pay for gas and insurance so I rely on public transportation. If I had a car, I could get out to the places where there are better paying jobs. And, like all Americans, I dream of buying my own house so that I can raise my kids in a neighborhood that has less crime and more trees. But I know that, although I work and study as hard as I can, I will never have the down payment for a house earning the minimum wage."

Kimberly concluded that "A dollar an hour probably doesn't sound like a lot to many people, but to me and my children it would mean a real improvement in our lives."

Workers like Valerie Bell, Cathy Adams, and Kimberly Frazier tell stories that are repeated in communities across the nation. That's why we say now is the time to raise the minimum wage.

Nay-sayers parrot the same arguments they have always used against a fair increase. They claim an increase will damage the economy, cut jobs, and hurt the very people it's intended to help. The facts belie those claims.

A study released May 6 by the Economic Policy Institute proves the point. The two most recent increases in the minimum wage did not cause the sky to fall. There was no measurable effect on jobs; no measurable effect on inflation. The only measurable effect on low-income workers was positive. They received the pay increase they deserved. Mr. President, 60 percent of the benefit of the 1996–1997 increases went to families in the bottom 40 percent of the income groups; a third of the benefit went to the poorest families, those in the bottom 20 percent. Nearly three-quarters of those who benefited were adults over the age of 20. On the average, minimum-wage workers contributed over half of their family's weekly earnings.

The most recent data support the increase. Raising the minimum wage does not cause unemployment for men and women, adults, teens or anyone else. Look at the teenagers. We have a chart for the teenagers. The argument is made that the most vulnerable group is teenagers. But if we look at the employment levels for ages 16 through 19, before the minimum wage increased to $4.75 in 1996 and then to $5.15 in 1997, we see that the total employment for teenagers has risen steadily. Nearly 400,000 more teenagers are working today than before the increase took effect. So increasing the minimum wage has not lowered teenage employment.

Teenage unemployment has dropped dramatically during the same period, according to the Bureau of Labor Statistics. The unemployment rate was nearly 17 percent when the minimum wage was first increased. Today the unemployment rate among teenagers is 14 percent, a drop of almost 20 percent since the last increase.

Minimum wage opponents typically claim that low-wage industries will lay off workers rather than pay a higher minimum wage. But look what happened in the retail industry where many low-wage workers are concentrated. In the year before the minimum wage was increased, retail employment grew by just under 400,000 jobs. In 1994 and 1995, before we increased the minimum wage to $4.75, there were 394,000 new retail jobs. In the eleven months since we raised the minimum wage, there have been 500,000 new retail jobs; retail employment has increased since the last raise. The argument that raising the minimum wage causes job loss for the most vulnerable, the teenagers and those who are the working poor, does not hold. The facts are not there. That argument cannot be made.

Retail employment grew over 25 percent faster since the minimum wage was actually increased because, many economists believe, when you do get a respectable wage for minimum wage, people will go back to work and go to work and increasingly move off unemployment or the welfare system, because they are able to provide for their families.

Despite these figures, too many of our Republican friends oppose giving minimum wage workers an additional $1 an hour. Instead, their priority is reforming bankruptcy laws by rewarding banks and credit card companies who target low-income families. That will be the item on the agenda, according to the majority leader. So today I am filing the minimum wage as an amendment to the bankruptcy bill.

Democrats agree, plums for the rich and crumbs for everyone else is the wrong priority. We need to do more for working families and communities across America. We can do more by raising the minimum wage, and with the strong support of President Clinton, Democrats in the Senate and House and some courageous Republicans, I intend to do so.

I see my colleagues here. Let me just point out what this issue is really all about. This is a women's issue, because more than 60 percent of the recipients are women. This is a family issue, because many of those women have one child or more. So it is a children's issue. What kind of life are these children going to lead? What kind of atmosphere are they going to be growing up in? Are they going to have a parent available to them or is that parent going to be out working two or three jobs? Is that parent going to be able to treat that child with dignity?

So this is an important issue. It's a family issue, a children's issue, a women's issue, and most of all, more than any other issue we will vote on here in the U.S. Senate, it is a defining fairness issue. It is a fairness issue. It is an issue whether America is going to say to those Americans who are prepared to work 40 hours a week, 52 weeks a year, that they will be able to live out of poverty. That is the issue.

Are we going to back up the speeches here in the U.S. Senate that say we applaud work? We are talking about those who are working. If you are working, you deserve a fair wage. With the most extraordinary prosperity we have seen in recent times, with the kind of creation of wealth we all read about—the stories about $2 trillion being lost in the stock market in a period of 24 hours, we are talking about nickels and dimes for working men and women. We are not even talking about the kinds of increases Members of Congress have received during the same period of time. We are not talking about that, which is far in excess of what we are talking about for minimum wage workers. How bold will our colleagues be. Will they turn thumbs down on working families, and continue to accept the increases in their own pay received since the last increase in the minimum wage?

This is a fairness issue. It is whether we, as a country, are going to follow a proud tradition of Republican Presidents and Democratic Presidents, Republican support in the Congress of the United States and Democratic support. This has been, until recent years, a bipartisan effort—a bipartisan effort. The question is whether it will continue to be a bipartisan effort, to try and make sure that working families in this country have a living wage.

I hope this body will be willing to accept this amendment.

I yield 6 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do we have left? I have split time with Senator DURBIN. However he would like me to do it, I say to my colleague from Massachusetts.

The PRESIDING OFFICER. The Democratic leader has until 10:30.

Mr. WELLSTONE. I will take just a few minutes then.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am pleased to join my friend from Massachusetts once again to speak about one of the most important issues facing American working families. At a time when our economy is performing well, many Americans who work hard, who work full time, still live in poverty. I don't know what better signal we could send at the end of this Congress to people who are working hard, trying to provide for their families, than to pass the American Family Fair Minimum Wage Act.

This increase in the minimum wage, which Senator KENNEDY and I and others intend to offer as an amendment, perhaps to the Bankruptcy bill, is the single most important step we can take in this country immediately to promote economic justice. It would lift the federal minimum wage to $6.15 an hour over two years. That is a one-dollar-an-hour raise for American workers who labor near the bottom rung of our economic ladder as we enter the 21st century. Many of these men and women work just as hard if not harder than many of us here in the Congress. Yet they very often live economically insecure lives. They deserve a raise.

This modest raise would still leave the federal minimum wage at a level that would be worth less in real terms less than it was in 1968.

We all know that glaring economic injustice and inequality remain in America. We can say that there are two Americas—one with greater and greater access to all the things that make life richer in possibilities, the other struggling daily to make ends meet. Even as our economy is generally performing well, the disparity between rich and poor continues to grow. If we want to declare that we honor work, we must value it properly.

When I have toured the cafes of Minnesota, the streets of East L.A., the inner city of Chicago, people want to know how they can earn a decent living, how they can give their children the care they need and deserve. This minimum wage increase will help hard-working Minnesotans and all Americans in their efforts to make ends meet.

Seventy-four percent of those who receive the minimum wage are adults. Sixty percent are women. Fifty percent work more than 35 hours a week. Eighty-two percent work at least 20 hours. These numbers tell a story. Raising the minimum wage will help hard-working Americans, many supporting families, to earn a decent living.

The minimum wage disproportionately affects women, many of whom are single heads of households with children. Sixty percent of those who earn minimum wage are women. They are teachers' aides, they are child care providers. They work hard, yet they make $10,700 a year. That's $2,900 below the poverty line for a family of three. That's not a living wage. To lift themselves from poverty, they must earn a fair living wage.

Some opponents of increasing the minimum wage argue that it will cause job losses and actually hurt workers. Recent experience effectively rebuts that claim. An Economic Policy Institute report released this year demonstrates that the minimum wage increase which took effect during 1996 and 1997 raised the wages of almost 10 million people. Seventy-one percent were adults and 58 percent were women. Just under half worked full-time. The research also found that the increases had disproportionately benefited low-income working households. Although households in the bottom 20 percent of the income distribution receive only 5 percent of total family income, they received 35 percent of the benefits from the minimum wage increases. Four different economic tests of these minimum-wage increases failed to find any systematic, significant job loss associated with the 1996-97 increases.

The overall conclusion of the EPI report was that the 1996-97 increase in the minimum wage proved to be an effective tool for raising the earnings of low-wage workers without lowering their employment opportunities. In other words, it worked.

So now it is our responsibility to continue this process and assure that more Americans are able to earn a liveable wage. If we do not raise the minimum wage now, by the year 2000 the real value of the minimum wage will only be $4.28 an hour—almost as low as it was when the 1996 bill was enacted. We must act now to allow 12 million workers to benefit from this increase.

In my home state, this minimum wage increase will benefit at least 147,000 working Minnesotans and probably more because when we increase the minimum wage, it applies pressure to increase wages for people also making slightly more than the minimum wage. In 1996, 39% of Minnesota's workers paid at the minimum wage were between the ages of 16 and 21. Now, those numbers show us two important things: first, that the majority of Minnesotans just like the majority of Americans earning the minimum wage are adults. This issue is not just about helping youngsters looking for a paying job after school. But second, at the same time, many of these minimum wage workers between the ages of 16 and 21 are trying to make money to stay in school, to pay the bills as they study to receive their college degrees. In Minnesota, we have record low unemployment, but state statistics show that increasing the minimum wage will not significantly affect the number of minimum wage jobs available for people needing the work to make ends meet.

We celebrate the affluence that so many Americans have enjoyed in recent years. We need to make sure that the opportunity to share in that prosperity is available to all Americans, whether they are in the top 20 percent of wage-earners or the bottom 20 percent. People rightly believe that if you play by the rules in America, if you work 40 hours a week, 52 weeks a year, then you should not be poor.

Increasing the minimum wage is about justice and a livable wage. The American public supports it, and we should pass it.

Let me again thank Senator KENNEDY. This will be my eighth year in the Senate. I don't think there is anybody in the U.S. Senate, I don't think there is anybody close, to Senator TED KENNEDY leading this fight. It is an economic justice fight. We raised the minimum wage to $5.15 an hour and people thought that couldn't be done. Senator KENNEDY led that fight and we did it. I am confident we are going to do it again. We are going to have an amendment on the bankruptcy bill and are going to talk about raising the minimum wage from $5.15 to $6.15 over a 2-year period, and I think we will have a positive vote for it. It is the right thing to do. The majority of the people support it and this should be a priority for us.

Let me make three points. I heard my colleague from Massachusetts, and I am proud to join him in this effort and can't wait to have the debate. And I am proud to join Senator DURBIN from Illinois. I heard my colleague from Massachusetts talk about this being a family issue. I am pretty well convinced now, from the Minnesota State Fair to talking with people in cafes, to traveling the country, that this really is a family issue. If there is one thing we could do—and, you know what, my colleague, the Presiding Officer, I think, agrees with me, at least in part of what I am about to say—if there is one thing we can do more than anything else, it is to try to basically say our major goal is to make sure that parents, or parent, can do their very best by their kids. Because if parents can do their best by their kids, they are going to do their best for Arkansas or Minnesota or Illinois or Massachusetts or for the country. And part of being able to do well for your kids is to have a living wage job, to be able to make a decent living.

As I travel around the country, whether it be in metropolitan Minnesota or whether it be in the farm and rural areas, or whether it be Delta, MS, or East L.A. or Watts or inner-city Chicago or inner-city Baltimore, or where my wife's family are from, Letcher and Harlan Counties, Appalachia, KY, I think more than anything else, what people say to me—and my most recent focus group is the Minnesota State Fair, where about half the population comes in about 2 weeks—right now we have the State Fair there. People are focused on how to earn a decent living and how to give their children the care they know they need and deserve.

That is what it is all about.

Mr. President, I think the policy goal for us ought to be as follows: When people work almost 52 weeks a year, 40 hours a week, they should not be poor in America. I bet any poll will show that 80 percent of the people agree with that. When people work almost 52 weeks a year, 40 hours a week, they shouldn't be poor in our country. It is that simple.

There are a number of things we can do that will make a real difference for families. We can have affordable health care. We should do that. We haven't done it yet. We should have affordable child care. We should figure out ways of providing assistance to parents, whether their child is in a family child care setting or child care center or staying at home.

The final thing we ought to do is raise the minimum wage; $5.15 to $6.15 is not unreasonable. My colleague from Massachusetts pointed out the work of the Economic Policy Institute. Everybody said the sky would fall. We have been going through this, I say to Senator KENNEDY, for half a century: If you raise the minimum wage, people will lose jobs. It did not happen; it will not happen. People, in fact, will have more money to buy and consume, which helps our economy.

Mr. President, I simply say to my colleagues that this is terribly important to women, because many of our minimum-wage workers are women. It is terribly important to adults, because the vast majority of minimum-wage workers are adults. It is also important to younger people whom maybe we do not view as adults—18, 19, 20, 21. Many of them are working to go to college.

This is a matter of economic justice. It is a matter of elementary decency.

I close with a more hard-hitting point. This is one I am not that comfortable with, but I think it really is true and needs to be said. My colleague said it once, and I will say it again. We don't have any hesitation in voting to raise our salaries. We make $130,000 a year. We ought to be willing to vote a decent minimum wage for people. We really ought to be able to do that.

Colleagues have talked to me about how "I need to make $130,000; I have two children, they are in college; I have an apartment here, live back home, it is very hard." My gosh, that is a pretty significant salary we make. I am not bashing public service. I believe in public service. But I think we also can vote for a higher minimum wage for working families in this country. We should do this, and we will bring this amendment to the floor.

We are going to have a major debate, and all of us will be accountable as to how we vote. I hope we have an overwhelming vote for increasing the minimum wage. I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Under the agreement this morning, how much time is left?

The PRESIDING OFFICER. The Democratic leader has time reserved until 10:30.

Mr. DURBIN. I thank you, Mr. President.

In this brief period of time, I first applaud my colleagues. I am glad that I have had the honor to serve in the U.S. Senate. I am particularly happy to represent a great State like Illinois. I am honored to be a Member of the Senate with my colleagues and, in particular, Senator KENNEDY who, time and time again throughout his career, has taken this floor to speak for those who do not have a lobby in Washington, to speak for those who do not have a special interest group with a large political action committee. When Senator KENNEDY comes to the floor to speak for the poor, for the dispossessed, for those who do not have health insurance and lack the opportunity many of us take for granted, I am honored in joining him. Now that I am in the Senate, I find I am joining him more and more. I want to do that this morning on this particular issue.

A few years ago at one of the National Democratic Conventions—I believe it was San Francisco—a resident of the city of Chicago, Jesse Jackson, the Reverend Jesse Jackson—not to be confused with his son, the Congressman—took to the floor of the convention hall and gave a speech I still remember today.

He spoke to that assembled multitude of people about why we are involved in politics and what Government should be about. Jesse Jackson said in his own way—and I can't even hope to get close to imitating his style or his conviction—he wanted to speak to us about the people who get up every morning and go to work every day. He talked about the people who clean the hotel rooms of the conventioneers. He said they get up every morning and they go to work every day. The people who remove the dishes and glasses and cups from your table in the restaurant, they go to work every day. The people who watch our children in day-care centers, they go to work every day. The people who guard our homes, our offices, our schools, they go to work every single day.

For many of us, they are invisible. They are the work force of America. We tend to focus on the leadership, those who rise to the top in terms of the public spotlight, but for millions of Americans who are part of our workforce, they are such an essential part of American life, and, unfortunately, too many of us take them for granted.

What Senator KENNEDY is challenging us to do today as the U.S. Senate is not to ignore these workers and their families but, rather, to show them that we respect them, we respect the contribution they make to America, we honor their work, and we do it with a vote to increase their minimum wage.

Many of the critics of increasing the minimum wage like to argue, "Well, if you raise the minimum wage, people are just going to lay off a lot of these workers; employers can't afford to pay them." That argument has been going on since the days of Franklin Roosevelt when we established the minimum wage. In very few instances, if ever, has that been the case.

The most recent increase in the minimum wage had exactly the opposite impact. More and more people were employed. What Senator KENNEDY is suggesting, raising the minimum wage from $5.15 to $6.15 an hour over a 2-year period of time, is hardly unreasonable. It is a reasonable way for us to address the needs of many families.

We like to get on the floor here—and I have joined in this debate—and talk about eliminating welfare, changing welfare as we know it, moving people from welfare to work. I say to my friends, this is part of moving people from welfare to work, giving to those new workers a decent pay, a decent wage. These are people who get up and go to work every single day.

It is also about family dignity. If we really believe in family values, it has to go beyond a speech on the Senate floor. It has to go to a question of whether or not we will vote to make sure that families receive the money they need to make a living.

A lot of people argue, "Wait a minute, the minimum wage is just for kids, just for new employees—pay them a little amount of money because they don't have the experience." Seventy-four percent of the people on minimum wage are adults; 57 percent of the gains of the increase in this minimum wage will go to working families in the bottom 40 percent of the income scale.

The other people argue, "Wait a minute, don't worry about the minimum wage, that is for part-time workers." That is not the case. Fifty percent of the workers on minimum wage are full-time workers; 40 percent of them are the sole breadwinners for their families.

What will $2,000 a year mean? That is what it will be if the increase goes through, $2,000 a year for a family. To a low-income family struggling to survive, it means money for groceries and rent, to pay for drugs, and to pay perhaps for health insurance for their children. It is the difference in quality of life which we cannot overlook.

When the record is written about this Congress, questions will be asked: What did we achieve? Well, we haven't passed a budget resolution. We are now more than 4 months after the requirement to do it. We are struggling through the appropriations bills. I believe we will pass them. We have renamed the National Airport after President Ronald Reagan, and, folks, that's about it. Shouldn't we, before we leave, address the millions of Americans—200,000 in my home State of Illinois—who are, frankly, in a position where this increase in minimum wage could mean a dramatic increase in their quality of life?

I will be coming to the floor on this bankruptcy bill debate. My friend, Senator GRASSLEY from Iowa, and I have worked long and hard on this bill. We have our differences on it. But I will tell you this: I fully support what Senator KENNEDY and Senator WELLSTONE have set out to do, to make sure it is part of this debate that we will increase the minimum wage.

I hope those who are about to consider this issue, Republicans and Democrats alike, will understand that we are talking about people in America who get up and go to work every single day. They deserve our respect. They deserve an increase in their minimum wage.

I yield back the remainder of my time.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the time between 10:30 and 11:30 a.m. shall be under the control of the Senator from Wyoming, Senator THOMAS, or his designee.

Senator THOMAS is recognized.

Mr. THOMAS. Thank you very much, Mr. President. I will alleviate your concern that I will take the whole hour. Nevertheless, I think I will be joined by some of my colleagues.

CONCERNS OF THE AMERICAN PEOPLE AND THE ROLE OF THE FEDERAL GOVERNMENT

Mr. THOMAS. Mr. President, it is an interesting time, of course, for us here. Entering into the last month of this Congress, we are faced, of course, with finishing the work that we have begun, and more particularly, in closing up the appropriations process so that the Government can continue to function with a real determination and, Mr. President, to assure that that happens and that we do not get into this business of accusing one another of closing down the Government because we do not agree on issues. I am very much persuaded we will have a continuing resolution so if we do have disagreements that cannot be resolved in this time that the Government will continue to go on. If it does not, it would be my opinion it would be up to the administration to have it shut down.

As was the case with most of the Senators here, I recently spent a month in my home State of Wyoming, having an opportunity to visit with people about things that concern them, having an opportunity, perhaps more importantly than visiting, to listen to what people believe to be the role of the Federal Government, what the people believe to be the issues most compelling to them. Of course, everyone has them.

In my State, where we have relatively little diversity in our economy, we have three basic economic areas: One is tourism, one is mineral extraction, and one is agriculture. Unfortunately, both agriculture and mineral extraction are not in good shape economically at the moment, and we are seeking to do something about that.

So this time I think is useful time for us. People always say, "Hey, you're on vacation." Well, it is not vacation. It is a very busy time. But it is a useful time and a chance to perhaps stand back a little and look at some of the broader problems. And that is so important, especially, I think, in this last month when we become so focused on every detail, every little appropriations process, where we tend sometimes to sort of get away from really the fundamental issues that we are here to represent.

So my comments today will simply represent my point of view. I do not allege to speak for anyone else. But I happen to think that one of the things that is most important to us as we deal with all issues is to have some philosophical guidance, some basic belief that you measure all these details against. Failing in that, it seems to me, it is very difficult to make decisions that are consistent, to make decisions that finally end up doing what you really believe in and what your philosophy ought to be.

One of the conclusions that I have reached, not only on my own certainly, but because of what I hear in Wyoming, people having heard it of course in the media, is that this administration is basically in limbo, that it will be for some time, that we have relatively little, if any, leadership coming from the administration. We need to recognize that and to move forward with the issues that confront us. We can do that. And we need to do that.

Frankly, we have had relatively little leadership over the last several years. This administration, in my judgment, and the judgment of others, has been one without any real basic commitment to a point of view or to a philosophy or to a direction, but rather driven more by polls and what happens to be the political thing at the moment. I suppose this is perhaps not a brand new idea, but one that I think is very dangerous and one that really does not direct us in the way that we ought to be going; that, indeed, instead we have a time of spin, an administration that is basically sort of predicated on how you can make things seem, whether they are that way or not, or whether, indeed, they are predicated on Saturday morning radio talks in which there are issues brought forth, and subsequently no real commitment to doing something about it, like the State of the Union in which things like "Social Security first" are mentioned, but then nothing is done as a followup.

That is a concern to me, that there is no real commitment and, frankly, relatively little real belief or commitment or, indeed, character in terms of where we are going.

I think there are some major areas that need attention and that will be continuing to need attention. We need to look into them. One is foreign affairs, foreign policy—or a lack of foreign policy. Almost daily we see that some country—mostly the rogue countries—is challenging the rest of the world, challenging the United States. Why? Because they have begun to do this, and there is no real response, there is no reason why they shouldn't. Why shouldn't Iraq thumb their nose at us in terms of doing the weapons thing that they promised to do when obviously they are not going to be required to do that? We have not finished our job in Bosnia, Kosovo. Those things are still there.

We have the Asian currency issue, a difficult issue that impacts us, one that, again, we need to make some decisions as to where we are and let people know exactly where we are. The idea from the administration that we are going to raise that question is not a good enough answer—the most current one, of course, being North Korea, and which we have dealt with for some time, particularly through the KEDO arrangement, trying to find a way to cause them to control what they are doing in nuclear arms development in return for a substantial contribution on the part of the United States and Japan and South Korea to build lightwater reactors to replace that. And yet, they seem basically to say, "Well, we appreciate what you are doing, but we are going to go ahead and do what we want to do. We are going to go ahead and fire missiles. We are going to go ahead and have underground development of nuclear weapons, nuclear materials."

We cannot do that, in my judgment. And I feel very strongly about it. I happen to be chairman of that subcommittee on Asia and the Pacific Rim. We are going to have another hearing this week. We had one just a month ago before we left and talked about the adherence to the KEDO agreement. There was certainly a notion that at that time things were being done that were not consistent with the plan.

I think we need to give some real consideration to our military preparedness. This is not a peaceful world. One of the best ways to ensure as much as we can that it is peaceful is to continue to have a strong defense force, a strong military, to be the world's strongest military. And we are. However, there is increasing evidence that we are not putting enough emphasis into it in terms of support for it, in terms of the distribution of our troops all over the world. It is very costly. It is very difficult, then, to meet the mission that we have given ourselves, and that is to be able to work in two theaters, if necessary, at one time. Some doubt that we can do that now. So we, I think, have to deal with those kinds of very difficult issues.

The matter of taxes is one, as you can imagine, we hear a great deal about when we go home—taxes in terms of the amount of taxation that citizens pay, the unfairness of taxes in terms of things like marriage penalty, the behavior of the IRS, which, of course, we addressed in our last session and hopefully will be useful. Perhaps even more important is the whole notion of Tax Code reform. You can deal with the IRS, you can deal with the management and the administration, certainly, of tax collection, but the real bottom line is the Tax Code. If the Tax Code is going to be so convoluted and so difficult and so detailed, it becomes increasingly difficult to do that.

Here again, the administration has come forth with no real idea as to how to simplify the Tax Code. There is not unanimity among any of us as to what it ought to be—whether it ought to be a flat tax, a sales tax, or a consumption tax, or simply a simplification of what we have now. But we need some leadership to do that and we need something from the administration to do that. We need some ideas to do that instead of simply getting up and saying Social Security first, and then turning off the radio.

I have a number of other items I would like to share, Mr. President, but I want to recognize my friend, the Senator from Kansas, who has come to the floor. I yield as much time as he desires for his observations.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I want to thank my colleague and my good friend from Wyoming for reserving this time and for talking about some of the very crucial issues that affect our Nation's citizens, our daily lives, our pocketbooks, and, quite frankly, the lack of leadership that we see both from the standpoint of the administration and, to be very candid, in this Congress as well.

What I would like to talk about for a few moments is the issue that I think is the first obligation of the Federal Government. That is our national security, our national defense.

In beginning my comments, Mr. President, I would like to refer to a letter that was sent from the distinguished majority leader, Senator LOTT, to the President. Senator LOTT said this:

> I am very concerned about the growing inability of our country to man the uniformed services. Not only is there difficulty in recruiting, but also in our ability to retain key personnel.

Senator LOTT then went on in several paragraphs to describe the problem that we have. Then in the last paragraph he said,

> Mr. President, while I believe that more money needs to be allocated to our National Defense, it needs to be done prudently. We need to get the missions, manning, equipping, and pay and benefits synchronized to enable us to continue with a quality force into the 21st century. I urge you to make this a high priority of your fiscal year 2000 budget request.

And then in regard to the suggestion by the distinguished chairman of the Senate Appropriations Committee, Senator STEVENS, there is an effort by some of us who have the privilege of serving on the Senate Armed Services Committee, and those of us in the Senate Intelligence Committee, to take action as of this appropriations cycle. I think that certainly would be very wise and it is very needed.

The President wrote back and pretty much said that he is committed to ensuring that we have a strong and ready force and indicates—and I am paraphrasing here, and perhaps that is not entirely fair, but the way I read the President's letter is that we will stay the course and that we have a defense system certainly prepared to meet all of our national security interests.

Mr. President, I don't buy that. I rise today to voice my concern with what I think is a very growing and very worrisome problem with our military. And that problem exists right now and today and we should take immediate action to find answers to that problem. The issue is not, it seems to me, do they have enough tanks or fighters or ships or small arms. By the way, I do not think they have the adequate funding support for the modernization and the procurement of essential systems, but I will leave that discussion for a later time. This issue is even more fundamental and, I think, just as important; that is, the basic care of the men and women of our Armed Forces and their families.

Now, we have all heard the concern from the leaders of the military—we have had hearing after hearing—their real growing inability to attract and retain the needed skilled personnel, such as pilots and mechanics and ship drivers or any number of other very critical skills maintained by enlisted and officers of our military. Some say they are perplexed at this talent drain and wonder why they cannot stop the hemorrhaging.

Let me recount some other related topics concerning the care of our military and perhaps we can start to understand what I call this hemorrhaging.

Following the end of the cold war, the United States started a systematic downsizing of our military, consistent with the threat, and that made sense. I think everybody agreed with that. However, many people have not given much thought to how far we have downsized, just how far we have downsized.

Let me summarize what we have removed from the military: 709,000 active duty troops—709,000 active duty troops—293,000 reserve troops; 8 standing Army divisions—8—20 Air Force and Navy wings with 2,000 combat aircraft; 4 aircraft carriers; 121 Navy ships and submarines.

With the end of the cold war and with these very dramatic reductions in our military, we should be able to take great solace in the fact that surely our military commitments and deployments have also taken similar reductions. In other words, if you took dramatic reductions in regard to the active duty troops, the reserve troops, the Army divisions, the Air Force and the Navy wings, 4 aircraft carriers, 121 Navy ships and submarines, you would think that our commitments and our deployments would have been reduced as well. Unfortunately, as also many of us understand, just the opposite has occurred. The military across the board has experienced a many-fold increase in their operational commitments and tempo of their operations. Plainly stated, our significantly "downsized" military has been asked to deploy much more often and for longer periods of time than they ever have in our history.

This increased operational commitment has directly impacted the very culture of our military. For example, Mr. President, General Ryan, who is the Chief of Staff of the U.S. Air Force, has stated that the Air Force has shifted from a garrison force to an expeditionary force during this period—a dramatic change. The bottom-line impact on our people is that they are now away from their families significantly more than they were in the past. And, by the way, as we have shifted to an all-voluntary military, the number or percentage of married service members has also significantly increased—reportedly 63 percent now of our military members are married. So, problem No. 1, Mr. President, we have significantly increased the workload upon a substantially smaller military.

Since the percentage of service members that are married has grown, this increased workload has amplified the negative affect of deployments on the morale of our troops and their families. The reluctance of families to continue to tolerate these separations really contributes to the loss of mid-level personnel, key personnel, mid-career personnel. Asking our military to deploy and endure hardship in their personal lives is not new. Ask any veteran of World War II, Korea, or Vietnam about hardship and long separations. But those situations were drastically different than the involvements the U.S. military is being asked to participate in as of today.

In each of the major conflicts in the past, the mission and importance of the U.S. involvement was clearly articulated by the President, by the administration, understood by the American people, and certainly understood by our men and women in uniform. Those conflicts were founded on the notion that our involvement was in the U.S. vital national interests. The men and women of the military understood that concept, and they and their families were more willing to accept the hardship of military life.

I am convinced that the missions that our military are now participating in today do not meet that fundamental threshold of national interest. I am also convinced that our military members understand the nature and the motivation of their missions. Although they continue to perform superbly, they understand that their sacrifice and their family's sacrifice today is not for the same noble cause as the defense of the American homeland—the very reason many join the military in the first place.

Problem No. 2: With a significantly increased deployment schedule and a substantially smaller force, the value and importance of today's missions impacts on the willingness of the men and women to join or to commit to the military as a career. Without clearly articulated mission goals and objectives founded in the fundamentals of the U.S. vital national interest, the ability to recruit and retain motivated men and women for our military will remain very difficult.

You only have to look at the deployment of 27,000 men and women in uniform in the Gulf, 37,000 in Korea, approximately 10,000 in Bosnia, with the expectation of what happens in North Korea and Kosovo as an example.

Certainly, if we are putting our military in a position of increased deployments and increased family separation, Mr. President, we must have or are doing a better job of adequate pay, health care, and retirement system. Unfortunately, just the opposite is occurring in today's military.

Let me outline the pay issue with one example that is occurring all too often in the military today. Picture, if you will, a young soldier—in which we have placed a great deal of training and responsibility and trust—commanding the world's best tank, M1A2, a $4 million piece of equipment. At home, this soldier has a wife and three children. They live in a mobile home off post, and because of his low military income, they are on the WIC Program, the Women, Infant and Children Program, which is a form of welfare.

What has happened to reasonable compensation for men and women that are committed to the service of our country? Can't we pay our military enough to keep them off of welfare programs or off of food stamp programs? We, the Congress, cap the raises that the military can receive. The net result of this action is that the military pay differential between a comparable job in the civilian market and the military has grown from 13 to 15 percent. That gap can go to 20 percent in just a few years.

Problem No. 3: Although the skill level required of the men and women of our military does continue to grow, the pay differential between the same skilled civilian and the military simply continues to widen.

The current pay of many of our young military families is so low that it is not adequate to keep them off of welfare programs. The prospect of continued and frequent long deployments coupled, with the opportunity to get better pay on the outside for the same work, contributes to the inability to attract and retain the skills needed for today's military. This is true for both officer and enlisted personnel.

OK, the pay is not great, but surely the housing has kept up with the increased numbers of married military members, and we have provided them with adequate housing—not palatial housing, but certainly adequate. Wrong again. To illustrate this issue, let me quote from an article entitled "Shoddy Military Housing Need Repair," by John Diamond, a writer with the Associated Press. He says this:

> "In reality, we're the biggest slum lords in the country," said Michael J. Haze, chief of Fort Carson's housing division. "I have soldiers every day telling me they live in the projects."

In the projects.

The article went on:

> Behind the bureaucracy, thousands of military families continue to tolerate what the Pentagon acknowledges is shoddy, substandard housing because they cannot or will not pay higher rents for off-base housing.

I don't want to mislead anybody. Some of the base housing is very nice and adequate. But if a serviceman happens to be unlucky enough not to be assigned to nice facilities, or a base that has nice facilities, their pay will not support quality housing in the private sector.

Problem No. 4: We ask our military to deploy at a much higher pace than ever before, we assign missions that do not meet the national interest threshold, we pay them less than they could get for the same or similar skills as a civilian, and in many cases, we ask them to live in substandard housing. It goes without saying that the culmination of these problems really contributes to the dissatisfaction with the military as a career and its attractiveness to potential recruits. How could anybody assume otherwise?

Finally, many of the men and women are able to work with and through all of these issues with their families and make the military a career. Many are still doing that. For many years, the attraction and reward for the tough life in the military was the great benefit of retirement. The deal was that if you would spend at least 20 years in the service of our country, your retirement benefits would be one-half of your base pay. And if you elected to spend 30 years, you would receive 75 percent of your base pay. That retirement program was a major benefit, a major recruiting tool, a major retention draw. Many young men and women have said, "I can stick with this tough life because I know I am doing a good job for my country and I know that at least I have half of my pay coming to me at the end of 20 years." The plan is now that if a service member works for 20 years, the benefit is only 40 percent of the base pay. It is still 75 percent after 30 years, but the big draw has always been the 20 years. This is not popular with the troops. That is probably the understatement of my remarks. The fear is that the retirement program has been so weakened that, coupled with a myriad of other problems that I have described, many service members will leave rather than "tough it out until 20."

Problem No. 5: The members of our military are working harder, deploying more, receiving less pay than civilians are for the same job, living in inadequate housing, and are now seeing a reduction in retirement benefits. It is not difficult to understand that with this collection of negatives, and all of our commitments all around the globe—some may or may not be in our national interest—the military is experiencing problems in retention and recruiting.

I didn't mention health care. I don't have prepared remarks regarding health care, but I will come back to the floor and mention that as problem No. 6. That is an additional problem—adequate and affordable health care that is at least accessible. So, in many cases, that is an additional problem.

Mr. President, these are very serious problems that face the men and women of our military. I must admit that they do not have simple or inexpensive solutions. I do plan, with the help of many of my colleagues, to systematically attack these problems as a member of the Senate Armed Services Committee. I hope that together we can help restore the faith of our military members that the American people care about the sacrifice they and their families make in the defense of our Nation by providing adequate pay, housing and retirement benefits and health care. We owe this to these men and women and their families that serve our Nation.

In closing, again, I thank my colleague, the distinguished Senator from Wyoming, for the time. I want to come back to the letter sent to the President of the United States by the majority leader, Senator LOTT. Senator LOTT said in two or three paragraphs, in brief, what I have tried to outline today. Mr. President, we have to do something about this. Mr. President, we have to do something now. We have to do something with the current appropriations bills. The President has sent a letter back to the majority leader saying, in effect, that we do have a military that still stands in the breach to protect our individual freedoms and national security. And we will talk about it in the next budget. That is not good enough. It is not good enough. We need to begin the process now.

I ask the President to reconsider the letter by Senator LOTT. I know my colleagues will work in a bipartisan fashion to end what is a growing scandal in the military in terms of retention of the people who we need to maintain our military and maintain our national security.

I thank my colleague and my good friend from Wyoming for the time. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Senator from Kansas very much for his comments.

Mr. President, I guess the real issue and the thing that he and I are both talking about is the basic, fundamental functions of the Federal Government and what priority they should have. Certainly, the defense of this country has to be among the—if not the—top priorities. No one else can do that. I appreciate very much the comments the Senator has made.

This whole idea of priority setting, this whole idea of the concept of the basic belief of what you think the better role of the Government, is of course a difficult issue but it is the basis of why we are here; it is the basis of elections to decide. People say, "What is your position with respect to the Federal Government?" There are legitimate differences of view. You can see them on this floor. There are those who believe sincerely that the Federal Government ought to be the predominant activity in government in the whole country. There are those who, frankly, have very little confidence in local governments and in State governments, and they think the Federal Government ought to do all of those things. Obviously, there are roles for the Federal Government. In my view, there are quite certainly roles that are better done at the local and State level. That is the constant issue with which we deal.

I was talking about some of the things people talked about while I was in Wyoming. I mentioned Social Security. I would like to go back to that for just a little bit. There has been a great deal of talk about the condition of Social Security to the extent that people, many older people, are worried about, of course. But maybe even more importantly, younger people who are now just entering the workforce are saying, "I am going to be paying into this thing forever, but by the time I am ready to retire, there will be nothing there." I think it is clear that Social Security is strong for 20 years or 25 years, and all those who will become eligible for benefits during that time will see them. But young people, like these folks sitting here, are the ones who will be paying the tab. Unless we do something, we will unlikely have a solvent Social Security program.

We need to move forward. I am pleased that there is a considerable amount of talk about it. I hope we do something rather soon. It seems to me that if we can do it, the sooner you do it, the less severe the changes need to be. If you make rather simple changes, rather incremental changes 20 years out, it makes a great deal of difference.

What are we talking about? Of course, one of them that is already underway is to raise the retirement age. Times have changed. People are living longer. People are working longer. That is legitimate. There will be debate about how far that goes, of course. But, more importantly, the notion that seems to be catching on is that some percentage of the payments that are made, some of the percentages of 12-percent payments that are made into Social Security, should be set aside into an individual account which is invested in equities, invested in something that will earn more interest than the current investment which is in Government securities; that that account will grow more quickly; that there will be more benefits from the same investment. And that is very possible, of course; further, that that account would be your account and my account.

If for some reason or other you happen to pass on before you use all of that, that it, indeed, be part of your estate. There would be a substantial difference. I don't think many are talking about a full privatization of Social Security. That is something that would be a pretty big step. But to take 30 percent, for example, 3 or 4 percent out of the 12 percent, I believe that is happening. I certainly hope so.

I already mentioned tax reform. Certainly, we will have some debate soon about what seems certain to be a budget surplus—a budget surplus on which we will have some decisions to make; choices about doing something about reducing the debt, a debt on which we pay $280 billion a year in interest; do something about reducing tax rates so that the people who own the money will be able to keep more of it. I suppose one of the considerations will be to spend more. I hope that is not a successful consideration. Others are suggesting some of it be put in for this Social Security reform and that it be used that way.

There is nothing wrong with philosophical differences. We just need to stand for what we are for. We are for less government, if we are having people keep more of their own money. It is pretty clear where you stand on that issue.

I hope the marriage penalty is considered. I saw some numbers the other day where two single persons were making roughly $35,000 a year, and they pay individually. If they are married, this is about a $1,300 penalty to the same people earning the same amount of money simply because they are married. That needs, of course, to be changed.

Another one that I heard a lot about and I also feel strongly about is the Executive orders that have been issued. There are a good many Executive orders, some of which simply are done apparently to replace what the Congress should be doing. One on federalism created a great deal of concern.

Basically, the President issued an Executive order that broadened the scope of the Federal Government in terms of working with States and working with counties, and instead of the good old 10th amendment where it says that those things which are specifically laid out in the Constitution will be done by the Federal Government, other things will be done by the States and by the people—this changed that. There was such a reaction to it that I understand it has been withdrawn. But the use of Executive orders is something that sort of moves away from the leadership of causing the Congress to do things, and working with the Congress. The idea of an Executive order on health care, for example, which is exactly the thing that the Republican bill has on the floor, it seems to me, is inappropriate.

Energy—I guess I have a rather strong feeling about energy in that it is one of the things that is important to my State, but, more importantly, it is one of the things that is important to this country. We now have ourselves in the position where 57 percent, I believe, of the fossil fuel we use is imported. That puts us at sort of a security risk, it seems to me, in addition to not having the kind of domestic industry that is very important. Do we have a policy at the Department of Energy for that? No, we really do not. We really do not.

We have a real problem with what we do with nuclear waste that is the result of nuclear power plants. Do we have a plan to do that? The administration is opposed to it. We have a responsibility to do something about nuclear waste storage. Does the Department of Energy have a plan? No. We are not moving forward.

Those are the kinds of things that need to be resolved. One of the energy issues that is fairly knew this year and will continue next year is the deregulation of electric energy. It has a great impact on this country.

The use of the huge monopolies—most of us would like to see us change monopolies and make them come a little more into the marketplace. Does the Department of Energy have a strong position on that? No.

Finally, the chairman of the committee urged them to come up with a bill. But we need to do something with that. Here again, we get into the question of whether you do the same thing for every State. I can tell you that Wyoming's interest in electric deregulation is different than New York's. You have to have a system to do that. Leadership is what we need.

The Senator from Kansas who just spoke is one of the experts in agriculture. He was, indeed, the chairman of the Agriculture Committee in the House. Agriculture is having a tough time. Agriculture is having a tough time because of the Asian situation, because of the crop failures, and because of the weather and many things.

We are trying to do something with it and, indeed, have, but we need again some kind of impetus and leadership from this administration that has not been there.

Previous to now, we have had accelerated payments that are the changed payments from where we had the acreage and payment program into a market system. We have had averaging, income averaging, just extended—that is good for farmers—and an IRA for farmers and ranchers. Of course, if you don't have any money, it does not help a lot. And that is going to have to be done. We did something about unilateral sanctions in countries so that we can have more markets overseas.

These are some things, but there need to be more. We need to do something with crop insurance to make that work. We need to open more foreign markets because almost 40 percent of our agricultural product goes into foreign trade. We need to do something about agricultural credit to help make this transition from managed agriculture to market agriculture.

So we need to work together, and we need some leadership in doing that.

Mr. President, probably again the thing that seems always to strike me, because I guess I believe it also, is that the real issue in many of the things we do is in terms of federalism—what is the role of the Federal Government? Where can we be most efficient? Where can we get the job done more easily? At the Federal level? At the State level? Should we send block grants, for example, in some instances to the States? I think so. And the delivery system is so different.

We held a couple of meetings on rural health care while I was in Wyoming. We have about 475,000 people in 100,000 square miles. Many people live in very small towns. We only have two towns that are over the 50–60,000 category. So you have to have a little different system for the delivery of health care than you do in Pennsylvania or than you do in New England, and that is an important kind of thing. Telemedicine, for example, is going to be very important to us.

So all this comes into this equation of how do you best serve the people of this country. I happen to believe, as you can imagine from what I have said already, less Federal Government is better than more. I am one who thinks that the most efficient delivery system comes when it is done at the local level. I am one who thinks that the Government closest to the people is the one that provides the kind of services that people really want.

So we need to focus, I think, on fundamentals. We need to focus on the idea that, for example, those things that are done by the Federal Government that are commercial in nature ought to be put out for bid, if that is possible, so we can do it in the private sector. It is done more efficiently that way, and it also creates more jobs in the private sector. And that is one of the fundamental things we ought to continue to focus on.

We don't have much time remaining in this session—I think something around 20 days of activity. We have lots of things to do. I am hopeful that our friends on the other side of the aisle will address these issues that need to be resolved. I think it is clear that there are two or three issues they are going to try to insist on bringing up daily, not with the intention of completing them and finding a resolution but simply to bring them up so that they are the kinds of issues that will be involved in the campaigns that are coming up in November—patients' rights, for example. Both sides of the aisle have bills on patients' rights. Most of the elements of those bills are very similar and there is a consensus that some of those things need to be done. The leadership has offered to deal with it with a limited number of amendments so that we can get it done.

That is not acceptable to the other side of the aisle because they want to keep this issue alive as a political issue. That is too bad. I am sorry for that.

The minimum wage. We just have raised the minimum wage two times. It is a political issue that has to keep coming back. Campaign reform. Most of us want to make some changes in campaign reform. We have talked about it extensively in this session of Congress. It is kept alive as a political issue. We need to address ourselves to things that have to be resolved, those things that are important to the people in the conduct of the business of this country.

So I am just really hopeful that our leadership in the Senate and the leadership in the House and this administration will address ourselves to some of these issues and that we will, in fact, during this next month be able to resolve them, conclude them, and do them in the fashion that is most acceptable and most useful to the American people. That, after all, is our job. I think it is based largely on making some decisions as to what the Federal Government does best, how it does it, how it can be done most efficiently, how we can involve the States, how we can involve local governments. Invariably, when you go home, you see things done voluntarily, you see things done on a local level, and it reminds you, fortunately, the strength of this country lies not in its Federal Government, the strength of this country lies in the communities and the people who live there, people who give leadership to issues that affect them, people who volunteer, people who address the issues and resolve them, and that is, indeed, the strength of this country.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask consent to be yielded the 10 minutes remaining under the time of Senator THOMAS.

The PRESIDING OFFICER. The Senator is recognized.

OVERRIDE THE VETO OF PARTIAL BIRTH ABORTION BAN

Mr. SANTORUM. Mr. President, in conversations with the leader over the last couple of days, we have set a date for the Senate vote on the override of the President's veto of the Partial Birth Abortion Ban Act of 1997. It is going to be September 18, which is just a couple of weeks from now. I am hopeful, even though the numbers do not look good right now, that we will be able to muster sufficient support to do what the House did, which is to override the President's veto. The House voted, with I believe six or seven votes more than necessary, to override his veto. Here in the Senate we are three votes short of overriding the President's veto, of getting the 67 votes. We had 64 Senators vote in favor of the ban. We will need three more Senators to change their vote and support this act and override the President's veto.

I want to pick up on what Senator THOMAS was talking about and what is being talked about around the country, which is the President and his unwillingness to come forward with the truth, and his propensity to look at a factual situation and skew it some. Some would say lie; I would just say maybe skew it some, to put a different spin or color on what the real facts are.

I think we have maybe the first opportunity here in the Senate, since the President's admission a couple of weeks ago, to really pass judgment on the President's ability to be truthful with the American public. How many people in this Chamber are going to stand by this President when he has blatantly not told the truth about the issue of partial-birth abortion and the need for it to remain legal? He has stood behind this notion that this procedure needs to remain legal because of the potential impact on the health of women who have abortions and that this needs to be an option available to them because there may be circumstances in which women need this procedure to avoid serious health consequences. That was potentially a legitimate argument, even though I could give, and I will when the bill comes up, lots of reasons why from a medical perspective that makes no sense. We have made those arguments time and time again, and others have made those arguments, including Dr. BILL FRIST.

But, just prior to the vote last year here in the Senate, the American Medical Association came out with a letter that said that a partial-birth abortion is never medically necessary to protect the life or health of a woman. And this is an organization, by the way, that supports abortion rights. This is not a right-wing, radical, pro-life organization—take your pick, right-wing, radical, or pro-life, or all of the above. It is none of those. It is an organization that in principle supports abortion rights, but came out and said that there is no medical necessity here. It is not necessary. Yet the President, just weeks after this letter was released—and by the way, there are hundreds if not thousands of obstetricians who have come forward and said the same thing—the President stood up and said I need to veto this bill because—I think it was on a Friday night he vetoed it, so not too many people were around to watch the veto—this is medically necessary to protect the health of women, when we have experts upon experts and the definitive body representing physicians in this country saying that it is not necessary and that, in fact, the President is not telling the truth to the American public or to Members of Congress.

So we are hiding behind a lie. I guess the question I have is how many Senators are going to continue to hide behind Bill Clinton's lie on the issue of partial-birth abortion? Many Senators—many Members of his Cabinet, many people—were apologists for Bill Clinton for the past several months because he told them one thing and we found out later that it was not true. And a lot of people were hurt by that, burned by that, the fact that the President wasn't coming clean with the American public. We have another instance right here where the President has not come clean with the American public on this issue. How many people are going to continue to go out and defend this President and his veto on a bill where his rationale for vetoing it is not true? Hopefully: Fool me once, shame on you. If Senators allow this President to fool them twice, shame on them.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. CAMPBELL. Mr. President, on behalf of the majority leader, I now ask unanimous consent the Senate resume consideration of S. 2312, the Treasury and general Government appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell amendment No. 3379, to provide for appointment and term length for the staff director and general counsel of the Federal Election Commission.

Glenn amendment No. 3380, to provide additional funding for enforcement activities of the Federal Election Commission

Graham/Mack amendment No. 3381, to provide funding for the Central Florida High Intensity Drug Trafficking Area.

Campbell (for Grassley) amendment No. 3386, to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

Harkin amendment No. 3387, to provide additional funding to reduce methamphetamine usage in High Intensity Drug Trafficking Areas.

Kohl (for Kerrey) amendment No. 3389, to express the sense of the Senate regarding payroll tax relief.

AMENDMENT NO. 3379, AS MODIFIED

Mr. CAMPBELL. Mr. President, on behalf of Senator McCONNELL, I ask unanimous consent that it be in order for me to send a modification to the desk for amendment No. 3379.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title V, add the following section:

SEC. . PROVISIONS FOR STAFF DIRECTOR AND GENERAL COUNSEL OF THE FEDERAL ELECTION COMMISSION.

(a) APPOINTMENT AND TERM OF SERVICE.—

(1) IN GENERAL.—Section 306c(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f) is amended by striking paragraph 1 and inserting the following:

"1 (A) The Commission shall have a staff director and a general counsel who shall be appointed by an affirmative vote of not less than 4 members of the Commission. Subject to exception in subparagraph (D), the staff director and general counsel shall, beginning January 1, 1999, serve for terms of 6 years and such terms may be renewed by an affirmative vote of not less than 3 members of the Commission.

"(B) The staff director and general counsel may serve after the expiration of his or her term until his or her successor has been appointed.

"(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the staff director or general counsel he or she succeeds.

"(D) The term of any individual appointed prior to and serving on the date of enactment of this act as general counsel shall be until January 1, 2008 and shall not be subject to renewal under subsection (A) until such date."

(b) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING STAFF DIRECTOR OR GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following:

"(5) Nothing in this Act shall be construed to prohibit any individual serving as an acting staff director of the Commission from performing any functions of the staff director of the Commission or any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.".

Mr. CAMPBELL. Mr. President, I know of no further debate on the pending McConnell amendment, and I ask unanimous consent that the yeas and nays be vitiated, and for the Chair to put the question.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we have negotiated this modification in the McConnell amendment so that it is no longer targeted at the sitting general counsel of the Federal Elections Commission. That was my objection to it, my very strong objection to it. This amendment has been modified now so it has no effect on the current general counsel until the year 2008. He is eligible to retire at that date in any event.

And even then, the amendment has now been changed so that three of the six members of the Federal Elections Commission can renew the appointment of the general counsel or staff director. It would not take four of the six to renew the appointment of a general counsel or staff director.

So in effect we have grandfathered the current general counsel. And with respect to future general counsels and staff directors, we have provided that once they are appointed, which of course will take a majority vote of the Commission, they shall serve for 6 year terms and their terms can be renewed by a vote of three of the six members of the Federal Elections Commission. This is a very significant change that makes this perfectly acceptable to me.

I want to thank Senator McCONNELL for working with us on this. With that, I support the amendment.

After this is concluded, I understand that we will then be offering and there will be general support for an amendment of Senator GLENN, if I understand what we worked out here correctly.

Mr. McCONNELL. I say to my friend from Michigan, as he well knows, his side of the aisle was in the position to scuttle the whole Treasury-Postal bill over this issue. Under those circumstances, this agreement was reached.

I gather the Glenn amendment will be adopted on a voice vote, which is acceptable to me.

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment, as modified.

The amendment (No. 3379), as modified, was agreed to.

Mr. CAMPBELL. Mr. President, I ask unanimous consent all previous yeas and nays ordered on other amendments be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. It is my understanding that the other amendments will be resolved in various fashions. Therefore, I ask unanimous consent the vote in relation to the final passage of H.R. 4104 occur at 2 p.m. today.

Mr. LEVIN. Reserving the right to object—and I will not—I understand, that the manager, then, will be supporting the Glenn amendment when I offer it after this unanimous consent is agreed to.

Mr. CAMPBELL. That is correct.

The PRESIDING OFFICER. Without objection, the unanimous consent agreement is agreed to.

Mr. LEVIN. I have been informed that the Glenn amendment, which adds, I believe, $2.8 million to the FEC budget, is part of what has already been incorporated in a unanimous consent agreement and it will not need to be separately offered. Am I correct?

Mr. CAMPBELL. The Senator is correct.

Mr. LEVIN. I thank my friend from Colorado.

AMENDMENTS NOS. 3386 AND 3380

Mr. CAMPBELL. The amendment No. 3386 offered by Senator GRASSLEY and amendment No. 3380 offered by Senator GLENN are acceptable to the managers. I therefore ask unanimous consent that all time be yielded back and ask for their immediate adoption and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3386 and 3380) were agreed to.

AMENDMENTS NOS. 3387, 3381, AND 3389, WITHDRAWN

Mr. CAMPBELL. On behalf of Senators GRAHAM of Florida, HARKIN, and KERREY of Nebraska, I ask unanimous consent that the amendments Nos. 3387, 3381, and 3389 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3387, 3381, and 3389) were withdrawn.

AMENDMENT NO. 3356, AS MODIFIED

Mr. CAMPBELL. I send to the desk a modification to amendment No. 3356, previously adopted, and ask it be so modified.

The PRESIDING OFFICER. Without objection the amendment is so modified.

The amendment (No. 3356), as modified, is as follows:

On page 47, strike lines 11 and 12.

On page 46, line 18, strike "$5,665,585,000, of which: (1) $552,757,000" and insert "$5,651,480,000, of which: (1) $538,652,000".

On page 56, line 20, strike "$5,665,585,000" and insert "$5,651,480,000".

On page 62, between lines 19 and 20, insert the following:

SEC. 4 . DEPARTMENT OF TRANSPORTATION HEADQUARTERS.

(a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998;

provided that the annual rent payment does not exceed $55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 4 . SECURITY OF CAPITOL COMPLEX.

There is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex $14,105,000.

Mr. CAMPBELL. Mr. President, I would like to take a moment to speak about one aspect of the Statement of Administration Policy on this bill. Specifically, the section referring to the Customs Automation Enhancement Account.

The SAP makes it appear that the Committee neither funded nor considered the Administration's request for this program. In fact, we fully funded the request, which was $8 million. When the budget was submitted, it included authorizing legislation on a Merchandise Processing Fee, which would net $56 million for this program. This is not within the jurisdiction of the Appropriations Committee and if the authorizers were not going to act in sufficient time, the Administration should have sent up a budget amendment to cover the cost of the program so that it could be considered by the Committee. That did not happen, this committee never received a formal request to increase the funding for this program. If we had, we would have given it consideration. I just wanted to let my colleagues know that we fully funded this program and would have considered the request to increase it, but we never received anything upon which to act.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I want to thank the Chairman and Ranking Member of the Treasury appropriations subcommittee for accepting the amendment which includes $1,500,000 additional funding for the Southwest Border High Intensity Drug Trafficking Area to combat the methamphetamine problem. I know the Senators are aware of the growing national problem of methamphetamines. New Mexico is no exception and has been experiencing a growing problem with methamphetamine production, transshipment, and cleanup of seized methamphetamine labs. It is fast becoming the drug of choice because it is easy to manufacture, it is highly addictive, and it is cheap to buy on the street. The costs associated with combating the methamphetamine problem is straining New Mexico's ability to combat other illegal drugs. New Mexico's proximity to the US/Mexico border exasperates the problem because of increased international travel.

Mr. CAMPBELL. I agree with the Senator from New Mexico that methamphetamines are an increasingly difficult problem to control. This funding will significantly help in controlling the problem there.

Mr. KOHL. Methamphetamine is a growing problem across the nation, and it is my understanding that New Mexico, because of its proximity to Mexico, is experiencing its own share.

Mr. BINGAMAN. Is my understanding correct that the entire $1,500,000 in this amendment will go directly to the New Mexico HIDTA?

Mr. CAMPBELL. Yes, Senator, per your request $1,500,000 will be directed to the New Mexico HIDTA for fiscal year 1999 in order to combat the methamphetamine problem in your state.

Mr. BINGAMAN. I thank the Senators for their willingness to recognize this problem and to assist New Mexico.

PUBLIC ACCESS TO GOVERNMENT RESEARCH DATA

Mr. LOTT. Mr. President, I would like to take a moment during this body's consideration of the Treasury, General Government Appropriations Act for fiscal year 1999 to recognize Senator SHELBY for his diligent efforts this year to ensure that the public has access to federally funded research data. Sunshine in government is a principle that enjoys broad support from both sides of the aisle as evident from the bipartisan support of the Freedom of Information Act and the 1986 Community Right to Know Law. While we all agree that this principle is important, the Senator from Alabama has correctly identified a major inconsistency—the public's lack of access to federally funded research data. Currently, there is no systematic government-wide process for the public to access research data supported by federal funds. Equally disturbing is the fact that this research data is often used to support major rulemakings. Because of Senator SHELBY's interest in this issue, the Treasury, General Government Appropriations bill for FY 99 contains a requirement that the Director of OMB evaluate current government-wide procedures for making research data available to the public and report back to the Committee on the need for changes to existing procedures. My own view is that reform in this area is long overdue and I would like to commend Senator SHELBY for his leadership to help rectify this matter and pledge to work with him and Chairman CAMPBELL in Conference on final language to correct this problem as soon as possible.

Mr. FAIRCLOTH. If our esteemed Majority Leader would yield for a moment, I also would like to commend Senator SHELBY and Chairman CAMPBELL for their work in this area. Recent Congressional debates over federal regulatory programs, such as the revised particulate matter standard, and the criteria for listing new species under the Endangered Species Act, show the importance of providing the public with full access to federal research data to validate research results and gain the proper public support. The importance of this issue is also reflected in a recent court decision on environmental tobacco smoke that concluded that the Environmental Protection Agency had been selective in including research data in its overall assessment of health risks. Public access to research data would help ensure that federal rules are based on the best science possible. I too would like to commend Senator SHELBY and Senator CAMPBELL, Chairman of the Treasury and General Government Appropriations Subcommittee, for their efforts to correct this problem.

Mr. CAMPBELL. I thank my colleague from North Carolina. The public's lack of access to federal research data is an issue of growing concern to Members of the Treasury and General Government Appropriations Subcommittee. The lack of public access to research data feeds general public mistrust of government and undermines support for major regulatory programs. The Senator from Alabama has taken the lead on this important issue and I look forward to working with him and all my colleagues who have expressed support for enhanced public access to research data in Conference.

Mr. SHELBY. I thank the Majority Leader and my colleague from North Carolina and the Senator from Colorado, the Chairman of the Treasury and General Government Appropriations Subcommittee, for their support. The Administration's resistance to providing the public access to federal research data not otherwise protected from disclosure under current law indeed contradicts the spirit of current law. The Paperwork Reduction Act of 1995 requests the Director of OMB to "foster greater sharing, dissemination, and access to public information." OMB Circular 110, Subpart C, is even more specific, stating that unless specifically waived, Federal agencies "have the right to . . . obtain, reproduce, publish or otherwise use the data first produced under an award". Unfortunately, these policy directives are not being implemented on a systematic basis. Given the prevalent use of government funded research data in developing regulations and federal policy, it is important that such data be made available to other interested Federal agencies and to the public on a routine basis for independent scientific evaluation and confirmation. I thank my colleagues for their support on this issue and I look forward to working with them to improve the language in Conference.

Mr. CAMPBELL. I thank my colleague from Alabama for raising this important issue and I look forward to working with you, Senator FAIRCLOTH and the Majority Leader in Conference to develop an effective solution.

Mr. SHELBY. I thank the Chairman for his support on this issue.

Mr. FAIRCLOTH. Mr. President, I rise today in support of the Gang Resistance Education and Training (GREAT) Program as part of the Treasury Appropriations bill for Fiscal Year 1999. I am pleased to see that this legislation increases national funding from $10 million to $13 million for 1999. Gangs are a serious problem in this country. We must be proactive in finding ways to stop gang violence.

A recent article in the Washington Post noted that nearly twice as many teenagers reported gangs in their schools in 1995 as they did in 1989. School administrators from North Carolina have found that gangs and violence go together. I believe that when we couple gangs and violence with drug use and weapons, we have a formula for disaster.

Fortunately, programs like the GREAT program educate children about the perils of gangs and offer alternative ways to resolve conflicts rather than through violence. I would like to thank the Chairman of the Subcommittee on Treasury and General Government, BEN NIGHTHORSE CAMPBELL, for the inclusion of North Carolina counties in the GREAT program: Bladen, Cumberland, Mecklenburg, New Hanover, and Wake. I hope that more communities in North Carolina and this country will follow their lead.

Experts may say that small involvement in the GREAT program means that there is little gang activity in the state. I believe that we should not wait until there is evidence of a gang before we bring GREAT into a school district. We must be proactive in educating our young people about the dangers of gangs. If we wait until there is a problem, then we may face a deadly situation like those faced this year by several of our nation's schools. We must act before it is too late. GREAT is a sound program which I am pleased to support.

AMENDMENT NO. 3379, AS MODIFIED

Mr. GLENN. Mr. President, I would like to second the comments of my colleague from Michigan and add that I also have no objection to the McConnell amendment as it has been changed and offered today.

The amendment as it is now constructed will call for a periodic vote of the Commission to re-confirm the General Counsel, but it will not allow a partisan minority of the Commission to act unilaterally, and it will not leave the position of General Counsel open until a successor is appointed, thereby paralyzing the enforcement efforts of the agency.

I am also pleased that this amendment allows the current General Counsel to serve a term of eight years from enactment. I am confident that the amendment in its current form will be enacted into law and signed by the President.

Finally, today we add crucial money to the FEC budget in order to help the agency to investigate and prove violations of the existing law. The additional 2.8 million dollars in enforcement funds bring our Senate appropriation for the FEC up to the same level offered in the House. These funds are an important step in allowing the agency the resources it needs to investigate and enforce our remaining campaign finance laws.

Mr. CAMPBELL. I ask unanimous consent when the Senate completes all debate on S. 2312, the Fiscal Year 1999 Treasury and General Government Appropriations Act, the Chair lay before the Senate Calendar No. 478, the House companion measure, H.R. 4104; that all after the enacting clause be stricken and the text of S. 2312, as amended, be inserted in lieu thereof; and that the House bill, as amended, be read for the third time and the Senate immediately move to final passage of H.R. 4104; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair appoint the following conferees on the part of the Senate: Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD, and that the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. With that, Mr. President, I have no further comment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. As a Senator from the State of Nebraska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. I now ask unanimous consent that the Senate stand in recess until 1:45 today.

There being no objection, the Senate, at 12:19 p.m., recessed until 1:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 5 minutes on the legislation before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I rise this afternoon to express my desire to work further with the Chair of the subcommittee and ranking minority member on a particularly important provision affecting our YMCAs, our YWCAs and other charitable organizations that do so much good work throughout the country. Throughout the recess, I heard continually from constituents who enjoy these important organizations in Oregon that they are concerned about a provision in the committee report accompanying this legislation that deals with the tax-exempt status of these organizations. I would say that I am of the view that these nongovernmental groups can provide critically needed services in our country, particularly as it relates to juveniles: preventing crime, drug use and unwholesome activities in which some kids do get caught up.

As many in this body know, Senator SMITH and I have talked at some length about approaches to deal with the tragedy that we saw at Thurston High School earlier this year, when a young person entered the school with a gun. A number of our young constituents were killed and injured. It seems to me one of the very best antidotes to this kind of juvenile violence is the important work done in afterschool programs by these organizations. I am concerned that a provision in this legislation could curtail some of the important activities that the Y's and Jewish Community Centers and other important organizations provide.

What has transpired is that in 1984 the Internal Revenue Service issued a technical ruling making it clear that fitness activities provided by these and other organizations remain charitable as long as the entity, the nonprofit, serves a broad segment of the community. These organizations, the YMCAs, the YWCAs, the Jewish Community Centers across our country do provide critically needed services, particularly to low-income individuals. They have philanthropic missions related to health and education, community welfare. My concern is a provision relating to the tax-exempt status of these organizations, in effect, could prompt a review that would have a chilling effect over the entire range of work done by these organizations.

I have organized a letter with nine Members of this body, a bipartisan letter—Senator MACK, Senator SARBANES, Senator ROBERTS, Senator GRASSLEY, Senator MURRAY, Senator DURBIN, Senator KENNEDY, Senator MIKULSKI and myself, to make it clear to the managers of this legislation that we want to work with them on a bipartisan basis to make sure that the important work done by these community organizations is not in jeopardy. It seems to me, as we look to the 21st century, trying to make sure the budget is balanced, still meeting the needs of our communities and particularly the young people, that these are the very programs that are most likely to make a difference.

I had thought the question of the tax status of these groups was settled law in 1984. I note I am unaware of any abuses since 1984 or of any violations by the "Y's" with respect to this charitable exemption, and it is for that reason that I do ask this afternoon to work further with both the majority and the minority to make sure the tax status of these groups is protected and the important work they are doing continues to go forward and, in fact, expands in the years ahead.

Mr. President, I ask unanimous consent the letter I referred to be printed in the RECORD, and I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 3, 1998.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman,

Hon. HERB KOHL,
Ranking Democrat,
Subcommittee on Treasury, Postal Service and General Government, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATORS CAMPBELL AND KOHL: We are writing to express our serious reservations about a provision in the committee report accompanying the FY99 Treasury/Postal Appropriations bill relating to tax-exempt health clubs.

The provision directs the Internal Revenue Service (IRS) to review its standards relating to "tax-exempt health clubs" and report on "regulatory changes that may be required to assure that tax-exempt health clubs are not unfairly competing against private sector organizations." In 1984, the IRS issued a technical ruling clarifying that adult fitness is a charitable activity as long as the entity serves a broad segment of the community. Moreover, under current tax law, to the extent that a charity makes a profit from a trade or business unrelated to the exercise of its charitable purpose, it will be subject to federal income tax ("unrelated business income tax" or "UBIT") on the profit. The statute and regulations on UBIT are very clear and prevent any charity from gaining a competitive advantage over a for-profit corporation.

Not-for-profit organizations, including the YMCAs, YWCAs and Jewish Community Centers (JCCs) that serve all ages, incomes and abilities likely could be adversely affected by this provision. The health and fitness services offered by these organizations are only one component of a whole range of programs available for a community. These programs are an integral part of the organization's philanthropic mission related to the health, education and welfare of the community, and are a significant component in financing such activities. Furthermore, participation in their health and fitness programs is not limited to adults: people of all ages participate in them. Among the services they provide that would be threatened are child care, juvenile delinquency prevention, substance abuse and senior nutrition programs.

We appreciate your efforts in the July 29 colloquy in which you stated your intent to have the IRS focus on adult fitness provided by tax-exempt organizations that serve only adults. However, we remain concerned that this provision still could negatively affect the millions of Americans—young and old—who participate in these community organizations. We ask that in the conference report you ensure that the interests of these individuals are protected and that the invaluable programs offered by not-for-profit organizations are not unfairly curtailed by unnecessary and overly burdensome government regulation.

Sincerely,
Connie Mack, Paul S. Sarbanes, Pat Roberts, Chuck Grassley, Ron Wyden, Barbara A. Mikulski, Ted Kennedy, Dick Durbin, Patty Murray.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Chair lays before the Senate H.R. 4104, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for fiscal year ending September 30, 1999, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the text of S. 2312, as amended, is substituted for the House text, the bill will be read for the third time.

The bill was read a third time.

Mr. CAMPBELL. Mr. President, before asking for the yeas and nays, I would like to say a few words in closing about S. 2312.

As many of you may have noticed, this bill has not been an easy one to craft to stay within our funding constraints. We started on this bill before the August break and we are still at it. I believe in some instances, we have probably had to rob Peter to pay Paul because this bill carries programs which are all worthy and all important to everyone in this Nation.

We have had to make some difficult choices between the programs in the bill and it has been easy to do because the goal is to emerge with an acceptable balance while still doing the right thing and staying within our funding limits.

I believe though, however, we can honestly say we have done our very best to accommodate everyone's wishes and everyone's requests, even though it has not been easy.

As always, the ranking member, Senator KOHL, has been great to work with, and without him, we could not have completed this bill. So I thank the Senator from Wisconsin. I want him to know that his friendship and professional efforts and courtesy have meant a great deal to me.

In addition, I would like to take a moment to thank his staff—Barbara Retzlaff, who has been so diligent working on this bill the entire year, as well as Paul Bock and Liz Blevins for their support on the floor during our consideration. And I also thank our staff—Pat Raymond, Tammy Perrin and Lula Edwards, who spent a lot of evenings, long evenings at that, trying to make sure the bill came out the way we wanted it to.

In spite of our difficulties, I believe that we have put forth a good bill which deserves the support of the Senate. I urge my colleagues to vote in favor of this bill.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President.

As the Chairman mentioned, this completes the floor action on the Treasury-General Government bill. By moving this bill forward, we will ensure that important financial operations and law enforcement programs funded through this bill will be fully operational at the start of the fiscal year.

I would like to take this opportunity to again thank Chairman CAMPBELL and his staff—Pat Raymond, Tammy Perrin, and Lula Edwards. Their fair and able handling of this bill makes it possible for us to move to conference where I hope all outstanding issues will be resolved quickly.

I would also like to take this opportunity to commend Secretary Rubin for presenting a budget request that was fair. And, I want to thank him and his staff for working with us, throughout the process, to make sure that important Treasury programs receive adequate funding.

Thank you, Mr. President.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I commend the chairman of the Treasury-Postal Service Subcommittee of the Appropriations Committee for the work he has done on this. It was a little bifurcated. We did work on it back before the recess, but he continued to work, working with his colleague from Wisconsin, and they produced a bill that I obviously believe has broad support. I thank them for their willingness to cooperate and go ahead and get this completed today. They have done good work, and I hope that they will get into conference early next week and have a conference report completed that we can send to the President in short order.

So I thank them for their efforts and thank my colleagues on both sides of the aisle for allowing us to get through this list of amendments we had and complete this legislation.

Mr. President, I believe we are ready to go to a vote, but after the vote we will go into recess—temporary recess—so that we can hear, before the Armed Services and Foreign Relations Committees, from Scott Ritter, a senior inspector of UNSCOM in Iraq.

I yield the floor.

Mr. CAMPBELL. Mr. President, I have one further unanimous consent request. I ask unanimous consent that after passage of H.R. 4104, S. 2312 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. I believe that concludes the debate, Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

I also announce that Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—91

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—5

Ashcroft
Brownback
Feingold
Hutchinson
Smith (NH)

NOT VOTING—4

Bingaman
Helms
Inouye
Murkowski

The bill (H.R. 4104), as amended, was passed.

(The text of the bill (H.R. 4104) will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. ENZI) appointed Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD conferees on the part of the Senate.

UNANIMOUS CONSENT AGREEMENT—S. 2334, VITIATION OF ADOPTION OF AMENDMENT NO. 3539

Mr. CAMPBELL. Mr. President, I ask unanimous consent that, notwithstanding the passage of S. 2334, amendment No. 3539, previously adopted, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

RECESS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now stand in recess until 3:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate, at 2:33 p.m., recessed until 3:31; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRASSLEY).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Iowa, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The assistant legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1873

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to Calendar No. 345, S. 1873, the missile defense bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

AMERICAN MISSILE PROTECTION ACT OF 1998—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. In light of the objection, I now move to proceed to S. 1873 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 345, S. 1873, the Missile Defense System legislation.

Trent Lott, Thad Cochran, Strom Thurmond, Jon Kyl, Conrad Burns, Dirk Kempthorne, Pat Roberts, Larry E. Craig, Ted Stevens, Rick Santorum, Judd Gregg, Tim Hutchinson, Jim Inhofe, Connie Mack, R.F. Bennett, and Jeff Sessions.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Wednesday, 1 hour after the Senate convenes and establishes a quorum, unless changed by unanimous consent. All Senators will be notified as to when cloture will actually be scheduled, but again, to reiterate, this cloture vote will occur sometime on Wednesday morning of next week.

I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1301

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to S. 1301, the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. The request has been made to go to the bankruptcy bill which affects about 1,300,000 people in this country. We do have an opportunity to consider other legislation, like the HMO bill, that affects 120 million people, and we are being asked to go to the bankruptcy bill when we are not scheduling the campaign finance bill that passed the House of Representatives that involves the elimination of many of the abuses of campaign finance. Some are very concerned about the fact that some $50 million have been expended by banks and credit card companies to move this legislation forward.

I am interested in inquiring of the leader whether we can have any indication as to when we might have the opportunity of scheduling these other measures which affect the average family, rather than special interests, such as the banks and the credit card companies. When I go back home, people talk to me about health care. It is the bankers and credit card people who are talking about the bankruptcy bill.

I wonder whether we are going to have any kind of assurance that we are going to move ahead with this legislation and we are going to have an opportunity to address and debate the merits of the Republican legislation, as well as the merits of the legislation, for example, on HMOs that has been introduced by the Democratic leader.

Mr. LOTT. Before I ask for the regular order, let me respond. I am perfectly prepared to go to the Patients' Bill of Rights bill. We have our bill ready to go. We would be glad for Senator KENNEDY to offer his bill. We have even offered to have three amendments on each bill and go to final passage. That offer still stands. It is a very fair offer. The minute the Senator and his leadership indicates they are willing to do that, we will be glad to go to both of those bills and have the votes and go to conclusion.

Regular order, Mr. President.

The PRESIDING OFFICER. The regular order is, Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I want to give the Senator from Massachusetts one more opportunity to agree to our unanimous consent request that we go to the bankruptcy bill. So I ask unanimous consent, once again, that the Senate now turn to S. 1301, the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, for the time being, for the moment, I object.

CONSUMER BANKRUPTCY PROTECTION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed, in light of the objection, to S. 1301, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 394, S. 1301, the Consumer Bankruptcy Protection Act:

Trent Lott, Orrin G. Hatch, Charles Grassley, Arlen Specter, Strom Thurmond, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Tim Hutchinson, Wayne Allard, Christopher Bond, Rod Grams, Rick Santorum, Chuck Hagel, Larry E. Craig, and Jon Kyl.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur on Wednesday afternoon at a time to be determined and announced in advance, after consultation with the Democratic leader. We will talk to him, but it will be some time Wednesday afternoon. I do not know whether it will be 3 or 4, but something like that. All Senators will be notified exactly what time that vote will occur next Wednesday.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Iowa.

THE BANKRUPTCY BILL

Mr. GRASSLEY. Mr. President, we have just been delayed somewhat in the start of the bankruptcy bill. But I think it would still be appropriate to make some comments, even though in morning business, on the issue of why we need a bankruptcy bill.

I suggest, first of all, as the Senator from Massachusetts has correctly stated, there were 1.4 million bankruptcies last year. That was a 30-percent increase over the previous year. And the previous year was a big percentage increase over that previous year. So in the last 3 years we have seen an explosion of bankruptcy filings in the United States.

That is a tremendous economic problem. It is a problem for families that have to go through this. It is a problem for the consumers because bankruptcies raise costs for consumers. And there are lots of reasons for the rise in bankruptcies. In the 20 years since we have last had major bankruptcy legislation, we have seen a dramatic increase in bankruptcy filings, more than under any previous act. And we have had national bankruptcy legislation for 100 years this year.

In the period of time since we have had the latest bankruptcy legislation that was passed in the year 1978, out at the grassroots of America there has been a feeling that it is too easy to get into bankruptcy.

I don't want to say that a bankruptcy law, in and of itself, is the only reason we are having a high number of bankruptcy filings. But during this period of time in the last 20 years, I have had hundreds of people tell me that it is too easy to get into bankruptcy. I have had not one person say to me that it ought to be easier to get into bankruptcy. And I have even had some people who have gone through bankruptcy who said it was too easy.

I mentioned the legislation of 1978 may be one reason for the increase in bankruptcies. I think also the Federal Government itself in that period of time has not set a very good example for personal finances by having 30 years of unbalanced Federal budgets. After all, if the national leadership of America can spend beyond its means for 30 years, doesn't it kind of set an ethic and a tone for the people of this country that maybe debt isn't so bad and it is possible to live beyond your means?

Hopefully, this September 30, at the close of this fiscal year, for the first time in 30 years we are going to balance the budget and have a surplus. And we are going to pay down at least $68 billion, according to the latest estimates of what we will pay down in that national debt. Maybe we are going to turn that bad example around a little bit so that if people now do not see the Federal Government borrowing money for such long periods of time, maybe families and businesses of America will take a little bit different look at their debt as well.

Then, of course, we have had the banks of America sending out so many credit cards, maybe not with the idea that they encouraged debt, but at least have left the impression upon the consumers of America that there was another way of doing business than just out of the billfold. I do not think that has set a very good example. I am not saying that there isn't a legitimacy about credit cards and that probably it is very convenient for some people and other advantages, but again, it is a new approach that parallels this high number of filings that we have had and may be another reason beyond the Federal Government's borrowing, beyond a 1978 statute that made it a little easier to go into bankruptcy, another reason why we had 1.4 million people filing for bankruptcy last year.

Then lastly—and maybe I should not say lastly—but lastly as far as the reasons I would give, and there might be a lot of other reasons that somebody else could give, but there does not seem to be the shame connected with bankruptcy that there used to be. I do not know why. It may be all of the above that I have mentioned—more credit cards, making it easier to get into debt, and you just chip away at people's ethical thinking, the Federal Government setting a bad example, a liberal bankruptcy law passed in 1978. But somehow we have to think in terms of people looking at the moral dimension of their finances, and also then an extension of that moral dimension is a moral look at bankruptcy—right or wrong—and whether or not it is OK to break a contractual obligation to respect debt and meet the obligation.

One other thing I should say is that I think that to some extent—and it is difficult to quantify all these factors that I give—but I think that within the legal profession there are some lawyers who are not counseling people about bankruptcy the way lawyers used to feel an obligation to counsel people coming to them for help. I guess we think that is a serious enough problem that we put some discouragement in our legislation to the bar just willy-nilly putting people into chapter 7 bankruptcy.

But I think if we could get the bar itself to take another look at the practice of bankruptcy lawyers, and suggest a little more caution, a little more counseling, a little less use of paralegals in the process of the filing of petitions, and probably a person that is maybe not in a very good position to counsel, that all of these things would help. So we have a situation that needs to be dealt with. That is why we offer this legislation.

Mr. President, I want to provide some overview of the need for bankruptcy reform and how the bankruptcy reform bill before the Senate makes meaningful bankruptcy reforms in a fair and balanced way. In fact, in the Judiciary Committee, the bill passed out of the committee on a strong, bipartisan vote of 16 to 2. So, we have a good bill and one that most Members of the Senate should be able to support.

Mr. President, the polls are clear that the American people want bankruptcy reform. In Iowa, 78 percent of Iowans surveyed favor bankruptcy reform. And the picture is the same nationally. According the PBS program "Techno-Politics," almost 70 percent of Americans support bankruptcy reform. Clearly, the time to act is now.

Let me start out by saying there is some justification for bankruptcy. People hurt by natural disasters, catastrophic illness, divorce, etc., are entitled to a new start. Our society has provided for that. About 80 percent of the people who declare bankruptcy are in desperate financial straits. The problem is that some people use bankruptcy as a financial planning tool to get out of paying debts which they could pay. The convenient use of the existing bankruptcy laws is the driving force behind bankruptcy reform. We have a bankruptcy system that lets higher-income people write off their debts with no questions asked and no real way for creditors to prevent this from happening. The end-result is that everybody else who pays their bills ends up paying for these abuses through higher prices.

Last year we had a record number of Americans file for bankruptcy. Of course, each bankruptcy case means that someone who extended credit in good faith won't get paid. While estimates differ as to the exact number, American businesses are losing around $40 billion a year as a result of bankruptcies.

Now, big banks and big business are in a somewhat stronger position to deal with these losses than smaller businesses. Large banks and big business can offset bankruptcy losses by increasing the amount they charge to other customers. That's an important point, Mr. President. Under the best of circumstances, where a big business can stay afloat in the face of large losses due to bankruptcies, other consumers pay the price. Hence, the hidden bankruptcy tax.

This hidden tax affects consumers who play by the rules. These consumers, the vast majority of consumers, must pay through higher prices and interest rates for consumers who write their debts off in bankruptcy. My legislation will reduce this tax by requiring those consumers who have the capacity to repay their debts, or some portion of their debts, to do so.

But that's the situation with big businesses who can survive in the face of huge bankruptcy losses. What about the small business people who have to close their doors because they can't afford to absorb the loss of so much income. The Consumer Bankruptcy Reform Act that is before us will reduce bankruptcy losses by ensuring that those who can repay their debts be required to do so. That's just common sense. On the other hand, if you're truly down and can't afford to pay anything, this bill still guarantees complete bankruptcy relief.

The editorial page of the Des Moines Register stated on march 13, 1997, that bankruptcy "was never intended as the one-stop, no-questions-asked solution to irresponsibility," But that's just what we have today. And that is just the problem this bill addresses.

So, as we move forward to more debate on bankruptcy reform, I hope we keep in mind the fact that bankruptcies of convenience impose a hidden tax on hardworking Americans who play by the rules and pay their bills on time. Let's cut that tax. Lenient bankruptcy standards seem to foster a lack of personal responsibility. After all, why tighten your belt and pay what you owe when you can just walk away from debts by declaring bankruptcy? I think my bill makes sense and that's why it passed out of the Judiciary Committee by a vote of 16 to 2.

Mr. President, I would like to say a few words about the history of bankruptcy. Congress' authority to create bankruptcy legislation derives from the body of the Constitution. Article I, section 8, clause 4 authorizes Congress to establish "uniform laws on the subject of bankruptcies throughout the United States." Until 1898, we did not have permanent bankruptcy laws in this country. The previous bankruptcy laws were temporary in nature and were largely enacted as a reaction to a financial crisis. With each successive bankruptcy act and each major reform or our Nation's bankruptcy laws, we've refined our conception of how bankruptcy should promote the important social goal of giving honest and unfortunate American a fresh start.

The bill we're considering today makes fundamental changes to our bankruptcy laws. These changes are a logical outgrowth and extension of our various bankruptcy reform efforts. From 1898 until 1938, consumers had only one way to declare bankruptcy. It was called "straight bankruptcy" or "chapter 7" bankruptcy. Under chapter 7, which is still in existence, bankrupts surrender some of their assets to a bankruptcy court. The court sells these assets and uses the proceeds to pay creditors. Any deficiency is wiped out.

But starting in 1938, Congress created chapter 13, which allows a debtor to repay a portion of his or her debts and keep all assets. Under current law, the choice between chapter 7 and chapter 13 is voluntary. In the mid-1980's, Senator Dole and Congressman Mike Synar tried to steer higher income bankrupts—who could repay some of their debts—into chapter 13. My legislation follows the attempts at reform Senator Dole made when he was on the Judiciary Committee.

Finally, Mr. President, when and if we get to S. 1301, there will be a managers' amendment, which will permanently reauthorize Chapter 12. Chapter 12, which I authored in 1986 because of the farm crisis, is due to expire this October. I hope that, for the sake of the farmers of America, we will be able to get this bill brought before us. We now have a motion to proceed because there was an objection from a Senator, and I hope that all of these Senators will take into consideration that with low farm prices now—and I hope there is not an agricultural crisis long-term although there is a crisis this minute—and that farmers will have special protections under Chapter 12 bankruptcy, like other sectors of our economy have a special procedures for them, so that we will be able to have an orderly handling of that.

The PRESIDING OFFICER. The Senator's 10 minutes have expired. Does the Senator ask for additional time?

Mr. GRASSLEY. Was there really a 10-minute time limit?

The PRESIDING OFFICER. There is. The Senator can request additional time.

Mr. GRASSLEY. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The efforts of Senator Dole and Congressman Synar ultimately resulted in the creation of Section 707(b) of the Bankruptcy Code. This section gives bankruptcy judges the power to dismiss the bankruptcy case of someone who has filed for chapter 7 bankruptcy if that case is a "substantial abuse" of the bankruptcy code.

While this idea sounds good, it has not worked well in the real world. First, nobody knows what the term "substantial abuse" actually means. So we have conflicting court decisions around the country and people just aren't sure what the rules are. Second, creditors and private trustees are actually forbidden from bringing evidence of abuse to the attention of a bankruptcy judge.

The Consumer Bankruptcy Reform Act corrects these shortcomings. Under this bill, 707(b) now permits creditors and private trustees to file motions and bring evidence of chapter 7 abuses to the attention of a bankruptcy judge. This change is very important since creditors have the most to lose from bankruptcy abuse, and private trustees are often in the best position to know which cases are abusive in nature.

Additionally, the bill requires judges to consider repayment capacity of bankrupts in chapter 7. Under this bill, if someone who has filed for chapter 7 bankruptcy can repay 20 percent or more of his or her general unsecured debts, then the bankruptcy judge can kick them out of the bankruptcy system or transfer them to chapter 13.

Taken together, these changes will bring the bankruptcy system back into balance. Importantly, these changes preserve an element of flexibility so that not every debtor is pushed into an inflexible and rigid formula. This means that each bankrupt will have his or her own unique situation taken into account.

Of course, S. 1301 also contains tough fines against creditors who misuse their new powers to harass or intimidate honest consumers rather than to stop abuses. This is a key feature of S. 1301. Whenever we give creditors a new tool, we also give debtors a new shield to restrain potential creditor abuses.

Let me give another example of how my bill gives debtors important new tools to deter and punish abusive creditor conduct. In the last few years, there have been a number of reports about creditors coercing debtors into agreeing to pay their debts even though the debt could be wiped away in bankruptcy. The bankruptcy code allows debtors to reaffirm debts if the choose to do so voluntarily. The problem is that some companies have been threatening consumers in order to force a reaffirmation. Under the bill we're considering today, creditors will face treble damages and high fines if they use coercive tactics to force a reaffirmation.

So, Mr. President, as we proceed to consider this bill, I hope colleagues will keep in mind the balanced, fair nature of this legislation.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Anne McCormick be granted privileges of the floor on all Judiciary Committee-related matters for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it has been my good fortune to work on the subcommittee with Senator CHUCK GRASSLEY of Iowa. We have worked closely together for more than a year.

We disagree on some political issues—that is no surprise—but I respect him very much. He is a man of his word. He is a hard-working Senator, and it has been a pleasure for me to work with him on this very complicated issue. We will probably have our disagreements when this matter comes to the floor, but my respect for him will continue as during the course of preparing this complicated legislation.

I also acknowledge the hard work of my staff members, Victoria Bassetti and Anne McCormick, on this complicated issue. Were it not for them, I don't believe I would be able to stand here and defend my point of view. They have educated me well. I will do my best to represent them, as well as the people of Illinois, on this issue. This is a highly technical and convoluted subject. We hear words like cramdowns, reaffirmations, panel trustees, lien stripping, automatic stays, codebtor stays, discharge stays, nondischargeable debt, super discharge, and on and on. Most people's eyes are glazing over and wondering what this bankruptcy debate is all about on the floor.

This important Federal bankruptcy law is a delicate and perilous balance. When a person files for bankruptcy, they have a limited amount of assets. They come before the bankruptcy court and ask: What are we going to do with what we have left? It isn't enough to pay our bills and what do you suggest we do to discharge ourselves from this debt and go forward with a clean slate?

When you push on one thing in bankruptcy, almost invariably something else will give. That is because no matter how hard you wish otherwise, we are dealing with a limited amount of assets—a pie of fixed dimensions. Try as we might, in almost every case the pie will not be made any bigger. All we can do is increase the fighting over that small pie—and usually no one really comes out ahead in that fight.

In those cases where we can make the pie bigger, I fully support whatever we can do. We must ferret out those people who are abusing the bankruptcy system. One example is the homestead exemption. The homestead exemption allows a person, in some States, depending on State law, to claim that their home should be exempt from being subject to the claims of creditors. That sounds reasonable. People like to protect their home. But each State sets a different standard. Some States set almost unreasonable standards. That is why you can find a former Governor of a major State, or a former commissioner of baseball, racing to the right State to file bankruptcy—buying a huge home before they file bankruptcy, and then having it exempt from the bankruptcy estate. Luckily, this bill does away with that exemption. The House bill does not. On the floor of the House, unfortunately, we left this abuse in the bankruptcy code. I hope we will stand fast on this issue and that, if this matter goes to conference, we can prevail.

Let me talk about the people who do file bankruptcy, who don't fall into the category of the rich and famous, never have been and never will. Let me show you one of the charts that indicates what happened in terms of the income people earn who are filing for chapter 7 bankruptcy in the United States. This is an interesting chart. The median family income is $42,769. In 1981, the median income of people filing for bankruptcy was $23,254. Look what happened. Over the next 16 years, we have seen a steady decline in the median income of people filing for bankruptcy. What it tells us is that people in the bankruptcy system are just getting poorer. We are not dealing with smoothies here who are racing out to get attorneys and find some way to protect some treasured assets. We are dealing with people who have a very limited amount of income and with very low-income and perilous circumstances. As distasteful as bankruptcy is, the fact remains that we need it. We can't dismantle or radically alter it without doing serious damage to our economy, to creditors, and to millions of individuals.

To see what would happen if we didn't have a bankruptcy system, imagine a world where people could not declare bankruptcy when they were in bad financial straits. In this world, each individual creditor would have to file suit in State court when the debtor defaulted. And then it would be a race to the courthouse door. Some would end up with nothing. Almost nobody would win in this situation. So the bankruptcy code is important. But keep in mind that this median income person, with $17,652, really is not salivating for the opportunity to file for bankruptcy; a disaster has hit that person or his family.

The information I am about to give you has not been produced by some consumer group, but by the major credit card companies. Visa and MasterCard did an analysis of the people who declared bankruptcy in 1997. Here is what they found: 11.6 percent of the people who filed for bankruptcy did so because of a divorce or separation; 16.5 percent declared bankruptcy because of medical or health reasons, and 15.3 percent, because of unemployment. Two-thirds of the people surveyed reported that creditors did not try to work with them to help them avoid filing for bankruptcy.

You must remember the feeling. I can remember it in my early life after graduating from law school, deep in debt, trying to pay off student loans and having no really substantial income. It was a chore to fight off the people calling on credit cards.

They really weren't offering the milk of human kindness in those telephone calls.

From the Visa study, they went on to say:

> Although conventional wisdom holds that there is less stigma associated with personal bankruptcy filings today than there has been in the past, the experience of the respondents suggests just the opposite: A substantial majority—75.2 percent—had not been able to reestablish credit. Nearly a quarter of the respondents—24.7%—still owed income taxes after the bankruptcy was filed. More than half—52 percent—reaffirmed some of their outstanding debt * * *

Let's talk for a moment about the debt. Credit card companies send out as many as 2.8 billion credit card solicitations a year to potential card holders.

Let me show you a chart about one family that I happen to know a little bit about, the Durbin family of Springfield, Illinois.

In a 6-month period of time at our house, we received in Springfield, Illinois, opportunities and invitations for credit cards, some wonderful credit cards. It used to be that they talked about gold credit cards. Here is one called "gold." Now we are talking about titanium and platinum credit cards.

If you look at the total amount of credit that was offered to my home and household, it comes to over $600,000.

There was a time when I can recall getting my first car loan—of about $1,000—sitting nervously across from a loan officer at the First National Bank of Springfield, Illinois. Now, sight unseen, each day in the mail, come invitations to go deeply into debt—in this case over $600,000 worth. And this doesn't count the e-mail credit solicitation which I am currently receiving.

What it suggests to me is that the credit card industry bears some responsibility for the increased filings and bankruptcy.

We found in a 3-month period in 1997 that banks in the United States mailed a record-setting 881 million solicitations.

I have some that my staff received here. I will not go through them all.

I believe everyone here that is witnessing this debate on the Senate floor and those by television on C-SPAN know what I am talking about. You go home every night and start tossing out the preapproved credit card solicitations that say, "Just sign the back of this check, and we will send you a certain amount of money." And you, of course, can have a second mortgage on your home.

All of these things are coming at us fast and furious.

In addition to the mail, credit card companies logged 24.1 million hours in 1996 on the telephones telemarketing their cards.

You can be at home at night watching TV and listening to the radio. The phone starts ringing. It could be some charity. It might be some opportunity to change your phone service. It might also be a credit card solicitation.

So if we are going to correctly analyze the current situation about the increases in bankruptcy, let us honestly look at what is happening here.

You want to know why so many more people are filing for bankruptcy? Look at this. Track consumer debt in America, and track the filings in bankruptcy, and what you find is the lines are virtually identical.

This isn't a matter of America losing its morality in family values because of the increased filings in bankruptcy. It is because we are deeper in debt as a nation and the credit card industry continues to lure people into debt. Yes. It is a free will choice. But many people are not as well informed as they get into it. The lure of consolidating your debts, and the lure perhaps of buying something that you might not otherwise be able to afford drags people deeper and deeper into debt with risky credit. One bad occurrence, as mentioned in the Visa and MasterCard study, and the next thing you know these folks are in bankruptcy court.

Some people in the credit industry come to see you and say, "You know, I think these people have lost the idea of the moral stigma of bankruptcy." The Visa study says they haven't. I am not sure they have either. I say to the people in the credit industry, "If there is no moral stigma to bankruptcy, then how do you explain the practices of your own industry, an industry that would consider installing ATM machines in casinos, which we now do in America? Where is the moral stigma there?"

Let me talk to you about this bill in particular.

I am pleased that Senator GRASSLEY and I have been able to work well on many issues in this bill, and I will try to continue to do so. But let me suggest there are some changes that I would still like to see in this bill.

We must make sure that reform of the bankruptcy system doesn't actually end up hurting vulnerable groups like women trying to collect alimony, children dependent on child support payments, and the elderly living on fixed incomes.

We have a fixed amount of money here; a limited amount of assets. There will be a struggle and a fight over who will walk away with them. If you give additional assets from a bankrupt estate to a credit card company, you could do it at the expense of child support obligations. The Children's Defense Fund is opposed to the bill. That is one of the major reasons. Their concern is that this bill still does not protect child support payments. I think that is a major concern.

We have to make certain that we lift that up to a level that is sensible. Keep in mind if we do not, we are going to assume that burden as a society. Children who do not receive their child support payments are kids who end up on welfare; kids who end up dependent on the Treasury of the United States and the States of our Union in an effort to survive.

I hope we will be able to adopt an amendment which will, in fact, provide more protection when it comes to child support.

Second, we must make sure that the reforms do not increase opportunities for creditors to themselves abuse and distort this system.

I will not go through the lengthy history that we have of this process of reaffirmation.

What is reaffirmation? I file for bankruptcy and I have a debt, and instead of having it discharged so I don't owe it any longer, I voluntarily agree to reaffirm that debt and to continue to pay all or part of it. Why would a person do that? What if you walked into the bankruptcy court and you owed money on your car? You need a car to get to work. You better reaffirm that debt on the car so you can continue to make the payments, even if you are discharged from bankruptcy from all other debts. It makes sense. Someone walks into a bankruptcy court and says, "My family has done business with that department store downtown for three generations, and I just could not stiff them. I will reaffirm my debt. I will pay it. Just discharge the rest of my debts."

The problem we have is in many instances creditors—major department stores and retail chains—have misled the debtors into believing they must reaffirm their debts; that they can't get off the hook in bankruptcy. I want to make sure that this bill does not create more opportunities for this to happen. I hope just the opposite will be true.

Finally, let me urge that in the course of the debate on bankruptcy we address both sides of the problems. To those who are abusing the bankruptcy system, who walk into court and try to, through all sorts of chicanery, escape their obligations and their debts, we say: This will stop. And, on the other side, we say to the credit card industry: You also have an obligation.

Sadly, all of this focus on the bankruptcy code simply helps to obscure a far more important and dangerous feature of our consumer economy—the profligate availability of risky credit.

Merely making bankruptcy abuse harder is only part of the equation. The other part is preventing bankruptcy in the first place by encouraging more responsibility from the banks, as well as consumers.

Come with me to a "Big-Ten" football game this autumn—a wonderful experience—in Champaign or Bement, Illinois—and walk into that stadium. What you are going to find there will be a booth giving away T-shirts. Mark my words. If you will take a T-shirt, you will also take an application for an official University of Illinois credit card. Kids fresh out of high school are signing up for credit cards when they are 18 to get a free T-shirt. You will find these booths at virtually all sorts of events.

These sorts of things are going on at such a pace that, frankly, it has become almost scandalous. Credit cards are being issued to people who are mentally incompetent. They are being issued to pets; being issued to folks who have no business owning a credit card.

I want to make sure that we straighten up that side of the equation as well.

I want to make sure that the people who send us monthly credit card statements are open and honest. When they say your minimum monthly payment is "X," they ought to tell you how many months it will take you to pay it off if you make the minimum monthly payment, and how much you are going to pay in interest. They ought to provide people with a simple worksheet so when they apply for a credit card they will understand where they stand financially. If fact, if the credit card company hasn't done any kind of analysis of your credit standing and they are offering credit blindly, you ought to know that.

In addition, I want to make sure that we provide in these credit card statements a clear statement of the conditions.

This same University of Illinois credit card solicitation—I don't want to pick on them—said, and I quote, "permanent introductory rate of 5.9 percent."

You don't have to be a business major to understand that "permanent" and "introductory" don't go together. What happens, of course, is that in a short period of time the interest rate goes through the roof.

Let me conclude on this note.

We can spend all of our time trying to punish or prevent a small number of abuses. We can also work on something infinitely more constructive. We can try to help prevent financial catastrophes.

What I propose is a small step in that direction which works on the principle that a well-informed consumer is best able to protect himself. I am happy to join with my colleague, Senator GRASSLEY, in an effort to change the bankruptcy code, but let us do it in a fair way that does not penalize the recipients of child support, that doesn't give an upper hand to creditors who abuse the system, and which says to the credit card industry, yes, we will clean up abuses in bankruptcy court but certainly you should extend your responsibility to issue credit responsibly to a well-informed consumer.

I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts.

CONSIDERATION OF THE PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, just about an hour ago, we had the majority leader taking the floor and making the request that we go to the bankruptcy legislation, as is his authority, and then making a motion to move toward the bankruptcy bill and filing cloture. And I assume, as others would, that we will be debating this legislation next week.

In an exchange with the majority leader, I questioned him as to why we were not considering taking up the HMO legislation, the Patients' Bill of Rights. We could either take up the legislation that had been introduced by the Republicans and lay that down as our leader, Senator DASCHLE, has suggested, or permit some other way or means that we could have a full debate and discussion on that legislation.

As I pointed out in the very brief exchange with the majority leader, we are talking considering legislation that affects about 1.4 million bankruptcies, with all the importance and consequences that has, as expressed by our friends and colleagues from Iowa and from Illinois and stated eloquently by both of them in recent times, or whether we should be considering a measure that affects 165 million Americans with health insurance coverage.

When I go home to Massachusetts and travel around the state, I hear from families wondering when the Congress is going to take action to make sure that health care decisions are going to be made by medical officials, by doctors and by nurses, rather than by accountants and insurance company personnel. That is what the people are talking about. That is what they were talking about during August.

I asked the majority leader whether we would be able to have the opportunity to debate this issue. And as is the wont of the majority leader and the assistant majority leader, Senator NICKLES, they have said, look, you are either going to take it or leave it with our proposal. You are either going to take it the way we want it—that is, you can offer two or three amendments, and we can offer two or three amendments—and, if you are willing to take that, we are willing to schedule it; otherwise, we are not.

They are, for all intents and purposes, gagging the Senate. We do not have any such condition on the measure that is before us this afternoon, the bankruptcy bill. There are a number of very worthwhile, substantive amendments for this measure. The majority leader did not come out here and say take it or leave it on the bankruptcy bill. No, no. Why? Because the credit card industry and the banking industry have the votes to pass this legislation, and, as has been publicly recognized, they have expended some $50 million in order to support the movement of this legislation.

Yet, we find out that there are children in our country today who are being denied a CAT scan because of an automobile accident or because of a bicycle accident or because of some other kind of an accident. They do not make large contributions to push forward legislation that will help them. Nor do the women who are denied access to clinical trials or obstetrical and gynecological care.

And so, Mr. President, we are being effectively gagged by the Republican leadership in debating and discussing and voting on the most important health measure that we will be faced with this year. Again, when asked when we can proceed to this important legislation, the majority leader, as is his wont, calls for regular order: We are not going to listen to any voices in the Senate that have been trying to get to this measure for over a year and a half, either a hearing or a markup in the appropriate committee. No, thumbs down. Scheduled on the floor of the Senate? Absolutely not, unless you take it our way.

Now, Mr. President, you can—and the majority leader has been successful up to this time—avoid having the opportunity for such a debate and discussion, but I do not really understand the reasons why. Why are the Republicans objecting to debating the gag issue or about emergency room access? Why shouldn t patients who believe they are having an emergency based on a reasonable person's judgment be assured coverage at the nearest emergency room? Why shouldn't we be able to debate what would be the appropriate responsibility of HMOs on these issues?

Why shouldn't we be able to debate whether you can keep your own doctor or whether you have access to specialists or whether you are able to have specialists for primary care, as many women, in particular, so need in our society today? And why not discuss the importance of access to clinical trials, or a right to timely appeals—both internal and external—and health plan accountability? Why should the health insurance industry be the only industry that can cause death and disability and be excluded from accountability in the United States of America? Should we not have the opportunity to debate that issue and call the roll? Not according to the majority leader. No, no, not according to the majority leader. You either take it or leave it.

Now, that has been the position effectively on HMOs, the position on campaign financing, the position on any increase in the minimum wage: Take ours or leave it.

Now, he is entitled and has authority as the majority leader to make these decisions, but we also have prerogatives in this body, and we can exercise those prerogatives and, as Senator DASCHLE has indicated, will either do it in a regular way according to the rules of the Senate or we will have some other opportunity to do so.

This body should not be gagged, as the majority leader is doing when he responds: You will take three amendments and that is it. It is very clear what the priorities are for the Republican leadership—protect the banks and the credit card companies—protect the insurance industry—protect their friends. All you have to do is look at who is going to benefit from the HMO reform and patients' rights and who is going to benefit from the bankruptcy legislation.

Who is going to benefit from the bankruptcy legislation? The banks and the credit card companies that have been among the most profitable industries in this country in the last few years. Who benefits from Patients' Bill of Rights? Working families benefit from it. Children benefit from it. Senior citizens benefit from it. The average citizen in this country benefits from it.

But, no, no, the Senate hasn't got time for that. Make no mistake. What was determined this afternoon by the leadership is that the Senate is favoring the banks and credit card companies and we are giving short shrift, short shrift to those who are dependent upon, in too many instances, the kinds of HMOs in this country that are not putting the medical decisions in the hands of doctors.

Why is it that nearly 200 of the leading national medical associations, nursing organizations, patient coalitions, disability groups, mental health groups, religious organizations, small businesses and consumer groups support the Daschle bill? I have been in the Chamber when I have listened to the majority leader and my friend from Oklahoma, Senator NICKLES, talk about their bill. We haven't heard of one single patients' organization that supports their bill. Every one of them supports the Daschle bill. So, when we say let us at least have the opportunity to debate it, we mean let's discuss each of the various elements. Let us have an opportunity to address those measures, with relevant amendments—they are right here. I would settle for amendments on the particular measures on this chart this afternoon, if I were asked, with time limits. But let's have accountability. Let's have accountability. Why is the Republican leadership saying to every doctor who is represented by those organizations, to every nurse, to every patient or survivor of every breast cancer group, "No, we can't debate your proposal"?

So we are going to work at it and we are going to keep at it, time in and time out.

I know there are others who want to speak. How much time do I have?

The PRESIDING OFFICER. The time of the Senator has just expired.

Mr. KENNEDY. Mr. President, I ask consent to have the same privilege as has been extended to the Senator from Iowa and the Senator from Illinois, to proceed for 4 more minutes.

The PRESIDING OFFICER. The Senator from Iowa spoke for 20 minutes. The Senator from Illinois spoke for 15 minutes.

Mr. KENNEDY. I ask for 5 minutes.

The PRESIDING OFFICER. The Senator may ask for 5 minutes more. Without objection, it is so ordered.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, finally, on another measure we have attempted to bring up here, and we will have the opportunity to do so, it is to recognize a fundamental issue of fairness and equity in our country, and that is an increase in the minimum wage.

I ask the Chair to let me know when I have 1 minute left.

We have had the most extraordinary economic prosperity in the history of this country. We have had the explosion in terms of Wall Street, even with its ups and downs. We have the lowest rates of unemployment, the lowest rates of inflation.

Over the many debates which have taken place since I have been here in the U.S. Senate, since 1962—and we have raised the minimum wage during this time five different times with Republican and Democratic support—we are always faced with two issues: If we increase the minimum wage, we are going to add to inflation and add to unemployment. It is fair for those who oppose the increase in the minimum wage to ask us, now that we saw the last increase in 1996–1997—we have seen an increase of 90 cents. For whom? The working poor; men and women working 40 hours a week, 52 weeks of the year, who pay their bills and play by the rules—words that were used by the Senator from Iowa. They are the workers. They are the workers, struggling.

Mr. President, our particular amendment, if successful, with a dollar in the next 2 years, would move it up by the year 2000 to $6.15. That would be $5.76, in terms of purchasing power. It would still be lower than what it was for a period of some 20 years—25 years, in purchasing power, at a time of extraordinary prosperity and economic growth.

In every one of these debates they say if you raise it, you will see higher unemployment and you will see higher inflation. Look what happened the last time. When we raised the minimum wage in 1997, the unemployment rate was 4.9 percent and the rate of inflation was 1.7. Then we raised the minimum wage. We raised the minimum wage. Today, the unemployment rate is—higher? No, it is lower. It is 4.5 percent, and the rate of inflation is 1.4 percent. Mr. President, 3.7 million new jobs have been added. Executive salaries have exploded and gone up through the roof, but the real purchasing income for the needy working families of this country continues to fall further and further behind.

Those who receive the minimum wage primarily are women—60 percent. It is a women's issue. It is a children's issue. These are children of working families. Family values? This is it. When you get an increase in the minimum wage, those families say, "Now we no longer have to work three jobs, we can work two. Maybe we don't have the time to spend with our children." But this is an issue of dignity for those who are out there working. It is an issue of fairness. It is an issue of decency.

This body, at the time of this extraordinary economic growth and prosperity, at a time when we in this body have benefited from a cost-of-living adjustment of more than $3,000 since our last increase in the minimum wage, ought to be able to say to those working poor that we understand, when they work 40 hours a week, 52 weeks of the year, they ought not to be continuing to live in poverty.

Mr. President, those issues are going to come back to us and we will address them, I guarantee you, before the end of the session.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for up to 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ONGOING INVESTIGATION OF PRESIDENT CLINTON

Mr. LIEBERMAN. Mr. President, I rise today to make the most difficult and distasteful statement, for me probably the most difficult statement I have made on this floor in the 10 years I have been a Member of the U.S. Senate.

On August 17, President Clinton testified before a grand jury convened by the independent counsel and then talked to the American people about his relationship with Monica Lewinsky, a former White House intern. He told us that the relationship was "not appropriate," that it was "wrong," and that it was "a critical lapse of judgment and a personal failure" on his part. In addition, after 7 months of denying that he had engaged in a sexual relationship with Ms. Lewinsky, the President admitted that his "public comments about this matter gave a false impression." He said, "I misled people."

Mr. President, my immediate reaction to this statement that night it was delivered was deep disappointment and personal anger. I was disappointed because the President of the United States had just confessed to engaging in an extramarital affair with a young woman in his employ and to willfully deceiving the Nation about his conduct. I was personally angry because President Clinton had, by his disgraceful behavior, jeopardized his administration's historic record of accomplishment, much of which grew out of the principles and programs that he and I and many others had worked on together in the new Democratic movement. I was also angry because I was one of the many people who had said over the preceding 7 months that if the President clearly and explicitly denies the allegations against him, that of course I believe him.

Since that Monday night I have not commented on this matter publicly. I thought I had an obligation to consider the President's admissions more objectively, less personally, and to try to put them in a clearer perspective. And I felt that I owed that much to the President, for whom I have great affection and admiration, and who I truly believe has worked tirelessly to make life tangibly better in so many ways for so many Americans.

But the truth is that, after much reflection, my feelings of disappointment and anger have not dissipated, except now these feelings have gone beyond my personal dismay to a larger, graver sense of loss for our country, a reckoning of the damage that the President's conduct has done to the proud legacy of his Presidency, and ultimately an accounting of the impact of his actions on our democracy and its moral foundations. The implications for our country are so serious that I feel a responsibility to my constituents in Connecticut, as well as to my conscience, to voice my concerns forthrightly and publicly. And I can think of no more appropriate place to do that than on this great Senate floor.

I have chosen to speak particularly at this time before the independent counsel files his report because, while we do not know enough yet to answer the question of whether there are legal consequences of the President's conduct, we do know enough from what the President acknowledged on August 17 to answer a separate and distinct set of questions about the moral consequences for our country. Mr. President, I have come to this floor many times in the past to speak with my colleagues about the concerns which are so widely shared in this Chamber and throughout the Nation that our society's standards are sinking; that our common moral code is deteriorating and that our public life is coarsening.

In doing so, I have specifically criticized leaders of the entertainment industry for the way they have used the enormous influence they wield to weaken our common values. And now, because the President commands at least as much attention and exerts at least as much influence on our collective consciousness as any Hollywood celebrity or television show, it is hard to ignore the impact of the misconduct the President has admitted to on our culture, on our character and on our children.

To begin with, I must respectfully disagree with the President's contention that his relationship with Monica Lewinsky and the way in which he misled us about it is nobody's business but his family's and that even Presidents have private lives, as he said.

Whether he or we think it fair or not, the reality is in 1998 that a President's private life is public. Contemporary news media standards will have it no other way. Surely, this President was given fair notice of that by the amount of time the news media has dedicated to investigating his personal life during the 1992 campaign and in the years since.

But there is more to this than modern media intrusiveness. The President is not just the elected leader of our country. He is, as Presidential scholar Clinton Rossiter observed, "The one-man distillation of the American people," and as President Taft said at another time, "The personal embodiment and representative of their dignity and majesty." So when his personal conduct is embarrassing, it is sadly so not just for him and his family, it is embarrassing for all of us as Americans.

The President is a role model who, because of his prominence and the moral authority that emanates from his office, sets standards of behavior for the people he serves. His duty, as the Reverand Nathan Baxter of the National Cathedral here in Washington said in a recent sermon, "is nothing less than the stewardship of our values." So no matter how much the President or others may wish to compartmentalize the different spheres of his life, the inescapable truth is that the President's private conduct can and often does have profound public consequences.

In this case, the President apparently had extramarital relations with an employee half his age and did so in the workplace, in the vicinity of the Oval Office. Such behavior is not just inappropriate, it is immoral and it is harmful, for it sends a message of what is acceptable behavior to the larger American family, particularly to our children, which is as influential as the negative message that is communicated by the entertainment culture.

If you doubt that, just ask America's parents about the intimate and frequently unseemly sexual questions their young children have been asking them about and discussing since the President's relationship with Ms. Lewinsky became public 7 months ago. I have had many of those conversations with parents, particularly in Connecticut, and from them I conclude that parents across our country feel much as I do that something very sad and sordid has happened in American life when I cannot watch the news on television with my 10-year-old daughter anymore.

This, unfortunately, is all too familiar territory for America's families in today's "anything goes" culture, where sexual promiscuity is too often treated as just another lifestyle choice with little risk of adverse consequences. It is this mindset that has helped to threaten the integrity and stability of the family which continues to be the most important unit of civilized society, the place where we raise our children and teach them to be responsible citizens, to develop and nurture their personal and moral faculties.

President Clinton, in fact, has shown during the course of his Presidency that he understands this and the broad concern in the public about the threat to the family. He has used the bully pulpit of his Presidency to eloquently and effectively call for the renewal of our common values, particularly the principle of personal responsibility and our common commitment to family. He has spoken out admirably against sexual promiscuity among teenagers in clear terms of right and wrong, emphasizing the consequences involved.

All of that makes the President's misconduct so confusing and so damaging. The President's relationship with Ms. Lewinsky not only contradicted the values he has publicly embraced over the last 6 years, it has, I fear, compromised his moral authority at a time when Americans of every political persuasion agree that the decline of the family is one of the most pressing problems we are facing.

Nevertheless, I believe that the President could have lessened the harm his relationship with Ms. Lewinsky has caused if he had acknowledged his mistake and spoken with candor about it to the American people shortly after it became public in January. But, as we now know, he chose not to do this. This deception is particularly troubling because it was not just a reflexive and, in many ways, understandable human act of concealment to protect himself and his family from what he called the embarrassment of his own conduct when he was confronted with it in the deposition in the Jones case, but rather it was the intentional and premeditated decision to do so.

In choosing this path, I fear that the President has undercut the efforts of millions of American parents who are naturally trying to instill in our children the value of honesty. As most any mother and father knows, kids have a singular ability to detect double standards. So we can safely assume that it will be that much more difficult to convince our sons and daughters of the importance of telling the truth when the most powerful man in the Nation evades it.

Many parents I have spoken with in Connecticut confirm this unfortunate consequence. The President's intentional and consistent statements more deeply may also undercut the trust that the American people have in his word.

Under the Constitution, as Presidential scholar Richard Neustadt has noted, the President's ultimate source of authority, particularly his moral authority, is the power to persuade, to mobilize public opinion, to build consensus behind a common agenda, and at this the President has been extraordinarily effective. But that power hinges on the President's support among the American people and their faith and confidence in his motivations and agenda, yes, but also in his word. As Teddy Roosevelt once explained, "My power vanishes into thin air the instant that my fellow citizens, who are straight and honest, cease to believe that I represent them and fight for what is straight and honest. That is all the strength that I have."

Sadly, with his deception, President Clinton may have weakened the great power and strength that he possesses of which President Roosevelt spoke. I know this is a concern that many of my colleagues share, which is to say that the President has hurt his credibility and, therefore, perhaps his chances of moving his policy agenda forward. But I believe that the harm the President's actions have caused extend beyond the political arena.

I am afraid that the misconduct the President has admitted may be reinforcing one of the worst messages being delivered by our popular culture, which is that values are fungible. And I am concerned that his misconduct may help to blur some of the most bright lines of right and wrong in our society.

Mr. President, I said at the outset that this was a very difficult statement to write and deliver. That is true, very true. And it is true, in large part, because it is so personal and yet needs to be public, but also because of my fear that it will appear unnecessarily judgmental. I truly regret this. I know from the Bible that only God can judge people. The most that we can do is to comment, without condemning individuals. And in this case I have tried to comment on the consequences of the President's conduct on our country.

I know that the President is far from alone in the wrongdoing he has admitted. We, as humans, are all imperfect. We are all sinners. Many have betrayed a loved one, and most have told lies.

Members of Congress have certainly been guilty of such behavior, as have some previous Presidents. We must try to understand the complexity and difficulty of personal relationships, which should give us pause before passing judgment on them. We all fall short of the standards our best values set for us. Certainly I do.

But the President, by virtue of the office he sought and was elected to, has traditionally been held to a higher standard. This is as it should be. Because the American President, as I quoted earlier, is not just the one-man distillation of the American people but today the most powerful person in the world, and, as such, the consequences of his misbehavior, even private misbehavior, are much greater than that of an average citizen, a CEO, or even a Senator.

That is what I believe Presidential scholar James David Barber, in his book "The Presidential Character," was getting at when he wrote that the public demands "a sense of legitimacy from, and in, the Presidency * * * There is more to this than dignity, more than propriety. The President is expected to personify our betterness in an inspiring way, to express in what he does and is (not just what he says) a moral idealism which, in much of the public mind, is the very opposite of politics."

Just as the American people are demanding of their leaders, though, they are also fundamentally fair and forgiving, which is why I was so hopeful the President could begin to repair the damage done with his address to the Nation on the 17th. But like so many others, I came away feeling that, for reasons that are thoroughly human, he missed a great opportunity that night.

He failed to clearly articulate to the American people that he recognized how significant and consequential his wrongdoing was and how badly he felt about it. He failed to show, I think, that he understood his behavior had diminished the office he holds and the country he serves and that it is inconsistent with the mainstream American values that he has advanced as President.

And I regret that he failed to acknowledge that while Mr. Starr and Ms. Lewinsky, Mrs. Tripp, and the news media have each in their own way contributed to the crisis we now face, his Presidency would not be in peril if it had not been for the behavior he himself described as "wrong" and "inappropriate."

Because the conduct the President admitted to that night was serious and his assumption of responsibility inadequate, the last 3 weeks have been dominated by a cacophony of media and political voices calling for impeachment or resignation or censure, while a lesser chorus implores us to "move on" and get this matter behind us.

Appealing as that latter option may be to many people who are understandably weary of this crisis, the transgressions the President has admitted to are too consequential for us to walk away and leave the impression for our children today and for our posterity tomorrow that what he acknowledges he did within the White House is acceptable behavior for our Nation's leader.

On the contrary, as I have said, it is wrong and unacceptable and should be followed by some measure of public rebuke and accountability. We in Congress—elected representatives of all the American people—are surely capable institutionally of expressing such disapproval through a resolution of reprimand or censure of the President for his misconduct, but it is premature to do so, as my colleagues of both parties seem to agree, until we have received the report of the independent counsel and the White House's response to it.

In the same way, it seems to me that talk of impeachment and resignation at this time is unjust and unwise. It is unjust because we do not know enough in fact, and will not until the independent counsel reports and the White House responds, to conclude whether we have crossed the high threshold our Constitution rightly sets for overturning the results of a popular election in our democracy and bringing on the national trauma of removing an incumbent President from office.

For now, in fact, all we know for certain is what the President acknowledged on August 17. As far as I can see, the rest is rumor, speculation, or hearsay—much less than is required by Members of the House and Senate in the dispatch of the solemn responsibilities that the Constitution gives us in such circumstances.

I believe the talk of impeachment and resignation now is unwise because it ignores the reality that, while the independent counsel proceeds with his investigation, the President is still our Nation's leader, our Commander in Chief. Economic uncertainty and other problems here at home, as well as the fiscal and political crises in Russia and Asia, and the growing threats posed by Iraq, North Korea, and worldwide terrorism, all demand the President's focused leadership. For that reason, while the legal process moves forward, I believe it is important that we provide the President with the time and space and support he needs to carry out his most important duties and protect our national interest and security.

That time and space may also give the President additional opportunities to accept personal responsibility for his behavior, to rebuild public trust in his leadership, to recommit himself to the values of opportunity, responsibility, and community that brought him to office, and to act to heal the wounds in our national character.

In the meantime, as the debate on this matter proceeds, and as the investigation goes forward, we would all be advised, I would respectfully suggest, to heed the wisdom of Abraham Lincoln's second annual address to Congress in 1862. With the Nation at war with itself, President Lincoln warned:

> If there ever could be a proper time for mere catch arguments, that time is surely not now. In times like the present, men should utter nothing for which they would not willingly be responsible through time and eternity.

I believe that we are at such a time again today. With so much at stake, we too must resist the impulse toward "catch arguments" and reflex reactions. Let us proceed in accordance with our Nation's traditional moral compass, yes, but in a manner that is fair and at a pace that is deliberate and responsible.

Let us, as a nation, honestly confront the damage that the President's actions over the last 7 months have caused, but not to the exclusion of the good that his leadership has done over the past 6 years nor at the expense of our common interest as Americans. And let us be guided by the conscience of the Constitution, which calls on us to place the common good above any partisan or personal interest, as we now in our time work together to resolve this serious challenge to our democracy.

I thank the Chair. I thank my colleagues. I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. Mr. President, I do not know if the distinguished Senator from Connecticut said anything between the time I left my office and came here to the floor with which I disagree, but in the time that I watched him from my office and listened to his words from my office, and from what I have heard him say in conclusion, I have come before the Senate and I don't disagree with a single word that the Senator from Connecticut has said.

I have passed a few words my way at the direction of the President from time to time, some of them a bit more harsh than I would have liked and preferred. It is sometimes my nature to say things a little too loudly than is deserved in a particular situation. And I have at the same time praised, as I heard the distinguished Senator from Connecticut do, the President's numerous accomplishments. And they are numerous. I do not question his patriotism. I do not question his instinct for service. I have praised his job as Commander in Chief and have said to the country that there is no better example than Bill Clinton that a civilian with no military service can be our Commander in Chief and can learn as he did, the hard way in Somalia. There are tremendous responsibilities that come with that job; and he has listened to the men and women who serve our country. He has been an exceptional Commander in Chief.

I praised him on a number of other occasions where he has performed in a remarkably generous and good-hearted way.

I have found, as the Senator from Connecticut did, much with which I disagreed in his statement. I believe it is important for those of us who serve, especially in leadership responsibilities, as I do on the Democratic side, chairing the Democratic Senatorial Campaign Committee, to come and say that this is not just inappropriate behavior.

I have heard the Senator from Connecticut and his leadership in calling our attention—by that I mean those of us who serve here in Congress. We all get, from time to time, a bit isolated. I work hard and long trying to do the best that I can for the people of Nebraska. It doesn't give me much time to watch daytime television, to watch what is being broadcast, to listen to what is being said, to consider how this could damage the moral fiber of our Nation, especially the moral fiber of our children upon whom we depend for so much. And he has come to us and told us what is going on and called to our attention that we need to be mindful of the things that we say and the things that we do because our young people will very often do as we say, far less than they do as we do—they will follow our example.

Thus, it seems to me what the Senator from Connecticut has done is come as an American—not as a Democrat, but as an American, as a U.S. Senator. I wish to join him and say that the President has got to go far further than he did in his speech to the Nation. This is not just inappropriate behavior. This is not a private matter. This is far more important for our country and threatens far more than his Presidency, unless we deal with it in a more honest, and as the Senator from Connecticut has said, noncondemning fashion. Lord knows, I am the last person—the Senator from Connecticut said he was a sinner, and I am at least as big. I do not come to the floor arguing that I have superior moral authority to comment on the President's behavior. I am coming simply to say that it is far more than inappropriate, and it is, unquestionably, public. It is serious beyond our ability to do our work.

I think that we can come back as a Congress and finish out our business and perform our responsibilities and do the things that we ask permission to do and we sought the power of this office from our people to do. But there is a moral dimension to what we do that in many ways may be more important than any legislation that we enact.

So I have come here to thank the Senator from Connecticut. It was a thoughtful presentation. They were words that we needed to hear. I believe, in fact, they could become the foundation, the basis, for us to heal a wound that will otherwise not just divide Democrat from Democrat—which is likely to occur—but open up a fissure in America that will make it difficult for us to do what all of us, I believe, think is the most important thing to do, and that is to help our children acquire the character they need not just to be good working people but to be good human beings.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise with the same purpose as my colleague and friend from Nebraska, to thank the Senator from Connecticut for saying what needed saying, and saying it in a manner that gives us hope at a time of profound despond.

In the aftermath of the President's speech on August 17, I commented that it was not adequate. But it was not until just this moment that the full measure of that inadequacy was presented to us in the context of the needs of the Nation, of the profound moral consequences that will arise not just from what has happened but from what might happen if we do not proceed with the measure of moral compass, but also with a capacity to understand we are all sinners. I say to my friends from Nebraska and from Connecticut, I am the oldest of the three of us and, therefore, have sinned the most. Of that you may be sure.

But we have to resolve this. The Senator did not call for any immediate, precipitous action. We have a process in place—imperfect in so many respects, but in place—and in time, not distant time, a point of decision will come to the Congress, a decision will come to the Congress, and it will be for us to discharge our sworn duty. We take an oath to uphold the Constitution of the United States, uphold and defend the Constitution of the United States against all enemies, foreign and domestic—foreign and domestic, sir, which acknowledges that we can be our own worst enemies if we do not hew to our best standards, knowing that we are all imperfect but have an obligation to do our very best.

In the words of Lord Mansfield in a case heard in London in 1772 (Somersett v. Stewart, 12 Geo. 3), the issue was a profoundly moral one. A man had a slave in England he wished returned to Jamaica to sell. That would have been legal under American law at the time. It was not legal under English law. In an epic statement, Mansfield said, "Fiat justitia, ruat caelum"—"Let justice be done, though the heavens fall." But it also could be indicated, "If justice is done with sufficient regularity and moderation, the heavens need not fall. They might even rejoice in the nation that has shown a capacity for redemption and self-renewal."

So I wish to state my profound gratitude for what you have said and done, and hope we will listen to your wise counsel. I might just say it was in many ways more New Testament than Old Testament. To which I am also grateful.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, I was somewhat hesitant to speak at this time because I didn't in any way want to make this a partisan series of speeches, but my effort here and my intent is to make it totally nonpartisan and bipartisan.

I won't say anything today about the specifics of the substance that the Senator from Connecticut addressed. I made my comments on this subject on Monday of this week at a press conference down the hall. But I listened carefully, very intently to what the Senator from Connecticut had to say. I don't think there was very much more or less in what he had to say than what I had said earlier. I think our desire and intent, and our wishes and hopes are both the same.

Instead, I want to talk today about the Senator from Connecticut. I expected no less than this from him. He is truly one of the Senators in this body that is always standing for the right thing, trying to make sure that we do have a moral compass as individuals, as an institution. I knew that at some point he would rise and put it all into the proper perspective and that he would not go too far, that he would make us stop and think—not as Republicans or Democrats, but as Senators and Americans—about the seriousness and the difficulties that have been caused by this situation. So I want to thank the Senator from Connecticut for what he had to say, and what he has had to say on many other occasions on other subjects, and for the leadership he has provided on children and the violence and the filth they are being exposed to, and the leadership and pressure he has exerted to try to get us as a country and those involved directly in providing those films, those scenes, to do something about it. So I thank him.

I know it was not easy. I know he has taken time to think about it and pray about it for over about 3 weeks now. I know there was probably a lot of reason not to say anything. But I also know that his conscience dictated that he had to express himself. I commend him for it and I thank him for it.

I also appreciate the fact that Senator KERREY of Nebraska and the Senator from New York, Mr. MOYNIHAN, would come here and lend his support to what the Senator from Connecticut had to say. This very day, I had lunch with the Senator from New York. Maybe the American people do not realize that we are friends off this floor and that we enjoy each other's company. And we do travel together. We get to be together with our wives and sometimes even our children. But today at lunch, with Senator MACK of Florida, Senator ROTH of Delaware, we were joined by the Senator from New York. We talked about the very serious situation in Russia. Every time he joins us, I immediately want to raise a part of the world and say, "What about India and Pakistan?" or "What about that country or this situation?" He is such a fountain of knowledge and has a wealth of experience and a tremendous understanding of history and people. I found it very informative, and I have been dwelling on what he had to say about Russia this afternoon.

I think at times like this, when our Constitution is going to be reviewed again as to what it means and when we are going to have to make decisions about what to do when we are presented with a set of facts—which may be nothing—it is going to be so important that there are some men and women on both sides of the aisle in this body, and in the other body, that can reach across the aisle and say, "What do we do?" and, most important, "What is best for our country?" With these men, and with others in this Chamber here today such as Senator HATCH, Senator COATS, Senator NICKLES, and the great STROM THURMOND, I am sure we will find a way to rise above petty politics and do the right thing, and Senator LIEBERMAN will lead the way.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

PRAISING SENATOR LIEBERMAN

Mr. THURMOND. The Senator from Connecticut, who has just made some remarks, is one of the finest and ablest Members of this body. For as long as he has been in the Senate, and the longer I have dealt with him, I am more impressed with him. He is a member of the opposite party from me, but we can't go by party in deciding the merits of a man. We have to decide his own qualities. The Senator from Connecticut has impressed me as having the right qualities, which we all could emulate.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

GRATITUDE TO SENATORS LIEBERMAN, KERREY, AND MOYNIHAN

Mr. HATCH. Mr. President, in many respects, I have been pulling for the President to pull through this problem and one who had hoped that the speech he gave never would have had to have been given, and who still is very concerned about our country and how this matter is handled.

I want to express my gratitude to the distinguished Senator from Connecticut and my dear friends from Nebraska and New York, as well, for the moral compass that they have brought to the U.S. Senate floor this day, and really for the fine work they have done through the years in some of these very difficult matters.

When the distinguished Senator from Connecticut stands and speaks on these particular issues, he does so with authority because he has spoken out on so many moral issues in the past, and I think with good effect. I think it is important for all of us to reserve judgment on these matters until we have the report of Judge Starr. At that time, we can look at it and make determinations as to what should be done. There is no question that the President has been embarrassed by some of the things that have happened. There is also no question that these are difficult times for him, his wife, his daughter, and others in the administration—frankly, for all of us. Let's hope that we can approach this matter with kindness and deliberation and do the things that really need to be done in this area and, again, as the majority leader said, do what is in the best interest of our country. That may give us a number of alternatives that may be very just and worthwhile and beneficial to the country. Let's hope we choose the right path.

In any event, I express my gratitude to these members of the other party because I know how difficult it is for them to come to the floor and speak on this issue. I respect them for having done so. It is a difficult set of issues, and certainly I feel very deeply about them as well. I express my gratitude.

THE BANKRUPTCY REFORM BILL

Mr. HATCH. Mr. President, I am extremely disappointed in my good friend and colleague from Massachusetts, who has chosen to object to even proceeding to the bankruptcy reform legislation. The fact is that this Grassley-Durbin legislation has broad bipartisan support. This particular bill passed the Judiciary Committee with a 16–2 vote.

This piece of consensus legislation reflects the tireless efforts of both Democrat and Republican Senators on the Judiciary Committee.

Mr. President, at subcommittee markup, no less than eight amendments were offered, all of which were adopted. Furthermore, at the full committee markup, 13 amendments were offered and eight of them were adopted. So there has been a real bipartisan effort to resolve the problems.

A number of changes requested by my colleagues on the minority side were included in a comprehensive substitute amendment that was adopted at the markup.

All during this process, I have been open to other changes. In fact, I worked with Senator DODD to address his concerns that the legislation may have an adverse impact on the ability of ex-spouses and children to collect support payments. Along with Senators GRASSLEY and KYL, I introduced a comprehensive amendment that creates new legal protections for ex-spouses and children who are owed child support and all money payments.

This amendment not only ensures that S. 1301 will have no adverse effect on child support and alimony payments, but also creates significant new legal protections that strengthen the ability of ex-spouses and children to collect the payments that they are owed. So we have made every effort to accommodate everybody here.

Further, I want to respond to the suggestion that this legislation does not help real working families. Mr. President, this bill does exactly that. It is an important bill that will help millions of American families. In fact, abuses of the current bankruptcy system impose a $400 tax per family.

Let me be clear. This is not $400 per family that declares bankruptcy; this is a tax on every American family. This legislation is designed to remedy that.

Again, I am extremely disappointed that we have not been allowed to proceed with this important bill, and I hope we can invoke cloture on this.

UNANIMOUS CONSENT REQUEST— S. 10

Mr. HATCH. Mr. President, on behalf of the majority leader, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to Calendar No. 210, S. 10, the Violent and Repeat Juvenile Offender Act, and that it be considered under the following limitations:

The only amendments in order be a substitute amendment offered by Senators HATCH and SESSIONS, and the following listed amendments:

An amendment by Senator CAMPBELL on law enforcement concealed carry;

Senator LUGAR on jail drug treatment;

Senator HUTCHISON, SOS on prosecutions;

Senator SMITH of Oregon, juveniles with weapons at school;

Senator HATCH, relevant amendment;

And, five relevant amendments offered by the minority leader or designee;

There be a managers' package of amendments to be cleared by both the majority and minority manager;

And, that each amendment be subject to relevant second degrees.

I finally ask unanimous consent following the disposition of any or all amendments the bill be read a third time, the Judiciary Committee be discharged from further consideration of H.R. 3, and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 10, as amended, be inserted in lieu thereof; the bill be read a third time, and the Senate proceed to a vote on passage of the bill. I further ask that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. LIEBERMAN. Mr. President, reserving the right to object, I regret that on behalf of the minority leader we must object to the unanimous consent that was just propounded. On this side Members are working to try to find a way to make some progress on this matter and a number of matters related to criminal justice that also need attention. So I must, therefore, formally object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I understand my colleague is acting on behalf of the minority leader, as I am for the majority leader and the Senate Judiciary Committee. But I am disappointed that Members on the other side of the aisle do not wish to take up juvenile crime legislation under an agreement that provides the Senate chance of getting this done. We all know that time is short and the schedule crowded in the last weeks of a session, and in my view, the only way we can get this important bill done is to work in good faith to limit amendments.

I would like to remind my colleagues that this issue, and this legislation are not new. It has been over a year since the Judiciary Committee completed action on S. 10, the most comprehensive reform and reauthorization of the Juvenile Justice and Delinquency Prevention Act in that law's 25 year history. Since the Judiciary Committee completed action on S. 10, we have heard many suggestions on the key provisions of this bill. Many suggestions we received were helpful, and are incorporated in the substitute amendment. And I should note for my colleagues that the minority has had the text of this substitute for well over a month. The substitute is a good faith effort to respond to the legitimate concerns of all members, and makes changes to improve and streamline the block grant, clarify the juvenile records provisions, and improve the anti-gang provisions while ensuring the protection of the rights of law abiding citizens.

All of us have been shocked over the past several months, as our nation has witnessed a series of atrocious crimes committed by juveniles. These incidents bring home to all of us the reality of juvenile crime. And the reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, as our juvenile drug abuse rate continues to climb. FBI data confirms the national problem of rampant juvenile violent crime. In 1996, juveniles accounted for nearly one fifth—19 percent—of all criminal arrests in the United States. Persons under 18 committed 15 percent of all murders, 17 percent of all rapes, and 32.1 percent of all robberies.

Our juvenile crime problem has taken a new and sinister direction. I can imagine few acts more heinous than some of the crimes recently committed by juveniles around the country. We seem now to be in a new era, in which juveniles are committing sophisticated adult crimes. This disturbing trend demonstrates the need to reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing to protect the public.

The Senate has before it comprehensive youth violence legislation. S. 10, the Hatch-Sessions Violent and Repeat Juvenile Offender Act, was reported out of the Judiciary Committee last year on bipartisan vote, two to one vote. This legislation will fundamentally reform and redirect the role played by the federal government in addressing juvenile crime in our Nation.

S. 10 provides the framework to address the modest federal role in reforming a system that neither protects the public nor succeeds in preventing juvenile crime or rehabilitating the offenders. That is why, I believe, it has the support of law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the Juvenile Judges Association, and victim's groups including the National Victims Center and the National Organization for Victims Assistance.

In short, S. 10 lays the groundwork for a new national approach to the problem of juvenile crime. This is not a federal approach. Indeed, much of S. 10, including the flexible block grant program, the reform of the mandates under the current JJDPA, and the reform of the federal juvenile code that applies to the handful of juvenile cases in federal court, all take their lead from successful reforms in the states. But it is past time for the federal government to adjust its approach to juvenile crime, in order to give realistic and meaningful assistance to state and local reforms. We simply need to pass this bill.

S. 10 will accomplish this. The bill we wish to bring to the floor includes a $450 million per year block grant states and local governments can use to initiate graduated sanctions, build much-needed juvenile corrections facilities, improve juvenile criminal records, and fund a wide variety of prevention programs. The bill provides $100 million a year for state and local prosecutors and courts, for their juvenile crime dockets. The bill provides $50 million per year for an innovative prevention program run by the private sector, to help keep our young people away from crime to start with. And the bill provides $50 million per year for states to upgrade their juvenile criminal records, so that police, courts, and prosecutors all have vital information regarding the records of juvenile offenders.

And this bill beefs up federal laws against interstate gang crime, by including a modified version of the Hatch-Feinstein Federal Gang Violence Act. In recent years, criminal street gangs not only have increased in size and strength, but also have become more sophisticated. Gang activity has spread across the country at a startling rate and is placing more and more of our people in harm's way. Interstate and international criminal gang activity is becoming a national crisis, and it is time for the federal government to take a greater role in assisting state and local law enforcement efforts in addressing these criminal enterprises.

Mr. President, some of my colleagues may suggest that this bill inadequately funds prevention programs. This is demonstrably not the case. And they know it. We all recognize the value of programs that intervene in the lives of juveniles to prevent crime before it starts. They are important. The federal government already spends about $4.1 billion a year on programs aimed at delinquent and at-risk youth. The Hatch-Sessions juvenile crime bill adds another $2.145 billion over 5 years to these efforts. We are doing some great things through public-private partnerships with youth groups like the Boys and Girls Clubs, and we will continue to do this. What we need is to ensure that the prevention programs that we have are backed up by a juvenile justice system that takes crime seriously, and imposes real sanctions for juvenile crime.

Mr. President, it is time for the Senate to act, and I commend the Majority Leader for attempting to bring this bill up at this time. We should debate this bill, debate the amendments, and vote.

We have tried for months to get a list of amendments from the minority. We have seen nothing. Accordingly, I believe we should try to limit—in the interests of our children and public safety—the partisan debate which too often infects criminal justice issues. We must not let petty politics stand in the way of fulfilling our commitment to the American people—this matter is too important to our nation.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to thank the distinguished Senator from Utah, the chairman of the Judiciary Committee for his outstanding leadership in juvenile justice and juvenile justice reform, as he mentioned, and the other issues that come before that committee. The distinguished chairman is a great constitutional lawyer and a great champion of law and order.

I came to this body less than 2 years ago. I was a prosecutor for over 15 years in my professional career. I have found myself with the opportunities and challenges of being the chairman of the Youth Violence Subcommittee. I made up my mind that we were not going to play politics, and that we were going to produce a bill that would have a practical impact and effect in a way that would reduce juvenile crime in America. That was the goal we set out to accomplish.

We developed some excellent ideas and have worked with the Democratic members of the committee continuously. The committee, on a 2 to 1 vote, with bipartisan support, has cleared this bill and brought it to the floor. I must say that I am extremely disappointed to learn today that there will be no limit on debate on this bill.

The majority leader, Senator LOTT, has a lot of important pieces of legislation, and I have asked him to keep this bill alive, to keep it up on the agenda so that we can have a vote on it. We want to vote on it. But we cannot spend all of our time on this legislation, but we do not have cooperation from the other side. We had 8 weeks of debate on this legislation in committee, and I consider it to be the most significant juvenile crime legislation maybe ever, certainly in the last 20 years.

As with most meaningful pieces of legislation, there have been some disagreements, so we worked hard, as Senator HATCH said, time and time again to make this bill more palatable to Democratic Senators. We modified it in several important areas. These modifications are in the bill and would be part of the consent agreement if we could get it today.

So I am deeply disappointed that the minority party has rejected the unanimous consent proposal and in effect has jeopardized once again our ability to pass a strong, effective juvenile justice bill which would strengthen the juvenile system and actually reduce juvenile crime. We worked in good faith with the minority and the changes we made were designed to further accommodate them. The changes were painful and frustrating to me, and I hated to include them, but I did so in the hope that we could gain the kind of bipartisan support that would ultimately lead to passage of the things that most of us who have studied this legislation believe are critical. I am disappointed that we have not achieved that end.

There are several important things I want to mention that are in the bill. There is a $2.5 billion block grant program to strengthen the State juvenile justice system. The money goes directly to the States. And 75 percent of the money has to go to the counties where the juvenile courts are, where the juvenile judges are overwhelmed, where they have no juvenile halfway houses, detention centers; they do not have money for drug testing. We need to strengthen that activity so that that juvenile judge, when a young person comes before him or her charged with a crime, the judge has the resources and the capacity to intervene effectively in that child's life. And if the judge intervenes effectively, they can perhaps change that child's direction, which is oftentimes on the road to destruction—put them on the right path, help get them off drugs by drug testing, place them back into school, get mental health treatment if that is called for, and obtain the family counseling that is so often necessary.

According to a New York Times front page article on juvenile justice, the Chicago court system spends 5 minutes per case. How can a judge work with that kind of caseload and workload? How can a judge work with insufficient probation officers, insufficient detention space for the serious offender, insufficient halfway houses, or with boot camps for those who deserve it? How can they effectively turn the tide? They cannot. And that is what is wrong. But I have a sense that all over America cities and counties are coming together, demanding that we do something about juvenile crime.

We have spent a tremendous amount of money on adult crime. We have tripled and quadrupled our bed spaces in adult prisons. We have spent very little on juvenile crime, when that has been the No. 1 crime growth area in the country. This bill will encourage more spending to correct that situation. For the first time, it will set up a recordkeeping system that would maintain the secrecy of juvenile records from the general public but would make these records available to law enforcement officers. Right now they are not, amazing as it sounds. To get records on a child, law enforcement officers have to go out to each and every juvenile facility in the country. They cannot get them from a national crime information center.

Drug testing is a critical event in effectively diagnosing a young person's problems. What we require is that youngsters who are arrested for crimes be drug tested upon their arrest. We fund that testing by giving the States money. Then the judge can know whether this child's criminality is being driven by a drug problem or not. And if it is, they can require drug treatment.

It is an absolute tragedy that we are not able to pass this bill today. Judge Eric Holder, Washington, DC, who wants drug testing of everyone, said it is absolutely essential for a judge to know whether the kids and adults coming before the court have a drug problem.

Mr. President, this bill is a professionally crafted bill. It remains, in my opinion, an effective, solid, progressive step of historic proportions to assist our State and local communities to effectively deal with the growing problem of juvenile crime in America. Based on my experience of over 15 years, I know that passing this legislation is the right thing to do. We must continue to work to get a vote on this bill. I will continue to listen to any suggestions for change. Senator HATCH has continued to keep the doors open for discussion so that we can proceed with this bill.

Frankly, I believe something is happening here, and I am just going to say it. The bankruptcy bill came out of the Judiciary Committee 16 to 2. It is an absolutely excellent bankruptcy bill. It is not radical in any way and has tremendous bipartisan support, however, we come down here today and the Democratic minority members oppose even bringing it up for consideration. The juvenile justice bill comes out of committee with a 2 to 1 vote and the minority objects, a filibuster, and refuses to agree to a rational compromise on debate.

It appears to me that the members of the other party are obstructing legislation. For some reason, they do not want good legislation to pass. We ought to be working on these bills. If there is a legitimate difficulty, let's deal with it. I am willing to do so. But it is time for us to pass good legislation. I don't think it is right for people to go around talking about a do-nothing Congress when we produce good legislation, bring it to the floor, only to have the minority object under the rules of this body. The rules are legitimately utilized, but the other side ought to be held accountable for obstructing good legislation.

So, again, I am disappointed that we could not get this agreement. I believe that we have an outstanding juvenile justice bill and I have been honored to work with Senator HATCH and others on the committee to produce it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The distinguished Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Chair.

KOSOVO

Mr. WARNER. Mr. President, I would like to report on a recent trip which I made in my role as a senior member of the Senate Armed Services Committee to a very troubled region of the world. During this trip, I took quick but informative visits through Bosnia, Belgrade, Yugoslavia, Macedonia, Kosovo, and NATO South Headquarters, in Naples.

To make this trip possible, I asked for and received the full support of the Department of State and NATO. I particularly wish to express my appreciation to Admiral Lopes, Ambassador Miles, posted to Belgrade, and Ambassador Hill, posted to Macedonia.

In my view there are parallels and distinctions between the situation in Bosnia and the situation in Kosovo. Kosovo is an integral part of a sovereign nation—Yugoslavia. It is a civil war between the ethnic function of Albanians and Serbs.

The parallels are to be found in the tragic tactics of this war. While both factions are open for condemnation for human rights violations, the preponderance of evidence weighs against the Serb forces—regular army and "so-called" police. Clearly, President Milosevic must be held accountable for the continuing destruction of dwellings, the farm land, and most of all, the continuing cruel repression against innocent people driven from their homes and land by the combined Serb forces.

Currently, there are estimates in the hundreds of thousands of refugees fleeing—many to the hills and forests near their villages. In a short time, with the coming of winter, the weather will compound their misery and sufferings.

Diplomatic efforts by U.S. and other nations have made a credible, good faith effort to reach some measure of resolution. As I departed Kosovo on Monday, August 31, the very able Ambassadors Miles and Hill assured me they were continuing to press for some solution so that the U.S. and other nations and "NGO's" can put in place programs and logistic plans to bring relief to victims of both ethnic factions.

In my view, the short time between now and winter, will not permit a solution that will embrace a form of limited government acceptable to Belgrade. That must come in time, but for the present, we must get a framework solution for the refugee relief program.

I commend the efforts of Assistant Secretary of State Julia Taft, who, during her visit just days ago, sounded a fervent appeal. I attach a copy of her analysis.

I also visited some of the towns ravaged by the war and continuing to be ravaged by the roaming Serb forces. This must be stopped. Today I learned that Senator Dole, who, like me is greatly concerned for the need to stop this conflict, is going to visit on his own initiative, Kosovo and the region. I briefed him on my trip and recommended he work with the consortium of nations, including the U.S., Canada, Russia and E.U. nations known as "KDOM".

I have great praise for the U.S. personnel of KDOM who provided me with a trip through some of the war torn regions. I place in this record a briefing given me by KDOM, together with their credible petition for more assistance—logistic—from the Departments of State and Defense. I personally will endorse their needs.

While in NATO South Heights, I received a briefing on options involving military forces—U.S. and other nations. This weekend I will receive further briefings.

I close by urging all Senators to devote time to the growing problems in the Kosovo region. I support the doctrine—time tested—that diplomacy can be no stronger than the resolve to back it up by force if necessary. I urge all Senators to carefully stand by the complexity of the problems—many unique and different than Bosnia—with the use of force.

Hopefully, negotiations will produce a cease-fire and force can be avoided. A problem still exists as to who are the KLA leaders, are they in some agreement among themselves, and how would they be represented at the negotiating table.

I will continue to give this troubled area a high priority and urge others to do likewise. I ask unanimous consent that the documents I referred to during my remarks be printed in the RECORD.

Mr. President, I understand the Government Printing Office estimates the cost of printing this material in the RECORD to be $1,949.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the USIA Washington File, Aug. 26, 1998]

ASSISTANT SECRETARY OF STATE TAFT IN KOSOVO

WASHINGTON.—Julia V. Taft, assistant secretary of state for population, refugees and migration, is visiting Serbia-Montenegro, including the province of Kosovo, to assess the situation of internally displaced persons (IDPs) and refugees and encourage the return of Kosovar IDPS to their homes.

Taft "will urge Serb officials to make concrete progress on creating conditions for the return of IDPs, particularly those who are shelterless and inaccessible to the delivery of humanitarian aid. She also will meet with relief agency representatives to encourage their increased presence in key areas of return," said the State Department August 26.

Following is the text of a statement by Deputy Spokesman James Foley:

STATEMENT BY JAMES B. FOLEY

A senior State Department official is visiting Serbia-Montenegro, including the province of Kosovo, to assess the situation of internally displaced persons (IDPs) and refugees in the region, and encourage the return of Kosovar IDPs to their homes.

Julia V. Taft, Assistant Secretary of State for Population, Refugees, and Migration, will meet with government officials in the region and representatives of major international organizations and non-governmental organizations during her visit, which will last from today until Saturday. The Bureau of Population, Refugees, and Migration (PRM), which she heads, has primary responsibility for U.S. refugee assistance programs.

Her visit will underscore U.S. concern and commitment to provide assistance for conflict victims in Kosovo and the region. The U.S. Government—through PRM and the U.S. Agency for International Development—has provided more than $11 million in recent months to meet humanitarian needs caused by the conflict in Kosovo.

As a result of the ongoing conflict, there are some 250,000 IDPs in Kosovo and another 26,000 in Montenegro, plus 14,000 refugees in Albania. It is estimated that between 60,000 and 100,000 of those displaced within Kosovo are without shelter, a situation that becomes increasingly grave as winter approaches.

Assistant Secretary Taft will urge Serb officials to make concrete progress on creating conditions for the return of IDPs, particularly those who are shelterless and inaccessible to the delivery of humanitarian aid. She also will meet with relief agency representatives to encourage their increased presence in key areas of return.

DAILY PRESS BRIEFING, WEDNESDAY, AUGUST 26, 1998

Mr. FOLEY. Welcome to the noon briefing. (Laughter.)

My watch stopped about two hours and 20 minutes ago. I beg your indulgence.

I have a few announcements to make before I get to your questions. First, a senior State Department official is visiting Serbia Montenegro, including the province of Kosovo, to assess the situation of internally displaced persons and refugees in the region, and to encourage the return of Kosovar internally displaced persons to their homes. I'm talking about Julia Taft, who, as you know, is the Assistant Secretary of State for Population, Refugees and Migration. She will meet with government officials in the region and representatives of major international organizations and non-governmental organizations during her visit, which will last from today until Saturday.

The bureau that she heads has primary responsibility for US refugee assistance programs. Her visit will underscore US concern and commitment to provide assistance for conflict victims in Kosovo and the region. The US Government has provided more than $11 million in the last few months through AID and the PRN bureau to meet humanitarian needs caused by the conflict in Kosovo. As a result of the ongoing conflict there, we estimate there are some 250,000 internally displaced persons in Kosovo, another 26,000 in Montenegro and 14,000 refugees in Albania. It is estimated that between 60,000 and 100,000 of those displaced within Kosovo are without shelter—a situation that becomes increasingly grave as winter approaches.

Assistant Secretary Taft will urge Serb officials to make concrete progress on creating conditions for the return of internally displaced persons, particularly those who are shelterless and inaccessible to the delivery of humanitarian aid. She will also meet with relief agency representatives to encourage their increased presence in key areas of return, which we think is very important.

Julia Taft's visit to the region will be one in a series in coming weeks by senior United States Government officials as the US acts to help meet humanitarian needs in the region.

The second announcement has to do with——

QUESTION. (Inaudible)—where she's been, and I didn't quite grab it. You mentioned the stops she made or is making, did you?

Mr. FOLEY. In the region. I believe that she is in Belgrade and going to Pristina today.

QUESTION. (Inaudible)—to the architect of this whole business?

Mr. FOLEY. Yes, yes—well, I don't believe she is meeting with President Milosevic. Ambassador Hill met with President Milosevic yesterday. I did not have an opportunity to talk to him; he called and we didn't connect earlier this morning. But the high agenda item yesterday in Belgrade for him with Milosevic was, indeed, this issue of allowing humanitarian access. I can get to that if we come to this question a little later in the briefing.

QUESTION. Well, this is short, but far from allowing humanitarian access, it appears that the Serbs are now targeting aid workers. They blew up a convey carrying three Mother Theresa workers. How does she expect to reverse this trend?

Mr. FOLEY. Well let's get into the topic, then. I have a few other announcements to make. Barry, you're the dean; what do you want to do?

QUESTION. Let's just go—(Inaudible).

Mr. FOLEY. Okay. You're absolutely right that international organizations and nongovernmental organizations continue to report serious access problems throughout Kosovo. A UNHCRCRS convoy was unable to deliver humanitarian supplies to the region south of Pec yesterday.

As I said, Julia Taft is in Belgrade and Pristina today, where she is meeting with humanitarian organizations. That's in answer to your specific question, Barry.

The assessment team from the US Office of Foreign Disaster Assistance had planned to arrive in Kosovo this week, but is yet to receive its visas from the FRY. Clearly, in answer to your question, Jim, the Federal Republic of Yugoslavia is not fulfilling its previous commitments to the international community of unrestricted access to Kosovo and to internally displaced persons by humanitarian organizations and diplomatic observers.

The Kosovo diplomatic observer missions have confirmed reports that three humanitarian aide workers were killed between Malisevo and Kijevo yesterday. The three victims are Kosovar Albanians who were working for the Mother Theresa Society, a local NGO that distributes aid directly to internally displaced persons. The evidence indicates that the workers' vehicle was deliberately targeted by a Serbian armored vehicle less than one kilometer away in broad daylight. The targeting of civilians is, indeed, a cowardly act. We deplore deliberate attempts to disrupt humanitarian relief work, which shows indeed the emptiness of Mr. Milosevic's promises.

We call on Serb authorities to halt immediately their offensive. All NGOs—both local as well as international—must be allowed to deliver humanitarian assistance to internally displaced persons, free from fear and obstruction.

Can I move on to my other announcements?

QUESTION. Can I just—who did you say has not received visas?

Mr. FOLEY. This is the Office of Foreign Disaster Assistance. They have been held up. But I understand that Assistant Secretary Taft had some difficulty in getting her visa also, which eventually came through. We certainly expect that will be the case for the OFDA personnel.

A couple other announcements. The United States regrets the incidents of August 26, 1998, that's today, in Northern Israel and Southern Lebanon—especially in view of the casualties which have occurred on all sides. We have been in contact with both the government of Israel and the government of Lebanon, and are urging restraint.

The April 1996 understanding, which established the Israel-Lebanon Monitoring Group, provides a process for resolving complaints. We call upon all the parties to use this process. The Monitoring Group should meet as soon as possible to consider these latest incidents.

Lastly, the United States welcomes the August 25 announcement by the chairman of the Independent National Electoral Commission of Nigeria, presenting the time table for the forthcoming elections designed to return Nigeria to civilian democratic rule. I won't go into the particulars, because the announcement you'll see we'll post lays out the different elections at all levels of government to be held late this year and early next year.

The announcement fulfills head of state, General Abubakar's public pledge to schedule the election of a civilian president in the first quarter of 1999. It is also consistent with his statement that the new elected president would be sworn into office on May 29, 1999. We are committed to working with Nigeria to ensure continued progress toward a rapid, transparent and inclusive transition to civilian democratic rule.

QUESTION by Barry Schweid. Libya apparently has told the UN it isn't ready to say yea or nay to your compromise arrangement, which I though the US—it is a compromise—that is, a take-it-or-leave-it proposition. Do you suppose they're expecting you to fall back even further?

* * * * *

The Assistant Secretary's visit to the region will be one in a series in coming weeks by high-level USG officials as the United States acts to help meet humanitarian needs in the region, calls attention to the potential for a greater humanitarian crisis in Kosovo, raises awareness of the human rights situation there, and presses for a cease-fire between Serb and rebel forces and cooperation from Serb officials.

[From the USIS Washington File, Aug. 28, 1998]

ASSISTANT SECRETARY TAFT PRESS CONFERENCE IN BELGRADE

BELGRADE.—"With the snow may come the death of more than 200,000 people who have been displaced from their homes because of the conflict in Kosovo," said Assistant Secretary of State Julia V. Taft at a press conference in Belgrade August 28 after a visit to Kosovo.

"It was one of the most heart-wrenching experiences I have had in 25 years of working in humanitarian relief. We have a catastrophe looming, and we only have as a world humanitarian community six weeks to help the government of Serbia respond to this crisis. The snows come early, I understand, to this part of the world."

Tarft said, "While I was there, the authorities in Pristina unveiled their new concept for targeted assistance to 11 points within Kosovo. They indicated that the government was prepared to provide building material, food, water and electricity, and they encouraged and hoped that the international community, the NGOs, would also have the ability to go into those same locations as part of the confidence-building effort. Planning for those centers is going on now. These are not safe havens, but they are going to be places where there will be opportunities for people to come down from the mountains [and obtain supplies]."

While humanitarian assistance is desperately needed for the internally displaced persons (IDPs), Taft said, "There are many Serb families and other ethnic groups that have to be assisted by the relief community. We are going to try to make sure that there is equity for everybody."

Following is the transcript of the press conference:

Assistant Secretary TAFT. Thank you very much for your patience. I have been delayed because of some very important meetings with government officials today to discuss the tragedy that is unfolding in Kosovo. I have just returned from a visit, although short, to Kosovo. It was one of the most heart-wrenching experiences I have had in 25 years of working in humanitarian relief. We have a catastrophe looming, and we only have as a world humanitarian community six weeks to help the government of Serbia respond to this crisis. The snows come early, I understand, to this part of the world. With the snow may come the death of more than 200,000 people who have been displaced from their home because of the conflict in Kosovo.

My mission here has been to meet with government officials, with the international organizations, with the United Nations High Commissioner for Refugees [UNHCR] representatives, the International Committee of the Red Cross and many non-governmental organizations who are providing relief at this moment to many villages and towns in Kosovo. I believe that we have to work together, to support the efforts of this government, to support the efforts of the relief community, to find the way to deal with this emergency. Yesterday in Pristina I announced that the United States had already invested $11 million in providing relief over the past few months. This compares to about $10 million that we have provided for Serbian refugees in this area. About $11 million was focused mostly on the humanitarian crisis up to now. I have asked my office in the State Department to prepare a request to the President of the United States to allow us immediately to invest many millions of more dollars within the next few weeks to try to avert this disaster. We're here to share with you our impressions, our concern, and our commitment that Kosovo and the people of Kosovo will not have to face the consequences of death when the snows arrive.

I would be very pleased to answer any questions that you might have. Let us begin with the first question:

Q. You were speaking about the humanitarian side. Were you involved in any way in the political issues that have, after all, created the humanitarian catastrophe that you are talking about?

Assistant Secretary TAFT. Well, I am involved in those because they, of course, are driving the crisis that we have now. However, Ambassador Chris Hill is the one that is leading the negotiation team working with Dr. Rugova and working with the authorities here on a peace process. I don't know how quickly that process will come to a positive conclusion. I hope it is soon, but I don't know if it will be as fast as when the snows come. So we have to deal with this humanitarian crisis right now, because its outcome will also affect the political outcome.

Q. Have you talked to the representatives of the Albanian people about these humanitarian issues and how much they could affect their forces in the field, the so-called Kosovo Liberation Army, to allow access for the humanitarian organizations, because recently Ms. Emma Bonino couldn't even reach the place she intended because of this situation in the field?

Assistant Secretary TAFT. I had access to every place I wanted to go. I went with the KDOM forces, and I went from Pristina to Pec, to Decani, and to Junik, and saw many villages along the road and met with some of the displaced persons who were camping out in some of the destroyed villages. It was a very moving experience. I then had a chance to speak with Dr. Rugova to ask for a clarification on a statement he allegedly made, which said that the Albanian people should not come down from the mountains, that they should stay up there because it was not safe to come down. He denied having expressed in that way. I assured him that every effort was going to be made to build the confidence so that people come down from the mountains, and I hope that he would change or clarify his position. While I was there, the authorities in Pristina unveiled their new concept for targeted assistance to 11 points within Kosovo. They indicated that the government was prepared to provide building materials, food, water and electricity, and they encouraged and hoped that the international community, the NGOs, would also have the ability to go into those same locations as part of the confidence-building effort. Planning for those centers is going on now. These are not safe havens, but they are going to be places where there will be opportunities for people to come down from the mountains.

I spoke today with the authorities in Belgrade and said that we would be prepared to fund operational expenses over the next six months, but it was absolutely critical that the government considered this an emergency—to wave restrictions that have existed in the past for getting relief workers in, getting commodities delivered, and providing for reduced military presence, particularly in those 11 areas. I believe we've made a lot of progress in our discussions, and I'm hoping that this new initiative starts with the 11 locations and will expand and multiply in the weeks ahead.

Q. What kind of assurances did you get from the Serbian government that people could go back to their homes? What kind of security measures would make the people feel safe so that they could go back?

Assistant Secretary TAFT. The assurances have been made public by the authorities through leaflets, through the notification and announcement of these locations. They are not yet safe, because there is not the kind of presence that needs to be there. I am hoping that quick planning will result in some real movement back to towns soon. You know, there is something called safety in numbers. Where there is the presence of Western relief workers, where there is the presence of the United Nations, where there is the presence of KDOM observers, I think, that will add to a sense of credible safety. But, quite frankly, let me say I think that the entire area of Kosovo is under serious strain, economically and psychologically, right now. It is not just assistance dedicated to those people who are on the mountains, cold and hungry and some dying, but it's also for the other people in Kosovo that have to have assistance, too. There are many Serb families and other ethnic groups that have to be assisted by the relief community. We are going to try to make sure that there is equity for everybody.

Q. When you say that you had talked with the representatives of the so-called KLA, did you, as a humanitarian worker, remember to ask them what has happened to the at least 115 abducted and missing citizens of Kosovo-Metohia?

Assistant Secretary TAFT. I did not speak with KLA representatives, I spoke with Dr. Rugova. We did express grave concern about the missing Serbs. I think there are about 176 that are missing. This is a great concern. On the other hand, there have also been many missing and killed Albanians, too. I think this underscores that no one has been left untouched by the tragedy that has happened, and that makes it even more compelling that we stop the war, stop the killing, and try to provide a humanitarian alternative. It is not responsibility of the international community, however, to stop it. It is the responsibility of the people within Kosovo and Serbia to try to find conditions for confidence-building and assistance. We stand ready to try to support financially, and through whatever technical assistance we can, to mobilize the planning and deployment of external resources that can help bridge the requirements that exist right now.

Q. Ms. Taft, how would you estimate the level of the humanitarian catastrophe?

Assistant Secretary TAFT. On the scale of one to ten? I'd say about nine. It is a crisis now, where some lives have been lost, but we still have time to work together to save about 200,000 lives. It's not too late.

Any other questions? Yes, San Francisco Chronicle.

Q. Yes, my question is: Do you think that it is realistic that you can employ the kind of measures that you would like to, humanitarian measures, without a cease-fire?

Assistant Secretary TAFT. A cease-fire would be our hope. In the absence of a cease-fire, we have identified, however, a number of things that need to go forward. We believe the KDOM needs to be expanded. I will be asking my own government to try to make additional contributions, and work with other donor countries to expand the presence of KDOM. We have to get more experienced relief workers into Kosovo working with the international relief community. There is a proposal we offered to try to accelerate the approval, on an emergency basis, of those visas. There is a problem of communications. You know, it's very difficult to have a far-flung relief assistance program if the people in the field cannot communicate with their base offices.

And we believe it's a security and a protection issue. Radios are very difficult to manage in Kosovo, so we have raised this question, and it needs to be resolved. There also is the local economy, which has collapsed. There's very little in the stores. There are some stores in the major cities that are functioning, and some markets that are functioning. But, basically, there is in effect an embargo on commercial availability of some of the most important life-sustaining requirements. And we have asked, on an emergency basis, that the informal "blockade" be lifted for such things as wheat flour, sugar, oil, milk, and detergent, which did not sound life-threatening to me, but everybody needs it. Those are the elements that we are going to ask to try to get the government to lift this informal blockade on the commercial sector. We've got to get food to people, and these commodities to people in the cities and the villages down there. Those are elements of what we are considering, what we have offered the government to consider. We are not managing this disaster. We are only trying to help those who are responsible for making sure the security of people in Kosovo exists, and that their livelihood and lives are sustained. I had assurances at all levels today that, in fact, the government here is desirous of living up to the agreement that was made between Yeltsin and Milosevic two months ago, which had a number of elements in it that are not really operational now. Although KDOM was part of it. This Kosovo Diplomatic Observer Mission was part of it. There were other requirements that were in that communique, in that agreement which related to unfettered access by humanitarian workers, and that's what we have been particularly focusing on. It is important to know that our President, the President of the United States, will be meeting with [President Boris] Yeltsin in the next few days, and we are going to be raising this issue with the Russian authorities, too, because they have been a very effective interlocutor with the authorities here.

Q. Were you informed by the Serbian authorities they have for the past several months been offering a dialogue to the Albanian party, that Mr. Hill has had a very hard job of convincing the Albanian party to negotiate, that the new negotiating team was formed thanks to the representatives of the European Union, but there is no dialogue yet? In the meantime Mr. Adern Dernaci, UCK representative, announces a guerrilla war. How do you think there can be any improvement of the humanitarian situation in Kosovo?

Assistant Secretary TAFT. That is a very troublesome but appropriate question. I don't know the answer. All I can say is that, from previous experiences, where there has been a threat of guerrilla action, that guerrilla action takes its root from the people who are displaced who have no hope, who have no food, and are discontent. I think that what we need to do is reinforce a better alternative for people by having these areas, and appropriate distribution and shelter, so that they are not victims. This is a very important feature, of course, of Ambassador Chris Hill's initiative. He feels that there has been some progress. I was with him yesterday, but as I say, the political and humanitarian time frames may be different. I do think that if we are able to find ways to accelerate the flow and effectiveness of relief, so that people's lives are not so tortured—I mean, these people that I met with and saw, they are not political, they are peasants, they are people who just want their families with them, they have so many needs, they've been dispossessed and moved to often—that's what they want, they don't care what the politicians want. We need to be part of an international effort that provides them a different alternative and some hope back to their villages.

I hope you will all follow this story. For those of you who can get down and see what is happening, you will understand how appalling and how heart-wrenching it is for all the people down there. Six weeks is not a long time. It will be a real test of whether or not there is a viable future for the people of Kosovo.

Q. You said that the international community is not responsible for bringing the war in Kosovo to an end. So what about NATO air strikes? Would you suggest to your own government that they shouldn't take place?

Assistant Secretary TAFT. I will not be making recommendations about the NATO air strikes. My portfolio is humanitarian. I do not think we need any more killing, any more destruction, or any more bloodshed. We have got to focus right now on the next six weeks, if people are still in this hills, and still dying, I think that will be the point of decision-making internationally about what else should be done. I pray we don't get there. There seems to be energy, interest and a commitment to try to avoid that catastrophe, and that's what I am praying for.

Thank you very much.

[From the United States Information Service, Aug. 28, 1998]

Assistant Secretary of State for Population, Refugees, and Migration Julia V. Taft's, Press Conference in Pristina, Yugoslavia

Secretary TAFT. As you all know, I just returned from a six-hour field trip today to Junik and Decani, and visited a number of empty villages along the way, and was able to see first hand the level of devastation that has been occurring during this conflict. It would be an understatement for me to say that I am just concerned. I am really appalled by the devastation and overwhelmed by the need for urgent humanitarian assistance. As you know, a number of United Nations agencies and non-governmental agencies have been working very hard to meet some of the needs that the internally displaced persons, the refugees and the local families are facing in Kosovo. One of the things that was particularly positive about my trip was seeing so many families who had welcomed internally displaced people into their homes—people they didn't know, and people with whom they were willing to share whatever food and shelter they have.

In the end, of course we know that the suffering will only stop when the conflict stops. I hope that would be true soon, certainly within the next few months. But therefore then, I am very much afraid there is a looming catastrophe within the next six weeks, because of the weather and the cold that will come. So, my energy is here, and the focus of the humanitarian investments we are planning to make over the next few days and week, or so, will be focused on how to help accelerate and underscore a massive, innovative program for humanitarian assistance. It will require all of the energy and creativity of the NGOs. It will require the cooperation of the government officials. It will require generosity on the part of the donors, and it will be very important that those elements of the conflict put down their arms.

Six weeks is almost here, and I hope very much to see in six weeks that we have been able to have enough confidence on the ground, and security on the ground, so that these people will be able to come home.

In the last very few months, the United States has given more than 11 million dollars to support the humanitarian requirements in Kosovo. I am going back to the States over the weekend, and I have already indicated today to my office to prepare a request for President Clinton to offer additional millions of dollars.

I am looking here over the next few days on how this money can best be spent, but it will be significant, and it will be able to, I think, help quite a lot.

As you know, we are participating in the Kosovo Diplomatic Observer Mission. I'm going to try to urge even fuller participation by our government in that, it's an excellent innovation, and we appreciate the willingness of the government officials to allow this observer mission as much access as it does have.

Today, when I was meeting with the government officials, I was told that they had come up with a new idea to open up a special focus on eleven locations here for coordinated humanitarian response. We welcome this initiative. We will look forward to seeing how they are able to fulfill it.

We also met with the non-governmental organizations to encourage their participation in a focused coordinated manner, which we hope will help.

Eleven cities is not enough. The whole country needs help. And we are going to try to do whatever we can to work with the people of this wonderful area, and to work with all of the relief agencies, so that we will be able to avoid a catastrophe that is looming in front of us.

Thank you very much, and I'll be glad to answer your questions.

QUESTION. How do you mean to help the population of Kosovo in these circumstances when we see that everyday Serbia is burning and destroying every village, every town, and every place in Kosovo?

Secretary TAFT. It is true, I saw even today several different buildings burning—fresh fires in places that were already destroyed.

My sense is that we have to deal with it on many different levels. There's the diplomatic level, and our ambassador, Chris Hill, is working very closely on that. He also met with Dr. Rugova today to try to move the process along, and he met yesterday with Mr. Milosevic. The Contact Group meets every week and is working very hard on the diplomatic side. I think what we would welcome is a standing-down over the next six weeks of any aggressive action on the part of any group in this area. We have got to be able to help the citizens of Kosovo, and we've got to make sure that the government here is responsible for security. We also have to make sure to the extent possible that there is safe distribution of relief supplies by relief workers, and that means no guns and no fire.

QUESTION. Do you have any word of the reports that the Serbs actually opened fire on a family of eleven people killing them in the back of a tractor today in the city of Gracka?

Secretary TAFT. Oh, God, no I don't. We did, of course, raise the issue of the deaths of the three Mother Theresa relief workers with great sorrow that they were victims of this conflict when their whole lives had been dedicated to volunteering to help people. We expressed our condolences not only to the president of the Mother Theresa Society, but I raised it today with the authorities to find out what they are going to do to find out who actually committed the killings. I must say I was very reassured by both the regret and the apology by the authorities that these people had been killed, and there is gong to be an inspection. It is also true that the NGOs were invited in to the government to discuss not only this plan for the new eleven locations, but also they expressed great regret and apology to the NGOs.

QUESTION. Mr. Milosevic has said from time to time that there have been irresponsible units that have destroyed villages (inaudible). Shouldn't somebody be pushing him to prosecute these people or actually (inaudible) them the way that so-called irresponsible units would be in any normal army?

Secretary TAFT. Absolutely. It's my understanding that the last incident in which there was an identified errant unit that had attacked maliciously, that that unit was removed and was replaced. Whether there is a broader observer mission that can do this reporting and accounting, I think really we have to build on the existence of KDOM and get more people out there. On the issue of the willingness of the government to rein in their army, my position is get the army out of here and you'll have less of a problem. This all needs to be negotiated in terms of this concept of unfettered access which the NGOs are supposed to have—well, it's fettered and we need to work on some agreements about the level of security and this will be a high priority.

QUESTION. Should the six weeks you've been mentioning be considered as a deadline for Milosevic to stop all his hostilities?

Secretary TAFT. There are hostilities on all sides and all must be stopped. The message I would like to send is that the world is watching what's happening in Kosovo and we need to make sure that the people who purport to lead the citizens of Kosovo, whatever their background, they need to make sure that there is access and there is no fighting so that people can be having some degree of assurance that they can come down from the mountains. Six weeks? I don't know. This is the first time I've ever been to Kosovo. It's already getting a little cold at night, but I do believe that, from the people with whom I have discussed, six weeks is a time frame that—if we can meet—will certainly alleviate much of the suffering.

QUESTION. Six weeks for politicians is a short time, but six weeks for civilians who are in the mountains—and exactly for children—is a very long time. We have there children who are dying even from cold weather, so, if this six weeks will take so many children's lives, what after?

Secretary TAFT. My sense is that if there is enough presence of relief workers, if there is enough presence of the KDOM, and if there is an agreement to live up to access, that the people can come down, and they will be able to be assisted. We have talked a lot over the last couple of days about, even if there were access, is there enough food in the pipeline? And are there enough relief workers and local people who can help in the distribution? And we've identified a few things that we can push. But one of them doesn't even relate to relief, it relates to what I understand is an informal embargo or an informal blockade of a number of commodities that ought to be in the stores of Kosovo. And I've driven by and looked for something to buy, and there's nothing to buy. So we know that there are restrictions or there is in essence a variety of very important commodities that the people here would like to buy that they find difficult to obtain. We are going to present a list of those that we consider absolutely urgent and would hope that the normal market could be energized in this time frame, too, because that would certainly help quite a lot, particularly the families who have been so generous in opening up their homes. We try to do relief assistance for them, but we don't have enough in the pipeline for two million people. So we have to deal with the local economy.

QUESTION. How are you going to deal with the obstacles usually coming from the Serbian authorities toward relief organizations?

Secretary TAFT. I've received a number of suggestions of things that would be greatly helpful. One is a more forthcoming role on the part of the United Nations High Commissioner to help in registering agencies that have relief workers. To try to get radio frequencies is a big problem. Trying to deal with the visa problem. Even the USAID team is waiting for its visas. So visas are not just a problem for relief workers, they're also a problem for diplomats. We need to find a way to streamline that and to give assurances to the authorities that the people who are coming in actually have training, have functions, have a job to do. We're going to take this up tomorrow, and I think the highest issues that I've been asked to convey mostly deal with radio and communications, access, and visas. And we'll try to deal with that.

QUESTION. Just to speak about one issue that you've raised—this informal embargo. Why should people be optimistic that any one of the long laundry list of actions that need to be taken, and which you are helping to identify, will actually be acted upon? This embargo has been going on for months. If the international community, not to mention the United States, were serious about doing something about it, they could have been and it seems to me, some might argue should have been, banging on the doors in Belgrade for months about this. It's a bit late to suddenly start talking about an informal embargo when officials have known about it for months.

Secretary TAFT. From my office and my perspective, I am responsible for refugee programs on a humanitarian basis for the State Department, and we have been working very closely obviously with the authorities and everybody on the Serb refugee question. The IDPs are people in refugee-like situations, and with the events of the last few months, it was determined that I have got to get my resources and my office much more heavily engaged, which I am doing. It is also a fact that the Secretary-General has indicated that Sadako Ogata, who is the U.N. High Commissioner for Refugees, is, in fact, the lead agency. We are the primary funders worldwide for UNHCR, so I have a client there and a relationship where we can move very quickly. So, you will see not only me, but you saw Emma Bonino last week, Soren Jessen-Peterson. There will be a series of other people coming out. All of us have different aspects in our portfolios and we are going to be working very energetically to deal with this. The food embargo, I think, is one that has been raised diplomatically a number of times. Right now, I have put it on the urgent list because of the time frame and the fact that we are not going to be able to come up with enough relief commodities. We've got to make sure that the normal economy is working, and that there is access by the commercial vendors and others. Now not all the laundry list of items is realistic to try to change overnight, but if we're working on this on an emergency basis to say, "At a minimum, you've got to have oil, sugar, wheat flour, a lot of people have said detergent—I'm interested in that—and salt." Those are the ones. I know the list is much longer, but we will push that, and if you have other suggestions, I'd be delighted to hear them.

QUESTION. Each day the war is spreading to new parts of Kosovo. On the other side the politicians are seeking a political solution. Do you think there is still time to solve the problem by dialogue?

Secretary TAFT. The problem will only be solved when there's a peace agreement and there is real cease-fire. I have to be optimistic. We don't have a choice. We've got 176,000, maybe more, people who are in urgent need of help, and it's up to all of us to figure out how to do it. So I have to be optimistic that the good will of the people here, and the government, and the NGOs will work. Now I may not come back in six weeks if it's not a success, but I think it's being able to identify and pinpoint exactly what requirements you have that have to be met, and set up a user-friendly system by all of the relief agencies to be able to interface with the government. The government was very responsive today and I think we need to continue to work with the authorities to make sure that we are all working together.

QUESTION. You've spoken about this special focus on eleven areas that the government has identified. Is that to suggest that the government is going to provide security for something resembling safe areas that they will guarantee will be safe?

Secretary TAFT. What this is going to be, as I understand it, and I think it's still in its formulative stage, is that they have picked eleven locations (We can make the list available; I don't have in front of me right now) where they will provide electricity, water, building materials, and food assistance. What I have asked the non-governmental organizations if they would be willing to do is right away figure out where those areas are where there are areas where they can operate in as well, and sit down and figure out what is going to be available, so that when assistance is there, it's used effectively, right away. One of the things that surprised me on this trip today was to go and see two different locations where the government had made available building materials, but I didn't see anyone there to use them for rebuilding, or any presence of organizations that could be helpful. So we have an opportunity, I think, to match the manpower and skills of the NGOs with the raw materials, at least in those locations and to get moving. Eleven sites in this immense place is not much, but it's a start, it's this week. Let's go with it, and let's see how we can open up more opportunities.

Thank you for your interest. I think the word really needs to get out, not only here, but internationally. There has to be more attention on this crisis, because it is here, and there are opportunities for us not to have to admit to chaos in about six weeks. So, I appreciate however you can cover this story. It's important for the world to know the struggle that's going on here. Thank you very much.

KOSOVO DIPLOMATIC OBSERVER MISSION COMMAND BRIEFING BY SENATOR WARNER, AUGUST 31, 1998

PURPOSE

Observe and report on the situation in Kosovo: Freedom of movement/freedom of access; human rights issues and humanitarian relief efforts; internally displaced persons/refugees; and general security situation.

BACKGROUND

Milosevic offer of 8 March.

PC decision in April to establish KDOM.

London Contact Group meeting.

Milosevic/Yeltsin meeting.

First mission—6 July.

Headquarters security approved by DOS 31 July.

OPERATIONS

Patrol planning	[1] 1900
Patrol/protection briefing	0730
Vehicle preparation	0830
Departure	0900
Return	1500
Debrief/team report	1900
Final report to Embassy	2300

[1] Day prior.

DAILY RHYTHM

	Patrol day	Plan/Medevac day	I&W/analysis	Reports
0730	Update	Additional jobs or MEDEVAC		
0830	Inspection			
0900	Depart			
1500	Return			
1600	Verbal debrief		Debrief assist	Debrief assist
1900	Team reports	Mission prep		Draft report
2300	Reports done		Analysis	Report to Embassy
			KSU receipt	
			Brief prep	
			Update brief	

SECURITY/PROTECTION

Permanent RSO.

Hotel upgrades.

Guards/interpreters.

Communications.

Medical.

Procedures.

SUCCESSES

Fully integrated interagency operations.

Fully integrated with international partners.

Since 6 July, 155 missions—34 joint (US & EU and/or Russian Federation); and 6 weekly joint reports to contact group and NAC.

Established functional headquarters from scratch.

Command and control and reporting system that reaches from the observer in the field to the Capitol in Washington.

WAY AHEAD

Commenced partial operations since 6 July.

Full operations since 15 Aug.

Improve fleet of vehicles.

Personal rotations/fills.

Continuous freedom of access.

Punlic information.

Communications.

Danger benefits (DoD).

Mr. WARNER. Mr. President, I thank the Chair and yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, the remarks of the Senator from Virginia, as always, are thoughtful, articulate, and in this case somber and serious, given the gravity of the situation that he described. They are important remarks and important for each of us in this body to thoughtfully and seriously consider.

The Senator's commitment, as a valued member of the Senate Armed Services Committee, and ex-chairman of that committee—his commitment to traveling to where the action is taking place and meeting with representatives from all sides, analyzing the problem and bringing back the very latest of information, is invaluable to those of us who serve on that committee and everyone here in this body who needs to make decisions about what the policy of the United States should be in regard to these difficult situations that arise.

The Senator has indicated he has made close to 10 separate trips to this very difficult area of the world. This is not easy travel. This is a commitment that is extraordinary but also extraordinarily important to us in terms of formulating our policy. I thank the Senator for his leadership in that effort.

Mr. WARNER. Mr. President, I express my humble gratitude to my good friend who has served these many years that we have been together on the Armed Services Committee and, indeed, has made trips to remote parts of the world. I remember well a trip to the gulf region, and other regions. And I and other Members of this body on both sides of the aisle will dearly miss the wisdom and the insight that you have in these complex problems, and problems that you have addressed very forthrightly in your distinguished career in this body. As you bring it to a close, we wish you well.

I thank the Chair and thank my colleague.

Mr. COATS. I thank my colleague from Virginia for those kind words.

SENATOR DOMENICI REPRESENTED THE SENATE AT THE SUMMIT IN RUSSIA

Mr. LOTT. Mr. President, Senator DOMENICI has been on official Senate business earlier this week and was therefore, necessarily absent for the two votes held on Tuesday and the five votes held on Wednesday. He attended the Summit in Russia.

During the Summit an important agreement was signed regarding the management and disposition of weapons-grade plutonium. Senator DOMENICI was instrumental in first identifying this issue and recommending a strategy for significantly reducing the amount of dangerous plutonium in the world and to make sure that it is kept away from rogue states and terrorists. Senator DOMENICI's suggestions were a blueprint for taking advantage of this opportunity for the United States and Russia to work together to withdraw approximately 50 metric tons of weapons-grade plutonium from each countries' respective nuclear weapons programs. This is very important arms control/non-proliferation objective. The countries agreed to cooperate in transforming this weapons-grade plutonium into a form that cannot be readily used to make nuclear weapons. This agreement, when its terms are carried out, will make the world a safer place.

I am pleased that the Senator from New Mexico represented the majority and the Senate at this United States-Russian Summit.

THE $2 BILLION FAILURE

Mr. LOTT. Mr. President, we have failed.

For the past nine months, I have worked with the members of the Environment and Public Works Committee and the Administration to draft much needed reforms to our nation's hazardous waste program. These reforms would have made RCRA work more quickly and more cheaply. They would have removed the bureaucratic obstacles that hinder environmental cleanups. They would have given the states the proper authority and freedom they need to responsibly manage their RCRA sites.

My colleagues, the Senate has failed to save the federal government $2 Billion this year in clean up costs. Despite our best efforts, agreement could not be reached on a bill to save two billion dollars per year.

Early in this Congress, the General Accounting Office released a report highlighting the need for a legislative change in remediation waste policy. The Administration, states, stakeholders—even the EPA—agreed that only a legislative fix could adequately streamline the program and speed the pace of cleanups. This GAO report also said that a legislative fix would save the federal government $2 billion each year.

Unfortunately, the Congress and the administration were unable to come to agreement on how to structure this legislative fix. Discussions among interested parties and legislators clearly showed the need for a bill, but translating this need into legislative language has been difficult. Progress was made, but not enough.

And so, Mr. President, the next Congress is tasked with addressing this two billion dollar environment opportunity. Although I am truly disappointed that these many months of educating and negotiating have left us without a bill to champion, I am hopeful that the Senate will return to this issue with renewed vigor next year.

I know that Senator CHAFEE, the Chairman of the Environment and Public Works Committee, and Senator SMITH, Chairman of the Superfund, Waste Control and Risk Assessment Subcommittee, share my commitment to seeing meaningful RCRA reform enacted in the next Congress and will make it a priority. With this leadership, I believe that we can resolve the outstanding issues quickly and move forward with legislation that will indeed make the cleanup of contaminated sites smarter, faster and better. This is also true of those on the House Commerce Committee as well as many in the Administration.

I was encouraged by the RCRA team built this year and look forward to working with this team again next Congress.

I again want to stress that the RCRA reform goals have not changed. To make RCRA work more cheaply and quickly, to streamline the bureaucratic process and give more authority to the states and to speed site clean up. It is unfortunate that yet another year has passed without reform.

Mr. President, let's make sure Congress gets the job done next year. The nation expects and deserves its RCRA sites to be cleaned up. This nation wants $2 billion in savings each year. I would like to thank my colleagues and their staffs for the work done this session and look forward to redoubled efforts in the 106th Congress.

RCRA REFORM WILL BE A PRIORITY FOR THE 106TH CONGRESS

Mr. CHAFEE. Mr. President, for the past year, the Majority Leader, Senator BOB SMITH, and I have been working with our colleagues on the Environment and Public Works Committee and the Administration to draft legislation to address some of the requirements of the Resource Conservation and Recovery Act ("RCRA") that currently impede the cleanup of literally thousands of contaminated sites across the nation. This so-called "RCRA rifle-shot" would have been an important piece of legislation. It would have demonstrated once again that we can improve our environmental laws, without jeopardizing human health or the environment, and reduce unnecessary costs. Just last year, the Government Accounting Office reported that eliminating those impediments to cleanup could save up to $2.1 billion per year and, at the same time, significantly expedite environmentally responsible cleanups.

It was our hope to craft a bipartisan bill that could be enacted this year. Our goal was a shared one—to develop legislation to eliminate overly restrictive treatment standards for mediation waste, to streamline permitting requirements, and preserve existing State cleanup programs, all while still ensuring that human health and the environment are protected. Under Senator LOTT's leadership, we worked hard to achieve that goal and I believe that we made significant progress in resolving our differences. Unfortunately, we were not able to reach a final agreement and we have essentially run out of time.

I remain committed, however, to the goal of improving the remediation waste program. I continue to believe that this is an important issue and that with appropriate legislation we can achieve a significant environment benefit—cleaning up thousands of contaminate sites and saving billions of dollars. That is clearly a worthwhile goal. Therefore, I intend to make RCRA reform a priority for the Environment and Public Works Committee in the next Congress. Building on the progress that we have made this year, and with Senator LOTT's continued leadership, it is my hope that we will move legislation through the Senate early in the next Congress.

RCRA REMEDIATION WASTE LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, it is with some regret that I am here today to join my colleagues, Majority Leader TRENT LOTT and Environment Committee Chairman JOHN CHAFEE, in announcing that we will be unable to enact legislation this year to reform the remediation waste provisions of the Resource Conservation and Recovery Act.

As many of my colleagues know, since I became Chairman of the Senate Superfund Subcommittee, which has jurisdiction over the RCRA, it had become apparent to me that hazardous waste cleanups in the United States take too long, are too costly, and result in widespread areas of our country becoming brownfield wastelands.

Since I introduced RCRA remediation legislation in the 104th Congress, S. 1286, I have attempted to work with Senators LOTT, CHAFEE, BREAUX, BAUCUS, and LAUTENBERG, with the Clinton administration, States, and members of the industrial and environmental communities to achieve a bipartisan fix to this confusing and burdensome law. Despite our best efforts and the dedicated work of our respective staff, we weren't able to come to agreement.

It is particularly troublesome that we come to this juncture given the fact that just about a year ago we received a report from the GAO (*Hazardous Waste—Remediation Waste Requirements Can Increase the Time and Cost of Cleanups*) that demonstrated the urgency of fixing the remediation waste program. Although I have quoted that report previously, I believe that it is worth repeating today.

> Despite the fact that remediation waste "does not pose a significant threat to human health and the environment," the RCRA requirements are so costly and time consuming that "parties often try to avoid triggering the requirements by containing waste in place or by abandoning cleanups entirely."
>
> The report further stated that RCRA "can drive parties to use less aggressive and perhaps less effective cleanup methods, such as leaving contaminated soil in place and placing a waterproof cover over it rather than treating it." Instead of dealing with the problem, the statute forces parties to "purchase land elsewhere for their plant expansion or other needs."
>
> Even the EPA, which is responsible for implementing the statute is quoted in the report as stating: "Although cleaning up a site may offer economic benefits, such as relief from liability for contamination and increased property values, industry sometimes concludes that the costs of complying with RCRA can outweigh the benefits."

According to the GAO report we could save upwards of $2 billion per year by making some common sense legislative fixes to RCRA—cost savings that would really jump-start the efforts by industry to address these languishing sites. Nonetheless, despite tireless efforts by members and staff, and notwithstanding good progress in translating these changes into legislative language, it appears that we will not be able to accomplish our shared goal of passing a RCRA remediation waste rifle shot during the time we have left in the 105th Congress.

As I conclude my statement, I would like to join Senator LOTT and Senator CHAFEE in pledging my desire to press forward on this issue when the Senate returns next year. Perhaps the additional time will give the staff the additional opportunity to bridge the gaps that currently separate us.

Finally, in addition to thanking Senator LOTT and Senator CHAFEE for their leadership on this issue, I would like to thank our staff, Jeff Merrifield, Lynne Stauss, Ann Klee Carl Biersack and Kristy Sims for their hard work on this issue. Similarly, I would like to recognize Senator BAUCUS and LAUTENBERG and their staff for their hard work on attempting to come to a consensus.

Again, I am disappointed that we were unable to make this happen this year, but I am hopeful that we can make it happen in 1999.

* * *

UPDATE ON THE WIPO LEGISLATION

Mr. ASHCROFT. Mr. President, I wanted to take a few minutes to advise my colleagues that H.R. 2281, a bill to implement the World Intellectual Property Organization copyright treaties, has been adopted by the House, but in a substantially different form than the Senate bill to implement these treaties. The House version of the bill includes some improvements agreed to by representatives of the affected industries, but it also includes some extraneous provisions, which in some cases were negotiated without the full participation of important affected individuals. A number of my colleagues have expressed to my office their continuing interest in this legislation, and so I thought it would be helpful to provide an update on the legislative developments in the House, and to share with you some of my concerns about the many extraneous provisions added to the bill.

On July 22, the Committee on Commerce filed its report on H.R. 2281, the Digital Millennium Copyright Act of 1998. In drafting the bill, the Committee used as the base text the bill approved by the Senate, and then made some substantive and clarifying changes. I understand that the Commerce Committee version of the legislation represents an agreed upon compromise by the content community and the fair use community. Moreover, I understand that these groups have agreed to support the agreement throughout the remaining process. Some aspects of this agreement concern important issues that I worked to have addressed in the Senate version of the bill. Let me describe a few of the most important aspects of the agreement.

First, with respect to "fair use," the Committee adopted an alternative to section 1201(a)(1) that would authorize the Secretary of Commerce to waive selectively the prohibition against the act of circumvention to prevent a diminution in the availability to individual users of a particular category of copyrighted materials. As adopted by the Senate, this section would have established a flat prohibition on the circumvention of technological protection measures to gain access to works for any purpose, and thus a system that some have described as the beginning of a "pay-per-use" society. Under the compromise embodied in the Commerce Committee's version of the bill, the Secretary of Commerce would have authority to address the concerns of libraries, educational institutions, and others potentially threatened with a denial of access to categories of works in circumstances that otherwise would be lawful today.

Second, the Committee made an important contribution by eliminating the potential for misinterpretation of the "no mandate" provision of the bill. I had been very concerned that S. 2037 could be interpreted as a mandate on product manufacturers to design products so as to respond affirmatively to or to accommodate technological protection measures that copyright owners might use to deny access to or prevent the copying of their works. To address this potential problem, I offered an amendment providing that nothing in the bill required that the design of, or design and selection of parts and components for, a computing product, a consumer electronics, or a telecommunications product must provide for a response to any particular technological protection measures. The amendment reflected my belief that product manufacturers should remain free to design and produce the best available products, without the threat of incurring liability for their design decisions. Technology and engineers—not lawyers—should dictate product design. This provision reflected the working assumption that this bill is aimed fundamentally at so-called "black boxes" and not at legitimate products that have substantial non-infringing uses. The Commerce Committee has tightened this language even further making it crystal clear that nothing in this legislation should be interpreted to limit manufacturers of legitimate products with substantial non-infringing uses—such as VCRs and personal computers—in making fundamental design decisions or revisions.

Third, as an important related matter, the Committee on Commerce reaffirmed my view that technological protection measures that cause "playability" problems may not be deemed to be "effective" under this legislation. As I pointed out in my floor speech just prior to final passage of S. 2037, "playability" problems may arise because technological protection measures may cause noticeable and recurring adverse effects on the normal operation of products. Adjustments may need to be made either in the factory or after sale to correct these playability problems. It was my view that the legislation did not make such adjustments illegal, and I was pleased to note that the Commerce Committee made this point explicit in its Committee Report. The Commerce Committee's report also included helpful language circumscribing the potential breadth of the bill by narrowly defining the types of technological protection measures that control access to, or the copying of, a work.

In addition, the Committee of Commerce adopted specific provisions making it clear that the bill is not intended to prohibit legitimate encryption research. As my colleagues know, Senator BURNS, LEAHY and I have lead the effort in the Senate to ensure that U.S. business can develop, and export world-class encryption products. By explicitly fashioning an affirmative defense, the Committee has made an important contribution to our overall efforts to ensure that U.S. industry remains at the forefront in developing secure encryption methods.

Finally, the Committee built on my efforts to ensure that this legislation would not harm the efforts of consumers to protect their personal privacy by adopting two important amendments. The first amendment would create incentives for website operators to disclose whenever they use technological protection measures that have the capability to gather personal data, and to give consumers a means of disabling them. The second amendment strengthened section 1202 of this legislation by making explicit that the term "copyright management information" does not include "any personally identifying information about a user of a work or a copy, phonorecord, performance, or display of a work." In my view, these amendments help preserve the critical balance that we must maintain between the interests of copyright owners and the privacy interests of information users.

In sum, the House version of the bill by and large reflects the substantial improvements proposed by the House Committee on Commerce. In his floor statement, Congressman BLILEY of Virginia, made clear the importance the Committee attaches to the "fair use" and "no mandate" provisions included in the bill. He and others reaffirmed as well the Committee's report language with respect to the definition of technological measures and the inapplicability of the legislation to manufacturers, retailers, product servicers, and ordinary consumers when faced with playability problems caused by either protection measures or copyright management information systems. None of the Members of the Judiciary Committee present offered contrary views about these important provisions, which represent a delicate compromise agreement of the interested parties. I thus would hope we can assume that these matters have been definitively settled.

Since the passage of the House language several issues have begun to arise that have either been caused by the drafting in the House, or as is more often the case, through the unintended consequences of outlawing technology. Perhaps the most troubling of these issues is making security system testing illegal and criminally punishable. Currently, the federal government agencies, companies, state governments, anyone with a computer system can hire professional consultants to survey and test their IT security systems for vulnerabilities.

Two of the best known organizations that engage in this sort of consulting are Price Waterhouse Coopers and Ernst & Young, clearly two well-known and responsible corporate citizens. With the language currently in the WIPO legislation these critical services will no longer be legal. The impact will be destructive to existing businesses and to any future promise of electronic commerce. Moreover, without this type of beneficial testing, our country's critical infrastructure will be at risk from domestic and international hackers and cyber-terrorists. This effect must surely be unintended, as even those who support the current language would be at grave risk if our communications, security, and Internet systems were left without adequate protection.

On August 4, the House adopted H.R. 2281 by voice vote. For reasons not explained on the floor, the bill contains a series of extraneous measures that have little or nothing to do with the underlying WIPO copyright treaties. I would call to the attention of my colleagues in particular sections 414, 416, and 417, as well as titles V and VI, of the bill. Unfortunately, the floor debate in the House offered little insight into the anticipated effect or scope of these provisions. They appear to have been added by the House Committee on the Judiciary, but none of the Members of the Committee described in any way the substance of these measures on the floor.

Section 414 makes what ostensibly is only a clarifying change to section 107 of the Copyright Act. No one from the House Committee on the Judiciary, however, said a word on the floor about why this change to the "fair use" provision is necessary.

Section 415 inhibits the continued development and the further introduction of new digital subscription music services. Again, I am left to wonder why this provision is necessary, or even whether it has been carefully considered by anyone here in the Senate. Apparently, the 1995 Act regarding digital performance rights in sound recordings was reopened to resolve ambiguous issues. What has resulted seems to be a two tiered approach to subscription service. One tier consisting of existing providers that may compete effectively and a second tier of providers without an up and running system who will be hobbled by many new restrictions and at a greater cost. Not surprisingly, this second group was not represented in the negotiations.

The net result of this will be a significant advantage for incumbent providers that reflects a legislative advantage, not a competitive advantage. For those of us who believe that the market, not the government, should pick winners, this is a disturbing development. Even worse, there is a small group of companies who paid the government for spectrum based on the assumption that they could provide subscription service unencumbered, but because they have not yet provided service will now have to operate under these new, anti-competitive rules. The result is that the spectrum they purchased will have a vastly diminished value. This is precisely the type of regulatory taking that discourages and demoralizes the kind of investment and innovation the country needs to take full advantage of the promise of new technologies.

Section 416 concerns the assumption of contractual obligations related to transfer of rights in motion pictures. No one from the House Committee on the Judiciary said a word on the floor about why this provision is necessary to WIPO implementing legislation.

Section 417 makes what ostensibly is only a clarifying change to the first sale doctrine. No one from the House Committee on the Judiciary, however, said a word on the floor about why this change to the first sale doctrine is necessary, or what relation the provision has to a recent Supreme Court decision. Before the Senate is asked to act on any of these extraneous matters, we need to be convinced that the measures belong in this bill.

Title V apparently sets forth the views of the House Committee on the Judiciary on how best to provide legal protection against misappropriation of collections of information such as databases. I understand that the Administration has indicated that it has serious reservations about this approach, including a concern that it may be unconstitutional. This is a matter the Senate Judiciary Committee plans to address in scheduled hearings. Until those hearings take place, I see no reason to endanger the WIPO bill with a potentially controversial issue that the full Senate Judiciary Committee has not had an opportunity to examine.

Title VI would provide protection for certain boat hull designs. As in the case of the other extraneous provisions added in the House, no one from the House Committee on the Judiciary said a word on the floor about why this change to current law is necessary. At worst, this provision represents fundamental shift in the tradition and breadth of copyright law. At best, it is a dubious idea that was attached without discussion or consideration. The Senate should not include this extraneous matter in the WIPO bill without deliberation.

I would hope all parties to the debate would recognize that much has been done to calibrate the WIPO copyright treaties implementing legislation. Each of us, working alone, would undoubtedly have produced a different bill. In fact, last fall I introduced a bill that I believe did a far better job of implementing the treaties and did not need dozens of carve-outs to deal with the problems created by the approach recommended by the Administration. In any event, we are now late in the session. Much important work has been done in the Senate, and I want to thank the Chairman and Ranking Member of the Judiciary Committee for working with me this spring to address my concerns with this bill. I think the House Committee on Commerce has made additional important contributions. This bill is not a perfect bill, but it is an important bill. Before taking any final action, we should eliminate the extraneous provisions in this bill, while preserving the true heart of the legislation: the WIPO legislation. However, once that analysis has been completed, I would hope we could move this legislation forward.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6652. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Air Force Research Laboratory support functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC–6653. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Civil Engineering functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC–6654. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Communications and Telephone Services functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC–6655. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Official/Unofficial Weighing Service" (RIN0580–AA55) received on August 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6656. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Removal of Quarantine Area" (Docket 97–056–16) received on August 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6657. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services" (RIN2900–AJ04) received on August 28, 1998; to the Committee on Veterans Affairs.

EC–6658. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Election of Education Benefits," (RIN2900–AH88) received on August 28, 1998; to the Committee on Veterans Affairs.

EC–6659. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–6660. A communication from the Acting Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Foreign Trade Statistics Regulations; Shipper's Export Declaration Requirements for Exports Valued at Less that $2,500" (RIN0607–AA28) received on August 28, 1998; to the Committee on Governmental Affairs.

EC–6661. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Thrift Savings Plan Loans" received on August 28, 1998; to the Committee on Governmental Affairs.

EC–6662. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule regarding Fulbright-Hays Programs (RIN1840–AC53) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC–6663. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (benzenesulfonic acid)" (Docket 97F–0467) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC–6664. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Docket 98N–0392) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC–6665. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (light stabilizer)"'(Docket 98F–0055) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC–6666. A communication from the President of the United States, transmitting, pursuant to law, notice of an Executive Order to amend Executive Order 12947 in order to more effectively respond to the worldwide threat posed by foreign terrorists; to the Committee on Banking, Housing, and Urban Affairs.

EC–6667. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks" (Docket R–1012) received on August 28, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6668. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to the Chase Manhattan Bank on a loan to the Ministry of Finance of Croatia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6669. A communication from the President and Chairman of the Export-Import

Bank of the United States, transmitting, pursuant to law, notice of a loan guarantee Petroleos Mexicanos, Mexico, to support the export sale of oil and gas services and equipment; to the Committee on Banking, Housing, and Urban Affairs.

EC-6670. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Charter and Bylaws; One Member, One Vote" (RIN1550-AB17) received on August 28, 1998; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-524. A resolution adopted by the Council of the City of Homestead, Florida relative to the renaming of the Everglades National Park; to the Committee on Energy and Natural Resources.

POM-525. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

Whereas certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

Whereas there are symbols of our national soul, such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas the American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

Whereas, in the War of 1812, the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day and, in its courageous resilience, inspired our national anthem; and

Whereas, in the Second World War, the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

Whereas Alaska's star was woven into the fabric of the Flag in 1959, and that 49th star has become an integral part of the Union; and

Whereas the American Flag symbolizes the ideals that good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

Whereas the American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

Whereas the American Flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

Whereas the American Flag proudly represents the United States at Olympic events; and

Whereas the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

Whereas House Joint Resolution 54, which passed the United States House of Representatives and has been referred to the United States Senate, proposes an amendment to the United States Constitution stating, "The Congress shall have power to prohibit the physical desecration of the flag of the United States"; and

Whereas Senate Joint Resolution 40, introduced in the United States Senate, proposes an amendment to the United States Constitution stating, "The Congress shall have power to prohibit the physical desecration of the flag of the United States"; and

Whereas it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Be it *Resolved by the Alaska State Legislature*, That the Congress of the United States is requested to pass House Joint Resolution 54 or Senate Joint Resolution 40, or comparable legislation, and present to the legislatures of the several states an amendment to the Constitution of the United States that would specifically provide the Congress power to prohibit the physical desecration of the Flag of the United States; this request does not constitution a call for a constitutional convention; and be it

Further resolved, That the legislatures of the several states are invited to join with Alaska to secure ratification of the proposed amendment.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the governors of each of the several states; the presiding officers of each house of the legislatures of the several states; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United States Senators, and the Honorable Don Young, United States Representative, members of the Alaska delegation in Congress.

POM-526. A resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

ASSEMBLY JOINT RESOLUTION NO. 60

Whereas, The United States Air Force Reserve operational unit, which is now the 940th Air Refueling Wing (940th ARW), has been in the Sacramento Valley since 1963; and

Whereas, The 940th ARW, which has been located at various times at Mather Air Force Base, McClellan Air Force Base, and Beale Air Force Base, has a proud tradition of supporting the nation's defense since the 940th ARW's activation; and

Whereas, The mission of the 940th ARW is to perform global air refueling and strategic airlift operations, which allow other aircraft to fly far beyond their normal range by overcoming the restrictions imposed by limited onboard fuel capacity; and

Whereas, The 940th ARW has participated in many conventional and humanitarian efforts that were undertaken by the Department of Defense and the United Nations, including rebuilding schools in Honduras, providing food and medical supplies to Somalia, and deployment in support of democracy in Haiti; and

Whereas, The 940th ARW was the first Air Force Reserve unit to establish ground operations in the Middle East as a part of Desert Shield when it deployed hundreds of United States military reservists to Saudi Arabia in August 1991, just days after the invasion of Kuwait; and

Whereas, The 940th ARW continues to support peace in Bosnia by supporting joint service missions and conducting peacekeeping operations in the skies above the former Yugoslavia; and

Whereas, The 940th ARW flies KC-135E model aircraft equipped with TF-33 engines that are reaching the end of their 10-year to 15-year life span; and

Whereas, These engines are of 1960's technology and do not meet contemporary international or United States noise, emission, and fuel efficiency standards; and

Whereas, Conversion to the KC-135R model engine would provide each aircraft with 26 percent more thrust on takeoff and 18 percent improved fuel consumption, offering increased offload capacity of 20,000 pounds of fuel; and

Whereas, The KC-135R model engine exceeds in-flight noise standards and offers a 69 percent reduction in in-flight engine emissions; and

Whereas, These engines are widely used in the commercial sector, making repair and parts available worldwide; and

Whereas, The 940th ARW is the only air refueling wing positioned in the central west coast that is capable of conducting or hosting "bridge" refueling operations for global deployment of United States Armed Forces to the Pacific region; and

Whereas, Conversion to the KC-135R aircraft with the multiport refueling system would allow the 940th ARW to cost-effectively support United States Marine Corps and United States Navy aircraft that are based at El Centro, Lemoore, and Miramar, California, and at Fallon, Nevada, as well as other locations worldwide; and

Whereas, The 940th ARW has been moved from Mather AFB to McClellan AFB due to Base Realignment and Closure (BRAC); and

Whereas, Conversion to the KC-135R model engine would ensure that the 940th ARW remains a viable-force structure asset and would preserve, for the Department of Defense and the nation, the skills of its 950 members, including 185 full-time employees of the unit who live in the central valley, including Sacramento, El Dorado, Yolo, Yuba, Sutter, Placer, and San Joaquin Counties; and

Whereas, Conversion to the KC-135R model engine would protect the 940th ARW's $22,000,000 contribution to the local economy in the form of maintaining salaries and operating expenses; and

Whereas, The 940th ARW creates an estimated 300 secondary jobs; and

Whereas, The loss of the 940th ARW would have a significant negative impact on the region's economy; and

Whereas, Resource limitations may not allow the United States Air Force Reserve to fund the conversion of both of its remaining KC-135E units to the KC-135R aircraft, since the Air Force Reserve Command has earmarked funding for the conversion of four additional aircraft, but has not decided which of the two remaining KC-135E model units will be converted; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes the President and the

Congress of the United States to endorse, support, and fund the 940th ARW as the next KC-135 unit to convert to KC135-R model aircraft, because that conversion would ensure that the 940th ARW remains a relevant, capable, and necessary part of the United States Air Force mission in the 21st century and a viable and productive asset to the Department of Defense, the State of California, and the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to each member of the Senate Armed Services Committee and the House Veterans Affairs Committee.

POM-527. A resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

Assembly Joint Resolution No. 63

Whereas, The Elk Hills Naval Petroleum Reserve contains within it two sections of school lands and, upon sale, the value of the school lands is to become available to the State of California for the purposes of retired teacher benefits; and

Whereas, The federal government, in the 1996 Defense Authorization Act, recognized and provided a means to adjudicate California's claim to revenues from the sale of the Elk Hills Naval Petroleum Reserve; and

Whereas, The State of California, through the Governor and the Attorney General, have complied with all requirements and have reached agreement with the federal government on the state's claim; and

Whereas, The agreement between the Secretary of Energy and the State of California, pursuant to the 1996 Defense Authorization Act, provides that 9 percent of the net sale value will be used for California; and

Whereas, The sale has been completed and approximately three hundred twenty million dollars ($320,000,000) is the state's 9 percent share; and

Whereas, The funds received from the sale of the Elk Hills Naval Petroleum Reserve will be used to provide retirement benefits to those teachers who have lost most of the value of their pension to inflation; and

Whereas, These teachers are mainly over 80 years old and have the lowest pensions from the State Teachers' Retirement System; and

Whereas, The federal government and the President have included, within the 1999 fiscal year budget proposals, the sum of thirty-six million dollars ($36,000,000) as the first payment pursuant to the agreement; and

Whereas, The State of California believes that the appropriation should be made and honored at the earliest date possible; now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to approve the appropriation included in the 1999 fiscal year proposed energy appropriation in the bill appropriating funds for the support of the Department of the Interior; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-528. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to an amendment to the Constitution of the United States regarding term limits; to the Committee on the Judiciary.

POM-529. A resolution adopted by the House of the Legislature of the State of Illinois; to the Committee on Labor and Human Resources.

House Resolution No. 505

Whereas, The United States General Accounting Office issued a report entitled, "Proprietary Schools: Millions Spent to Train Students for Oversupplied Occupations", claiming that an oversupply of cosmetologists exists; and

Whereas, In reality, a serious shortage of cosmetologists exists; hundreds of job opportunities in salons are not being filled, which has resulted in salon clients being turned away; and

Whereas, While compiling data for the report, the General Accounting Office did not talk to anyone in the private sector, including salon owners, trade schools, and state and national associations; and

Whereas, The report used statistics from state-level labor market data, which are inaccurate because employers and job seekers do not use unemployment offices, employees rarely use Labor Department offices, and employers use direct marketing and classified advertisements instead; and

Whereas, In counting available places for job openings, the General Accounting Office incorrectly counted each chain of stores as only one entity, when each of their multiple locations should be counted as a separate retail outlet to more accurately reflect the need to fill the multitude of openings that are immediately available; therefore, be it

Resolved, by the House of Representatives of the Ninetieth General Assembly of the State of Illinois, That we urge the U.S. Congress to insure that federal financial aid assistance continues for cosmetology training; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

POM-530. A resolution adopted by the House of the Legislature of the State of Illinois; to the Committee on Banking, Housing, and Urban Affairs.

House Resolution No. 547

Whereas, The United States' embargo against Cuba, imposed 35 years ago, has increasingly created physical hardships for the people of Cuba, depriving them of much needed food and medicines and exposing them, including the children, to the effects of malnutrition and other severe health concerns; and

Whereas, The recent visit to Cuba by Pope John Paul II focused world attention on the needs of the Cuban people and called for mutually beneficial reconciliation and the lifting of the United States' embargo against Cuba; and

Whereas, Many Cuban-Americans living in the United States as American citizens have families that are being subjected to these hardships and would want to help their families without breaking the laws of the United States; and

Whereas, The State of Illinois, a leader in education, commerce, agriculture, and technology, stands to benefit from the potential economic development and trade that could be established with the island nation of Cuba; and

Whereas, The Congress of the United States is currently considering HR 1951 and S 1391, which seek to lift the embargo against Cuba for the purpose of making available humanitarian aid in the form of food and medicines; therefore be it

Resolved, by the House of Representatives of the Ninetieth General Assembly of the State of Illinois, That we urge the passage and enactment of HR 1951 and S 1391 to lift the United States' embargo for humanitarian reasons and that the delivery of food and medicine to the Cuban people be allowed; and that such an adjustment in our foreign policy reflects America's humanitarianism that transcends political ideology; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and each member of the Illinois congressional delegation.

POM-531. A resolution adopted by the Legislature of the State of Illinois; to the Committee on Environment and Public Works.

House Joint Resolution No. 51

Whereas, The current State sales tax on coal burned in Illinois raises approximately $60 million dollars each year in revenue for the State; and

Whereas, Ninety percent of Illinois coal is purchased by the electric utility industry, and about one-half of the electricity used in the State comes from coal-burning plants; and

Whereas, The 1990 Federal Clean Air Act amendments have resulted in fuel switching from Illinois high-sulfur coal to western, low-sulfur coal to generate electricity; and

Whereas, The sale of Illinois coal has continued to decrease, due primarily to increased competition from western, low-sulfur coal, resulting in the loss of thousands of jobs directly related to coal mining; and

Whereas, Illinois coal is mined in 18 counties and accounts for as much as 16% of employment and 23% of personal income in individual counties; and

Whereas, The coal mining industry provides approximately 5,000 jobs and more than 17,000 spin-off jobs in the State; and

Whereas, Almost $800 million dollars has been spent on clean coal technology projects to expand the use of high-sulfur Illinois coal; and

Whereas, It is important to keep the Illinois coal industry competitive because coal is the State's most abundant and economically important natural resource; therefore, be it

Resolved, by the House of Representatives of the Ninetieth General Assembly of the State of Illinois, the Senate concurring herein; That a 12-member Task Force be formed to study the feasibility of eliminating the sales tax on Illinois coal; the Task Force shall consist of the Directors, or their designees, of the Department of Revenue and the Department of Commerce and Community Affairs; a member of the Illinois Coal Development Board (within the Department of Natural Resources); the President of the United Mine Workers; the Vice President of the Illinois Coal Association; one member from the Governor's office; 2 members appointed by the President of the Senate; 2 members appointed by the Speaker of the House of Representatives; one member appointed by the Minority Leader of the Senate; and one member appointed by the Minority Leader of the House of Representatives; appointments made by the General Assembly shall be made within 30 days after this Resolution is adopted; and be it further

Resolved, That the Task Force report its findings and recommendations to the General Assembly and the Governor no later than January 1, 1999; and be it further

Resolved, That suitable copies of this resolution be delivered to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, the Minority Leader of the Senate, and each member of the Illinois congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REED (for himself, Mr. D'AMATO, Mr. INOUYE, Mr. KERRY, Mr. TORRICELLI, and Mr. DODD):

S. 2436. A bill to require that jewelry imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

By Mr. REED:

S. 2437. A bill to require that jewelry boxes imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

By Mr. KENNEDY:

S. 2438. A bill to suspend until December 31, 2001, the duty on parts for use in the manufacture of certain high-performance loudspeakers; to the Committee on Finance.

S. 2439. A bill to suspend until December 31, 2001, the duty on certain high-performance loudspeakers not mounted in their enclosures; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 271. A resolution designating October 16, 1998, as "National Mammography Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. D'AMATO, Mr. INOUYE, Mr. KERRY, Mr. TORRICELLI, and Mr. DODD):

S. 2436. A bill to require that jewelry imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

LEGISLATION REQUIRING MARKING OF IMPORTED JEWELRY

• Mr. REED. Mr. President, today, I am introducing legislation to require permanent country of origin markings on most imported fashion or "costume" jewelry products. I am joined in this effort by Senator D'AMATO, who founded the Senate Jewelry Task Force with me, as well as Senators INOUYE, KERRY, TORRICELLI, and DODD, who I would like to thank for their strong support of the 16,200 Americans employed by our nation's fashion jewelry manufacturers.

Like many sectors of our nation's economy, domestic fashion jewelry manufacturers are all too familiar with the pressures of the new global economy. And, for many years, little attention was paid to the industry by our trade negotiators and other officials. Today, that is changing: The Commerce Department is working with our fashion jewelry makers and has undertaken a competitiveness study of the industry, and our trade negotiators now recognize the needs of America's jewelry manufacturers when they sit down with our trading partners.

Yet, the industry still faces an uphill battle against low-wage importers, who do not have to abide by appropriate environmental standards and other important U.S. laws. For that reason, we are introducing this legislation to require a permanent country of origin label on imported fashion jewelry products so American consumers know where it was made. This is the same labeling requirement we see on thousands of imported products from televisions to tennis shoes. Unfortunately, the current marking requirement for jewelry imports is a hanging tag or sticker, which can be removed, fall-off, or be obscured by price tags.

Consumers deserve better, and this legislation allows them to make an informed choice, in light of the $524 million worth of fashion jewelry imported in 1995 alone. Our bill is modeled on the current permanent marking requirement for imported Native American style jewelry products, and it is endorsed by the nation's largest jewelry trade organizations such as the Manufacturing Jewelers and Silversmiths of America and the Jewelers of America.

Mr. President, imported jewelry is a fact of our international economy, but consumers have a right to know where a product is made and hard working American jewelry makers have a right to a level playing field. I encourage my colleagues to support this legislation, and I look forward to its consideration by the Senate.

Mr. President, I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKING OF IMPORTED JEWELRY.

(a) MARKING REQUIREMENT.—By no later than the date that is 1 year after the date of enactment of this Act, the Secretary of the Treasury shall prescribe and implement regulations that require that all jewelry described in subsection (b) that enters the customs territory of the United States have the English name of the country of origin indelibly marked in a conspicuous place on such jewelry by cutting, die-sinking, engraving, stamping, or some other permanent method. The exceptions from marking requirements provided in section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) shall not apply to jewelry described in this section.

(b) JEWELRY.—The jewelry described in this subsection means any article described in heading 7117 of the Harmonized Tariff Schedule of the United States.

(c) DEFINITION.—As used in this section, the term "enters the customs territory of the United States" means enters, or is withdrawn from warehouse for consumption, in the customs territory of the United States.•

• Mr. D'AMATO. Mr. President, today along with my colleague Mr. REED of Rhode Island I introduce legislation that will require country of origin marking on imported costume jewelry in order to better inform American consumers about the country of origin of their costume jewelry purchases.

The jewelry industry in the U.S. consisted of more than 3500 companies and 55,000 American workers in 1994, with sales totaling in the billions of dollars annually. In 1977 imports of costume and fine jewelry were about 14% of the jewelry sales in the U.S. By 1994 the imported costume jewelry sales reached 26% of all costume jewelry sales, and 50% of all fine jewelry sales. This increase in imports led to a decline in employment in the U.S. jewelry manufacturing industry by 26%. Of course we all favor the advantages that come from foreign competition in the marketplace. And we also favor informed consumers.

Currently, imported jewelry is one of the few products that does not require a country of origin stamp. This bill will require imported costume jewelry to be stamped in English with the country of origin. This eliminates the problem of removal or loss of adhesive labels or tags that state the country of origin prior to reaching the retail store. In this way we respect the integrity of our American workers by removing any question as to the origin of any costume jewelry purchases. This bill is a reasonable and low-cost response that extends the country of origin marking law to cover a product that should be included.

With the increasing wealth of our country, the sales of jewelry are increasing and those who wish to know the country of manufacture of their jewelry will be easily satisfied by a simple stamp or imprint on these items. This jewelry should be subject to same rules as all other imports. The industry trade group, The Manufacturers, Jewelers, and Silversmiths of America, also support this bill. I urge my colleagues to support this bill as well.•

By Mr. REED:

S. 2437. A bill to require that jewelry boxes imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

LEGISLATION REQUIRING MARKING OF IMPORTED JEWELRY BOXES

• Mr. REED. Mr. President, today I am introducing legislation at the request of Rhode Island's jewelry box manufacturers to require a permanent country of origin marking on imported jewelry boxes.

This bill is similar to another piece of legislation I am introducing today to require a permanent country of origin label on imported fashion jewelry items, and it is my hope that this jewelry box bill will be considered in tandem with that legislation.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the RECORD I urge my colleagues to support this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKING OF IMPORTED JEWELRY BOXES.

(a) MARKING REQUIREMENT.—By no later than the date that is 1 year after the date of enactment of this Act, the Secretary of the Treasury shall prescribe and implement regulations that require that all jewelry boxes described in subsection (b) that enter, or are withdrawn from warehouse for consumption, in the customs territory of the United States have the English name of the country of origin indelibly marked in a conspicuous place on such jewelry boxes by cutting, die-sinking, engraving, stamping, or some other permanent method. The exceptions from marking requirements provided in section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) shall not apply to jewelry boxes subject to this section.

(b) JEWELRY.—The jewelry boxes referred to in subsection (a) are jewelry boxes provided for in headings 4202.92.60, 4202.92.90, and 4202.99.10 of the Harmonized Tariff Schedule of the United States.●

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 374

At the request of Mr. ROBB, the names of the Senator from Connecticut (Mr. DODD), the Senator from Maine (Ms. COLLINS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. DURBIN), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 374, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 1593

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1593, a bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Kansas (Mr. ROBERTS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2208

At the request of Mr. FRIST, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2208, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 2219

At the request of Mr. KERREY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2219, a bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation districts in the State of Nebraska.

S. 2244

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2244, a bill to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.

S. 2266

At the request of Mr. THURMOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2266, a bill to amend the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 to exempt State and local agencies operating prisons from the provisions relating to public services.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2352

At the request of Mr. LEAHY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2352, a bill to protect the privacy rights of patients.

S. 2432

At the request of Mr. JEFFORDS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

SENATE RESOLUTION 270

At the request of Mr. FRIST, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of Senate Resolution 270, a resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Air Line Pilots Association and Northwest Airlines.

AMENDMENT NO. 3445

At the request of Mr. DODD the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 3445 proposed to S. 2132, an original bill making appropriations for the Department of Defense for fiscal year ending September 30, 1999, and for other purposes.

SENATE RESOLUTION 271—DESIGNATING OCTOBER 16, 1998, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 271

Whereas according to the American Cancer Society, in 1998, 178,700 women will be diagnosed with breast cancer and 43,500 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination (BSE), reducing mortality by more than 30 percent; and

Whereas 47 States and the District of Columbia have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 16, 1998, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. BIDEN. Mr. President, I rise today to submit a resolution to designate October 16, 1998 as "National Mammography Day." Since 1993, I have introduced similar measures, and each year the Senate has gone on record in support of the value of mammography by approving this resolution.

The American Cancer Society estimates that 178,700 women will be diagnosed with breast cancer in 1998, while 43,500 women will eventually succumb to the disease this year. However, despite these horrifying numbers, the cure for breast cancer continues to allude us.

Experts therefore agree that early detection and treatment are a woman's best defenses in the fight against this killer. Mammograms can reveal the presence of small cancers up to 2 years before regular clinical breast examinations or breast self-examinations [BSE], reducing mortality by more than 30 percent.

Mr. President, the resolution I am submitting sets aside one day in the midst of "National Breast Cancer Awareness Month" to encourage women to receive or sign up for a mammogram. In doing so, we can educate our nation's mothers, sisters, and friends on the importance of early detection through mammography and prevent more women from dying from this disease. I sincerely hope my colleagues will join me in recognizing mammograms as a key element in the fight against breast cancer.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

KENNEDY AMENDMENT NO. 3540

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the "Fair Minimum Wage Act of 1998".

(b) MINIMUM WAGE INCREASE.—

(1) WAGE.—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.65 an hour during the year beginning on January 1, 1999; and

"(B) $6.15 an hour during the year beginning on January 1, 2000.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on January 1, 1999.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "The Safety of Food Imports: Fraud and Deception In The Food Import Process." This hearing is the third in a series of hearings the Subcommittee has scheduled as part of an in-depth investigation into the safety of food imports. The upcoming hearing will address specific fraud and deceptive techniques used by unscrupulous individuals to import food products illegally into the United States.

This hearing will take place on Thursday, September 10, 1998, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the Subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in Executive Session during the session of the Senate on Thursday, September 3, 1998, to conduct a mark-up of H.R. 10, the Financial Services Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMIMTTEE ON FINANCE

Mr. LOTT. Mr. President, Finance Committee requests unanimous consent to conduct a hearing on Thursday, September 3, 1998 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 3, 1998, at 10 a.m. for a hearing on the nominations of Patricia Broderick, Neal Kravitz, and Natalia Combs Greene to be Associate Judges of the D.C. Superior Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 3, 1998 at 10:30 a.m. in room 226 of the Senate Hart Office Building to hold a hearing on: "U.S. Counter-Terrorism Policy."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Thursday, September 3, 1998, at 10 a.m. in open session, to receive testimony on Department of Energy low level waste disposal practices.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NEW WISCONSIN SAGE SCHOOLS

• Mr. FEINGOLD. Mr. President, as children around the country head back to school this week, I come to the floor to speak about 44 Wisconsin schools with an extra reason to be excited on their first day of school this year. The students, teachers and parents at these 44 schools are excited because they are now participants in Wisconsin's successful pilot program, the Student Achievement Guarantee in Education, known as the SAGE program. These 44 schools deserve congratulations and I want to recognize some of them here today on the Senate floor.

New SAGE participants include Giese Elementary School in Racine, McKinley Elementary School in Kenosha, Allen-Field Elementary School in Milwaukee, Chegwin Elementary School in Fond du Lac and many, many, more.

The new SAGE schools are spread throughout Wisconsin from LaCrosse in the east, to Sheboygan in the west, Ashland in the north and Madison in the south. They include schools in Wisconsin's most populous areas, such as, Milwaukee, Madison, Racine and Waukesha, and also, the rural communities of Winter, Kickapoo and Baraboo.

Mr. President, Wisconsin's SAGE program is a model for the nation in how to implement successful education reforms in our public schools, most importantly, reducing public school class size. I congratulate those in Wisconsin that have made the SAGE program possible for these additional twenty schools and take this opportunity to again alert my Senate colleagues to Wisconsin's innovative SAGE program.

Mr. President, for many years now, I have been a strong advocate of federal support for states that are trying to reduce class size in their schools. I have witnessed first-hand, how reducing class size enhanced the overall quality of education in Wisconsin's SAGE classes. Those participating in SAGE, teachers, parents, students and school administrators, report that student academic performance, student behavior and teacher morale all improved. In addition, comprehensive evaluations of Wisconsin's SAGE program have confirmed that small class size promotes effective teaching and learning.

Leading scientific studies of the impact of small class size, including Tennessee's STAR study and its follow-up, the Lasting Benefit study, found that students in small classes in their early years earned higher scores on basic skills tests in all four years and in all types of schools. Follow-up studies have shown that these achievement gains were sustained in later years, even if students go on to larger classes. Along with important factors in quality education like teacher quality, high expectations, and parental involvement, the significance of small class size should not be underestimated and cannot be ignored.

When asked about her experience as a kindergarten teacher at Webster Stanley Elementary School in Oshkosh, a new SAGE school, Lauren Flanagan said she noticed that she could visit with each table more frequently and the children listened and learned more readily. In addition, she said about the SAGE program, quote, "It just makes such a difference. I had a chance to visit schools around the state participating in the SAGE program, and what I observed is that they were much further along in their curriculum. The students were much more advanced." end quote.

Mr. President, I have been so impressed with the success of the SAGE program that I introduced the National SAGE Act, legislation to offer grants to qualifying states to assist them in reducing public school class size in the earliest grades. The National SAGE Act authorizes $75 million over five years to fund a limited number of demonstration grants to states that create innovative programs to reduce public school class size and improve educational performance, as Wisconsin has done. The Secretary of Education would choose the states to receive funding based on several factors, including a state's need to reduce class size, the ability of a state education agency to fund half the program, and the degree to which parents, teachers, administrators, and teacher organizations are consulted in designing the program.

The National SAGE Act is fully offset by cuts in a wasteful and unnecessary federal subsidy that benefits research and development for the world's largest aircraft manufacturer. We can fund this important SAGE program, while simultaneously reducing the federal budget deficit by more than $2.1 billion over five years.

My legislation also includes a comprehensive research and evaluation component that would document the benefits of smaller class size in the earliest grades, and support efforts to reduce class size in schools all over the country.

I think we all can agree that there are no easy solutions to the problems in our public schools. I believe, however, that targeting federal funds, matched on a 50-50 basis with state funding, to assist school districts moving toward smaller class size, is an effective use of federal dollars. The federal government, in cooperation with local school boards and state governments, has a responsibility to take positive steps toward helping school districts reduce class size as a part of an overall effort to improve student learning. As we near the end of the 105th Congress, I hope my Senate colleagues will embrace SAGE as a serious and exciting reform effort and act to assist states trying to reduce public school class size.

Again, congratulations to the twenty new Wisconsin SAGE schools—you are off to a great start for a successful school year.•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 2, 1998, the federal debt stood at $5,566,129,223,474.84 (Five trillion, five hundred sixty-six billion, one hundred twenty-nine million, two hundred twenty-three thousand, four hundred seventy-four dollars and eighty-four cents).

One year ago, September 2, 1997, the federal debt stood at $5,424,369,000,000 (Five trillion, four hundred twenty-four billion, three hundred sixty-nine million).

Five years ago, September 2, 1993, the federal debt stood at $4,399,264,000,000 (Four trillion, three hundred ninety-nine billion, two hundred sixty-four million).

Ten years ago, September 2, 1988, the federal debt stood at $2,605,115,000,000 (Two trillion, six hundred five billion, one hundred fifteen million).

Fifteen years ago, September 2, 1983, the federal debt stood at $1,358,215,000,000 (One trillion, three hundred fifty-eight billion, two hundred fifteen million) which reflects a debt increase of more than $4 trillion—$4,207,914,223,474.84 (Four trillion, two hundred seven billion, nine hundred fourteen million, two hundred twenty-three thousand, four hundred seventy-four dollars and eighty-four cents) during the past 15 years.•

NASHVILLE PILOTS COMPLETE HISTORIC JOURNEY

• Mr. THOMPSON. Mr. President, I want to share with the Senate a courageous story about two female Tennesseans who recently succeeded in their quest to retrace a historic flight around the world.

Nikki Mitchell and Rhonda Miles landed their single-engine Maule M-5 plane at the Lebanon, Tennessee airport on Saturday, August 22, 1998. Their trip, dubbed the "Bridge of Wings Tour," was completed 49 days after they took off from the same airport.

Their flight commemorates the historical achievement of three female Russian pilots. That journey, known as the "Flight of the Rodina," was a story of courage and stamina in the tradition of Lindbergh and Earhart. It took place in 1938, when the three Russians flew non-stop from Moscow to the southeastern tip of Siberia.

The Russian pilots flew with virtually no radio transmission, through skies so overcast no landmarks were visible, yet they broke a world record and opened up the route across Siberia. They were cheered worldwide and received their country's highest award, the Gold Star of Hero of the Soviet Union.

Sixty years later, Nikki and Rhonda celebrated the accomplishments of the Rodina on the anniversary of its flight. A portion of their 15,000 mile trip included retracing the steps of the three Soviet women from Moscow to the southeastern tip of Siberia. And for this leg of the route they were joined by two Russian women who flew their plane side by side with the American aircraft in a unified flight of honor and goodwill.

As they flew over Russian territory, Nikki and Rhonda were met by crowds and cheers in villages across the Russian Far East. The level of excitement was such that a commercial airline canceled a flight so its fuel could be used for the continuation of their flight.

Before returning to Tennessee, Nikki and Rhonda were also warmly welcomed in Alaska, Canada, and Des Moines, Iowa. It goes without saying that upon arrival in Lebanon, Tennessee, they were given a welcome fit for heroes.

Nikki and Rhonda, dressed in blue flight suits and holding flowers, couldn't contain their excitement as they stepped out of the plane. Nikki showed how happy she was to be back in the Volunteer State by immediately kissing the Tennessee soil. Also thankful to be home, Rhonda could not stop smiling as friends rushed to greet her.

Mr. President, I know my colleagues in the Senate join me in saluting Nikki and Rhonda for their courageous journey. These Tennesseans have recreated one of history's most daring and remarkable flights. Their trip will always be remembered as an international effort to honor one of aviation's most exciting moments. I have no doubt that the example set by these women will inspire others to strive toward achieving their own ambitions and goals.●

INTERNATIONAL MONETARY FUND

● Mr. KYL. Mr. President, yesterday, I led an effort during consideration of the FY99 foreign operations appropriations bill to tighten the conditions under which additional funding is made available to the International Monetary Fund (IMF).

Although the bill included provisions to prod the IMF into making badly needed reforms of its operations, it stopped short of actually requiring the implementation of those reforms. Instead, it merely conditioned the release of funds on the IMF making a public commitment to reform. That, in my view, was not good enough.

The IMF has not effectively used the funds that have been allocated to it in the past. According to Johns Hopkins University economist, Steve Hanke, few nations have actually graduated from IMF emergency loans. Most have stayed on the dole for years on end. One study found that, of the 137 mostly developing countries from 1965 to 1995, less than a third graduated from IMF loan programs.

The Heritage Foundation has found that, of the IMF's borrowers during 1965 to 1995, no more than half were better off than when they started the loan programs. Almost all were actually poorer, and almost all were deeper in debt.

The IMF's failures are apparent even today. Just a few months ago, the IMF orchestrated a $22.6 billion bailout package for Russia, yet that country's economy shows no signs of improving. In fact, it is growing worse every day. And all of the experts agree that, unless Russia establishes the kind of rules of law required for a functioning economy, all the money in the world will not help it. We would be fooling ourselves to think otherwise.

Although my amendment failed on a vote of 74 to 19, I am heartened by two things. First, we won more votes for effective IMF reform yesterday than we did when the question was first put to the Senate back in March. And second, the issue is far from settled in the House, which has been more skeptical of providing the IMF with any additional resources. In other words, this issue is far from settled, and my hope is that the final version of the foreign operations bill will either include the more effective reforms I have proposed, or will scale back IMF funding altogether.

FY99 FOREIGN AID SPENDING

Mr. President, pending a final resolution of the IMF issue, I think it is important to consider what else is accomplished by this bill, because there are some very good things about it. First, I would note that the cost of the bill, aside from the IMF, is nearly $600 million, or 4.5 percent, less than last year's measure. That is significant.

Second, this bill contains $2.94 billion in aid to Israel: $1.08 billion in economic assistance and $1.86 billion in military assistance. I would note that this amount is $60 million less than was appropriated for Israel last year, and it is consistent with the United States' agreement with Israeli Prime Minister Benjamin Netanyahu to phase out U.S. economic assistance to Israel over ten years. These funds are crucial to ensuring that Israel's economic and security concerns continue to be adequately addressed.

The level of support for Israel that is contained in this bill sends a clear message to the people of Israel and the world that the world's greatest democracy remains committed to supporting the only democracy in the Middle East, a critical ally that supports American values and interests in a critical region.

Third, the bill contains other provisions that I believe will serve to protect our values and interests in the Middle East. For example, the bill makes clear that the Palestine Broadcasting Corporation is an organization that restricts fundamental press freedoms and broadcasts material that is inimical to U.S. interests, and is therefore unworthy of U.S. assistance.

Fourth, the legislation includes an amendment offered by the Majority Leader—an amendment I cosponsored—that will provide $10 million to support the Iraqi opposition. Saddam Hussein's recent decision to halt all cooperation with U.N. arms inspections and recent revelations that Iraq had developed the capability to load deadly VX nerve gas in missile warheads is a reminder of the continuing threat posed by this rogue regime to U.S. forces and friends in the region. The additional funding in this bill is intended to reinvigorate the Iraqi opposition as part of an overarching strategy that is aimed at replacing the current government in Iraq.

Fifth, the bill provides clear and strong support for the Agency for International Development's efforts to ensure that the countries of the former Soviet Union develop effective legal systems capable of addressing the many challenges facing these states as they continue to build stable democratic societies. One area of particular concern is the troubling amount of domestic violence in Russia. This bill makes clear that the active support of women's crisis centers in Russia should be a priority.

Additionally, the bill makes clear that no funds should be provided to Russia if the government of Russia implements any statute, executive order, or regulation that would discriminate against religious groups or communities in Russia.

Sixth, I am pleased that this bill conditions assistance to Russia on Moscow's termination of financial and technical support for Iran's nuclear program. Iran's ongoing efforts to acquire nuclear weapons are a threat to our security; it would be the height of irresponsibility to send American taxpayers' dollars to a country that is assisting a rogue state such as Iran in developing these dangerous weapons.

Along similar lines, the bill wisely restricts aid to North Korea unless the President can certify that it has ceased its efforts to develop nuclear weapons and that it has also stopped assisting the ballistic missile programs of states that support terrorism.

Seventh, the bill takes steps to ensure that American interests in Central Asia are protected. In the next few years, a massive pipeline will be built to transport the vast oil and natural gas resources of the Caspian Sea region to the Mediterranean sea for export to the West. The bill states that an East-West pipeline that travels through Turkey—as opposed to a Northern pipeline through unstable regions of Russia—will provide a secure energy transport system that will support stability and democracy in the region.

CONCLUSION

Mr. President, given that the IMF issue has yet to be resolved—House approval is tenuous at best—I ultimately based my vote on the initial version of the FY99 Foreign Operations bill on the balance of factors I have just discussed. Should it turn out that the IMF funding is ultimately included, particularly without a mechanism for ensuring the implementation of effective reforms of the way the international agency does business, I may well reassess my vote on the final conference report. For now, I am supporting the bill.

TRIBUTE TO PROFESSOR CHARLES ALAN WRIGHT

● Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to a man for whom I have great respect; a man who inspired and taught me while I attended the University of Texas Law School. I am speaking of Law Professor Charles Alan Wright. Today is Charles Alan Wright's birthday. Charles Alan Wright is one of the most distinguished constitutional authorities in the country, a champion for racial justice, and the model of what a great lawyer should be. For more than forty years he has shaped and influenced generations of Texas lawyers while teaching at the UT Law School, including myself. Professor Wright also does not shy from a challenge. He has argued twelve times before the Supreme Court, winning most of his cases, some of them landmark decisions. As an author, Professor Wright has written one of the most definitive texts in the arena of law, Federal Practice and Procedure, cited by many as the bible for federal judges. His pursuit of professional excellence is mirrored by his righteous courage, having fought for desegregation and to put an end to racial intolerance.

I would like to quote from the Austin American-Statesman: "For Wright's accomplishments in the legal field, his country thanks him. For his sterling record as a professor, the university and its graduates thank him. For his personal courage in opening minds, all Austin should thank him." Happy Birthday Charles and thank you. I ask that the Sunday, June 21, 1998, Austin American-Statesman editorial paying tribute to Charles Alan Wright be printed in the RECORD.

The editorial follows:

[From the Austin American-Statesman June 21, 1998]

A SCHOLAR AND A LEADER

Charles Alan Wright is lucky enough to live in interesting times and smart enough to make the most of it.

A profile of this towering scholar and professor at the University of Texas law school in today's editions by American-Statesman reporter Mary Ann Roser is a testament to his presence on campus and in the world at large.

Wright has made an indelible imprint on the law school, an institution he helped raise in stature in his tenure of more than 40 years. And his impact in the legal profession will be just as lasting, as his multi-volume bible of federal court procedures, Federal Practice and Procedure, attests.

Wright joined the law school faculty in 1955 and made an immediate impression. From intramural football to the controversial defense of President Richard M. Nixon in the Watergate scandal, Wright has been involved both in the school and in the life around him. As he is today as a member of the legal team appealing the Hopwood decision by the federal court of appeals.

Wright brought status and stature to the UT School of Law. His high profile and prestige certainly helped attract the faculty that has kept the law school in the top rank in the country.

Wright will always be known for his work with the Nixon defense team during the Watergate years and for his involvement with the prestigious American Law Institute, for which he served as president and vice president.

Those intimate with the legal profession are impressed, too, that three U.S. Supreme Court justices have appointed him to the Standing Committee on Rules of Practice and Procedure of the Judicial Conference. He served the conference from 1964 to 1993.

But Wright's personal courage in challenging this community's racial intolerance in the early years of desegregation illuminates Wright the man as much as his many professional accomplishments burnish Wright the constitutional scholar.

He fought personally to desegregate the private church school his daughter attended, to desegregate the private clubs and institutions on the University of Texas campus and to spread the message of racial tolerance throughout the community.

For Wright's accomplishments in the legal field, his country thanks him. For his sterling record as a professor, the university and its graduates thank him. For his personal courage in opening minds, all Austin should thank him.●

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of Robert H. Maxwell, of Mississippi, to serve a one-year term on the Coordinating Council on Juvenile Justice and Delinquency Prevention.

ORDERS FOR FRIDAY, SEPTEMBER 4, 1998, AND TUESDAY, SEPTEMBER 8, 1998

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, September 4, for a pro forma session only. I further ask that the Senate then stand in recess until 10:30 a.m. on Tuesday, September 8. Further, I ask unanimous consent that when the Senate reconvenes on Tuesday, immediately following the prayer, there be a period of morning business until 12:30 p.m., divided among several Members as follows: The time from 10:30 to 11:30 a.m. under the control of Senator DASCHLE or his designee, the time from 11:30 a.m. to 12:30 p.m. equally divided between Senators HATCH and GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I further ask unanimous consent that on Tuesday the Senate stand in recess from 12:30 until 2:15 p.m. to allow the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, finally, I ask unanimous consent that the cloture votes with respect to the motions to proceed to the missile defense bill and the Consumer Bankruptcy Protection Act occur on Wednesday, September 9, under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COATS. Mr. President, for the information of all our colleagues, the Senate will meet tomorrow at 10 a.m., but for a pro forma session only. The Senate will then reconvene on Tuesday, September 8, at 10:30 a.m. During Tuesday's session, the Senate will be in a period of morning business until 12:30 p.m. and then recess until 2:15 p.m. to accommodate the weekly policy luncheons. Following those luncheons, it is the leader's intention for the Senate to begin consideration of the Interior appropriations bill. The Senate may also consider any other legislative activity or executive items cleared for action. Members are therefore reminded that rollcall votes could occur during Tuesday's session, and an announcement will be made when a voting schedule becomes available.

RECESS UNTIL 10 A.M. TOMORROW

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:24 p.m., recessed until Friday, September 4, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 3, 1998:

FEDERAL LABOR RELATIONS AUTHORITY

JOSEPH SWERDZEWSKI, OF COLORADO, TO BE GENERAL COUNSEL OF THE FEDERALLABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

NATIONAL SCIENCE FOUNDATION

PAMELA A. FERGUSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL SCIENCEBOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2004, VICESHIRLEY MAHALEY MALCOM, TERM EXPIRED.

ANITA K. JONES, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL SCIENCEBOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2004, VICEF. ALBERT COTTON, TERM EXPIRED.

ROBERT C. RICHARDSON, OF NEW YORK, TO BE A MEMBER OF THE NATIONALSCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10,2004, VICE JAMES L. POWELL, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATESCOAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) THOMAS J. BARRETT, 7105
REAR ADM. (LH) JAMES D. HULL, 9426
REAR ADM. (LH) JOHN F. MCGOWAN, 5400
REAR ADM. (LH) GEORGE N. NACCARA, 7780
REAR ADM. (LH) TERRY M. CROSS, 4308

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

To be lieutenant commander

JOSEPH E. VORBACH, 4634

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE AIR FORCE RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LARRY V. ZETTWOCH, 7095

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY RESERVE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203(A), 12204(A)(1) AND (2), AND 12207:

To be colonel

CARL W. HUFF, 3077

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT D. ALSTON, 8731
DAVID J. BARISANO, 7681
ROBERT F. BISCHKE, 2598
JAMES G. CHAMPION, 8508
EDWARD DAILY JR., 8408
MATHEW J. DEW III, 1377
LINDA R. DONOHUE, 1681
ROBERT E. FISHER, 2763
WILBUR E. GRAY, 3393
JEAN A. HALPERN, 0799
BILLY J. HUTTON JR., 8422
MICHAEL D. KROUSE, 9789
JOSEPH A. MATCZAK, 0877
WILLIAM L. MC KNIGHT, 8245
TERRY L. MELTON, 6171
JOHN B. MILLER, 7812
JAMES E. NORTON, 1054
DONALD J. ODERMANN, 4197
JAMES J. OLSON, 7942
RICHARD L. PUGLISI, 1380
CRAIG L. SCHUETZ, 9632
JOSEPH T. SMOAK JR., 5173
RONALD D. SPEARS, 8460
MICHAEL C. STERLING, 0501
DONALD K. TAKAMI, 3948
JODI S. TYMESON, 7585
MICHAEL J. WILLIAMS, 4560
PATRICK D. WILSON, 7162
EARL R. WOODS JR., 8029

SENATE—*Friday, September 4, 1998*

(Legislative day of Monday, August 31, 1998)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

RECESS UNTIL 10:30 A.M., TUESDAY, SEPTEMBER 8, 1998

The PRESIDENT pro tempore. Under the previous order, the Senate will stand recessed until 10:30 a.m., Tuesday, September 8, 1998.

Thereupon, the Senate at 10 o'clock and 22 seconds a.m. recessed until Tuesday, September 8, 1998, at 10:30 a.m.

SENATE—*Tuesday, September 8, 1998*

(Legislative day of Monday, August 31, 1998)

The Senate met at 10:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we fall on the knees of our hearts. You are our righteous, holy Father. You have given us Your absolutes in the Ten Commandments. Without these absolutes, the fiber of our culture becomes torn and loses its strength. The greatness of our Nation is rooted in faith and obedience to Your sovereignty. Yet, each generation has had to make its own commitment to You. Renewing our dedication to You is a daily discipline we dare not neglect.

Bless the Senators and all of us who are privileged to work with them with an acute awareness of Your evaluation of all that we say and do. We report to You. That is why we need Your grace when we miss the mark and Your courage to make each day a new beginning. Most of all, we want to be faithful to You and to Your values. You do not change; You are our solid Anchor in the storms of life. Thank You for giving us the power to change and to be all You meant us to be. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, last week, the Senate made good progress, and I want to express my appreciation for the cooperation. We did pass the military construction appropriations conference report, the first appropriations conference report of the year. We also completed action on two other appropriations bills, the foreign operations appropriations bill and the Treasury-Postal Service. In addition to that, we completed action on the Texas Compact legislation and got started on debate on bankruptcy reform. So I think we made good use of our time. There were also some very interesting hearings that occurred last week. I hope we can continue that pace this week.

We will have a period of morning business until 12:30 today. Following morning business, the Senate will recess until 2:15 to allow for the weekly party caucuses to meet. When we reconvene after the party caucuses, it is my intention for the Senate to begin consideration of the Interior appropriations bill. That will be the 11th appropriations bill to be considered for the year, leaving only D.C. appropriations and the Labor, HHS and Education appropriations bill. We have not quite a month, but we only have the three remaining bills to get done. With a little cooperation, we can complete them. Hopefully, we will begin to see two or three conference reports cleared each week for the balance of this month.

Members are encouraged to come to the floor and offer amendments if they have amendments on the Interior appropriations bill so that we can have debate and votes and make substantial progress on it. We would expect to have rollcall votes this afternoon and into the evening, perhaps, on the Interior bill amendments or any legislative or executive items that may be cleared.

Also, as a reminder to all Members, there will be two cloture votes on Wednesday. The first will be on national missile defense. We voted on this a few months ago. Cloture failed by just one vote. I believe, in view of what has been happening around the world—the uncertainty in Russia, the actions by North Korea, and the problem in Iraq—for us not to have a national missile defense, to not have a plan, to not have commitment, is indefensible. I would not want to be on record as not supporting this. The American people expect it of us. If we don't act now, the year 2010 will come and we still will not have a missile defense. With a lot of dangerous people, chances of rogue or accidental launch is there. We should not take it for granted.

After we vote on cloture and hopefully complete action on the national missile defense bill, we will then turn to the Consumer Bankruptcy Protection Act. We hope we will get cloture on that. Because of objections from Senator KENNEDY of Massachusetts, we had to file cloture on a motion to proceed. If we get cloture on that, then we would move immediately to cloture on the bill itself, if necessary. But I hope we get cloture on the motion to proceed. Then we can work out a way to consider this legislation and Senators would have a chance or chances to offer amendments, if they would like to.

This could be a busy week. It could be a productive week. We also will probably file cloture sometime this week, perhaps Wednesday, on the child custody bill, but we will make that decision as we see how the week is proceeding and progressing. We will make that call probably Wednesday.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Under the previous order, there will now be a period for the transaction of morning business.

WEAPONS INSPECTIONS IN IRAQ

Mr. THURMOND. Mr. President, last Thursday the Armed Services and Foreign Relations Committees held a joint hearing to hear testimony from a courageous and dedicated American—Major Scott Ritter. Major Ritter began his opening statement by saying,

> Last week I resigned my position with UNSCOM out of frustration because the U.N. Security Council, and the United States, as its most significant supporter, were failing to enforce the post-Gulf War resolutions designed to disarm Iraq. I sincerely hope that my actions might help to change things . . .

For nearly three hours, Major Ritter responded to Senators' questions, describing how U.S. policies in support of United Nations Security Council resolutions were not being honestly implemented. He also expressed his views regarding the dangers associated with Iraq's continuing pursuit of weapons of mass destruction and how this Nation's victory in the Persian Gulf war was being squandered.

Major Ritter served as an intelligence officer in the Marine Corps during the Persian Gulf War to liberate Kuwait from Iraq. He became a United Nations inspector in 1991 and acted under international law created by the United States and the United Nations. His job as an inspector was to plan and conduct inspections to eliminate illegal weapons of mass destruction in Iraq. Major Ritter was deeply dedicated to his duties. He explained that his duty as a weapons inspector represented a vital continuation of what many Americans had fought and died for during the Gulf War. Finding and destroying these dangerous weapons is critically important to the United States and our allies. These weapons of mass destruction could one day be used again by Saddam Hussein to attack his neighbors, dominate the region and threaten vital interests of the United

States. Major Ritter was dedicated to reducing the threat from such weapons. He earned a reputation as a tough, demanding inspector. Saddam Hussein feared his perseverance and tried to get him removed from UNSCOM and Iraq. I regret that he has resigned. I felt better knowing Major Ritter was on the job. However, Major Ritter found that he was repeatedly and systematically hindered from performing his duties. The very laws he was asked to enforce were not now being supported by the U.N. Security Council nor his own government.

Major Ritter's resignation from his position as an UNSCOM inspector was a selfless and patriotic act. However, his resignation and the reason for his resignation deserve our immediate attention and action. I hope that his personal sacrifice will spur the Congress and the Administration to act with the same courage and urgency as Major Ritter.

During the hearing, Major Ritter was asked all the most difficult questions to challenge his judgment and veracity. His challengers were unsuccessful. He simply told the truth, and the truth is a National embarrassment. Although Major Ritter had the courtesy not to say it, his message was clear. "Congress, I have done my job. It is now time to do yours." Our job in Congress requires the same courage Major Ritter displayed last week and for the past nine years as a weapons inspector for the United Nations. I am deeply disappointed that such a brave and bright young American was forced into choosing to resign from his duties because of his principles. His actions clearly send us a message. "This Nation's actions must be consistent with its policies."

I believe that our Nation and the world are far less safe as a result of Saddam Hussein's programs of weapons of mass destruction. We must insist that UNSCOM be allowed to do its job. We in government must say what we mean, and do as we say. We have not been doing this recently in our foreign and national defense policies.

Mr. President, it is now Congress' responsibility to ensure that this happens.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I understand that my Democratic leader has time, and I wish to use some of that time.

The PRESIDING OFFICER. Under the previous order, we are in morning business until 12:30. The Democrat leader has time until 11:30 a.m.

Mrs. BOXER. Mr. President, I ask to address the Chamber without time restraint.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE AND PUBLIC MORALITY

Mrs. BOXER. Mr. President, I hope all my colleagues had a good Labor Day at home with their constituents. I want to say that I had the real pleasure of being with hundreds of people all over the great State of California with the Lieutenant Governor this Labor Day. And it was very uplifting to be with the people who are moving our country forward, because every day they get up and put one foot in front of the other, and they work, they take care of their families, and they build this country.

So it was, indeed, a very good day, and I think a day that gave a lot of us perspective as to why we are here and what our real interests should be in terms of making sure that this economic expansion continues, and that every child, regardless of station, has a chance at the American dream.

Mr. President, last week, Senator LIEBERMAN made a very thoughtful speech on the Senate floor in which he expressed his "deep disappointment and personal anger" concerning the President's improper behavior.

Senator LIEBERMAN then laid out the process by which the Senate can go on record in an official expression of disapproval.

When I was asked how I felt about that, I expressed agreement with Senator LIEBERMAN and with his understanding of the options that are before this body.

I would like to reiterate today what I have said about this matter since January. At that time I put my faith in the process, which I said would lead to the truth. The process is in fact leading to the truth, and the process is continuing.

In 1983, when I served in the House of Representatives, we had such a process in place when I voted to censure two colleagues—one a Democrat and one a Republican—for relationships that involved interns; we had a process in place in 1990, again, when a House colleague was reprimanded for his conduct.

Unfortunately, we did not have such a process in place in 1991, when a Supreme Court nominee was about to be confirmed with not so much as a look at allegations of sexual harassment. And in 1995, the integrity of the Senate process was being compromised to keep such charges by 18 women secret, rather than following the normal course of open public hearings. We also learned that the military routinely ignored similar complaints.

So despite the difficulty of all of those incidents—and they were all very difficult—I am proud that many women in Congress have worked to make sure that improper relationships in the workplace are no longer swept under the rug. We certainly know about the President's relationship. It was wrong. It was indefensible, and as Senator LIEBERMAN has said, the relationship was immoral. The President has now agreed with that assessment. I fervently wish he had seen it that way before the relationship started. And in any case, he should have taken responsibility much earlier.

This President has led us out of the worst recession since the Great Depression. He has led us to a balanced budget—the first one in 30 years. And in my home State we have seen 1.4 million new jobs, 100,000 new businesses, and a decline in crime of 28 percent.

I will always be grateful to the President for his visionary public policy in so many areas, and so will the people of California. I fervently hope that while the process moves forward we can continue to work with President Clinton to keep the country moving in the right direction. The people want us to do that, and I think we should do that.

I don't believe there are differences in this body about the immorality of the President's relationship with an intern.

As I said, the President himself agreed with Senator LIEBERMAN's comments.

We have a process in place to deal with the President's morality as it relates to an improper relationship. I would like to ask us today to also set our agenda to deal with public policy morality.

I want to explain what I mean by that.

Is it moral for an HMO to deny a child desperately needing care?

I spoke at a press conference the other day about one of my constituents, a little girl, who is undergoing chemotherapy treatment. She is very sick and she has severe nausea and vomiting from the procedure. The HMO denied the parents $54 for a prescription to take away her nausea and vomiting while the CEO of that company was drawing down tens of millions of dollars in salary. I don't think that is moral.

I want to see us pass a Patients' Bill of Rights with teeth in it to deal with that.

Is it moral that 14 children every day die from gunshot wounds in America? Fourteen children every day. Let's pass sensible gun laws that do not infringe on people's rights but make our country safer.

Is it moral not to fund three out of four approved NIH grants? That is what happens today. The NIH budget is squeezed. We need to do more. Our people are sick. They worry about cancer, Alzheimer's—all the diseases that plague us today. Let's double the Federal commitment to help research within the context of a balanced budget, and then tell our people we are doing all we can. That would be the moral thing to do.

Is it moral for special interests to give unlimited funds of money to a political campaign? We could stop that. Let's pass the McCain-Feingold campaign finance reform laws. That would help solve the problem.

Is it moral to have children attending schools where ceiling tiles fall on their heads?

I just visited such a school in Sacramento—an old school. I had to run out of there literally choking on the must and the mildew in the room. We need an education plan to help all of our children learn.

Is it moral to leave our kids at home in empty houses or to join gangs because they are so lonely after school? We know the juvenile crime rate goes just straight up like this after school, and we know that afterschool programs work. Let's pass a program at least to fund 500 of those afterschool programs.

So my point today is this: In the Senate and in our own way we must strive for private morality, and we also should strive for public morality.

Mr. President, we have so much work to do. But I know we can do good things for the people of this country if we have the will to move forward to address the many moral questions facing us—the moral questions on the private side, and the moral questions on the public side.

So, again, as we reflect on the situation as it confronts us, let's remember to do our best on both sides of the equation—private morality, absolutely; and public morality, absolutely.

Thank you very much, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Roberts). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the time until 12 o'clock will be under the control of the distinguished Senator from Utah, Mr. HATCH, and the distinguished Senator from Iowa, Mr. GRASSLEY.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Patricia Kramer, a congressional fellow in Senator GRASSLEY's office, be given floor privileges during the consideration of debate of S. 1301, the Consumer Bankruptcy Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER BANKRUPTCY REFORM ACT

Mr. HATCH. Mr. President, I rise today to again express my disappointment in the refusal of Members on the other side of the aisle to allow the Senate to proceed to S. 1301, the Consumer Bankruptcy Reform Act of 1998.

This is a very important piece of legislation, and it will be an enormous disservice to the American people if we fail to act on it this year. We all know the time is short and the schedule is very crowded in these last few weeks of the session. I just hope that, when the time comes, my colleagues on the other side will vote for cloture on the motion to proceed tomorrow and provide the Senate a fair chance to debate this much-needed legislation. In fact, I hope that they will waive their filibuster on the motion to proceed and will invoke cloture on the bill itself, if that is needed.

In recent years, personal bankruptcy filings have reached epidemic proportions in the United States. We simply cannot afford to continue down this path because excessive bankruptcy filings harm every one of us in America. Consumer bankruptcy ends up costing Americans almost $40 billion a year, or roughly $400 per household in this country. The negative repercussions associated with consumer bankruptcy go far beyond the debts owed to credit card companies and big businesses.

The reality is, contrary to what the critics of reform would lead us to believe, this issue profoundly impacts the average American. Bankruptcies end up harming small business owners, senior citizens who rely on rental income to supplement their retirements, and of course members of credit unions. Even the person who files for bankruptcy can end up being hurt. Some filers, victims of so-called "bankruptcy mills," are neither apprised of their options nor informed of the consequences of a bankruptcy filing. Ultimately, they suffer the consequences of having filed, when a better alternative may have been available to them.

This legislation is guided by two main principles: No. 1, restoring personal responsibility in the bankruptcy system; and, No. 2, ensuring adequate and effective protection for consumers.

There are individuals who can repay some of what they owe but, instead, choose to use—rather, "abuse"—the current bankruptcy system or laws to avoid doing so. The bankruptcy laws need to be reformed to prevent this from occurring. S. 1301 does this, while delicately safeguarding the bankruptcy system so that it can provide a "fresh start" to those who truly need it.

I note that according to statistics from the American Bankruptcy Institute, most States in this Union have seen a troubling rise in bankruptcy filings. This is at a time when our economy has been doing extremely well. While we must preserve bankruptcy for those who need it, as legislators we must recognize that there are some unscrupulous individuals who are able to repay some of what they owe but still use the current bankruptcy laws to avoid doing so. In fact, to go one step further, there are some people who can pay all of what they owe but opt out through the bankruptcy system because of current loopholes in the law itself.

This balanced legislation deserves to be considered. It is time for the Senate to act on this legislation. We should not derail the fair and balanced reforms proposed by this bill due to petty, partisan politics. I hope that my colleagues on the other side of the aisle will vote to allow the Senate to proceed to S. 1301 tomorrow. Furthermore, I hope once we proceed to the bankruptcy legislation, they will not prevent its passage by attempts to offer extraneous, politically motivated amendments, all of which we are used to at this time of the year but which I hope will not be the case on this particular bill, as important as it is. There will be no greater failure to discharge our duty as Senators if this legislation is held hostage for petty political purposes or the petty political politics of the few.

It is time to debate this bill, debate any relevant amendments, and it is time to vote on it. In the interests of all Americans and the future of our economy, we need to end these partisan efforts to delay consideration of this bankruptcy reform legislation. It is time to fulfill our commitment to the American people and end the abuse of the bankruptcy system and its attendant $400 tax on every American family.

Finally, I want to pay particular tribute to the distinguished Senator from Iowa who has handled this matter through the Subcommittee on the Courts and Administrative Oversight. He has brought it through the full committee and on to the floor of the Senate, with the help of some of the rest of us, but he has done a particularly good job on this bill.

Yes, there are things that perhaps need to be corrected and might need to be changed. Both Senator GRASSLEY and I have been open to changes and good ideas to improve this bill. And when and if we finally get to debate this bill, we will remain open to new ideas. But the fact of the matter is, it is very difficult to get a bill of this magnitude through without listening to everybody and paying attention to everybody's ideas. I think the distinguished Senator from Iowa has done an excellent job in doing exactly that. I am very proud of the work he has done. It is just typical of his service here in the Senate that he not only grabs the bull by the horns, but he gets it done and he does the things that really have to be done. He is a very valued member of the Judiciary Committee, and is certainly valued by me, personally. I just want him to know how much I appreciate the work he has done on this legislation.

There are others, as well, including the distinguished Senator from Illinois, on other side of the floor. I hope he will counsel the people on his side of the floor to quit playing games with this important bill. He has worked very hard on this bill as well and deserves a lot of credit for how far we have come on this. I hope that with the leadership of these two fine Senators, Members on both sides of the aisle will realize how important this legislation truly is. If we can get this up through cloture, I have no doubt this will pass overwhelmingly on the floor because it is that important. It is that well done. It has the kind of backing that really it needs from the people at large in the country, on all sides of the spectrum. It is the type of legislation where literally all of us can go home and say we did the right thing.

There is no question that we have to go to conference should we pass this bill. Hopefully, through that process, we can perfect both the House bill and this bill even more than we have right now. But the fact is, these leaders on the committee have done a very, very good job in getting it to this point, and I compliment them for it.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume. I thank the Senator from Utah, the chairman of the Senate Judiciary Committee, not only for the kind remarks he made about my participation in this process on the bankruptcy law, but also to say that it would not have been possible to get it out of the Judiciary Committee without some compromises, which he helped shape in the process, and also in making it a better bill as well. So this is a cooperative effort not only in the subcommittee, but also at the full committee level. The 16–2 vote by which the bill was voted out of committee, I think, speaks better than anything I can say or even that the Senator from Utah can say about how badly needed this legislation is and what a significant compromise it is in order to get that type of a margin out of the Judiciary Committee, which the chairman has already referred to as a committee that can be very controversially oriented from time to time. This is a piece of legislation that speaks to how cooperative that committee can be when the need calls for it to be.

Mr. President, as I recall, we are in a situation on this floor where there was an objection to the bill coming up. So the distinguished Senate majority leader had to move that this bill be brought up. So we have a debate going on now on a motion to proceed that is fairly uncharacteristic of most processes of moving legislation on the floor of the Senate. So I want to use this opportunity that we have of the Senate deciding whether or not we should even debate the merits of this bill to once again give reasons to my colleagues why we should move beyond the motion to proceed to actual consideration of this legislation. We will have that vote, as I am going to refer to in a minute, hopefully tomorrow.

So I rise today to speak again on the importance and the need—the very justified need—for fundamental bankruptcy reform. Last week, as I stated, a member of the minority party objected to allowing the Senate to consider this bill that was voted out of committee 16–2—even to debate it. Tomorrow, we are set to vote on whether to proceed to the bankruptcy bill. If we don't have a positive vote on this, then bankruptcy will not be on the agenda this session. It is badly needed legislation. It would be a sad consequence of that vote to not be able to move forward.

In my view, the fact that there is an objection to even considering bankruptcy reform shows just how scared and how reactionary the opponents of bankruptcy reform are. The opponents of reform know that the Consumer Bankruptcy Reform Act will pass overwhelmingly if allowed to come to a straight vote. I think hearing the distinguished chairman of the Judiciary Committee, Chairman HATCH, say that just a few minutes ago fortifies what I have just said.

The opponents of reform know that the polls are absolutely clear on a broad public support for bankruptcy reform. There is no way that a minority of the Senate can fool 68 percent of the people nationally who say that we need bankruptcy reform. And there is no way that a minority of the Senate can fool 78 percent of the people of my State of Iowa who were surveyed in a poll on the need and their support for bankruptcy reform. So the American people know that our bankruptcy system is, in fact, out of control. Obviously, the people know that it is out of control much more than even a small minority of the minority in this body know it is out of control. If they know it is out of control and badly in need of reform, they would let us proceed to this bill. So I hope that Congress will respond to what the people want and move forward to consider and pass—pass overwhelmingly, as it did out of committee—the Consumer Bankruptcy Reform Act. That is what representative democracy is all about.

As I said on Thursday of last week when we were set to take up the bankruptcy reform bill, the Consumer Bankruptcy Reform bill is a bipartisan piece of legislation which passed out of the Judiciary Committee by an overwhelming vote of 16–2. The goal of the bill is simple and it is important: to restore personal responsibility to our bankruptcy law, and to put an end to the many bankruptcies of convenience which are filed every year in the United States.

In recent years, the number of bankruptcies has, in fact, very much skyrocketed. Every year since 1994, records have been broken in terms of the number of bankruptcies filed. Now we are at the point that we had 1.4 million personal bankruptcies in 1997. So if this trend continues, Mr. President, we must all shudder to think about the harm to our economy and to the moral fabric of our Nation—to the economy, with $40 billion of costs. There is no free lunch when it comes to bankruptcy. There might be for the person that declares bankruptcy, but as we know, in our society, somebody pays; $40 billion is being paid by somebody in America and that figures out to about $400 per family of four in America per year. Just think of that. You, Mr. President, could be spending $400 less for your goods and services if we did not have this high number of bankruptcies that we have.

But more important, what does it do to the moral fabric of our great country when, somehow, you can live high on the hog and not worry about who is going to pay for it. You don't have to; you go into bankruptcy and somebody else pays for it. There ought to be, and is, a rule for America which is that we all ought to be personally responsible for the actions we take. That is applicable not just to moral issues of family and marriage, but it also involves the economic world we are in as well, and that is, in fact, if you enjoy something, you want to pay for it.

The interesting and alarming thing is that this unprecedented increase in bankruptcy filings comes at a time when our economy has been generally healthy. Disposable income is up, unemployment is low, and interest rates are low. There is something that just doesn't make sense about this situation. Common sense and basic economics say that when the economy flourishes, bankruptcies should not be so high.

I had an opportunity over the weekend to look at an old U.S. News and World Report from 1991 with the predictions of the decade of the 1990s coming up. At the time that magazine came out, we were in the middle of the recession of 1990. That recession was caused by one of the big tax increases that President Bush proposed. It wasn't quite as big as the tax increase that President Clinton got through in 1993, which was the biggest tax increase in the history of the world, but that tax increase had a detrimental impact on the economy and we were in a recession—recession that, thank God, we have had years of recovery since without going into another recession.

But in that magazine it made light of the fact that there was a 135,000 increase in personal bankruptcies that year because of the recession. That is when we had the number of personal bankruptcies well below 800,000 at that particular time.

Let's just think. There is going to be a recession around the corner someday, hopefully not for 3 or 4 years down the road, as the economy is going fairly strong. But it could be happening within a year from now if things in Southeast Asia and Russia don't turn around, maybe, and as the stock market is also indicating. We would be thinking in terms of half a million to 1 million bankruptcies just because of the economy turning south, if we are concerned about 135,000 increases in bankruptcies in the year 1990 as an example.

It is an unprecedented time in our economy. Why is it an unprecedented time, then, for the number of personal bankruptcy filings? I don't know. I have said how it could be related to the bank's sending out so many credit cards for people to be invited into more debt. It could be because the Federal Government had 30 years of deficit spending. Hopefully, we have that behind us now with this year paying down $63 billion on the national debt for the first time in 30 years. It could be because the bankruptcy bar is very loose in their advice, or the lack of advice, on whether people ought to go into bankruptcy or not. There doesn't seem to be the shame that is connected with bankruptcy as there used to be. There is probably a lot of other reasons. At least we have those reasons to consider and those reasons to deal with. Another reason is the 1978 bankruptcy law that made it possible to get into bankruptcy. Hopefully, we have that turned around with the passage of this legislation as well.

In the opinion of this Senator, of course, one of the main bankruptcy crises is, as I just stated, the overly liberal bankruptcy law of 1978. Remember, since 1978 I have had hundreds of people tell me it is too easy to get into bankruptcy. And it shouldn't be that easy. I have not had one person tell me that it ought to be easier to get into bankruptcy. And I even have had some people tell me who have been through bankruptcy that it is too easy to get into bankruptcy. That sort of attitude of the public is what is behind the 68 percent nationally and the 78 percent of the people in my State in polls who say the bankruptcy laws should be reformed.

Quite simply, current law discourages personal responsibility. I want to say that again. Current law actually discourages personal responsibility. As a result, bankruptcy has become a first option, not as a last resort for many with financial difficulties.

Bankruptcy is seen as a quick and easy way of avoiding debt. Bankruptcy is now a matter of convenience rather than a matter of necessity. The moral stigma that used to be associated with not being able to pay your debt is now almost completely gone. I am not saying that bankruptcy law serves no purpose. On the contrary, the ability to have a fresh start—or you might say it is a principle of our bankruptcy law that there are some people who are entitled to a fresh start—it is a vital part of this American system. It is the right thing to do in some instances. But what is important is that we structure our laws so that bankruptcy is available to those who truly need protection—people who maybe because of natural disaster, maybe because of a catastrophic illness in their family, maybe because of even divorce—there are several reasons that have been considered legitimate. But we want to make sure that this process is not available to those who want to abuse the system and find an easy irresponsible way out.

The bill that we will hopefully get to consider after our cloture vote tomorrow strikes a balance between personal responsibility on the one hand and giving people an opportunity to get a fresh start who legitimately deserve it on the other hand. That is why the Judiciary Committee, which can be very partisan at times, approved this bill by a vote of 16 to 2. Mr. President, I will have more to say on the problems with our bankruptcy system if and when we get to consider the bankruptcy bill.

I want to inform my colleagues about the deceptive practices of bankruptcy lawyers who dupe unwary consumers into declaring bankruptcies. The practices of bankruptcy lawyers have become underhanded so much that the Federal Trade Commission has issued an alert on that process. And in the process of issuing that order, they criticized the bankruptcy bar.

If and when we get to consider the bill, I want to talk more about how my bill enhances collection of child support. The National District Attorneys Association, as well as numerous other organizations which collect child support, have written to me to praise this bill—S. 1301—and the innovations in the bill for protecting child support.

Mr. President, supporting this bill is the right thing to do. Approving a vote tomorrow to move to this bill so it can actually be considered is the right thing to do, because the American people are sick and tired of the avoidance of personal responsibility—not only in the case of bankruptcy but so many other areas. It is one we can do something about right now through the passage of this legislation.

The other body across the Hill has already passed an even more sweeping version of bankruptcy reform, and they have done it by a veto-proof margin. But here we are right now on the floor of the U.S. Senate fending off a filibuster against bankruptcy reform. After the vote tomorrow, if we win and can actually go to the debate of S. 1301, I expect maybe even a second filibuster. I don't think these desperation tactics work, and particularly in the case of something that is so badly needed as bankruptcy reform.

It is interesting how the same people who criticize this Congress for doing anything are the same ones who are blocking positive bankruptcy reform. I have talked with many of my colleagues on the other side of the aisle. I know there is a real desire to see bankruptcy reform happen this year. That is why the Consumer Bankruptcy Reform Act received such broad bipartisan support in the Judiciary Committee. Quite simply, it is time to restore the sense of personal responsibility that we Americans are famous for to our bankruptcy law.

I urge my colleagues to support the motion to proceed on S. 1301, and then to support S. 1301 and move to a bill that is going to bring new penalties for abusive bill collectors; it is going to bring new penalties for illegal repossessions; it is going to bring fines for inflated creditor claims; and it is going to bring penalties for deceptive credit practices.

It seems to me that is a bill that not only will bring about bankruptcy reform so that bankruptcy will be used only when people are really entitled to a fresh start, fitting into a pattern that we have had in our bankruptcy laws between 1998 and 1978—it has only been in the last 20 years that this has turned bad—but to discourage bankruptcy, to reimpose personal responsibility on debt, and that we also do some things that even give some consumer protection in the process. I only stress the new consumer protections to make the point that we are going to have a very balanced piece of legislation pass this Senate, if we get a chance to vote on it.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. GRASSLEY). The distinguished Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to join Senator HATCH in expressing my admiration and respect for Senator GRASSLEY and the members of his committee who have worked hard on this bankruptcy reform legislation. It has obtained almost universal support. It passed the committee 16 to 2, and it reflects a good step in our public policy.

As Senator GRASSLEY says, the current liberalized bankruptcy law discourages personal responsibility, that is, it makes it easy and even encourages persons to avoid their responsibility. That is not good. A Harvard professor has written a book which talked about how during the first 150 years of this Nation's existence every law that came up for consideration was judged on the basis of whether it made our people more responsible and better citizens. I think that is a goal we have lost sight of in recent years. What we need to do is make sure our legislation sets standards that call people to their highest and best ideals and not dumbing them down and encouraging them to cop out, to take the easy way out, to avoid their debts when there is no real justification for it.

Most people may not understand, but a person making $70,000 with $30,000 in debts can walk into a bankruptcy court in America, at any place, at any time, and file for bankruptcy. Even though he would be perfectly able to pay off those debts, he can wipe them all out. This is true even if, just a few months before, he or she had signed a promissory note to pay those debts. This behavior vitiates contracts, and it vitiates responsibility.

So I think, based on the fact that we have had a doubling of bankruptcy filings in the last decade and we have seen a 60 percent increase in bankruptcy filings since 1995, we do have a problem in this country. This is not driven by the economy, because we are in good economic times. In 1997, however, we now know that $40 billion in consumer debt was erased by bankruptcy filings in this country.

Where does that debt go? Who pays that debt? What happens to it? It is passed on to the other American citizens who are in debt but who pay their debts, who pay their credit card bills, who pay their bank notes. They have to pay higher interest rates, to the tune of $400 per family per year, to balance out some of these people who are filing for bankruptcy but do not deserve it. Many people, a majority of those filing, do not abuse bankruptcy. But a significant number are abusing the bankruptcy laws, and we ought to do something about it.

There was a recent article written by former Secretary of the Treasury Lloyd Bentsen, former Democratic Vice Presidential candidate, and former chairman of the Senate Finance Committee. This is what he said:

> With growing frequency, bankruptcy is being treated as a first choice rather than a last resort, as a matter of convenience rather than necessity.

He goes on to note:

> A rising tide of bankruptcies will sink all ships and hurt those who need credit the most, those who have to borrow money.

People do not understand—and many in this body do not recognize—that many who have done well, such as a family making $30-$40-$50,000 a year, will have debts. When they have a car payment that comes up, if they have an $800 balance on their credit card, those interest points make a difference to them—whether they pay 15 percent or 18 percent or 19 percent interest.

As former Secretary of the Treasury under President Clinton, Senator Bentsen, said:

> In the United States, we believe that through hard work anyone can become a success. America's bankruptcy laws reflect a fundamental element of our Nation's entrepreneurial spirit. Their intent is to ensure a fresh start for those who try and fail, and they form an important thread in our social safety net. But when some people systematically abuse the system at great expense to the rest of the population, twisting the fresh start into a free ride, Congress must step in and tighten up the law to protect those who unfairly bear the cost. When it comes to bankruptcies of convenience, this time has come.

So I agree; it is a bipartisan issue. Senator GRASSLEY has worked diligently to gain the broadest possible support. This bill came out of the Senate Judiciary Committee 16 to 2. A virtually unanimous vote on a bill of this kind is unusual and should be noted.

Why is it necessary? I want to mention a few things that are in the bill, and then I want to comment on the unusual and unfortunate circumstance we are in now in which the minority party is attempting to block even consideration of the bill that so many of their own members have already supported in committee. They in fact filibustered the bill before it could even come to the floor. People say this is a do-nothing Congress. Maybe they are trying to make it so. This is a good bill. It has been worked on for several years. It has been improved and refined. It has very broad support, and we ought to pass it.

These are some of the things it does: It allows creditors, those who are owed money, and panel trustees to participate in the review of the debtor's decision to file a chapter 7 instead of a chapter 13.

Most people do not realize that when you go to file bankruptcy, you have two choices, if you are a normal consumer who is in debt. You can file under chapter 7—wipe out all your debts and not have to pay anything. Your money goes into a pot and is divided up on a proportional basis to creditors, and you walk away free and clear. This permits a fresh start, which is a great American tradition. We are not trying to eliminate that at all.

But there is another tradition, too. That is the tradition of chapter 13, which in fact was first created in my home State of Alabama, in Birmingham, and it is still a very popular alternative there. It provides the option for a debtor who wants to try to pay back his debt to do so. The Court approves his plan, and he pays a certain amount of money into the chapter 13 fund, and it is distributed to his debtors. They give up the interest rates that they have been charging on it, and at least they get something back out of it. And this person is able to be discharged without having filed for bankruptcy because the debts have, in fact, been honored.

This is a procedure that I think ought to be encouraged. What we are finding is that in some areas of the country almost nobody files chapter 13. But it is a high filing issue in Alabama. People want to pay their debts, and they are taking this option.

So what this bill says is that if a person has $100,000 per year income and he only owes $30,000 and he wants to file chapter 7, this will give the creditors a chance to object and say, "Judge, we think you ought to review this. He doesn't need this bankruptcy. Why should he be able to walk away from his debts when people who are making $30,000, have three kids, and are trying to get by by the skin of their teeth are paying their debts? Why doesn't he pay his?"

I think that is fundamental, and we need to get away from this automatic deal in which the filer has total power to choose whether or not he files under 7 or 13.

The bill also requires consumers to receive information concerning credit counseling before filing. Many people do not know that there are tremendous credit counseling centers in almost every community in America. These persons help the families. This differs from when a debtor goes in to see a bankruptcy lawyer who simply has his secretary asks the person to fill out a form. The debtor may not even see the lawyer; the lawyer has probably hundreds of these cases. The secretary has you fill out a form, and he files a bankruptcy, and he hardly even talks to the client. That too often happens.

In credit counseling, the person sits down with the credit counselor. They go over their income. They talk about how they can pay that off. Maybe the banks or the credit card companies would reduce their interest rates if the person could make regular payments and not go into bankruptcy. They help them deal with problems in families such as gambling addiction. I have been talked to credit counseling people across this country. They are telling me that gambling is a big factor driving bankruptcy filings. Maybe Gamblers Anonymous would be the right thing for them.

Maybe there is a mental health problem, depression in the family or other things that these people who are not sophisticated in finance did not know would be available to them to help them overcome their debt problem. So I think that would be a great thing. It is not going to eliminate huge numbers of filings, but I assure you, I believe we will have a number of families helped by this personally, maybe marriages saved. And it will help them develop a plan to pay off this debt and avoid the stigma of bankruptcy. It would be a good thing and is an important part of this bill. I am confident of this because on my study of this issue. I offered an amendment to this bill which was adopted.

The bill also requires, during bankruptcy, that people who do declare bankruptcy participate in a debt management class. We found in some districts as much as 40 percent of the bankruptcy filings are by people who filed bankruptcy before. We need to educate them on some basic principles of how to manage their money and hopefully they will not come back again and other debts will not be abrogated.

This legislation would require debtors to provide more financial information, including tax returns. It provides for random audits requiring referrals for possible criminal prosecution. I was a Federal prosecutor for 15 years and we formed a bankruptcy fraud task force to deal with this problem. The truth is that there are very, very few bankruptcy fraud prosecutions in America. This is Federal court. We expect people to be truthful in what they submit, and those who are not honest must suffer criminal sanctions, or the word will get out among the bankruptcy lawyers that it doesn't make any difference and that nothing will ever happen to you if you are not candid and truthful in filling out your statements.

It also allows creditors to represent themselves; that is, people to whom money is owed can go down to bankruptcy court to represent themselves without a lawyer. The Presiding Officer here today, Senator GRASSLEY, felt very strongly about that provision. And the truth is, it is a key issue. If you have a $500 debt owed to the garage, the furniture store, the jewelry store, or whatever, you may spend that much on a lawyer to go down there and represent you. What kind of relief is that, if you cannot go yourself, if you have to spend more on collection than what you collect? Senator GRASSLEY has been very steadfast in believing that we need to change that situation. It is a good step in this bill, because most of these matters are not that complicated. All you really need is a verified claim from the person who is owed the debt.

So I believe this bill represents a major step forward. It is a bill that seeks to lift our standards as Americans to encourage people to pay their debts if they are able to, to train and educate them so they will not get in financial trouble in the future. That is something we ought to do, to perhaps reduce this ever-increasing spiral of bankruptcy filings.

It is a good bill. I am disappointed, shocked, and really stunned that we are now at a point where we cannot even get the bill up for debate and we have to deal with a filibuster and we are going to have to have a cloture vote on whether or not we even consider this legislation. It is not controversial. It is good legislation. It is carefully crafted. It is good for America. It is good public policy. It calls people to a higher standard, eliminates abuse and fraud and criminality, and ought to be something that will go through this Congress with the most minimal objections.

I do not know what politics are behind the objection here. Sometimes I think it is just a desire to keep this Congress from passing anything and utilizing every rule and technical objection that can be made to frustrate the normal working through of good legislation. At any rate, I believe we will prevail on this motion, we will get the bill up, and I believe it will pass in this chamber as it did in the House, and then we will have done something good in this Congress: We will have reformed a bankruptcy system that is out of control.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

THE IRS AND BASEBALL FANS

Mr. BOND. Mr. President, I rise today as a proud St. Louis Cardinals baseball fan. I have been a St. Louis Cardinals fan a lot longer than I have been a U.S. Senator, and I have never been more proud of the team, nor of the city and the State which supports that team.

This weekend we saw the fabulous Mark McGwire hit home runs 60 and 61. And it was truly electrifying, not only for the people who were in the stands and watched the huge home runs—and when Mark McGwire hits a home run generally it is huge. He bounced one off of the dining room of the Stadium Club and it dropped back down beneath. There used to be a time when people didn't even think somebody could hit the Stadium Club. He has hit balls so far in Bush Stadium that they automatically start measuring them. The announcer of the Cardinal baseball games, the fabulous Jack Buck, talks about calling air traffic control to warn about it.

There are a couple of things that I think need to be mentioned. No. 1, Mark McGwire is the kind of fine human being whom we need as a role model for our young people today, when the national spirit is sagging and we are talking about scandals. Here is a man, the first thing he did when he came to St. Louis was make a significant donation to the St. Louis Children's Hospital. He is a man who worships his son. When he crossed the plate after hitting his 61st home run, he picked up his 10-year-old son. There were some who were worried that the son might be in danger because of his enthusiasm. But Mark McGwire is truly an American hero.

I would say also the same thing for Sammy Sosa, who was in the outfield with the Cubs when that 61st went out. Sammy Sosa is a class ballplayer, one we can be proud of.

I will tell you something else that Missouri and the Midwest and America can be proud of, the young men who caught the home runs 60 and 61. When they were asked, "Are you going to sell it for a million dollars?" They said, "No, we are going to give it back to Mark McGwire." And this selfless act, giving the ball back to the guy who hit it so he could give it to Cooperstown, epitomizes the spirit. The signs in the stadium said "Baseball City U.S.A." St. Louis is very proud of being Baseball City and everybody who comes in there is proud of it, and they are proud of the spirit of the fans who are there. But you have to know, the Grinch appears.

Today's New York Times, classic spot for the Grinch to appear: "Fan Snaring Number 62 Faces Big Tax Bite."

Now, get a life. The IRS spokesman has confirmed that the person who gives the ball back to Mark McGwire might be facing a gift tax of $150,000. The young man who caught number 60 is just out of college and he works in the promotion department of the Rams. The guy who caught number 61 is the catering manager who had to go to work at 4:30 this morning. They are going to have to pay $150,000? Now, that is about as ludicrous as anything I have seen. If the IRS wants to know why they are the most feared, disliked agency in town, this is the classic example.

The New York Times interviewed a spokesman for the IRS who said: "I can confirm your understanding of how the gift tax works. The giver of the gift is required to file a gift tax return. We'd have to take a look at all the circumstances: the value of the gift and who owns the baseball."

I am asking my colleagues to join me in a letter to the Commissioner of the IRS. We come here as Democrats and Republicans, but I know there is a strong, bipartisan enthusiasm for the support of baseball. And for the Commission to tolerate somebody saying that a fan who gives the ball back to Mark McGwire could owe a $150,000 gift tax is outrageous.

The IRS needs to lighten up. The fact that the Tax Code could allow for such a ridiculous thing is one thing. We are going to be tackling the issue of tax reform in Congress. We have done much on the Taxpayer Relief Act. We have made strides. The new Commissioner has talked about making the IRS a consumer-friendly agency, but it is absolutely ridiculous that the IRS would seriously consider imposing a tax on a generous fan who happens to catch the historic ball and return it. Get a life. Surely there are baseball fans among the clever lawyers and accountants at the IRS who can devise reasons why this good deed should go unpunished. My staff and I are available to work with them. I think we can find a way to take care of it.

But if the IRS wants to know what their problems are, they have to look no further than this threat. I have to tell you that if you do not think people are paying attention, our e-mail has been running, our fax machine; the calls are coming in.

Dean Pfeiffer of Lee's Summit said:

> What a better issue to use to highlight the need for tax reform. How can anyone defend a tax system that penalizes such a selfless act?

Scot George said:

> This tax on this person is as unAmerican as Saddam Hussein. I urge you to act swiftly against the IRS on this matter.

Mr. President, I warn you, there is a revolution brewing. There may not be enough agents to collect a gift tax from somebody who returns the 62nd baseball back to Mark McGwire.

I do have a letter here to Commissioner Rossotti asking him to review this situation and clarify it so that when the fan catches the ball—we know he is going to be surrounded by security. The security is very tight to make sure he is not physically abused. And it is a jungle out there when people are going for the ball. We have security to protect him. We want to keep the IRS agents off of him.

I say to my colleagues, if they wish to join me in signing this letter to the Commissioner to call this serious matter to his attention, I will have it today and it will be available for them to do so. I think that the time has come to say that a fan who catches a historic home run ball and gives it back to the guy who hit it should not be stuck by the IRS.

I thank the Chair and yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Iowa.

Mr. GRASSLEY. First of all, I want to compliment the Senator from Missouri for his comments. He, along with me and Senator KERREY of Nebraska, was very much in the middle of the work of the IRS commission as representatives of the Senate on that commission, and also working with the legislation as members of the Finance Committee to bring about the consumer-friendly IRS that the legislation is supposed to do.

Obviously, I am chagrined that there is still an attitude within the IRS that would be interpreting tax law the way that the Senator from Missouri has described it. I think he has accurately described it, because this morning when I was preparing to come to work I heard on WTOP the very news story to which the Senator from Missouri refers. I could only think in terms of, well, maybe it is a joke. Obviously, it is not a joke.

But I also thought in terms of Mr. Rossotti, the Commissioner of Internal Revenue, had to be hearing that same report as we did. And before he got to the office, I hope that he had made some phone calls to make sure that this erroneous interpretation of law would be corrected, because that is what I would expect from Mr. Rossotti.

To the Senator from Missouri, I will be glad to sign the letter that he has. I would also hope that Mr. Rossotti has this situation taken care of before the letter is received from the Senator from Missouri.

Also, I would expect that the Senator from Missouri expects Mr. Rossotti, who is not a tax attorney and who was hired specifically by the President of the United States because he came from the business world, from an organization and a business that he formulated that was only successful because he was able to satisfy his consumers—he built his organization from a few employees to several thousand employees. He was willing to give this up because he knew that the challenge of making the IRS a more consumer-friendly organization was a legitimate challenge that had to be met, and he was willing to do that.

So I see in Mr. Rossotti a person who is going to get this taken care of very quickly so we do not have to worry that when that 62nd home run is hit by McGwire that there is going to be a tax consequence as a result of hitting the 62nd home run.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRASSLEY. I withhold that.

Mr. HARKIN. Mr. President, I wonder if the Senator could yield me some time. I do not know what the situation is on the floor right now.

The PRESIDING OFFICER. Under the previous order, we are to recess at 12:30, and the Senator from Iowa has time on the bankruptcy bill.

Mr. GRASSLEY. Before I yield, I think the thing to do—how much time is left?

The PRESIDING OFFICER. You have until 12:30.

Mr. GRASSLEY. I yield the Senator 5 minutes.

Mr. HARKIN. I thank the Senator for yielding me time.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I will speak for 5 minutes in morning business.

THE FARM CRISIS

Mr. HARKIN. Mr. President, farmers continue to suffer huge losses through absolutely no fault of their own. No other business has less control of the price they can receive for what they produce, the cost of the inputs. Farmers cannot control the weather. They cannot control the world economy. They cannot control what is happening in Asia. But those factors do determine the price of corn, soybeans, wheat, and other commodities. The Freedom to Farm bill passed in 1996 sharply reduced the farmer's safety net to take care of those contingencies over which the farmer has no control.

Now farm prices are crashing to levels not seen in decades. Many farmers are going to have a difficult time acquiring funds needed to pay their bills this year and to get the necessary money to get the fields prepared and to get the seed and the fertilizer to get the crops in the ground for next year.

Many farmers could lose their farms that have been in their families for generations. I recently talked with an older farmer who said, "That's my life's savings. I made it through the eighties. I'm a good manager. I weathered that terrible storm in the eighties. And now this may wipe me out after a lifetime of work."

I am sure the Senator from Alabama knows. He has a lot of farmers in his State. There is the old adage that farmers live poor and die rich. They have all that money in that land. That is their retirement system. They work hard all of their lives. They do not live high on the hog. Then it comes time to retire. That is their equity. And now that is being severely eroded, not to mention the young farmers who have gotten started, carrying a debtload who will be really forced out of agriculture, never to return.

Well, it is already having a terrible ripple effect, not only on farms but in small towns and communities all over America. Layoffs are starting to occur at agricultural equipment manufacturing companies and in stores. I think we are just beginning to see the stages of what could become a very severe downturn in rural America.

Last week, a number of Senators and I proposed a series of modifications in ag programs to help alleviate the problem. But I take the floor this morning to say that I believe Congress should also pass a provision broadening existing tax law that will allow farmers to recover taxes paid in the past to cover their net operating losses right now.

Mr. President, under existing law, businesses, including farmers, can be reimbursed for their business losses by receiving a rebate for taxes paid in the prior 2 years—or 3 years in cases in which there is a natural disaster. Well, we are facing a large economic disaster that can really sink us in rural America.

What I am proposing—and I will be shortly introducing a bill to do so—I propose that family farmers be allowed the option to get a rebate from the taxes that they paid over the past 10 years, covering up to $200,000 in operating losses rather than the 2 years that is allowed under current law.

Many farmers cannot receive a rebate for their operating losses because they were not able to make any taxable profits in the last couple of years. By being able to go back 10 years, we will allow these farmers to be able to get a rebate next year and then limit it to $200,000 so it would be available to all family farms, up to a limit of $200,000 in net operating losses.

The benefit would only go to farmers whose families are actively engaged in farming and whose business activity is mostly farming. The amount of the rebate would be dependent on the amount of the loss and the tax rate paid by farmers for the paid taxes that are being restored.

The provision I am proposing would cover losses occurring in both 1998 or 1999.

If passed this year, farmers would be able to calculate their losses early next year and receive a rebate from the IRS for the taxes paid in earlier years very soon thereafter. This proposal would provide a significant amount of relief when it is needed early next year. It would help many farmers acquire the funds they need, as I said, to get the fields prepared and get the feed and fertilizer and bills paid so they can continue on next year.

I might add that there is some precedent for this. There was a case in 1997 where Amtrak was allowed to use net operating losses of their predecessor railroads going back over 20 years in the past. So there is precedent for this. If we can do it for Amtrak, I think certainly we ought to be able to do it for our family farmers. I am hopeful at some point this fall either under a tax bill, if we are going to have one, or under some other vehicle, that we can at least put this provision in.

I know my colleague from Iowa has another provision that would allow farmers to invest some of their profits for up to 5 years without being taxed until the money is used in poorer years, which is a great provision, one I also hope gets through.

Right now, the farmers are facing the fact that they don't have any money. I think maybe the two coupled together will get them some funds. If they went ahead and invested and used a provision of my colleague from Iowa, we might have a situation to help get some of the farmers through the next couple of years.

I just wanted to bring that to the attention of Senators. I hope to be introducing that very shortly. Again, I don't mean to belabor it, but we are seeing really bad times out there. I used these charts last week. I will use them again in case other Senators may be watching that didn't watch last week. Since July 16, wheat, corn, and soybeans are all down—I used central Illinois only as a measuring point—21 percent decline in the past 6 weeks in corn, 21 percent decline in soybeans in the last 6 weeks, and a 13 percent decline in the past 6 weeks in hard red winter wheat in Kansas City. We see no signs this will be alleviated any time soon. It looks like we will have a record crop of soybeans this year, a record crop, and probably the second or third largest corn crop we have ever had. So this will be hanging over the marketplace. We need to do everything we can.

Again, I hope that we will have some provisions very soon that will remove the caps on the loan rates and even provide emergency provisions for the Secretary to be able to pay storage payments to farmers, to store some of that grain so that they don't have to dump it this fall. They can keep it until next year. Maybe the Asian economy will come back; maybe there won't be very good weather next year, whatever; maybe the prices will come back next year. Let the farmer have the freedom to market that grain at some point down the line rather than just dumping it on the market this year.

There are other provisions that we will be talking about, but I think those are the major ones that will help get us through a very, very difficult year in agriculture and all over the world.

I thank my colleague for yielding me the time.

RECESS UNTIL 2:15

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE DISTINGUISHED SERVICE OF ANGELA RAISH

Mr. DOMENICI. Mr. President, this has been cleared on both sides. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 272, which was submitted to the Senate earlier by the leader in my behalf.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 272) recognizing the distinguished service of Angela Raish.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 272) with its preamble reads as follows:

S. RES. 272

Whereas Angela Raish retired from the United States Senate on July 31, 1998, after more than twenty-one years of distinguished service to the United States Senate, Senator Pete V. Domenici, and the people of New Mexico;

Whereas Angela combined exceptional professional and organizational skills, untiring initiative, and unlimited compassion to accomplish both major, and simply thoughtful, tasks for the Senator and his constituents;

Whereas Angela has always generously given of herself out of a genuine love and concern for others, without hesitation or expectation of reward;

Whereas Angela has had an impressive career beginning during World War II in the Navy Department, office of Admiral S.C. Hooper where she developed the professional and personal skills that she refined into her trademark standard of excellence;

Whereas in 1968, Angela worked for President Richard M. Nixon's Inaugural Committee and in 1972, she served as the Assistant to the Chairman, and received the gavel used to convene the Republican National Convention as a token of appreciation for a job well done from Gerald R. Ford, the Republican National Committee and Republican Convention Chairman;

Whereas Angela's endearing attitude and hard work earned the respect and admiration of Anne Armstrong and the staff at the White House in 1974 and 1975;

Whereas Angela has always balanced her public service with her private life and has been married to the self-described "luckiest man in the Navy," Bob Raish, since February 8, 1947;

Whereas, her colleagues always know they have a devoted friend and confidant;

Whereas Angela is known for her love of Italy, her pride in her ancestral home in Camogli, and her affection for Lake Maggiore;

Whereas Angela is "una donna eccezionale," (an exceptional woman); the Senator's vero "braccio destro" (his right hand helper), and "La Signora Aggiestatutto per gli elettori" (Mrs. Fix-it for constituents);

Whereas Angela is a gracious hostess and accomplished cook who is going to pursue new culinary challenges in her retirement; and

Whereas all those whose lives are richer for having known Angela Raish will miss her deeply and send her warm wishes on her well-deserved retirement: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the achievements of Angela Raish and her more than 21 years of service to the Senate and Senator Domenici be honored and celebrated;

(2) the love and affection that Angela's friends and colleagues share for her be recognized; and

(3) Angela's pride in work and home be recognized as the standard to which all should aspire.

Mr. DOMENICI. Mr. President, we have just adopted a resolution paying our respects, without any doubt in my mind, to one of the most wonderful women who has worked in the Senate, Angela Raish. She has worked in my office for 21 years. Many hundreds of people in the Senate and many thousands out in my State and around the Nation know her as one of the best women who has ever served in this institution. She served this Senator well, but in doing that, she also has helped literally hundreds of people who none of us are even aware of. We are going to pay tribute to her later in the week with an event here in the Senate, and there will be a lot of people who will come to say thank you to Angela.

I wanted to take with us to that event this resolution where the Senate recognized her 21-year effort. The resolution accurately depicts much about her life and what she has accomplished, the many outstanding jobs she has held, and obviously the longest tenure in my office working for the Senate. I thank the Senate for passing this resolution.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 513, S. Res. 193.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) designating September 13, 1998, as "National Children's Memorial Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and statements relating thereto be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 193) with its preamble reads as follows:

S. RES. 193

Whereas approximately 79,000 infants, children, teenagers, and young adults die each year in the United States;

Whereas the death of a child is one of the greatest tragedies suffered by a family; and

Whereas support and understanding are critical to the healing process of a bereaved family; Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 1998, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation designating December 13, 1998, as "National Children's Memorial Day" and calls on the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of infants, children, teenagers, and young adults who have died.

Mr. DOMENICI. I thank the Senate. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. GORTON. Mr. President, on behalf of the majority leader, I ask the Chair to lay before the Senate Calendar No. 440, S. 2237, the fiscal year 1999 Interior appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. GORTON. I ask unanimous consent that Bruce Evans, Ginny James, Anne McInerney, Leif Fonnesbeck, Kevin Johnson, Kurt Dodd, and Carole Geagley of the Appropriations Committee staff; Chuck Berwick and Kari Vander Stoep of my personal staff; and Hank Kashdan, Mary Ellen Mueller, and Craig Leff, detailees with the Appropriations Committee, be granted privileges of the floor during consideration of S. 2237.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, it is my pleasure to bring before the Senate the Interior and Related Agencies Appropriations Bill for Fiscal Year 1999. The bill provides $13.4 billion in discretionary budget authority for agencies and programs under the subcommittee's jurisdiction, an increase of $265 million above the FY 98 freeze level, but $660 million less than the President's budget request.

As always, putting this bill together has been a great challenge. The subcommittee received more than 2,000 individual requests from Senators regarding particular projects or programs, the majority of which were requests for additions to the President's budget request, which I have already mentioned is well in excess of the amounts available to the Subcommittee. While Senator STEVENS has been as generous with the Interior Subcommittee as I could reasonably expect him to be given the constraints of the discretionary spending caps, the subcommittee's allocation is such that the FY 1999 bill in large part continues programs at or near the current year level. There are significant, but modest, increases for a handful of high priority programs, but for the most part there are few surprises or dramatic new funding initiatives.

As Members consider whether particular programs in this bill have been treated fairly within the constraints of the subcommittee's allocation, I hope they will consider two factors. First, for the first time since Fiscal Year 1995, this bill does not mandate a sale of oil from the Strategic Petroleum Reserve to pay for the costs of operating the reserve. An oil sale at current price levels would be unwise to say the least. But the fact that this bill does not include an oil sale means that the Subcommittee had to find $155 million for operation of the Reserve that was not included in last year's base. As a consequence, the increase in the Subcommittee's allocation is effectively only $110 million above the freeze level.

The second factor of which I want my colleagues to be aware when evaluating this bill is the impact of increases in Federal pay, benefits and other fixed costs. The Interior bill as a whole is one of the most personnel-intensive of the appropriations bills, supporting tens of thousands of park rangers, foresters, Indian health professionals and other Federal workers. Each year the agencies funded in this bill must accommodate increases in pay and benefits for these workers, and similar cost increases over which the Subcommittee has no direct control. In FY 1999, these "uncontrollable costs" will amount to more than $200 million.

Lest any of my colleagues feel these costs are attributable to a bloated bureaucracy, I note that Department of the Interior staffing in Washington, D.C. is 17% below its 1993 base—despite a significant expansion since that time in the number of parks, refuges, and other Interior programs, most of which have been authorized by Congress. This 17% reduction is the second greatest among all civilian cabinet agencies. While the Subcommittee continues to seek efficiencies and to terminate wasteful programs, yearly increases in pay and related costs for core Federal employees continue to consume most or all of any increases that the Subcommittee may receive in its allocation.

Having noted two of the major factors impacting funding levels in this year's bill, I want to highlight some priority programs where we were able to provide modest—but significant—increases. The bill includes a $55 million increase for operation of the national park system, including increases over the current year level of $18 million for park maintenance, $15 million for special need parks, and $10 million for an across-the-board increase in park operations. These increases will benefit all parks, but particularly those units with severe operational shortfalls and critical deficiencies in maintenance funding. The bill also provides a $10.6 million increase in refuge operations and maintenance, which follows a $41 million increase provided in last year's bill.

For the Forest Service, this bill places a heavy emphasis on improving accountability within the agency. A number of General Accounting Office reports and various Congressional hearings have clearly demonstrated that the Forest Service lacks the fundamental ability to account for its expenditures, and has shown a growing level of overhead and indirect expenses that corresponds with a decline in on-the-ground accomplishment. I am disturbed by these problems, but at the same time am wary of overreacting by mandating controls that may be counterproductive. I do see indications that the agency is determined to address its accountability problem.

With these considerations in mind, I have included language in the bill to require increased accountability by eliminating the general administration line item, and requiring the Forest Service to display clearly the source of funds that go to overhead and other indirect expenses. We have also consolidated three budget line items, where maintenance functions are performed along with other work, into two distinct line items where only maintenance, reconstruction and construction activities occur. I hope that actions such as this, along with commitment from top Forest Service officials, will help the agency to institute proper management controls and clean up its accountability mess.

The other major Forest Service initiative in this bill deals with the amount of timber the Forest Service will be expected to offer for sale. In 1990, the Forest Service offered for sale approximately 11 billion board feet of timber. In fiscal year 1999, the Administration proposes to offer only 3.4 billion board feet. That's a 69% reduction. Many of my colleagues know first hand the devastating effect that this reduced timber program has had on timber dependent communities. With timber growth rates far in excess of 10 billion board feet per year, it is unconscionable that the administration proposes a timber offer level of less than one-third of that amount. Accordingly, the Committee has provided additional funding, and expects the Forest Service to sell approximately 3.6 billion board feet of timber in fiscal year 1999. This amount is 200 million board feet more than proposed by the administration, but about 200 million board feet less than the fiscal year 1998 level. I also want to note that this 3.6 billion board feet figure is a correction of the 3.784 billion board feet figure incorrectly included in the Committee report.

The bill also includes $10 million for the administration's Millennium initiative for historic preservation projects of national importance. Due to the constraints of the Subcommittee's allocation and a general aversion to beginning new programs, I had not intended to provide funds for the Millennium program. But I found the Millennium program's primary advocate—the First Lady—to be very persuasive when she called me at the urging of Senator BUMPERS. I look forward to working with her to define better how these funds might be used. To balance the increase provided for historic preservation projects on a national level, the bill also includes a 20 percent $6 million increase for the existing grants-to-States program in the Historic Preservation Fund account.

The bill also includes funds for a number of specific historic preservation projects, including $3 million for the Smithsonian Institution for rehabilitation of the Star Spangled Banner. This appropriation will complement non-federal funds that have been pledged for this project by the Pew Charitable Trusts, and most recently by Ralph Lauren. The bill also provides funds to continue construction of the National Museum of the American Indian on the Mall, and to continue renovation of the John F. Kennedy Center for the Performing Arts.

For the agency that receives perhaps more attention than any other in this bill—the National Endowment for the Arts—the bill provides just over $100 million. This is precisely the same funding level as was approved by the Senate last year, but a slight increase over the final appropriation. I also note that the bill continues the several reforms that were agreed to during deliberations on the fiscal year 1998 bill, including restrictions on individual grants, subgrants, and seasonal support; limitations on total grants to any one State, and increased emphasis on arts education and programs for under served populations. With the House having voted by a substantial margin to provide level funding for the NEA, the gap to be bridged in conference will be far narrower than it was last year. The National Endowment for the Humanities is funded at $110.7 million in the Senate bill, the same as the fiscal year 1998 level.

For the Indian Programs that comprise approximately 30 percent of the Interior bill, the biggest challenge for the Committee was to attempt to fill the gaping hole left by the administration's budget request for the Indian Health Service. Facing the challenges of a deteriorating infrastructure, increasing service population growth, and a relatively high rate of inflation in the medical services sector, the Indian Health Service was nevertheless the only major Interior bill agency that did not share in the bounty of the administration's inflated budget request.

The Committee has provided a $53 million increase for the Indian Health Service, $34 million more than the budget request. This includes more than $16 million to staff newly completed health facilities—an item for which the administration inexplicably did not request funding. The amount provided also includes funds to cover a modest portion of IHS's fixed cost increases, which the administration also did not include in its budget.

To some extent the increase provided for the Indian Health Service comes at the expense of the Bureau of Indian Affairs. Although the bill does provide a $15 million increase for the Operation of Indian Programs account, the overall BIA budget is essentially flat. But even if the resources available to the Subcommittee were less constrained, I think it would be imprudent to provide a significant increase for the largest of BIA programs—Tribal Priority Allocations—until we develop a more rational means of allocating TPA funds. As it stands, some $757 million in TPA funds are distributed in a manner that ignores the relative financial health and needs of the recipient Tribes.

Though its history is difficult to trace, the current allocation system seems to have been developed piecemeal over a period of decades through a combination of departmental, tribal and congressional actions. Each of these individual actions may have made perfect sense at the time at which it was taken. But their cumulative effect has been to create a system in which a number of quite wealthy tribes receive far greater per capita TPA allocations than some of the most destitute tribes. While I cannot imagine that such a system would ever be seen as appropriate, it is almost offensive in a time when Federal appropriations are severely constrained by balanced budget requirements, and when a number of tribes are profiting quite handsomely from business ventures such as gaming.

The bill before the Senate attempts to address this inequity by mandating that the BIA identify the top 10 percent of tribes in terms of per capita tribal revenue, and directing the BIA to distribute half of the TPA payments that would have gone to those tribes to the 20 percent of tribes with the lowest per capita tribal revenue. The bill also directs BIA to develop possible formulas for the future distribution of TPA funds, and gives the Bureau authority to collect the information required to develop such formulas.

I recognize, that this is not a perfect solution. Many have expressed concerns about the manner in which funds are proposed for distribution in FY 1999, the extent to which BIA should be authorized to collect financial information from the tribes, and the degree to which tribes themselves should be involved in the reallocation process. But few, if any, have argued that the current distribution system is either just or a wise use of taxpayer dollars. I have had extensive discussions about this issue with the Assistant Secretary for Indian Affairs, Mr. Kevin Gover, as well as with Senator CAMPBELL, Senator INOUYE and other interested colleagues. I am pleased that these discussions have resulted in alternative language that I believe will have widespread support and can be adopted as an amendment to this bill. The new language permits the wealthiest tribes to return voluntarily Tribal Priority Allocations to the BIA for redistribution to the neediest. However, the substitute language does not diminish the Federal Government's trust responsibilities or that tribe's ability to access future appropriations. In addition, the Bureau of Indian Affairs is directed to develop, within Congressionally mandated obligations, a new method for distributing TPA funds by April 1, 1999. Finally, the substitute language excludes from the redistribution plan payments made by the Federal Government in settlement of claims and judgments and income derived from lands, natural resources, or funds held in trust by the Secretary of the Interior.

Mr. President, in this bill there are a number of other legislative provisions and limitations on the use of funds about which my colleagues may have heard. The administration and its advisors in the environmental community have evidently decided to attack these provisions en masse, arguing that they represent "stealth" or "dark of night" attacks on the environment by Republicans. This tells me three things. First, the administration is reluctant to argue any one of these issues on its merits. Second, the administration has not been paying attention in any of the dozens of Congressional hearings that have been held on these issues, the vast majority of which included administration witnesses. And third, the administration is either unaware of, or is choosing to ignore, the historic oversight role of the Appropriations Committee under the leadership of both Democrats and Republicans.

There are indeed several legislative provisions and limitations on the use of funds in this year's Interior bill. There are a few more such provisions than were in the Senate version of the bill last year, but fewer than in the final FY 1997 Act. Some of the provisions have been inserted at the request of fellow Republicans. Some, such as the mining patent moratorium and the moratoria on offshore oil and gas development, are included at the request of the administration or my Democratic colleagues. These provisions are inserted in appropriations bills for one of several reasons, Mr. President. Some are included to address critical health and safety issues that require immediate attention. The King Cove road provision falls into this category. Other provisions are included because they are an integral part of the Committee's fiscal oversight role. The provision regarding distribution of TPA funds falls into this category, as does a provision in the bill that provides for the orderly termination of the overpriced and out of control Interior Columbia Basin Ecosystem Management Project.

But perhaps the single most common reason that legislative provisions and limitations on the use of funds are included in this bill is the overzealous use of regulatory powers by the executive branch without the adequate involvement of Congress or the public. This is the dynamic that has prompted any number of such provisions, from the moratoria on offshore oil and gas development that are included in this bill year after year, to the provision in this year's bill that requires a comprehensive study of regulations governing mining on public lands. If it seems that there are more limitations on the use of funds in this bill than there have been in the past, it is very likely because this administration has made a conscious decision not to engage Congress in a constructive dialogue on a whole array of critically needed reforms to insensitive land management decisions, and has instead decided to press the top-down, Washington, D.C.-knows-best agenda of its extremist environmental allies through the use of Executive orders and over broad regulatory actions that in some cases are downright insulting to me as a member of the legislative branch.

In about every case, these riders have the support of all—or a vast majority of—the members of the House and Senate in the districts and States to which they apply. Generally speaking, Members of both bodies defer to judgment of the Members affected by regional policies and issues. This administration, however, constantly demands the right to override the views of Members immediately affected, and their constituents, with a constant and pervasive "DC knows best" attitude. In any debate over these issues, I ask my colleagues to listen with care and sympathy to the Members whose constituents lives are so often arrogantly ignored by unelected bureaucrats.

If the administration or any Member of the Senate wishes to discuss or debate the merits of any individual provision in this bill, I am willing to do so. But I find it ludicrous—if not offensive—for the Administration simply to lump every provision it finds the least bit inconvenient onto one list of so-called "objectionable riders," condemn the use of such provisions as some new and nefarious practice, and to demand that all such provisions be removed under threat of a veto. I fully anticipate some give and take with the administration as this bill moves through conference, but it is not the job of the Senate simply to approve administration requests for funding and trust that it will be spent wisely and in accordance with the intent of Congress. We have plenty of experience to the contrary, both with the current and previous administrations.

Finally, I want to address an issue about which I am asked persistently, and that is the disposition of the $699 million 'special' appropriation for land acquisition included in the FY 1998 bill. My colleagues may recall that $362 million of those funds remain to be allocated to specific projects. That allocation will be made by agreement of the House and Senate committees, and will be transmitted to the administration by letter. I have had several discussions with Chairman REGULA about this issue, and hope that we—together with Senator BYRD and Congressman YATES—can agree on an allocation of at least half of these funds in the very near future. I unfortunately cannot now say exactly when this allocation will be finalized, but I am confident that it will be soon, and that we will do our best to balance the priorities of the Senate, the House and the administration.

On a personal level, I want to say one final thank you—for the record—to Sue Masica, who has for years been Senator BYRD's clerk for the Interior Subcommittee. Sue has been a tremendous resource for me and my staff, and I can say with great confidence has also been of assistance at one time or another to just about every Member in this Chamber, whether that Member knew it or not. Sue is now the Associate Director of Administration for the National Park Service, a position in which I know she will excel. I wish her the very best. I also want to recognize Sue's replacement—Kurt Dodd—and welcome him to the Committee staff.

On my personal staff, I thank Chuck Berwick, Kari Vander Stoep, and Todd Young for their many contributions to this bill. I also thank Bruce Evans, Ginny James, Anne McInerney, Hank Kashdan, Leif Fonnesbeck, Kevin Johnson, and our detailee Mary Ellen Mueller for their hard work and long hours spent on this bill. I also thank Carole Geagley and Craig Leff of Senator BYRD's staff, and Steve Cortese, Jim English and Jay Kimmitt of the full committee staff for their many courtesies and willing assistance given to me and my staff.

With that, I look forward to hearing from my friend and colleague, the Senator from West Virginia.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished colleague, the chairman of the Appropriations Subcommittee on the Department of Interior and Related Agencies. I speak in support of the fiscal year 1999 interior appropriations bill. This is an important bill which provides for the management of our Nation's natural resources and funds research critical to our energy future. It supports the well-being of our Indian populations and protects the historical and cultural heritage of our country. I hope the Senate will move swiftly through the bill.

It has been my privilege, Mr. President, to serve as the Ranking Member for this bill at the side of our very able Chairman, the senior Senator from Washington. Senator GORTON has done an outstanding job in crafting the bill and balancing its many competing interests, and crafting the Interior bill is not an easy task. The Interior bill remains one of the most popular appropriation bills, funding a diverse set of very worthy programs and projects. The bill is full of thousands of relatively small, yet very meaningful details. Our Chairman is a master of the complexities of the bill, and it is a pleasure to work on this appropriations bill with Senator GORTON. He has treated Senators fairly and openly. This bill was put together in a bipartisan manner, and it reflects priorities identified by many Senators, by the public, and by the agencies that are charged with carrying out the programs and projects funded in the bill.

The breadth of the activities covered by the Interior bill is vast—ranging from museums to parks to hospitals to resources to research—with most of the funds being spent far away from the Capitol and far away from Washington. This bill funds hundreds of national parks, wildlife refuges, national forests, and other land management units. The bill supports more than 400 Indian hospitals and clinics and thousands of Indian students. A wide variety of natural science and energy research and technology development is funded through this bill, providing immediate and far-reaching benefits to all parts of our country and to our society as a whole.

This bill makes its presence known in every State—from the rocky coasts of Maine to the mountains of California, from the coral reefs of Florida to the farflung island territories of the Pacific, from the Aleutian Islands in Alaska to the Outer Banks of North Carolina. And the number of requests that Senator GORTON and I have received from Senators for project funding in the Interior bill numbers more than 1,400—1,400 requests for specific items. This reflects its broad impact. While it is impossible to include every request, Senator GORTON has done an admirable job of accommodating high-priority items within the allocation, an allocation that is $660 million below the President's budget request and $290 million below last year's enacted level in new spending authority. Since the bill is at its allocation, any additional funding sought by Senators will need to be offset.

Mr. President, highlights of this bill include:

A total of $233 million for land acquisition, which is $37 million below the President's request and $38 million below the level of funding included in title I and title II of last year's bill for land acquisition.

A continuing emphasis on operating and protecting our national parks. Park operation funds are increased by $55 million, including $15 million targeted for the special operations initiative, $10 million for an across-the-board increase for all parks, and $14 million for maintenance.

A total of $10 million for the President's Millennium initiative, "Save America's Treasures." In addition, specific funding for critical historical and cultural resources is contained in the normal funding categories—items such as restoration of the Star Spangled Banner at the Smithsonian Institution, presevation of Independence National Historical Park in Philadelphia, protection of buildings at the Edison National Historic Site, and stabilization and protection of the Longfellow National Historic Site.

A continuing focus on the maintenance backlog needs of the land management agencies. Specific increases include: +$6 million for BLM facilities maintenance; +$10 million for FWS refuge operations and maintenance; +$18 million for NPS maintenance; and +$13 million for Forest Service road maintenance.

A total of $155 million for the Strategic Petroleum Reserve, allowing operation of the reserve without selling any of its oil.

An increase of $45 million above the President's request for the Indian Health Services program to help cover fixed costs. The administration's budget gave no consideration to these needs for IHS.

A net increase of $35 million for energy conservation programs—including increases for weatherization assistance, the building equipment and materials program, the industry sector programs, and the transportation programs.

Mr. President, while this bill provides needed resources for protecting some of our Nation's most valuable treasures, we still have a long way to go. The agencies funded through this bill are starting to make progress towards addressing their backlog maintenance issues, thanks in great measure to the leadership of the Congress, the expansion of private-public partnerships, and the development of innovative user fees.

But we are by no means out of the woods. Many deplorable conditions remain; many important resource and research needs are unmet. We must continue our vigilance towards unnecessary new initiatives as well as unwise decreases, our support for the basic programs that provide the foundation of the Interior bill, and our careful stewardship of the resources and assets placed in our trust.

Mr. President, the chairman and manager of the bill has already stated for the record many of the salient points that are covered in the bill, many of the items, many of the programs and projects. There is no need for my repeating them here.

Lastly, Mr. President, I extend a warm word of appreciation to the staff that have assisted the chairman and myself in our work on this bill. They work as a team and serve both of us, as well as all Senators, in a very effective and dedicated manner. On the majority side, the staff members are Bruce Evans, Ginny James, Anne McInerney, Leif Fonnesbeck, Mary Ellen Mueller, and Kevin Johnson. On my staff, Sue Masica, Kurt Dodd, Craig Leff, and Carole Geagley have worked on the Interior bill this year. This team works under the tutelage of the staff directors of the full committee—Steve Cortese for the majority and Jim English for the minority.

In closing, Mr. President, I want to share my deep appreciation for the wonderful words that members of the subcommittee and full committee have spoken about Sue Masica, the minority clerk for the bill, who recently accepted a position with the National Park Service. Sue was the best of the best. She will be sorely missed by myself and by the other Senators. Her dedication, acumen, and team spirit epitomize the Senate and the appropriations process.

Mr. President, this is a good bill, and I urge the Senate to complete its action promptly. And I urge all Senators to support the bill in its final passage.

I yield the floor.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3541

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Washington [Mr. GORTON], for Mr. JEFFORDS and Mr. TORRICELLI, proposes an amendment numbered 3541.

Mr. GORTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"SEC. . Up to $10 million of funds available in fiscal years 1998 and 1999 shall be available for matching grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission. Lands or interests in lands acquired pursuant to this section shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3))."

Mr. GORTON. Mr. President, last year about this time during the debate on this bill, the Senator from New Jersey, Mr. TORRICELLI, and the Senator from Vermont, Mr. JEFFORDS, proposed an amendment to earmark certain amounts of money for the preservation and protection of Civil War battlefield sites. At that point, while as a Civil War buff I greatly sympathize with them, we didn't know where the earmark would come from. It is now possible in this bill to meet the most worthy goals of that pair of bipartisan Senators.

This amendment earmarks up to $10 million of both fiscal year 1998 and 1999 money—$10 million total—for matching grants for up to 50 percent of the total cost of any such acquisition with States and local communities and private entities based on a July 1993 report of the Nation's Civil War battlefields prepared by the Civil War Sites Advisory Commission. So it means that there will be more leverage for the acquisition of various Civil War battle sites, mostly, I think, on secondary battles.

It is a highly worthy proposal. I very much favor it. At the same time, the majority leader, feeling that the Senate absolutely needs to do its business, and because as is usual and customary, unfortunately, at the beginning of debate over appropriations bills, we don't get people down here to offer their amendments, he has asked me to move to table the amendment and to take a vote on that. Therefore, Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, for the moment, one of the sponsors being here, I withdraw the motion to table.

The PRESIDING OFFICER. Motion withdrawn.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of the amendment and against the motion to table. This amendment was worked on by many of us who sincerely believe that the future of this Nation must rely, to a certain extent, on our good understanding of the past and of history and of the battles that this Nation fought in its infancy—basically, the Civil War battlefields.

As we approach the next millennium, many of these battlefields are very critical in understanding the history of the Civil War. And in understanding the sacrifices made by so many Americans, Senator TORRICELLI, myself and others, with the great cooperation of the Senator from Washington, worked out a plan where we could raise a sufficient amount of money to really work with States and local governments to be able to take care of and preserve those battlefields that are so important in understanding the history of the Civil War.

So I have opposed the motion to table and support very strongly the underlying amendment.

I yield the floor.

Mr. GORTON. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3541. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. GRAMS), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. KEMPTHORNE), and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Washington (Mrs. MURRAY), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The result was announced—yeas 0, nays 83, as follows:

[Rollcall Vote No. 261 Leg.]

NAYS—83

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Helms
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone

NOT VOTING—17

Biden
Chafee
Dodd
Feinstein
Grams
Gregg
Hollings
Hutchison
Kempthorne
Kennedy
Landrieu
Lautenberg
Leahy
Moseley-Braun
Murray
Santorum
Wyden

The motion to lay on the table the amendment (No. 3541) was rejected.

Mr. GORTON. Mr. President, as I said, this was in the nature of a vote that was appropriate for a Tuesday afternoon. I am very much in favor of this amendment. I do not believe there is any further debate on the amendment. I trust the President will put the question.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3541) was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I have a series of amendments that we may be able to deal with soon, none of which will be particularly controversial. The Senator from Tennessee, Mr. THOMPSON, does have a different subject to which he would like to speak shortly. I intend to defer to him on that.

But the important message to all of our colleagues, the message in effect given by this last vote, is this is an important appropriations bill. It is, in fact, controversial. We have a list of perhaps 60 amendments that are likely to come up on it at one point or another. Members should, I hope, be prepared to come to the floor of the Senate with those amendments and have them considered in an orderly fashion under which there is a reasonable amount of time for debate rather than to crowd them up against the end of the debate on this bill.

It may very well be that later on in the afternoon we will have an amendment on this bill on an entirely different and very controversial subject, which will then essentially take us off of the Interior bill. Before that takes place, however, the managers of the bill would be very pleased to deal with amendments that relate to the bill itself. I ask Members to come to the floor with those amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. I thank the Chair.

(The remarks of Mr. THOMPSON pertaining to the introduction of S. 2445 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMPSON. Thank you, Mr. President. I yield the floor.

Mr. GORTON. Mr. President, I hope within a few minutes to have a few corrective amendments to offer to the bill, but seeing no one with an amendment on the floor at the present time, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have spoken to the subcommittee Chair who is managing the appropriations bill that is now on the floor and have asked him if it is all right if I speak in morning business for a few minutes. If someone comes to the floor with an amendment on this bill, if he will signal to me, I will certainly discontinue so he may continue making progress on the bill.

I want to speak about the agriculture crisis briefly, and I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE CRISIS

Mr. DORGAN. Mr. President, we have a number of things to complete and to discuss and debate in the coming 5 or 6 weeks before this Congress finishes its work. Many of them are very important. The work of the Appropriations Committee in getting the appropriations bills done on a timely basis is critically important. All of us understand that. I am here today to talk about one specific issue that must be addressed. It is an issue that must be addressed on an urgent basis by this Congress before it completes its work in the 105th Congress. The issue is the farm crisis that exists in rural America.

I come from a rural State, the State of North Dakota, which is the size of 10 Massachusetts in landmass. It has 640,000 residents, and 40 to 50 percent of our State's economy comes from agriculture, and our system of family farming. I have spoken on the floor at some length about the problems and challenges we face these days.

In the last year, family farmers in our State suffered a 98-percent drop in net farm income. Yes, I said a 98-percent loss of their net income. Now, these are families who have elected, for a variety of reasons, to populate rural America. They own a farm. They raise livestock. They till the soil and produce grain. They produce America's foodstuffs. They take enormous risks, often with very few rewards. They live out in the country and they turn that yard light on at night, and that illuminates a family out there somewhere living on the land trying to make a living.

What is happening these days in the Farm Belt is that grain prices have collapsed, and livestock prices are way down. These family farmers who have risked everything they have and invested it in their hopes and dreams in making this family farm work, are now all too often standing with tears in their eyes as their farm is being sold at an auction sale.

This country will lose something important if it loses its family farmers. I suppose we could farm America from California to Maine with giant agrifactories. We could have big corporate farms and a farming system where nobody lives on the land and there are no yard lights because nobody is there at night. Do we want corporate agrifactories farming America? This country will have lost something very important in its culture and in its economy if we lose our family farmers. And, we will lose them if we don't decide as a Congress to take action soon.

Congress needs to tell farmers that this nation wants to help them through these troubled time. We need to build a bridge across these price valleys, when grain prices, cattle prices and hog prices collapse. We want to help. But, if we don't do that soon, we won't have many farmers left.

This isn't about Democrats and Republicans, or conservatives and liberals; it is about values and whether we in this Congress believe that family farming contributes to this country. I consider myself a Jeffersonian kind of Democrat. A Jeffersonian Democrat is somebody who really believes in broad-based economic ownership in this country, and who believes that the political freedoms we enjoy in this country could not exist without economic freedom. Such freedom comes only with broad-based economic ownership. It does not come with concentration, nor with big corporations, but with broad-based ownership in which the men and women of America are out there investing in farms and small businesses. Nowhere is that broad-based economic ownership more important and more apparent to the economic health of this country than on America's farms and ranches.

I was in a Quonset building a couple of days ago in North Dakota. It was in the evening and there was a picnic out on the farmstead. Farmers from all around the county came. About 100 folks gathered there. This young fellow who owned this farm hadn't finished taking off his grain. He had been trying hard, but he hadn't gotten it all off the field yet. As we were in this Quonset hut at this picnic, the clouds began to form out in the west. First they were blue and then almost black. Those clouds came in as part of a vicious, vicious storm. It came with a vengeance with wind, hail, rain. Inside that Quonset, it sounded almost like war as the huge hailstones were hitting that steel roof, making a loud, echoing sound together with the pelting rain.

I watched those farmers in that Quonset building look at those clouds. I started to understand what that storm meant when tears welled up in their eyes and they were shaking their heads. Some of these farmers knew that storm was probably wiping them out, destroying their crop, and probably destroying their hope to get something off of those fields and get it to the market and pay some bills.

Those are the risks our farmers face. Two years ago, the Congress passed the farm bill. I didn't vote for it. I didn't think it was a good farm bill. In the last 2 years, wheat prices have dropped 57 percent, right off the table. This is critical to us because wheat is the largest cash crop in North Dakota that the family farmers raise. In addition to wheat prices collapsing on us, we have also had the worst crop disease in the century. The most damaging is known as fusarium head blight or scab. So we have had crop diseases, together with the wet cycle that has fostered these diseases, a collapse in prices, and we have had auction sales all across the State. Family farmers are wondering whether they can continue. Their lenders are saying, "I don't think you can continue because the farm bill Congress passed has decreasing support prices in the out years, and it doesn't look good. Maybe you ought to get out now and save whatever little equity you can." That is the position farmers now find themselves in too often in rural America.

So the question for us is what should we do about it? In July this Senate passed a bill that included $500 million in what is called an indemnification program. Senator CONRAD and I authored that, along with Senator CRAIG and others. That bill is now going into conference committee with the House. We need to get that bill through to try to get some short-term help to family farmers. The indemnification program will have to be increased because of other disaster situations. The Texas cotton crop was devastated. Louisiana, Oklahoma, and other States now face an increasing crisis in family farming and in agriculture.

In addition to that bill, it seems to me the Congress has a responsibility now to reach out to family farmers and say: "We made a mistake a couple years ago. We need to build back some sort of price support program for you. We don't want to tell you when to plant, or how to plant, or what to plant. We don't want to do that. But we want to say that you matter and we care about family farmers, and we want to provide some basic kind of price bridge to get you over these price valleys."

We only have a couple of weeks to do that. I find it disturbing that in our economic system that almost everyone who touches something that a farmer grows or produces is making money with it. Farmers buy the seed and they buy the equipment to plant the seed. They put the fertilizer in the ground. They hope it doesn't hail, and that the insects don't come. They hope it doesn't rain too much. And, they hope it rains enough. Then maybe they get a crop. When they harvest the crop, they hope when they put it in the truck and drive it to the elevator, they will get a decent price for it. Any problem along the way may mean they are gone, broke, and out of business.

Let's assume that farmer gets through the year and harvests the grain and gets a dismal price for it. That is what is happening right now. What happens to this harvest? Somebody puts it on a train and they put it on those tracks and down the tracks it goes. And guess what? The railroads are making money. Do you think they aren't making money off that wheat? The farmer who planted and harvested it didn't, but the railroads are making money, I suspect record profits. Then it goes to a miller. The millers are doing fine. They are making money. Then it goes to some plant someplace where they are going to make breakfast food out of it. They take that kernel of wheat and put it into a plant and they puff it up. They make puffed wheat. They put it in a box and send it to a store and somebody buys the puffed wheat. They are making money off it. The people who move it, the people who puff it and crisp it, and the people who sell it in a store make money. Everyone makes money except the people who produced it. The family farmers don't make money from their harvests. They are going broke. What kind of a system is that?

Speaking of disconnections in the system, let's look further at our food system. We have a system that doesn't make sense. As farmers go broke we have circumstances where halfway around the world today, we hear that old women are climbing trees in Sudan trying to find leaves to eat because they are on the abyss of starvation. Millions are starving.

At the very same time an old woman is climbing a tree to get leaves to eat in Sudan, a farmer is loading a 2-ton truck to take to the country elevator, and when they get there, the elevator operator says, "We're sorry, this wheat isn't worth anything; the market has collapsed. This wheat doesn't have value." What kind of a disconnection is that? In the same world, halfway around the globe, people are starving and those who produce the best foodstuffs in the world are told it doesn't have value. There is something wrong with that picture as well.

My hope is that in the coming 4 or 5 weeks, Republicans and Democrats will understand that it is our responsibility as a country to say to that this most important sector, the agriculture sector, matters. We need to especially tell our family farmers that they matter and that we are going to make a difference by passing a price support mechanism of some type that gives them a chance to survive.

Let me add one final piece to this.

In addition to saying that price supports will be available when prices collapse and we want family farmers to survive, this Congress also ought to do something to help family farmers survive by saying we will correct the problems in the trade agreements that we have negotiated over recent years that have been to the detriment of family farmers.

Almost no one wants to hear my recitation of the trade problems because they have heard it so often.

We send negotiators to go to negotiate with Canada, and we have an $11 billion trade deficit with Canada. They finish the negotiations, bring the treaty back to Congress, Congress passes the treaty, and the trade deficit doubles. They send negotiators to go negotiate with Mexico. That is done. They send it to Congress, and Congress approves it—not with my vote—and a surplus turns into a big deficit. They send negotiators to go out and negotiate a GATT agreement. The same thing: Record trade deficits.

Mr. President, there is something wrong.

Mr. President, there is something dreadfully wrong when our family farmers and other producers in this country—but especially family farmers—are told: "You compete in the open market. It is a global economy. You go compete." And our negotiators somehow fail to suit up. I don't think it should be necessary for our negotiators to wear a jersey reminding them for whom they are negotiating. But, somehow they should be reminded. Maybe we ought to have our negotiators wear a jersey like they wear in the Olympics that says "USA" just so they understand whom they represent. Maybe the next time they bring a trade treaty back to the U.S. Senate they can bring one back that serves our economic interest. We need trade agreements that are not driven by foreign policy, but instead are guided by hard-nosed economic policy that represents our economic interests.

Now we are told that in the next week or so we are going to have fast-track trade authority brought to the floor of the Senate. Good luck. This fast track is going to do more of the same trade stuff that got us into this trouble. Not with my vote. I intend to stand here and object to every single thing that is asked and every single thing that is requested to get fast track to the floor of the Senate. I am only one person. I probably can't stop it. But I can sure slow it down some. I fully intend to do that.

I have something to say to those folks who are so all-fired anxious to bring fast-track trade authority back to the floor of the Senate based on the package already reported out of the Senate Finance Committee. If you are so anxious to talk about trade, why don't you figure out how to deal with the problems created in our previous trade agreements. Before you start trying to figure out how you send people over to do new trade treaties with other countries, fix a few of the problems. Fix the problems with Canada. Tell our farmers why a flood of Canadian grain can come across in this direction, and a pickup truck with a few kernels gets stopped at the Canadian border, and they have to sweep the few kernels off because you can't take a few kernels of wheat into Canada. Tell our farmers how that is free trade. It is not. Fix those trade agreements before you come to us talking about more fast-track trade agreements.

I just want to say this to the majority leader and others. If you think this place is going to move quickly, trying to bring fast track to the floor of the Senate is a sure fire way of slowing down the proceedings of the Senate. I guarantee it. Fast track will not solve the farm crisis. It is the farm crisis that has to be our priority in the remaining few weeks of this session.

I hope very much that we can agree on a bipartisan basis on the need and the urgency to address the farm crisis. I hope that we can do that on a bipartisan basis. Farmers don't get up in the morning or go to bed at night as Republicans or Democrats. They don't care with respect to their long-term economic survival whether it is a Republican or a Democratic plan. They care about whether it is a plan that works. They need a plan that says to them that we care about them and their future.

I hope that all of us who come from farm country and who represent rural

America can join together and decide to do something meaningful, something real, and something that really does help family farmers before we adjourn this 105th Congress.

I wanted to make those comments because in the next week or so I expect there will be amendments offered once again on the floor of the Senate dealing with farm price supports that need to be passed. I will also be involved in the Appropriations Committee in conference with the House to move forward with the $500 million indemnification program which Senator CONRAD and I and others authored and that we have already passed through the Senate. And we may be working on other issues as well, including the trade issue that I just described.

Mr. President, let me thank the Senator from Washington for allowing me to make some interim comments. I noticed I wasn't interrupted. I guess that means no one showed up to offer an amendment on his Interior bill.

Let me also say that I am a member of the Appropriations Committee and a member of the subcommittee. I very much respect his leadership. I think he does an excellent job with this piece of legislation. I say that because tomorrow I intend to offer an amendment that I hope he will perhaps accept. But I thank him again for allowing me the time to interrupt the legislation on the floor.

Mr. President, I yield the floor. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll to determine the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 3543 THROUGH 3553, EN BLOC

Mr. GORTON. Mr. President, I send a group of amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and others, proposes amendments numbered 3543 through 3553, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3543

(Purpose: Strikes Section 333 of the Senate bill and inserts in lieu thereof a modification to Section 343 of Public Law 105–83, concerning fees charged for recreation residence fees charged on the Sawtooth National Forest)

On page 134, strike lines 21–25, and insert in lieu thereof the following:

SEC. 333. In the second proviso of section 343 of Public Law 105–83, delete "1999" and insert "2000" in lieu thereof.

AMENDMENT NO. 3544

(Purpose: To subject certain reserved mineral interests to the Mineral Leasing Act)

On page 74, after line 20, add the following:

SEC. . LEASING OF CERTAIN RESERVED MINERAL INTERESTS.

(a) APPLICATION OF MINERAL LEASING ACT.—Notwithstanding section 4 of Public Law 88–608 (78 Stat. 988), the Federal reserved mineral interests in land conveyed under that Act by United States land patents No. 49–71–0059 and No. 49–71–0065 shall be subject to the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.).

(b) ENTRY.—

(1) IN GENERAL.—A person that acquires a lease under the Act of February 25, 1920 (30 U.S.C. 181 et seq.) for the interests referred to in subsection (a) may exercise the right of entry that is reserved to the United States and persons authorized by the United States in the patents conveying the land described in subsection (a) by occupying so much of the surface the land as may be required for purposes reasonably incident to the exploration for, and extraction and removal of, the leased minerals.

(2) CONDITION.—A person that exercises a right of entry under paragraph (1), shall, before commencing occupancy—

(A) secure the written consent or waiver of the patentee; or

(B) post a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to ensure—

(i) the completion of reclamation pursuant to the requirements of the Secretary under the Act of February 25, 1920 (30 U.S.C. 181 et seq.); and

(ii) the payment to the surface owner for—

(I) any damage to a crop or tangible improvement of the surface owner that results from activity under the mineral lease; and

(II) any permanent loss of income to the surface owner due to loss or impairment of grazing use or of other uses of the land by the surface owner at the time of commencement of activity under the mineral lease.

(c) EFFECTIVE DATE.—In the case of the land conveyed by United States patent No. 49–71–0065, this section takes effect January 1, 1997.

AMENDMENT NO. 3545

(Purpose: To make technical corrections to Sec. 332 of the bill regarding the removal of economically viable commercial wood products prior to initiating burning activities)

On page 134, line 16, insert between the words "burning" and "until" the following: "on lands classified in the national forest land management plan as timber base"

On page 134, line 18, insert between the words "remove" and "all" the following: "from the proposed burn area,"

On page 134, line 19, delete the words "from the proposed burn area." and insert the words "that would otherwise be consumed by fire."

AMENDMENT NO. 3546

(Purpose: To make technical corrections to Sec. 328 of the bill regarding authority for the Forest Service to independently acquire a general ledger system)

On page 131, line 12, insert between the words "a" and "system" the following word: "ledger"

On page 131, line 13, delete the word "information".

On page 131, line 19, insert after the word "Appropriations" the following: "and authorizing committees."

AMENDMENT NO. 3547

(Purpose: To make technical correction to Sec. 339 of the bill regarding a prohibition on timber purchaser road credits)

On page 145, strike lines 22 and 23, and insert the following in lieu thereof: "roads constructed by the timber purchaser, caused by variations in quantities, changes or modifications subsequent to the sale of timber made in accordance with applicable timber sale contract provisions, then".

And on page 147, line 24, strike the words "appraised value" and insert the following in lieu thereof: "estimated cost".

And on page 148, strike lines 15 through 22 and insert the following in lieu thereof:

"thereafter) upon the earlier of—

"(A) April 1, 1999; or

"(B) the date that is the later of—

"(i) the effective date of regulations issued by the Secretary of Agriculture to implement this section; and

"(ii) the date on which new timber sale contract provisions designed to implement this section, that have been published for public comment, are approved by the Secretary.".

And on page 149, line 3, strike the coma after the word "date" and insert the following in lieu thereof: "shall remain in effect, and".

AMENDMENT NO. 3548

(Purpose: Clarifies how the Forest Service is to conduct public involvement related to management of fixed climbing anchors in wilderness areas)

On page 134, line 8, delete Sec. 331, lines 8–14, and insert the following in lieu thereof:

SEC. 331. The Forest Service shall rescind its decision prohibiting the use of fixed anchors for rock climbing in wilderness areas of any National Forest. No decision to prohibit the use of such anchors in the National Forests shall be implemented until the Forest Service conducts a rulemaking to develop a national policy on the proper management of fixed climbing anchors.

AMENDMENT NO. 3549

Beginning on page 41 of the bill, line 21, following "That", strike all the language through page 42 line 5 and insert the following: "notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least eighteen months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the accountholder."

AMENDMENT NO. 3550

On page 16, line 13, strike "the report accompanying this bill:" and insert in lieu thereof "Senate Report 105–56:".

AMENDMENT NO. 3551

On page 32 of S. 2237, line 22, strike "funds." and insert the following: "funds:

Provided further, That the sixth proviso under Operation of Indian Programs in Public Law 102–154, for the fiscal year ending September 30, 1992, (105 Stat. 1004), is hereby amended to read as follows: '*Provided further*, That until such time as legislation is enacted to the contrary, no funds shall be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without consultation with the Cherokee Nation.'."

AMENDMENT NO. 3552

(Purpose: Modifies Section 125 to correct and clarify legal description of land to be conveyed to the town Pahrump, Nevada)

On page 62, strike lines 6 through 13 and insert the following in lieu thereof:

Beginning on line 5, following the words "without consideration" insert: ", subject to the requirements of 43 U.S.C. 869, all right title and interest of the land subject to all valid existing rights in the public lands located south and west of Highway 160 within Sections 32 and 33, T. 20 S., R. 54 E., Mount Diablo Meridian."

AMENDMENT NO. 3553

(Purpose: Adds requirements in Forest Service administrative provisions for charging indirect expenses to permanent and trust funds)

Strike line 25 on page 88 and lines 1 through 4 of page 89. Interest the following in lieu thereof:

"House of Representatives and Senate;

"(1) Proposed definitions for use with the fiscal year 2000 budget for overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units that are not directly related to the accomplishment of specific work on the ground;

"(2) A recommendation of the amount of funds, in accordance with definitions under (1), which are appropriate to be charged to the Reforestation, Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and the Salvage Sale funds; and

"(3) A plan to incrementally adjust expenditures under (2) to this recommended level no later than September 30, 2001:

"*Provided further*, That the Forest Service".

On page 89, strike line 18 and insert the following in lieu thereof: "budget allocation. Changes to funding levels, for appropriated funds, permanent funds and trust funds, and".

Mr. GORTON. Mr. President, I ask unanimous consent that as and when these amendments are adopted, they be considered as original text for the purpose of further amendment, should a Senator desire to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, these are primarily a set of rather small and technical amendments. The first one, for Senator CRAIG, strikes section 333 regarding recreation residence fees and modifies section 343 of last year's bill on that subject. It is more modest than the section 333 that it strikes.

The second amendment by the distinguished occupant of the Chair subjects certain reserved mineral interests to the Mineral Leasing Act.

The next set of amendments, all of which carry my name, are a technical fix to section 332 on prescribed burning operations; a technical amendment to section 328 on the authority given to the Forest Service to acquire independently a general ledger system; a technical change to section 339 on the prohibition of the use of timber purchaser road credits; a technical change to section 331 on Forest Service regulations on the use of fixed climbing anchors; a technical change on the financial statements from the Office of Special Trustee, this at the administration's request; a technical correction on reprogramming procedures; an amendment to the BIA language relating to other tribes taking land into trust from within the boundaries of the original Cherokee territory; a proposal by Senator REID on the BLM modifying section 125 to correct and clarify the legal description of lands to be conveyed; and one of my own relating to the Forest Service, a technical correction regarding accounting for indirect expenses.

As I said, Mr. President, these tend to perfect sections that are included in the bill and under my unanimous consent request will be subject to further amendment if any Member desires to do so just as if they were a part of the original bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 3543 through 3553) were agreed to en bloc.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that Walter Dunn, a fellow working in Senator BINGAMAN's office, be accorded privilege of the floor during the pendency of S. 2237.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to determine the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BENNETT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The bill clerk continued with the call of the roll.

Mr. DASCHLE. Mr. President, I renew my request.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection? Hearing none, it is so ordered.

Mr. DASCHLE. Mr. President, I have no intention of offering an amendment at this time. As I understand it, we are waiting for Senator MCCAIN to come to the floor to offer an amendment on campaign finance reform. I hope we could have that debate sometime this afternoon.

I hate to see time pass without having the opportunity to talk about the array of issues that are pending before this body. Obviously, campaign finance reform is a matter of great concern to many Senators on both sides of the aisle, and I know Senator MCCAIN and Senator FEINGOLD have indicated their desire to offer an amendment, as I understand it, this afternoon. Senator LOTT, now, has expressed a desire to have a vote on campaign finance reform at some point this week. Given Senator LOTT's pessimism about its chances for passage, I assume that he believes that he has the necessary votes to defeat the amendment, or to defeat a move to bring cloture on the amendment this week.

I will tell you, it will not be the last vote we have on campaign finance reform, because we will offer it again and again. Whether it is Senator FEINGOLD and Senator MCCAIN or others, I think it important that we ultimately have a vote on the issue itself.

While we wait on that particular vote and that debate, which I hope will take place sometime soon, I call attention also to the other amendments we wish to offer.

We will be offering an amendment on the Patients' Bill of Rights. We believe it is essential that we have the opportunity to come to closure on that important issue as well. It has passed in the House, as has campaign finance reform. They are both now pending in the Senate. We have indicated a willingness to take up the Shays-Meehan bill as it exists, pass it, and send it on for signature.

We are not quite prepared to do the same on the Patients' Bill of Rights. We think we can improve on the House-passed bill, and having that debate is very important.

In addition to that, we will be offering a series of amendments, as we have noted in the past, on agriculture. I have just returned from South Dakota with a similar impression as others who have returned from their home States about how serious the situation is and how problematic it is becoming for an increasing number of our producers. We will offer an amendment to increase the loan rate. I hope on a bipartisan basis we can support that.

We will offer an amendment to provide storage payments to farmers so they are not forced to sell their grain now.

We will be offering an amendment to provide for loan deficiency payments for corn silage, something farmers are so desirous of having simply because they are forced to sell grain that is absolutely worthless right now. At least silage will give them an opportunity to feed their livestock.

We will be offering other amendments, because we don't believe there is any other choice.

Mr. President, one could make the argument that with all of this work to be done, we simply can't consider running the Senate in a business-as-usual fashion. We have to take into account the end of the session, the plethora of legislative needs that are out there, and the agenda that places before us.

So we will be offering a proposal. Our proposal is really pretty simple. Our proposal is that we approach the legislative schedule between now and the end of the session in two shifts; that we take the first shift to address the appropriations bills and some of the array of issues that the majority leader has considered scheduling. As I understand it, we will have a vote tomorrow on missile defense. We will have the bankruptcy bill and other bills.

But then we propose a second shift. Beginning early in the evening and going until whatever time it takes each night, we would dedicate the Senate to the needs that we haven't addressed and the array of issues that the majority leader says we don't have time for. We do have time for them if we make time. We do have time for them if we actually engage in what businesses do all the time. If they want to increase production, they go to a second shift.

The time has come for us to increase production. The time has come for us to recognize that we can't consider the Senate agenda in the remaining time that we have available in a business-as-usual fashion. We have yet to pass a budget. Unbelievable as it may be, regardless of what the law requires, our Republican leadership has renounced the law, has abdicated their responsibilities, and has concluded that they somehow can violate the requirements of the law and not pass a budget resolution. I am not sure how you do that. I am not sure of the legal implications of doing it. But if we are not going to address a budget resolution simply because, as the leadership has noted, we don't have time, then, again, our solution, our suggestion, is that we make time.

Let's consider a second shift. Let's consider working overtime. Let's consider doing what we must, as any business, as any manager, would do. With all the work that is before us, let us consider doing what we must and putting in the hours to resolve these issues and complete our work before the end of the session.

Mr. President, it is really not very complicated. If we work until a certain time as if we were going to adjourn, then move to the second shift and take up the second agenda, we can complete our work. As I understand it, things like this have been done before, and it is time we do it now. We have very few days left. Less than 6 weeks from now, the Senate is anticipating adjournment. We simply can't adjourn without having addressed and passed campaign finance reform. We can't adjourn without having addressed and passed a Patients' Bill of Rights. We simply can't adjourn without having addressed and passed an array of tools to provide agriculture with the ability to survive.

All the issues I have mentioned, and many others, beg our consideration and demand our attention. I hope we can address them in a way that will accommodate the needs of both parties and caucuses and the expectations of the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. I ask unanimous consent that Jason McNamara, Catharine Cyr, Angela Ewell-Madison, Mike Heeb, and Amanda Lawrence of Senator BOB GRAHAM's staff have floor privileges for the duration of the consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3554

(Purpose: To make an amendment to reform the financing of Federal elections)

Mr. McCAIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for himself, Mr. FEINGOLD, Mr. THOMPSON, Ms. SNOWE, Ms. COLLINS, and Mr. JEFFORDS, proposes an amendment numbered 3554.

Mr. McCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. (The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, I appreciate the cooperation of the majority leader in bringing this amendment up. I see my friend from Kentucky on the floor. I look forward to vigorous debate in the next couple of days. I know that the majority leader is going to file a cloture motion. I believe it is important that we bring this issue again before the Senate since the House of Representatives obviously acted on this issue.

I do want to point out that the majority leader has assured me we will have 2 full days of debate on this, which will mean a cloture vote sometime late Thursday afternoon. I appreciate that. I hope that we will on this occasion prevail. I again look forward to a vigorous debate on this issue.

I yield the floor.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending campaign finance reform amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending campaign finance reform amendment.
>
> Trent Lott, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Wayne Allard, Rod Grams, Larry E. Craig, Kay Bailey Hutchison, James M. Inhofe, Richard S. Lugar, Mitch McConnell, Jeff Sessions, Rick Santorum, Don Nickles, Dan Coats, and Lauch Faircloth.

Mr. LOTT. Mr. President, I ask consent that no further amendments be in order to the Interior appropriations bill prior to the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Thursday, September 10. We will have a consultation as to exactly what time. I presume it will be late in the afternoon. All Members will be notified as to the exact time of this cloture vote as soon as the time becomes available.

I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I recognize that under the order established by the unanimous consent agreement of the majority leader there would be no further amendments to the Interior bill until after the McCain-Feingold bill has been dispensed with one way or the other.

However, I ask unanimous consent that that consent notwithstanding, there be an opportunity to discuss another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3555

(Purpose: To amend Section 343 regarding modifications to dams on the Columbia and Snake Rivers)

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. GORTON, proposes an amendment numbered 3555.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 152, line 7, strike all through line 3 on page 154 and insert in lieu thereof the following:

"SEC. 343. Unless specifically authorized by Congress or with the consent of licensees for dams licensed by the Federal Energy Regulatory Commission, a Federal or State agency shall not require, approve, authorize, fund or undertake any action that would remove or breach any dam on the Federal Columbia River Power System or any dam on the Columbia or Snake Rivers or their tributaries licensed by the Federal Energy Regulatory Commission or diminish below present operational plans the Congressionally authorized uses of flood control, irrigation, navigation and electric power and energy generating capacity of any such dam."

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3555) was agreed to.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I again ask unanimous consent that notwithstanding the order regarding amendments that one additional amendment may be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3556

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. GORTON, proposes an amendment numbered 3556.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike Section 129 of Senate bill 2237 and add the following in the nature of a substitute:

Section 129. (a) In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

(b) The Bureau of Indian Affairs shall develop alternative methods to fund TPA base programs in future years. The alternatives shall consider tribal revenues and relative needs of tribes and tribal members. No later than April 1, 1999, the BIA shall submit a report to Congress containing its recommendations and other alternatives. The report shall also identify the methods proposed to be used by BIA to acquire data that is not currently available to BIA and any data gathering mechanisms that may be necessary to encourage tribal compliance. Notwithstanding any other provision of law, for the purposes of developing recommendations, the Bureau of Indian Affairs is hereby authorized access to tribal revenue-related data held by any Federal agency, excluding information held by the Internal Revenue Service.

(c) Except as provided in subsection (d), tribal revenue shall include the sum of tribal net income, however derived, from any business venture owned, held, or operated, in whole or in part, by any tribal entity which is eligible to receive TPA on behalf of the members of any tribe, all amounts distributed as per capita payments which are not otherwise included in net income, and any income from fees, licenses or taxes collected by any tribe.

(d) The calculation of tribal revenues shall exclude payments made by the Federal Government in settlement of claims or judgments and income derived from lands, natural resources, funds, and assets held in trust by the Secretary of the Interior.

(e) In developing alternative TPA distribution methods, the Bureau of Indian Affairs will take into account the financial obligations of a tribe, such as budgeted health, education and public works service costs; its compliance, obligations and spending requirements under the Indian Gaming Regulatory Act; its compliance with the Single Audit Act; and its compact with its state.

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3556) was agreed to.

Mr. BENNETT. Mr. President, I ask unanimous consent that it be in order to offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3557

(Purpose: To provide for the transfer of additional funds to the Energy Conservation account)

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] for Mr. GORTON proposes an amendment numbered 3557.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Starting on page 91, line 23, strike all through the colon on page 92, line 3, and insert in lieu thereof the following:

"For necessary expenses in carrying out energy conservation activities, $678,701,000, to remain available until expended, including, notwithstanding any other provision of law, $64,000,000, which shall be transferred to this account from amounts held in escrow under section 3002(d) of Public Law 95–509 (15 U.S.C. 4501(d)):";

At the end of Title III, add the following new section:

SEC. . Section 3003 of the Petroleum Overcharge Distribution and Restitution Act of 1986 (15 U.S.C. 4502) is amended by adding after subsection (d) the following new subsection:

"(e) Subsections (b), (c), and (d) of this section are repealed, and any rights that may have arisen are extinguished, on the date of the enactment of the Department of the Interior and Related Agencies Appropriations Act, 1999. After that date, the amount available for direct restitution to current and future refined petroleum product claimants under this Act is reduced by the amounts specified in title II of that Act as being derived from amounts held in escrow under section 3002(d). The Secretary shall assure that the amount remaining in escrow to satisfy refined petroleum product claims for direct restitution is allocated equitably among the claimants.";

On page 2, line 13, strike "$600,096,000" and insert in lieu thereof the following: "$603,396,000";

On page 5, line 20, strike "$15,650,000" and insert "$16,650,000";

On page 11, line 1, strike "$624,019,000" and insert in lieu thereof the following: "$631,019,000";

On page 12, line 21, strike "$48,734,000" and insert in lieu thereof the following: "$50,059,000";

On page 13, line 8, strike "$62,120,000" and insert in lieu thereof the following: "$63,370,000";

On page 17, line 12, strike "$1,288,903,000" and insert in lieu thereof the following: "$1,298,903,000";

On page 17, line 25, strike "$48,800,000" and insert in lieu thereof the following: "$50,800,000";

On page 18, line 25, strike "$210,116,000" and insert in lieu thereof the following: "$217,166,000";

On page 19, line 3, insert the following after the ":": *Provided further*, That "$500,000 may be derived from the Historic Preservation Fund for the Hecksher Museum:",

On page 19, line 17, strike "$88,100,000" and insert in lieu thereof the following: "$90,075,000";

On page 22, line 10, strike "$772,115,000" and insert in lieu thereof the following: "$773,115,000";

On page 22, line 18, strike "$154,581,000" and insert in lieu thereof the following: $155,581,000";

On page 30, line 2, strike "$1,544,695,000" and insert in lieu thereof the following: "$1,555,295,000";

On page 30, line 21, strike "$50,588,000" and insert in lieu thereof the following: "$52,788,000";

On page 75, line 6, strike "$212,927,000" and insert in lieu thereof the following: "$214,127,000";

On page 75, line 13, strike "$165,091,000" and insert in lieu thereof the following: "$168,091,000";

On page 77, line 5, strike "$353,840,000" and insert in lieu thereof the following: "$358,840,000";

On page 96, line 25, strike "$1,888,602,000" and insert in lieu thereof the following: "$1,893,602,000";

On page 98, line 16, strike "$170,190,000" and insert in lieu thereof the following: "$175,190,000".

Mr. BENNETT. Mr. President, this amendment provides funding for a wide array of programs throughout the Interior bill, predominantly to meet requirements such as fixed cost increases in maintenance, the $60 million offsets derived from excess funds held in escrow pursuant to the Petroleum Overcharge Distribution and Restitution Act. These funds are in excess of the funds projected to be required to pay any restitution pursuant to the act.

I ask unanimous consent that a more detailed description of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Amendment provides for the following:

Additional $2.3 million for fixed costs increases in the Bureau of Land Management. Funding at this level will provide approximately 75% of the agency's requested uncontrollables. The agency will continue to be expected to find efficiencies to offset the remainder of the request.

Additional $1 million for wilderness management in the Bureau of Land Management, which increases this activity to the FY 98 level ($300,000 below Administration request). Funds will address routine wilderness management responsibilities.

Additional $5 million for fixed costs increases in the Fish and Wildlife Service. Funding at this level will provide approximately 50% of the agency's requested uncontrollables. The agency will continue to be expected to find efficiencies to offset the remainder of the request.

Additional $10 million for Park Service maintenance.

Additional $3 million for the Bureau of Indian Affairs to address the probate backlog for Individual Indian Money accounts. Consistent with BIA's strategic goal to address the title backlog, which is the subject of several lawsuits. The cost of dealing with the total backlog is estimated at over $12 million, according to most recent figures, available only after President's budget was released. The additional funds over FY98 funding of $573,000 will hire temporary staff, provide overtime to existing staff and provide funds to self-governance tribes to research about 300 backlogged estates of about 1,300 total. This funding will fully meet Administration request and is $2 million over the House mark.

Additional $2.2 million for support related to the Cobell v. Lujan litigation. The elimination of backlogs is a component of the Trust Management Improvement Project overseen by the Office of the Special Trustee.

Additional $3.5 million for BIA law enforcement for Law Enforcement in Indian Country initiative.

Additional $1.7 million for Bureau of Indian Affairs environmental cleanup. The EPA is threatening BIA with fines related to remediation of underground storage tanks. In addition, BIA is trying to perform an environmental audit related to tanks and open dumps.

Additional $2 million for Stewardship Incentives Program in the Forest Service to equal the Administration request. Reflects strong interest in this program by numerous senators. Will improve the overall survivability of the program in light of the House action to provide no funding.

Additional $1 million for Forest Legacy program in the Forest Service to equal Administration request. Reflects strong interest in this program by numerous senators. The additional funds will further support efforts to obtain management easements for especially sensitive properties of significant national interest.

Additional $4 million for Forest Service road maintenance, reflecting Committee's commitment to address the severely deteriorating Forest Service infrastructure by increasing the amount of roads being maintained to planned standards. This will be of significant value in reducing erosion and damage which is harmful to watersheds within the national forests and adjacent lands.

Additional $5 million for Indian Health Service contract support. The Administration flat-lined Contract Support at $168 million, and the House and Senate figures are already above that level, with House at $195 million and Senate at $170 million. However, reality is that shortfall is estimated to be upwards of $90 million in total ($33 million for FY98 alone). The additional funding would still be short of House amount but is better than Administration request.

Additional $500,000 each for the Wheeling National Heritage Area, the South Carolina National Heritage Corridor, and the Augusta Canal National Heritage Area in the Park Service, National Recreation and Preservation account.

Additional $1 million for the heating and cooling system at the U.S. Geological Survey Leetown Science Center.

Additional $500,000 for land acquisition at the Ohio River Islands National Wildlife Refuge.

Additional $1,000,000 for the Forest Service for a multi-state cooperative noxious weeds research program.

Additional $1 million for BLM land acquisition at the Santa Rosa Mountains National Scenic Area.

Additional $1 million for construction of a visitor center at the White River National Wildlife Refuge.

Additional $1,975,000 for land acquisition at Cumberland Island National Seashore.

Additional $200,000 for the Bureau of Indian Affairs for a job placement assistance program operated by the United Sioux Tribes Development Corporation.

Additional $1 million for the Forest Service construction account for the Institute of Pacific Islands Forestry.

Additional $325,000 for reconstruction at the North Attleboro National Fish Hatchery.

Additional $750,000 for land acquisition at the Tensas River National Wildlife Refuge.

Additional $500,000 for the recently authorized National Underground Railroad program in the Park Service.

Additional $1 million for the Fish and Wildlife Service for the Clark County, NV Habitat Conservation Plan.

Additional $1 million for demonstration of modular fuel cells at no more than ten Department of Energy facilities.

Additional $200,000 for Spartina grass research by the Forest Service.

Additional $500,000 for the Park Service Hecksher museum renovation.

Additional $2.25 million for the Park Service for the construction of the Blue Ridge Parkway Visitors Center.

Additional $1 million for the Park Service for construction at the Black Archives & Research Center at Florida A&M University.

Additional $1 million for the Fish and Wildlife Service for habitat restoration in the Black River, a tributary to the Coosa River.

Additional $3.3 million for rehabilitation of the Acadia National Park water and sewer system.

Mr. BENNETT. Mr. President, I ask unanimous consent that this amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3557) was agreed to.

Mr. McCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth annual legislation which provides federal funding for all of the agencies within the Department of the Interior, the Indian Health Service and several forestry programs. Many of the programs funded within this bill are vital to the preservation of our National Parks and to protect our precious natural resources.

I regret that I must again come forward this year to object to the $351.8 in additional spending above the budget request included in this bill and its accompanying report. This is an improvement over last year's FY 98 Interior appropriations bill, which contained $584.6 million in pork-barrel spending. However, $351.8 million is still an unacceptable amount of money to spend on low-priority, unrequested, wasteful projects. In short, Congress must curb its appetite for such unbridled spending. The multitude of unrequested earmarks buried in this proposal will undoubtedly further burden the American taxpayers. I ask unanimous consent that this list of objectionable provisions be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Objectionable Provisions in the FY '90 Interior Appropriations Bill

BILL LANGUAGE

An earmark of $2,082,000 to Alaska to assess the mineral potential of public lands.

An earmark for unspecified funds to the Wichita Mountains Wildlife Refuge for maintenance of a herd of long-horned cattle.

An earmark of $2,000,000 to unspecified communities in southern California for planning associated with the National Communities Conservation Planning program.

An earmark of $1,000,000 to Ohio for acquisition of the Howard Farm near Metzger Marsh.

An earmark of $550,000 to New York for repair and rehabilitation of the Susan B. Anthony House in New York State.

An earmark of $2,000,000 to Virginia City Historic District for construction, improvements and repair/replacement of physical facilities.

An additional $97,921,000 above the budget request for the Navajo Indian Irrigation Project.

An earmark of $350,000 to Alaska for equipment support and training for southern region fireland protection.

The Committee states 80% of unspecified funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts be allocated to the state of Washington, directly to the WA State Department of Fish and Wildlife for projects on National Forest land.

The Committee directs unspecified funds to be available for payments to counties within the Columbia River Gorge National Scenic Area in Washington State.

The Committee requires compliance with all "Buy America" provisions.

The Committee stipulates that the Forest Service and the Federal Highway Administration earmark $15,000,000 for the State of Utah for construction of the Trappers Loop connector road for preparation of the 2002 winter Olympics.

The Committee directs the Secretary to acquire the Elwha Project and Glines Canyon Project in the State of Washington for a purchase price of $29,500,000.

REPORT LANGUAGE

Title I—Department of the Interior: Land and Water Resources

BUREAU OF LAND MANAGEMENT: MANAGEMENT OF LAND AND RESOURCES

The Committee requests an additional $500,000 for Alaska minerals programs for the minerals at risk program which includes funding for data base, depository, and storage facilities and additional funds for development of a single graphical claims information system for both Federal and State claims.

The Committee provides an additional $500,000 for an airborne geophysical survey and geologic mapping of Federal lands in southeast Alaska to be conducted in consultation with the State of Alaska.

The Committee requests an additional $1,798,000 for Alaska conveyance.

The Committee has recommended $750,000 for the cadastral survey program to support the Montana cadastral mapping project.

CONSTRUCTION

An earmark of $1,000,000 for the planning and construction of facilities to service the Grand Staircase-Escalante National Monument.

An earmark of $2,000,000 for construction at Pompeys Pillar in Montana.

An earmark of $1,022,000 for construction of Coldfoot multi agency facility in Alaska.

Fish and Wildlife and Parks

U.S. FISH AND WILDLIFE SERVICE: RESOURCE MANAGEMENT

The Committee requests an additional $900,000 for the National Conservation Training Center located in West Virginia.

An earmark of $400,000 for Alabama sturgeon conservation efforts.

An earmark of $560,000 for Iron City, UT, habitat conservation plan.

The Committee requests an additional $100,000 for the Middle Rio Grande Bosque Consortium.

The Committee requests an additional $500,000 for Partners for Fish and Wildlife to research Washington salmon enhancement.

An earmark of $500,000 for Hawaii Endangerment Species Act community conservation programs.

The Committee requests $1,250,000 for Washington State regional fisheries enhancement groups, including the Long Live the Kings and Hood Canal salmon enhancement groups. Of this amount, $750,000 is allocated to the Washington Department of Fish and Wildlife in the form of a block grant to support the continued volunteer efforts of the Regional Fisheries Enhancement Program. Also included is $300,000 for Long Live the Kings salmon recovery efforts and $200,000 for Hood Canal salmon recovery efforts.

The Committee recommends $950,000 for the Reno biodiversity initiative.

The Committee requests an additional $200,000 for the development of an environmental assessment and supporting management plan for the proposed Darby Prairie National Wildlife Refuge in Ohio.

An earmark of $404,000 to study the decline of sea otters in the Aleutian chain and possible role of contaminants; a clinic to educate and test the uses of steel shot by hunters in western Alaska in order to encourage the use of steel shot in lieu of lead shot; and a Yukon River Salmon Treaty educational campaign to inform better Yukon River residents of the treaty requirements and to aid their communication with the Yukon River panel and other agencies.

An earmark of $358,000 for Ouray National Fish Hatchery in Utah.

An earmark for $30,000 for the Alaska region ballast water initiative to monitor the introduction of new species in Prince William Sound from tankers originating from outside Alaska.

An earmark for $90,000 for the Alaska Nanuuq Commission.

An earmark of $161,000 for the Eskimo Walrus Commission.

An earmark for $1,000,000 for the State of Alaska for initiative with Russia involving cooperative agreement on wildlife and habitat for shared migratory species.

CONSTRUCTION

An earmark for $2,760,000 for Alaska Maritime National Wildlife Refuge, AK.

An earmark of $550,000 for Bear River National Wildlife Refuge, UT.

An earmark of $185,000 for Deep Fork National Wildlife Refuge, OK.

An earmark of $700,000 for Discovery Center, Kansas City, MO.

An earmark of $250,000 for Hanalei National Wildlife Refuge, HI.

An earmark of $500,000 for Montana State University, Montana: wildlife disease biocontainment facility.

An earmark of $2,000,000 for Mississquoi National Wildlife Refuge, VT.

An earmark of $250,000 for Silvia O. Conte National Wildlife Refuge, NH.

An earmark of $1,200,000 for Upper Mississippi National Wildlife Refuge, IA.

An earmark of $70,000 for White Sulphur Springs National Fish Hatchery, WV.

LAND ACQUISITION

The Committee recommends an increase of $1,620,000 above the budget request, and earmarks the entire $62 million appropriation for various locality specific projects.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The Committee recommends an increase of $17,000,000 above the budget request to the State of Washington for salmon and steelhead recovery efforts related to the Endangered Species Act requirements.

NATIONAL PARK SERVICE OPERATION OF THE NATIONAL PARK SYSTEM

An earmark for $280,000 for a partnership with the National Lewis and Clark Bicentennial Council for national and regional planning and development of educational resources, and $320,000 for technical assistance and interpretive planning.

NATIONAL RECREATION AND PRESERVATION

An earmark of $750,000 for Alaska Native Cultural Center.

An earmark of $100,000 for the Aleutian World War II National Historic Area.

An earmark of $1,000,000 for Mandan On-a-Slant Village.

An earmark of $500,000 for Sewall-Belmont House.

An earmark of $400,000 for Vancouver National Historic Reserve.

An earmark of $1,000,000 for the Wheeling National Heritage Area.

An earmark of $100,000 for the Women's Rights National Historic Trail.

An earmark of $500,000 for Ravenna Creek restoration.

An earmark of $250,000 to continue the Lake Champion Program.

An earmark of $150,000 for ongoing support of the Vermont/New Hampshire Joint River Commissions.

An earmark of $100,000 to Essex National Heritage Area.

An earmark of $100,000 to Ohio & Erie Canal National Heritage Corridor.

An earmark of $100,000 to the Steel Industry American Heritage Area.

NATIONAL PARK SERVICE CONSTRUCTION

An earmark for $1,000,000 for Blackstone River Valley National Heritage Corridor, RI-MA.

An earmark for $1,200,000 for C&O Canal National Historic Park, MD to relocate visitor center.

An earmark of $300,000 for Central High School, AR for planning and development.

An earmark of $200,000 for the Charleston School District, AR for interpretive exhibits.

An earmark of $1,570,000 for Chickasaw National Recreation Area, OK for the Point campground.

An earmark of $2,300,000 for Congaree Swamp National Monument, SC for construction of an access road.

An earmark of $507,000 for Edison National Historic Site, NJ for rehabilitation.

An earmark of $200,000 for Fort Sumter National Monument, SC for rehabilitation.

An earmark of $1,300,000 to Harpers Ferry National Historical Park, WV for stabilization of structures and flood recovery.

An earmark of $3,000,000 for Hispanic Cultural Center, NM.

An earmark of $1,000,000 to Hovenweep National Monument, UT for design and construction of a visitor-administrative facility.

An earmark of $3,000,000 to Katmai National Park and Preserve, AK for visitor use facilities.

An earmark of $10,000,000 to the National Constitution Center, PA for design, engineering and construction.

An earmark of $411,000 to New Jersey Coastal Heritage Trail, NJ for exhibits.

An earmark of $575,000 for the New River Gorge National River, WV for rehabilitation, day labor, and parkway support.

An earmark of $550,000 to Quinault Visitor Center, North Fork Recreation Area in Olympic National Park, WA.

An earmark of $2,000,000 for planning and design, removal of Elwha Dam in Olympic National Park, WA.

An earmark of $390,000 for San Antonio Missions National Historical Park for preservation of historic buildings.

An earmark of $2,400,000 for Seward interagency to complete design and initiate construction.

An earmark of $1,120,000 for Sitka National Historic Site, AK to rehabilitate priest's quarters and old school house.

An earmark of $2,000,000 for Statue of Liberty National Monument and Ellis Island, NY–NJ for rehabilitation.

An earmark of $968,000 for Ulysses S. Grant National Historic Site, MO to restore and stabilize main house and related structures.

An earmark of $1,500,000 to for Vicksburg National Military Park, MS to rehabilitate monuments and facilities.

The Committee understands $19,200,000 will be allocated from the Federal Lands Highway Program for construction of Natchez Trace Parkway in MS.

An earmark of $100,000 for Bear Paw National Battlefield for preliminary design of visitor facilities.

An earmark of $100,000 for Golden Gate National Recreation Area to evalute the feasibility and desirability of preserving and interpreting sites.

ENERGY AND MINERALS

SURVEYS, INVESTIGATIONS AND RESEARCH

The Committee recommends $1,000,000 for coal availability studies earmarked for WV, OH, PA, KY, IL, IN, WY, CO, UT, NM, and MT.

An earmark of $1,250,000 to continue coastal erosion studies in SC and GA.

An earmark of $2,000,000 to continue the minerals-at-risk program in Alaska.

An additional $100,000 for Salton Sea research.

An additional $1,000,000 for clean water and watershed restoration includes funds for research in risk health in the Chesapeake Bay.

An earmark of $1,000,000 for incinerator replacement at the USGS National Wildlife Health Center, located in Madison, HI.

An earmark of $3,422,000 to meet uncontrollable costs at the USGS National Wildlife Health Center, located in Madison, WI.

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

An earmark of $600,000 for the Mississippi Marine Minerals Resource Center program to support exploration and sustainable development of seabed minerals.

An earmark of $900,000 for the Offshore Technology Resource Center, a partnership between the University of Texas at Austin and Texas A&M University to study the technical, safety and environmental challenges of offshore drilling.

INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

An earmark of $1,500,000 to raise base funding of small and needy tribes in Alaska.

An additional $500,000 for the United Tribes Technical College (UTTC).

GENERAL PROVISIONS: DEPARTMENT OF THE INTERIOR

An earmark of $350,000 for equipment support and training to the primary manager of the southern region of fireland management protection in Alaska prior to expenditure of any funds otherwise reimbursable for such support and training.

TITLE II—DEPARTMENT OF AGRICULTURE

FOREST AND RANGELAND RESEARCH

An earmark for $300,000 for Renewable Resource Institute, University of Washington study.

An earmark for $300,000 for the Fairbanks lab.

An earmark for $600,000 for a forest conditions study by the Renewable Resource Institute at the University of Washington.

An earmark for $600,000 for a landscape management project to be conducted by Forest Service visualization experts located at the University of Washington Center for Streamside Studies, the Northwest Indian Fisheries Commission, the Pacific Northwest Research Station of the Forest Service, the U.S. Fish and Wildlife Service, and the Washington Department of Fish and Wildlife.

STATE AND PRIVATE FORESTRY

An additional $150,000 for the Vermont forest monitoring cooperative.

An earmark of $90,000 to assist the Vermont fire task force in working with rural communities to install dry hydrants for providing reliable source of water.

An earmark of $500,000 for the Hawaii forests and communities initiative to support efforts to develop Hawaii forest products and provide assistance to displaced workers.

An earmark of $3,500,000 to the Northeast-Midwest rural development through forestry program.

An earmark of $200,000 to the northeastern area to retain current level funding to assist the Hardwoods Training Center in Princeton, WV.

An earmark of $200,000 to assist the Skamania County for preparation costs related to exchange of the Wind River Nursery land.

An earmark of $600,000 for economic assistance in southeast Alaska pertaining to restoration of the Sheldon Jackson College.

An earmark of $2,000,000 to the borough of Ketcikan to participate in a cooperative study of determine feasibility and dynamics for the manufacture of veneer products from southeast Alaska.

An earmark of $1,950,000 for erosion control in the Paseo del Canon Drainage Channel in Taos, NM.

An earmark of $2,500,000 for the Forest Service, State and private forestry, to assume lead responsibility for implementing a restructuring of the Hardwoods Technology Center in Princeton, WV.

An earmark of $1,000,000 for the Pacific Northwest assistance base program.

An earmark of $3,000,000 for Gray's Harbor, WA to assist in restoration of infrastructure facilities and to assure continued operation of the local forest products industry.

NATIONAL FOREST SYSTEM

An earmark of $500,000 for the White Mountain National Forest in Maine and New Hampshire from the funds recommended for revision of its land management plan.

An additional $64,000 is provided for old growth habitat mapping and terrestrial ecosystem classification and inventory on the Monongahela National Forest.

An earmark of $550,000 for the State of Alaska to cooperate in the monitoring of the Forest Service's implementation and management of the Tongass land management plan, and to assure compliance with its requirements.

An additional $142,000 for the Monongahela National Forest for wildlife and fisheries habitat management.

An earmark of $500,000 to address noxious weed issues on the Okanogan and Colville National Forests.

An earmark of $400,000 to assist ranchers in NM at constructing water and fence improvements required by recent settlements negotiated by the Forest Service concerning livestock grazing.

An earmark of $714,000 for administration of timber removal from lands involved in the Gallatin II land exchange.

An earmark of $2,000,000 for the Grand Mesa, Uncompahgre, Gunnison, and White River National Forest aspen program.

An earmark of $181,000 for specific watershed restoration projects on the Monongahela National Forest.

An earmark of $100,000 for a watershed improvement needs inventory on the Clearwater National Forest.

An earmark of $465,000 for counterdrug operations on the Daniel Boone National Forest.

An earmark of $500,000 to establish, equip, house, and train a native American fire preparedness and suppression cadre to be located on the Black Hills National Forest.

RECONSTRUCTION AND CONSTRUCTION

An earmark of $8,000,000 for construction of a forestry research facility at Auburn University.

An earmark of $4,000,000 for construction of the Franklin County Lake Dam on the Homochitto National Forest.

An earmark of $1,300,000 for construction of recreation facilities in Utah for the 2002 winter Olympics.

An earmark of $125,000 for installation of additional water and electrical facilities at individual horse campsites at the Winding Stair Mountain National Recreation and Wilderness Area.

An earmark of $320,000 for replacement of toilet facilities in the Ouachita National Forest.

An earmark of $20,000 for construction of a boat launch facility at Bead Lake on the Colville National Forest.

An earmark of $200,000 for reconstruction of a water system at the Spring Mountains National Recreation Area.

An earmark of $475,000 for reconstruction at the Fletcher View Campground in the Spring Mountains National Recreation Area.

An earmark of $854,000 to facilitate access to blowdown timber at the Routt National Forest.

An earmark of $68,000 for vegetation management work along the Talimena Scenic Byway in Oklahoma.

An earmark of $720,000 for watershed improvements associated with soil and road erosion on the Monongahela National Forest.

An earmark of $750,000 for construction of the Taft Tunnel Bicycle Trail.

An earmark of $275,000 for trailhead relocation on the Routt National Forest associated with significant storm damage.

An earmark of $183,000 to complete construction of the Tahoe Rim Trail and Trailhead.

An earmark of $270,000 for construction of the Harriman Trail in the Sawtooth National Recreation Area.

An earmark of $500,000 for the Continental Divide Trail.

An earmark of $76,000 for construction of foot bridges on the Cedar Lake Trail of the Winding Stair Mountain National Recreation and Wilderness Area.

An earmark of $2,600,000 for construction of trails in the vicinity of Ketchikan, AK.

LAND ACQUISITION

The Committee recommends an additional $10,965,000 for this account, and earmarks the entire account $67.022 million for various locality-specific projects.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The Committee directs no less than $250,000 to promote research on computational tools used by the Alaska Division of Geological and Geophysical Surveys to determine the viability of coal bed methane as a fuel source in rural Alaska.

Department of Health and Human Services

INDIAN HEALTH SERVICES

An earmark of $5,612,000 for the first-year costs associated with the Alaska Federal Health Care Partnership's 4-year project to develop an Alaskawide telemedicine network to provide access to health services and health education information in remote areas of Alaska.

An additional $12,000 for Alaska immunization program.

INDIAN HEALTH FACILITIES

An earmark of $13,900,000 to continue construction of the Hopi Health Center in Polacca, AZ.

Committee directs the Indian Health Service not to use any funds provided to close the IHS facility providing emergency services in Wagner, SD.

Other Related Agencies

SMITHSONIAN INSTITUTION: SALARIES AND EXPENSES

Earmark for $150,000 for additional costs that will result from implementation of the Panama Canal Treaty at the Smithsonian Tropical Research Institute.

Earmark for $8,000,000 for expenses associated with equipping and staffing the NMAI Cultural Resources Center in Suitland, MD.

Total Earmarks: $351,804,000.

Mr. McCAIN. Many of the programs within this proposal are meritorious and do deserve funding. However, should American taxpayers foot the bill for rural and economic development programs solely benefitting the State of Alaska? My colleagues have generously included unrequested funding for $1,000,000 to study mineral resources-at-risk in Alaska under the Bureau of Land Management's budget, as well as including $2,000,000 for the same minerals-at-risk program in Alaska under the U.S. Geological Survey budget. The earmarks do not stop there as $3,000,000 is directed to build visitor use facilities in the Katami National Park and Preserve. The panel has also afforded the borough of Ketchikan $2,000,000 to participate in a cooperative study to determine the feasibility of manufacturing veneer products from southeast Alaska.

Certainly the home state of the Committee's esteemed Chairman is not the only beneficiary of pork-barrel spending. My colleagues have seen to it that the State of Utah will have the funds to build an access road to venues for the winter Olympic Games in 2002. Calling it a "necessity" in their report, the Committee funnels $15,000,000 toward the completion of Trapper's Loop Road. In addition, Utah is also slated to receive $1,300,000 to build recreation facilities for the 2002 Games. What is even more egregious is that these funds are directed to be transferred to Utah before the remaining funding can be dispersed to states for other projects.

This bill is weighed down by dozens of other wasteful projects which clearly have skirted the public review process, and in many cases do not serve the greater national interest. For example, why must we expend $500,000 of taxpayer dollars on noxious weed issues for the Okanogan and Colville national forests? Or to replace toilet facilities at a price of $320,000 in the Ouachita National Forest? While the American people are proud of their national heritage and history, is it fair to ask them to pay $10,000,000 for a new National Constitution Center in Pennsylvania?

Mr. President, I do not enjoy coming forth each year for every appropriation bill to decry wasteful spending, but I believe the American taxpayers deserve to know where their hard earned dollars will be spent. Sadly, this bill continues the practice of loading up important spending measures with unnecessary and wasteful pork-barrel projects. I hope that we can restore the faith of the American people in our federal government by honoring our responsibility to them by applying judicious deliberation to our budget process.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4250

Mr. DASCHLE. Mr. President, I had noted earlier today that I hoped we could consider a new strategy, or a new way with which to accommodate the growing array of legislative needs that we, as a caucus, and the Senate need to address. I had intended at some point today to offer a unanimous consent request. I will do so, and then I will speak to it in a moment.

At this time I ask unanimous consent that when the Senate completes its consideration today of the Interior appropriations bill, it turn to consideration of Calendar No. 505, the House-passed HMO reform bill, and that the bill become the pending business every day thereafter upon completion of legislative business. I further ask unanimous consent that the bill be limited to relevant amendments.

Mr. BENNETT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, or longer if they obtain consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAKE BACK THE NIGHT ALLIANCE

Mr. FORD. Mr. President, I rise today to honor the efforts of the Take Back The Night Alliance, an organization in the metropolitan Louisville, Kentucky area that is working to end a problem that affects us all in one way or another: violence against women. On Thursday, September 10, as part of Sexual Assault Awareness and Domestic Violence Awareness months, the Alliance will for the first time in its nine-year history kick off a month-long series of events that will create a greater awareness of the attitudes, beliefs and behaviors that perpetuate these specific kinds of crimes.

The statistics of domestic violence are sobering, and I'll give you just a brief sampling here:

A woman is physically abused every nine seconds in the United States.

In Kentucky alone, 80,000 women were victims of domestic violence in 1997.

One out of four females will be sexually assaulted before they reach the age of 18.

For every rape, 10 others go unreported.

Husbands and boyfriends commit 13,000 acts of violence against women in the workplace every year.

The total healthcare costs of family violence are estimated at $44 million each year.

Take Back The Night rallies have been held throughout the United States since 1978. In Louisville, the National Organization for Women has been the organizing force for this event for the past nine years, but over 200 civic organizations, government agencies and businesses have joined this year to sponsor a wide range of activities drawing attention to the problems faced by women who are victims of domestic violence, rape and sexual assault. One group will collect previously owned business clothing for abused women returning to the workforce. Another will sponsor safety and prevention workshops in area hospitals and companies. And yet another will provide materials on date rape and sexual assault to be placed in bars and in women's restrooms.

Louisville and Jefferson County have been recognized as leaders in the field of domestic violence, and I am heartened by the strong outpouring of support that the Take Back the Night Alliance has received from the community. We all know that such success does not happen by accident, and I would like to commend the Alliance leaders for their dedicated efforts to ease the plight of women who are victims of domestic violence, sexual assault and rape.

NATIONAL JEWISH MEDICAL RESEARCH CENTER

Mr. CAMPBELL. Mr. President, today I pay tribute to the National Jewish Medical Research Center in Denver, Colorado, which has recently been recognized by U.S. News and World Report as the top-ranked Respiratory Hospital in the United States. The work of National Jewish is close to my heart because I watched my mother struggle with tuberculosis throughout her lifetime. She lived and worked in a sanatorium for many years, making it difficult for her to care for my sister and me.

In the late 1800s, Denver's elevation and abundant sunshine made it a mecca for people with tuberculosis. National Jewish treated only patients with tuberculosis until the 1950s, when antibiotics brought the disease under control. The hospital then turned its attention to asthma. Allergies which can develop into asthma, bronchitis, and sinus infections, now attack some 40 million people, double the number 25 years ago. Twice as many people, 15 million, have asthma now, too, at a cost of $6.2 billion a year in missed work and school, in medications and hospital visits.

Today, National Jewish is a world-class institution, a global leader in the research and treatment of lung, allergic and immune diseases. It is ranked as the number one private institution for immunology research in the world and as one of the top 10 independent research institutions of any kind in the world. Tremendous breakthroughs in understanding respiratory disease are taking place in Denver.

Not only is National Jewish recognized world-wide for its research, it is also known for its considerable philanthropic activities in the health care community. Until the mid-1960s, patient care was funded entirely through philanthropy. Today, the hospital continues to provide a significant amount of free and subsidized care to those unable to afford total treatment costs.

Founded in 1899 as a nonsectarian, non-profit hospital for tuberculosis patients, National Jewish enters the 21st century as the only facility in the world dedicated exclusively to pulmonary disorders. It is one of Colorado's treasures. Next year it will celebrate its 100th year of giving health and hope to people suffering from pulmonary diseases.

Today, I want to commend National Jewish on the rich history of patient care and research given to Colorado, to congratulate them on being recognized as the top-ranked Respiratory Hospital in America, and to wish them well as they celebrate the 100th anniversary in 1999.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 4, 1998, the federal debt stood at $5,547,400,016,580.17 (Five trillion, five hundred forty-seven billion, four hundred million, sixteen thousand, five hundred eighty dollars and seventeen cents).

One year ago, September 4, 1997, the federal debt stood at $5,413,849,000,000 (Five trillion, four hundred thirteen billion, eight hundred forty-nine million).

Twenty-five years ago, September 4, 1973, the federal debt stood at $458,627,000,000 (Four hundred fifty-eight billion, six hundred twenty-seven million) which reflects a debt increase of more than $5 trillion—$5,088,773,016,580.17 (Five trillion, eighty-eight billion, seven hundred seventy-three million, sixteen thousand, five hundred eighty dollars and seventeen cents) during the past 25 years.

CONGRATULATIONS TO ALISON AND PARKER BANKS CELEBRATING THEIR FIRST BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Alison Spencer Banks and Parker James Banks on the anniversary of their first birthday. It was one year ago today that their parents, Sarah and John, were blessed with the gift of life, times two. Alison and Parker will see a much different world in their lifetime, than either myself or my colleagues have witnessed in theirs. Alison and Parker will have to meet the demands of an "information" based culture and economy.

As people of freedom reach for opportunity and achieve greatness, our nation prospers. A government that lives beyond its means and reaches beyond its limits violates our basic liberties, and the nation suffers.

All of us assembled here in the United States Senate on this Fourth Day of September must keep in mind that the decisions we make today will shape the world that Alison, Parker, and their peers will inherit tomorrow. As elected leaders, we must teach them the values of our great democracy.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3682. An act to amend title 18, United States Code, to prohibit taking minors across State lines to avoid law requiring the involvement of parents in abortion decisions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 2440. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–300).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1380. A bill to amend the Elementary and Secondary Education Act of 1965 regarding charter schools (Rept. No. 105–301).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1016. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes (Rept. No. 105–302).

S. 1408. A bill to establish the Lower East Side Tenement National Historic Site, and for other purposes (Rept. No. 105–303).

S. 1990. A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas (Rept. No. 105–304).

S. 2039. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail (Rept. No. 105–305).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2109. A bill to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes (Rept. No. 105–306).

S. 2232. A bill to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes (Rept. No. 105–307).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2276. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail (Rept. No. 105–308).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 2228. A bill to amend the Federal Advisory Committee Act (5 U.S.C. App.) to modify termination and reauthorization requirements for advisory committees, and for other purposes (Rept. No. 105–309).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 2317. A bill to improve the National Wildlife Refuge System, and for other purposes (Rept. No. 105–310).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1333. A bill to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges (Rept. No. 105–311).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1665. A bill to reauthorize the Delaware and Lehigh Navigation Canal National Heritage Corridor Act, and for other purposes (Rept. No. 105–312).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2129. A bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park (Rept. No. 105–313).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2440. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2441. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for Ms. MOSELEY-BRAUN):

S. 2443. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the public safety and community policing program and to encourage the use of school resource officers under that program; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 2444. A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building"; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself, Mr. NICKLES, Mr. CRAIG, Mr. THURMOND, Mr. HUTCHINSON, Mr. COVERDELL, and Mr. KEMPTHORNE):

S. 2445. A bill to provide that the formulation and implementation of policies by Federal departments and agencies shall follow the principles of federalism, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 2446. A bill to stop illegal drugs from entering the United States, to provide additional resources to combat illegal drugs, and to establish disincentives for teenagers to use illegal drugs; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 2447. A bill to require the Secretary of Agriculture, in consultation with the heads of other agencies, to conduct a feasibility and cost-benefit study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs; to the Committee on Governmental Affairs.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. HARKIN, and Ms. LANDRIEU):

S. 2448. A bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes; to the Committee on Small Business.

By Mr. CLELAND:

S. 2449. A bill to amend the Controlled Substance Act relating to the forfeiture of currency in connection with illegal drug offenses, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 272. A resolution recognizing the distinguished service of Angela Raish; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2441. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

THE CENTRAL AMERICAN AND CARIBBEAN REFUGEE ADJUSTMENT ACT OF 1998

• Mr. DURBIN. Mr. President, today I introduce the Central American and Caribbean Refugee Adjustment Act of 1998. This legislation will provide deserved and needed relief to thousands of immigrants from Central America and the Caribbean who came to the United States fleeing political persecution.

In the 1980's, thousands of Salvadorans and Guatemalans fled civil wars in their countries and sought asylum in the United States. The vast majority had been persecuted or feared persecution in their home countries. The people of Honduras had a similar experience. While civil war was not formally waged within Honduras, the geography of the region made it impossible for Honduras to be unaffected by the violence and turmoil that surrounded it. The country of Haiti has also experienced extreme upheaval. Haitians for many years were forced to seek the protection of the United States because of oppression, human rights abuses and civil unrest.

Salvadorans, Guatemalans, Haitians and Hondurans have now established roots in the United States. Some have married here and many have children that were born in the United States. Yet many still live in fear. They cannot easily leave the United States and return to the great uncertainty in their countries of origin. If they are forced to return, they will face enormous hardship. Their former homes are either occupied by strangers or not there at all. The people they once knew are gone and so are the jobs they need to support their families. They also cannot become permanent residents of the United States, which severely limits their opportunities for work and education. This situation is unacceptable and requires a more permanent solution.

Before outlining how this bill will provide a permanent solution, it is important to review the evolution of deportation remedies. Prior to the passage of the Illegal Immigration Reform and Responsibility Act in 1996, aliens in the United States could apply for suspension of deportation and adjustment of status in order to obtain lawful permanent residence. Suspension of deportation was used to ameliorate the harsh consequences of deportation for aliens who had been present in the United States for long periods of time.

In September of 1996, Congress passed the Illegal Immigration Reform and Responsibility Act. This law retroactively made thousands of immigrants ineligible for suspension of deportation and left them with no alternate remedy. The 1996 Act eliminated suspension of deportation and established a new form of relief entitled cancellation of removal that required an applicant to accrue ten years of continuous residence as of the date of the initial notice charging the applicant with being removable.

In 1997, this Congress recognized that these new provisions could result in grave injustices to certain groups of people. So in November of 1997, the Nicaraguan and Central American Relief Act (NACARA) granted relief to certain citizens of former Soviet block countries and several Central American countries. This select group of immigrants were allowed to apply for permanent residence under the old, pre-IIRRA standards.

Such an alteration of IIRRA made sense. After all, the U.S. had allowed Central Americans to reside and work here for over a decade, during which time many of them established families, careers and community ties. The complex history of civil wars and political persecution in parts of Central America left thousands of people in limbo without a place to call home. Many victims of severe persecution came to the United States with very strong asylum cases, but unfortunately these individuals have waited so long for a hearing they will have difficulty proving their cases because they involve incidents which occurred as early as 1980. In addition, many victims of persecution never filed for asylum out of fear of denial, and consequently these people now face claims weakened by years of delay.

Mr. President, the bill I introduce today is a necessary and fair expansion of NACARA. It provides a permanent solution for thousands of people who desperately need one. Specifically, the bill amends the Nicaraguan Adjustment and Central American Relief Act and provides nationals of El Salvador, Guatemala, Honduras and Haiti an opportunity to apply for adjustment of status under the same standards as Nicaraguans and Cubans. While the restoration of democracy in Central America and the Caribbean has been encouraging, the situation remains delicate. Providing immigrants from these politically volatile areas an opportunity to apply for permanent resident status in the United States instead of deporting them to politically and economically fragile countries will provide more stability in the long run. Such an approach is the best solution not only for the United States but also for new and fragile democracies in Central America and the Caribbean. Immigrants have greatly contributed to the United States, both economically and culturally and the people of Central America and the Caribbean are no exception. If we continue to deny them a chance to live in the United States by deporting them, we not only hurt them, we hurt us too.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central American and Caribbean Refugee Adjustment Act of 1998".

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM CENTRAL AMERICA, CUBA, AND THE CARIBBEAN.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note) is amended—

(1) in the section heading, by striking "NICARAGUANS AND CUBANS." and inserting "NATIONALS FROM CENTRAL AMERICA, CUBA, AND THE CARIBBEAN.";

(2) in subsection (b)(1), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(3) in subsection (d)(1)(A), by striking "Nicaragua or Cuba;" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti;".

SEC. 3. CONFORMING AMENDMENTS TO TRANSITION RULES.

(a) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION.—Section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note), as amended by section 203 of the Nicaraguan Adjustment and Central American Relief Act, is amended by striking subclauses (I) through (V) and inserting the following:

"(I) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Rumania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia;

"(II) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in subclause (I); or

"(III) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

"(aa) the alien parent has been determined to be described in this subclause (I); and

"(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990.".

(b) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1151 note) is amended by striking "subclauses (I), (II), (III), and (IV)" and inserting "subclauses (II) and (III)".●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2442. A bill to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Finance.

REPEAL OF LIMITATION ON FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX

● Mr. D'AMATO. Mr. President, today I introduce a bill with my friend and colleague, Senator MOYNIHAN, that would eliminate a fundamental unfairness in the application of the U.S. tax law to taxpayers that have income from foreign sources.

A U.S. citizen or domestic corporation that earns income from sources outside the United States generally is subject to tax by a foreign government on that income. The taxpayer also is subject to U.S. tax on that same income, even though it is earned outside the United States. Thus, the same income is subject to tax both in the country in which it is earned and in the United States.

However, the United States allows taxpayers to treat the foreign taxes paid on their foreign-source income as an offset against the U.S. tax with respect to that same income. This offset is accomplished through the foreign tax credit. In other words, the foreign tax paid on foreign-source income is treated as a credit against the U.S. tax that otherwise would be payable on that same income. Although the details of the foreign tax credit rules are extraordinarily complex (as are the international provisions of the Internal Revenue Code generally), the basic principle is simple: to provide relief from double taxation.

When it comes to the alternative minimum tax (AMT), this basic principle of providing relief from double taxation falls by the wayside. The AMT was enacted to ensure that individuals and businesses that qualify for various "preferences" in the tax rules nevertheless are subject to a minimum level of taxation. However, the foreign tax credit provisions of the AMT operate to ensure double taxation. Under these AMT rules, the allowable foreign tax credit is limited to 90 percent of the taxpayer's alternative minimum tax liability. Because of this limitation, income that is subject to foreign tax is subject also to the U.S. AMT. The result is double (and even triple) taxation of income that is used to support U.S. jobs, R&D and other activities.

Mr. President, there is no rational basis for denying relief from double taxation to that class of taxpayers that are subject to the AMT. Accordingly, the bill Senator MOYNIHAN and I are introducing today will eliminate the 90 percent limitation on foreign tax credits for AMT purposes. By repealing this limitation, relief from double taxation will be provided to taxpayers that are subject to the AMT in the same manner as it is provided to those taxpayers that are subject to the regular tax.

I would hope that our colleagues on both sides of the aisle will join in cosponsoring this necessary legislation.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF LIMITATION ON FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 59(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax foreign tax credit) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—Section 53(d)(1)(B)(i)(II) of such Code is amended by striking "and if section 59(a)(2) did not apply".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.●

By Ms. MOSELEY-BRAUN:

S. 2443. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the public safety and community policy program and to encourage the use of school resource officers under that program; to the Committee on the Judiciary.

SAFE COMMUNITIES AND SCHOOLS ACT OF 1998

● Ms. MOSELEY-BRAUN. Mr. President, today I am pleased to introduce the Safe Communities and Schools Act of 1998. This legislation, I believe, will help American communities continue to prevail in their fight against crime, and will arm local law enforcement agencies and schools with the tools they need to fight the recent outbreak of school-yard violence.

The Community Oriented Policing Program, or the COPS program as it is commonly called, has played a vital role in reducing our nation's crime rate. Since the inception of the program in 1994, the Department of Justice has authorized an additional 76,000 police officers to walk the beat. These additional police officers have been instrumental in helping reduce crime and making people feel safe in their communities.

It is not coincidental that, in my own home state of Illinois, where the COPS program has put an additional 4,113 police officers on the street, we have experienced a substantial drop in crime in recent years. For example, in 1996—the last year for which statistics are available—crime in Illinois was down 11 percent.

I strongly believe that the key to the COPS program's success lies in the community policing strategy that is its guiding philosophy. As the daughter and sister of law enforcement officers and a former federal prosecutor, I can attest to the fact that community policing works. Putting beat cops back into communities allows them to have more contact with the people they protect and gives them an opportunity to prevent crimes before they happen.

But despite the gains that have been made with the advent of the COPS program, the recent spate of violence in our nation's schools is evidence that our crime-prevention efforts are far from complete. Although we are seeing record reductions in youth-on-youth crime, the horrifyingly violent nature of the crimes now being committed by juveniles demands government action.

For this reason, my legislation would use COPS program grants to establish partnerships between local law enforcement agencies and local school systems. Under my legislation, career law enforcement officers, trained in community-oriented police activities, would be deployed to work in collaboration with schools and community-based organizations to, among other things: Combat crime and disorder problems, as well as gang and drug activities occurring in or around elementary and secondary schools; Educate likely school-age victims about crime prevention and safety; and Assist schools in developing policies to reduce crime.

Under my legislation, no new funding beyond that which has already been allocated to the COPS program would be required to finance these school-police partnerships.

By the year 2000, the COPS program will have served to fulfill President Clinton's pledge to put 100,000 new police officers on the street. Currently, the program is only funded through that year, but I believe that it has clearly been successful enough to justify at least a two-year extension. Accordingly, in addition to facilitating new school-police partnership grants, my legislation would authorize that extension and provide the necessary funding to allow local police departments across America to put an additional 25,000 officers on the street.

Providing funds to communities to combat school violence will give local school systems and law enforcement agencies the opportunity to develop new and innovative approaches to reducing youth crime. It is time to stop wringing our hands over the scourge of youth violence and begin to take action. The American people are demanding leadership on this issue and the time has come for those of us who serve in Washington to provide it.

If we are truly serious about preparing the next generation of Americans for the challenges they will face in the 21st century's global economy, we must take action—right now—to guarantee that they are educated in a safe environment. That is why I have fought for a partnership between the federal government and state and local school systems to address the disgrace of our nation's crumbling schools, and that is why I am introducing the COPS legislation I have just outlined. We owe the next generation of Americans at least as much as our generation was given—and the fact is that we were given schools that were physically safe and violence-free.

The success of the COPS program to date demonstrates the wisdom of using it as the vehicle for promoting school safety and for expanding it to put an additional 25,000 officers on community policing beats. The data is in and the results are clear: Community policing works. That is why I am confident that safer schools and safer communities will be the result if the COPS legislation I am proposing today is passed by Congress and signed into law. I urge my colleagues to join me in sponsoring.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Communities and Schools Act of 1998".

SEC. 2. PUBLIC SAFETY AND COMMUNITY POLICING.

(a) SCHOOL RESOURCE OFFICERS.—Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

(1) in section 1701(d)—

(A) by redesignating paragraphs (8) through (10) as (9) through (11), respectively; and

(B) by inserting after paragraph (7) the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;"; and

(2) in section 1709—

(A) by inserting "(1)" before " 'career";

(B) by inserting "(2)" before " 'citizens' police";

(C) by inserting "(3)" before " 'Indian"; and

(D) by adding at the end the following:

"(4) 'school resource officer' means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

"(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

"(B) to develop or expand crime prevention efforts for students;

"(C) to educate likely school-age victims in crime prevention and safety;

"(D) to develop or expand community justice initiatives for students;

"(E) to train students in conflict resolution, restorative justice, and crime awareness;

"(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

"(G) to assist in developing school policy that addresses crime, and to recommend procedural changes.".

(b) REAUTHORIZATION.—Section 1001(a)(11)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)(A)) is amended—

(1) in clause (v), by striking "and" at the end;

(2) in clause (vi), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(vii) $1,240,000,000 for fiscal year 2001; and

"(viii) $1,240,000,000 for fiscal year 2002.".•

By Mr. THOMPSON (for himself, Mr. NICKLES, Mr. CRAIG, Mr. THURMOND and Mr. HUTCHINSON):

S. 2445. A bill to provide that the formulation and implementation of policies by Federal departments and agencies shall follow the principles of federalism, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL ENFORCEMENT ACT OF 1998

• Mr. THOMPSON. Mr. President, today I rise to introduce the Federalism Enforcement Act, a bill to promote the principles of federalism and to restore the proper respect for State and local governments and the communities they serve. I am pleased that Senators NICKLES, CRAIG, THURMOND, and HUTCHINSON have joined me as cosponsors of this legislation.

Federalism is the cornerstone of our Democracy. It is the principle that the Federal Government has limited powers and that government closest to the people—States and localities—play a critical role in our governmental system. Our Founding Fathers had grave concerns about the tendency of a central government to aggrandize itself and thus encroach on State sovereignty, and ultimately, individual liberty. Federalism is our chief bulwark against Federal encroachment and individual liberty. Our Founders also knew that keeping decision making powers closer to home led to more accountable and effective government. Their federalist vision is clearly reflected in the 10th amendment, which states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The legislation I am introducing today requires agencies to respect this vision of federalism when formulating policies and implementing the laws passed by Congress. It will preserve the division of responsibilities between the States and the Federal Government envisioned by the Framers of the Constitution and established in Executive order by President Ronald Reagan.

The Reagan order on federalism had it right. It directed Federal departments and agencies to refrain from imposing one-size-fits-all regulation on the States. It held that the laws passed by Congress were not presumed to preempt State law unless done so explicitly. It required agencies to assess the impact of agency action on federalism. But the people running the executive branch today, from the top on down, do not seem to feel the Reagan order applies to them. They made this abundantly clear when they tried to revoke it with Clinton Executive Order 13083.

In May, President Clinton quietly signed Executive Order 13083, which by its terms claims to promote federalism. Ironically, this order that is supposed to promote better communication between Federal and local government was issued in secret—without even talking to State and local officials at all. Worse still, the order would seriously undermine federalism and effectively turn the 10th amendment on its head. The Reagan Executive Order 12612 promoted the 10th amendment and set a clear presumption against Federal meddling in local affairs. The new Clinton order would create, but not be limited to, nine new policy justifications for Federal meddling. The list is so ambiguous that it would give Federal bureaucrats free rein to trample on local matters. The new Clinton order also would revoke President Clinton's own 1993 Executive Order 12875 that directed Federal agencies not to impose unfunded mandates on the States.

Understandably, State and local officials were deeply offended by the Clinton order and the White House snub in drafting it. On July 17, the major groups representing State and local officials sent a remarkable letter to the President, urging him to withdraw the order and to restore the Reagan federalism order and the 1993 unfunded mandates order. On July 22, several of my colleagues and I supported State and local officials by sponsoring a resolution calling on President Clinton to repeal his new order. That resolution passed the Senate unanimously. The House also has voiced opposition to the Clinton order. Congressman MCINTOSH held a hearing, and joined with six of his colleagues to introduce a bill nullifying Executive Order 13083.

The White House had a chance to extinguish the firestorm of protest from Governors, State legislators, mayors, county executives, and other local officials around the country by permanently revoking Executive Order 13083. Instead, the White House chose to preserve some wiggle room by "suspending" the order on August 5, leading some to ask if that action is permanent or just an effort to delay the order until the opposition dies down. If the President can admit that he made a mistake in signing his federalism order, he should permanently revoke it, plain and simple.

Unfortunately, the White House has yet to correct its insult to State and local officials and the communities they serve. Instead of revoking the Clinton order, the administration is preparing for belated consultations with State and local government representatives. This effort at damage control does not hide the fact that the Clinton order is an open invitation for Federal interference in local affairs, and in the administration's eyes, it is still on the table.

In light of this threat to the tenth amendment principle of a limited Federal Government, Congress must stand ready to act. The Federalism Enforcement Act is necessary to ensure that the current administration exercises some restraint when regulating in areas that affect our States and communities, and respects the principles of State sovereignty and limited Federal Government on which our Nation was founded.

First, the bill directs Federal agencies to adhere to constitutional principles and not to encroach on the constitutional authority of the States. The Clinton federalism order would have shifted the presumption against Federal intervention to provide new policy justifications for Federal interference in State and local affairs. My bill returns us to the language of the Reagan order.

Second, the bill would restore the preemption standards established in the Reagan order. The Clinton order would have encouraged Federal agencies to intrude into State affairs and deleted the Reagan preemption principle that, when in doubt, agencies should err on the side of State sovereignty.

Third, the bill would direct agencies to prepare a federalism assessment of certain agency actions, such as regulations that have significant federalism implications. The Clinton order would have deleted this requirement.

Finally, the Federalism Enforcement Act would express the sense of the Congress that Federal agencies should not propose legislation that would regulate the States in ways that would interfere with their separate and independent functions, attach conditions to Federal grants which are unrelated to the purposes of the grant, or preempt State law in ways inconsistent with the act. Because only the President can enforce this requirement using his article II constitutional powers, it is expressed as a resolution urging him to do so.

The principles of federalism rightly are being reinvigorated. Much of the innovation that has improved this country began at the State and local level. People want important decisions that affect their daily lives to be made in their community—not dictated on high from Washington. And federalism is blossoming in recent constitutional interpretations of the Supreme Court. The Federalism Enforcement Act I am introducing today will continue this restoration of the balance between national and State power as conceived by the Framers of the Constitution.•

By Mr. LUGAR:

S. 2447. A bill to require the Secretary of Agriculture, in consultation with the heads of other agencies, to conduct a feasibility and cost-benefit study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs; to the Committee on Governmental Affairs.

FOOD STAMP INTERSTATE FRAUD PREVENTION

• Mr. LUGAR. Mr. President, I rise today to introduce a bill to combat fraud and waste in the food stamp program—overpayments resulting from individuals receiving benefits in two or more states at the same time. This bill is the result of the last in a series of General Accounting Office studies that I requested dealing with groups of ineligible people receiving food stamps. In the report being released today, GAO identifies over 20,000 individuals who received benefits in at least two states at the same time during 1996. Using administrative records from four states (California, Texas, New York and Florida), the GAO estimates overpayments of $3.9 million in those states alone.

Last year the GAO reported to the Agriculture Committee that over $3 million in food stamp benefits were overpaid to prisoners' households. In response we passed legislation to stop prisoners from receiving benefits. Earlier this year, the GAO reported that

26,000 deceased individuals in four states were counted as members of a food stamp household. According to the GAO this resulted in overpayments of an estimated $8.6 million. The Agriculture Committee reported a bill to match food stamp files with Social Security Administration data.

My bill will require the United States Department of Agriculture to conduct a feasibility study to identify options for a national database to track food stamp participants and combat interstate fraud. The GAO's report validates a Department of Health and Human Services computer match of 15 states which found 18,000 potential duplicated Temporary Assistance for Needy Families (TANF) cases. This suggests that the problem is not confined to USDA. My bill would direct the USDA to work in consultation with other agencies to develop a systematic approach to developing a national database.

At present there is no appropriate national database that tracks in means-tested benefit programs. States have been working individually on the problem of benefits paid in multiple jurisdictions. For example, some states have developed cooperative agreements with neighboring states to share data. Current state efforts are effective, but anything short of a national system is inefficient.

Mr. President, the welfare reform bill required states to guard against fraud and abuse, and specifically prohibited participants from receiving benefits in two states. However, the bill did not give states tools to combat this type of fraud. The welfare bill also did not give states the tools to implement other important provisions. To effectively implement the TANF and food stamp time limits, some type of national tracking system is necessary.

Therefore, this bill directs the agencies involved to address a broader range of issues than simply the receipt of benefits in different states at the same time. HHS has already fulfilled a congressional mandate to look into some of these issues, so I expect the participants in this new study to use the completed project as a base upon which to build.

Further, I believe that the study should explore the possibility of a "real time" database, so that eligibility workers will instantly know if there are any problems with an application. This will avoid the "pay-and-chase" problem that forces states to recoup overpayments from beneficiaries after the fact—sometimes years later. This method of fraud enforcement is inefficient, and often a burden on the recipient as well. A national database should not be seen as purely an enforcement tool. There are many cross program benefits for the poor, benefits which may not be apparent today. As with any large governmental database, the study should address how the system will safeguard recipients' privacy and limit unauthorized use and disclosure of data.

Means-tested benefits, including food stamps, provide a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program and welfare reform. Integrity is essential to ensure a program that can serve those in need. It is our responsibility to help end fraud and abuse in all federally funded programs. This legislation is an important step in that direction and will help ensure that welfare reform is a success.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) during 1997, the Federal Government spent over $21,000,000,000 to deliver food stamp benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to over 23,000,000 individuals;

(2) a portion of the funds spent on food stamp benefits annually is misspent through overpayments and fraud, which undermines the integrity and confidence in the food stamp program;

(3) the Comptroller General of the United States has found that—

(A) as many as 20,000 individuals were receiving food stamp benefits in at least 2 to 4 States at the same time during 1996;

(B) due to this duplication, overpayments to the households in those States during 1996 totaled approximately $3,900,000; and

(C) there was a similar duplication of payments in other Federal means-tested public assistance programs, such as the temporary assistance to needy families (TANF) program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(4) certain States currently have cooperative agreements under which matches of recipients of means-tested public assistance programs are tracked and coordinated with neighboring States, but there is no comprehensive national database or information system to track participation across State lines;

(5) the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) created a number of requirements to track means-tested assistance throughout the United States, including time-limited receipt of assistance under the food stamp program and the temporary assistance to needy families (TANF) program;

(6) a centralized database would be the most effective tool to prevent receipt of means-tested assistance in multiple jurisdictions and would avoid duplicated effort on the part of States;

(7) according to the Director of the Office of Management and Budget, improved mechanisms to provide accurate information to employees who determine eligibility for means-tested assistance would help prevent overpayments and improve service to clients; and

(8) data sharing at the time of application for means-tested assistance could change enforcement efforts from a pay-and-chase method to a method that would be more proactive and efficient.

SEC. 2. STUDY ON NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, the Secretary of Labor, the Commissioner of Social Security, and the Secretary of the Treasury, shall conduct a feasibility and cost-benefit study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary of Agriculture shall—

(1) study an option under which information in the national database is collected and made available in real-time; and

(2) provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.●

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. HARKIN, and Ms. LANDRIEU):

S. 2448. A bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS LOAN ENHANCEMENT ACT

● Mr. KERRY. Mr. President, today I am joined by Senators WELLSTONE, HARKIN, and LANDRIEU, to introduce the "Small Business Loan Enhancement Act." To give small businesses more of an advantage, we propose small but significant changes to the Small Business Administration's three primary lending programs: the 7(a) guaranteed business loan program, the 504 Development Company program, and the Microloan program. These changes would foster loans to growing women-owned businesses and enhance small business lending by saving costs for small business borrowers, reducing paperwork for lenders, and increasing available capital for microloans and technical assistance. This bill will also enable small businesses to use SBA's most popular loan guarantee program to fix year 2000 problems.

Women-owned businesses are increasing in number, range, diversity and earning power. They constitute one-third of the 23 million small businesses in the United States, contribute more than $2.38 trillion annually in revenues to the economy and range in industry from advertising agencies to manufacturing. Addressing the special needs of women-owned businesses serves not only these entrepreneurs, but also the economic strength of this nation as a whole. Since 1992, SBA has managed to increase access to capital for women and has worked in earnest to move women entrepreneurs away from expensive credit card financing to more affordable loans for financing their business ventures. While the percentage of 504 loans to women-owned businesses has increased from 4.2 percent in 1987 to 14.7 percent in 1998, we need to increase lending opportunities to better reflect that 40 percent of all businesses are owned by women. By expanding the public policy goals of the 504 loan program to include women-owned businesses, we are ensuring that loans to eligible women business owners aren't capped at $750,000 but are now available for as much as $1 million. According to Certified Development Company professionals, loan underwriters are conservative when it comes to approving loans for more than $750,000 and that this directive would undoubtedly help eligible women business owners get the financing they need to expand their facilities and buy equipment as their businesses grow.

In addition to increasing access to capital, the SBA plays a critical role in eliminating barriers that keep entrepreneurs from entering the economy, reducing regulatory burdens and lowering transaction costs. The Senate has an opportunity to reduce time and costs to both lenders and small business borrowers in real estate transactions by modernizing appraisal requirements for real estate transactions for 7(a) and 504 loans. Under current operating procedures, where more than $100,000 of the authorized loan proceeds in a financing package includes real estate (acquisition, construction and improvement to land and buildings), SBA requires a state-certified or state-licensed appraisal. Our bill would raise the requisite appraisal amount to $250,000, consistent with other agencies, including, among others, the Federal Reserve System, the Federal Deposit Insurance Corporation and the Office of Thrift Supervision. Raising the threshold does not increase the government's risk in these loans because the bill specifies that lenders must require a state-certified or state-licensed appraisal on loans less than $250,000 if that is their standard for similar non-SBA loans. Depending on the area of the country, savings in the 7(a) and 504 programs are estimated to be from $1,000 to $5,000 per loan by requiring an evaluation instead of a state-certified or state-licensed appraisal. In the 504 program, this change is estimated to save money for 2,000 out of the some 6,000 annual 504 borrowers, which are often minority and women-owned businesses.

To complement those regulatory improvements, this bill also encourages lenders to use the 7(a) program for their borrowers by streamlining paperwork requirements those lenders must complete after a 7(a) loan defaults. Two years ago, Congress enacted a requirement that reduced by one percent the interest rate paid on the guaranteed portion of defaulted 7(a) loans. Although the change was expected to substantially decrease the subsidy costs of the program, this has not proved to be the case. Instead, it has created a paperwork burden disproportionately high compared to the savings realized.

To help small businesses meet the escalating challenges of the Year 2000 computer problem, also called the Y2K problem, this bill clarifies Congressional intent that the 7(a) guaranteed loan program be used for this purpose. As amended, the 7(a) loan program will specify that small businesses can use these loans to finance the cost of making their systems and computers Y2K-compliant. In addition to legitimate concerns about function and survival that make this provision important for small businesses, Y2K compliance will also be a regulatory concern for bankers and small business borrowers. We understand that bank regulators will be requiring lenders to survey their borrowers and to certify that they are Y2K-compliant. Congress recognizes that small businesses may be harmed by the Y2K problem and that the 7(a) program is an appropriate means and established SBA program that can immediately help them deal with it. In fiscal year 1997, the 7(a) loan program reached more than 40,000 businesses, making 45,288 loans and approving loans totalling $9.5 billion.

The last component of this bill amends SBA's Microloan program. This important economic development tool has, in six short years, provided close to 7,000 microloans worth some $68 million. More than 40 percent of those loans went to women, 42 percent went to minorities, and 11 percent went to veterans. This program, which provides loans that average $10,000 and can be for as little as a few hundred dollars, has improved the landscape of some our country's poorest communities, creating jobs, helping people move from public assistance to weekly paychecks, and contributing to the tax base. As stated in a July Boston Business Journal article, "There are many people out there who can't get traditional bank loans because they have bad credit histories, or no credit histories or no assets." In spite of these realities that make microentrepreneurs too risky for banks, the government has suffered no losses in this program. It is successful because it helps entrepreneurs turn their talents into businesses, such as a furniture upholsterer or a pet shop, and then augments the capital infusion by providing technical assistance to teach microentrepreneurs how to run a successful business.

This amendment would authorize the SBA Administrator to reduce an microlender's loan loss reserve (a reserve of cash to guarantee that the government is paid back if a loan defaults) from 15 percent to not less than ten percent after an intermediary has been participating in the microloan program for at least five years and has demonstrated its ability to maintain a healthy loan fund. Each microlender's loan loss reserve will be established based on its average loss rate for the previous five-year period. Because of the program's success so far, 36 out of 42 microlenders would qualify under this bill's requirements to maintain a loan loss reserve of ten percent rather than 15 percent. The proposed change would continue to protect the government's interest in these loans and at the same time enhance the program because it frees up cash that microlenders can reprogram for more microloans or technical assistance.

In closing, I want to again thank my colleagues for supporting this bill. If enacted, they will have improved the business climate and taken a few more steps to ensure that small businesses have access to capital, are less burdened by regulations and paperwork, have the resources to meet Y2K problems and that women-owned businesses can get loans of sufficient size to expand their businesses.

Mr. President, I thank my colleagues for their support and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Loan Enhancement Act".

SEC. 2. LOANS FOR PLANT ACQUISITION, CONSTRUCTION, CONVERSION, AND EXPANSION.

(a) PUBLIC POLICY GOALS.—Section 501(d)(3)(C) of Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting "or women-owned business development" before the comma.

(b) REAL ESTATE APPRAISALS.—Section 502(3) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)) is amended by adding at the end the following:

"(F) REAL ESTATE APPRAISALS.—

"(i) LOANS EXCEEDING $250,000.—Notwithstanding any other provision of law, if a loan under this section involves the use of more than $250,000 of the loan proceeds for a real estate transaction, prior to disbursement of the loan, the Administrator shall require an appraisal of the real estate by a State licensed or certified appraiser.

"(ii) LOANS OF $250,000 OR LESS.—Notwithstanding any other provision of law, if a loan under this subsection involves the use of $250,000 or less of the loan proceeds for a real estate transaction, prior to disbursement of the loan, the participating lender may, in accordance with the policy of the participating lender with respect to loans made without a government guarantee, require an appraisal of the real estate by a State licensed or certified appraiser.

"(iii) DEFINITION.—In this subparagraph, the term 'real estate transaction' includes the acquisition or construction of land or a building and any improvement to land or to a building.".

SEC. 3. SECTION 7(a) LOAN PROGRAM.

(a) YEAR 2000 TECHNOLOGY REQUIREMENTS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended, in the matter preceding paragraph (1), by inserting "and to assist small business concerns in meeting technology requirements for the Year 2000," after "and working capital,".

(b) REAL ESTATE APPRAISALS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(27) REAL ESTATE APPRAISALS.—

"(A) LOANS EXCEEDING $250,000.—Notwithstanding any other provision of law, if a loan guaranteed under this subsection involves the use of more than $250,000 of the loan proceeds for a real estate transaction, prior to disbursement of the loan, the Administrator shall require an appraisal of the real estate by a State licensed or certified appraiser.

"(B) LOANS OF $250,000 OR LESS.—Notwithstanding any other provision of law, if a loan guaranteed under this subsection involves the use of $250,000 or less of the loan proceeds for a real estate transaction, prior to disbursement of the loan, the participating lender may, in accordance with the policy of the participating lender with respect to loans made without a government guarantee, require an appraisal of the real estate by a State licensed or certified appraiser.

"(C) DEFINITION.—In this paragraph, the term 'real estate transaction' includes the acquisition or construction of land or a building and any improvement to land or to a building.".

(c) INTEREST RATES.—Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended—

(1) by striking "(4)" and all that follows through "Notwithstanding" and inserting the following:

"(4) INTEREST RATES.—Notwithstanding"; and

(2) by striking subparagraph (B).

SEC. 4. MICROLOAN PROGRAM.

Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended—

(1) in the first sentence, by striking "The Administrator" and inserting the following:

"(i) IN GENERAL.—The Administrator"; and

(2) by striking the second sentence and inserting the following:

"(ii) LEVEL OF LOAN LOSS RESERVE FUND.—

"(I) IN GENERAL.—Subject to subclause (II), the Administration shall require the loan loss reserve fund to be maintained at a level equal to not more than 15 percent of the outstanding balance of the microloans owed to the intermediary.

"(II) REDUCTION OF LOAN LOSS RESERVE REQUIREMENT.—After the initial 5 years of an intermediary's participation in the program under this subsection, upon the initial request of the intermediary made at any time after that period, the Administrator shall annually conduct a review of the average annual loss rate of the intermediary and, if the intermediary demonstrates to the satisfaction of the Administrator that the average annual loss rate for the intermediary during the preceding 5-year period is less than 15 percent, and the Administrator determines that no other factor exists that is likely to impair the ability of the intermediary to repay all obligations owed to the Administration under this subsection, the Administrator shall reduce that annual loan loss reserve requirement to reflect the actual average annual loss rate for that intermediary during that period, except that in no case shall the loan loss reserve requirement for an intermediary be reduced to less than 10 percent of the outstanding balance of the microloans owed to the intermediary.".●

By Mr. CLELAND:

S. 2449. A bill to amend the Controlled Substance Act relating to the forfeiture of currency in connection with illegal drug offenses, and for other purposes; to the Committee on the Judiciary.

DRUG CURRENCY FORFEITURES ACT

● Mr. CLELAND. Mr. President, there have been a series of recent cases in which courts have ruled against one of law enforcement's most effective antidrug tools—asset forfeiture. Just consider:

Law enforcement agents at an airport found almost $50,000 wrapped inside a pair of jeans. A drug dog responded positively to the presence of narcotics on the money, and the traveler, when confronted by the agents, produced a fake driver's license and offered other false evidence. United States v. $49,576.00 in U.S. Currency, 116 F.3d 425 (9th Cir. 1997).

In another instance, narcotics agents found $30,000 wrapped in bundles and stashed under the seat of a car. Despite the courier's demonstrably false explanation of the source of the money, the court nevertheless found insufficient evidence to establish probable cause for forfeiture. United States v. U.S. Currency, $30,060.00, 39 F.3d 1039 (9th Cir. 1994).

These are but two in a series of cases in which the courts found circumstantial evidence sufficient to establish that the money was derived from some form of criminal activity, but insufficient to establish that the illegal activity involved drug trafficking. The courts therefore ruled that the money seized was not subject to forfeiture, and the proceeds were returned to the trafficker. See also United States v. $13,570.00 in U.S. Currency, 1997 WL 722947 (E.D. La. 1997) (seizure of cash at airport lacked probable cause despite dog sniff, evasive answers, fake ID, courier profile, and prior drug arrest); United States v. $14,876.00 in U.S. Currency, 1997 WL 722942 (E.D. La. 1997) (same); United States v. $40,000 in U.S. Currency, 999 F. Supp. 234 (D.P.R. 1998) (dog sniff, drug courier profile, quantity of currency and evasive answers are not sufficient to establish probable cause where government fails to establish any connection between claimant and any drug trafficker).

Mr. President, these court decisions are coming at a time when drug sales in this country are generating $60 billion in illegal proceeds every year. Most of this drug money finds its way to drug kingpins in Mexico and Colombia. And the drugs find their way to Americans of all ages and walks of life. The consequences are devastating. Substance abuse is now the single largest preventable cause of death in this country, with illegal drugs and alcohol killing 120,000 Americans each year.

It's an enemy that respects neither class nor age group. High school athletes, runaways, soccer players, gang members, and class valedictorians use and sell drugs. Nationwide, the percentage of teens reporting illegal drug use has doubled over the last 5 years. And now the National Household Survey on Drug Abuse reports that teen drug use rose in 1997, led by increasing marijuana smoking among teenagers who view it as a low-risk "soft drug." It is no wonder that in survey after survey, Americans are reporting that illegal drugs top their list of national concerns.

In recent testimony before the Senate Select Committee on Intelligence, a top official at the Drug Enforcement Administration (DEA) painted a chilling portrait of the powerful threat to the United States posed by international drug organizations. He said, and I quote, "These individuals, from headquarters located outside the U.S., influence the choices that many Americans make about where to live, or where they send their children to school. The drugs, and the attendant violence which accompanies the drug trade, have reached into every American community and, in essence, have robbed many Americans of the dreams they once cherished."

These organized crime leaders are sophisticated and possess the power that comes with unlimited resources. Because they are worth billions of dollars, these drug lords have at their disposal some of the world's most technically advanced airplanes, boats, radar, and communications equipment. They possess weapons in quantities that, DEA testified, "rival the capabilities of some legitimate governments." These drug kingpins send thousands of couriers into the United States who answer to them on a daily basis via faxes, cellular phones, or pagers.

Since the disruption of the notorious Cali cartel leadership, we know that traffickers from Mexico have joined together with Colombian traffickers in an emerging alliance which has largely taken over U.S. heroin distribution from Asian organizations and is now producing some of the world's most potent heroin. The manufacture of the vast majority of cocaine in South America is still under the control of the Colombian cartels, which use commercial maritime vessels, containerized cargo and private aircraft to transport the cocaine from their laboratories in the jungles of southeast Colombia through Mexico and the Caribbean into U.S. border points of entry.

In fact, 50 to 60 percent of all the cocaine, as well as 25 percent of the heroin and 80 percent or more of the meth coming into the United States, are transported into our country through the U.S.-Mexico border.

The DEA testified that the influence of Colombian trafficking organizations in the Caribbean is "overwhelming." Several Colombian drug syndicates have set up command and control bases in Puerto Rico and the Dominican Republic and use the Caribbean Basin to ferry tons of cocaine into the United States each year. According to the DEA, seizures of 500 to 2,000 kilos of cocaine in the Caribbean are now commonplace. Unlike the monopoly-like rule of the Cali cartel, many of the new Colombian cartels have chosen to franchise a large portion of their wholesale heroin and cocaine operations. As a result, criminals from the Dominican Republic have now become the dominant force in the wholesale cocaine and heroin trade on the East Coast of the United States.

In addition to heroin and cocain, methamphetamine has become a growing threat within our borders. Methamphetamine trafficking, which until recently had been stopped west of the Mississippi River, is aggressively moving eastward and is now rapidly challenging cocaine as the primary focus of illegal drug trafficking in Georgia and other eastern seaboard States. According to the DEA Atlanta Field Division, Washington may soon declare Atlanta the meth capital of the Southeast.

During February alone, DEA seized almost 90 pounds of methamphetamine in metropolitan Atlanta. Ten pounds of the drug was seized from passengers on buses originating in Texas and California. Acting on a tip, DEA agents found another 25 pounds stashed in hidden compartments in a vehicle. And law enforcement agents apprehended two Los Angeles passengers at Hartsfield Airport who had smuggled 20 pounds of meth into the State. These drugs are being ferried into my State by couriers employed by Mexican trafficking organizations operating out of Mexico and California. DEA has determined that a number of its recent meth seizures in Georgia are directly linked to the AMEZCUA drug trafficking organization—one of Mexico's principal drug cartels.

The amounts of money generated by these illegal drug transactions are staggering. The DEA reported that one Mexican drug syndicate forwards $20 to $30 million to Colombia for each major drug operation, and makes tens of millions of dollars in profits each week. Moving this money from Mexico to Colombia, or from the U.S. to Mexico, is a relatively simple matter. The most popular method is to ship the currency in bulk by courier or cargo, or transport it overland or by air. Oftentimes, the same vehicle or even the same courier that originally transported the drugs into the United States will carry the drug proceeds out.

It was not long ago that a Customs investigation made front page headlines. Three of Mexico's largest banks were indicted by the U.S. for laundering hundreds of millions of dollars in drug money from this country. The three-year sting was unprecedented on two counts. This was the largest money laundering case in the history of U.S. law enforcement. And it was the first time ever that Mexican banks and bank officials have been directly linked to laundering U.S. drug profits.

The sting resulted in the arrest of 70 people, including 14 Mexican banking officials. Thirty-five million dollars in illegal drug proceeds was seized immediately. One hundred and twenty-two million dollars more is expected to be recovered from over 100 bank accounts frozen in this country and in Europe. While unprecedented, this operation netted only a drop in the bucket compared to the estimated $60 billion in illegal proceeds reaped from U.S. drug sales each year. Like most of the drug proceeds, this money was earmarked for drug lords in Mexico and Colombia. In this case, Mexican bankers allegedly aided the Juarez cartel in Mexico and the Cali cocaine and heroin syndicate in Colombia.

If we ever expect to make in-roads in the so-called "war on drugs," it is not enough just to apprehend the drug trafficker. We must seize his assets as well. Let me give just one example. The Rodriguez-Orejuela brothers in Colombia once ran the most powerful international organized crime group in history. Based on evidence supplied by the U.S. Government, Miguel Rodriguez-Orejuela has been sentenced to 21 years in prison, although it is expected that he will serve only 12. Last year his brother Gilberto was sentenced to 10½ years in prison on drug trafficking charges. Even now, the Rodriguez-Orejuela brothers are able to run their drug trafficking business from prison through the use of private quarters and telephones. They are by no means the exception. Last year the Colombia National Police took control of four maximum security prisons from the Bureau of Prisons, in an effort to halt jailed traffickers from continuing their illegal operations from behind prison walls. In the final analysis, the only way to destroy the drug cartels is to hit them where it hurts the most—their pocket books.

The transportation and transmission (by electronic means) of drug proceeds are enormous problems for law enforcement, but they also present law enforcement with an enormous opportunity. Because drug proceeds in the form of cash occupy much more space than the drugs themselves—often filling suitcases, vehicles, and even airplanes—the movement of the cash is often the most vulnerable part of the drug operation. Indeed, law enforcement agents are frequently successful in intercepting such cash shipments by stopping couriers at airports, opening containers at Customs checkpoints, and encountering cars stuffed with cash during routine traffic stops.

However, the ability of law enforcement to confiscate the money—and thus break the drug trafficking cycle—hinges on the government's ability to establish that the money is, in fact, drug proceeds, and not the proceeds of some other form of unlawful activity. Therefore, today the distinguished chairman of the Senate Caucus on International Narcotics Control, Senator GRASSLEY, and I are introducing the Drug Currency Forfeitures Act. Our bill enhances the ability of law enforcement agents to interdict and confiscate the huge quantities of drug money that are being moved through our airports, up and down our major highways, through our ports, and in and out of financial institutions here and abroad—while at the same time it upholds Fourth Amendment constitutional protections against illegal searches and seizures. Specifically, our bill would create a "rebuttable presumption" that money is subject to forfeiture as drug proceeds in cases involving drug couriers carrying large amounts of cash through drug transit areas, and in cases involving international money laundering. The presumption would apply if any of the following factors is established by the government.

Factor one: There is more than $10,000 in currency being transported in one of the transit places commonly used by drug traffickers—for example, an airport, an interstate highway, or port of entry—and any of the following circumstances commonly associated with the transportation of drug proceeds exists: the money is packaged in a highly unusual manner; or the courier makes a false statement to a law enforcement officer or inspector; or the money is found in close proximity to drugs; or a properly trained dog gives a positive alert.

I note here that there has been much criticism of the use of drug dogs to interdict drug money, on the ground that so much currency now in circulation in the U.S. is tainted with drug residue that the drug dog's positive alert is meaningless. Let me say, however, that recent scientific research has refuted this notion and indeed supports the proposition that a drug dog's alert to currency is highly relevant in a forfeiture case. A study by Dr. Kenneth Furton, Director of the Criminalistics Program in the Chemistry Department at Florida International University, has established that a properly trained drug dog does not alert to the cocaine residue on currency, but alerts instead to methyl benzoate—a highly volatile chemical by-product of the cocaine manufacturing process that remains on the currency only for a short period of time. Thus, even if it is true that a high percentage of our currency is contaminated with cocaine residue, the drug dogs are alerting only to money that has recently, or just before packaging, been in close proximity to a significant amount of cocaine. See K.G. Furton, Y.L. Hsu, N. Alvarez and P. Lagos, "Novel Sample Preparation Methods and Field Testing Procedures Used to Determine the Chemical Basis of Cocaine Detection by Canines," Forensic Evidence and Crime Science Investigation, Proc. SPIE 2941, 56–62 (1997). I am attaching to my remarks an article describing Dr. Furton's work.

Factor two: The property subject to forfeiture was acquired during a period of time when the person who acquired it was engaged in a drug trafficking offense, and there is no other likely source for the money. I note that this presumption already exists in criminal forfeiture cases. See 21 U.S.C. § 853(d).

Factor three: The property was involved in a transaction that occurred, in part, in a bank secrecy jurisdiction or was conducted by, to or through a shell corporation. These two factors appear repeatedly in cases involving international money laundering and therefore are highly indicative of illegal money laundering activity. However, to ensure that the presumption is focused narrowly on the problem this bill is designed to address, it would apply only where the money was being moved in or out of one of the countries the President has listed as a "major drug-transit country," a "major illicit drug producing country," or a "major money laundering country," all of which are defined terms in the Foreign Assistance Act.

Factor four: Any person involved in the transaction has been convicted of a drug trafficking or money laundering offense, or is a fugitive from prosecution for such an offense. This factor reflects the obvious fact that the movement of money by a convicted drug trafficker, money launderer or fugitive is highly likely to involve drug proceeds.

The existence of any one of these four factors would be sufficient—by itself, or in some cases, in combination with the facts and circumstances which led to the seizure of the money—to establish probable cause to believe that the money represents drug proceeds, and if left unrebutted, would be sufficient to establish that the money is subject to forfeiture under the Controlled Substances Act, 21 U.S.C. §881(a)(6), or the Money Laundering Control Act, 18 U.S.C. § 981(a)(1), by a preponderance of the evidence. The owner of the money, of course, would be free to rebut the presumption by submitting admissible evidence that the money was derived from a legitimate source, and the government would have to respond either by impeaching the reliability of such evidence, or by offering admissible evidence of its own to support the forfeiture of the money. See *United States* v. *$129,727.000 U.S. Currency*, 129 F.3d 486 (9th Cir. 1997). In this way, legitimate owners of untainted money will be protected. However, drug traffickers and money launderers will no longer be able to rely on the ambiguities inherent in the movement of cash and electronic funds—as well as the ambiguities inherent in the standard of proof in civil forfeiture law—to win the release of their ill-gotten gains without having to come forward with any evidence whatsoever.

On June 22, the Supreme Court handed down a highly controversial decision which is certain to have far-reaching ramifications on U.S. drug interdiction policy. That sharply divided ruling involved the case of Hosep Bajakajian, who had attempted to take $357,000 in undeclared cash to Syria, and who had lied about the amount of money he had with him when questioned by a Customs inspector. By ruling that the federal government cannot seize the money of a person trying to carry funds out of the country when that individual fails to declare it, unless the government can show it is tainted money, the High Court's decision may very well reinforce the recent lower court decisions against forfeiture—a critically important weapon in our drug interdiction arsenal. Our bill would address these adverse court decisions by providing needed statutory guidance on the important and contentious issue of property subject to seizure.

Our bill has been endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, and the Federal Law Enforcement Officers Association. I hope that my colleagues will support this bill.

Mr. President, I ask unanimous consent that the text of our bill be printed in the Record together with appropriate relevant materials.

There being no objection, the items were ordered to be printed in the Record, as follows:

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Currency Forfeitures Act".

SEC. 2. DRUG CURRENCY FORFEITURES.

(a) In General.—Section 511 of the Controlled Substances Act (21 U.S.C. 881) is amended by inserting after subsection (j) the following:

"(k) Rebuttable Presumption.—

"(1) Definitions.—In this subsection—

"(A) the term 'drug trafficking offense' means—

"(i) with respect to an action under subsection (a)(6), any illegal exchange involving a controlled substance or other violation for which forfeiture is authorized under that subsection; and

"(ii) with respect to an action under section 981(a)(1)(B) of title 18, United States Code, any offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance for which forfeiture is authorized under that section; and

"(B) the term 'shell corporation' means any corporation that does not conduct any ongoing and significant commercial or manufacturing business or any other form of commercial operation.

"(2) Presumption.—In any action with respect to the forfeiture of property described in subsection (a)(6) of this section, or section 981(a)(1)(B) of title 18, United States Code, there is a rebuttable presumption that property is subject to forfeiture, if the Government offers a reasonable basis to believe, based on any circumstance described in subparagraph (A), (B), (C), or (D) of paragraph (3), that there is a substantial connection between the property and a drug trafficking offense.

"(3) Circumstances.—The circumstances described in this paragraph are that—

"(A) the property at issue is currency in excess of $10,000 that was, at the time of seizure, being transported through an airport, on a highway, or at a port-of-entry, and—

"(i) the property was packaged or concealed in a highly unusual manner;

"(ii) the person transporting the property (or any portion thereof) provided false information to any law enforcement officer or inspector who lawfully stopped the person for investigative purposes or for purposes of a United States border inspection;

"(iii) the property was found in close proximity to a measurable quantity of any controlled substance; or

"(iv) the property was the subject of a positive alert by a properly trained dog;

"(B) the property at issue was acquired during a period of time when the person who acquired the property was engaged in a drug trafficking offense or within a reasonable time after such period, and there is no likely source for such property other than that offense;

"(C)(i) the property at issue was, or was intended to be, transported, transmitted, or transferred to or from a major drug-transit country, a major illicit drug producing country, or a major money laundering country, as determined pursuant to section 481(e) of 490(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e) and 2291j(h)), as applicable; and

"(ii) the transaction giving rise to the forfeiture—

"(I) occurred in part in a foreign country whose bank secrecy laws render the United States unable to obtain records relating to the transaction by judicial process, treaty, or executive agreement; or

"(II) was conducted by, to, or through a shell corporation that was not engaged in any legitimate business activity in the United States; or

"(D) any person involved in the transaction giving rise to the forfeiture action—

"(i) has been convicted in any Federal, State, or foreign jurisdiction of a drug trafficking offense or a felony involving money laundering; or

"(ii) is a fugitive from prosecution for any offense described in clause (i).

"(4) Other presumptions.—The establishment of the presumption in this subsection shall not preclude the development of other judicially created presumptions, or the establishment of probable cause based on criteria other than those set forth in this subsection.''.

(b) MONEY LAUNDERING FORFEITURES.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

''(k) REBUTTABLE PRESUMPTION.—In any action with respect to the forfeiture of property described in subsection (a)(1)(A), there is a rebuttable presumption that the property is the proceeds of an offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance (as defined in section 102 of the Controlled Substances Act), and thus constitutes the proceeds of specified unlawful activity (as defined in section 1956(c)), if any circumstance set forth in subparagraph (A), (B), (C), or (D) section 511(k)(3) of the Controlled Substances Act (21 U.S.C. 881(k)(3)) is present.''.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, August 6, 1998.
Hon. MAX W. CLELAND,
U.S. Senate, Washington, DC.

DEAR SENATOR CLELAND: I am writing to advise you of the strong support of the more than 272,000 members of the Fraternal Order of Police for your draft legislation, ''The Drug Currency Forfeitures Act.''

This bill will amend the ''Controlled Substances Act'' as it relates to the forfeiture of currency deemed to be in connection with illegal drug trafficking or money laundering operations. In order to stem the flow of drugs into the United States, and to reduce the risks to law enforcement officers, government at all levels must have the ability to take away the resources of drug traffickers—whether it is currency, property, or other ill-gotten gains from their illegal narcotics transactions.

One of the most frustrating aspects of law enforcement is seeing those who poison our cities and neighborhoods with the scourge of drugs amass sizable fortunes as a result of their actions. Your legislation addresses this issue by taking money away from those who threaten the lives of our children and our nation's law enforcement officers, and is a major step toward tackling the problems posed by drug traffickers and their considerable financial resources.

Forfeiture of drug money, and the assets of money laundering operations, increases the penalty for drug dealing and reduces the benefits of engaging in illegal drug trafficking. On behalf of the more than 272,000 members of the Fraternal Order of Police, I want to commend and applaud your leadership on this issue. If I can be of any further assistance, please do not hesitate to contact me, or Executive Director Jim Pasco, at my Washington office, (202) 547-8189.

Sincerely,
GILBERT G. GALLEGOS,
National President.

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS,
Alexandria, VA, July 13, 1998.
Hon. MAX CLELAND,
U.S. Senate, Washington, DC.

DEAR SENATOR CLELAND: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union, the third largest union in the AFL-CIO. The IBPO is the largest police union in the AFL-CIO.

On behalf of the entire membership of the IBPO, I want to thank you for introducing legislation that would create a ''rebuttable presumption'' that money is subjected to forfeiture as drug proceeds in cases involving drug couriers carrying large amounts of cash through airports and on major highways, and in cases involving international money laundering. The IBPO officially endorses your legislation and looks forward to working with you to see this bill become law.

Your legislation will hurt drug dealers in the most effective way—in the pocketbook. Forfeiture of this money will also benefit the many police departments across the country who supplement their budgets with these types of seizures.

The IBPO wishes to thank you for all your support on behalf of the law enforcement community. Be assured that the IBPO will make your legislation a top priority in the 105th Congress.

Sincerely,
KENNETH T. LYONS,
National President.

COMMENTS OF BOBBY D. MOODY, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AND CHIEF OF THE MARIETTA, GEORGIA POLICE DEPARTMENT

One of the most effective weapons that law enforcement has in the domestic drug war is the ability to deprive drug dealers of the proceeds of their illegal activities or the instruments used to commit their crime through the use of civil asset forfeiture proceedings. Senator Cleland's legislation will preserve and enhance law enforcement's ability to seize the assets of drug dealers and their associates. I want to thank my friend, and law enforcement supporter, Senator Cleland for his efforts to protect the most valuable tool law enforcement has in combating drug traffickers and money launderers.

ABOUT THE IACP

Founded in 1893, the International Association of Chiefs of Police is the world's oldest and largest organization of police executives with more than 16,000 members in 102 countries. IACP's Leadership consists of operating chief executives of federal, state, local and international agencies of all sizes.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
East Northport, NY, August 7, 1998.
Hon. MAX W. CLELAND,
U.S. Senator, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the over 14,000 members of the Federal Law Enforcement Officers Association (FLEOA) I wish to express FLEOA's views regarding your proposed legislation concerning asset forfeiture. This proposed legislation will enhance the ability of law enforcement officers, at all levels, to seize the assets of drug dealer. FLEOA wishes to inform you of our overwhelming support for this legislation.

FLEOA represents criminal investigators and special agents from over fifty-five federal agencies, as listed on the left masthead. We feel that legislation that creates a rebuttable presumption that currency in excess of $10,000 is subject to forfeiture as drug proceeds when transported through an airport, on a highway, or at a port-of-entry, and is found in close proximity to a measurable quantity of a controlled substance would assist law enforcement in our fight against narcotics.

We would be pleased to meet with you, or your staff, to discuss our views on this issue in more detail. I can be reached at (516) 368-6117, or you may contact FLEOA's Executive Vice President Walt Wallmark at (202) 433-9230.

Thank you for your time.
RICHARD J. GALLO,
President.●

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1301

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1301, a bill to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

S. 1329

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1329, a bill to prohibit the taking of certain lands by the United States in trust for economically self-sufficient Indian tribes for commercial and gaming purposes, and for other purposes.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1380

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1380, a bill to amend the Elementary and Secondary Education Act of 1965 regarding charter schools.

S. 1459

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin

(Mr. KOHL) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1720

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1720, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1862, A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1977

At the request of Mr. D'AMATO, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1977, a bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information.

S. 2017

At the request of Mr. D'AMATO, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. FAIRCLOTH), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2148

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. BENNETT), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2148, a bill to protect religious liberty.

S. 2181

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2181, a bill to amend section 3702 of title 38, United States Code, to make permanent the eligibility of former members of the Selected Reserve for veterans housing loans.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2201

At the request of Mr. TORRICELLI, the names of the Senator from Texas (Mr. GRAMM), the Senator from Virginia (Mr. ROBB), the Senator from Colorado (Mr. ALLARD), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2213

At the request of Mr. FRIST, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 2213, a bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2216, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 2217

At the request of Mr. FRIST, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Missouri (Mr. ASHCROFT), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2217, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2222

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2222, a bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program.

S. 2259

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2259, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 2281

At the request of Mr. DEWINE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2281, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Georgia (Mr. CLELAND), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Washington (Mrs. MURRAY), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2403

At the request of Mr. SANTORUM, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. BROWNBACK), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2403, a bill to prohibit discrimination against health care entities that refuse to provide, provide coverage for, pay for, or provide referrals for abortions.

S. 2415

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2415, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2425

At the request of Mr. SESSIONS, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2425, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C.

Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served inpositions of command during World War II, and for other purposes.

SENATE RESOLUTION 193

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 272—EXPRESSING THE SENSE OF THE SENATE RECOGNIZING THE DISTINGUISHED SERVICE OF ANGELA RAISH

Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. D'AMATO) submitted the following resolution, which was considered and agreed to:

S. RES. 272

Whereas Angela Raish retired from the United States Senate on July 31, 1998, after more than twenty-one years of distinguished service to the United States Senate, Senator Pete V. Domenici, and the people of New Mexico;

Whereas Angela combined exceptional professional and organizational skills, untiring initiative, and unlimited compassion to accomplish both major, and simply thoughtful, tasks for the Senator and his constituents;

Whereas Angela has always generously given of herself out of a genuine love and concern for others, without hesitation or expectation of reward;

Whereas Angela has had an impressive career beginning during World War II in the Navy Department, office of Admiral S. C. Hooper where she developed the professional and personal skills that she refined into her trademark standard of excellence;

Whereas in 1968, Angela worked for President Richard M. Nixon's Inaugural Committee, and in 1972, she served as the Assistant to the Chairman, and received the gavel used to convene the Republican National Convention as a token of appreciation for a job well done from Gerald R. Ford, the Republican National Committee and Republican Convention Chairman;

Whereas Angela's endearing attitude and hard work earned the respect and admiration of Anne Armstrong and the staff at the White House in 1974 and 1975;

Whereas Angela has always balanced her public service with her private life and has been married to the self-described "luckiest man in the Navy," Bob Raish, since February 8, 1947;

Whereas, her colleagues always know they have a devoted friend and confidant;

Whereas Angela is known for her love of Italy, her pride in her ancestral home in Camogli, and her affection for Lake Maggiore;

Whereas Angela is "una donna eccexionale," (an exceptional woman); the Senator's vero "braccio destro" (his right hand helper), and "La Signora Aggiestatutto per gli elettori" (Mrs. Fix-it for constituents);

Whereas Angela is a gracious hostess and accomplished cook who is going to pursue new culinary challenges in her retirement; and

Whereas all those whose lives are richer for having known Angela Raish will miss here deeply and send her warm wishes on her well-deserved retirement: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the achievements of Angela Raish and her more than 21 years of service to the Senate and Senator Domenici be honored and celebrated;

(2) the love and affection that Angela's friends and colleagues share for her be recognized; and

(3) Angela's pride in work and home be recognized as the standard to which all should aspire.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

JEFFORDS (AND TORRICELLI) AMENDMENT NO. 3541

Mr. GORTON (for Mr. JEFFORDS for himself and Mr. TORRICELLI) proposed an amendment to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the end of Title I, add the following new section:

"SEC. . Up to $10 million of funds available in fiscal year 1998 and 1999 shall be available for matching grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission. Lands or interests in lands acquired pursuant to this section shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3))."

BOXER AMENDMENT NO. 3542

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 2237, supra; as follows:

On page 75, line 13 and 14, strike "$165,091,000, to remain available until expended as authorized by law" and insert "$175,091,000, to remain available until expended, as provided by law, of which $10,000,000 shall be made available to the Centers for Protection Against Natural Disasters from the Emergency Fire Suppression Account to implement a National Integrated Fire Management System development program under which no State cost-sharing requirement shall apply".

On page 76, line 10, strike "$587,885,000" and insert "$577,885,000.".

CRAIG AMENDMENT NO. 3543

Mr. GORTON (for Mr. CRAIG) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 134, strike lines 21–25, and insert in lieu thereof the following:

SEC. 333. In the second proviso of section 343 of Public Law 105–83, delete "1999" and insert "2000" in lieu thereof.

ENZI (AND THOMAS) AMENDMENT NO. 3544

Mr. GORTON (for Mr. ENZI for himself and Mr. THOMAS) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. . LEASING OF CERTAIN RESERVED MINERAL INTERESTS.

(a) APPLICATION OF MINERAL LEASING ACT.—Notwithstanding section 4 of Public Law 88–608 (78 Stat. 988), the Federal reserved mineral interests in land conveyed under that Act by United States land patents No. 49–71–0059 and No. 49–71–0065 shall be subject to the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.).

(b) ENTRY.—

(1) IN GENERAL.—A person that acquires a lease under the Act of February 25, 1920 (30 U.S.C. 181 et seq.) for the interests referred to in subsection (a) may exercise the right of entry that is reserved to the United States and persons authorized by the United States in the patents conveying the land described in subsection (a) by occupying so much of the surface the land as may be required for purposes reasonably incident to the exploration for, and extraction and removal of, the leased minerals.

(2) CONDITION.—A person that exercises a right of entry under paragraph (1), shall, before commencing occupancy—

(A) secure the written consent or waiver of the patentee; or

(B) post a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to ensure—

(i) the completion of reclamation pursuant to the requirements of the Secretary under the Act of February 25, 1920 (30 U.S.C. 181 et seq.); and

(ii) the payment to the surface owner for—

(I) any damage to a crop or tangible improvement of the surface owner that results from activity under the mineral lease; and

(II) any permanent loss of income to the surface owner due to loss or impairment of grazing use or of other uses of the land by the surface owner at the time of commencement of activity under the mineral lease.

(c) EFFECTIVE DATE.—In the case of the land conveyed by United States patent No. 49–71–0065, this section takes effect January 1, 1997.

GORTON AMENDMENTS NOS. 3545–3551

Mr. GORTON proposed seven amendments to the bill, S. 2237, supra; as follows:

AMENDMENT NO. 3545

On page 134, line 16, insert between the words "burning" and "until" the following "on lands classified in the national forest land management plan as timber base"

On page 134, line 18, insert between the words "remove" and "all" the following: "from the proposed burn area,"

On page 134, line 19, delete the words "from the proposed burn area." and insert the words "that would otherwise be consumed by fire."

AMENDMENT NO. 3546

On page 131, line 12, insert between the words "a" and "system" the following word: "ledger".

On page 131, line 13, delete the word "information".

On page 131, line 19, insert after the word "Appropriations" the following: "and authorizing committees."

AMENDMENT NO. 3547

On page 145, strike lines 22 and 23, and insert the following in lieu thereof: "roads constructed by the timber purchaser, caused by variations in quantities, changes or modifications subsequent to the sale of timber made in accordance with applicable timber sale contract provisions, then".

And on page 147, line 24 strike the words "appraised value" and insert the following in lieu thereof: "estimated cost".

And on page 148, strike lines 15 through 22 and insert the following in lieu thereof:

"thereafter) upon the earlier of—

"(A) April 1, 1999; or

"(B) the date that is the later of—:

"(i) the effective date of regulations issued by the Secretary of Agriculture to implement this section; and

"(ii) the date on which new timber sale contract provisions designed to implement this section, that have been published for public comment, are approved by the Secretary.".

And on page 149, line 3, strike the comma after the word "date" and insert the following in lieu thereof: "shall remain in effect, and".

AMENDMENT NO. 3548

On page 134, line 8, delete Sec. 331, lines 8–14, and insert the following in lieu thereof:

SEC. 331. The Forest Service shall rescind its decision prohibiting the use of fixed anchors for rock climbing in wilderness areas of any National Forest. No decision to prohibit the use of such anchors in the National Forests shall be implemented until the Forest Service conducts a rulemaking to develop a national policy on the proper management of fixed climbing anchors.

AMENDMENT NO. 3549

Beginning on page 41 of the bill, line 21, following "That", strike all the language through page 42 line 5 and insert the following: "notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least eighteen months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the accountholder."

AMENDMENT NO. 3550

On page 16, line 13, strike "the report accompanying this bill:" and insert in lieu thereof "Senate Report 105–56:".

AMENDMENT NO. 3551

On page 32 of S. 2237, line 22, strike "funds." and insert the following: "funds: *Provided further*, That the sixth proviso under Operation of Indian Programs in Public Law 102–154, for the fiscal year ending September 30, 1992, (105 Stat. 1004), is hereby amended to read as follows: *Provided further*, That until such time as legislation is enacted to the contrary, no funds shall be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without consultation with the Cherokee Nation:".

REID AMENDMENT NO. 3552

Mr. GORTON (for Mr. REID) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 62, strike lines 6 through 13 and insert the following in lieu thereof:

Bginning on line 5, following the words "without consideration" insert: ", subject to the requirements of 43 U.S.C. 869, all right, title and interest of the land subject to all valid existing rights in the public lands located south and west of Highway 160 within Sections 32 and 33, T. 20 S., R. 54 E., Mount Diablo Meridian."

GORTON AMENDMENT NO. 3553

Mr. GORTON proposed an amendment to the bill, S. 2237, supra; As follows:

Strike line 25 on page 88 and lines 1 through 4 of page 89. Insert the following in lieu thereof:

"House of Representatives and Senate;

"(1) Proposed definitions for use with the fiscal year 2000 budget for overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units that are not directly related to the accomplishment of specific work on the ground;

"(2) A recommendation of the amount of funds, in accordance with definitions under (1), which are appropriate to be charged to the Reforestation, Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and the Salvage Sale funds; and

"(3) A plan to incrementally adjust expenditures under (2) to this recommended level no later than September 30, 2001:

Provided further, That the Forest Service".

On page 89, strike line 18 and insert the following in lieu thereof: "budget allocation. Changes to funding levels, for appropriated funds, permanent funds and trust funds, and".

McCAIN (AND OTHERS) AMENDMENT NO. 3554

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. THOMPSON, Mrs. SNOWE, Ms. COLLINS, and Mr. JEFFORDS) proposed an amendment to the bill, S. 2237, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—CAMPAIGN FINANCE REFORM

SEC. ___01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Bipartisan Campaign Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE ___—CAMPAIGN FINANCE REFORM

Sec. ___01. Short title; table of contents.

Subtitle A—Reduction of Special Interest Influence

Sec. ___101. Soft money of political parties.
Sec. ___102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. ___103. Reporting requirements.

Subtitle B—Independent and Coordinated Expenditures

PART I—ELECTIONEERING COMMUNICATIONS

Sec. ___200. Disclosure of electioneering communications.
Sec. ___200A. Coordinated communications as contributions.
Sec. ___200B. Prohibition of corporate and labor disbursements for electioneering communications.

PART II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. ___201. Definition of independent expenditure.
Sec. ___202. Civil penalty.
Sec. ___203. Reporting requirements for certain independent expenditures.
Sec. ___204. Independent versus coordinated expenditures by party.
Sec. ___205. Coordination with candidates.

Subtitle C—Disclosure

Sec. ___301. Filing of reports using computers and facsimile machines; filing by Senate candidates with Commission.
Sec. ___302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. ___303. Audits.
Sec. ___304. Reporting requirements for contributions of $50 or more.
Sec. ___305. Use of candidates' names.
Sec. ___306. Prohibition of false representation to solicit contributions.
Sec. ___307. Soft money of persons other than political parties.
Sec. ___308. Campaign advertising.

Subtitle D—Personal Wealth Option

Sec. ___401. Voluntary personal funds expenditure limit.
Sec. ___402. Political party committee coordinated expenditures.

Subtitle E—Miscellaneous

Sec. ___501. Codification of Beck decision.
Sec. ___502. Use of contributed amounts for certain purposes.
Sec. ___503. Limit on congressional use of the franking privilege.
Sec. ___504. Prohibition of fundraising on Federal property.
Sec. ___505. Penalties for knowing and willful violations.
Sec. ___506. Strengthening foreign money ban.
Sec. ___507. Prohibition of contributions by minors.
Sec. ___508. Expedited procedures.
Sec. ___509. Initiation of enforcement proceeding.

Subtitle F—Severability; Constitutionality; Effective Date; Regulations

Sec. ___601. Severability.
Sec. ___602. Review of constitutional issues.
Sec. ___603. Effective date.
Sec. ___604. Regulations.

Subtitle A—Reduction of Special Interest Influence

SEC. ___101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF POLITICAL PARTIES.

"(a) NATIONAL COMMITTEES.—

"(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) FEDERAL ELECTION ACTIVITY.—

"(A) IN GENERAL.—The term 'Federal election activity' means—

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

"(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

"(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

"(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

"(iii) the costs of a State, district, or local political convention;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

"(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

"(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

"(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Secretary of the Internal Revenue Service for determination of tax-exemption under such section).

"(e) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds for a Federal election activity on behalf of such candidate, individual, agent or any other person, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(A) STATE LAW.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for any activity other than a Federal election activity.

"(B) FUNDRAISING EVENTS.—Paragraph (1) does not apply in the case of a candidate who attends, speaks, or is a featured guest at a fundraising event sponsored by a State, district, or local committee of a political party.".

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000".

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$30,000".

SEC. 103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by adding at the end the following:

"(e) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee (not described in paragraph (1)) to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2) and (3)(A)(v) of section 324(b).

"(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

Subtitle B—Independent and Coordinated Expenditures

PART I—ELECTIONEERING COMMUNICATIONS

SEC. 200. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) ADDITIONAL STATEMENTS ON ELECTIONEERING COMMUNICATIONS.—

"(1) STATEMENT REQUIRED.—Every person who makes a disbursement for electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

"(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

"(A) The identification of the person making the disbursement, of any entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

"(B) The State of incorporation and the principal place of business of the person making the disbursement.

"(C) The amount of each disbursement during the period covered by the statement and the identification of the person to whom the disbursement was made.

"(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

"(E) If the disbursements were paid out of a segregated account to which only individuals could contribute, the names and addresses of all contributors who contributed an aggregate amount of $500 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $500 or more to the organization or any related entity during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(G) Whether or not any electioneering communication is made in coordination, cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee, any political party or committee, or any agent of the candidate, political party, or committee and if so, the identification of any candidate, party, committee, or agent involved.

"(3) ELECTIONEERING COMMUNICATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'electioneering communication' means any broadcast from a television or radio broadcast station which—

"(i) refers to a clearly identified candidate for Federal office;

"(ii) is made (or scheduled to be made) within—

"(I) 60 days before a general, special, or runoff election for such Federal office, or

"(II) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for such Federal office, and

"(iii) is broadcast from a television or radio broadcast station whose audience includes the electorate for such election, convention, or caucus.

"(B) EXCEPTIONS.—Such term shall not include—

"(i) communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate, or

"(ii) communications which constitute expenditures or independent expenditures under this Act.

"(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

"(A) the first date during any calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000, and

"(B) any other date during such calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

"(5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(6) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act."

SEC. 200A. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

Section 315(a)(7)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended by inserting after clause (ii) the following new clause:

"(iii) if—

"(I) any person makes, or contracts to make, any payment for any electioneering communication (within the meaning of section 304(d)(3)), and

"(II) such payment is coordinated with a candidate for Federal office or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee,

such payment or contracting shall be treated as a contribution to such candidate and as an expenditure by such candidate; and".

SEC. 200B. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting "or for any applicable electioneering communication" before ", but shall not include".

(b) APPLICABLE ELECTIONEERING COMMUNICATION.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

"(1) APPLICABLE ELECTIONEERING COMMUNICATION.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication (within the meaning of section 304(d)(3)) which is made by—

"(A) any entity to which subsection (a) applies other than a section 501(c)(4) organization, or

"(B) a section 501(c)(4) organization from amounts derived from the conduct of a trade or business or from an entity described in subparagraph (A).

"(2) SPECIAL OPERATING RULES.—For purposes of paragraph (1), the following rules shall apply:

"(A) An electioneering communication shall be treated as made by an entity described in paragraph (1)(A) if—

"(i) the entity described in paragraph (1)(A) directly or indirectly disburses any amount for any of the costs of the communication; or

"(ii) any amount is disbursed for the communication by a corporation or organization or a State or local political party or committee thereof that receives anything of value from the entity described in paragraph (1)(A), except that this clause shall not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute.

"(B) A section 501(c)(4) organization that derives amounts from business activities or from any entity described in paragraph (1)(A) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute.

"(3) DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) the term 'section 501(c)(4) organization' means—

"(i) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

"(B) a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(4) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 from carrying out any activity which is prohibited under such Code."

PART II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITION OF INDEPENDENT EXPENDITURE.

Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure by a person—

"(A) expressly advocating the election or defeat of a clearly identified candidate; and

"(B) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent."

SEC. 202. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(ii) by adding at the end the following:

"(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A)."; and

(B) in paragraph (6)(B), by inserting "(except an action instituted in connection with a knowing and willful violation of section 304(c))" after "subparagraph (A)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking "Any person" and inserting "Except as provided in subparagraph (D), any person"; and

(B) by adding at the end the following:

"(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.".

SEC. 203. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (7); and

(3) by inserting after paragraph (2) (as amended by paragraph (1)) the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

SEC. 204. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "and (3)" and inserting ", (3), and (4)"; and

(2) by adding at the end the following:

"(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

"(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

"(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

"(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

"(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.".

SEC. 205. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office."; and

(B) by adding at the end the following:

"(C) The term 'provided in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

"(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

"(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

"(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

"(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

"(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

"(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

"(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.".

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking "shall include" and inserting "includes a contribution or expenditure, as those terms are defined in section 301, and also includes".

Subtitle C—Disclosure

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES; FILING BY SENATE CANDIDATES WITH COMMISSION.

(a) USE OF COMPUTER AND FACSIMILE MACHINE.—Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

"(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

"(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

(b) SENATE CANDIDATES FILE WITH COMMISSION.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 302, by striking subsection (g) and inserting the following:

"(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission."; and

(2) in section 304—

(A) in subsection (a)(6)(A), by striking "the Secretary or"; and

(B) in the matter following subsection (c)(2), by striking "the Secretary or".

SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.".

SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least 4 members of the Commission.

"(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;".

SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name; or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a) IN GENERAL.—"; and

(2) by adding at the end the following:

"(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c)) is amended by adding at the end the following:

"(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person, other than a political committee or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

"(A) on a monthly basis as described in subsection (a)(4)(B); or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) Federal election activity;

"(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

"(C) an activity described in subparagraph (C) of section 316(b)(2).

"(3) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursements made;

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

"(C) the date made, amount, and purpose of the disbursement; and

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is amended by adding at the end the following:

"(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.".

SEC. 308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

"(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in paragraphs (1) or (2) of subsection (a) shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in paragraph (3) of subsection (a) shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: '__________ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

Subtitle D—Personal Wealth Option

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

"SEC. 325. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

"(a) ELIGIBLE SENATE CANDIDATE.—

"(1) PRIMARY ELECTION.—

"(A) DECLARATION.—A candidate is an eligible primary election Senate candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(2) GENERAL ELECTION.—

"(A) DECLARATION.—A candidate is an eligible general election Senate candidate if the candidate files with the Commission—

"(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

"(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

"(i) the date on which the candidate qualifies for the general election ballot under State law; or

"(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

"(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Senate candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

"(2) SOURCES.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(c) CERTIFICATION BY THE COMMISSION.—

"(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Senate candidate.

"(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Senate candidate.

"(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

"(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

"(d) PENALTY.—If the Commission revokes the certification of an eligible Senate candidate—

"(1) the Commission shall notify the candidate of the revocation; and

"(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).".

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

"(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for the Senate who is not an eligible Senate candidate (as defined in section 325(a)).".

Subtitle E—Miscellaneous

SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

"(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

"(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

"(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

"(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

"(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

"(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

"(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures;

"(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

"(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.".

SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

"SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

"(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

"(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

"(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

"(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

"(4) for transfers to a national, State, or local committee of a political party.

"(b) PROHIBITED USE.—

"(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

"(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

"(A) a home mortgage, rent, or utility payment;

"(B) a clothing purchase;

"(C) a noncampaign-related automobile expense;

"(D) a country club membership;

"(E) a vacation or other noncampaign-related trip;

"(F) a household food item;

"(G) a tuition payment;

"(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(I) dues, fees, and other payments to a health club or recreational facility.".

SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.".

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended by—

(1) striking subsection (a) and inserting the following:

"(a) PROHIBITION.—

"(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value for a political committee or a candidate for Federal, State or local office from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value for a political committee or candidate for Federal, State or local office, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

"(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.".

(2) inserting in subsection (b) after "Congress" "or Executive Office of the President".

SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking "$5,000" and inserting "$10,000"; and

(2) in paragraphs (5)(B) and (6)(C), by striking "$10,000 or an amount equal to 200 percent" and inserting "$20,000 or an amount equal to 300 percent".

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting ", and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).".

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) PENALTY FOR LATE FILING.—

"(A) IN GENERAL.—

"(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

"(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

"(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

"(B) FILING AN EXCEPTION.—

"(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

"(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.";

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: "In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A)."; and

(B) by inserting before the period at the end of the last sentence the following: "or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)"; and

(3) in paragraph (6)(A), by striking "paragraph (4)(A)" and inserting "paragraph (4)(A) or (13)".

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: "CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS"; and

(2) by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for—

"(1) a foreign national, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office; or

"(ii) a contribution or donation to a committee of a political party; or

"(B) for a person to solicit, accept, or receive such contribution or donation from a foreign national.".

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 401) is amended by adding at the end the following:

"SEC. 326. PROHIBITION OF CONTRIBUTIONS BY MINORS.

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.".

SEC. 508. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

"(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of title 26, United States Code, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking "reason to believe that" and inserting "reason to investigate whether".

Subtitle F—Severability; Constitutionality; Effective Date; Regulations

SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act or January 1, 1998, whichever occurs first.

SEC. 604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

GORTON AMENDMENTS NOS. 3555–3557

Mr. BENNETT (for Mr. GORTON) proposed three amendments to the bill, S. 2237, supra; as follows:

AMENDMENT NO. 3555

Beginning on page 152, line 7, strike all through line 3 on page 154 and insert in lieu thereof the following:

"SEC. 343. Unless specifically authorized by Congress or with the consent of licensees for dams licensed by the Federal Energy Regulatory Commission, a Federal or State agency shall not require, approve, authorize, fund or undertake any action that would remove or breach any dam on the Federal Columbia River Power System or any dam on the Columbia or Snake Rivers or their tributaries licensed by the Federal Energy Regulatory Commission or diminish below present operational plans the Congressionally authorized uses of flood control, irrigation, navigation and electric power and energy generating capacity of any such dam."

AMENDMENT NO. 3556

Strike Section 129 of Senate bill 2237 and add the following in the nature of a substitute:

"SEC. 129. (a) In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

"(b) The Bureau of Indian Affairs shall develop alternative methods to fund TPA base programs in future years. The alternatives shall consider tribal revenues and relative needs of tribes and tribal members. No later than April 1, 1999, the BIA shall submit a report to Congress containing its recommendations and other alternatives. The report shall also identify the methods proposed to be used by BIA to acquire data that is not currently available to BIA and any data gathering mechanisms that may be necessary to encourage tribal compliance. Notwithstanding any other provision of law, for the purposes of developing recommendations, the Bureau of Indian Affairs is hereby authorized access to tribal revenue-related data held by any Federal agency, excluding information held by the Internal Revenue Service.

"(c) Except as provided in subsection (d), tribal revenue shall include the sum of tribal net income, however derived, from any business venture owned, held, or operated, in whole or in part, by any tribal entity which is eligible to receive TPA on behalf of the members of any tribe, all amounts distributed as per capita payments which are not otherwise included in net income, and any income from fees, licenses or taxes collected by any tribe.

"(d) The calculation of tribal revenues shall exclude payments made by the Federal Government in settlement of claims or judgments and income derived from lands, natural resources, funds, and assets held in trust by the Secretary of the Interior.

"(e) In developing alternative TPA distribution methods, the Bureau of Indian Affairs will take into account the financial obligations of a tribe, such as budgeted health, education and public works service costs; its compliance, obligations and spending requirements under the Indian Gaming Regulatory Act; its compliance with the Single Audit Act; and its compact with its state".

AMENDMENT NO. 3557

Starting on page 91, line 23, strike all through the colon on page 92, line 3, and insert in lieu thereof the following:

"For necessary expenses in carrying out energy conservation activities, $670,701,000, to remain available until expended, including, notwithstanding any other provision of law, $64,000,000, which shall be transferred to this account from amounts held in escrow under section 3002(d) of Public Law 95–509 (15 U.S.C. 4501(d)):";

At the end of Title III, add the following new section:

"SEC. . Section 3003 of the Petroleum Overcharge Distribution and Restitution Act of 1986 (15 U.S.C. 4502) is amended by adding after subsection (d) the following new subsection:

"(e) Subsections (b), (c), and (d) of this section are repealed, and any rights that may have arisen are extinguished, on the date of the enactment of the Department of the Interior and Related Agencies Appropriations Act, 1999. After that date, the amount available for direct restitution to current and future refined petroleum product claimants under this Act is reduced by the amounts specified in title II of that Act as being derived from amounts held in escrow under section 3002(d). The Secretary shall assure that the amount remaining in escrow to satisfy refined petroleum product claims for direct restitution is allocated equitably among the claimants.";

On page 2, line 13, strike "$600,096,000" and insert in lieu thereof the following: "$603,396,000";

On page 5, line 20, strike "$15,650,000" and insert "$16,650,000";

On page 11, line 1, strike "$624,019,000" and insert in lieu thereof the following: "$631,019,000";

On page 12, line 21, strike "$48,734,000" and insert in lieu thereof the following: "$50,059,000";

On page 13, line 8, strike "$62,120,000" and insert in lieu thereof the following: "$63,370,000";

On page 17, line 12, strike "$1,288,903,000" and insert in lieu thereof the following: "$1,298,903,000";

On page 17, line 25, strike "$48,800,000" and insert in lieu thereof the following: "$50,800,000";

On page 18, line 25, strike "$210,116,000" and insert in lieu thereof the following: "$217,166,000";

On page 19, line 3, insert the following after the ":" *Provided further*, That $500,000 may be derived from the Historic Recreation Fund, for the Hecksher Museum";

On page 19, line 17, strike "$88,100,000" and insert in lieu thereof the following: "$90,075,000";

On page 22, line 10, strike "$772,115,000" and insert in lieu thereof the following: "$773,115,000";

On page 22, line 18, strike "$154,581,000" and insert in lieu thereof the following: "$155,581,000";

On page 30, line 2, strike "$1,544,695,000" and insert in lieu thereof the following: "$1,555,295,000";

On page 30, line 21, strike "$50,588,000" and insert in lieu thereof the following: "$52,788,000";

On page 75, line 6, strike "$212,927,000" and insert in lieu thereof the following: "$214,127,000";

On page 75, line 13, strike "$165,091,000" and insert in lieu thereof the following: "$168,091,000";

On page 77, line 5, strike "$353,850,000" and insert in lieu thereof the following: "$358,840,000";

On page 96, line 25, strike "$1,888,602,000" and insert in lieu thereof the following: "$1,893,602,000";

On page 98, line 16, strike "$170,190,000" and insert in lieu thereof the following: "$175,190,000".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 24, 1998 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

ADDITIONAL STATEMENTS

LABOR DAY AND THE RESERVISTS' MODEL EMPLOYER PROGRAM

• Mr. CRAIG. Mr. President, as America celebrated the Labor Day holiday this past weekend, it seems appropriate to take a moment to highlight the recent efforts to renew the partnership between the National Guard and Reserve forces and their community employers. Now, more than in any recent decade, the Guard and Reserve are key to maintaining our military commitments. More than a quarter million members served in Operation Desert Storm, and more than 17,000 have been called to active duty to support operations in Bosnia.

The partnership between all employers, whether in the private or government sector, and the Reserve forces must extend beyond the 1994 Uniformed Services Employment and Reemployment Rights Act (USERRA). Communications and cooperation between employers and their employees who participate in the National Guard and Reserve must be maintained to support our military structure. Without employers' full support, it becomes much more difficult to maintain our military strength.

In Idaho, we have more than 5,400 Guard and Reservists. These men and women not only serve to support our national security, but also carry out a wide range of domestic missions. Last year, Idaho lost two Reservists who were responding to flooding emergencies. We do not forget that they paid the ultimate price to protect our community during disaster. Although we may never be able to thank our Guard and Reserve forces enough for their efforts and commitment, we can ensure that they have flexibility to serve in their units and secure employment upon their return. This renewed partnership between employers and our Guard and Reserve will do just that.

Labor Day is not just Labor's Day. It is a celebration of an all-American accomplishment and an all-American ethic. Here, the dignity of labor is not a matter of partisan politics, but civic pride. Public recognition of the partnership between individuals who serve their country and communities, and the employers who support them, is a true way to celebrate this Labor Day holiday.•

TRIBUTE TO DR. JOHNATHAN MANN AND DR. MARY LOU MANN

• Mr. KERRY. Mr. President, I wish today to speak for a few moments about a terrible loss for the state of Massachusetts, and for all those around the world who care about our fight to cure AIDS. Among the dead in the crash of SwissAir flight 111 was a special couple, Dr. Jonathan Mann and Dr. Mary Lou Clement Mann. Both devoted their lives to finding a cure for AIDS, and today I join thousands of people all over this country and across the world in mourning the tragedy of SwissAir flight 111 and the loss of everyone on board. Jonathan and Mary Lou Clement Mann selflessly gave of themselves and cared for patients from Zaire to New Mexico, Boston to Geneva, embodying the best of their profession by bringing hope and comfort to countless individuals and families.

Jonathan Mann was born in Boston, Massachusetts in 1947 and graduated from Harvard College in 1969. After attending the Washington University School of Medicine in St. Louis, he returned to Boston for his formal entry into the medical profession. In 1975 he joined the Centers for Disease Control as an Epidemic Intelligence Service Officer, and from 1977 to 1984 he was the State Epidemiologist and Chief Medical Officer for the state of New Mexico.

After receiving his Masters in Public Health from Harvard University in 1980, Dr. Mann returned to the CDC and it was then that AIDS became his primary, professional focus. During these years he established and directed the Zaire AIDS Research Project, which conducted the first comprehensive study of the disease on the continent where AIDS has brought the most widespread devastation and suffering. Dr. Mann's work there led him to the World Health Organization's Global Programme on AIDS in 1986, a post of global impact which he held until his return to Harvard's School of Public Health in 1990.

Dr. Mann's involvement in this issue was total; his life and the fight to find a cure for AIDS soon became, in everyone's eyes, synonymous. Beyond his professional service to the cause, he participated in the AIDS Walk in Boston, World AIDS Day, and countless events, workshops, symposiums and conferences. His ultimate foe was the stigma that was attached to AIDS victims. His only weapons in the fight against AIDS were his passion, his intellect, and his belief in the truth, and with those tools he was well armed to fight his battle on the fields not just of science, but against a public that too often fell short of the compassion and humanity that a war on AIDS required. Dr. Mann was not afraid to declare that AIDS will not be beaten as long as we stigmatize those that fall victim to it. He was one of the first and unfortunately few researchers who took AIDS seriously in the infancy of the epidemic, when AIDS was still called GRIDS—gay-related immunodeficiency syndrome. Jonathan and Mary Lou Mann understood that AIDS was a challenge for every community in this country and he was not afraid to speak out and criticize anyone—an administration, a society, an entire nation—who denied that truth.

Dr. Mann's work echoed from the best of human instincts: to reach out to those in need and to wield his power to alleviate suffering. We mourn the loss of Dr. Jonathan Mann and his wife Dr. Mary Lou Mann. On behalf of Massachusetts, the United States Senate, and all those who were fortunate enough to know these two gifted individuals, we remember them for their energy, their compassion for others, and realize that the world is better off for their time on this earth.•

HOOSIERS TEACH IMPORTANCE OF GEOGRAPHY

• Mr. LUGAR. Mr. President, I rise before you today to recognize two excellent high school teachers who have been chosen by the National Geographic Society to represent the State of Indiana in the promotion of Geography Awareness Week.

I wish to commend Christine Bullock of Walkerton, Indiana and Kevin Leineweber of Lafayette, Indiana for their efforts in advancing Geography Awareness Week throughout Indiana.

Ms. Bullock and Mr. Leineweber visited our nation's capital for three weeks this summer to study methods for improving geographic education in our schools. They have set themselves apart as Hoosier leaders who understand that geography should be an intregal part of American education.

Geography offers a unique perspective in understanding ourselves, our relationship to the Earth and its resources and our interdependence with other people of the world. With an ever expanding global network of trading partners, the United States must look to its future entrepreneurs and citizens to have an understanding of the world and its geography in order to promote American interests abroad.

I urge all teachers to stress to their students the importance of geography, and I appeal to students to study geography and its effects on the makeup of our global societies.

I extend my congratulations to Ms. Bullock and Mr. Leineweber for recognizing the importance of geography and working toward the development of geographic knowledge in our communities and schools.•

NURSING HOME PATIENT PROTECTION ACT

• Ms. MIKULSKI. Mr. President, I rise today in support of the Nursing Home Patient Protection Act. I wish this legislation was not necessary, but it is. It is necessary and we must pass this bill because senior citizens and people with disabilities are being cruelly forced to leave their homes. Why? Not because of some failure of their own, not because they haven't spent their lives working hard, and not because they deserve to be kicked out for any other reason. These people, mostly senior citizens, are being told to leave their homes because of inadequacies in our Medicaid program. This is not right, Mr. President. It is unfair, unacceptable, and Un-American to sit by while many of our senior citizens are shuffled around like a deck of cards. I think honoring your mother and father is not just good practice—it is good public policy.

Most seniors begin paying their nursing home bills with their own life's savings. Later, when they run out of money, they typically enter the Medical Assistance Program. All too often, nursing homes then tell these residents, some of whom have lived in a home for 20 years or more, that they must leave because Medicaid payment rates are too low. No warning is given, and little assistance for relocation is available. They are, quite literally, left out on the street to find another facility on their own. Think of your parents in a similar situation: their health is not what it once was, they are accustomed to their current surroundings, and they were promised by their nursing home that they would be allowed to stay when they ran out of money and became Medicaid recipients. Then, without any warning, they are told that they must leave what has been their home within the next two months. How would you react? I know how I would react—with anger, fear, and disbelief. It is wrong and dangerous to disrupt seniors in such a manner. Getting adjusted to a new environment is difficult at any age, but for seniors, the added stress is often enough to significantly diminish their health, leading to additional medical problems, and even premature death.

This bill does not attempt to force nursing homes to accept Medicaid patients. Rather, it recognizes the fact that nursing homes should have the right to take only "private pay" patients if they so choose. That is the nature of the marketplace.

This bill does require nursing homes to be honest about their policies concerning Medicaid and ensures that patients are not misled. This bill would require nursing homes to formally notify potential residents of their policy regarding Medicaid. Furthermore, under this legislation, if a nursing home converts to private pay only status, it must still honor its previous promise to current residents and accept their Medicaid payments.

Senior citizens' advocacy groups strongly support this legislation. As noteworthy, the nursing home industry supports the bill. Calling it "intelligent public policy," the American Health Care Association, which represents over 11,000 nursing homes, acknowledges the fact that no one should be lied to and kicked out of their homes. Nursing home officials realize, as we do, that this bill will not damage the economic viability of running a nursing home. It will simply give seniors the security of knowing they will not be suddenly forced to leave their homes when they run out of their own savings.

I also want to say a bit about the last section of the bill. The final section is crucial because it requires the Secretary of HHS to examine Medicaid reimbursement rates and make sure they are reasonable. This work will then be compiled and submitted to Congress within five years after the bill's passage. Hopefully, this report will shed light on the Medicaid system's problems and initiate the process of correcting them.

This legislation will provide some much needed security for our seniors. I hope it will also start the process of improving our Medicaid system. People on Medicaid are regularly denied services by nursing homes and hospitals because the reimbursement rates are unreasonably low. The Secretary's report, required by this bill, is a step in the right direction.

In closing, I would like to thank Senator GRAHAM for introducing this important legislation. I know that he sincerely shares my concern for the well-being of older Americans, as do all of the bill's cosponsors. We have a responsibility to make sure that Americans are treated fairly and humanely. This bill does just that. Let's take care of our parents, our grandparents, and ourselves by passing this important legislation.•

TRIBUTE TO AUBREY "COTTON" LAKE

• Mr. SHELBY. Mr. President, I rise today to pay tribute to Aubrey "Cotton" Lake, a long-time friend and respected member of the Tuscaloosa community, who passed away on Friday, August 14, 1998 at the age of 69.

Aubrey was a valued employee of the Tuscaloosa News for 18 years and traveled extensively with the Alabama Crimson Tide football team. His photographs of the team won him the coveted Look Magazine National Sports Photography award, and many of his photographs hang in Tuscaloosa's Coach Bear Bryant Museum. Aubrey captured many of the Crimson Tide images that have become emblazoned on our memories—from photographs of Bear Bryant coaching the team to victory, to Joe Namath before his tenure with the NFL. Aubrey was there, documenting sports history, shooting and selecting the most descriptive photographs for the next day's Tuscaloosa News sports page.

Aubrey was more than a sports photographer, however, and served both God and country throughout his life. In addition to his active membership at the First Freewill Baptist Church of Tuscaloosa, he also served many of Alabama's elected officials. For more than 24 years, Aubrey worked for late Representatives Walter Flowers and Claude Harris, and most recently for me, on my own staff.

More than just an employee, Aubrey was a friend and a confidant. He was loyal, had a lifetime of experience in Alabama, and was a true servant to the people of our state. I could never have asked for a more dedicated staff member or friend.

After leaving public service, Aubrey worked as president of Tuscaloosa Insulation Company, and served as a member of the Tuscaloosa Home Builders Association. He was an avid sportsman, and attended as many Alabama football games as possible.

Aubrey was a loving father, devoted community member, and friend to most anyone he met. He will be missed by all who knew him, especially his wife Dot, his daughter Suzanne, his son Greg, his grandchildren, and other family members and friends.

I'm glad I had the opportunity to know and work with Aubrey Lake. He was a good friend, and I will miss him.•

REMEDIATION WASTE

• Mr. BAUCUS. Mr. President, I rise to make a few remarks regarding efforts to amend the Resource Conservation and Recovery Act as it relates to remediation waste. The Majority Leader and the Chair of the Environment and Public Works Committee recently concluded that there is not enough time to complete legislation in this area this Congress, due to the press of other business and the limited time remaining.

I would like to commend both the process and the progress that has been made this year in discussions concerning remediation waste legislation. I also would like to commend Senators LOTT, CHAFEE, SMITH, LAUTENBERG and BREAUX for their roles in this process. I believe that the RCRA hazardous waste cleanup program could be improved through responsible reforms that tailor certain provisions of RCRA to hazardous waste that is generated during cleanup. Targeted amendments in this area could promote cleanup, ensure meaningful opportunities for community involvement, and reduce cleanup costs, without sacrificing protection of human health and the environment. Republican and Democratic staff of the Environment and Public Works Committee, together with representatives of the Administration, have for several months been engaged in productive, bi-partisan negotiations to reach agreement on targeted RCRA amendments in this important area. Despite these efforts, there are still a number of issues yet to be resolved, which I had hoped we would resolve in the time remaining this Congress.

The Administration contributed significantly to the progress made this year. We also received valuable input from representatives of various interests that would be affected by the legislation, including industry, the environmental community, state and local governments and communities in the vicinity of hazardous waste cleanup sites. We need to continue close coordination with a range of interested persons.

I hope that next year we can resume this bi-partisan process. This year's work creates a foundation for efforts next year to achieve responsible reform.•

HONORING HARVEY FINKELSTEIN'S RETIREMENT AS THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE JEWISH HOME AND HOSPITAL

• Mr. D'AMATO. Mr. President, I rise today to join with my colleagues in recognizing Harvey Finkelstein, one of New York's most beloved and esteemed health care executives, as he prepares for his retirement. In a career spanning more than three decades, Harvey Finkelstein, the President and Chief Executive Officer of the Jewish Home and Hospital, has been a pillar of New York's continuing care community. This exceptional individual has devoted his life to caring for and improving the lives of the elderly in New York.

Throughout Harvey's distinguished career, he has demonstrated a great knowledge of and commitment to the field of continuing care. He has served as the President and Chief Executive Officer of the Jewish Home and Hospital since 1988. Prior to joining the Jewish Home and Hospital, Harvey was the Associate Executive Director of the Daughters of Jacob Geriatric Center and held positions with Long Island Jewish-Hillside Medical Center and the Queensboro Tuberculosis and Health Association. His sharp intellect combined with his selfless and compassionate spirit have made Harvey a unique leader who is valued and respected by all.

During Harvey's tenure as President and CEO, the Jewish Home and Hospital has gained widespread recognition as an exemplary long term care organization, developing a reputation of excellence for both its extensive continuum of senior care services and its innovative geriatric education programs. Most important, it has remained ever focused on its essential mission—providing its residents with the opportunity to live lives filled with dignity, meaning, and respect.

In addition to his professional responsibilities at the Jewish Home, Harvey has also made a wide range of important contributions to the New York health care community. Harvey has taught extensively on topics related to geriatrics and long term care. His teaching includes classes at the Mt. Sinai School of Medicine, the New School for Social Research, The Brookdale Center on Aging of Hunter College and New York University. Harvey has also published in Journal of Vision Rehabilitation, Contemporary Administrator, and Journal of American College of Emergency Physicians. Harvey has been an active member of several provider associations including the Greater New York Hospital Association and the National Association of Jewish Aging Services. He also advises the UJA-Federation of New York and the Council of Jewish Federations.

Mr. President, as Harvey Finkelstein looks toward his retirement, I ask my colleagues to join with me in expressing their great appreciation and admiration for all of the contributions and achievements of this exceptional leader. We wish him and his family health and happiness in the upcoming years.•

IN MEMORY OF MARYLANDERS MARK AND CAULEY CHAPMAN, DR. JONATHAN MANN, AND DR. MARY LOU CLEMENTS-MANN

• Ms. MIKULSKI. Mr. President, and to all who are with us in the proceedings today, I rise with melancholy to pay tribute to four Marylanders who were killed in the tragic crash of Swissair Flight 111 late Wednesday night, September 2, 1998. Dr. Jonathan Mann and Dr. Mary Lou Clements-Mann lived in Columbia. Mark Chapman and Cauley lived in Olney.

Mark Chapman was an engineer, and his wife was a flight attendant for American Airlines. They were on their way to Greece to visit his parents. Friends in their 10-house neighborhood in Olney tell stories about their kindness and thoughtfulness, how the Chapmans kept everyone entertained and had the whole neighborhood over for backyard barbeques.

Mark and Cauley loved animals, and every morning Mrs. Chapman would be out with her beagle Ruby trotting along on her daily walk. In a world that too often lacks a sense of community, the Chapmans went out of their way to be a part of their community and to make others feel welcome in it. According to one neighbor, "Knowing Cauley, she was probably helping out the other stewardesses on the plane."

Dr. Jonathan Mann created the World Health Organization's AIDS program, and Dr. Mary Louise Clements-Mann was the director of the vaccine research at the Johns Hopkins School of Public Health. They were partners in science and partners in life, having met at a scientific conference three years ago and married last year.

Their loss is felt deeply by the medical research community, and it is felt deeply by the community of caring they helped to create. More than being dedicated to research, they were dedicated to the people they were trying to help. They believed, as I do, that our policies should reflect our values.

Dr. Mann was among the first to declare that AIDS was a disease that rightfully concerned all of us, that it did not recognize class, gender, or global boundaries. In 1984, he became director of an AIDS project in the central African nation of Zaire (now the Congo). It was there that he traced the transmission patterns and risk factors for AIDS. Unusual for a medical researcher, he also traced the political and social implications of this deadly disease. He spoke out about the connection between AIDS and human rights, and he worked with governments to fight cruelty and discrimination against people with AIDS. In February 1987, he was appointed head of the WHO AIDS office, and he and his staff visited 77 nations in nine months to assess the epidemic.

Early this year, Dr. Mann took on a new responsibility as dean of the School of Public Health at Allegheny University of the Health Sciences. He has been described as 'a dapper man who wore starched white shirts and red bow ties', who boarded the train every day to Philadelphia. Since January, he had also been a visiting professor at the Hopkins School of Public Health.

Dr. Clements-Mann had an equally stellar list of accomplishments and a reputation as a gentle woman who could also be a tough taskmaster when it came to life-saving medical research. Born in Longview, Texas, she graduated from Texas Tech with a degree in chemistry at a time when few women were encouraged to consider science careers. She earned another degree in chemistry from the University of Texas Southwestern Medical School in Dallas, and advanced degrees from the University of London and from the Johns Hopkins School of Public Health.

In 1986, she moved to Johns Hopkins to start and direct its vaccine center. She became one of the world's experts in developing vaccines against life-threatening diseases, from Hepatitis C to influenza. Her reputation was built on selecting vaccines for medical trials that had the best chance of success, and one of the vaccines she helped develop was just approved by the FDA last week. Even as an internationally famous researcher, colleagues said she preferred to be called Mary Lou by coworkers and volunteers alike.

Dr. Clements-Mann loved to garden and they both loved to travel and go camping. Neighbors in their Hickory Ridge neighborhood in Columbia often saw the two of them taking walks and holding hands. It is a tragedy that the world has been deprived of their knowledge, their compassion, and their ability to affect public policy in the face of worldwide epidemics.•

TRIBUTE TO THE UNITED STATES AIR FORCE

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the men and women who serve in the United States Air Force as we celebrate the 51st anniversary of its founding.

In 1947, Congress passed the National Security Act, creating the United States Air Force. Although military aviation units were around as early as 1907, these units were a division of the Army and the Navy. It was not until forty years later that the Air Force was established as a separate military service. Ironically, President Harry Truman signed the legislation creating the United States Air Force while aboard the presidential aircraft, which later became known as Air Force One. W. Stuart Symington became the first Secretary of the Air Force and General Carl A. Spaatz became the first Chief of Staff of the Air Force.

The inherent strengths of air power—speed, global range, stealth, flexibility and precision—are crucial to the achievement of our military goals in the world today. Through innovation, the Air Force is evolving into an air and space force that will be able to meet the challenges of the next century. Working with the other Armed Forces, the Air Force provides the citizens of the United States with the security we enjoy as it watches over America's airspace. On the same day the Air Force was established, the Air National Guard was also born, and seven months later, on April 14, 1948, the Air Force Reserve was created. Today, these two are an integral part of the total Air Force.

Minnesota is home to two Air National Guard units, the 148th Fighter Wing in Duluth and the 133rd Airlift Wing in the Twin Cities. The 133rd Airlift Wing was the first federally recognized Air National Guard flying unit. A division of the 133rd unit, the Security Forces Squadron, was awarded the Air National Guard's Outstanding Security Force Unit for 1994.

In addition, Minnesota has one Air Force Reserve unit, the 934th Airlift Wing in St. Paul. The Airlift Wing provides support for the transporting of passengers and cargo around the world. In 1992, the brave men and women of the 934th Airlift Wing provided airlift of passengers and cargo as part of a humanitarian relief effort in Bosnia-Herzegovina.

Mr. President, since its birth in 1947, the Air Force has shown the utmost dedication and service to this country, while protecting our national interests. I truly appreciate its commitment to defending this nation and am honored today to pay tribute to the men and women of the Air Force.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through August 31, 1998. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84), show that current level spending is below the budget resolution by $17.1 billion in budget authority and above the budget resolution by $1.9 billion in outlays. Current level is $1.0 billion below the revenue floor in 1998 and $2.9 billion above the revenue floor over the five years 1998–2002. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $176.4 billion, $2.9 billion above the maximum deficit amount for 1998 of $173.5 billion.

Since my last report, dated July 30, 1998, CBO has completed its estimate of the budget authority for the Transportation Equity Act for the 21st Century (P.L. 105–178). As a result, the current level of budget authority has been reduced by $923 million. This report also incorporates the budget authority, outlay, and revenue impacts of the Homeowners' Protection Act (P.L. 105–216), the Credit Union Membership Access Act (P.L. 105–219), and an Act to establish the United States Capitol Police Memorial Fund (P.L. 105–223).

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 3, 1998.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 1998 shows the effects of Congressional action on the 1998 budget and is current through August 31, 1998. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 30, 1998, CBO has completed its estimate of the budget authority for the Transportation Equity Act for the 21st Century (P.L. 105–178). As a result, the current level of budget authority has been reduced by $923 million.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosures.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1998, 105TH CONGRESS, 2ND SESSION, AS OF CLOSE OF BUSINESS AUGUST 31, 1998

[In billions of dollars]

	Budget Resolution H. Con. Res. 84	Current level	Current level over/under resolution
ON-BUDGET			
Budget authority	1,403.4	1,386.3	−17.1
Outlays	1,372.5	1,374.4	1.9
Revenues:			
1998	1,199.0	1,198.0	−1.0
1998–2002	6,477.7	6,480.6	2.9
Deficit	173.5	176.4	2.9
Debt subject to limit	5,593.5	5,457.0	−136.5
OFF-BUDGET			
Social Security outlays:			
1998	317.6	317.6	0.0
1998–2002	1,722.4	1,722.4	0.0
Social Security revenues:			
1998	402.8	402.7	−0.1
1998–2002	2,212.1	2,212.3	0.2

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Source.—Congressional Budget Office.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 2ND SESSION: SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998 AS OF CLOSE OF BUSINESS AUGUST 31, 1998

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	....	....	1,206,379
Permanents and other spending legislation	880,459	867,037	....
Appropriation legislation	....	241,036	....
Offsetting receipts	−211,291	−211,291	....
Total previously enacted	669,168	896,782	1,206,379
Enacted First Session:			
Authorization Acts:			
Balanced Budget Act of 1997 (P.L. 105–33)	1,525	477	267
Taxpayer Relief Act of 1997 (P.L. 105–34)	....	....	−9,281
Stamp Out Breast Cancer Act (P.L. 105–41)	....	....	(1)
Oklahoma City National Memorial Act of 1997 (P.L. 105–58)	14	3	14
National Defense Authorization Act for 1998 (P.L. 105–85)	−159	−159	....
Adoption and Safe Families Act of 1997 (P.L. 105–89)	−3	−1	....
Savings Are Vital to Everyone's Retirement Act of 1997 (P.L. 105–92)	1	1	1
Veterans' Benefits Act of 1997 (P.L. 105–114)	3	1	....
Food and Drug Modernization Act of 1997 (P.L. 105–115)	....	....	(1)
50 States Commemorative Coin Program Act of 1997 (P.L. 105–124)	1	1	....
Hispanic Cultural Center Act of 1997 (P.L. 105–127)	13	0	....
Surface Transportation Extension Act of 1997 (P.L. 103–130)	29,586	65	....
Small Business Reauthorization Act of 1997 (P.L. 105–135)	0	2	....
Acquisition of Real Property for Library of Congress (P.L. 105–144)	5	3	5
Act Amending Sec. 13031 of COBRA of 1985 (P.L. 105–150)	2	2	....
Appropriation Acts:			
1997 Emergency Supplemental Appropriations (P.L. 105–18)	−350	−280	....
Agriculture, Rural Development (P.L. 105–86)	49,047	41,511	....
Commerce, Justice, State (P.L. 105–119)	31,744	21,242	....
Defense (P.L. 105–56)	247,709	164,702	....
District of Columbia (P.L. 105–100)	855	554	....
Energy and Water Development (P.L. 105–62)	20,732	13,533	....
Foreign Operations (P.L. 105–118)	13,191	5,082	....

	Budget authority	Outlays	Revenues
Interior and Related Agencies (P.L. 105–83)	13,841	9,091	....
Labor, HHS, and Education (P.L. 105–78)	171,761	128,411	....
Legislative Branch (P.L. 105–55)	2,251	2,023	....
Military Construction (P.L. 105–45)	9,183	3,024	....
Transportation (P.L. 105–66)	13,064	13,485	....
Treasury and General Government (P.L. 105–61)	17,106	14,168	−4
Veterans, HUD (P.L. 105–65)	90,689	52,864	....
Total enacted first session	711,811	469,805	−8,998
Enacted Second Session:			
1998 Emergency Supplemental Appropriations and Rescissions (P.L. 105–174)	−2,039	310	....
Transportation Equity Act for the 21st Century (P.L. 105–178)[2]	−923	−440	....
Care for Police Survivors Act of 1998 (P.L. 105–180)	1	1	....
Agriculture Export Relief Act of 1998 (P.L. 105–194)	7	7	....
Internal Revenue Service Restructuring and Reform Act of 1998 (P.L. 105–206)[3]	−15	440	608
Homeowners' Protection Act (P.L. 105–216)	2	2	....
Credit Union Membership Access Act (P.L. 105–219)	....	....	(1)
Act to establish the United States Capitol Police Memorial Fund (P.L. 105–223)	....	....	(1)
Total, enacted second session	−2,967	320	608
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	8,280	7,461	....
Totals:			
Total Current Level	1,386,252	1,374,368	1,197,989
Total Budget Resolution	1,403,402	1,372,512	1,199,000
Amount remaining:			
Under Budget Resolution	17,110	....	1,011
Over Budget Resolution	....	1,856	....
Addendum:			
Emergencies	5,691	3,357	−8
Contingent Emergencies	329	53	....
Total	6,020	3,410	−8
Total Current Level Including Emergencies	1,392,312	1,377,778	1,197,981

[1] The revenue effect of this act begins in fiscal year 1999.

[2] At the request of the Senate Budget Committee, the scoring for this act excludes $365 million in budget authority and $165 million in outlays for student loans that were excluded from the PAYGO scorecard pursuant to Sec. 8102 of the Act.

[3] Budget authority and outlays shown reflect extension of the PAYGO scorecard exclusion from the Transportation Equity Act for the 21st Century (P.L. 105–178) to cover sec. 1102 of that Act. Sec. 1102 affects spending for Federal aid to highways.

Notes.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Current level estimates include $390 million in budget authority and $298 million in outlays for projects that were cancelled by the President pursuant to the Line Item Veto Act, P.L. 104–130.

Source: Congressional Budget Office.•

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The text of the bill (S. 2334), the Foreign Operations, Export Financing and Related Agencies Appropriations Act, 1999, as passed by the Senate on September 2, 1998, is as follows:

S. 2334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $785,000,000 to remain available until September 30, 2002: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1999, 2000, 2001, and 2002: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $25,000 for official reception and representation expenses for members of the Board of Directors, $49,000,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1999.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000 of which not more than $16,500,000 may be made available until the Corporation reports to the Committees on Appropriations on measures taken to (1) establish sector specific investment funds; and (2) support regional investment initiatives in Georgia, Armenia and Azerbaijan through the Caucasus Fund: *Provided further*, That the Corporation shall provide a report to the Committees on Appropriations within 45 days of enactment regarding the use of funds it has made or plans to make available consistent with the President's Global Climate Change Initiative: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $50,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1999 and 2000: *Provided further*, That such sums shall remain available through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999, and through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000: *Provided further*, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $43,000,000, to remain available until September 30, 2000: *Provided*, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2000, for necessary expenses under this paragraph: *Provided further*, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1999, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, section 301, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,904,000,000, to remain available until September 30, 2000: *Provided*, That of the amount appropriated under this heading, up to $20,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: *Provided further*, That of the amount appropriated under this heading, up to $8,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: *Provided further*, That of the amount appropriated under this heading, the amount made available for activities to strengthen global surveillance and control of infectious diseases, that is in addition to funds made available for the prevention, treatment, and control of, and research on, HIV/AIDS, shall be at least equal to the amount available in fiscal year 1998 for such purposes under the heading "Child Survival and Disease Programs Fund": *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading, not less than $50,000,000 should be made available for activities addressing the health and nutrition needs of pregnant women and mothers: *Provided further*, That of the funds appropriated under this heading, not less than $100,000,000 shall be made available for the United Nations Children's Fund: *Provided further*, That not less than $435,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of section 104(b) of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 shall be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD): *Provided further*, That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for Eastern European Democracy Act of 1989, $305,000,000 should be made available for agriculture and rural development programs including international agriculture research programs: *Provided further*, That of the funds appropriated under the previous proviso not less than $80,000,000 shall be made available for alternative development programs to drug production in Colombia, Peru and Bolivia: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated under this heading, not less than $2,000,000 shall be made available for agriculture programs in Laos: *Provided further*, That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for the American Schools and Hospitals Abroad Program: *Provided further*, That of the funds appropriated under this heading not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute: *Provided further*, That of the funds appropriated under this heading that are made available for Haiti, $250,000 shall be made available to support a program to assist Haitian children in orphanages: *Provided further*, That, of the funds appropriated under this heading and made available for activities pursuant to the Microenterprise Initiative, not less than one-half shall be expended on programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans: *Provided further*, That notwithstanding any other provision of law, of the amounts made available under title II of this Act, not less than $10,000,000 shall be made available only for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, and developing and implementing agreements among opposition groups: *Provided further*, That any agreement reached regarding the obligation of funds under the previous proviso shall include provisions to ensure appropriate monitoring on the use of such funds: *Provided further*, That of this amount not less than $3,000,000 shall be made available as a grant to Iraqi National Congress, to be administered by its Executive Committee for the benefit of all constituent groups of the Iraqi National Congress: *Provided further*, That of the amounts previously appropriated under section 10008 of Public Law 105–174 not less than $2,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes: *Provided further*, That of the amounts made available under this section, not less than $1,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes: *Provided further*, That of the amounts made available under this section, not less than $3,000,000 shall be made available only for the conduct of activities by the Iraqi democratic opposition inside Iraq: *Provided further*, That within 30 days of enactment of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on implementation of this heading.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the heading "Development Assistance", not less than $10,000,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: *Provided*, That of the funds made available under this heading, not less than $500,000 shall be made available for newspapers, media, and publications promoting democracy in and related to Burma: *Provided further*, That of the funds made available under this heading, $5,000,000 shall be made available to support the provision of medical supplies and services, education and humanitarian assistance to displaced Burmese along the Burma borders: *Provided further*, That of the funds made available for democracy activities under this heading, not less than $2,000,000 shall be made available subject to written consultation and guidelines provided by the leadership of the Burmese government elected in 1990: *Provided further*, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: *Provided further*, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated by this Act may be made available for activities or programs for Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that: (1) Cambodia has held free and fair elections; (2) during the twelve months prior to the elections, no candidate of any opposition party was murdered; (3) all political candidates were permitted freedom of speech, assembly and equal access to the media; (4) voter registration and participation rates did not exceed the eligible population in any region; (5) refugees and overseas Cambodians were permitted to vote; (6) the Central Election Commission was comprised of representatives from all parties; and (7) international monitors were accorded appropriate access to polling sites: *Provided*, That the restriction on funds made available under this paragraph shall not apply to demining or humanitarian programs or activities administered by nongovernmental organizations.

INDONESIA

Of the funds appropriated under the headings "Economic Support Fund" and "Development Assistance", not less than $100,000,000 shall be made available for assistance for Indonesia: *Provided*, That not less than 50 percent of such funds shall be made available to address nationwide food, medical, fuel, and other shortages: *Provided further*, That not less than 80 percent of the assistance made available for Indonesia under this heading shall be made available, administered or distributed through indigenous non-governmental or private voluntary organizations: *Provided further*, That not less than $6,000,000 shall be made available to support the development of political institutions and parties: *Provided further*, That not less than $8,000,000 of the funds made available under this heading shall be made available to improve transparency and regulation of banking, financial, insurance, and securities institutions: *Provided further*, That not less than $8,000,000 of the funds made available under this heading shall be made available to support legal and judicial reforms: *Provided further*, That thirty days after enactment of this Act, the Administrator of the Agency for International Development shall provide the Committees on Appropriations with a nationwide assessment of economic, legal, political and humanitarian consequences and needs resulting from the economic collapse in Indonesia.

MITCH MC CONNELL CONSERVATION FUND

Of the funds made available under the headings "Economic Support Fund" and "Development Assistance", not less than $1,200,000 shall be made available for research, conservation, training and related activities for the Province of the Galapagos Islands, Ecuador, of which not less than $500,000 shall be made available for activities conducted by the Charles Darwin Research Station: *Provided*, That of the funds made available under this heading, $200,000 shall be made available to support training and conservation activities conducted by the Galapagos National Park Service: *Provided further*, That of the funds made available under this heading, not less than $500,000 shall be made available as a contribution to an endowment for the Charles Darwin Research Station and Foundation: *Provided further*, That additional funds for this endowment may be made available to match private sector donations.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $200,000,000, to remain available until expended: *Provided*, That, of the funds appropriated under this heading, not less than $500,000 shall be available only to Catholic Relief Services solely for the purpose of the purchase, transport, or installation of a hydraulic drilling machine to provide potable drinking water in the region of the Nuba Mountains in Sudan.

TREASURY INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out Department of the Treasury international affairs technical assistance activities, $3,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic technical assistance and for related programs.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agriculture Trade and Assistance Act of 1954 as amended; and of modifying any obligation, or portion of such obligation of Honduras to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $25,000,000, to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That section 108(l)(2)(C) of the Foreign Assistance Act of 1961 is amended to read as follows: "(C) No guarantee of any loan may guarantee more than 50 percent of the principal amount of any such loan, except guarantees of loans in support of microenterprise activites may guarantee up to 70 percent of the principal amount of any such loan.". In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 2000.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $3,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize loan principal, 100 per centum of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $4,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That the second and third sentences of section 222(a) of the Foreign Assistance Act of 1961, and the third and fourth sentences of section 223(j) of such Act are repealed.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency: *Provided further*, That section 123(g) of the Foreign Assistance Act of 1961 and the paragraph entitled "Private and Voluntary Organizations" in title II of the Foreign Assistance and Related Programs Appropriations Act, 1985 (as enacted in Public Law 98–473) are hereby repealed.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,552,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $475,000,000, to remain available until September 30, 2000: *Provided*, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $30,000,000, to remain available until September 30, 2000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,305,600,000, to remain available until September 30, 2000: *Provided*, That of the funds appropriated under this heading, not less than $1,080,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1998, whichever is later: *Provided further*, That not less than $775,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years and, of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That of the funds appropriated under this heading for Egypt not less than $40,000,000 shall be made available to establish an Enterprise Fund for Egypt, notwithstanding any other provision of law: *Provided further*, That the provisions of subsection (b) under the heading "Assistance for Eastern Europe and the Baltic States" shall be applicable to funds made available for an Enterprise Fund for Egypt: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: *Provided further*, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for assistance for Jordan: *Provided further*, That notwithstanding any other provision of law, not to exceed $10,000,000 may be used to support victims of and programs related to the Holocaust.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $432,500,000, to remain available until September 30, 2000, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That of the funds made available under this heading and the headings "International Narcotics and Law Enforcement", "Development Assistance", and "Economic Support Fund", not to exceed $200,000,000 shall be made available for Bosnia and Herzegovina.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 533 of this Act shall apply.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the New Independent States of the former Soviet Union and for related programs, $740,000,000, to remain available until September 30, 2000: *Provided*, That the provisions of such chapter shall apply to funds appropriated by this paragraph: *Provided further*, That such sums as may be necessary may be transferred to the Export-Import Bank of the United States for the cost of any financing under the Export-Import Bank Act of 1945 for activities for the New Independent States.

(b) Of the funds appropriated under this heading, not less than $210,000,000 shall be made available for assistance for Ukraine: *Provided*, That 50 percent of the amount made available in this subsection, exclusive of funds made available for nuclear safety, Free Market Democracy Fund activities and law enforcement reforms, shall be withheld from obligation and expenditure until the Secretary of State reports to the Committees on Appropriations that Ukraine has undertaken significant economic reforms additional to those achieved in fiscal year 1998, and include: (1) reform and effective enforcement of commercial and tax codes; and (2) continued progress on resolution of complaints by U.S. investors: *Provided further*, That the report in the previous proviso shall be provided 120 days after the date of enactment of this Act: *Provided further*, That if the Secretary cannot certify that progress has been achieved, the funds withheld shall be returned to the United States Treasury: *Provided further*, That of the funds made available for Ukraine under this subsection, not less than $22,000,000 shall be made available only for assistance for comprehensive legal restructuring necessary to support a decentralized market-oriented economic system, and the implementation of reforms necessary to establish an independent judiciary including the education of judges, attorneys, and law students: *Provided further*, That of the funds made available for Ukraine under this subsection, not less than $8,000,000 shall be made available to support law enforcement institutions and training: *Provided further*, That not less than $25,000,000 of such funds shall be made available for nuclear reactor safety programs, of which not less than $1,000,000 shall be made available for personnel security initiatives at all nuclear reactor installations: *Provided further*, That of such funds, not less than $700,000 shall be made available to establish and support a Free Market Democracy Fund to be administered by the United States Ambassador to Ukraine in consultation with the Coordinator for the New Independent States of the former Soviet Union.

(c) Of the funds appropriated under this heading, not less than $95,000,000 shall be made available for assistance for Georgia, of which not less than $35,000,000 shall be made available to support economic reforms including small business development and the development of banking, insurance and securities institutions: *Provided*, That of the funds made available under this subsection, not less than $8,000,000 shall be made available for judicial reform and law enforcement training: *Provided further*, That of the funds made available under this subsection, not less than $20,000,000 shall be made available to support training and infrastructure for secure communications and surveillance systems for border and customs control.

(d) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia, of which not less than $10,000,000 shall be made available for an endowment for the American University of Armenia: *Provided*, That of the funds made available under this subsection, not less than $4,000,000 shall be made available for nuclear safety activities.

(e) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh: *Provided*, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of the "National Defense Authorization Act for Fiscal Year 1997";

(2) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(3) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(4) any financing provided under the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.);

(5) any activity carried out by a member of the Foreign Commercial Service while acting within his or her official capacity; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 9 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States national lab in administering said project.

(g) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $10,000,000 shall be made available for assistance for Mongolia: *Provided*, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) None of the funds appropriated under this heading may be made available for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $221,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2000.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $222,000,000: *Provided*, That of this amount not less than $9,000,000 shall be made available for Law Enforcement Training and Demand Reduction: *Provided further*, That in addition to any funds previously made available for the International Law Enforcement Academy for the Western Hemisphere, not less than $5,000,000 shall be made available to establish and operate the International Law Enforcement Academy for the Western Hemisphere at the deBremond Training Center in Roswell, New Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: *Provided*, That not more than $12,000,000 shall be available for administrative expenses: *Provided further*, That not less than $70,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $20,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $170,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, clearance of unexploded ordnance, and related activities notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): *Provided*, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for countries other than the New Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading not to exceed $35,000,000 may be made available for demining, clearance of unexploded ordnance, and related activities: *Provided further*, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That of the funds appropriated under this heading up to $40,000,000 may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That notwithstanding any other provision of law, not to exceed $35,000,000 may be made available to the Korean Peninsula Energy Development Organization only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: *Provided further*, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with all provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors; (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended; (4) North Korea is not actively pursuing the acquisition or development of a nuclear capability (other than the light-water reactors provided for by the 1994 Agreed Framework Between the United States and North Korea); and (5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law: *Provided further*, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: *Provided further*, That no funds may be obligated for KEDO until 30 days after submission to Congress of the waiver permitted under the preceding proviso: *Provided further*, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: *Provided further*, That the Director of Central Intelligence will provide for review and consideration by the House Permanent Select Committee on Intelligence, House International Relations Committee, House National Security Committee, Senate Appropriations Committee, Senate Select Committee on Intelligence, Senate Foreign Relations Committee and Senate Armed Services Committee all relevant intelligence bearing on

North Korea's compliance with the provisions of this proviso. Such provision will occur not less than 45 days prior to the President's certification as provided for under this heading: *Provided further*, That for the purposes of this heading, the term intelligence includes National Intelligence Estimates, Intelligence Memoranda, Findings and other intelligence reports based on multiple sources or including the assessment of more than one member of the Intelligence Community.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Guatemala may only be available for expanded international military education and training.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,322,910,000: *Provided*, That of the funds appropriated under this heading, not less than $1,860,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1998, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.5 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, not less than $48,000,000 shall be available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, a total of $15,300,000 shall be available for assistance for Estonia, Latvia, and Lithuania: *Provided further*, That of the funds appropriated by this paragraph, not less than $7,000,000 shall be made available for assistance for Tunisia: *Provided further*, That during fiscal year 1999, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further*, That $30,000,000 of the funds appropriated or otherwise made available under this heading shall be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $20,000,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $167,000,000.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds under this heading shall be available for Guatemala: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $29,910,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1999 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,000,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available under this heading for the Multilateral Force and Observers (MFO) may be made available until the Secretary of State certifies to the Committees on Appropriations that the Director General employed prior to 1998 has not been retained in any capacity by the MFO.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $800,000,000, to remain available until expended: *Provided*, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies that the Comptroller General has been provided full and regular access to: (1) the financial and related records of IDA for the purposes of conducting audits of current loans and financial assistance provided by the institution; and (2) management personnel manuals, procedures, and policy guidelines: *Provided further*, That following the review conducted in the previous proviso, the Comptroller General shall report to the Committees on Appropriations on the results of the audit and recommendations to improve institutional personnel procedures, especially regarding the protection of individuals alleging mismanagement, fraud, or abuses: *Provided further*, That the obligation of funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the

United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $170,000,000: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That not less than $5,000,000 shall be made available to the World Food Program: *Provided further*, That none of the funds made available under this heading, may be provided to the Climate Stabilization Fund until fifteen days after the Department of State provides a report to the Committees on Foreign Relations and Appropriations detailing the number of Fund employees and associated salaries and the fiscal year 1998 and 1999 Fund activities, programs or projects and associated costs: *Provided further*, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS OF FUNDS

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Antiterrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1999, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1999.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. (a) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(b) The Secretary of the Treasury shall instruct the United States executive directors of international financial institutions listed in subsection (a) of this section to use the voice and vote of the United States to support the purchase of American produced agricultural commodities with funds appropriated or made available pursuant to this Act.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purpose of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance", "Debt restructuring", "International organizations and programs", "Trade and Development Agency", "International narcotics control and law enforcement", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", the Inter-American Foundation, the African Development Foundation, "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961, is amended by inserting before the period at the end thereof ", or at the discretion of the President, Communist countries listed in section 620(f) of this Act".

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

FUNDING FOR FAMILY PLANNING

SEC. 519. In determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, non-governmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance.

NORTH KOREAN NARCOTICS REPORT

SEC. 520. REPORTING REQUIREMENTS REGARDING NORTH KOREAN NARCOTICS ACTIVITY. (a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the President shall transmit to the appropriate committees a report on the cultivation, production, and transshipment of opium by North Korea. The report shall be based on all available information.

(b) ANNUAL REPORTING REQUIREMENT.—Notwithstanding any other provision of law, beginning on March 1, 1999, the President shall include in the annual International Narcotics Control Strategy Report required by section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) information regarding the cultivation, production, and transshipment of opium by North Korea.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 521. None of the funds appropriated in this Act shall be obligated or expended for Colombia, India, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committee on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 522. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 523. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the prevention, treatment and control of acquired immune deficiency syndrome or other diseases in developing countries: *Provided*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 524. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 525. Section 61(a) of the Arms Export Control Act is amended by striking out "1998" and inserting in lieu thereof "the current fiscal year".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 526. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 527. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 528. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 529. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 530. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 531. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 532. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 533. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing, or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections

531(d) and 609 of the Foreign Assistance Act of 1961 are repealed.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 534. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 535. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 536. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SANCTIONS RELATING TO KOSOVA

SEC. 539. (a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement with respect to Serbia or Montenegro, may cease to be effective, unless the President first submits to the Congress a certification described in subsection (b).

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova; and

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova; and

(5) the requirements of the Contact Group demarche to the Government of Kosova of June 1998 have been met.

(c) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of subsection (a) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

SPECIAL AUTHORITIES

SEC. 540. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 541. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 542. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961 are repealed.

ELIGIBILITY FOR ASSISTANCE

SEC. 543. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1999, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 546. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 547. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 548. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 549. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 550. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 551. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 552. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 per centum of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 553. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 554. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for the tribunal shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 555. (a) STATEMENT OF POLICY.—It is the policy of the United States Government to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction as soon as practicable. This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the Armed Forces of the United States.

(b) DEMINING EQUIPMENT.—Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 556. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 557. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief ad referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or

on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 per centum of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 560. (a) LIMITATION.—None of the funds appropriated by this Act may be provided for assistance for the central Government of Haiti until the President reports to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives, that the central Government of Haiti—

(1) has completed privatization of (or placed under long-term private management or concession) three major public entities including the completion of all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants of the land or facility;

(2) has re-signed or is implementing the bilateral Repatriation Agreement with the United States and in the preceding six months that the central Government of Haiti is cooperating with the United States in halting illegal emigration from Haiti;

(3) is conducting thorough investigations of extrajudicial and political killings and has made substantial progress in bringing to justice a person or persons responsible for one or more extrajudicial or political killings in Haiti;

(4) is cooperating with United States authorities and with U.S.-funded technical advisors supporting the Haitian National Police in the investigations of political and extrajudicial killings;

(5) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights or credibly alleged to have engaged in or conspired to engage in narcotics trafficking; and

(6) has ratified or is implementing in the Haitian National Assembly the counter-narcotics agreements signed in October 1997.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to the provision of counter-narcotics assistance, support for the Haitian National Police's Special Investigations Unit, the International Criminal Investigative Assistance Program (ICITAP), anti-corruption programs for the Haitian National Police, customs assistance, humanitarian assistance, and education programs.

(c) AVAILABILITY OF ELECTORAL ASSISTANCE.—Funds appropriated by this Act may be available to the central Government of Haiti to support elections in Haiti when the President reports to the Congress that the central Government of Haiti—

(1) has achieved a transparent settlement of the contested April 1997 elections; and

(2) has made concrete progress on the constitution of a credible and competent provisional election council that is acceptable to a broad spectrum of political parties and civic groups.

(d) SUPPORT FOR POLITICAL PARTIES AND GRASS ROOTS CIVIC ORGANIZATIONS.—Notwithstanding the limitations set forth in subsections (a) or (c) of this section, or any other provision of law, of funds otherwise allocated for Haiti not to exceed $3,000,000 may be made available for the development and support of political parties and for the development of grass roots civic organizations in Haiti.

(e) AVAILABILITY OF ADMINISTRATION OF JUSTICE ASSISTANCE.—(1) Funds appropriated under this Act for the Ministry of Justice shall only be provided if the President certifies to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate that Haiti's Ministry of Justice—

(A) has demonstrated a commitment to the professionalization of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School;

(B) is making progress in making the judicial branch in Haiti independent from the executive branch, as outlined in the 1987 Constitution; and

(C) has re-instituted judicial training with the Office of Prosecutorial Development and Training (OPDAT).

(2) The limitation in subsection (e)(1) shall not apply to the provision of funds to support the training of prosecutors, judicial mentoring, and case management.

(f) REPORTING.—The Secretary of State shall provide to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations and of the Senate on a biannual basis—

(1) in consultation with the Secretary of Defense and the Administrator of the Drug Enforcement Administration, a report showing the status and number of U.S. personnel deployed in and around Haiti in Department of Defense, Drug Enforcement Administration, or United Nations missions, including breakdowns by functional or operational assignment for these personnel, and the cost to the United States of these operations; and

(2) an activity report of the OAS/U.N. International Civilian Mission to Haiti (MICIVIH).

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 561. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1998.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

BURMA LABOR REPORT

SEC. 562. Not later than ninety days after enactment of this Act, the Secretary of Labor shall provide to the Committees on Appropriations a report addressing labor practices in Burma: *Provided*, That the report shall provide comprehensive details on child labor practices, worker's rights, forced relocation of laborers, forced labor performed to support the tourism industry, and forced labor performed in conjunction with, and in support of, the Yadonna gas pipeline: *Provided further*, That the report should address whether the government is in compliance with international labor standards: *Provided further*, That the report should provide details regarding the United States government's efforts to address and correct practices of forced labor in Burma.

HAITI

SEC. 563. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: *Provided*, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible information to believe such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

CAMBODIA

SEC. 565. The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs, unless: (1) Cambodia has held free and fair elections; (2) during the twelve months prior to the elections, no candidate of any opposition party was murdered; (3) all political candidates were permitted freedom of speech, assembly and equal access to the media; (4) voter registration and participation rates did not exceed the eligible population in any region; (5) refugees and overseas Cambodians were permitted to vote; (6) the Central Election Commission was comprised of representatives from all parties; and (7) international monitors were accorded appropriate access to polling sites.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 566. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that such items will not be used in East Timor.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 567. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 568. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs may be provided for any country, entity, or canton described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries, including the names of individuals with a controlling or substantial financial interest in the project.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provisions of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a nonsanctioned entity, or lending passed on by the national government to a nonsanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(2) NOTIFICATION.—Not less than 15 days after any assistance described in subsection (a) is disbursed to any country, entity, or canton described in subsection (e), the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register a justification for the proposed assistance, including a description of the location of the proposed assistance project by municipality, its purpose, and the intended recipient of the assistance, including the names of individuals, companies and their boards of directors, and shareholders with controlling or substantial financial interest in the companies.

(d) FURTHER LIMITATIONS.—

(1) PROHIBITION ON ASSISTANCE WHERE INDICTED WAR CRIMINALS HAVE INTERESTS.—Notwithstanding subsection (c) or subsection (f), no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (e), for a program, project, or activity in which an indicted war criminal is known to have any financial or material interest.

(2) PROHIBITION ON ASSISTANCE WHERE RESPONSIBLE AUTHORITIES FAIL TO ACT.—Notwithstanding subsection (c) or subsection (f)(1), no assistance (other than emergency foods, medical assistance, demining assistance, or democratization assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity, or canton described in subsection (e) if authorities within that community are failing to arrest and transfer or arrange for the surrender and transfer to the Tribunal of all persons within their community who have been publicly indicted by the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) WAIVER.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of State may waive the application of subsection (a) with respect to specified bilateral programs or projects, or subsection (b) with respect to specified international financial institution programs or projects, in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal; and

(2) LIMITED WAIVER WITH RESPECT TO BRCKO.—The Secretary of State may only waive the application of subsection (a), subsection (b), or subsection (d)(2) with respect to any project of assistance for Brcko—

(A) upon the transmittal of a written determination described in paragraph (1); and

(B) until the international arbitration panel determines the status of Brcko.

(3) Limited waiver with respect to Banja Luka.—The Secretary of State may only waive the application of subsection (a), subsection (b), or subsection (d)(2) with respect to any project of assistance for Banja Luka—

(A) upon the transmittal of a written determination described in paragraph (1); and

(B) until a date which is 30 days after the date of parliamentary elections in the Bosnian-Serb entity which are currently scheduled for September 1998.

(g) Report.—Not later than 15 days after the date of any written determination under paragraphs (f)(1), (2) or (3), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(h) Termination of Sanctions.—The sanctions imposed pursuant to subsections (a), (b), and (d)(2) with respect to a country, entity, or canton shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(i) Definitions.—As used in this section—

(1) Country.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) Entity.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) Canton.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) Dayton agreement.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) Tribunal.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(j) Role of Human Rights Organizations and Government Agencies.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants or loans provided to or in any country, entity, or canton described in subsection (e).

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

Sec. 569. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1999 and 2000".

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

Sec. 570. (a) Value of Additions to Stockpiles.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking the word "and" after "1997", and inserting in lieu thereof a comma and inserting before the period at the end the following: "and $340,000,000 for fiscal year 1999".

(b) Requirements Relating to the Republic of Korea and Thailand.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

Sec. 571. (a) None of the funds appropriated under this Act may be made available for the Government of Russian Federation, after 180 days from the date of enactment of this Act, unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

Sec. 572. (a) Funds made available in this Act to support programs or activities promoting country participation in the Framework Convention on Climate Change or climate change activities in the energy, industry, urban, land use (primarily forestry, biodiversity and agriculture) sectors shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1998, planned obligations for such activities in fiscal year 1999, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the Framework Convention on Climate Change (FCCC) in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2000: *Provided*, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

Sec. 573. (a) Withholding of Assistance.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) Exception.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) Waiver.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

Sec. 574. Prohibition on Assistance to the Democratic Republic of Congo. (a) None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Speaker of the House of Representatives, the Majority Leader of the Senate, the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo is—

(1) investigating and prosecuting those responsible for civilian massacres, serious human rights violations, or other atrocities committed in the Congo; and

(2) implementing a credible democratic transition program, which includes—

(A) the establishment of an independent electoral commission;

(B) the release of individuals detained or imprisoned for their political views;

(C) the maintenance of a conducive environment for the free exchange of political views, including the freedoms of association, speech, and press; and

(D) the conduct of free and fair national elections for both the legislative and executive branches of government.

(b) Notwithstanding the aforementioned restrictions, the President may provide electoral assistance to the central Government of the Democratic Republic of Congo for any fiscal year if the President certifies to the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo has taken steps to ensure that conditions in subsections (a)(2) (A), (B), and (C) have been met.

EXPORT FINANCING TRANSFER AUTHORITIES

Sec. 575. Not to exceed 5 per centum of any appropriation other than for administrative expenses made available for fiscal year 1999 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 per centum by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Sec. 576. (a) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for a Government of the New Independent States of the former Soviet Union—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for a Government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the New Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the New Independent States of the Former Soviet Union" for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(h) None of the funds appropriated for assistance for the New Independent States of the Former Soviet Union in this or any other Act shall be made available for Russia until the Secretary of State certifies that agreement has been reached with the Government of Russia that such assistance is not taxed nor is subject to taxation.

PUBLICATION OF CERTAIN NOTIFICATIONS

SEC. 577. Section 516(f) of the Foreign Assistance Act of 1961 is amended by adding the following new paragraph:

"(3) PUBLICATION.—Each notice required by this subsection shall be published in the Federal Register as soon as practicable after it has been provided to the congressional committees specified in section 634A(a). In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a notice has been provided pursuant to this subsection to such committees shall be published.".

REIMBURSEMENT REQUIREMENTS FOR FOREIGN STUDENTS

SEC. 578. LIMITED WAIVER OF REIMBURSEMENT REQUIREMENT FOR CERTAIN FOREIGN STUDENTS. Section 214(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)), as added by section 625(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–699), is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking "(l)(1)" and inserting "(l)(1)(A)"; and

(4) by adding at the end the following new subparagraph:

"(B) The Attorney General shall waive the application of subparagraph (A)(ii) for an alien seeking to pursue a course of study in a public secondary school served by a local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) if the agency determines and certifies to the Attorney General that such waiver will promote the educational interest of the agency and will not impose an undue financial burden on the agency.".

NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

SEC. 579. (a) Notwithstanding any other provision of law, each annual report required by subsection 1701(a) of the International Financial Institutions Act, as amended (Public Law 95–118, 22 U.S.C. 262r), shall comprise—

(1) an assessment of the effectiveness of the major policies and operations of the international financial institutions;

(2) the major issues affecting United States participation;

(3) the major developments in the past year;

(4) the prospects for the coming year;

(5) the progress made and steps taken to achieve United States policy goals (including major policy goals embodied in current law) with respect to the international financial institutions; and

(6) such data and explanations concerning the effectiveness, operations, and policies of the international financial institutions, such recommendations concerning the international financial institutions, and such other data and material as the Chairman may deem appropriate.

(b) The requirements of Sections 1602(e), 1603(c), 1604(c), and 1701(b) of the International Financial Institutions Act, as amended (Public Law 95–118, 22 U.S.C. 262p–1, 262p–2, 262p–3 and 262(r)), Section 2018(c) of the International Narcotics Control Act of 1986, as amended (Public Law 99–570, 22 U.S.C. 2291 note), Section 407(c) of the Foreign Debt Reserving Act of 1989 (Public Law 101–240, 22 U.S.C. 2291 note), Section 14(c) of the Inter-American Development Bank Act, as amended (Public Law 86–147, 22 U.S.C. 283j–1(c)), and Section 1002 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511) (22 U.S.C. 286ll(b)) shall no longer apply to the contents of such annual reports.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 580. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU

SEC. 581. It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights, which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release", and that "any one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful";

(2) the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in that country; and

(3) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

REPORT ON TRAINING PROVIDED TO FOREIGN MILITARY PERSONNEL IN THE UNITED STATES

SEC. 582. (a) Not later than January 31, 1999, the Inspector General of the Department of Defense and the Inspector General of the Department of State shall jointly submit to Congress a report describing the following:

(1) The training provided to foreign military personnel within the United States under any programs administered by the Department of Defense or the Department of State during fiscal year 1998.

(2) The training provided (including the training proposed to be provided) to such personnel within the United States under such programs during fiscal year 1999.

(b) For each case of training covered by the report under subsection (a), the report shall include—

(1) the location of the training;

(2) the duration of the training;

(3) the number of foreign military personnel provided the training by country, including the units of operation of such personnel;

(4) the cost of the training;

(5) the purpose and nature of the training; and

(6) an analysis of the manner and the extent to which the training meets or conflicts with the foreign policy objectives of the United States, including the furtherance of democracy and civilian control of the military and the promotion of human rights.

SENSE OF THE CONGRESS REGARDING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES.

SEC. 583. (a) FINDINGS.—Congress finds that—

(1) many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

(2) children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

(3) there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

(4) although the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention; and

(5) decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States Government should promote international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

SUPPORT FOR PEACEFUL ECONOMIC AND POLITICAL TRANSITION IN INDONESIA

SEC. 584. (a) FINDINGS.—Congress makes the following findings:

(1) Indonesia is the World's 4th most populous nation, with a population in excess of 200,000,000 people.

(2) Since 1997, political, economic, and social turmoil in Indonesia has escalated.

(3) Indonesia is comprised of more than 13,000 islands located between the mainland of Southeast Asia and Australia. Indonesia occupies an important strategic location, straddling vital sea lanes for communication and commercial transportation including all or part of every major sea route between the Pacific Ocean and the Indian Ocean, more than 50 percent of all international shipping trade, and sea lines of communication used by the United States Pacific Command to support operations in the Persian Gulf.

(4) Indonesia has been an important ally of the United States, has made vital contributions to the maintenance of regional peace and stability through its leading role in the Association of South East Asian Nations (ASEAN) and the Asia Pacific Economic Cooperation forum (APEC), and has promoted United States economic, political, and security interests in Asia.

(5) In the 25 years before the onset of the recent financial crisis in Asia, the economy of Indonesia grew at an average rate of 7 percent per year.

(6) Since July 1997, the Indonesian rupiah has lost 70 percent of its value, and the Indonesian economy is now at a near standstill characterized by inflation, tight liquidity, and rising unemployment.

(7) Indonesia has also faced a severe drought and massive fires in the past year which have adversely affected its ability to produce sufficient food to meet its needs.

(8) As a consequence of this economic instability and the drought and fires, as many as 100,000,000 people in Indonesia may experience food shortages, malnutrition, and possible starvation as a result of being unable to purchase food. These conditions increase the potential for widespread social unrest in Indonesia.

(9) Following the abdication of Indonesia President Suharto in May 1998, Indonesia is in the midst of a profound political transition. The current president of Indonesia, B.J. Habibie, has called for new parliamentary elections in mid-1999, allowed the formation of new political parties, and pledged to resolve the role of the military in Indonesian society.

(10) The Government of Indonesia has taken several important steps toward political reform and support of democratic institutions, including support for freedom of expression, release of political prisoners, formation of political parties and trade unions, preparations for new elections, removal of ethnic designations from identity cards, and commitments to legal and civil service reforms which will increase economic and legal transparency and reduce corruption.

(11) To address the food shortages in Indonesia, the United States Government has made more than 230,000 tons of food available to Indonesia this year through grants and so-called "soft" loans and has pledged support for additional wheat and food to meet emergency needs in Indonesia.

(12) United States national security interests are well-served by political stability in Indonesia and by friendly relations between the United States and Indonesia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the decision of the Clinton Administration to make available at least 1,500,000 tons of wheat, wheat products, and rice for distribution to the most needy and vulnerable Indonesians is vital to the well-being of all Indonesians;

(2) the Clinton Administration should work with the World Food Program and nongovernmental organizations to design programs to make the most effective use of food donations in Indonesia and to expedite delivery of food assistance in order to reach those in Indonesia most in need;

(3) the Clinton Administration should adopt a more active approach in support of democratic institutions and processes in Indonesia and provide assistance for continued economic and political development in Indonesia, including—

(A) support for humanitarian programs aimed at preventing famine, meeting the needs of the Indonesian people, and inculcating social stability;

(B) leading a multinational effort (including the active participation of Japan, the nations of Europe, and other nations) to assist the programs referred to in subparagraph (A);

(C) calling on donor nations and humanitarian and food aid programs to make additional efforts to meet the needs of Indonesia and its people while laying the groundwork for a more open and participatory society in Indonesia;

(D) working with international financial institutions to recapitalize and reform the banking system, restructure corporate debt, and introduce economic and legal transparency in Indonesia;

(E) urging the Government of Indonesia to remove, to the maximum extent possible, barriers to trade and investment which impede economic recovery in Indonesia, including tariffs, quotas, export taxes, nontariff barriers, and prohibitions against foreign ownership and investment;

(F) urging the Government of Indonesia to—

(i) recognize the importance of the participation of all Indonesians, including ethnic and religious minorities, in the political and economic life of Indonesia;

(ii) take appropriate action to assure the support and protection of minority participation in the political, social, and economic life of Indonesia; and

(iii) release individuals detained or imprisoned for their political views;

(G) support for efforts by the Government of Indonesia to cast a wide social safety net in order to provide relief to the neediest Indonesians and to restore hope to those Indonesians who have been harmed by the economic crisis in Indonesia;

(H) support for efforts to build democracy in Indonesia in order to strengthen political participation and the development of legitimate democratic processes and the rule of law in Indonesia, including support for organizations, such as the Asia Foundation and the National Endowment for Democracy, which can provide technical assistance in developing and strengthening democratic political institutions and processes in Indonesia;

(I) calling on the Government of Indonesia to repeal all laws and regulations that discriminate on the basis of religion or ethnicity and to ensure that all new laws are in keeping with international standards on human rights; and

(J) calling on the Government of Indonesia to establish, announce publicly, and adhere to a clear timeline for parliamentary elections in Indonesia.

(c) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) A description and assessment of the actions taken by the Government of the United States to work with the Government of Indonesia to further the objectives referred to in subsection (b)(3).

(B) A description and assessment of the actions taken by the Government of Indonesia to further such objectives.

(C) An evaluation of the implications of the matters described and assessed under subparagraphs (A) and (B), and any other appropriate matters, for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

CONDEMNING ETHNIC VIOLENCE IN INDONESIA IN MAY 1998

SEC. 585. (a) FINDINGS.—Congress makes the following findings:

(1) In May 1998, more than 1,200 people died in Indonesia as a result of riots, targeted attacks, and violence in Indonesia. According to numerous reports by human rights groups, United Nations officials, and the press, ethnic Chinese in Indonesia were specifically targeted in the riots for attacks which included acts of brutality, looting, arson, and rape.

(2) Credible reports indicate that, between May 13 and May 15, 1998, at least 150 Chinese women and girls, some as young as 9 years of age, were systematically raped as part of a campaign of racial violence in Indonesia, and 20 of these women subsequently died from injuries incurred during these rapes.

(3) Credible evidence indicates that these rapes were the result of a systematic and organized operation and may well have continued to the present time.

(4) Indonesia President Habibie has stated that he believes the riots and rapes to be "the most inhuman acts in the history of the nation", that they were "criminal" acts, and that "we will not accept it, we will not let it happen again.".

(5) Indonesian human rights groups have asserted that the Indonesia Government failed to take action necessary to control the riots, violence, and rapes directed against ethnic Chinese in Indonesia and that some elements of the Indonesia military may have participated in such acts.

(6) The Executive Director of the United Nations Development Fund for Women has stated that the attacks were an "organized reaction to a crisis and culprits must be brought to trial" and that the systematic use of rape in the riots "is totally unacceptable . . . and even more disturbing than rape war crimes, as Indonesia was not at war with another country but caught in its own internal crisis".

(7) The Indonesia Government has established the Joint National Fact Finding Team to investigate the violence and allegations of gang rapes, but there are allegations that the investigation is moving slowly and that the Team lacks the authority necessary to carry out an appropriate investigation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the mistreatment of ethnic Chinese in Indonesia and the criminal acts carried out against them during the May 1998 riots in Indonesia is deplorable and condemned;

(2) a complete, full, and fair investigation of such criminal acts should be completed by the earliest possible date, and those identified as responsible for perpetrating such criminal acts should be brought to justice;

(3) the investigation by the Government of Indonesia, through its Military Honor Council, of those members of the armed forces of Indonesia suspected of possible involvement in the May 1998 riots, and of any member of the armed forces of Indonesia who may have participated in criminal acts against the people of Indonesia during the riots, is commended and should be supported;

(4) the Government of Indonesia should take action to assure—

(A) the full observance of the human rights of the ethnic Chinese in Indonesia and of all other minority groups in Indonesia;

(B) the implementation of appropriate measures to prevent ethnic-related violence and rapes in Indonesia and to safeguard the physical safety of the ethnic Chinese community in Indonesia;

(C) prompt follow through on its announced intention to provide damage loans to help rebuild businesses and homes for those who suffered losses in the riots; and

(D) the provision of just compensation for victims of the rape and violence that occurred during the May 1998 riots in Indonesia, including medical care;

(5) the Clinton Administration and the United Nations should provide support and assistance to the Government of Indonesia, and to nongovernmental organizations, in the investigations into the May 1998 riots in Indonesia in order to expedite such investigations; and

(6) Indonesia should ratify the United Nations Convention on Racial Discrimination, Torture, and Human Rights.

(c) SUPPORT FOR INVESTIGATIONS.—Of the amounts appropriated by this Act for Indonesia, the Secretary of State, after consultation with Congress, shall make available such funds as the Secretary considers appropriate in order to provide support and technical assistance to the Government of Indonesia, and to independent nongovernmental organizations, for purposes of conducting full, fair, and impartial investigations into the allegations surrounding the riots, violence, and rape of ethnic Chinese in Indonesia in May 1998.

(d) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) An assessment of—

(i) whether or not there was a systematic and organized campaign of violence, including the use of rape, against the ethnic Chinese community in Indonesia during the May 1998 riots in Indonesia; and

(ii) the level and degree of participation, if any, of members of the Government or armed forces of Indonesia in the riots.

(B) An assessment of the adequacy of the actions taken by the Government of Indonesia to investigate the May 1998 riots in Indonesia, bring the perpetrators of the riots to justice, and ensure that similar riots do not recur.

(C) An evaluation of the implications of the matters assessed under subparagraphs (A) and (B) for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 586. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation or any similar organization.

TRAFFICKING IN WOMEN AND CHILDREN

SEC. 587. The Secretary of State, in consultation with the Attorney General and appropriate nongovernmental organizations, shall—

(1) develop curricula and conduct training for United States consular officers on the prevalence and risks of trafficking in women and children, and the rights of victims of such trafficking; and

(2) develop and disseminate to aliens seeking to obtain visas written materials describing the potential risks of trafficking, including—

(A) information as to the rights of victims in the United States of trafficking in women and children, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(B) the names of support and advocacy organizations in the United States.

SENSE OF CONGRESS CONCERNING THE MURDER OF FOUR AMERICAN CHRUCHWOMEN IN EL SALVADOR

SEC. 588. (a) FINDINGS.—Congress makes the following findings—

(1) the December 2, 1980 brutal assault and murder of four American churchwomen by members of the Salvadoran National Guard was covered up and never fully investigated;

(2) on July 22 and July 23, 1998, Salvadoran authorities granted three of the National Guardsmen convicted of the crimes early release from prison;

(3) the United Nations Truth Commission for El Salvador determined in 1993 that there was sufficient evidence that the Guardsmen were acting on orders from their superiors;

(4) in March 1998, four of the convicted Guardsmen confessed that they acted after receiving orders from their superiors;

(5) recently declassified documents from the State Department show that United States Government officials were aware of information suggesting the involvement of superior officers in the murders;

(6) United States officials granted permanent residence to a former Salvadoran military official involved in the cover-up of the murders, enabling him to remain in Florida; and

(7) despite the fact that the murders occurred over 17 years ago, the families of the four victims continue to seek the disclosure of information relevant to the murders.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) information relevant to the murders should be made public to the fullest extent possible;

(2) the Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders to the victims' families and to the American public, in prompt response to congressional requests;

(3) the President should order all other Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible;

(4) in making determinations concerning the declassification and release of relevant information, the Federal agencies and departments should presume in favor of releasing, rather than of withholding, such information; and

(5) the President should direct the Attorney General to review the circumstances under which individuals involved in either the murders or the cover-up of the murders obtained residence in the United States, and the Attorney General should submit a report to the Congress on the results of such review not later than January 1, 1999.

REPORT ON ALL UNITED STATES MILITARY TRAINING PROVIDED TO FOREIGN MILITARY PERSONNEL

SEC. 589. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all overseas military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House.

SENSE OF CONGRESS REGARDING THE TRIAL IN THE NETHERLANDS OF THE SUSPECTS INDICTED IN THE BOMBING OF PAN AM FLIGHT 103

SEC. 590. (a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted 2 Libyan intelligence agents—Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah—in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader, Colonel Muammar Qadaffi, refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The sanctions in Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline, a ban on flights into and out of Libya by other nations' airlines, a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan government funds in other countries.

(5) Colonel Qaddafi has continually refused to extradite the suspects to either the United States or the United Kingdom and has insisted that he will only transfer the suspects to a third and neutral country to stand trial.

(6) On August 24, 1998, the United States and the United Kingdom proposed that Colonel Qadaffi transfer the suspects to the Netherlands, where they would stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges.

(7) The United States-United Kingdom proposal is consistent with those previously endorsed by the Organization of African Unity, the League of Arab States, the Non-Aligned Movement, and the Islamic Conference.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998, in United Nations Security Council Resolution 1192.

(9) The United States Government has stated that this proposal is nonnegotiable and has called on Colonel Qadaffi to respond promptly, positively, and unequivocally to this proposal by ensuring the timely appearance of the two accused individuals in the Netherlands for trial before the Scottish court.

(10) The United States Government has called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(11) Secretary of State Albright has said that the United States will urge a multilateral oil embargo against Libya in the United Nations Security Council if Colonel Muammar Qadaffi does not transfer the suspects to the Netherlands to stand trial.

(12) The United Nations Security Council will convene on October 30, 1998, to review sanctions imposed on Libya.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Colonel Qadaffi should promptly transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands to stand trial before the Scottish court;

(2) the United States Government should remain firm in its commitment not to negotiate with Colonel Qadaffi on any of the details of the proposal approved by the United Nations in United Nations Security Council Resolution 1192; and

(3) if Colonel Qadaffi does not transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands by October 29, 1998, the United States Permanent Representative to the United Nations should—

(A) introduce a resolution in the United Nations Security Council to impose a multilateral oil embargo against Libya;

(B) actively promote adoption of the resolution by the United Nations Security Council; and

(C) assure that a vote will occur in the United Nations Security Council on such a resolution.

DEVELOPMENT ASSISTANCE IN NIGERIA

SEC. 591. (a) FINDINGS.—Congress makes the following findings:

(1) The bilateral development assistance program in Nigeria has been insufficiently funded and staffed, and the United States has missed opportunities to promote democracy and good governance as a result.

(2) The recent political upheaval in Nigeria necessitates a new strategy for United States bilateral assistance program in that country that is focused on promoting a transition to democracy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the United States Agency for International Development, should—

(1) develop a new strategy for United States bilateral assistance for Nigeria that is focused on the development of civil society and the rule of law and that involves a broad cross-section of Nigerian society but does not provide for any direct assistance to the Government of Nigeria, other than humanitarian assistance, unless and until that country successfully completes a transition to civilian, democratic rule;

(2) increase the number of United States personnel at such Agency's office in Lagos, Nigeria, from within the current, overall staff resources of such Agency in order for such office to be sufficiently staffed to carry out paragraph (1); and

(3) consider the placement of such Agency's personnel elsewhere in Nigeria.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President, acting through the United States Agency for International Development, shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on the strategy developed under subsection (b)(1).

COUNTERTERRORISM COOPERATION CERTIFICATION

SEC. 592. Section 40A of the Arms Export Control Act (22 U.S.C. 2781) is amended—

(1) in subsection (a), by striking "that the President" and all that follows and inserting "unless the President determines and certifies to Congress for purposes of that fiscal year that the government of the country is cooperating fully with the United States, or is taking adequate actions on its own, to help achieve United States antiterrorism objectives.";

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after subsection (a), as so amended, the following new subsections (b), (c), and (d):

"(b) REQUIREMENT FOR CONTINUING COOPERATION.—(1) Notwithstanding the submittal of a certification with respect to a country for purposes of a fiscal year under subsection (a), the prohibition in that subsection shall apply to the country for the remainder of that fiscal year if the President determines and certifies to Congress that the government of the country has not continued to cooperate fully with United States, or to take adequate actions on its own, to help achieve United States antiterrorism objectives.

"(2) A certification under paragraph (1) shall take effect on the date of its submittal to Congress.

"(c) SCHEDULE FOR CERTIFICATIONS.—(1) The President shall, to the maximum extent practicable, submit a certification with respect to a country for purposes of a fiscal year under subsection (a) not later than September 1 of the year in which that fiscal year begins.

"(2) The President may submit a certification with respect to a county under subsection (a) at any time after the date otherwise specified in paragraph (1) if the President determines that circumstances warrant the submittal of the certification at such later date.

"(d) CONSIDERATIONS FOR CERTIFICATIONS.—In making a determination with respect to the government of a country under subsection (a) or subsection (b), the President shall consider—

"(1) the government's record of—

"(A) apprehending, bringing to trial, convicting, and punishing terrorists in areas under its jurisdiction;

"(B) taking actions to dismantle terrorist organizations in areas under its jurisdiction and to cut off their sources of funds;

"(C) condemning terrorist actions and the groups that conduct and sponsor them;

"(D) refusing to bargain with or make concessions to terrorist organizations;

"(E) isolating and applying pressure on states that sponsor and support terrorism to force such states to terminate their support for terrorism;

"(F) assisting the United States in efforts to apprehend terrorists who have targeted United States nationals and interests;

"(G) sharing information and evidence with United States law enforcement agencies during the investigation of terrorist attacks against United States nationals and interests;

"(H) extraditing to the United States individuals in its custody who are suspected of participating in the planning, funding, or conduct of terrorist attacks against United States nationals and interests; and

"(I) sharing intelligence with the United States about terrorist activity, in general, and terrorist activity directed against

United States nationals and interests, in particular; and

"(2) any other matters that the President considers appropriate."; and

(4) in subsection (e), as so redesignated, by striking "national interests" and inserting "national security interests".

EQUALITY FOR ISRAEL IN THE UNITED NATIONS

SEC. 593. (a) SHORT TITLE.—This section may be cited as the "Equality for Israel at the United Nations Act of 1998".

(b) EFFORT TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.—

(1) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that—

(A) the United States must help promote an end to the inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations region blocs, which serve as the basis for participation in important activities of the United Nations, including rotating membership on the United Nations Security Council; and

(B) the United States Ambassador to the United Nations should take all steps necessary to ensure Israel's acceptance in the Western Europe and Others Group (WEOG) regional bloc, whose membership includes the non-European countries of Canada, Australia, and the United States.

(2) REPORTS TO CONGRESS.—Not later than 60 days after the date of the enactment of this legislation and on a semiannual basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate)—

(A) actions taken by representatives of the United States, including the United States Ambassador to the United Nations, to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(B) efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body;

(C) specific responses solicited and received by the Secretary of State from each of the nations of Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization; and

(D) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

SANCTIONS AGAINST SERBIA-MONTENEGRO

SEC. 594. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect until January 1, 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia-Montenegro in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia-Montenegro to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia-Montenegro to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia-Montenegro from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia-Montenegro.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia-Montenegro.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the government of Serbia-Montenegro is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia-Montenegro, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the government of Serbia-Montenegro is implementing internal democratic reforms; and

(5) Serbian, Serbian-Montenegrin federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia-Montenegro until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO.—The sanctions described in subsection (b)(1) should not apply to the government of Montenegro.

(f) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—

(1) The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

(2) Such a wavier may only be effective upon certification by the President to Congress that the United States has transferred and will continue to transfer (subject to adequate protection of intelligence sources and methods) to the International Criminal Tribunal for the former Yugoslavia all information it has collected in support of an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, or genocide.

(3) In the event of a waiver, within seven days the President must report the basis upon which the waiver was made to the Select Committee on Intelligence and the Committee on Foreign Relations in the Senate, and the Permanent Select Committee on Intelligence and the Committee on International Relations in the House of Representatives.

FUNDING FOR THE COMPREHENSIVE NUCLEAR TEST BAN TREATY PREPARATORY COMMISSION

SEC. 595. Of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, not less than $28,900,000 shall be made available for expenses related to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That such funds may be made available through the regular notification procedures of the Committee on Appropriations.

REPORT ON IRAQI DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION

SEC. 596. (a) FINDINGS.—Congress finds that—

(1) Iraq is continuing efforts to mask the extent of its weapons of mass destruction and missile programs;

(2) proposals to relax the current international inspection regime would have potentially dangerous consequences for international security; and

(3) Iraq has demonstrated time and again that it cannot be trusted to abide by international norms or by its own agreements, and that the only way the international community can be assured of Iraqi compliance is by ongoing inspection.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the international agencies charged with inspections in Iraq—the International Atomic Energy Agency (IAEA) and the United Nations Special Commission (UNSCOM) should maintain vigorous inspections, including surprise inspections, within Iraq; and

(2) the United States should oppose any efforts to ease the inspections regimes on Iraq until there is clear, credible evidence that the Government of Iraq is no longer seeking to acquire weapons of mass destruction and the means of delivering them.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the President shall submit a report to Congress on the United States Government's assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction. The report shall also—

(1) assess the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and

(2) include the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

SENSE OF SENATE REGARDING IRAN

Sec. 597. (a) The Senate finds that—

(1) according to the Department of State, Iran continues to support international terrorism, providing training, financing, and weapons to such terrorist groups as Hizballah, Islamic Jihad and Hamas;

(2) Iran continues to oppose the Arab-Israeli peace process and refuses to recognize Israel's right to exist;

(3) Iran continues aggressively to seek weapons of mass destruction and the missiles to deliver them;

(4) it is long-standing United States policy to offer official government-to-government dialogue with the Iranian regime, such offers having been repeatedly rebuffed by Tehran;

(5) more than a year after the election of President Khatemi, Iranian foreign policy continues to threaten American security and that of our allies in the Middle East; and

(6) despite repeated offers and tentative steps toward rapprochement with Iran by the Clinton Administration, including a decision to waive sanctions under the Iran-Libya Sanctions Act and the President's veto of the Iran Missile Proliferation Sanctions Act, Iran has failed to reciprocate in a meaningful manner.

(b) Therefore it is the sense of the Senate that—

(1) the Administration should make no concessions to the government of Iran unless and until that government moderates its objectionable policies, including taking steps to end its support of international terrorism, opposition to the Middle East peace process, and the development and proliferation of weapons of mass destruction and their means of delivery; and

(2) there should be no change in United States policy toward Iran until there is credible and sustained evidence of a change in Iranian policies.

JOINT UNITED STATES-CANADA COMMISSION ON CATTLE, BEEF, AND DAIRY PRODUCTS

Sec. 598. (a) Establishment.—There is established a Joint United States-Canada Commission on Cattle, Beef, and Dairy Products to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of cattle, beef, and dairy products, with particular emphasis on—

(1) animal health requirements;

(2) transportation differences;

(3) the availability of feed grains;

(4) other market-distorting direct and indirect subsidies;

(5) the expansion of the Northwest Pilot Project;

(6) tariff rate quotas; and

(7) other factors that distort trade between the United States and Canada.

(b) Composition.—

(1) In general.—The Commission shall be composed of—

(A) 3 members representing the United States, including—

(i) 1 member appointed by the Majority Leader of the Senate;

(ii) 1 member appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 3 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, producers, and other members.

(2) Appointment.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) Report.—Not later than 180 days after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to tariff rate quotas and the production, processing, and sale of cattle, beef, and dairy products.

SENSE OF THE SENATE CONCERNING THE OPERATION OF AGRICULTURAL COMMODITY FOREIGN ASSISTANCE PROGRAMS

Sec. 599. (a) It is the sense of the Senate that:

(1) The United States Department of Agriculture should use the GSM-102 credit guarantee program to provide 100 percent coverage, including shipping costs, in some markets where it may be temporarily necessary to encourage the export of United States agricultural products.

(2) The United States Department of Agriculture should increase the amount of GSM export credit available above the $5,500,000,000 minimum required by the 1996 Farm Bill (as it did in the 1991/1992 period). In addition to other nations, extra allocations should be made in the following amounts to—

(A) Pakistan—an additional $150,000,000;

(B) Algeria—an additional $140,000,000;

(C) Bulgaria—an additional $20,000,000; and

(D) Romania—an additional $20,000,000.

(3) The United States Department of Agriculture should use the PL-480 food assistance programs to the fullest extent possible, including the allocation of assistance to Indonesia and other Asian nations facing economic hardship.

(4) Given the President's reaffirmation of a Jackson-Vanik waiver for Vietnam, the United States Department of Agriculture should consider Vietnam for PL-480 assistance and increased GSM.

FUNDING FOR THE CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

Sec. 599A. That of the funds made available by prior Foreign Operations Appropriations Acts, not to exceed $750,000 shall be made available for the Claiborne Pell Institute for International Relations and Public Policy at Salve Regina University.

AID OFFICE OF SECURITY

Sec. 599B. (a) Establishment of Office.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law, have the responsibility for the supervision, direction, and control of all security activities relating to the programs and operations of that Agency.

(b) Transfer and Allocation of Appropriations and Personnel.—There are transferred to the Office of Security all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the date of enactment of this Act. The Administrator shall transfer from the Office of the Inspector General of such Agency to the Office of Security established by subsection (a), the personnel (including the Senior Executive Service position designated for the Assistant Inspector General for Security), assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, and other funds held, used, available to, or to be made available in connection with such functions. Unexpended balances of appropriations, and other funds made available or to be made available in connection with such functions, shall be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development".

(c) Transfer of Employees.—Any employee in the career service who is transferred pursuant to this section shall be placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development.

SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEVELOPMENT BY NORTH KOREA

Sec. 599C. (a) Congress makes the following findings:

(1) North Korea has been active in developing new generations of medium-range and intermediate-range ballistic missiles, including both the Nodong and Taepo Dong class missiles.

(2) North Korea is not an adherent to the Missile Technology Control Regime, actively cooperates with Iran and Pakistan in ballistic missile programs, and has declared its intention to continue to export ballistic missile technology.

(3) North Korea has shared technology involved in the Taepo Dong I missile program with Iran, which is concurrently developing the Shahab-3 intermediate-range ballistic missile.

(4) North Korea is developing the Taepo Dong II intermediate-range ballistic missile, which is expected to have sufficient range to put at risk United States territories, forces, and allies throughout the Asia-Pacific area.

(5) Multistage missiles like the Taepo Dong class missile can ultimately be extended to intercontinental range.

(6) The bipartisan Commission to Assess the Ballistic Missile Threat to the United States emphasized the need for the United States intelligence community and United States policy makers to review the methodology by which they assess foreign missile programs in order to guard against surprise developments with respect to such programs.

(b) It is the sense of Congress that—

(1) North Korea should be forcefully condemned for its August 31, 1998, firing of a Taepo Dong I intermediate-range ballistic missile over the sovereign territory of another country, specifically Japan, an event that demonstrated an advanced capability for employing multistage missiles, which are by nature capable of extended range, including intercontinental range;

(2) the United States should reassess its cooperative space launch programs with countries that continue to assist North Korea and Iran in their ballistic missile and cruise missile programs;

(3) any financial or technical assistance provided to North Korea should take into account the continuing conduct by that county of activities which destabilize the region, including the missile firing referred to in paragraph (1), continued submarine incursions into South Korea territorial waters, and violations of the demilitarized zone separating North Korea and South Korea;

(4) the recommendations of the Commission to Assess the Ballistic Missile Threat to the United States should be incorporated into the analytical processes of the United States intelligence community as soon as possible; and

(5) the United States should accelerate cooperative theater missile defense programs with Japan.

SENSE OF SENATE REGARDING THE DEVELOPMENT BY THE INTERNATIONAL TELECOMMUNICATION UNION OF WORLD STANDARDS FOR WIRELESS TELECOMMUNICATIONS SERVICES

SEC. 599D. (a) The Senate makes the following findings:

(1) The International Telecommunication Union, an agency of the United Nations, is currently developing recommendations for world standards for the next generation of wireless telecommunications services based on the concept of a "family" of standards.

(2) On June 30, 1998, the Department of State submitted four proposed standards to the ITU for consideration in the development of those recommendations.

(3) Adoption of an open and inclusive set of multiple standards, including all four submitted by the Department of State, would enable existing systems to operate with the next generation of wireless standards.

(4) It is critical to the interest of the United States that existing systems be given this ability.

(b) It is the sense of the Senate that the Federal Communications Commission and appropriate executive branch agencies take all appropriate actions to promote development, by the ITU, of recommendations for digital wireless telecommunications services based on a family of open and inclusive multiple standards, including all four standards submitted by the Department of State, so as to allow operation of existing systems with the next generation of wireless standards.

Titles I through V of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999".

TITLE VI—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FISCAL YEAR 1998 SUPPLEMENTAL

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $47,500,000 to remain available until expended for contributions previously due.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

FUND FOR SPECIAL OPERATIONS

For payment to the Inter-American Bank by the Secretary of the Treasury, for the United States share of the increase in resources for the Fund for Special Operations, $21,152,000, to remain available until expended for contributions previously due.

CONTRIBUTION TO THE ENTERPRISE FOR AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund, $50,000,000 to remain available until expended for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $187,000,000, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $5,000,000 to remain available until expended, for contributions previously due.

LOANS TO INTERNATIONAL MONETARY FUND

NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund (Fund) under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

UNITED STATES QUOTA

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

CONDITIONS AND REPORTS

SEC. 601. CONDITIONS FOR THE USE OF QUOTA RESOURCES. (a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the major shareholders of the International Monetary Fund, including the United States, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, and Canada have publicly agreed to, and will seek to implement in the Fund, policies that provide for conditions in stand-by agreements or other arrangements regarding the use of Fund resources, requiring that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade obligations and agreements; and

(2) eliminate the practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions.

(b) Subsequent to the certification provided in subsection (a), in conjunction with the annual submission of the President's budget, the Secretary of the Treasury shall report to the appropriate committees on the implementation and enforcement of the provisions in subsection (a).

(c) The United States shall exert its influence with the Fund and its members to encourage the Fund to include as part of its conditions of stand-by agreements or other uses of the Fund's resources that the recipient country take action to remove discriminatory treatment between foreign and domestic creditors in its debt resolution proceedings. The Secretary of the Treasury shall report back to the Congress six months after the enactment of this Act, and annually thereafter, on the progress in achieving this requirement.

(d) BANKRUPTCY LAW REFORM.—The United States shall exert its influence with the International Monetary Fund and its members to encourage the International Monetary Fund to include as part of its conditions of assistance that the recipient country take action to adopt, as soon as possible, modern insolvency laws that—

(1) emphasize reorganization of business enterprises rather than liquidation whenever possible;

(2) provide for a high degree of flexibility of action, in place of rigid requirements of form or substance, together with appropriate review and approval by a court and a majority of the creditors involved;

(3) include provisions to ensure that assets gathered in insolvency proceedings are accounted for and put back into the market stream as quickly as possible in order to maximize the number of businesses that can be kept productive and increase the number of jobs that can be saved; and

(4) promote international cooperation in insolvency matters by including—

(A) provisions set forth in the Model Law on Cross-Border Insolvency approved by the United Nations Commission on International Trade Law, including removal of discriminatory treatment between foreign and domestic creditors in debt resolution proceedings; and

(B) other provisions appropriate for promoting such cooperation.

The Secretary of the Treasury shall report back to Congress six months after the enactment of this Act, and annually, thereafter, on the progress in achieving this requirement.

(e) Nothing in this section shall be construed to create any private right of action with respect to the enforcement of its terms.

SEC. 602. TRANSPARENCY AND OVERSIGHT. (a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury shall certify to the appropriate committees that the Board of Executive Directors of the International Monetary Fund has agreed to provide timely access by the Comptroller General to information and documents relating to the Fund's operations, program and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(b) The Secretary of the Treasury shall direct, and the U.S. Executive Director to the International Monetary Fund shall agree to—

(1) provide any documents or information available to the Director that are requested by the Comptroller General;

(2) request from the Fund any documents or material requested by the Comptroller General; and

(3) use all necessary means to ensure all possible access by the Comptroller General to the staff and operations of the Fund for the purposes of conducting financial and program audits.

(c) The Secretary of the Treasury, in consultation with the Comptroller General and the U.S. Executive Director of the Fund, shall develop and implement a plan to obtain timely public access to information and documents relating to the Fund's operations, programs and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(d) No later than October 1, 1998 and, not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit a report to the appropriate committees on the status of timely publication of Letters of Intent and Article IV consultation documents and the availability of information referred to in (c).

SEC. 603. ADVISORY COMMISSION. (a) The President shall establish an International Financial Institution Advisory Commission (hereafter "Commission").

(b) The Commission shall include at least five former United States Secretaries of the Treasury.

(c) Within 180 days, the Commission shall report to the appropriate committees on the future role and responsibilities, if any, of the International Monetary Fund and the merit, costs and related implications of consolidation of the organization, management, and activities of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization.

SEC. 604. BRETTON WOODS CONFERENCE. Not later than 180 days after the Commission reports to the appropriate committees, the President shall call for a conference of representatives of the governments of the member countries of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization to consider the structure, management and activities of the institutions, their possible merger and their capacity to contribute to exchange rate stability and economic growth and to respond effectively to financial crises.

SEC. 605. REPORTS. (a) Following the extension of a stand-by agreement or other uses of the resources by the International Monetary Fund, the Secretary of the Treasury, in consultation with the U.S. Executive Director of the Fund, shall submit a report to the appropriate committees providing the following information—

(1) the borrower's rules and regulations dealing with capitalization ratios, reserves, deposit insurance system and initiatives to improve transparency of information on the financial institutions and banks which may benefit from the use of the Fund's resources;

(2) the burden shared by private sector investors and creditors, including commercial banks in the Group of Seven Nations, in the losses which have prompted the use of the Fund's resources;

(3) the Fund's strategy, plan and timetable for completing the borrower's pay back of the Fund's resources including a date by which the borrower will be free from all international institutional debt obligation; and

(4) the status of efforts to upgrade the borrower's national standards to meet the Basle Committee's Core Principles for Effective Banking Supervision.

(b) Following the extension of a stand-by agreement or other use of the Fund's resources, the Secretary of the Treasury shall report to the appropriate committees in conjunction with the annual submission of the President's budget, an account—

(1) of outcomes related to the requirements of section 5010; and

(2) of the direct and indirect institutional recipients of such resources: *Provided*, That this account shall include the institutions or banks indirectly supported by the Fund through resources made available by the borrower's Central Bank.

(c) Not later than 30 days after the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress providing the information requested in paragraphs (a) and (b) for the countries of South Korea, Indonesia, Thailand and the Philippines.

SEC. 606. CERTIFICATIONS. (a) The Secretary of the Treasury shall certify to the appropriate committees that the following conditions have been met—

(1) No International Monetary Fund resources have resulted in support to the semiconductor, steel, automobile, shipbuilding, or textile and apparel industries in any form;

(2) The Fund has not guaranteed nor underwritten the private loans of semiconductor, steel, automobile, shipbuilding, or textile and apparel manufacturers; and

(3) Officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in stabilization programs in effect after July 1, 1997, and all of the conditions have either been met, or the recipient government has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to and approved by the Fund and the Department of the Treasury.

(b) Such certifications shall be made 14 days prior to the disbursement of any Fund resources to the borrower.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the Executive Director to oppose disbursement of further funds if such certification is not given.

(d) Such certifications shall continue to be made on an annual basis as long as Fund contributions continue to be outstanding to the borrower country.

(e) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry;

(D) the textile and apparel industry; and

(E) shipbuilding;

(2) to monitor the effect of the Asian economic crisis on these industries;

(3) to collect accounting data from Asian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(f) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(g) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (e).

SEC. 607. LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA. The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension of International Monetary Fund resources—

(1) directly to or for the direct benefit of the President of Indonesia or any member of the President's family; and

(2) the Secretary of the Treasury shall instruct the Executive Director to use the United States voice and vote to oppose further disbursement of funds to Indonesia on any International Monetary Fund terms or conditions less stringent than those imposed on the Republic of Korea and the Philippines Republic.

SEC. 608. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND. The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

SEC. 609. ADVISORY COMMITTEE ON IMF POLICY. (a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as "Advisory Committee").

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows—

(1) at least 2 members shall be representatives from organized labor;

(2) at least 2 members shall be representatives from nongovernmental environmental organizations;

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual International Monetary Fund country programs meet requisite policy goals, particularly those set forth as follows—

(1) in this Act;

(2) in Article I(2) of the Fund's Articles of Agreements, to promote and maintain high levels of employment and real income and the development of the productive resources of all members;

(3) in section 1621 of Public Law 103-306, the Frank/Sanders amendment on encouragement of fair labor practices;

(4) in section 1620 of Public Law 95-118, as amended, on respect for, and full protection of, the territorial rights, traditional economies, cultural integrity, traditional knowledge, and human rights of indigenous peoples;

(5) in section 1502 of Public Law 95-118, as amended, on military spending by recipient countries and military involvement in the economies of recipient countries;

(6) in section 701 of Public Law 95-118, on assistance to countries that engage in a pattern of gross violations of internationally recognized human rights; and

(7) in section 1307 of Public Law 95-118, on assessments of the environmental impact and alternatives to proposed actions by the International Monetary Fund which would have a significant effect on the human environment.

(d) INAPPLICABILITY OF TERMINATION PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 610. BORROWER COUNTRIES. The Secretary of the Treasury shall consult with the office of the United States Trade Representative regarding prospective International Monetary Fund borrower countries, including their status with respect to title III of the Trade Act of 1974 or any executive order issued pursuant to the aforementioned title, and shall take these consultations into account before instructing the United States Executive Director of the International Monetary Fund on the United States position regarding loans or credits to such borrowing countries.

SEC. 611. DEFINITIONS. For the purposes of this title, "appropriate committees" includes the Appropriations Committee, the

Committee on Foreign Relations, Committee on Finance and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services in the House of Representatives.

SEC. 612. AVAILABILITY OF FUNDS. Funds made available in Title VI shall be available upon date of enactment of this Act.

SEC. 613. PROGRESS REPORTS TO CONGRESS ON UNITED STATES INITIATIVES TO UPDATE THE ARCHITECTURE OF THE INTERNATIONAL MONETARY SYSTEM. Not later than July 15, 1999 and July 15, 2000, the Secretary of the Treasury shall report to the Chairmen and Ranking Members of the Senate Committees on Appropriations, Foreign Relations, and Banking, Housing, and Urban Affairs and House Committees on Appropriations and Banking and Financial Services on the progress of efforts to reform the architecture of the international monetary system. The reports shall include a discussion of the substance of the United States position in consultations with other governments and the degree of progress in achieving international acceptance and implementation of such position with respect to the following issues:

(1) Adapting the mission and capabilities of the International Monetary Fund to take better account of the increased importance of cross-border capital flows in the world economy and improving the coordination of its responsibilities and activities with those of the International Bank for Reconstruction and Development.

(2) Advancing measures to prevent, and improve the management of, international financial crises, including by—

(A) integrating aspects of national bankruptcy principles into the management of international financial crises where feasible; and

(B) changing investor expectations about official rescues, thereby reducing moral hazard and systemic risk in international financial markets—

in order to help minimize the adjustment costs that the resolution of financial crises may impose on the real economy, in the form of disrupted patterns of trade, employment, and progress in living standards, and reduce the frequency and magnitude of claims on United States taxpayer resources.

(3) Improving international economic policy cooperation, including among the Group of Seven countries, to take better account of the importance of cross-border capital flows in the determination of exchange rate relationships.

(4) Improving international cooperation in the supervision and regulation of financial institutions and markets.

(5) Strengthening the financial sector in emerging economies, including by improving the coordination of financial sector liberalization with the establishment of strong public and private institutions in the areas of prudential supervision, accounting and disclosure conventions, bankruptcy laws and administrative procedures, and the collection and dissemination of economic and financial statistics, including the maturity structure of foreign indebtedness.

(6) Advocating that implementation of European Economic and Monetary Union and the advent of the European Currency Unit, or euro, proceed in a manner that is consistent with strong global economic growth and stability in world financial markets.

SEC. 614. SENSE OF CONGRESS REGARDING THE IMF RESPONSE TO THE ECONOMIC CRISIS IN RUSSIA. (a) Congress finds that—

(1) Russia is currently facing a severe economic crisis that threatens President Boris Yeltsin's ability to maintain power;

(2) the Russian Communist Party may well soon be a part of the government of the Russian Republic and may be given real influence over Russian economic policies;

(3) the International Monetary Fund has continued to provide funding to Russia despite Russia's refusal to implement reforms tied to the funding;

(4) the Russian economic crisis follows a similar crisis in Asia;

(5) the International Monetary Fund imposed strict requirements on the Republic of Korea and other democratic and free market nations in Asia;

(6) the International Monetary Fund has not imposed the same requirements on Russia; and

(7) Russia has not made the same commitment to free market economic principles as the Republic of Korea, and other Asian nations receiving assistance from the International Monetary Fund.

(b) It is the sense of Congress that the International Monetary Fund should not provide funding to a Russian government whose economic policies are significantly affected by the Russian Communist Party, or under significantly less free market conditions than those imposed on the Republic of Korea and other democratic, free market nations in Southeast Asia.

This title may be cited as the "International Monetary Fund Appropriations Act of 1998".

TITLE VII—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 701. AFRICA FOOD SECURITY INITIATIVE. In providing development assistance under the Africa Food Security Initiative, or any comparable program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women, and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects; and

(3) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

SEC. 702. MICROENTERPRISE ASSISTANCE. In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should take into consideration the needs of women, and should use the applied research and technical assistance capabilities of United States land-grant universities.

SEC. 703. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS. The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders in order to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, and technical expertise.

SEC. 704. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION. (a) IN GENERAL.—The Overseas Private Investment Corporation shall exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guarantees, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(1) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(2) have a clear track record of support for sound business management practices; and

(3) have demonstrated experience with participatory development methods.

(b) USE OF CERTAIN FUNDS.—The Overseas Private Investment Corporation shall utilize existing equity funds, loan, and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 705. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES. (a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education, and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—The plan described in subsection (a) shall be designed to ensure that—

(1) research and extension activities respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa; and

(2) sustainable agricultural methods of farming is considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The text of the bill (H.R. 4104), the Treasury and General Government Appropriations Act, 1999, as passed by the Senate on September 3, 1998, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 4104) entitled "An Act

making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, namely:*

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $120,671,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $6,560,800: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $28,990,000, of which $8,000,000 shall be available to the United States Customs Service for the Customs Modernization project, of which $5,400,000 shall be available to the Departmental Offices for the International Trade Data System, and of which $15,590,000 shall be available to the Departmental Offices to modernize its information technology infrastructure, for modernizing Treasury's human resource systems, and for business solution software: Provided, That these funds shall remain available until expended: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations, Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems: Provided further, That none of the funds appropriated for the Customs Modernization project may be transferred to the United States Customs Service or obligated until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system: Provided further, That none of the funds made available for the Customs Modernization project may be obligated for any major system investments prior to the development of an architecture which is compliant with the Treasury Information Systems Architecture Framework (TISAF) and the General Accounting Office certifies to Congress the establishment of measures to enforce compliance with the architecture: Provided further, That of the amount provided, $8,000,000 shall not be available for obligation until September 30, 1999.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $30,678,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $27,000,000, to remain available until expended: Provided, That none of the funds provided shall be available for obligation until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $23,670,000: Provided, That funds appropriated in this account may be used to procure personal services contracts: Provided further, That of the funds provided, $600,000 shall be provided for the Gateway program.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), $117,761,000; of which $1,800,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms for lab equipment; of which $1,400,000 shall be available to the Financial Crimes Enforcement Network, including $800,000 for cyberpayment studies, $100,000 for money laundering regulations, $300,000 for Suspicious Activity Reporting form data analysis, and $200,000 for training for Federal, State and local law enforcement; of which $158,000 shall be available to the Federal Law Enforcement Training Center for equipment replacement needs; $15,403,000 shall be available to the United States Secret Service, including $5,000,000 for counterfeiting investigations, $7,732,000 for the 2000 candidate/nominee protection program, and $2,671,000 for forensic and related support of investigations of missing and exploited children, of which $671,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $45,000,000 shall be available for the Interagency Law Enforcement for interagency crime and drug enforcement; and of which $54,000,000 shall be made available for the United States Customs Service for the purchase of non-intrusive inspection technology, including $10,000,000 for a high energy container inspection system for sea-going containers, $3,400,000 for the automated targeting system, and $40,600,000 to purchase equipment for the Southern land border;

(2) As authorized by section 32401, $13,239,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations;

(3) As authorized by section 180103, $1,000,000 to the Federal Law Enforcement Training Center for specialized training for rural law enforcement officers.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; $66,251,000, of which up to $13,450,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2001: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with ATF: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $15,360,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $196,490,000, of which not to exceed $13,235,000 shall remain available until September 30, 2001 for information systems modernization initiatives: Provided, That of the amount provided, $4,500,000 shall remain available until expended for postage and shall not be obligated before September 30, 1999: Provided further, That, pursuant to 39 U.S.C. 3206(a), funds shall continue to be provided to the United States Postal Service for postage due: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

DEBT COLLECTION IMPROVEMENT ACCOUNT

To make payments by the Secretary of the Treasury to reimburse agencies for qualified expenses, as authorized by 31 U.S.C. 3720C, not to exceed $3,000,000, to be derived from increased agency collections of delinquent debt, as authorized by such provision, and to remain available until September 30, 2001.

FEDERAL FINANCING BANK

For liquidation of certain debts to the United States Treasury incurred by the Federal Financing Bank pursuant to section 9(b) of the Federal Financing Bank Act of 1973, $3,317,690,000.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 650 vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $12,500 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement; $529,489,000, of which $27,000,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): Provided, That such funds shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in the fiscal year ending on September 30, 1998: Provided further, That of the funds made available, $4,500,000 shall be made available for the expansion of the National Tracing Center: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 985 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $30,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,630,273,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"), as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research, not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081, and up to $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That of the amount provided, an additional $2,400,000 shall be made available for staffing and resources for the child pornography cybersmuggling initiative: Provided further, That of the amount provided, $1,200,000 shall be available to transfer to the Office of the Under Secretary of the Treasury for the oversight of the Customs Integrity Awareness Program: Provided further, That $500,000 shall be available to fund the expansion of services at the Vermont World Trade Office: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000: Provided further, That of the amount provided, $28,480,000 shall not be available for obligation until September 30, 1999.

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $113,488,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 1999 without the prior approval of the Committees on Appropriations: Provided further, That of the amount provided, $3,200,000 shall not be available for obligation for P3 annualization until September 30, 1999: Provided further, That of the amount provided, $20,100,000 shall not be available for obligation until September 30, 1999: Provided further, That of the amount provided, $15,000,000 shall be made available for drug interdiction activities in South Florida and the Caribbean.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $176,500,000, of which not to exceed $2,500 shall be available for official reception and representation expenses; and, of which not to exceed $1,000,000 shall remain available until September 30, 2001 for information systems modernization initiatives: Provided, That the sum appropriated herein from the General Fund for fiscal year 1999 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at $172,100,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial *management of the Fund, as authorized by section 102 of Public Law 101–380: Provided further, That notwithstanding any other provisions of law, effective upon enactment and thereafter, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in Public Law 101–136, title I, section 104, 103 Stat. 789 for costs and services performed by the Bureau in the administration of such funds: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".*

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,077,353,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That of the amount provided, $105,000,000 shall remain available until expended for postage and shall not be obligated before September 30, 1999: Provided further, That, pursuant to 39 U.S.C. 3206(a), funds shall continue to be provided to the United States Postal Service for postage due.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,164,399,000: Provided, That of the amount provided, $175,000,000 shall not be available for obligation until September 30, 1999.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $143,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,329,486,000, which shall be available until September 30, 2000: Provided, That of the amount provided, $68,700,000 shall not be available for obligation until September 30, 1999: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, $137,569,000, to remain available until September 30, 2002, for: the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisition, including contractual costs associated with operations as authorized by 5 U.S.C. 3109: Provided, That none of these funds is available for obligation until September 30, 1999: Provided further, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submits to Congress for approval, a plan for expenditure.

ADMINISTRATIVE PROVISIONS

INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 107. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigations in Wisconsin and South Dakota from the 1996 level.

SEC. 108. SENSE OF THE SENATE ON THE USE OF RANDOM SELECTION OF RETURNS FOR EXAMINATION BY THE INTERNAL REVENUE SERVICE. (a) FINDINGS.—The Senate finds that—

(1) in 1995, the Internal Revenue Service indefinitely postponed the 1994 Taxpayer Compliance Measurement Program, a program of audits using random selection techniques (in this section referred to as "random audits");

(2) Congress, taxpayer groups, tax practitioners, and others criticized the program because of its cost to and burden on taxpayers;

(3) there is no law preventing the Internal Revenue Service from resuming its Taxpayer Compliance Measurement Program; and

(4) random audits may be overly burdensome on taxpayers, particularly low-income taxpayers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Internal Revenue Service should make it a top priority to ensure fairness to taxpayers when selecting returns for audit;

(2) the Senate does not approve of the use of random audits of the general population of taxpayers or tax returns; and

(3) the Internal Revenue Service should not conduct random audits of the general population of taxpayers or tax returns.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase not to exceed 705 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Senate Committee on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $584,902,000: Provided, That the $6,000,000 provided for the acquisition of the Armored Primary Limousines is not obligated before September 30, 1999: Provided further, That of the amount provided, $7,860,000 shall not be available for obligation until September 30, 1999: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $8,068,000, to remain available until expended.

GENERAL PROVISIONS

DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on

September 30, 1999, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1999 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. The Secretary is authorized to promote the benefits of and encourage the use of electronic tax administration programs, as they become available, through the use of mass communications and other means. Additionally, the Secretary may implement procedures to pay appropriate incentives to commercial concerns for electronic filing services: Provided, That such payment may not be made unless the electronic filing service is provided without charge to the taxpayer whose return is so filed: Provided further, That the Internal Revenue Service shall assure the security of all electronic transmissions and the full protection of the privacy of taxpayer data.

SEC. 116. The Bureau of Engraving and Printing (BEP) and the Department of the Treasury shall award a contract for Solicitation No. BEP–97–13 (TN) which will permit an uninterrupted source of currency paper upon the expiration of the contract for Solicitation 97–10 on September 5, 1999 unless otherwise directed by the Senate Committee on Appropriations.

SEC. 117. EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION. (a) Section 1610 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the Foreign Missions Act (22 U.S.C. 4308(f)), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality or such state) claiming such property is not immune under section 1605(a)(7).

"(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

"(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such state.

"(B) In providing such assistance, the Secretaries—

"(i) may provide such information to the court under seal; and

"(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property.".

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after "punitive damages" the following: ", except any action under section 1605(a)(7) or 1610(f)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

SEC. 118. Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "the explosive in a fixed shotgun shell" and insert "an explosive";

(2) in paragraph (7), by striking "the explosive in a fixed metallic cartridge" and inserting "an explosive"; and

(3) by striking paragraph (16) and inserting the following:

"(16) The term 'antique firearm'—

"(A) means any—

"(i) firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

"(ii) replica of any firearm described in clause (i), if such replica—

"(I) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

"(II) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; and

"(iii) muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, that—

"(I) is designed to use black powder, or a black powder substitute; and

"(II) cannot use fixed ammunition; and

"(B) does not include any—

"(i) weapon that incorporates a firearm frame or receiver;

"(ii) firearm that is converted into a muzzle loading weapon; or

"(iii) muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.".

This title may be cited as the "Treasury Department Appropriations Act, 1999".

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $71,195,000, which shall remain available until September 30, 2000: Provided, That none of the funds provided shall be available for obligation until October 1, 1999: Provided further, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1999.

This title may be cited as the "Postal Service Appropriations Act, 1999".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $52,344,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,691,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, *and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.*

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,512,000.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $334,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,666,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,806,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles $29,140,000: Provided, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $60,617,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: Provided further, That the Director of OMB submit a report within 180 days of enactment to the Senate Committee on Appropriations: (1) evaluating the implementation of specific government-wide procedures for making federally funded research results (including all underlying data and supplementary materials) available as appropriate to the public unless such research results are currently protected from disclosure under current law; and (2) make a determination based on this evaluation for the need for additional or revised guidance: Provided further, That OMB is directed to submit a report to the Senate Committee on Appropriations and Senate Committee on Governmental Affairs that: (1) identifies annual five percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000; and (2) issues guidance on the requirements of 5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)–(B).

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $48,042,000, of which $30,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation and $16,000,000 for the Counterdrug Technology Assessment Center for counternarcotics research and development projects, and $13,000,000 for the continued operation of the technology transfer program: Provided, That the $16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $183,977,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $5,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Dallas/Fort Worth and East Texas and $1,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in New England, should the Director of the Office of National Drug Control Policy determine that these locations meet the designated criteria, and of which $3,000,000 shall be used to continue the recently created Central Florida High Intensity Drug Trafficking Area, and of which $1,970,000 shall be used for the addition of North Dakota into the Midwest High Intensity Drug Trafficking Area, and of which $7,000,000 shall be used for methamphetamine programs otherwise provided for in this legislation with not less than half of the $7,000,000 shall expand the Midwest High Intensity Drug Trafficking Area, and of which $1,000,000 shall be used to expand the Cascade High Intensity Drug Trafficking Area, and of which $1,500,000 shall be provided to the Southwest Border High Intensity Drug Trafficking Area, and of which $1,500,000 shall be used to expand the Milwaukee, Wisconsin High Intensity Drug Trafficking Area, and of which $1,500,000 shall be used to continue the Rocky Mountain methamphetamine demonstration program, of which no less than $90,630,000 shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act and up to $80,370,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the fiscal year 1998 level.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 100–690, as amended, $200,000,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $175,000,000 shall be to support a national media campaign to reduce and prevent drug use among young Americans: Provided further, That (1) ONDCP will require a pro-bono match commitment up-front as part of its media buy from each and every buyer of ad time and space, (2) ONDCP will dedicate 10 percent of the total amount appropriated specifically for the media campaign for the creation and distribution of grassroots materials aimed at children to be developed in consultation with community groups and experts, and to be distributed to communities and schools to support the national media campaign, (3) ONDCP, or any agent acting on its behalf, may not obligate *any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless (A) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (B) it receives prior approval from the Senate Committee on Appropriations, (4) ONDCP will secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002, and will report quarterly on its efforts to meet this goal, (5) ONDCP is mandated to use appropriated funds solely to fund the anti-drug media campaign to include only the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation, (6) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Senate Committee on Appropriations, and may obligate up to 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase II of the campaign to the Committees, (7) ONDCP is required to report to the Committee not only quarterly, but also monthly itemized reporting of all expenditures and obligations related to the media campaign, (8) funds shall be provided for obligation for the national media campaign after GAO has submitted and the Committee has approved the GAO report on the evaluation of Phase I of the media campaign and the GAO report on the media campaign financial management review: Provided further, That of the funds provided, $20,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997.*

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses related to Year 2000 conversion of Federal information technology systems, and related expenses, $3,250,000,000, to remain available until September 30, 2001: Provided, That the funds made available shall be transferred, as necessary, by the Director of the Office of Management and Budget to all affected federal Departments and Agencies for expenses necessary to ensure the information technology that is used or acquired by the federal government meets the definition of Year 2000 compliant under Federal Acquisition Regulations (concerning accurate processing of date/time data, including calculating, comparing, and sequencing from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations) and to meet other criteria for Year 2000 compliance as the head of each Department or Agency considers appropriate: Provided further, That none of the funds provided under this heading may be transferred to any Department or Agency until fifteen days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations and the Senate Special Committee on the Year 2000 Technology Problem a proposed allocation and plan for that Department or Agency to achieve Year 2000 compliance for technology information systems: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this or any other Act: Provided further, That funds provided under this heading shall be in addition to funds available in this or any other Act for Year 2000 compliance by any federal Department or Agency: Provided further, That the $3,250,000,000 shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the $3,250,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Executive Office Appropriations Act, 1999".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $2,464,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $33,700,000 (increased by $2,800,000 to be used for enforcement activities), of which not to exceed $5,000 shall be available for reception and representation expenses: Provided, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $22,586,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the $508,752,000 to be deposited into the Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,648,680,000, of which: (1) $538,652,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New construction:
Arkansas:
Little Rock, U.S. courthouse, $3,436,000
California:
San Diego, U.S. courthouse, $15,400,000
San Jose, U.S. courthouse, $10,800,000
Colorado:
Denver, U.S. courthouse, $83,959,000
District of Columbia:
Southeast Federal Center remediation, $10,000,000
Florida:
Jacksonville, U.S. courthouse, $86,010,000
Orlando, U.S. courthouse, $1,930,000
Georgia:
Savannah, U.S. courthouse, $46,462,000
Massachusetts:
Springfield, U.S. courthouse, $5,563,000
Michigan:
Sault Sainte Marie, border station, $572,000
Mississippi:
Biloxi-Gulfport U.S. courthouse, $7,543,000
Missouri:
Cape Girardeau U.S. courthouse, $2,196,000
Montana:
Babb, Piegan border station, $6,165,000
New York:
Brooklyn, U.S. courthouse, $152,626,000
New York U.S. Mission to the United Nations, $3,163,000
Oregon:
Eugene, U.S. courthouse, $7,190,000
Tennessee:
Greenville, U.S. courthouse, $28,229,000
Texas:
Laredo, U.S. courthouse, $28,105,000
West Virginia:
Wheeling, U.S. courthouse, $29,303,000
Nationwide:
Nonprospectus, $10,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction *projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the House and Senate Committees on Appropriations of a greater amount: Provided further, That notwithstanding any other provision of law in order to rescind a General Services Administration property sale, the General Services Administration is authorized to re-acquire that parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal government to its present owner pursuant to paragraphs (6) and (7) of section 12 of Public Law 94–204 (43 U.S.C. 1611 note) at a price equivalent to the 1988 auction sale price plus the amount of cumulative consumer price index, pursuant to the methodology as used in Public Law 104–42, Sec. 107(a), from the closing date of the sale until the date of re-acquisition by the Federal government, offset by any net income received from the property by the present owner since the 1988 sale: Provided further, That the funds provided in Public Law 102–393 for Hilo, Hawaii shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center, notwithstanding Public Law 103–123, and of the funds provided not more than $475,000 is to be disbursed in this fiscal year: Provided further, That of the amount provided, $14,105,000 for the design of the Department of Transportation headquarters building shall not be available for obligation by the Administrator of General Services until the Secretary of the Department of Transportation approves airport landing rights for British Airways at Denver International Airport, Denver, Colorado and certifies that he has received a guarantee for year-round commercially viable landing and take off slots for the U.S. carrier authorized to serve the Charlotte-London (Gatwick) route: Provided further, That all funds for direct construction projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $668,031,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That of the amount provided, $323,800,000 shall not be available for obligation until September 30, 1999: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the House and Senate Committees on Appropriations of a greater amount:*

Repairs and alterations:
California:
San Francisco, Appraisers Building, $29,778,000
Colorado:
Lakewood, Denver Federal Center, Building 25, $29,351,000
District of Columbia:
Federal Office Building, 10B, $13,844,000
Interstate Commerce Commission, Connecting Wing Complex, Customs Building, Phase 3/3, $83,959,000
Old Executive Office Building, $25,210,000
Department of State, Phase 1, $29,779,000
New York:
Brookhaven, Internal Revenue Service, Service Center, $20,019,000
New York, U.S. Courthouse, 40 Foley Square, $4,782,000
Pennsylvania:
Philadelphia, Byrne-Green, Federal Building-U.S. Courthouse, $11,212,000
Virginia:
Reston, J.W. Powell Building, $9,151,000
Nationwide:
Chlorofluorocarbons Program, $25,000,000
Energy Programs, $25,000,000
Design Program, $16,710,000
Basic Repairs and Alteration, $344,236,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That funds made available in this Act or any previous Act for "Repairs and Alterations" shall, for prospectus projects, be limited to the amount originally made available, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2000 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the amount provided, $100,000 shall be used to address the lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,600,000 shall be provided to complete the alterations required at the Milwaukee, Wisconsin Courthouse: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,100,000 may be used to provide a new fence surrounding the Suitland Federal Complex in Suitland, Maryland: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $215,764,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,583,261,000 for rental of space which shall remain available until expended: Provided further, That of the amount provided, $51,667,000 shall not be available for obligation until September 30, 1999; and (5) $1,554,772,000 for building operations which shall remain available until expended: Provided further, That of the amount provided $31,095,000 shall not be available for obligation until September 30, 1999: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: Provided further, That the remaining balances and associated assets and liabilities of the Pennsylvania Avenue Activities account are hereby transferred to the Federal Buildings Fund to be effective October 1, 1998, and that all income earned after that effective date that would otherwise have been deposited to the Pennsylvania Avenue Activities account shall thereafter be deposited to the Federal Buildings Fund, to be available for the purposes authorized by Public Laws 104–134 and 104–208, notwithstanding subsection 210(f)(2) of the Federal Property and Administrative Services Act, as amended: Provided further, That of the amount provided, $475,000 shall be made available for the 1999 Women's World Cup Soccer event: Provided further, That of the amount provided, $475,000 shall be made available for the 1999 World Alpine Ski Championships: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1999, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,648,680,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $106,494,000: Provided, That none of the funds appropriated from this Act or any other Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C. from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations: Provided further, That no funds from this Act or any other Act shall be available *to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $32,000,000: Provided, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,241,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS

GENERAL SERVICES ADMINISTRATION

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1999 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2000 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2000 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund Limitations on Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House and Senate.

SEC. 408. From the funds made available under the heading "Federal Buildings Fund Limitations on Revenue", in addition to amounts provided in budget activities above, up to $5,000,000 shall be available for the demolition, cleanup and conveyance of the property at block 35 and lot 2 of block 36 in Anchorage, Alaska: Provided, That notwithstanding any other provision of law, the Administrator of General Services shall, not later than 18 months after the date of enactment of this Act, demolish and remove all buildings, structures and other fixtures on the property at block 35 and lot 2 of block 36, Anchorage Original Townsite East Addition, Anchorage, Alaska, excluding any portion dedicated for use by the Centers for Disease Control and Prevention: Provided further, That the remediation of said parcel shall include the removal of all asbestos, lead and any other contamination, and restoration of the property, to the extent practicable, to an undeveloped condition: Provided further, That upon completion of the activities required for the demolition and removal of buildings, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Anchorage, without reimbursement, all right, title, and interest of the United States to the property.

SEC. 409. The Administrator of General Services may convey, without consideration, to the City of Racine, Wisconsin all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located on 2310 Center Street, commencing at the intersection of the North line of 24th Street and the center line of Center Street, being the point of the beginning; thence Northerly along the center line of Center Street, 426 feet to the South line of 23rd Street extended East; thence Westerly along the South line of 23rd street extended East; 325 feet to the West line of Franklin Street extended South; thence southerly along the West line of Franklin Street extended South to a point on the North line of 24th Street; thence Easterly along the North line of 24th Street to the point of beginning located in Racine, Wisconsin and which contains the U.S. Army Reserve Center.

SEC. 410. DEPARTMENT OF TRANSPORTATION HEADQUARTERS. (a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998:

Provided, That the annual rent payment does not exceed $55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 411. SECURITY OF CAPITOL COMPLEX. There is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex $14,105,000.

SEC. 412. LAND CONVEYANCE, UNITED STATES NAVAL OBSERVATORY/ALTERNATE TIME SERVICE LABORATORY, FLORIDA. (a) CONVEYANCE AUTHORIZED.—If the Secretary of the Navy reports to the Administrator of General Services that the property described in subsection (b) is excess property of the Department of the Navy under section 202(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(b)), and if the Administrator of General Services determines that such property is surplus property under that Act, then the Administrator may convey to the University of Miami, by negotiated sale or negotiated land exchange within one year after the date of the determination by the Administrator, all right, title, and interest of the United States in and to the property.

(b) COVERED PROPERTY.—The property referred to in subsection (a) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(c) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,805,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles,

$221,030,000: Provided, That of the amount provided, $4,277,000 shall not be available for obligation until September 30, 1999: Provided further, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

ARCHIVES FACILITIES REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $11,325,000, to remain available until expended, of which $2,000,000 is for an architectural and engineering study for the renovation of the Archives I facility, and of which $4,000,000 is for encasement of the Charters of Freedom, and of which $875,000 is for the requirements study and design of the National Archives Anchorage facility: Provided, That of the amount provided, $2,000,000 shall not be available for obligation until September 30, 1999.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $11,000,000, to remain available until expended: Provided, That of the amount provided, $5,500,000 shall not be available for obligation until September 30, 1999.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,492,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 through 1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1999, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $9,145,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $8,720,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $32,765,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1999".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1999, for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in

America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1999 from appropriations made available for salaries and expenses for fiscal year 1999 in this Act, shall remain available through September 30, 2000, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 510. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 511. PROVISIONS FOR STAFF DIRECTOR AND GENERAL COUNSEL OF THE FEDERAL ELECTION COMMISSION. (a) APPOINTMENT AND TERM OF SERVICE.—

(1) IN GENERAL.—Section 306c(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)) is amended by striking paragraph (1) and inserting the following:

"(1)(A) The Commission shall have a staff director and a general counsel who shall be appointed by an affirmative vote of not less than 4 members of the Commission. Subject to exception in subparagraph (D), the staff director and general counsel shall, beginning January 1, 1999, serve for terms of 6 years and such terms may be renewed by an affirmative vote of not less than 3 members of the Commission.

"(B) The staff director and general counsel may serve after the expiration of his or her term until his or her successor has been appointed.

"(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the staff director or general counsel he or she succeeds.

"(D) The term of any individual appointed prior to and serving on the date of enactment of this Act as general counsel shall be until January 1, 2008 and shall not be subject to renewal under subparagraph (A) until such date.".

(b) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING STAFF DIRECTOR OR GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following:

"(5) Nothing in this Act shall be construed to prohibit any individual serving as an acting staff director of the Commission from performing any functions of the staff director of the Commission or any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.".

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any *other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.*

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1999, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1998, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1999, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 1999, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1999 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1999 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1998 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1998, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1998, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1998.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 622. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 623. No funds appropriated in this or any other Act for fiscal year 1999 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 624. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 625. (a) IN GENERAL.—Beginning in calendar year 2000, and every 2 calendar years thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on .State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 626. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 627. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 628. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 629. Notwithstanding section 611, interagency financing is authorized to carry out the purposes of the National Bioethics Advisory Commission.

SEC. 630. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 631. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 632. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 633. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 634. The Director of the United States Marshals Service is directed to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy.

SEC. 635. Section 636(c) of Public Law 104–208 is amended as follows:

(1) In subparagraph (1) by inserting after "United States Code" the following: "any agency or court in the Judicial Branch,";

(2) In subparagraph (2) by amending "prosecution, or detention" to read: "prosecution, detention, or supervision"; and

(3) In subparagraph (3) by inserting after "title 5," the following: "and, with regard to the Judicial Branch, mean a justice or judge of the United States as defined in 28 U.S.C. 451 in regular active service or retired from regular active service, other judicial officers as authorized by the Judicial Conference of the United States, and supervisors and managers within the Judicial Branch as authorized by the Judicial Conference of the United States,".

SEC. 636. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities.

SEC. 637. Section 626(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in section 101(f) of Public Law 104–208 (110 Stat. 3009–360), the Omnibus Appropriations Act, 1997, is amended to read as follows: "(b) Until September 30, 1999, or until the end of the current FTS 2000 contracts, whichever is earlier, subsection (a) shall continue to apply to the use of the funds appropriated by this or any other Act.".

SEC. 638. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 639. For purposes of each provision of law amended by section 704(a)(2) of the Ethics

Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.

SEC. 640. Notwithstanding any other provision of law, no part of any funds provided by this Act or any other Act beginning in fiscal year 1999 and thereafter shall be available for paying Sunday premium pay to any employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 641. Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to, upon submission of proper documentation (as determined by the Secretary), reimburse importers of large capacity military magazine rifles as defined in the Treasury Department's April 6, 1998 "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles", for which authority had been granted to import such firearms into the United States on or before November 14, 1997, and released under bond to the importer by the U.S. Customs Service on or before February 10, 1998: Provided, That the importer abandons title to the firearms to the United States: Provided further, That reimbursements are submitted to the Secretary for his approval within 120 days of enactment of this provision. In no event shall reimbursements under this provision exceed the importers cost for the weapons, plus any shipping, transportation, duty, and storage costs related to the importation of such weapons. Money made available for expenditure under 31 U.S.C. section 1304(a) in an amount not to exceed $1,000,000 shall be available for reimbursements under this provision: Provided, That accepting the compensation provided under this provision is final and conclusive and constitutes a complete release of any and all claims, demands, rights, and causes of action whatsoever against the United States, its agencies, officers, or employees arising from the denial by the Department of the Treasury of the entry of such firearms into the United States. Such compensation is not otherwise required by law and is not intended to create or recognize any legally enforceable right to any person.

SEC. 642. The Federal Acquisition Regulation shall be revised, within 180 days after the date of enactment of this Act, to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

SEC. 643. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1999 under section 5303 and 5304 of title 5, United States Code, shall be an increase of 3.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 1999.

SEC. 644. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998. (a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

"(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

"(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

"(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a)."; and

(2) by inserting after section 5545a the following new section:

"§5545b. Pay for firefighters

"(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS–081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

"(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

"(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

"(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

"(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

"(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

"(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

"(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

"(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

"(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

"(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

"(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section. The overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

"(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

"5545b. Pay for firefighters.".

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.".

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking "and" after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

"(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

"(F) pay as provided in section 5545b (b)(2) and (c)(2); and "; and

(4) by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B) through (G)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1998, or the 180th day following the date of enactment of this section.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) NO REDUCTION IN REGULAR PAY.—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

SEC. 645. INTERNATIONAL MAIL REPORTING REQUIREMENT. (a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

"§3663. Annual report on international services

"(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each

House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

"(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

"3663. Annual report on international services.".

SEC. 646. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES. (a) IN GENERAL.—An Executive agency which provides or proposes to provide child care services for Federal employees may use agency funds to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts provided under subsection (a) with respect to any facility or contractor described in such subsection shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management and the General Services Administration shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. 647. EXTENSION OF SUNSET PROVISION. Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking "(2)" and all that follows through "10 years" and inserting the following:

"(2) SUNSET.—Effective 15 years".

SEC. 648. SENSE OF CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED HONORING OSKAR SCHINDLER. (a) FINDINGS.—

(1) Since during the Nazi occupation of Poland, Oskar Schindler personally risked his life and that of his wife to provide food and medical care and saved the lives of over 1,000 Jews from death, many of whom later made their homes in the United States.

(2) Since Oskar Schindler also rescued about 100 Jewish men and women from the Golezow concentration camp, who lay trapped and partly frozen in 2 sealed train cars stranded near Brunnlitz.

(3) Since millions of Americans have been made aware of the story of Schindler's bravery.

(4) Since on April 28, 1962, Oskar Schindler was named a "Righteous Gentile" by Yad Vashem.

(5) Since Oskar Schindler is a true hero and humanitarian deserving of honor by the United States Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Postal Service should issue a stamp honoring the life of Oskar Schindler.

SEC. 649. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 650. The provision of section 649 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 651. (a) None of the funds appropriated by this Act may be expended by the Office of Personnel Management to enter into or renew any contract under section 8902 of title 5, United States Code, for a health benefits plan—

(1) which provides coverage for prescription drugs, unless such plan also provides equivalent coverage for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration; or

(2) which provides benefits for outpatient services provided by a health care professional, unless such plan also provides equivalent benefits for outpatient contraceptive services.

(b) Nothing in this section shall apply to a contract with any of the following religious plans:

(1) SelectCare.

(2) PersonalCare's HMO.

(3) Care Choices.

(4) OSF Health Plans, Inc.

(5) Yellowstone Community Health Plan.

(6) Any other existing or future religious based plan whose religious tenets are in conflict with the requirements in this Act.

(c) For purposes of this section—

(1) the term "contraceptive drug or device" means a drug or device intended for preventing pregnancy; and

(2) the term "outpatient contraceptive services" means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent pregnancy.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion related services.

SEC. 652. IMPORTATION OF CERTAIN GRAINS. (a) FINDINGS.—The Congress finds that—

(1) importation of grains into the United States at less than the cost to produce those grains is causing injury to the United States producers of those grains;

(2) importation of grains into the United States at less than the fair value of those grains is causing injury to the United States producers of those grains;

(3) the Canadian Government and the Canadian Wheat Board have refused to disclose pricing and cost information necessary to determine whether grains are being exported to the United States at prices in violation of United States trade laws or agreements.

(b) REQUIREMENTS.—

(1) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall conduct a study of the efficiency and effectiveness of requiring that all spring wheat, durum or barley imported into the United States be imported into the United States through a single port of entry.

(2) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall determine whether such spring wheat, durum and barley could be imported into the United States through a single port of entry until either the Canadian Wheat Board or the Canadian Government discloses all information necessary to determine the cost and price for all such grains being exported to the United States from Canada and whether such cost or price violates any law of the United States, or violates, is inconsistent with, or denies benefits to the United States under, any trade agreement.

(3) The Customs Service shall report to the Committees on Appropriations and Finance not later than ninety days after the effective date of this Act on the results of the study required by paragraphs (1) and (2).

SEC. 653. ASSESSMENT OF FEDERAL REGULATIONS AND POLICIES ON FAMILIES. (a) PURPOSES.—The purposes of this section are to—

(1) require agencies to assess the impact of proposed agency actions on family well-being; and

(2) improve the management of executive branch agencies.

(b) DEFINITIONS.—In this section—

(1) the term "agency" has the meaning given the term "Executive agency" by section 105 of title 5, United States Code, except such term does not include the General Accounting Office; and

(2) the term "family" means—

(A) a group of individuals related by blood, marriage, adoption, or other legal custody who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group, and over half of whose support in a calendar year is received from such group.

(c) FAMILY POLICYMAKING ASSESSMENT.—Before implementing policies and regulations that may affect family well-being, each agency shall assess such actions with respect to whether—

(1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment;

(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;

(3) the action helps the family perform its functions, or substitutes governmental activity for the function;

(4) the action increases or decreases disposable income or poverty of families and children;

(5) the proposed benefits of the action justify the financial impact on the family;

(6) the action may be carried out by State or local government or by the family; and

(7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(d) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistent with this section; and

(B) compile, index, and submit annually to the Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide evaluations of policies and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(e) Assessments Upon Request by Members of Congress.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(f) Judicial Review.—This section is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

Sec. 654. Family Well-Being and Children's Impact Statement. Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on family well-being and on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

Sec. 655. Additional Purchases of Oil for the Strategic Petroleum Reserve. In response to historically low prices for oil produced domestically and to build national capacity for response to future energy supply emergencies, the Secretary of Energy shall purchase and transport an additional $420,000,000 of oil for the Strategic Petroleum Reserve upon a determination by the President that current market conditions are imperiling domestic oil production from marginal and small producers: Provided, That an official budget request for the purchase of oil for the Strategic Petroleum Reserve and including a designation of the entire request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount in the preceding proviso is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Sec. 656. Postage Stamp Honoring the One Hundred Fiftieth Anniversary of Irish Immigration to the United States. (a) Findings.—The Senate finds that—

(1) more than 44,000,000 Americans trace their ancestry to Ireland;

(2) of these 44,000,000, many are descended from the nearly 2,000,000 Irish immigrants who were forced to flee Ireland during the "Great Hunger" of 1845–1850;

(3) those immigrants dedicated themselves to the development of our Nation and contributed immensely to it by helping to build our railroads, our canals, our cities and our schools;

(4) 1998 marks the one hundred fiftieth anniversary of the mass immigration of Irish immigrants to America during the Irish Potato Famine;

(5) commemorating this tragic but defining episode in the history of American immigration would be deserving of honor by the United States Government.

(b) Sense of Congress.—It is the sense of Congress that the United States Postal Service should issue a stamp honoring the one hundred fiftieth anniversary of Irish immigration to the United States during the Irish Famine of 1845–1850.

Sec. 657. Post Office Relocations, Closings, and Consolidations. (a) Short Title.—This section may be cited as the "Community and Postal Participation Act of 1998".

(b) Guidelines for Relocation, Closing, or Consolidation of Post Offices.—Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, or consolidation of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, or consolidate that post office not later than 60 days before the proposed date of that relocation, closing, or consolidation.

"(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

"(B) The notification under paragraph (1) shall include—

"(i) an identification of the relocation, closing, or consolidation of the post office involved;

"(ii) a summary of the reasons for the relocation, closing, or consolidation; and

"(iii) the proposed date for the relocation, closing, or consolidation.

"(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, consolidation, or closing proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

"(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing at the request of the community served. Persons served by the post office that is the subject of a notice under paragraph (1) may present oral or written testimony with respect to the relocation, closing, or consolidation of the post office.

"(B) In making a determination as to whether or not to relocate, close, or consolidate a post office, the Postal Service shall consider—

"(i) the extent to which the post office is part of a core downtown business area;

"(ii) any potential effect of the relocation, closing, or consolidation on the community served by the post office;

"(iii) whether the community served by the post office opposes a relocation, closing, or consolidation;

"(iv) any potential effect of the relocation, closing, or consolidation on employees of the Postal Service employed at the post office;

"(v) whether the relocation, closing, or consolidation of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

"(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, or consolidation;

"(vii) whether postal officials engaged in negotiations with persons served by the post office concerning the proposed relocation, closing, or consolidation;

"(viii) whether management of the post office contributed to a desire to relocate;

"(ix)(I) the adequacy of the existing post office; and

"(II) whether all reasonable alternatives to relocation, closing, or consolidation have been explored; and

"(x) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, or consolidate that post office.

"(5)(A) Any determination of the Postal Service to relocate, close, or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

"(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

"(i) the determination and findings under subparagraph (A); and

"(ii) each alternative proposal and a response by the Postal Service.

"(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

"(6)(A) The Postal Service shall take no action to relocate, close, or consolidate a post office until the applicable date described in subparagraph (B).

"(B) The applicable date specified in this subparagraph is—

"(i) if no appeal is made under paragraph (7), the end of the 60-day period specified in that paragraph; or

"(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph (7)(A), but not later than 120 days after the date on which the appeal is made.

"(7)(A) A determination of the Postal Service to relocate, close, or consolidate any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 60-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

"(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(ii) without observance of procedure required by law; or

"(iii) unsupported by substantial evidence on the record.

"(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

"(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

"(E) A determination made by the Commission shall not be subject to judicial review.

"(8) In any case in which a community has in effect procedures to address the relocation, closing, or consolidation of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, consolidation, or closing of a post office in that community in lieu of applying the procedures established in this subsection.

"(9) In making a determination to relocate, close, or consolidate any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

"(10) The relocation, closing, or consolidation of any post office under this subsection shall be conducted in accordance with section 110 of the National Historic Preservation Act (16 U.S.C. 470h–2).".

(c) Policy Statement.—Section 101(g) of title 39, United States Code, is amended by adding at

the end the following: "In addition to taking into consideration the matters referred to in the preceding sentence, with respect to the creation of any new postal facility, the Postal Service shall consider the potential effects of that facility on the community to be served by that facility and the service provided by any facility in operation at the time that a determination is made whether to plan or build that facility.".

SEC. 658. DESIGNATION OF EUGENE J. MCCARTHY POST OFFICE BUILDING. (a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the "Eugene J. McCarthy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Eugene J. McCarthy Post Office Building".

SEC. 659. Within the amounts appropriated in this Act, up to $20,300,000 may be transferred to the Acquisition, Construction, Improvements, and Related Expenses account of the Federal Law Enforcement Training Center for new construction.

SEC. 660. (a) DEFINITIONS.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term "law enforcement officer" means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

TITLE VII—CHILD CARE IN FEDERAL FACILITIES

SEC. 701. SHORT TITLE. This title may be cited as "Quality Child Care for Federal Employees".

SEC. 702. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES. (a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CHILD CARE ACCREDITATION ENTITY.—The term "child care accreditation entity" means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(I) use of developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities, as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the staff of the facility, including related skills-based testing.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term "entity sponsoring a child care facility" means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term "executive facility"—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term "Federal agency" means an Executive agency or a legislative office.

(7) JUDICIAL OFFICE.—The term "judicial office" means an entity of the judicial branch of the Federal Government.

(8) LEGISLATIVE FACILITY.—The term "legislative facility" means a facility that is owned or leased by a legislative office.

(9) LEGISLATIVE OFFICE.—The term "legislative office" means an entity of the legislative branch of the Federal Government.

(10) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

(b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with child care standards described in paragraph (2) that, at a minimum, include applicable State or local licensing requirements, as appropriate, related to the provision of child care in the State or locality involved; or

(ii) obtain the applicable State or local licenses, as appropriate, for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(i) or obtains the licenses described in subparagraph (A)(ii).

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care services in executive facilities to comply with the standards. Such standards shall include requirements that child care facilities be inspected for, and be free of, lead hazards.

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care facility (as defined by the Administrator) in an executive facility to comply with standards of a child care accreditation entity.

(B) COMPLIANCE.—The regulations shall require that, not later than 5 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards.

(4) EVALUATION AND COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance, with the requirements of paragraph (1) and the regulations issued pursuant to paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities. The Administrator may conduct the evaluation of such a child care facility or entity directly, or through an agreement with another Federal agency or private entity, other than the Federal agency for which the child care facility is providing services. If the Administrator determines, on the basis of such an evaluation, that the child care facility or entity is not in compliance with the requirements, the Administrator shall notify the Executive agency.

(B) EFFECT OF NONCOMPLIANCE.—On receipt of the notification of noncompliance issued by the Administrator, the head of the Executive agency shall—

(i) if the entity operating the child care facility is the agency—

(I) not later than 2 business days after the date of receipt of the notification, correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) develop and provide to the Administrator a plan to correct any other deficiencies in the operation of the facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) bring the child care facility and entity into compliance with the requirements and certify to the Administrator that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency—

(I) require the contractor or licensee, not later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the child care facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) require the contractor or licensee to provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and to post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) require the contractor or licensee to bring the child care facility and entity into compliance with the requirements and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

(C) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility of the General Services Administration. If an entity is sponsoring a child care facility for 2 or more Executive agencies, the Administrator shall allocate the costs of providing such reimbursement with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—The Administrator shall issue regulations that require that each entity sponsoring a child care facility in an Executive facility, upon receipt by the child care facility or the entity (as applicable) of a request by any individual who is a parent of any child enrolled at the facility, a parent of a child for whom an application has been submitted to enroll at the facility, or an employee of the facility, shall provide to the individual—

(A) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under clause (i)(III) or (ii)(III), as applicable, of paragraph (4)(B); and

(B) a description of the actions that were taken to correct the deficiencies.

(c) LEGISLATIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS, HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall issue regulations, approved by the Committee on House Oversight of the House of Representatives, governing the operation of the House of Representatives Child Care Center. The Librarian of Congress shall issue regulations, approved by the appropriate House and Senate committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress. Subject to paragraph (3), the head of a designated entity in the Senate shall issue regulations, approved by the Committee on Rules and Administration of the Senate, governing the operation of the Senate Employees' Child Care Center.

(B) STRINGENCY.—The regulations described in subparagraph (A) shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except to the extent that appropriate administrative officers, with the approval of the appropriate House or Senate committees with oversight responsibility for the centers, may jointly or independently determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) ADMINISTRATION.—Subject to paragraph (3), the Chief Administrative Officer of the House of Representatives, the head of the designated Senate entity, and the Librarian of Congress, shall have the same authorities and duties—

(i) with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the Administrator has under subsection (b)(4) with respect to the evaluation of, compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(ii) with respect to issuing regulations requiring the entities sponsoring child care facilities in the corresponding legislative facilities to provide notifications of deficiencies and descriptions of corrective actions as the Administration has under subsection (b)(5) with respect to issuing regulations requiring the entities sponsoring child care facilities in executive facilities to provide notifications of deficiencies and descriptions of corrective actions.

(B) ENFORCEMENT.—Subject to paragraph (3), the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, as appropriate, shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the head of an Executive agency has under subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities.

(3) INTERIM STATUS.—Until such time as the Committee on Rules and Administration of the Senate establishes, or the head of the designated Senate entity establishes, standards described in paragraphs (1), (2), and (3) of subsection (b) governing the operation of the Senate Employees' Child Care Center, such facility shall maintain current accreditation status.

(d) APPLICATION.—Notwithstanding any other provision of this section, if 8 or more child care facilities are sponsored in facilities owned or leased by an Executive agency, the Administrator shall delegate to the head of the agency the evaluation and compliance responsibilities assigned to the Administrator under subsection (b)(4)(A).

(e) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator may provide technical assistance, and conduct and provide the results of studies and reviews, for Executive agencies, and entities sponsoring child care facilities in executive facilities, on a reimbursable basis, in order to assist the entities in complying with this section. The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of the designated Senate entity described in subsection (c), may provide technical assistance, and conduct and provide the results of studies and reviews, or request that the Administrator provide technical assistance, and conduct and provide the results of studies and reviews, for the corresponding legislative offices, and entities operating child care facilities in the corresponding legislative facilities, on a reimbursable basis, in order to assist the entities in complying with this section.

(f) COUNCIL.—The Administrator shall establish an interagency council, comprised of representatives of all Executive agencies described in subsection (d), a representative of the Chief Administrative Officer of the House of Representatives, a representative of the designated Senate entity described in subsection (c), and a representative of the Librarian of Congress, to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care, including the provision of areas for nursing mothers and other lactation support facilities and services, in the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 1999 and such sums as may be necessary for each subsequent fiscal year.

SEC. 703. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES. (a) IN GENERAL.—An Executive agency that provides or proposes to provide child care services for Federal employees may use agency funds to provide the child care services, in a facility that is owned or leased by an Executive agency, or through a contractor, for civilian employees of such agency.

(b) AFFORDABILITY.—Funds so used with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Director of the Office of Personnel Management shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION:—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. 704. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES. (a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—Section 616(a) of the Act of December 22, 1987 (40 U.S.C. 490b), is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

"(2) such officer or agency determines that such space will be used to provide child care and related services to—

"(A) children of Federal employees or onsite Federal contractors; or

"(B) dependent children who live with Federal employees or onsite Federal contractors; and

"(3) such officer or agency determines that such individual or entity will give priority for available child care and related services in such space to Federal employees and onsite Federal contractors."; and

(2) by adding at the end the following:

"(e)(1)(A) The Administrator of General Services shall confirm that at least 50 percent of aggregate enrollment in Federal child care centers

governmentwide are children of Federal employees or onsite Federal contractors, or dependent children who live with Federal employees or onsite Federal contractors.

"(B) Each provider of child care services at an individual Federal child care center shall maintain 50 percent of the enrollment at the center of children described under subparagraph (A) as a goal for enrollment at the center.

"(C) If enrollment at a center does not meet the percentage goal under subparagraph (B), the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe. Such plan shall be approved by the Administrator of General Services based on—

"(i) compliance of the plan with standards established by the Administrator; and

"(ii) the effect of the plan on achieving the aggregate Federal enrollment percentage goal.

"(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.".

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490(b)(3)) is amended to read as follows:

"(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.".

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

"(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which such private entities would assist in defraying the general operating expenses of the child care providers including salaries and tuition assistance programs at the facility.

"(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

"(B) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost effectively provided through such arrangement than through establishment of a Federal child care facility.

"(C) The agency may provide any of the services described in subsection (b)(3) if, in exchange for such services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by an agency to a child care facility on behalf of another agency shall be reimbursed by the receiving agency.

"(3) This subsection does not apply to residential child care programs.".

(d) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

"(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new child care facility. Costs of any pilot project shall be borne solely by the agency conducting the pilot project.

"(2) The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other agencies to disseminate information concerning the pilot projects to the other agencies.

"(3) Within 6 months after completion of the initial 2-year pilot project period, an agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.".

(e) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

"(g) Each child care center located in a federally owned or leased facility shall ensure that each employee of such center (including any employee whose employment began before the date of enactment of this subsection) shall undergo a criminal history background check consistent with section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).".

SEC. 705. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES. (a) DEFINITIONS.—In this section, the terms "Federal agency", "executive facility", and "legislative facility" have the meanings given the terms in section 702.

(b) LACTATION SUPPORT.—The head of each Federal agency shall require that each child care facility in an executive facility or a legislative facility that is first operated after the 1-year period beginning on the date of enactment of this Act by the Federal agency, or under a contract or licensing agreement with the Federal agency, shall provide reasonable accommodations for the needs of breast-fed infants and their mothers, including providing a lactation area or a room for nursing mothers in part of the operating plan for the facility.

TITLE VIII—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

SEC. 801. SHORT TITLE. This title may be cited as the "Office of National Drug Control Policy Reauthorization Act of 1998".

SEC. 802. DEFINITIONS. In this title:

(1) DEMAND REDUCTION.—The term "demand reduction" means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) drug abuse education;

(B) drug abuse prevention;

(C) drug abuse treatment;

(D) drug abuse research;

(E) drug abuse rehabilitation;

(F) drug-free workplace programs; and

(G) drug testing.

(2) DIRECTOR.—The term "Director" means the Director of National Drug Control Policy.

(3) DRUG.—The term "drug" has the meaning given the term "controlled substance" in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(4) DRUG CONTROL.—The term "drug control" means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction, including any activity to reduce the use of tobacco or alcoholic beverages by underage individuals.

(5) FUND.—The term "Fund" means the fund established under section 803(d).

(6) NATIONAL DRUG CONTROL PROGRAM.—The term "National Drug Control Program" means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy.

(7) NATIONAL DRUG CONTROL PROGRAM AGENCY.—The term "National Drug Control Program agency" means any department or agency of the Federal Government and all dedicated units thereof, with responsibilities under the National Drug Control Strategy, as designated by the President, or jointly by the Director and the head of the department or agency.

(8) NATIONAL DRUG CONTROL STRATEGY.—The term "National Drug Control Strategy" means the strategy developed and submitted to Congress under section 806.

(9) OFFICE.—Unless the context clearly implicates otherwise, the term "Office" means the Office of National Drug Control Policy established under section 803(a).

(10) STATE AND LOCAL AFFAIRS.—The term "State and local affairs" means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of drugs, including—

(A) coordination and facilitation of Federal, State, and local law enforcement drug control efforts;

(B) promotion of coordination and cooperation among the drug supply reduction and demand reduction agencies of the various States, territories, and units of local government; and

(C) such other cooperative governmental activities which promote a comprehensive approach to drug control at the national, State, territory, and local levels.

(11) SUPPLY REDUCTION.—The term "supply reduction" means any activity of a program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of drugs in the United States and abroad, including—

(A) international drug control;

(B) foreign and domestic drug intelligence;

(C) interdiction; and

(D) domestic drug law enforcement, including law enforcement directed at drug users.

SEC. 803. OFFICE OF NATIONAL DRUG CONTROL POLICY. (a) ESTABLISHMENT OF OFFICE.—There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—

(1) develop national drug control policy;

(2) coordinate and oversee the implementation of that national drug control policy;

(3) assess and certify the adequacy of national drug control programs and the budget for those programs; and

(4) evaluate the effectiveness of the national drug control programs.

(b) DIRECTOR AND DEPUTY DIRECTORS.—

(1) DIRECTOR.—There shall be at the head of the Office a Director of National Drug Control Policy.

(2) DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—There shall be in the Office a

Deputy Director of National Drug Control Policy, who shall assist the Director in carrying out the responsibilities of the Director under this title.

(3) OTHER DEPUTY DIRECTORS.—There shall be in the Office—

(A) a Deputy Director for Demand Reduction, who shall be responsible for the activities described in subparagraphs (A) through (G) of section 802(1);

(B) a Deputy Director for Supply Reduction, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 802(11); and

(C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 802(10).

(c) ACCESS BY CONGRESS.—The location of the Office in the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of the House of Representatives or the Senate, to any—

(1) information, document, or study in the possession of, or conducted by or at the direction of the Director; or

(2) personnel of the Office.

(d) OFFICE OF NATIONAL DRUG CONTROL POLICY GIFT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under section 804(c).

(2) CONTRIBUTIONS.—The Office may accept, hold, and administer contributions to the Fund.

(3) USE OF AMOUNTS DEPOSITED.—Amounts deposited in the Fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director.

SEC. 804. APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS. (a) APPOINTMENT.—

(1) IN GENERAL.—The Director, the Deputy Director of National Drug Control Policy, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State and Local Affairs, shall each be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.

(2) DUTIES OF DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—The Deputy Director of National Drug Control Policy shall—

(A) carry out the duties and powers prescribed by the Director; and

(B) serve as the Director in the absence of the Director or during any period in which the office of the Director is vacant.

(3) DESIGNATION OF OTHER OFFICERS.—In the absence of the Deputy Director, or if the office of the Deputy Director is vacant, the Director shall designate such other permanent employee of the Office to serve as the Director, if the Director is absent or unable to serve.

(4) PROHIBITION.—No person shall serve as Director or a Deputy Director while serving in any other position in the Federal Government.

(5) PROHIBITION ON POLITICAL CAMPAIGNING.—Any officer or employee of the Office who is appointed to that position by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such official is not prohibited by this paragraph from making contributions to individual candidates.

(b) RESPONSIBILITIES.—The Director shall—

(1) assist the President in the establishment of policies, goals, objectives, and priorities for the National Drug Control Program;

(2) promulgate the National Drug Control Strategy and each report under section 806(b) in accordance with section 806;

(3) coordinate and oversee the implementation by the National Drug Control Program agencies of the policies, goals, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy;

(4) make such recommendations to the President as the Director determines are appropriate regarding changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement, and changes in the allocation of personnel to and within those departments and agencies, to implement the policies, goals, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

(5) consult with and assist State and local governments with respect to the formulation and implementation of National Drug Control Policy and their relations with the National Drug Control Program agencies;

(6) appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch;

(7) notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of the agency under the National Drug Control Strategy, transmit a copy of each such notification to the President, and maintain a copy of each such notification;

(8) provide, by July 1 of each year, budget recommendations, including requests for specific initiatives that are consistent with the priorities of the President under the National Drug Control Strategy, to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall—

(A) apply to next budget year scheduled for formulation under the Budget and Accounting Act of 1921, and each of the 4 subsequent fiscal years; and

(B) address funding priorities developed in the National Drug Control Strategy;

(9) serve as the representative of the President in appearing before Congress on all issues relating to the National Drug Control Program;

(10) in any matter affecting national security interests, work in conjunction with the Assistant to the President for National Security Affairs; and

(11) serve as primary spokesperson of the Administration on drug issues.

(c) NATIONAL DRUG CONTROL PROGRAM BUDGET.—

(1) RESPONSIBILITIES OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) IN GENERAL.—For each fiscal year, the head of each department, agency, or program of the Federal Government with responsibilities under the National Drug Control Program Strategy shall transmit to the Director a copy of the proposed drug control budget request of the department, agency, or program at the same time as that budget request is submitted to their superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

(B) SUBMISSION OF DRUG CONTROL BUDGET REQUESTS.—The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of each proposed drug control budget request transmitted pursuant to this paragraph, in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(2) NATIONAL DRUG CONTROL PROGRAM BUDGET PROPOSAL.—For each fiscal year, following the transmission of proposed drug control budget requests to the Director under paragraph (1), the Director shall, in consultation with the head of each National Drug Control Program agency—

(A) develop a consolidated National Drug Control Program budget proposal designed to implement the National Drug Control Strategy;

(B) submit the consolidated budget proposal to the President; and

(C) after submission under subparagraph (B), submit the consolidated budget proposal to Congress.

(3) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) IN GENERAL.—The Director shall review each drug control budget request submitted to the Director under paragraph (1).

(B) REVIEW OF BUDGET REQUESTS.—

(i) INADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written description of funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to implement those objectives.

(ii) ADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under paragraph (1) is adequate to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written statement confirming the adequacy of the request.

(iii) RECORD.—The Director shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

(C) AGENCY RESPONSE.—

(i) IN GENERAL.—The head of a National Drug Control Program agency that receives a description under subparagraph (B)(i) shall include the funding levels and initiatives described by the Director in the budget submission for that agency to the Office of Management and Budget.

(ii) IMPACT STATEMENT.—The head of a National Drug Control Program agency that has altered its budget submission under this subparagraph shall include as an appendix to the budget submission for that agency to the Office of Management and Budget an impact statement that summarizes—

(I) the changes made to the budget under this subparagraph; and

(II) the impact of those changes on the ability of that agency to perform its other responsibilities, including any impact on specific missions or programs of the agency.

(iii) CONGRESSIONAL NOTIFICATION.—The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31, United States Code.

(D) CERTIFICATION OF BUDGET SUBMISSIONS.—

(i) IN GENERAL.—At the time a National Drug Control Program agency submits its budget request to the Office of Management and Budget, the head of the National Drug Control Program agency shall submit a copy of the budget request to the Director.

(ii) CERTIFICATION.—The Director—

(I) shall review each budget submission submitted under clause (i); and

(II) based on the review under subclause (I), if the Director concludes that the budget submission of a National Drug Control Program agency does not include the funding levels and initiatives described under subparagraph (B)—

(aa) may issue a written decertification of that agency's budget; and

(bb) in the case of a decertification issued under item (aa), shall submit to the Senate and the House of Representatives a copy of the—

(aaa) decertification issued under item (aa);

(bbb) the description made under subparagraph (B); and

(ccc) the budget recommendations made under subsection (b)(8).

(4) REPROGRAMMING AND TRANSFER REQUESTS.—

(A) IN GENERAL.—No National Drug Control Program agency shall submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding $5,000,000 that is included in the National Drug Control Program budget unless the request has been approved by the Director.

(B) APPEAL.—The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request under this paragraph.

(d) POWERS OF THE DIRECTOR.—In carrying out subsection (b), the Director may—

(1) select, appoint, employ, and fix compensation of such officers and employees of the Office as may be necessary to carry out the functions of the Office under this title;

(2) subject to subsection (e)(3), request the head of a department or agency, or program of the Federal Government to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department, agency, or program in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable under level IV of the Executive Schedule under section 5311 of title 5, United States Code;

(5) accept and use gifts and donations of property from Federal, State, and local government agencies, and from the private sector, as authorized in section 803(d);

(6) use the mails in the same manner as any other department or agency of the executive branch;

(7) monitor implementation of the National Drug Control Program, including—

(A) conducting program and performance audits and evaluations;

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations; and

(C) commissioning studies and reports by a National Drug Control Program agency, with the concurrence of the head of the affected agency;

(8) transfer funds made available to a National Drug Control Program agency for National Drug Control Strategy programs and activities to another account within such agency or to another National Drug Control Program agency for National Drug Control Strategy programs and activities, except that—

(A) the authority under this paragraph may be limited in an annual appropriations Act or other provision of Federal law;

(B) the Director may exercise the authority under this paragraph only with the concurrence of the head of each affected agency;

(C) in the case of an interagency transfer, the total amount of transfers under this paragraph may not exceed 2 percent of the total amount of funds made available for National Drug Control Strategy programs and activities to the agency from which those funds are to be transferred;

(D) funds transferred to an agency under this paragraph may only be used to increase the funding for programs or activities that—

(i) have a higher priority than the programs or activities from which funds are transferred; and

(ii) have been authorized by Congress; and

(E) the Director shall—

(i) submit to Congress, including to the Committees on Appropriations of the Senate and the House of Representatives and other applicable committees of jurisdiction, a reprogramming or transfer request in advance of any transfer under this paragraph in accordance with the regulations of the affected agency or agencies; and

(ii) annually submit to Congress a report describing the effect of all transfers of funds made pursuant to this paragraph or subsection (c)(4) during the 12-month period preceding the date on which the report is submitted;

(9) issue to the head of a National Drug Control Program agency a fund control notice described in subsection (f) to ensure compliance with the National Drug Control Program Strategy; and

(10) participate in the drug certification process pursuant to section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(e) PERSONNEL DETAILED TO OFFICE.—

(1) EVALUATIONS.—Notwithstanding any provision of chapter 43 of title 5, United States Code, the Director shall perform the evaluation of the performance of any employee detailed to the Office for purposes of the applicable performance appraisal system established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2) COMPENSATION.—

(A) BONUS PAYMENTS.—Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office.

(B) RESTRICTIONS.—An amount paid under this paragraph to an employee for any period—

(i) shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period; and

(ii) shall be in addition to the basic pay of such employee.

(C) AGGREGATE AMOUNT.—The aggregate amount paid during any fiscal year to an employee detailed to the Office as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

(3) MAXIMUM NUMBER OF DETAILEES.—The maximum number of personnel who may be detailed to another department or agency (including the Office) under subsection (d)(2) during any fiscal year is—

(A) for the Department of Defense, 50; and

(B) for any other department or agency, 10.

SEC. 805. COORDINATION WITH NATIONAL DRUG CONTROL PROGRAM AGENCIES IN DEMAND REDUCTION, SUPPLY REDUCTION, AND STATE AND LOCAL AFFAIRS. (a) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Upon the request of the Director, the head of any National Drug Control Program agency shall cooperate with and provide to the Director any statistics, studies, reports, and other information prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to—

(A) drug abuse control; or

(B) the manner in which amounts made available to that agency for drug control are being used by that agency.

(2) PROTECTION OF INTELLIGENCE INFORMATION.—

(A) IN GENERAL.—The authorities conferred on the Office and the Director by this title shall be exercised in a manner consistent with provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.). The Director of Central Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this title regarding intelligence sources and methods.

(B) DUTIES OF DIRECTOR.—The Director of Central Intelligence shall, to the maximum extent practicable in accordance with subparagraph (A), render full assistance and support to the Office and the Director.

(3) ILLEGAL DRUG CULTIVATION.—The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.

(b) CERTIFICATION OF POLICY CHANGES TO DIRECTOR.—

(1) IN GENERAL.—Subject to paragraph (2), the head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of that agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the head of that agency in writing whether such change is consistent with the National Drug Control Strategy.

(2) EXCEPTION.—If prior notice of a proposed change under paragraph (1) is not practicable—

(A) the head of the National Drug Control Program agency shall notify the Director of the proposed change as soon as practicable; and

(B) upon such notification, the Director shall review the change and certify to the head of that agency in writing whether the change is consistent with the National Drug Control Program.

(c) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Director, in a reimbursable basis, such administrative support services as the Director may request.

SEC. 806. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY. (a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

(1) TIMING.—Not later than February 1, 1998, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan, covering a period of not more than 10 years, for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs.

(2) CONTENTS.—

(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States;

(ii) annual, quantifiable, and measurable objectives to accomplish long-term quantifiable goals that the Director determines may be realistically achieved during each year of the period

beginning on the date on which the National Drug Control Strategy is submitted;

(iii) 5-year projections for program and budget priorities; and

(iv) a review of State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

(i) shall consult with—

(I) the heads of the National Drug Control Program agencies;

(II) Congress;

(III) State and local officials;

(IV) private citizens and organizations with experience and expertise in demand reduction; and

(V) private citizens and organizations with experience and expertise in supply reduction; and

(ii) may require the National Drug Intelligence Center and the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy.

(B) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection, and each report submitted under subsection (b), shall include a list of each entity consulted under subparagraph (A)(i).

(4) MODIFICATION AND RESUBMITTAL.—Notwithstanding any other provision of law, the President may modify a National Drug Control Strategy submitted under paragraph (1) at any time.

(b) ANNUAL STRATEGY REPORT.—

(1) IN GENERAL.—Not later than February 1, 1999, and on February 1 of each year thereafter, the President shall submit to Congress a report on the progress in implementing the Strategy under subsection (a), which shall include—

(A) an assessment of the Federal effectiveness in achieving the National Drug Control Strategy goals and objectives using the performance measurement system described in subsection (c), including—

(i) an assessment of drug use and availability in the United States; and

(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

(B) any modifications of the National Drug Control Strategy or the performance measurement system described in subsection (c);

(C) an assessment of the manner in which the budget proposal submitted under section 804(c) is intended to implement the National Drug Control Strategy and whether the funding levels contained in such proposal are sufficient to implement such Strategy;

(D) beginning on February 1, 1999, and annually thereafter, measurable data evaluating the success or failure in achieving the annual measurable objectives described in subsection (a)(2)(A)(ii);

(E) an assessment of current drug use (including inhalants) and availability, impact of drug use, and treatment availability, which assessment shall include—

(i) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of—

(I) casual and chronic drug use;

(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

(III) drug use in the workplace and the productivity lost by such use;

(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

(I) the quantities of cocaine, heroin, marijuana, methamphetamine, and other drugs available for consumption in the United States;

(II) the amount of marijuana, cocaine, and heroin entering the United States;

(III) the number of hectares of marijuana, poppy, and coca cultivated and destroyed;

(IV) the number of metric tons of marijuana, heroin, and cocaine seized;

(V) the number of cocaine and methamphetamine processing laboratories destroyed;

(VI) changes in the price and purity of heroin and cocaine;

(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(VIII) the effectiveness of Federal technology programs at improving drug detection capabilities in interdiction, and at United States ports of entry;

(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

(I) the burden drug users placed on hospital emergency departments in the United States, such as the quantity of drug-related services provided;

(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other infectious diseases as a result of drug use;

(III) the extent of drug-related crime and criminal activity; and

(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

(iv) a determination of the status of drug treatment in the United States, by assessing—

(I) public and private treatment capacity within each State, including information on the treatment capacity available in relation to the capacity actually used;

(II) the extent, within each State, to which treatment is available;

(III) the number of drug users the Director estimates could benefit from treatment; and

(IV) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

(v) a review of the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs; and

(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control.

(2) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; and

(B) if a new President or Director takes office.

(c) PERFORMANCE MEASUREMENT SYSTEM.—

(1) IN GENERAL.—Not later than February 1, 1998, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that—

(A) develops performance objectives, measures, and targets for each National Drug Control Strategy goal and objective;

(B) revises performance objectives, measures, and targets, to conform with National Drug Control Program Agency budgets;

(C) identifies major programs and activities of the National Drug Control Program agencies that support the goals and objectives of the National Drug Control Strategy;

(D) evaluates implementation of major program activities supporting the National Drug Control Strategy;

(E) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that drug control agency goals and budgets support and are fully consistent with the National Drug Control Strategy; and

(F) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

(i) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(ii) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups that are at risk for drug use; and

(iii) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of subsection (b)(4).

(2) MODIFICATIONS.—

(A) IN GENERAL.—A description of any modifications made during the preceding year to the national drug control performance measurement system described in paragraph (1) shall be included in each report submitted under subsection (b).

(B) ANNUAL PERFORMANCE OBJECTIVES, MEASURES, AND TARGETS.—Not later than February 1, 1999, the Director shall submit to Congress a modified performance measurement system that—

(i) develops annual performance objectives, measures, and targets for each National Drug Control Strategy goal and objective; and

(ii) revises the annual performance objectives, measures, and targets to conform with the National Drug Control Program agency budgets.

SEC. 807. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM. (a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program.

(b) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, heads of the National Drug Control Program agencies, and the Governor of each State, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(1) obligate such sums as appropriated for the High Intensity Drug Trafficking Areas Program;

(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

(3) take any other action authorized under section 804 to provide increased Federal assistance to those areas;

(4) coordinate activities under this subsection (specifically administrative, recordkeeping, and funds management activities) with State and local officials.

(c) FACTORS FOR CONSIDERATION.—In considering whether to designate an area under this

section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

(1) the area is a center of illegal drug production, manufacturing, importation, or distribution;

(2) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(3) drug-related activities in the area are having a harmful impact in other areas of the country; and

(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

SEC. 808. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER. (a) ESTABLISHMENT.—There is established within the Office the Counter-Drug Technology Assessment Center (referred to in this section as the "Center"). The Center shall operate under the authority of the Director of National Drug Control Policy and shall serve as the central counter-drug technology research and development organization of the United States Government.

(b) DIRECTOR OF TECHNOLOGY.—There shall be at the head of the Center the Director of Technology, who shall be appointed by the Director of National Drug Control Policy from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.

(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

(1) IN GENERAL.—The Director, acting through the Director of Technology shall—

(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local drug supply reduction agencies, including—

(i) advanced surveillance, tracking, and radar imaging;

(ii) electronic support measures;

(iii) communications;

(iv) data fusion, advanced computer systems, and artificial intelligence; and

(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

(B) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

(i) improving treatment through neuroscientific advances;

(ii) improving the transfer of biomedical research to the clinical setting; and

(iii) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

(E) provide support to the development and implementation of the national drug control performance measurement system; and

(F) pursuant to the authority of the Director of National Drug Control Policy under section 804, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

(2) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.

(d) ASSISTANCE AND SUPPORT TO OFFICE OF NATIONAL DRUG CONTROL POLICY.—The Secretary of Defense and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counter-drug technology assessment.

SEC. 809. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS. (a) ESTABLISHMENT.—There is established a council to be known as the President's Council on Counter-Narcotics (referred to in this section as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—Subject to paragraph (2), the Council shall be composed of 18 members, of whom—

(A) 1 shall be the President, who shall serve as Chairman of the Council;

(B) 1 shall be the Vice President;

(C) 1 shall be the Secretary of State;

(D) 1 shall be the Secretary of the Treasury;

(E) 1 shall be the Secretary of Defense;

(F) 1 shall be the Attorney General;

(G) 1 shall be the Secretary of Transportation;

(H) 1 shall be the Secretary of Health and Human Services;

(I) 1 shall be the Secretary of Education;

(J) 1 shall be the Representative of the United States of America to the United Nations;

(K) 1 shall be the Director of the Office of Management and Budget;

(L) 1 shall be the Chief of Staff to the President;

(M) 1 shall be the Director of the Office, who shall serve as the Executive Director of the Council;

(N) 1 shall be the Director of Central Intelligence;

(O) 1 shall be the Assistant to the President for National Security Affairs;

(P) 1 shall be the Counsel to the President;

(Q) 1 shall be the Chairman of the Joint Chiefs of Staff; and

(R) 1 shall be the National Security Adviser to the Vice President.

(2) ADDITIONAL MEMBERS.—The President may, in the discretion of the President, appoint additional members to the Council.

(c) FUNCTIONS.—The Council shall advise and assist the President in—

(1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and

(2) ensuring coordination among departments and agencies of the Federal Government concerning implementation of the National Drug Control Strategy.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director (or a representative of the Director) in carrying out the functions of the Council under this section.

(2) STAFF.—The staff of the Office, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

(3) COOPERATION FROM OTHER AGENCIES.—Each department and agency of the executive branch shall—

(A) cooperate with the Council in carrying out the functions of the Council under this section; and

(B) provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

SEC. 810. PARENTS ADVISORY COUNCIL ON YOUTH DRUG ABUSE. (a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established a Council to be known as the Parents Advisory Council on Youth Drug Abuse (referred to in this section as the "Council").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of 16 members, of whom—

(i) 4 shall be appointed by the President, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(ii) 4 shall be appointed by the Majority Leader of the Senate, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iii) 2 shall be appointed by the Minority Leader of the Senate, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iv) 4 shall be appointed by the Speaker of the House of Representatives, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made; and

(v) 2 shall be appointed by the Minority Leader of the House of Representatives, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made.

(B) REQUIREMENTS.—

(i) IN GENERAL.—Each member of the Council shall be an individual from the private sector with a demonstrated interest and expertise in research, education, treatment, or prevention activities related to youth drug abuse.

(ii) REPRESENTATIVES OF NONPROFIT ORGANIZATIONS.—Not less than 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be a representative of a nonprofit organization focused on involving parents in antidrug education and prevention.

(C) DATE.—The appointments of the initial members of the Council shall be made not later than 60 days after the date of enactment of this section.

(D) DIRECTOR.—The Director may, in the discretion of the Director, serve as an adviser to the Council and attend such meetings and hearings of the Council as the Director considers to be appropriate.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) PERIOD OF APPOINTMENT.—Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members of the Council—

(i) 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be appointed for a term of 1 year; and

(ii) 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be appointed for a term of 2 years.

(B) VACANCIES.—Any vacancy in the Council shall not affect its powers, provided that a quorum is present, but shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(C) APPOINTMENT OF SUCCESSOR.—To the extent necessary to prevent a vacancy in the membership of the Council, a member of the Council may serve for not more than 6 months after the expiration of the term of that member, if the successor of that member has not been appointed.

(4) INITIAL MEETING.—Not later than 120 days after the date on which all initial members of the Council have been appointed, the Council shall hold its first meeting.

(5) MEETINGS.—The Council shall meet at the call of the Chairperson.

(6) QUORUM.—Nine members of the Council shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The members of the Council shall select a Chairperson and Vice Chairperson from among the members of the Council.

(B) DUTIES OF CHAIRPERSON.—The Chairperson of the Council shall—

(i) serve as the executive director of the Council;

(ii) direct the administration of the Council;

(iii) assign officer and committee duties relating to the Council; and

(iv) issue the reports, policy positions, and statements of the Council.

(C) DUTIES OF VICE CHAIRPERSON.—If the Chairperson of the Council is unable to serve, the Vice Chairperson shall serve as the Chairperson.

(b) DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The Council—

(A) shall advise the President and the Members of the Cabinet, including the Director, on drug prevention, education, and treatment; and

(B) may issue reports and recommendations on drug prevention, education, and treatment, in addition to the annual report detailed in paragraph (2), as the Council considers appropriate.

(2) SUBMISSION TO CONGRESS.—Any report or recommendation issued by the Council shall be submitted to Congress.

(3) ADVICE ON THE NATIONAL DRUG CONTROL STRATEGY.—Not later than December 1, 1998, and on December 1 of each year thereafter, the Council shall submit to the Director an annual report containing drug control strategy recommendations on drug prevention, education, and treatment. Each report submitted to the Director under this paragraph shall be included as an appendix to the report submitted by the Director under section 806(b).

(c) POWERS OF THE COUNCIL.—

(1) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Council may secure directly from any department or agency of the Federal Government such information as the Council considers to be necessary to carry out this section. Upon request of the Chairperson of the Council, the head of that department or agency shall furnish such information to the Council, unless the head of that department or agency determines that furnishing the information to the Council would threaten the national security of the United States, the health, safety, or privacy of any individual, or the integrity of an ongoing investigation.

(3) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Council may solicit, accept, use, and dispose of gifts or donations of services or property in connection with performing the duties of the Council under this section.

(d) EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary carry out this section.

SEC. 811. DRUG INTERDICTION. (a) DEFINITION.—In this section, the term "Federal drug control agency" means—

(1) the Office of National Drug Control Policy;

(2) the Department of Defense;

(3) the Drug Enforcement Administration;

(4) the Federal Bureau of Investigation;

(5) the Immigration and Naturalization Service;

(6) the United States Coast Guard;

(7) the United States Customs Service; and

(8) any other department or agency of the Federal Government that the Director determines to be relevant.

(b) REPORT.—In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before the date of enactment of this title, not later than 90 days after the date of enactment of this Act, the Director shall submit to Congress and to each Federal drug control program agency a report, which shall include—

(1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

(i) seized during the year of highest recorded seizures for each drug in each region and during the year of highest recorded overall seizures; and

(ii) disrupted during the year of highest recorded disruptions for each drug in each region and during the year of highest recorded overall seizures; and

(B) the number of persons arrested for violations of section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)) and related offenses during the year of the highest number of arrests on record for each region and during the year of highest recorded overall arrests;

(2) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest price on record during the preceding 10-year period, adjusted for purity where possible; and

(3) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each of the years identified in paragraphs (1) and (2) for each Federal drug control agency.

(b) BUDGET PROCESS.—

(1) INFORMATION TO DIRECTOR.—Based on the report submitted under subsection (b), each Federal drug control agency shall submit to the Director, as part of each annual drug control budget request submitted by the Federal drug control agency to the Director under section 804(c)(2), a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b).

(2) INFORMATION TO CONGRESS.—The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director to Congress under section 804(c), which submission shall be accompanied by a description of any additional resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b).

SEC. 812. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE. (a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically elected governments of the Western Hemisphere the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming 1 or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the proposal discussed under subsection (a), which shall include—

(A) an analysis of the reactions of the governments concerned to the proposal;

(B) an assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance;

(C) a determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States;

(D) if the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance; and

(E) if the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of the manner in which the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed. to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 813. ESTABLISHMENT OF SPECIAL FORFEITURE FUND. Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is amended—

(1) in subsection (b)—

(A) by striking "section 524(c)(9)" and inserting "section 524(c)(8)"; and

(B) by striking "section 9307(g)" and inserting "section 9703(g)"; and

(2) in subsection (e), by striking "strategy" and inserting "Strategy".

SEC. 814. TECHNICAL AND CONFORMING AMENDMENTS. (a) TITLE 5, UNITED STATES CODE.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5312, by adding at the end the following:

"Director of National Drug Control Policy.";

(2) in section 5313, by adding at the end the following:

"Deputy Director of National Drug Control Policy."; and

(3) in section 5314, by adding at the end the following:

"Deputy Director for Demand Reduction, Office of National Drug Control Policy.

"Deputy Director for Supply Reduction, Office of National Drug Control Policy.

"Deputy Director for State and Local Affairs, Office of National Drug Control Policy.".

(b) NATIONAL SECURITY ACT OF 1947.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

"(f) The Director of National Drug Control Policy may, in the role of the Director as principal adviser to the National Security Council on national drug control policy, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

(c) SUBMISSION OF NATIONAL DRUG CONTROL PROGRAM BUDGET WITH ANNUAL BUDGET REQUEST OF PRESIDENT.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (25) the following:

"(26) a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.".

SEC. 815. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated to carry out this title, to remain available until expended, such sums as may be necessary for each of fiscal years 1998 through 2002.

SEC. 816. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY. (a) IN GENERAL.—Except as provided in subsection (b), effective on September 30, 2002, this title and the amendments made by this title are repealed.

(b) EXCEPTION.—Subsection (a) does not apply to section 813 or the amendments made by that section.

TITLE IX—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

SEC. 901. SHORT TITLE. This title may be cited as the "Haitian Refugee Immigration Fairness Act of 1998".

SEC. 902. ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS. (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who is a national of Haiti who—

(1) was present in the United States on December 31, 1995, who—

(A) filed for asylum before December 31, 1995,

(B) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest, or

(C) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(i) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival,

(ii) became orphaned subsequent to arrival in the United States, or

(iii) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(2) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that he or she has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(i) ADJUSTMENT OF STATUS HAS NO EFFECT ON ELIGIBILITY FOR WELFARE AND PUBLIC BENEFITS.—No alien whose status has been adjusted in accordance with this section and who was not a qualified alien on the date of enactment of this Act may, solely on the basis of such adjusted status, be considered to be a qualified alien under section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)), as amended by section 5302 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 598), for purposes of determining the alien's eligibility for supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.).

(j) PERIOD OF APPLICABILITY.—Subsection (i) shall not apply after October 1, 2003.

SEC. 903. COLLECTION OF DATA ON DETAINED ASYLUM SEEKERS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis with respect to asylum seekers in detention in the United States, including the following information:

(1) The number of detainees.

(2) An identification of the countries of origin of the detainees.

(3) The percentage of each gender within the total number of detainees.

(4) The number of detainees listed by each year of age of the detainees.

(5) The location of each detainee by detention facility.

(6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.

(7) The number and frequency of the transfers of detainees between detention facilities.

(8) The average length of detention and the number of detainees by category of the length of detention.

(9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.

(10) A description of the disposition of cases.

(b) ANNUAL REPORTS.—Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(c) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

SEC. 904. COLLECTION OF DATA ON OTHER DETAINED ALIENS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nationwide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 903, including the following information:

(1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.

(2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).

(3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) LENGTH OF DETENTION, TRANSFERS, AND DISPOSITIONS.—With respect to detainees who are criminal aliens and detainees who are noncriminal aliens who are not seeking asylum, the Attorney General shall also collect data concerning—

(1) the number and frequency of transfers between detention facilities for each category of detainee;

(2) the average length of detention of each category of detainee;

(3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;

(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) CRIMINAL ALIENS.—With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) ANNUAL REPORTS.—Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

This Act may be cited as the "Treasury and General Government Appropriations Act, 1999".

ORDERS FOR WEDNESDAY, SEPTEMBER 9, 1998

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Wednesday, September 9. I further ask that when the Senate reconvenes on Wednesday, immediately following the prayer, the time until 9:45 be equally divided between Senators COCHRAN and LEVIN or their designees, relating to the motion to proceed to the missile defense bill. I further ask that at 9:45, the Senate proceed to the vote on the motion to invoke cloture on the motion to proceed to the missile defense bill, with the mandatory quorum under rule XXII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I further ask consent that if cloture is not invoked on the motion to proceed, the Senate resume consideration of S. 2237, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Finally, I ask unanimous consent, if cloture is not invoked, that at 4:30 p.m. the Senate begin 30 minutes of debate on the motion to proceed to the bankruptcy bill, equally divided between Senators HATCH and DURBIN; further, that at 5 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to the bankruptcy bill, with the mandatory quorum under rule XXII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, when the Senate reconvenes on Wednesday at 9 a.m., there will be 45 minutes of debate prior to a cloture vote on the motion to proceed to the missile defense bill. That vote should occur at approximately 9:45 a.m. If cloture is not invoked, the Senate will resume consideration of the Interior appropriations bill. At 4:30, assuming cloture is not invoked on the missile defense legislation, the Senate will begin 30 minutes of debate prior to a cloture vote on the motion to proceed to the bankruptcy bill. That vote will occur at approximately 5 p.m. Therefore, Members should expect votes throughout Wednesday's session, with the first vote occurring at approximately 9:45 a.m.

MEASURE READ FOR THE FIRST TIME—H.R. 3682

Mr. BENNETT. Mr. President, I understand H.R. 3682, the child custody protection bill, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

Mr. BENNETT. I ask for its second reading and I object to my own request on behalf of Senators on the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR ADJOURNMENT

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the additional remarks of the distinguished Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

REQUEST TO WORK OVERTIME

Mr. DASCHLE. Mr. President, I thank the Senator from Utah. I want to explain, again, what transpired just a couple of moments ago with regard to our unanimous consent request.

For the information of all Senators, we made the request that the Senate have the opportunity to take up the HMO reform bill, the House-passed HMO reform bill, Calendar No. 505, and that it be the pending business every day after the completion of the legislative business as outlined by the majority leader and the distinguished Senator from Utah today.

Why are we suggesting this? We are proposing this because many of our colleagues on the other side of the aisle have said that we do not have time to take up a careful consideration of HMO reform; we don't have the ability to consider a number of amendments that ought to be considered with legislation as complex as this.

We understand that the Senate has spent days on other bills—150 amendments on the defense bill, over 100 amendments on the highway bill, and over 50 amendments on just about every appropriations bill each. But the Republican leadership has said all we ought to have on HMO reform is three amendments. Why? Because we don't have time. That has been their premise. We don't have time to deal with this issue, but we have time to deal with a missile defense bill that we will debate in the morning, that would commit hundreds of billions of dollars over the course of many years to a missile system that has failed every single time it has been tested to date.

The only criteria we would use to evaluate that system is technological feasibility, regardless of cost, regardless of effectiveness, and regardless of its implications for treaties around the world. Our Republican colleagues are asking us to commit to a missile defense system, opposed by the Pentagon, that would commit hundreds of billions of dollars. That is what the vote is about tomorrow, and we have time for it. But we don't have time for dealing directly with the concerns of millions of Americans who day by day are shut out of a health system because their insurance company is playing doctor.

We are simply saying, if we don't have time, let's make time. Let's do what others have already done in past Congresses and certainly in other situations where production becomes a problem. Let us add a second shift. Let us address this issue on the second shift. Let's work longer. Let's make more hours. Let's do what we must to complete our work.

It is only 6:20, and Senators have already left for the day. We didn't have a vote until 3:30 this afternoon to accommodate Senators who were traveling. Senators have just arrived. I am sure they would be more than willing to stay for a few hours more to debate and to consider carefully the HMO reform bill—6:20 in the evening and people are gone. Tomorrow we start with a vote at 9:30. We will have another vote at 5 o'clock, and we may be gone again.

Mr. President, we are simply asking our colleagues to put in a full day's work, to do what others would do under these circumstances—to add a second shift, to work overtime, to complete our work in what days we have left in this session of Congress.

We will continue to push for this approach and offer it in a sequence of requests simply to make the point that at 6:20 in the afternoon, our work shouldn't be done. At 6:20 in the afternoon, we shouldn't be leaving. I don't understand why we couldn't have completed our work on campaign finance reform. I don't understand why we shouldn't be on the floor debating that issue right now. But everybody is gone, and the clock keeps ticking and the calendar pages turn, and time runs out.

We can run out the clock, but there is no reason why we can't make that clock work harder. There isn't any reason why we can't work longer, and we will make every effort to assure that the Senate does its job. I regret very much that we are not doing it tonight. I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 a.m., Wednesday, September 9.

Thereupon, the Senate, at 6:21 p.m., adjourned until Wednesday, September 9, 1998, at 9 a.m.